

**CITY OF DAPHNE
CITY COUNCIL MEETING AGENDA
1705 MAIN STREET, DAPHNE, ALABAMA
MARCH 7, 2016
6:30 P.M.**

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

INVOCATION / Pastor Eric Helms with People of Mars Hill Church

PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council Meeting Minutes / February 15, 2016

PUBLIC HEARINGS:

1. Amending the Land Use and Development Ordinance / Article 39, Section 39-2 (b)
/ Jubilee Overlay District Requirements, Setbacks

Recommendation: Unanimous Favorable

- 2.) Pre-Zone: The Bills' No. 2, LLC
Property Located: Southwest corner of the intersection of Champions
Way and Alabama Highway 181

Pre-Zone Request: B-3, Professional Business District

Recommendation: Unanimous Favorable

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Fry

B. BUILDINGS & PROPERTY COMMITTEE - Lake

C. PUBLIC SAFETY - Conaway
Review minutes / February 15th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott
Review minutes / February 15th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones
Review minutes / December 3, 2015

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway
Review minutes / February 24th
Appoint members to the DRA
a. Nicole Simms

b. J. Daniel Dyas

c. Brandy Lister

C. INDUSTRIAL DEVELOPMENT BOARD – PhillipsReview minutes / February 22nd**D. LIBRARY BOARD – Lake****E. PLANNING COMMISSION – Scott**Review minutes / January 28th / Staff Report / February 25th meeting

MOTION: Set a Public Hearing date for **April 4, 2016**, and approve advertising to consider rezoning Christ the King Catholic Church property from R-2, Medium Density Family Residential District to B-1, Local Business District

F. RECREATION BOARD / LeJeune**G. UTILITY BOARD – Fry**Review minutes / January 27th**6. MAYOR'S REPORT****7. CITY ATTORNEY'S REPORT****8. DEPARTMENT HEAD'S REPORT****9. CITY CLERK'S REPORT**

MOTION: Authorize the Mayor to enter into a contract with Grant Management, LLC

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

- a) **Resolution 2016-13.**Vacation of Driveway Easement(S) / Eastern Shore Acquisitions, LLC,
The Gardens on Randall Subdivision
- b.) **Resolution 2016-14.** Acceptance of Streets and Drainage / Located in the Brookhaven,
Phase 2C Subdivision
- c.) **Resolution 2016-15.** Acceptance of Streets and Drainage / Located in the Caroline Woods,
Phase 3A Subdivision

ORDINANCES:**2ND READ**

- a.) **Ordinance 2016-12.**May Day Boat Ramp
- b.) **Ordinance 2016-13.**Right-of-Way Ordinance
- c.) **Ordinance 2016-14.** Appropriation of Seven Cent Gas Tax Funds: Preliminary Survey
and Engineering for ALDOT to Make Improvements through Signalization
on U.S. Hwy 98 between CR 64 and Vann Avenue
- d.) **Ordinance 2016-15.** Appropriation of General Funds: Engineering: Gully Project at Lovett Lane

1ST READ

- a.) **Ordinance 2016-16.**Establishing District Lines for the City of Daphne, AL
- b.) **Ordinance 2016-17.**Establish Voting Polls for the City of Daphne (1 Polling Place)
- c.) **Ordinance 2016-18.** Establish Voting Polls for the City of Daphne (2 Polling Places)
- d.) **Ordinance 2016-19.**Establishing Voting Polls for the City of Daphne (4 Places)
- e.) **Ordinance 2016-20.**Amend the Land Use and Development Ordinance / Article 39,
Jubilee Overlay Section 3902(b) District Requirements, Setback
- f.) **Ordinance 2016-21.**Pre-Zone: Property at the Southwest Corner of the Intersection of
Champion's Way and AL Hwy 181 / The Bill's No. 2
- g.) **Ordinance 2016-22.**Adjust Speed Limits and to Post Speed Limit Signs

12. COUNCIL COMMENTS**13. ADJOURN**

**CITY OF DAPHNE
CITY COUNCIL**

ROLL CALL

CITY COUNCIL:

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

MAYOR:

MAYOR HAYGOOD	PRESENT____	ABSENT____
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CITY CLERK:

REBECCA HAYES	PRESENT____	ABSENT____
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CITY ATTORNEY:

JAY ROSS	PRESENT____	ABSENT____
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**FEBRUARY 15, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

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

2. ROLL CALL

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

Also Present: Mayor Haygood; Rebecca Hayes, City Clerk; Jay Ross, City Attorney; Kevin Boucher, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; David Carpenter, Police Chief; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Tonja Young, Library Director; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; Vickie Hinman, HR Director; Vickie Hinman, HR Director; Don Ouellette, Environmental Advisory Committee; Tomasina Werner, Beautification Committee; Victoria Phelps, Beautification Committee; Larry Cooke, BZA; Dorothy Morrison, Beautification Committee; Ray Moore, Hutchinson, Moore and Rauch.

Absent: Richard Merchant, Building Official.

INVOCATION/PLEDGE OF ALLEGIANCE:

Councilman Ron Scott gave the invocation.

3. APPROVE MINUTES:

January 25, 2016 Special Called Council Meeting Minutes:

The minutes for the January 25, 2016 special called council meeting stand approved with the correction that Councilman LeJeune voted Nay on Resolution 2016-04.

February 1, 2016 Council Meeting Minutes:

The February 1, 2016 council meeting minutes stand approved as written.

February 8, 2016 Council Work Session Minutes

The February 8, 2016 council work session minutes stand approved as written.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Fry

The February 8th minutes are in the packet.

Treasurers Report / January 2016

Total Unrestricted Funds - \$12,019,334 and Total City Funds - \$21,145,062

- Total Unrestricted Funds - \$ 12,019,334
- Increase from Last Year's Unrestricted Funds - \$388,753
- Total Restricted Funds - \$9,125,728
- Total City Funds - \$21,145,062
- Number of months of Unrestricted cash to cover monthly operating Expenses & Debt Service – 5.4 months compared to the previous year - 5.3 months

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Sales & Use Tax Collections / December 2015

\$1,411,946.31 was collected for December 2015:

- YTD Variance over Budget - \$188,791.11
- Percent change from last year's collections +5.9%

Lodging Tax Collections / December 2015

Collections for December 2015 were \$67,742.93 which is down \$ 1,842.68 from December's 2014's collections of \$69,585.61.

- YTD Variance over Budget: \$15,802.47
- Percentage change YTD from last year's collections: -2.7%

Councilman Fry will submit these figures for audit.

B. BUILDINGS & PROPERTY COMMITTEE – Lake

There is a resolution on the agenda for surplus items.

C. PUBLIC SAFETY COMMITTEE – Conaway

The committee met today, and the next meeting will be March 21st.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

The committee met today, and the next meeting will be March 21st after the Public Safety meeting.

E. PUBLIC WORKS COMMITTEE – LeJeune

The next meeting will be March 7th after the Buildings and Property Committee meeting.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

The board met February 4th, and Mr. Larry Cooke has some information to share regarding that meeting. Mr. Cooke read a letter from Mr. Willie Robison, chairman of the BZA stating the support of the BZA for the Planning Commissions favorable recommendation to change the Jubilee Retail Overlay District setbacks. *(Letter attached to these minutes)*

B. Downtown Redevelopment Authority – Conaway

The next meeting will be February 24th at 5:30 p.m.

C. Industrial Development Board – Phillips

The next meeting will be February 22nd at 6:00 p.m.

D. Library Board – Lake

No report. The next meeting will be the 2nd Thursday of March.

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E. Planning Commission – Scott

The December 17th minutes and staff report for the January 28th meeting are in the packet. Councilman Scott explained the error for the Jubilee Retail Overlay setback issue. The site preview meeting is Wednesday, and the regular Planning Commission meeting is February 25th at 5:00 p.m.

F. Recreation Board – LeJeune

The board will meet Wednesday February 17th at 6:30 p.m. the regular meeting was rescheduled due to members that could not attend.

G. Utility Board – Fry

The next meeting will be Wednesday, February 24th at 5:00 p.m.

6. MAYOR'S REPORT

Mayor Haygood reported that he received a letter from the Baldwin County Highway Department indicating they have concluded the improvements with the round-a-bout at CR'S 13 & 64, and as part of the intergovernmental agreement the city agreed to take over future maintenance of CR 64 from CR 13 to Highway 181, and will now be the city's responsibility. He said that the city attorney will reference the need to go into Executive Session to discuss a legal matter that was in mediation today. He mentioned that there were several issues to discuss in an Executive Session.

7. CITY ATTORNEY REPORT:

Mr. Ross said there are two items to discuss in an Executive Session at the end of the meeting, and council may want to come out and vote on one of the issues.

8. DEPARTMENT HEAD COMMENTS:

Richard Johnson – Public Works Director – invited council and the mayor to attend a field trip Thursday at 1:00 p.m. to see the project at Tiawasee Creek at Pollard Road and Park Drive. He also reminded everyone of the Arbor Day tree give-a-way at the Civic Center Complex February 27th at 8:00 a.m. They have 4,000 trees to give away.

9. CITY CLERK'S REPORT:

No report.

10. PUBLIC PARTICIPATION

Mr. Tom Walker – 707 McAdams Avenue – mentioned that the Episcopal Diocesan Convention with Saint Paul's hosting the event. There will be about 500 people attending Thursday, Friday and Saturday.

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11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a) **Resolution 2016-06.**Declaring Certain Property Surplus & Authorize Mayor to Sell
- b.) **Resolution 2016-07.**..... Declaring Certain Property Surplus & Authorize Mayor to Sell
- c.) **Resolution 2016-08.** Support of Access Improvements / U.S. Hwy 98 between CR 64 and Vann Avenue
- d.) **Resolution 2016-09.**.....Pre-Qualification for City of Daphne Sanitary Sewer Projects
- e.) **Resolution 2016-10.** Authorizing the Issuance of Series 2016 Warrant for the Purpose of Refunding the 2006 Warrant Issue
- f.) **Resolution 2016-11.**Bid Award: Fuel
- g.) **Resolution 2016-12.** Capital Equipment Leases (Hancock Bank)

RESOLUTIONS:

Resolution 2016-06.Declaring Certain Property Surplus & Authorize Mayor to Sell
Resolution 2016-07. Declaring Certain Property Surplus & Authorize Mayor to Sell
Resolution 2016-08. Support of Access Improvements / U.S. Hwy 98 between CR 64 and Vann Avenue
Resolution 2016-09.Pre-Qualification for City of Daphne Sanitary Sewer Projects
Resolution 2016-10. Authorizing the Issuance of Series 2016 Warrant for the Purpose of Refunding the 2006 Warrant Issue
Resolution 2016-11.Bid Award: Fuel
Resolution 2016-12. Capital Equipment Leases (Hancock Bank)

MOTION BY Councilman Scott to waive the reading of Resolutions 2016-06, 2016-07, 2016-08, 2016-09, 2016-10, 2016-11 and 2016-12. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

Resolution 2016-06.Declaring Certain Property Surplus & Authorize Mayor to Sell
Resolution 2016-07. Declaring Certain Property Surplus & Authorize Mayor to Sell

MOTION BY Councilman Scott to adopt Resolutions 2016-06 and 2016-07. *Seconded by Councilman Fry.*

MOTION CARRIED UANNIMOUSLY

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**Resolution 2016-08. Support of Access Improvements / U.S. Hwy 98 between CR 64 and
Vann Avenue**

MOTION BY Councilman Scott to adopt Resolution 2016-08. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

Resolution 2016-09.Pre-Qualification for City of Daphne Sanitary Sewer Projects

MOTION BY Councilwoman Conaway to adopt Resolution 2016-09. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

**Resolution 2016-10. Authorizing the Issuance of Series 2016 Warrant for the Purpose of Refunding the 2006
Warrant Issue**

MOTION BY Councilman Scott to adopt Resolution 2016-10. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

Resolution 2016-11.Bid Award: Fuel

MOION BY Councilman Fry to adopt Resolution 2016-11. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

Resolution 2016-12. Capital Equipment Leases (Hancock Bank)

MOTION BY Councilman Conaway to adopt Resolution 2016-12. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2ND READ

- a.) **Ordinance 2016-05. Amended Ordinance Removing Contingency Regarding Funds to
Thomas Hospital Foundation**
- b.) **Ordinance 2016-06. Establishing Salary for the Mayor**
- c.) **Ordinance 2016-07.Establishing Salary for Councilmembers**

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- d.) Ordinance 2016-08.** Amending the Land Use and Development Ordinance 2011-54
Revision to Appendix I of the City of Daphne Olde Towne District
- e.) Ordinance 2016-09.** Pre-Zone Property Located South and West of Oldfield Subdivision,
Phase One / Red Barn, LLC
- f.) Ordinance 2016-10.** Annexation / Red Barn, LLC / Property Located South and West of
Oldfield Subdivision, Phase One
- g.) Ordinance 2016-11.** Repeal Ordinance and Establish the Use of Electronic Vote Counting
Devices for Use in All Municipal Elections

Ordinance 2016-05. Amended Ordinance Removing Contingency Regarding Funds to
Thomas Hospital Foundation

MOTION BY Councilman Scott to waive the reading of Ordinance 2016-05. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Lake to adopt Ordinance 2016-05. *Seconded by Councilman Scott.*

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

MOTION CARRIED

Ordinance 2016-06. Establishing Salary for the Mayor

MOTION BY Councilman Scott to waive the reading of Ordinance 2016-06. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2016-06. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

**FEBRUARY 15, 2016
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6:30 P.M.**

Ordinance 2016-07. Establishing Salary for Councilmembers

MOTION BY Councilman Scott to waive the reading of Ordinance 2016-07. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2016-07. *Seconded by Councilman LeJeune.*

ROLL CALL VOTE

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

AYE Conaway, Lake, Scott, LeJeune, Phillips

NAY Fry, Rudicell

MOTION CARRIED

**Ordinance 2016-08. Amending the Land Use and Development Ordinance 2011-54
Revision to Appendix I of the City of Daphne Olde Towne District**

MOTION BY Councilwoman Conaway to waive the reading of Ordinance 2016-08. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Ordinance 2016-08. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

**FEBRUARY 15, 2016
CITY COUNCIL MEETING
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6:30 P.M.**

Ordinance 2016-09. Pre-Zone Property Located South and West of Oldfield Subdivision,
Phase One / Red Barn, LLC

MOTION BY Councilman Scott to waive the reading of Ordinance 2016-09. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2016-09. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

Ordinance 2016-10. Annexation / Red Barn, LLC / Property Located South and West of
Oldfield Subdivision, Phase One

MOTION BY Councilman Scott to waive the reading of Ordinance 2016-10. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

MOTION By Councilman Scott to adopt Ordinance 2016-10. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

Ordinance 2016-11. Repeal Ordinance and Establish the Use of Electronic Vote Counting
Devices for Use in All Municipal Elections

MOTION BY Councilman Fry to waive the reading of Ordinance 2016-11. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Fry to adopt Ordinance 2016-11. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

**FEBRUARY 15, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
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6:30 P.M.**

1ST READ

- a.) **Ordinance 2016-12.**.....May Day Boat Ramp
- b.) **Ordinance 2016-13.**.....Right-of-Way Ordinance
- c.) **Ordinance 2016-14.**.....Appropriation of Seven Cent Gas Tax Funds: Preliminary Survey and Engineering for ALDOT to Make Improvements through Signalization on U.S. Hwy 98 between CR 64 and Vann Avenue
- d.) **Ordinance 2016-15.**.....Appropriation of General Funds: Engineering: Gully Project at Lovett Lane

ORDINANCES 2016-12, 2016-13, 2016-14, AND 2016-15 ARE 1ST READ

12. COUNCIL COMMENTS

Councilwoman Phillips – thanked residents of the Park City community for coming out and voicing their opinion regarding redistricting on Saturday, and for coming to the council meeting this evening. She said she will talk with the mayor and the city attorney to send a letter to the Census Bureau asking that Park City be broken up into smaller blocks. She said the community can also petition the bureau.

Councilman Scott – said that he is excited to see the Gator Alley project getting started. The project will take 60-90 days to complete.

Councilman Fry – said that he enjoyed the community meeting on Saturday regarding redistricting. He reminded everyone that the severe weather tax holiday is February 26-28. He congratulated Margaret Thigpen and her staff for the Civic Center being named one of the best places to hold a wedding. He encouraged citizens to check the Civic Center out.

Councilman Lake – also congratulated Margaret and her staff for the recognition. He said that the city should take a proactive part in the census process, because the census keeps the city from getting grants due to the income brackets. He complimented Cynthia Feirman for pointing out the discrepancies at the community meeting Saturday.

Councilwoman Conaway – said that she was glad she had the opportunity to hear the Park City residents comments regarding redistricting on Saturday.

Council President Rudicell – gave the items on the upcoming work session agendas: March: Employee and Retiree Health Insurance / April: Recreation; May: Department Heads capital and personnel budget requests / June: Budget.

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CITY COUNCIL MEETING
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MOTION BY Councilman Lake to enter into Executive Session to discuss pending litigation. The session will last for 20 minutes. *Seconded by Councilwoman Phillips.*

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

ROLL CALL VOTE

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

MOTION CARRIED UNANIMOUSLY

Council entered into Executive Session at 7:15 p.m.

Council returned from Executive Session at 7:50 p.m.

MOTION BY Councilman Scott to authorize the mayor along with the city attorney to have the authority to settle the two legal issues in which the city is currently involved. *Seconded by Robin LeJeune.*

MOTION CARRIED UNANIMOUSLY

13. ADJOURN:

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:55 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes,
City Clerk

Pat Rudicell,
Council President

DANE HAYGOOD
MAYOR

REBECCA HAYES
CITY CLERK

ADRIENNE D. JONES
DIRECTOR/ZONING
ADMINISTRATOR



COUNCIL MEMBERS

TOMMIE CONAWAY
DISTRICT 1
PAT RUDICELL
DISTRICT 2
JOHN LAKE
DISTRICT 3
RANDY FRY
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
ANGIE PHILLIPS
DISTRICT 7

February 12, 2016

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

Dear City Council:

In accordance with the City of Daphne Board of Zoning Adjustment by-laws, I, Willie Robison, Chairman, on behalf of the Board, do hereby submit this letter to the Daphne City Council. On February 4, 2016 the Board held a meeting to consider a variance request to allow a fifty-foot encroachment into the one hundred-foot setback. According to the agent, the Jubilee Retail Overlay District setback along U.S. Highway 90 as currently written in the Land Use & Development Ordinance would have a negative impact upon 13 other existing businesses, as well as, two of the three buildings proposed upon the applicant's property. After much discussion, the Board deemed it appropriate to provide its support of the Planning Commission's favorable recommendation to change the Jubilee Retail Overlay District setbacks.

It is the Boards' understanding that a public hearing will be held on March 7th at the regular City Council meeting. Due to severe time constraints* imposed on the Board, we further request that the City Council suspend the rules on March 7, 2016 and vote on the proposed amendment regarding the Jubilee Retail Overlay District setback along U.S. Highway 90.

We appreciate all that you do for the City of Daphne.

With highest regards,

Willie Robison, Chairman
Board of Zoning Adjustment

Constraints:

*Article 21, Board of Zoning Adjustment, Section 2 Procedures (d) "the Board shall render a decision on any appeal or other matters before it within forth-five (45) calendar days from the date of the public hearing".

Second read for the proposed amendment is scheduled for March 21st; however, 45 calendar days from the BZA public hearing is March 20th.

PUBLIC HEARINGS

MARCH 7, 2016

- 1.) **Amending the Land Use and Development Ordinance / Article 39, Section 39-2 (b) / Jubilee Overlay District Requirements, Setbacks**

Recommendation: Unanimous Favorable

- 2.) **Pre-Zone The Bills' No. 2, LLC /**
Property Located: Southwest corner of the intersection of Champions
Way and Alabama Highway 181

Pre-Zone Request: B-3, Professional Business District

Recommendation: Unanimous Favorable

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Proposed Amendment to Ordinance 2011-
54, Land Use and Development
Ordinance, Article 39, Jubilee
Overlay, Section 39-2, b, District
Requirements, Setbacks
Date: January 29, 2016

MEMORANDUM

At the City of Daphne Planning Commission regular meeting of January 28, 2016, seven members were present. The motion carried for a **unanimous favorable recommendation** of the above-mentioned revision to the Land Use and Development Ordinance.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, February 1, 2016 to set the public hearing.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Community Development Report

Proposed Amendment to Article 39, Jubilee Retail Overlay, Section 39-2 District Requirements (b) Setbacks.

The purpose of the amendment is to specify the point from which the front yard setback will be measured.

Annotations have been added to the Minimum Zoning District Setback Requirements Table as follows:

- U.S., State or County Roads^e Front^d Yard setback and a notes **d.** and **e.** have been added to the Table Notes.

MINIMUM ZONING DISTRICT SETBACK REQUIREMENTS

Zoning District	Front ^d Yard (ft)			Rear Yard	Side Yard	Corner Lot ^e Side Yard (ft)	
	Arterial & Collector Streets	Local Streets & Service Roads	U.S., State or County Roads ^e			Arterial & Collector Streets	Local Streets & Service Roads
B-2	30	20	100	a, b	a, b	30	25
B-3	30	20	100	a, b	a, b	30	25

Table Notes:

a. None, except it will be five (5) feet where abutting an alley, or where abutting a residential district it shall be at least thirty (30) feet.

b. Where a public or semi-public use abuts any part of a single family residential district, a buffer zone ten (10) feet wide shall be required. Where a commercial district abuts any part of a residential district a buffer zone of twenty (20) feet shall be required. Said buffer zone shall be designed in compliance with the provisions established in Section 19-10.

c. Lot Orientation: On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

d. The front setback for property that does not front U.S. Highway 90 shall be a minimum of fifty (50) feet as measured from the front property line

e. Where abutting US Highway 90, the front setback shall be measured from the centerline of the U.S. Highway 90 R.O.W.

CITY OF DAPHNE, ALABAMA

ORDINANCE NO. 2016-

Ordinance to Amend the City of Daphne

Land Use and Development Ordinance 2011-54

Article 39, Jubilee Overlay Section 39-2 (b) District Requirements, Setbacks

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regular meeting held on January 28, 2016, considered amendments to the City of Daphne Land Use and Development Ordinance No. 2011-54; and,

WHEREAS, the Planning Commission considered an amendment to Article 39, Jubilee Overlay to add and include an amendment to Section 39-2 (b); annotations added to the Minimum Zoning District Setback Table: U.S. State or County Roads^e, Front^d yard setback and notes (d) and (e) have been added to the Table Notes: (d) The front setback for property that does not front U.S. Highway 90 shall be a minimum of fifty (50) feet as measured from the front property line; (e) Where abutting U.S. Highway 90, the front setback shall be measured from the centerline of the U.S. Highway 90 R.O.W.; and after such consideration the Planning Commission set forth a unanimous favorable recommendation to the City Council of the City of Daphne for the addition of said 39-2 to Article 39 of the Land Use and Development Ordinance; and,

WHEREAS, due notice of said proposed amendments 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 March 7, 2016; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission, deemed that said amendments to the City of Daphne Land Use Ordinance are proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I. AMENDMENTS

Article 39, Jubilee Overlay shall be and is hereby amended to include the following:

Section 32 (b)

Annotations added to the Minimum Zoning District Setback Table: U.S. State or County Roads^e, Front^d yard setback and notes (d) and (e) have been added to the Table Notes:

(d) The front setback for property that does not front U.S. Highway 90 shall be a minimum of fifty (50) feet as measured from the front property line;

(e) Where abutting U.S. Highway 90, the front setback shall be measured from the centerline of the U.S. Highway 90 R.O.W.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE 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.**

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

Dane Haygood, Mayor

ATTEST:

**Rebecca A. Hayes,
City Clerk**

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: The Bills' No. 2, L.L.C.
Pre-Zoning Recommendation
Date: January 29, 2016

MEMORANDUM

PRESENT ZONING: RSF-1, Single Family Residential
District, Baldwin County District 15

PROPOSED PRE-ZONING: B-3, Professional Business, City of
Daphne

LOCATION: Southwest corner of the intersection of
Champions Way and Alabama Highway 181

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

Attached please find documentation from the Office of
Community Development.

Thank you,
ADJ/jv

cc: file

attachment(s)

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

REZONING OR PRE-ZONING APPLICATION

Office use only

Date Submitted 12/21/15

Application Number:

Planning Commission Public

ZA- or PZA-16-01

Hearing Date: 01/21/15

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

SITE DATA

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

PPIN#(s): **062439**

Southwest corner of the intersection of Champions Way and Highway 181

Gross Site Area (acreage): **76 ac (per BC Rev. Comm.)**

Requested Zoning or Pre-Zoning: **B-3 (Professional Office)**

Current Zoning Designation(s):

Amended Request:

Baldwin County District 15, RSF-1 Single Family District

Initials: Date:

Current Land Use: **Undeveloped**

Anticipated Land Use: **Professional Offices**

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

Per deed-N 1/2 of SE 1/4 of Sec 3, T5S, R2E & W 1/2 of NW 1/4 of SW 1/4 of Sec 2, T5S, R2E, Baldwin County, Alabama

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

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

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

Name of Current Owner: *The Bills' No. 2, LLC*

Manager: *Michael Bill*

Mailing Address: *P.O. Box 1659 Robertsdale, AL 36567*

Phone/Fax:
E-mail:

Name of Authorized Agent: *City of Daphne Industrial Development Board Member or Rep. of the City of Daphne*

Mailing Address: *PO Box 400*

Phone/Fax:
E-mail:

Name of Developer*: *City of Daphne Industrial Development Board*

Phone/Fax:
E-mail:

Other:

Phone/Fax:
E-mail:

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

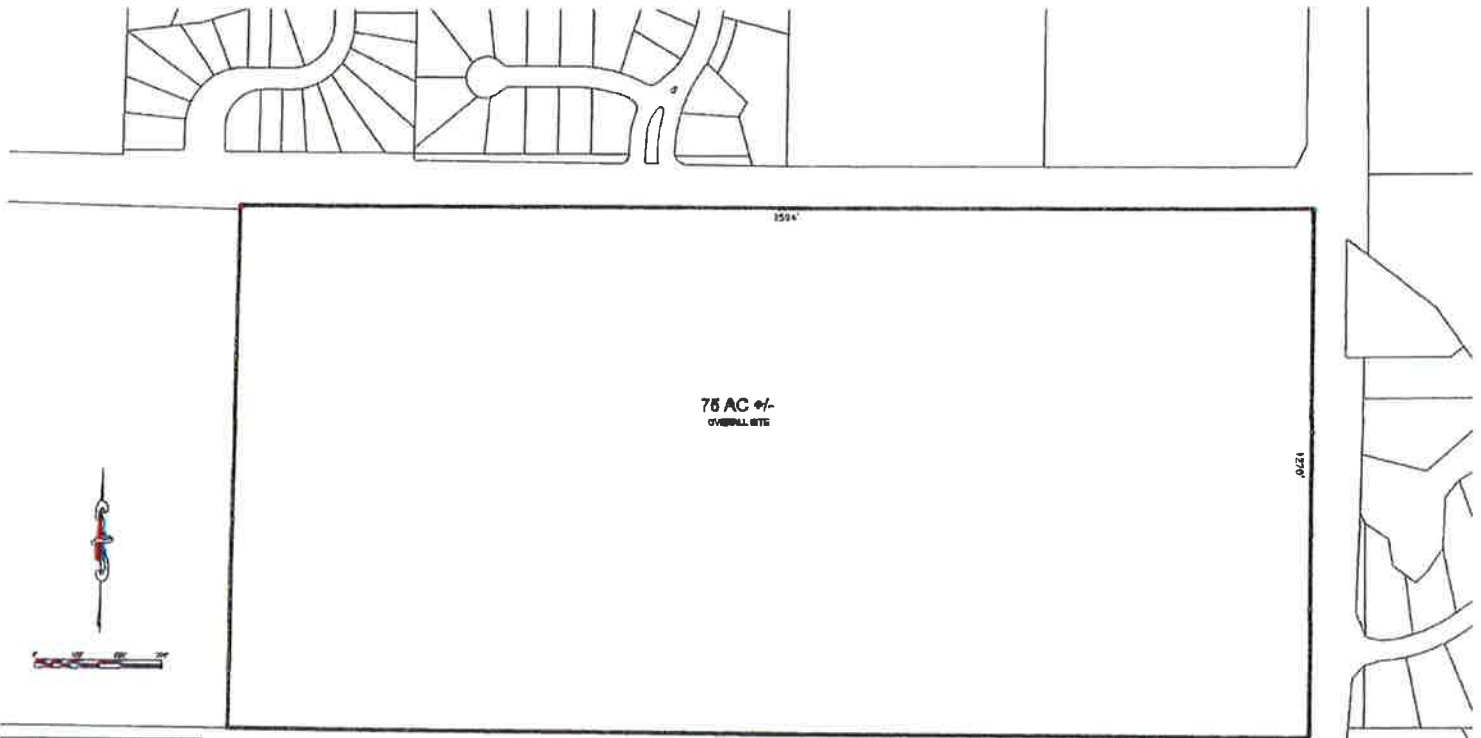
Applicant's Signature:

Date

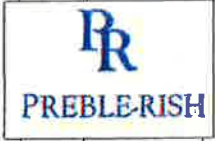
Agent's Signature:

Joni Fassbender

Date *12-21-15*



COMMERCIAL & TECHNOLOGY COMPLEX





DAPHNE INNOVATION & SCIENCE COMPLEX PRELIMINARY MASTER PLANNING STUDY JANUARY 2, 2013



EXHIBIT A

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

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:

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

THE BILLS' NO. 2, LLC PRE-ZONING ADJACENT PROPERTY OWNERS LIST

BALDWIN COUNTY BOARD OF
EDUCATION
1600 HAND AVE N
BAY MINETTE, AL 36507

GAVIN, MARY ALICE
11876 JERICHO DR
DAPHNE, AL 36526

THE BILLS' NO.2 L L C
P O BOX 1659
ROBERTSDALE, AL 36567

ROLISON, KEN ETAL ROLISON,
ENNIFER COME
8601 ST HWY 181
DAPHNE, AL 36526

CANTERBURY PLACE
HOMEOWNERS ASSOCIATION
P O BOX 748
DAPHNE, AL 36526

MALBIS PLANTATION INC
29470 ST HWY 181
DAPHNE, AL 36526

AUCIER, K SCOTT
720 CHURCHBELL DRIVE
MOBILE, AL 36695

NEYHART, CHRISTOPHER T
11876 JERICHO DR
DAPHNE, AL 36526

COMETTI FAMILY PROPERTIES
L L C
P O BOX 156
GRANT, AL 35747

WOODLANDS AT MALBIS
PROPERTY OWNERS ASSO
C KEN SCHULTZ
1311 ROSEWOOD LN
DAPHNE, AL 36526

M & S DEVELOPMENT L L C
10155 ROSEWOOD LANE
DAPHNE, AL 36526

MCCOLLUM, ERNEST R ETAL
MCCOLLUM, CHRIST
9576 CANTERBURY CT
DAPHNE, AL 36526

ARX, DAVID JAMES ETAL
ARX, CATHIE LA R
1 BRADBURY CIR S
DAPHNE, AL 36526

TURNER, MATTHEW A ETAL
JONES, BROOKE L
29251 CANTERBURY RD
DAPHNE, AL 36526

CRUTCHFIELD HOLDINGS L L C
10155 ROSEWOOD LANE
DAPHNE, AL 36526

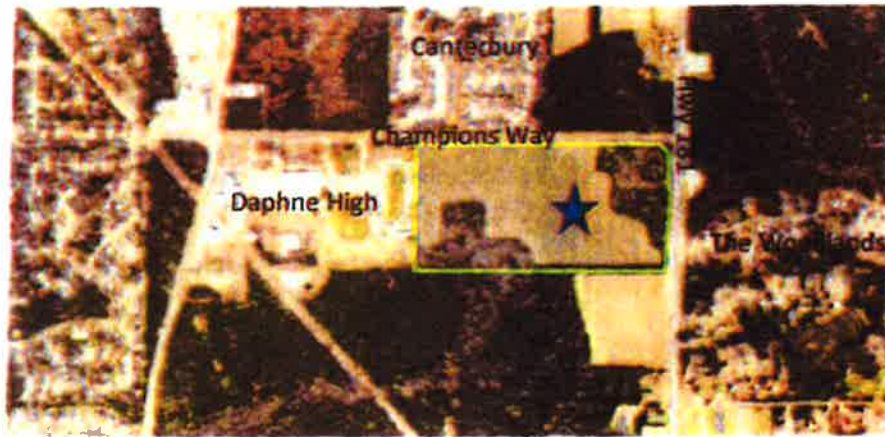
NET, LYNN O
283 CANTERBURY RD
DAPHNE, AL 36526

WEIS, GEORGE F ETAL WEIS,
GWEN F
29259 CANTERBURY RD
DAPHNE, AL 36526

PLANNING COMMISSION
PRE-ZONING PETITION REVIEW



THE BILLS NO. 2, LLC



COMMUNITY DEVELOPMENT

Pre-zoning Request

Southwest Corner of the Intersection of Champions Way and Alabama State Highway 181

(The Bills' No. 2, LLC)

76 acres+/-

Owner: The Bills' No. 2, LLC

Existing Conditions: 76 acres+/- of undeveloped land

Existing Zoning: RSF-1 Single Family District in Baldwin County District 15

Proposed Zoning: B-3, Professional Business District

Surrounding Zonings/Uses:

North - Canterbury Place Subdivision, zoned R-4 and R-3, High Density Single Family Residential, and RSF-1 Single Family District in Baldwin County District 15 (ETJ)

South - undeveloped land zoned RSF-1 Single Family District in Baldwin County District 15 (ETJ)

Southeast – undeveloped land zoned B-2, Neighborhood Business District, in Baldwin County District 15 (ETJ)

East - The Woodlands at Malbis residential subdivision, zoned RSF-2, Single Family Residential Baldwin County District 15 (ETJ)

West - Daphne High School (zoned R-3, High Density Single Family Residential)

Existing Utility Service Providers:

Water – Belforest Water

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

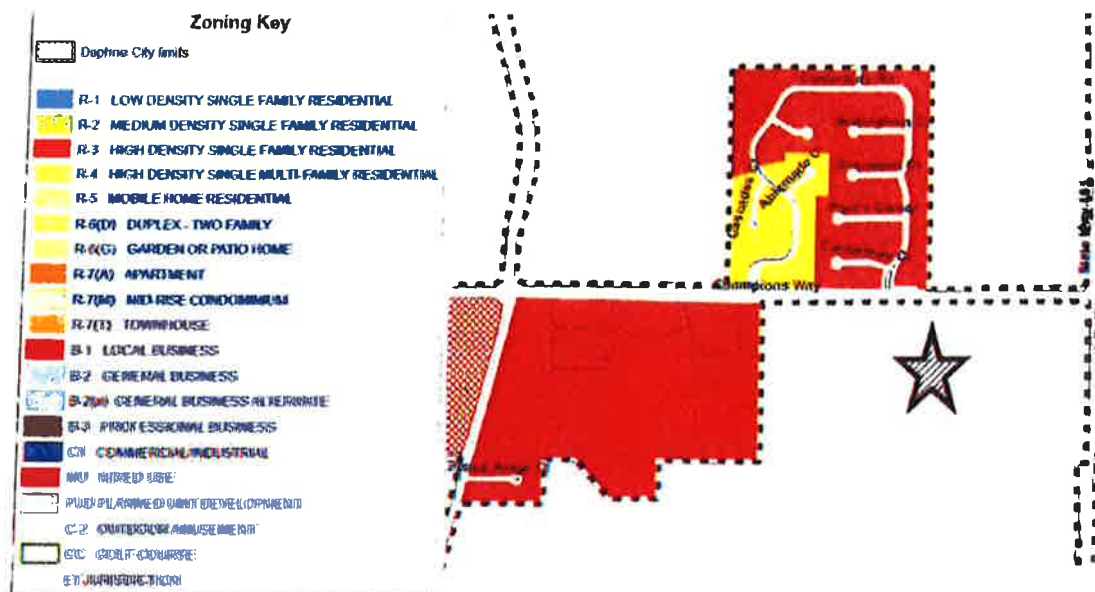
Affected City Service Providers:

Fire Protection-Station 3

Police Protection-Police Beat 3

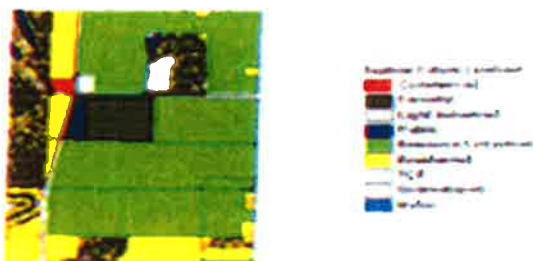
Public Works

Baldwin County Schools—n/a



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

The Comprehensive Plan designates this area as resource extraction. Comprehensive Plan amendment is long overdue.



Related applications on January 2016 Planning Commission Agenda: 76 acres+/-
 Annexation Request by The Bills' No. 2, LLC. (*Acreage subject to change*).

Staff Recommendation: Approval of B-3, Professional Business Zoning

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

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

**Ordinance to Pre-Zone Property Located
At the Southwest Corner of the Intersection of Champions Way and Alabama Highway 181
The Bills' No. 2**

WHEREAS, The Bills' No. 2 as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RSF-1, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as B-3, Professional Business District, prior to annexing into the City of Daphne; and

WHEREAS, said real property is Southwest of Holy Cross Circle and Holy Cross Drive, and more particularly described as follows:

Legal Description for Pre-zone:

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:
THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3,
TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND
THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST
QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN
COUNTY ALABAMA

WHEREAS, at the regular Planning Commission meeting on January 28, 2016 the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on March 7, 2016; and,

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

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

SECTION I: ZONING

That above described real property is hereby pre-zoned to B-3, Professional Business District, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in

Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RSF-4, Two Family District, Baldwin County District 16.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

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

**Dane Haygood,
Mayor**

ATTEST:

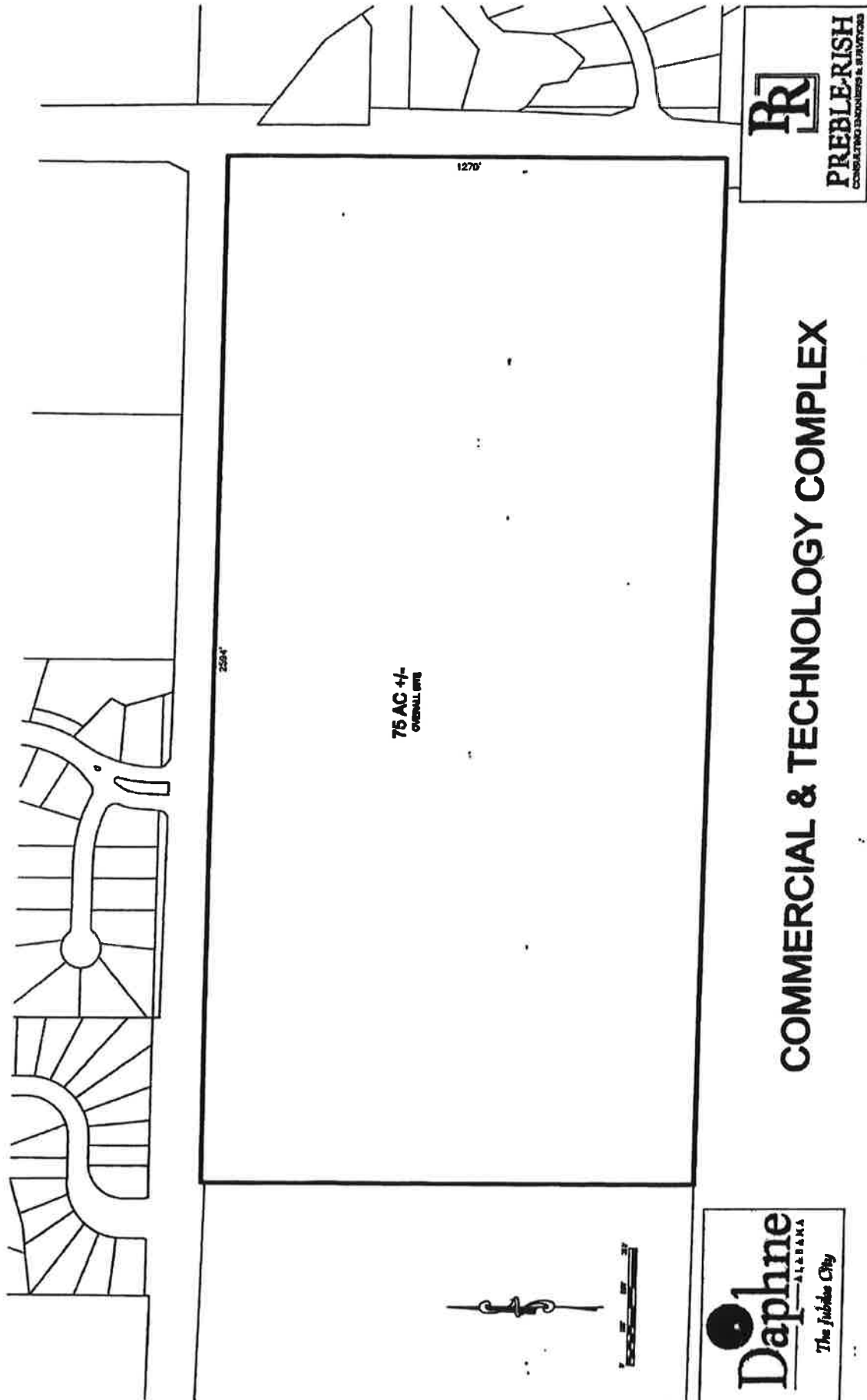
**Rebecca A. Hayes,
City Clerk**

EXHIBIT A

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

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:

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



Public Safety Committee

Monday, February 15, 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:

Councilman Pat Rudicell, Councilman Robin LeJeune, Councilwoman Tommie Conaway, Councilman Randy Fry, Councilman John Lake, Councilman Ron Scott, Councilwoman Angela Phillips, Chief David Carpenter, Captain Jud Beedy, Chief James White, Kenny Hanak, Fire Marshal Chip Martin, Code Enforcement Officer 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 – None

APPROVAL OF MINUTES FROM PREVIOUS MEETING

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

POLICE DEPARTMENT

- A. New Business** – Chief went over the stats. Captain Beedy spoke about the K-9 Fundraiser that raised \$10,000 for a new canine. He advised that Sgt. Ken Lassiter was rear ended this morning and the vehicle may be totaled. Councilman Fry asked about the low number of tickets and Chief and Jud addressed it as it was December and concentration was on the businesses and shopper safety. Councilwoman Conaway asked about the issue at Top of the Bay this past weekend. Councilman LeJeune asked Fire Marshal why the building only has a capacity of 99? Fire Marshal Chip Martin addressed this issue stating that if the owner had sprinklers (which he currently doesn't) the capacity would be 300-400 for that building. Because he has no sprinklers the capacity is only 99. On Saturday night they had a band playing and there were approximately 400 people in the building. The owner was cited by Code Enforcement for the offense. Councilwoman Conway asked about the basketball issue this weekend. Beedy said the Mayor has been handling this. Councilman Scott said he saw that an officer had responded. Beedy stated that we have no record of that and based on the information he had it was not criminal. Councilman LeJeune stated they are going to address it at the Recreation meeting on Wednesday.

FIRE DEPARTMENT

- A: New Business** – Chief went over his stats. He gave an update on the land donation for Station 5. Chief met with Jay Corte on February 3rd about donating some land. Mr. Corte would like to see immediate action on the land and have some interaction with the type of building built. He would also like a police officer seen often around the area also. Councilwoman Conaway asked how much land? Chief stated he is not sure but gave a description of the land, noise concerns, etc. Councilman Rudicell stated a decision has to be made if this suits the city's

needs, if this is the right place, etc. Do we want to fund the 5th fire station? Councilman Lake asked about the old welding shop? Councilwoman Phillips stated we need to look at what makes sense for our present growth and future growth and if this is the best place. Kenny Hanak stated that there is an 11.5 minute response time to this area currently whereas other areas are less than 5 minutes. Councilman Scott said to get with Richard Johnson and look at the plot to see if it is utilizable and plans can be made or not. They asked him about Austin Road and Corte said "no". LeJeune asked what is the absolute best place that you would put a fire station, even if we have to purchase a piece of land instead of getting a donation. Milton Jones Road and Corte Road would be ideal. Councilman Scott asked Richard Johnson about the costs of paving Corte Road. Johnson stated some idea of costs, that it would need a bridge, etc. between Johnson Road and Corte Road and went into further detail of the impact it would have on the Fire Department. Scott spoke about County Rd 13/Corte Road would only cost \$650,000 to pave that 1 mile road. He asked if a contractor would be willing to sell a plot of land to us cheaply. Councilman Lake asked how this would affect Belforest Volunteer Fire Department. Would we be infringing? Councilman Fry asked what size the piece of land would be. The mayor met with Julio Corte and Jay Corte. They would not oppose paving Corte Road and giving us this property. They are willing to work with us in any way possible. Rudicell thinks it's about ½ acre. Johnson states the other 2 fire stations sit on ½ acre or less right now. The mayor stated that the Corte's are willing to customize what we need (buffer, etc.). Lake said we need to know what we need and size before we move forward. Rudicell stated again that we need to make sure this is the right spot, etc. Scott asked about a 5 year grant, if it is still available. The mayor stated we could pay for it if we exercised the police jurisdiction. It would stretch our resources and revenues coming in. Scott said a study was done in the past where there would be \$400,000 - \$500,000 generated by sales tax. Rudicell stated it would affect development. Chief Carpenter stated if we took in the jurisdiction we would need an additional 6 officers and 1 detective.

Next month's meeting will have more information on the fire department location

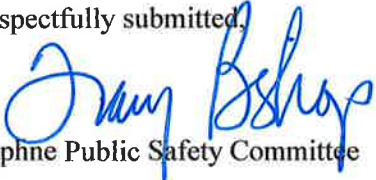
Old Business –

OTHER BUSINESS:

ADJOURN

There being no further business to discuss, Councilwoman Conaway made a motion to adjourn the meeting at 5:06 p.m. Councilman LeJeune seconded. The next meeting will be Monday, March 21, 2016 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,


Daphne Public Safety Committee

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)	(Capt. Taylor/Lt. Yelding)	(Capt. Taylor/Lt. Yelding)	(Capt. Taylor/Lt. Yelding)	
# Complaints	1,243				YTD		
Accidents, Private Property	20	# New Cases Received:	58	Total Arrestees Received & Processed:	158		
Accidents, Roadway	99	# Previous Unsolved Cases:	98	Arrestees by Agency:			Arson 0
Accidents, Traffic Homicide	0	# Cases Solved:	12	Daphne PD	123	#Complaints 43	Burglary - Commercial 0
Arrest, Controlled Substance	2	Resulting in Total Arrests:	7	BCSO	6	#Follow-ups 21	Burglary - Residence 3
Arrest, Drug Paraphernalia	2	Felonies:	3	Spanish Fort PD	23	#Citations 3	Burglary - Vehicle 13
Arrest, Felony Marijuana	1	Misdemeanors:	4	Silverhill PD	5	#Warnings 19	Criminal Mischief 5
Arrest, Misdemeanor Marijuana	2	Houses Searched	0	Troopers	1	#Felines Captured 9	Disorderly Conduct 0
Arrest, Alias Warrant	35			Other Agencies	0	#Canines Captured 16	Domestic Disturbance 34
Arrest, DUI	8	Warrants:				#Other Captured 8	False Info to Police 0
Arrest, Felony	7	Served	15			#Returned to Owner 10	Felony Assault 0
Arrest, Misdemeanor	77	Agency Assists	2			#Adopted Out 19	Felony Theft 14
Assists, Motorist / Citizen	201	Recalls (Pd Fines)	17	Highest	30	#Euthanized - Adoptable 0	Harassment 6
Citations	139	Total Warrants Served	34	Lowest	13	#Euthanized - Unadoptable 18	Identity Theft 0
Drug Report	7			Meals Served	1,822		Indecent Exposure 0
Routine Patrol/Special OPS	0	Sex Offender:		Medical Cost	\$273.00		Kidnapping 0
Searches, Vehicle	30	New Registration:	0	Worker Inmate Hours	172		Menacing 0
Security Checks	979	Contact Verification	4				Misdemeanor Assault 0
Warnings	143	Total # registered in Daphne	4				Misdemeanor Theft 17
		DARE:					Murder 0
		# Hours Report Writing:	3				Other Death Investigations 3
		# Students Instructed SRO	200				Public Intoxication 1
Drugs Seized:	7	# Students Instructed DARE	200				Public Lewdness 0
Money Seized:	0	# Police Reports by SRO	3				Receiving Stolen Property 0
Vehicles Seized:	0	# Arrest by SRO	0				Reckless Endangerment 1
							Resisting Arrest 1
							Robbery 0
							Sex Crime Investigations 0
							Suicide 0
CMV Inspections / CMV OOS	26	CODE ENFORCEMENT:					Suicide, attempted 0
		Warnings:	18				Theft of Services 3
		Citations	0				Unauthorized Use of Services 0
		Warning Compliance	14				Weapon Offenses 3
		Follow - Up	60				White Collar Crimes 2
Approved by:		David Carpenter, Chief of Police					



CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period December 2015

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	1	6
11-Structure Fire/Commercial	2	7
11-Structure Fire/Residential	3	21
12-Fire in Mobile Property used as fixed structure	0	4
13-Mobile Property (vehicle) Fire	2	5
14-Natural Vegetation Fire	0	9
15-Outside Rubbish Fire	0	7
16-Special Outside Fire	0	2
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	1	0
3-Rescue Call and Emergency Medical Service Incidents:	185	1882
4-Hazardous Conditions (No fire):	1	33
5-Service Call:	17	137
6-Good Intent Call:	20	245
7-False Alarm & False Call:	16	245
8-Severe Weather & Natural Disaster:	0	2
9-Other Situation:	2	4
Total Emergency Calls:	242	253
Monthly Total Calls:	249	2406
Highest:		
	18:00	18:00
Lowest:		
	<1:00	<1:00
Average (Minutes/Seconds) :		
	6:10	6:10
Miscellaneous Reports:		
Training Hours	441.50	5108.95
Property Loss - \$	\$13,251.00	\$1,665,501.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues	160	1678
Number of Patients Treated	184	1997
Child Passenger Safety Seat Inspections/Installations	7	155
Pre-Plans	0	514
Classes		
	21	222
Persons Attending	188	2256
Plan Reviews		
	3	19
Final/Certificate of Occupancy	0	8
General/Annual Inspections	0	938
General/Re-Inspections (Violation Follow-up - Annual)	0	318
Business Licenses	0	54
All Other/Misc. Activities	1	34
Total Activities:	4	1371

Authorized by:

James White

Chief James White

CODE ENFORCMENT/ORDINANCE COMMITTEE

**Wednesday, February 15, 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 5:20 p.m.

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

Also Present: Rebecca Hayes, City Clerk / recording secretary; Mayor Haygood; Jay Ross, City Attorney; Kevin Boucher, City Attorney; Richard Johnson, Public Works Director; Matt Creel, Code Enforcement Officer; Captain Judd Beedy, Police Department; Jamie Smith, Revenue Officer; Vickie Hinman, HR Director; David Carpenter, Police Chief; James White, Fire Chief; William Kennedy, Code Enforcement Officer; Boyd Miller; Victoria Phelps; Tom Walker; Philip Hodson; Ann Hodson; Mark Wright; David Ringler; John Cutler; Margie Whitestag; Rebecca Canale.

II. APPROVE MINUTES / January 19, 2016

There being no corrections the January 9, 2016 minutes stand approved as written.

III. PUBLIC PARTICIPATION

Revision to the Speed Limit Ordinances

Mr. Boyd Miller – Deer Court – spoke against the 25 mph on Main Street between the schools.

Councilman Scott said this is a safety issue. He pointed out that there were three schools, 2 churches, one is a Catholic Church which has multiple masses where people park across the street, two parks, walkers and businesses on Main Street, but it is whatever council choose to do. He said 35 mph would be good at Johnson Road.

Ms. Victoria Phelps – Lake Forest – mentioned that according to statistics survival rate is greater when speed limit is 25 mph. She is in favor of that stretch being 25 mph.

Mr. Philip Hodson – Captain O’Neal – spoke in opposition to the 25 mph speed limit on Main Street between the schools. With growing traffic there is a need to move traffic along thorough this area.

Mrs. Ann Hodson – Captain O’Neal – said that people want to know what’s the deal, and wonder why the change in the speed limit. With this change Daphne will have a speed trap environment. She stated other streets off Main Street are 30 mph so why change Main Street’s speed limit. She also was concerned that there was no warning of the change.

Mr. Mark Wright – 106 Deer Court – is baffled by the 25 mph speed limit on Main Street, that it came out of the blue sky with no notice. He is opposed to the change to 25 mph speed limit on Main Street.

Richard Johnson stated that the rationale for changing the speed limit to 25 mph was that from Santa Rosa the speed limit is 25 then changes to 35 mph then at Christ the King it changes to 25 mph and then to 35 mph then to 25 mph. It would consistent from Santa Rosa to past William J. Carroll school at 25 mph.

Mr. David Ringler – Lake Forest – spoke in favor of the 25 mph on Main Street.

Mr. John Cutler – Whiting Court – feels that 35 mph is reasonable for that stretch on Main Street.

Mrs. Margie Whitestag – College Avenue – does not see the need for the speed limit to be 25 mph on Main Street. She said that Daphne will be known as a speed trap city.

Mrs. Rebecca Canale – Captain O’Neal – spoke in favor of the speed limit being 35 mph on Main Street.

MOTION BY Councilman Rudicell to recommend the Speed Limit ordinance to council for adoption at the next council meeting. Seconded by Councilman Lake.

MOTION BY Councilman LeJeune to amend Section II to fix the speed limit at 35 mph on Main Street between the schools, to omit the state highways. Seconded by Councilman Rudicell.

VOTE ON AMENDMENT

AYE Fry, LeJeune, Rudicell, Conaway, Lake, Phillips

NAY Scott

MOTION CARRIED

VOTE ON ORIGINAL MOTION AS AMENDED

AYE Fry, LeJeune, Rudicell, Conaway, Lake, Phillips

NAY Scott

MOTION CARRIED UNANIMOUSLY

IV. ORDINANCE REVIEW/DISCUSSION

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

Councilman LeJeune suggested 30 days out from a term expiring post it on the web and Facebook, and be advertised, and appointed by Council.

MOTION BY Councilman LeJeune to recommend the Appointing Committee Members ordinance to council for adoption at the next council meeting. Seconded by Councilwoman Phillips.

Councilman Lake said that there was an ordinance or resolution on the books already dealing with appointments to committees back when Mrs. Gustavson was on the council.

The chairman asked the City Clerk to research this and send the resolution or ordinance to council.

Councilman LeJeune withdrew his motion and Councilwoman Phillips withdrew her second.

MOTION BY Councilman Lake to lay the ordinance over until the next committee meeting. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY

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

Captain Judd Beedy asked that the last sentence of Section II (G) (1) (a) which says “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. This may be unsafe for the officer’s family.

There were also questions regarding Section I (J) regarding non-city employees riding in city vehicles, and insurance coverage for them.

The committee wanted to check with the insurance carrier to see if a city employees’ spouse or children are covered, and if not can the city purchase special coverage to cover them.

The chairman asked legal, the Mayor and Councilman Fry to get together with the city’s insurance carrier to see if a rider is available.

The committee discussed Section III B (2) regarding displaying flags, stickers and non-state issued license plates or other additions to the city vehicle. Consensus was to leave this to the discretion of the department heads.

The City Vehicle Ordinance will come back to the March meeting.

The discussion on the Taxi Service in the City of Daphne Ordinance and Multi-families dwelling in Single Family Homes will be considered at the March meeting.

V. OTHER BUSINESS

No other business to discuss.

VI. NEXT MEETING / March 21, 2016

VII. ADJOURN

MOTION BY Councilman Rudicell to adjourn. Seconded by Councilman Fry.

MOTION CARRIED UNANIMOUSLY

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

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF DECEMBER 3, 2015 - 6:00 P.M.
COUNCIL EXECUTIVE MEETING ROOM, CITY HALL

Chairman stated the number of members present constitutes a quorum and the regular meeting of the Board of Zoning Adjustment was called to order at 6:05 p.m. and he asked the Board to motion to move to the council's executive meeting room due to a scheduling conflict before roll call.

A **Motion** was made by **Mr. Mayhand** and **Seconded** by **Mr. Durant** for the Board to move to the council executive meeting room.

The Motion carried unanimously.

Members Present:

Billy Mayhand
Philip Durant
Frank Lamb
Larry Cooke
Willie Robison, Chairman
William Scully

Members Absent:

Thomas Warner

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Johnson, Recording Secretary
Tony Hoffman, BZA Attorney

Chairman called for the **Approval of Minutes** of the November 5, 2015 meeting. There were no corrections, additions or deletions.

The Minutes were approved unanimously.

Chairman called the next item on the agenda, **Appeal #2015-06 Earline Martin - Harris**, request for a Special Exception to the Daphne Land Use and Development Ordinance. The special exception, if granted, would allow the operation of a day care as a home occupation in accordance to the Land Use Development Ordinance, Article 31-1. The property is 1111 Wilson Avenue, which is zoned R-1, Low Density, Single Family Residential.

Ms. Jones displayed a Power Point Presentation of 1111 Wilson Avenue outlining the perimeter of the house and grounds, and the driveway. Ms. Harris is asking to be a home occupation, but there are several regulations that will have to be adhered to and consistent with the ordinance.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF DECEMBER 3, 2015 - 6:00 P.M.
COUNCIL EXECUTIVE MEETING ROOM, CITY HALL**

Ms. Jones stated she has given the applicant a list of questions not addressed in her application which need to be answered before she renders her recommendation. Questions concerning percentage of gross floor area to be used, number of family members engaging in the home occupation, were any internal or external additions or alterations planned in connection with the home occupation, and the hours of activity being limited to between 7:00 a.m. and 10:00 p.m., because according to the Minimum Standards for Day Care Centers and Nighttime Centers nighttime care begins at 7:00 p.m. She stated any special exception approved should be consistent with day care facilities as designated by the state and city standard: 7:00 a.m. (to meet the home occupation provisions) to 7:00 p.m. (to meet the provisions of the State's Minimum Standards for Day Care Centers. She also stated the Public Works Director requested the applicant to render days and hours of operations, typical drop-off and pick-up times, and maximum number of clients for a recommendation, and the Building Official had approved the home as structurally satisfactory, but smoke and carbon dioxide detectors should be installed. Ms. Jones asked the Chair if he did not mind if Ms. Martin-Harris addressed the questions.

Chairman opened the floor for discussion.

Ms. Martin-Harris distributed pictures for review. I own several lots and I am not visible by any of my neighbors. My home is twenty eight hundred square feet, and as for the twenty percent of floor area, Department of Human Resources guidelines are a lot more stringent than yours. After you approve me DHR will come out and inspect my home, not only just the area for the children, but they will inspect every aspect of the home and the surrounding perimeter as well. Employees are limited to me, but according to DHR I must list at least one substitute, and my husband is listed as that substitute in the event that something happens to me, and I am only qualified for six children. I am not doing any remodeling, my house was built in 2012, nor am I doing any additions or anything like that. Now I am specializing in third shifts, meaning people will have to be able to pick up their kids by 11:00 p.m., so maybe you can adjust me for that one hour. I will specialize in third shifts, unusual hours, and weekend care. All of the daycares in Daphne close at 6:00 p.m. so the families needing care after that is having a hard time finding someone dependable in the evenings. The way I came up with this idea is my husband works swing shifts. Some of the guys he works with are young and have wives who are nurses. If they both are on swing shift they are having a hard time maintaining those high paying jobs not being from this area with no family around. If you allow me to I am going to fill in the gap for them.

Ms. Jones stated thank you. There are a few things we need to look at in the packet that Ms. Martin-Harris mentioned. Under standard criteria for special exception consideration the definition for a home family daycare is a child care facility, licensed and regulated by the Alabama Department of Human Resources, within a single-family dwelling, which receives on a regular basis not more than six children for care during part of the day, and I put emphasis upon care during part of the day to indicate that the definition applies to day care not nighttime care. The next paragraph talks about the standards for day care centers and nighttime centers which are included in your packet as well, and should the applicant desire to operate a nighttime center a variance to the LUDO would be necessary. At this time no variance application has been submitted for review. I have informed the applicant of the need for a variance. The application before you tonight is for a special exception for daytime operation. In the State's Minimum Standards which I placed an excerpt in your packet so that you can see that there are different standards for day care and night care. A night care facility is defined as a child-care facility which is a center or a family home receiving a child or children for care after 7:00 p.m. Additional requirements for centers operating after 7:00 p.m. and for centers operating past midnight can be found in a separate section, which I did not include because our ordinance does not allow nighttime care, but is specific to a day care facility. There are different requirements for a nighttime facility, and again should the applicant desire to operate a nighttime facility a variance would be necessary. At this time no request has been made. In my recommendation I stated any special exception approved should be consistent with day care facilities as designated by the state and city standards. So it would be a compromise between the two, and that would mean a 7:00 a.m. beginning time to meet home occupation provisions in the LUDO to 7:00 p.m. to meet the provisions of the State's Minimum Standards for Day Care Centers, that is my recommendation to you.

The Chairman stated does the LUDO say 7:00 a.m. to 5:00 p.m.?

Ms. Jones stated no. A home occupation can operate from 7:00 a.m. to 10:00 p.m.

The Chairman stated what is the provision for day care?

Ms. Jones stated the city does not have a standard for a daycare's operation time, but the State of Alabama does for a daycare, which is 7:00 a.m. to 7:00 p.m., anything after 7:00 p.m. would fall into the provisions of nighttime care.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF DECEMBER 3, 2015 - 6:00 P.M.
COUNCIL EXECUTIVE MEETING ROOM, CITY HALL

The Board discussed the difference between the hours of a day care facility and a nighttime facility, and the applicant wanting to operate until at least 11:00 p.m., which the LUDO does not allow for a home occupation, and the need to submit a separate request for a variance to operate past 10:00 p.m.

Ms. Martin-Harris stated this is something new to the area, something that has been absent. DHR is a lot more stringent than the city. They do background checks and medical reports on everyone in the house. A lot of cities have not had to address this issue of overnight care, because it has not been something that has been needed. I would prefer to do overnight care if you all would work with me in that aspect because that is the greatest area of need. I would also ask that you consider suspending your rules and allow me to operate a nighttime facility.

Mr. Hoffman stated the Board cannot do that.

The Board discussed the involvement and recommendation of the Public Works Director, the Building Official, the Zoning Administrator and Community Development, which are both Ms. Jones, and the definition of may, will, shall and should. They also discussed what type of traffic will be generated with six children and the fact that there was no fenced area for the children to play in, if indeed she was going to have a play area and the dog in the cage as you come up the driveway of the right. It was also discussed that the special exception would be issued to Ms. Martin-Harris as long as she operates at this location, and one bedroom and bathroom will be used for the home occupation.

Ms. Martin-Harris stated let us keep in mind that there are certain rules for six children and under, and DHR will make sure that the dog is not intermingling with the kids as well. They will play inside. Eventually they will just be coming in the evening time, and I can show you on the slide. I will use the family room, and that second bedroom and bathroom. Is that twenty percent? DHR is also going to regulate which area and percentage that we use. While I am here before you all I would like for your requirement to coincide with DHR's, and they are going to come out and physically measure. I am requesting up to six children. Let us just say if they come out to measure. They say no, your measurements only qualify you for three children so then that is going to be a discrepancy or maybe some concern for one way or the other, but DHR is going to decide how many kids I get at the end of the day. However, DHR will not come out and measure until you all say okay.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF DECEMBER 3, 2015 - 6:00 P.M.
COUNCIL EXECUTIVE MEETING ROOM, CITY HALL**

The Board discussed the home functioning as a home and home occupation, and it being inspected by the fire marshal, code enforcement, building official, the revenue officer and Ms. Jones, the Zoning Administrator in acquiring a business license. Also discussed was DHR's after 7:00 p.m. definition of nighttime care and a variance being needed to operate a nighttime facility.

Ms. Martin-Harris stated unless you give me a special exception to do so. If anything is out of whack DHR will give me six months. They will give you a temporary license for six months to get everything in compliance if they see something. So actually on here it says from 7:00 a.m. to 10:00 p.m. and if there is any kind of way you all could approve it for an additional hour.

The Board discussed the fact that the special exception for the home occupation would allow her to operate from 7:00 a.m. to 10:00 p.m., but DHR only allows her until 7:00 p.m. unless she qualifies as a nighttime facility. So she would be able to operate until 10:00 p.m. and if she had turned in an application for day care and nighttime care we could consider both.

Ms. Jones stated no, because it conflicts with our definition for day care, and we are trying to find the distinction between the day care and nighttime care. Yes, a home occupation can operate until 10:00 p.m. but anything after 7:00 p.m. puts her in a different classification for the use. Right now we are talking about day care and not a night care facility. If she had submitted a request for a variance then we could have considered both, and you would have two motions to make for two applications. If she had submitted both applications we could have had both in one meeting, but they are two separate applications.

Ms. Martin-Harris stated in her defense I would have had to pay twice versus coming for the special exception and having one motion to approve both. On the application that I did for the City of Daphne it does say daycare slash nighttime care. Right now it is a discrepancy between DHR and maybe the City of Daphne's ordinance because I am trying to do something that has not been done before. So if you can find some kind of median place to make it work I would really appreciate it. It would be a benefit because I could start looking for a family in January. I am not sure if I am going to have six families right away, this is just a preliminary step. After I leave you all then I have to go before DHR which is another process all over again. My initial application was from 7:00 a.m. to 10:00 p.m.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF DECEMBER 3, 2015 - 6:00 P.M.
COUNCIL EXECUTIVE MEETING ROOM, CITY HALL

Ms. Jones stated that is the reason my recommendation says from 7:00 a.m. to 7:00 p.m. to avoid having a conflict between those two things and I did tell Ms. Martin-Harris upfront that there was a need for a variance to do nighttime care.

Ms. Martin-Harris stated I did ask if there was a way that we could do it all at one time. Same people, same issue. We are just talking about a couple of hours.

Mr. Hoffman stated just so you understand, from a legal prospective this Board can only do what the City of Daphne authorizes them to do under the ordinance. If the ordinance says a certain thing then they cannot just say well the ordinance does not make sense and we want to help Ms. Martin-Harris. They must stick with what they are governed by one way or another. It is a formality and you might not understand it, but if you need the variance you have to apply for it, and that is the legal requirement. The Board is here to enforce the Ordinance.

Ms. Jones stated the City has a definition for day care not nighttime care, and nothing is a surprise to Ms. Martin-Harris because we talked about this.

The Board discussed the definition of a home occupation and its hours of operation versus the hours of operation for a day care. The consensus was that they wanted to help Ms. Martin-Harris if it could be supported by the ordinance and they understood the need for a variance to operation beyond the 10:00 p.m. regulation and they questioned whether there was some way they could do so legally by adding a caveat to the motion.

Mr. Hoffman stated you certainly can add one, however, DHR's standards would not allow Ms. Martin-Harris to operate as a nighttime care facility according to their definition and the city's standards does not allow for nighttime care hours for a home occupation, and we do not have an ordinance for nighttime.

Ms. Martin-Harris stated nighttime facilities with DHR are a little bit different. I cannot even have the same equipment for day care and nighttime care. The day care kids can use cots and the nighttime kids use beds. That is going to be very important for us to come into consensus as to what we would like to do. I cannot move any farther with DHR until I make some steps forward with you all. I did not buy any cots, I bought beds, and they have to be in place for DHR to even come out. I bought six and I am in like a catch 22, I cannot move forward with DHR until I move forward with you. So maybe we can find some kind of compromise, if you all say okay we will do this.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF DECEMBER 3, 2015 - 6:00 P.M.
COUNCIL EXECUTIVE MEETING ROOM, CITY HALL

Ms. Martin-Harris stated whatever it is that you would like to do, and I can take that to DHR, and DHR says this is what I am compromising to do, and we can merge together. Because right now we are not really on the same page with what your Ordinance is requiring and with what DHR is requiring, and that is a big expense on me to keep having to buy stuff. I am buying this stuff online and I may not be able to send it back as easy as I can to Wal-mart so please take that in consideration as well, as to what I am trying to do to satisfy you and DHR as well, because at the end of the day I want to be in compliance with both.

Mr. Hoffman stated understand that it is not on the table tonight that you can be a nighttime facility because you did not apply for the variance to do so. DHR will come and assess you, but only as a day care facility with cots according to their definition of 7:00 a.m. to 7:00 p.m.

Ms. Martin-Harris stated so you are saying I will have to buy cots as well.

Mr. Hoffman stated I am saying we understand you are telling us that you want a nighttime facility, but you did not apply for the variance to do so, therefore according to DHR's definition you can only be a day care facility, and according to the City's definition for home occupation you can only be a day care facility. The special exception can be granted for the home occupation, without attaching a time, and she can operate a day care facility, but the DHR will not grant it as a nighttime facility according to the 7:00 p.m. cut-off time.

The Chairman asked would anyone else like to speak in favor or opposition of the special exception. Being none, Chair closed the floor for public participation and entertained a motion.

A Motion was made by Mr. Lamb and Seconded by Mr. Mayhand to approve Appeal #2015-06, Earline Martin-Harris, for a special exception to allow the operation of day care as a home occupation in accordance to the LUDO Article 31-1. The property is 1111 Wilson Avenue, which is zoned R-1, Low Density Single Family Residential.

Upon roll call vote, the motion carried.

Mr. Cooke	Nay
Mr. Durant	Aye
Mr. Lamb	Aye
Mr. Mayhand	Aye
Mr. Robison	Aye

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF DECEMBER 3, 2015 - 6:00 P.M.
COUNCIL EXECUTIVE MEETING ROOM, CITY HALL

The Chairman stated the request for the special exception is granted. You may go to the office of Community Development after nine o'clock in the morning and pick up the necessary paperwork. It is not on the agenda tonight because we have been waiting until we have more members present, but the draft letter to the Council for possible action against repeat violations can be done tonight or should we wait until after the first of the year. Okay, the consensus is to wait until next year. Next on the agenda is the election of officers. The Chair opened the floor for the nominations for Chairman.

Mr. Durant nominated Mr. Robison for Chairman, and Mr. Cooke seconded. The nominations were closed with no other nominations, Mr. Willie Robison is Chairman.

The Chair opened the floor for the nominations for Vice Chairman.

Mr. Mayhand nominated Mr. Cooke for Vice Chairman, and Mr. Lamb seconded. The nominations were closed with no other nominations, Mr. Larry Cooke is Vice Chairman.

The Chairman stated Ms. Pat Johnson is our recording Secretary.

There being no other business the Chairman called for a **Motion to Adjourn**.

A **Motion** was made by **Mr. Lamb** and **Seconded** by **Mr. Durant** to adjourn. There was no discussion on the motion.

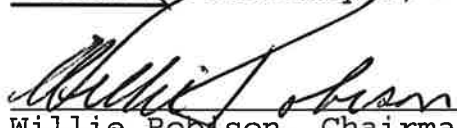
The Motion carried unanimously.

The meeting was adjourned at 7:18 p.m.

Respectfully submitted by:


Pat Johnson, Recording Secretary

APPROVED: February 4, 2016


Willie Robison, Chairman



**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT AGENDA
FEBRUARY 4, 2016 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

1. **CALL TO ORDER** - 6:00 p.m.
2. **CALL OF ROLL** - Present W. Robison, L. Cooke, F. Lamb, B. Mayhand, P. Durant, W. Scully
3. **APPROVAL OF MINUTES** - Approved

December 3, 2015

4. **OLD BUSINESS**
5. **NEW BUSINESS** - Tabled, send letter of recommendation to Council to amend LUDO and suspend second read.

Appeal #2016-02 Daphne Jubilee, LLC

A request for a Variance to the Daphne Land Use and Development Ordinance has been filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, proposes to change the front yard setback to fifty-feet, in lieu of the required one hundred-feet, as described in Article 39 of the LUDO, for redevelopment of the site. The property is 6935 U.S. Highway 90, which is in a B-2, General Business Zone.

6. **ADJOURNMENT** - 6:41 p.m.

DOWNTOWN REDEVELOPMENT AUTHORITY
1705 MAIN STREET, DAPHNE, AL
February 24, 2016

COMMITTEE MINUTES

Members Present:

Chairman Casey Zito, Ken Balme, Dayna Oldham, Dorothy Morrison, Patricia Vanderpool

Absent: Debbie Strahley, Doug Bailey.

Also Present: Rebecca Hayes, recording secretary.

There being a quorum present Chairman Casey Zito called the meeting to order at 5:55 p.m.

1. Public Participation

No one spoke.

2. Approval of Minutes / December 2, 2015

There being no corrections to the December 2, 2015 minutes they stand approved as written.

3. Treasurer's Report / January 2016

Motion by Danya Oldham to accept the January 2016 Treasurer's Report with a balance of \$185,501.71. **Seconded by Ken Balme.**

Motion Carried Unanimously

4. Old Business

a. Website Design – Ken Balme

Motion by Danya Oldham to authorize Ken Balme to hire Graphic Designer, Sarah Toulson, to prepare artwork for the Olde Towne Business Guides reprint project for up to 16 hours at \$40/hr. In addition there will be printing costs, which will be determined by negotiating with the printer. **Seconded by Dorothy Morrison.**

Motion Carried Unanimously

b. Little Bethel Baptist Church Follow Up

According to the League of Municipalities the Authority cannot expend funds for a private cemetery. The Authority can only expend funds for the essential public

purpose of the development of trade, commerce, industry and employment opportunities in the development area.

c. Terms of Members

The terms of each member is six years, so when reappointed it will be for a term of six years.

5. New Business

a. Nomination of new members:

Motion by Patty Vanderpool to recommend to the city council the appointment of J. Daniel Dyas; Nicole Simms and Brandy Lister to the Downtown Redevelopment Authority. **Seconded by Dorothy Morrison.**

Motion carried unanimously

Dorothy mentioned it was time to refurbish the flower boxes on Main Street.

Motion by Danya Oldham to reimburse Dorothy up to \$300 to refurbish the flower boxes on Main Street this month. **Seconded by Patty Vanderpool.**

Motion carried unanimously

6. Other Business Deemed Necessary

Rebecca Hayes mentioned that the city auditor would like committees that receive funds have a financial statement prepared every year. She will report further as information becomes available.

7. Next Meeting: March 22, 2016 at 5:30 p.m. at Mancini's Restaurant.

With no other business to consider, the meeting was adjourned at 6:30 p.m.

Nomination for the Downtown Redevelopment Authority

**Nicole Simms
706 Magnolia Avenue, Daphne
(251) 229-1189**

Originally from California, Nicole Simms became a flight attendant after high school and made her way to Birmingham, Al before settling in to attend UAB. There, she studied Studio Art with a concentration in Graphic Design spending a semester in Florence, Italy. Upon completion of her studies in Birmingham, she moved to Philadelphia, Pa. There, she had the good fortune of working for the Mural Arts Program helping to teach at risk youth the foundations of fine art and community service. When the time came for Nicole to thaw out, she headed south to Miami. There, she was able to continue her work in the arts with an internship at the Fredrick Snitzer Gallery and working for the Miami-Dade Public Library in the Art Services Department. The Art Services Department, while covering 43 branches, was a small one that allowed the opportunity to work in many capacities. Art handling, documentation, teaching art classes, and holding workshops were all a part of the job. When moving to Australia with her husband, she volunteered teaching art classes at the local library. Eventually the time came to get back to Alabama (her husband is from Fairhope.) Since being here Nicole has taught summer classes at the Eastern Shore Art Center and volunteered at the Daphne Art Center.

After living many places, Nicole and her husband Trey chose to live in Olde Towne Daphne. They enjoy the parks, great schools (they have two children ages 3 & 5), proximity to the bay, and walkability that you don't find in other neighborhoods. This summer, thanks to a grant from the Downtown Redevelopment Authority, Nicole and her friend Leah organized the Back to School Bash, a free event at Lott Park including a movie screening, bounce houses and food. Nicole also opened a "pop-up shop" in the neighborhood this fall and early winter, serving local coffee and carrying home goods. Being there allowed her to talk with other people in the community and hear their dreams for Olde Towne. The drive behind doing these things is the belief that Daphne is a great little city and has the potential to be even better. She is excited about the chance to help small businesses thrive, beautify the area, and encourage the community to engage and gather in Olde Towne.

Nomination for the Downtown Redevelopment Authority

J. Daniel Dyas, Sr.

23210 US Highway 98
Fairhope, AL 36532
(251) 990-9100 Office
jddyas@gmail.com

Skill Sets

Employment

Employer:	DYAS Construction Management, LLC
Position:	President
Term of Employment:	March 2006- Current
Responsibilities:	Business operations of commercial real estate development and construction management firms

Education

Institution	Auburn University
Degree:	Bachelor of Building Science
Date:	2007

2007	Thomas Jefferson's Historic Preservation and Restoration School <u>www.PoplarForest.org</u>
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Civic Involvement

2008	Baldwin County District 21 Zoning Committee Chairman
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2009	Baldwin County Historic Committee
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2008-Current	4th degree Member Knights of Columbus <i>The KOC is a Catholic Men's fraternity dedicated to serving our fellow man and our community of faith through the demonstration of our four defining principals: Charity, Unity, Fraternity and Patriotism.</i>
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Brandy Lister

115 Kentwood Drive
Daphne, Al 36526
(850) 381-1609
Bboutique313@aol.com

OBJECTIVE

To obtain a challenging position utilizing my creative selling, organizational, and customer relation's skills with an interactive people organization where advancement and compensation is based on personal performance.

PROFESSIONAL EXPERIENCE

RETAIL STORE OWNER

February 2010-present

B boutique, Inc. Spanish Fort and Mobile, Al

Owner and Buyer for 2 small women's retail boutiques.

Oversee 2 store Managers

Coach Managers to help meet store sales goals.

Handle all payroll and accounting.

UPDATED 1/1/16 only one location Spanish Fort, AL

RETAIL MANAGER/BUYER

Tatoe Tots and Toys Panama City Beach, Fl and Spanish Fort, Al

Jan 2008-Jan 2011

Managed store employees and sales goals for my husband's business.

Buyer for both stores.

BRANCH MANAGER 6, VP

January 2007-Jan 2008

Suntrust Bank, Panama City, Florida

Implemented sales goals and strategies to get branch back to meeting goals.

Met with business clients weekly to grow relationships

Weekly cold calling on new business prospects

Coached all employees to ensure optimal performance

Prepared weekly reports to track branch progress on sales goals and customer service

Worked closely with business banker to enhance business development

REAL ESTATE BROKER/OWNER
Gulf Sands Realty, Inc., Port Saint Joe, FL

August 2004-Dec 2009

Successfully started and grew a small real estate brokerage. Developed and maintained profitable relationships with clients in Florida, Alabama, Georgia, and Ohio. Specialized in investment properties. Total sales since the start of business to date are 4.1MM.

BRANCH SALES MANAGER/CONSUMER BANKING OFFICER

AmSouth Bank, AL & FL

August 2001-August 2004

Consistently exceeded aggressive company sales goals and grew deposit and loan base in these branches by 9% and 8% respectively. Opened a new branch (Orange Beach, AL) and grew the deposit base to 14MM and loan base to 18MM in nine months.

Prepared and presented sales presentations to local business owners which included medical offices, accounting offices, law firms, and retail stores.

Developed and managed new and existing accounts

Analyzed and proposed alternatives to customers

Motivated and managed all bank employees through relationship building, incentives, sales training, and productivity reporting.

Won a state wide contest in Alabama and several sales contest in Northwest Florida.

PRIVATE BANKING AND MARKETING OFFICER

Vision Bank, Gulf Shores, AL

August 2000-August 2001

Implemented the Private Banking Department of a new bank that was formed March of 2000.

Performed successful sales presentations to local small business owners, physicians, CPA's, and attorneys.

Supervised preparation and maintenance of quarterly sales and referral program for all bank employees.

Actuate/implemented promotional events to generate additional business and retain existing business.

PRIVATE BANKING OFFICER

June 1999-August 2000

Colonial Bank, Mobile, AL

Utilized self-starting skills to form the Gulf Coast Private Banking Department. Aggressively solicited new business in the medical community and the affluent market of Mobile and Baldwin Counties.

Increased a new deposit base of 8MM and managed a deposit base of 13MM.

Developed new relationships and provided an exceptional personal service to maintain existing clientele.

PERSONAL SALES REPRESENTATIVE

November 1995-June 1999

Colonial Bank, Daphne, AL

Responsible for selling and maintaining new accounts.
Assisted Branch Manager in preparation of all sales meetings and contest
1998 recipient of the Annual Customer Service Sales Award

EDUCATION

Faulkner University, Montgomery, AL

Bachelor of Science in Management of Human Resources, May 2000 – GPA 3.6

AFFILIATIONS

National and Florida Association of Realtors	August 2004-December 2009
Junior Service League of Port Saint Joe	September 2004 – May 2008
Gulf County Chamber of Commerce	August 2004-May 2008
Leadership Walton County Graduate	May 2004
Optimist Club (Gulf Shore, AL)	September 2002-June 2003
President	
Gulf Coast Chamber of Commerce	October 2001-June 2003
National Shrimp Festival Committee	
Alabama Young Bankers	January 1999-June 2003
Baldwin County Representative	
Kiwanis International	October 1999-November 2001
Treasurer 2000/2001	
OOMM	March 2001-present
Mystic Society, Fairhope, AL	

REFERENCES

G B Taylor, Jr.
President
Point Clear Insurance Services, Inc
Fairhope, AL
251-990-9050

Gayle McLemore
Senior VP
Suntrust Bank
Panama City, FL
850-896-3388

More references available upon request.

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
FEBRUARY 22, 2016
6:00 P.M.**

1. CALL TO ORDER/ROLL CALL

There being a quorum present the chairman called the meeting to order at 6:00 p.m.

MEMBERS PRESENT – Toni Fassbender; Doug Bailey; John Cox; Denis Kearney; Dan Romanchuk.

Absent: Pokey Miller.

Also present – Rebecca Hayes, recording secretary; Joe Davis; Angie Phillips; Mayor Haygood.

2. APPROVE MINUTES

MOTION BY Doug Bailey to approve the December 3, 2015 and December 16, 2015 special called meeting minutes. Seconded by Denis Kearney.

MOTION CARRIED UNANIMOUSLY

3. PUBLIC PARTICIPATION

No one spoke.

4. OLD BUSINESS

The board discussed the DISC project, and a contract with Prebble-Rish for professional services.

MOTION BY John Cox to approve entering into a contract with Prebble-Rish for professional services for the Daphne Innovation and Science Complex, and authorize Toni Fassbender, Chairman, to execute said contract. Seconded by Doug Bailey.

MOTION CARRIED

5. TREASURERS REPORT: JANUARY 2016

Cash Balance January 31, 2016: \$532,821.64

MOTION BY Denis Kearney to accept the Treasurers report with a balance of \$532,821.64. Seconded by Doug Bailey.

MOTION CARRIED UNANIMOUSLY

6. NEW BUSINESS

No new business.

7. REPORT FROM BALDWIN COUNTY ECONOMIC DEVELOPMENT ALLIANCE

No report.

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
FEBRUARY 22, 2016
6:00 P.M.**

8. OTHER BUSINESS

The board discussed reappointments.

MOTION BY Doug Bailey to reappoint Toni Fassbender to the Industrial Development Board. Term December 2015 – December 2021. Seconded by Denis Kearney.

AYE Kearney, Bailey, Romanchuk, Cox

ABSTAIN Fassbender

MOTION CARRIED

MOTION BY John Cox to reappoint Doug Bailey to the Industrial Development Board. Term December 2015 – December 2021. Seconded by Dan Romanchuk.

AYE Kearney, Romanchuk, Cox, Fassbender

ABSTAIN Bailey

MOTION CARRIED

10. ADJOURN

MOTION BY Doug Bailey to adjourn. Seconded by Dan Romanchuk.

MOTION CARRIED UNANIMOUSLY

There being no further business to discuss the meeting adjourned at 7:02 p.m.

Submitted by:

Certification of Presiding Officer:

Rebecca Hayes, Secretary

Toni Fassbender, Chairman

**The City of Daphne
Planning Commission Minutes
Regular Meeting of January 28, 2016
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

The regular meeting of the City of Daphne Planning Commission was called to order at 5:00 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

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

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 December 17. Ms. Bergin requested to amend the minutes to reflect Chief White's absence at the meeting; verified by staff. After discussion, the minutes were approved as amended.***

The next order of business is a subdivision exemption review of the Replat for Samuel Dean.

An introductory presentation was given by Mr. Joe Courtney, representing Courtney & Morris, of a subdivision exemption review for a two-lot subdivision consisting of approximately two-point eight five acres located northwest of the intersection of Faircloth Place and Pleasant Road of a relocation of the interior lot line in order to market the largest lot.

Chairman asked for Commission questions or comments.

Chairman stated this is a relocation of an interior lot line, and Mr. Courtney is requesting the exemption that the regulations permit.

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

The City of Daphne
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Council Chamber, City Hall - 5:00 P.M.

A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur to grant approval of the subdivision exemption of the replat for Samuel Dean. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is subdivision exemption review of the Replat for Stough.

An introductory presentation was given by Mr. Hunter Smith, representing Smith, Kolb & Associates, of a subdivision exemption review for a one-lot subdivision consisting of approximately one-point five acres located southwest of Pine Run of the elimination of an interior lot line for the creation of a larger buildable lot.

Chairman asked for Commission questions or comments and stated this is an exemption.

Mr. Scully commented that an exemption exists if the property is under single ownership; therefore, documentation should be presented of co-ownership or individual ownership and approval of the POA. Mr. Smith stated the replat of lots 68 & 69, TimberCreek Subdivision, Phase Seven was confirmed by the POA.

Chairman stated that ownership cannot be conveyed without a recorded plat; therefore, our function is not to be a part of the transfer, but the approval of the elimination of a common lot line. Mr. Scully stated the ownership issue should be addressed prior to the approval of the exemption.

Mr. Boucher stated the family subdivision aspect of this would come into play which would mean the Planning Commission would not have jurisdiction. Mr. Scully stated this is not a subdivision. Mr. Boucher stated the elimination of the interior lot line is subdividing.

Chairman stated we can acknowledge the exemption and the presentation of legal documentation of co-ownership or individual ownership prior to obtaining signatures and recording the plat.

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

A Motion was made by Mr. Scott and **Seconded** by Mr. Smith to grant approval of a subdivision exemption of the replat for Stough, the replat of lots 68 & 69, TimberCreek Subdivision, Phase Seven, contingent upon the submission of documentation of proof of co-ownership or individual ownership. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is final plat review for Brookhaven Subdivision, Unit Two, Part C.

**The City of Daphne
Planning Commission Minutes
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Council Chamber, City Hall - 5:00 P.M.**

An introductory presentation was given by Mr. Jason Estes, representative of Preble-Rish, requesting final plat review of a twelve-lot subdivision consisting of approximately four-point two eight acres located northwest of the intersection of County Road 13 and Whispering Pines Road.

Chairman asked for Commission questions or comments. Ms. Jones commented that the submission of documentation of the approval of Belforest Water Authority is outstanding.

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

A Motion was made by Mr. Fenderson and Seconded Mr. Smith to grant final plat approval of Brookhaven Subdivision, Unit Two, Part C, contingent upon the submission of documentation regarding the approval of Belforest Water Authority. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is final plat review for Caroline Woods Subdivision, 3A.

An introductory presentation was given by Mr. Jason Estes, representative of Preble-Rish, requesting final plat review of a sixteen-lot subdivision consisting of approximately five-point zero eight acres located north of Madison Place Subdivision and west of Daphne Commercial Park, Phase Two.

Chairman asked for Commission questions or comments and if the common area meets the requirements. Ms. Jones confirmed compliance.

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

A Motion was made by Ms. Bergin and Seconded Mr. Sandefur to grant final plat approval of Caroline Woods Subdivision, 3A. There was no discussion on the motion. The Motion carried unanimously.

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

An introductory presentation was given by Mr. Hunter Smith, representative of Smith, Kolb & Associates, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately zero-point nine acres located on County Road 54 East. The subdivision is a family exemption located in the planning jurisdiction.

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Regular Meeting of January 28, 2016
Council Chamber, City Hall - 5:00 P.M.

Chairman asked if the subdivision has received the approval of Baldwin County. Mr. Smith confirmed approval.

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

A Motion was made by Mr. Sandefur and Seconded by Mr. Smith to grant approval of the preliminary/final plat for Crowley Subdivision. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary/final plat review for the Resubdivision of Lot 2, Trott Subdivision.

An introductory presentation was given by Mr. David Shumer, representative of Barton & Shumer Engineering, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately three-point one three acres located northeast of the intersection of County Road 54 East and Trott Lane.

Chairman asked for Commission questions or comments and stated Mr. Shumer has submitted a plat with revisions as discussed at site preview.

Mr. Shumer commented that Baldwin County has given the approval of a family exemption.

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

A Motion was made by Mr. Fenderson and Seconded by Mr. Smith to grant approval of the preliminary/final plat for the Resubdivision of Lot 2, Trott Subdivision. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary/final plat review for Ionian Place Subdivision.

An introductory presentation was given by Mr. Andy Bobe and Jared Landry, representatives of Preble-Rish, and Mr. Richard Davis, Davis & Fields, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately thirty-six point one eight acres located southwest of the intersection of U.S. Highway 90 and Alabama Highway 181 for the purpose of the construction of a stand-alone emergency center of which Baldwin County has approved rezoning of a portion of the property to B-2, Neighborhood Business District.

Chairman asked for Commission questions or comments.

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Mr. Scully recused himself from discussion or action on this agenda item.

Mr. Scott commented on the enormous cost expended by the city for the installation of sanitary sewer on U.S. Highway 90, and asked if the plat reflects that the facility may utilize another utility company or if that has changed. Mr. Bobe stated the plat has been revised to reflect that services shall be provided by the Utilities Board of the City of Daphne.

Mr. Smith stated this is a staged development and asked for confirmation that the free standing emergency facility is stage one, and what is the height of the building. Mr. Bobe confirmed that the facility is the first stage of the development and is single story.

Chairman asked for discussion of the conveyance of ALDOT on access to the site. Mr. Bobe discussed preliminary accesses and signalization.

Chairman commented we do not review a site plan and it has no bearing on the subdivision, the discussion is strictly for information; however, our safety concerns are alleviated by the installation of the traffic signal.

Ms. Bergin asked if there is a requirement that the other lot have a shared access easement. Mr. Bobe stated that may be addressed in the covenants.

Mr. Davis stated the discussions with ALDOT have been favorable regarding an access and traffic signalization located approximately eight hundred feet south of the intersection of U.S. Highway 90 and Alabama Highway 181. If the traffic signal is built, the owner of the property will convey an easement for shared access which is addressed in the restrictive private covenants so everything we have done is independent of government supervision. I would say that a note to that effect is unnecessary and something you would not want to regulate, but at the time of the installation of traffic signalization ALDOT will require cross easements.

Chairman stated for clarification, the exact location of driveways is not known so we are creating the boundary between the lots, and once the location is known the cross easements will be conveyed.

Ms. Jones stated in the site preview meeting you asked about access to the adjacent property, Lot 3, and the plat shows a recorded easement with access to that property.

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

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Mr. Danny Lyndall, General Manager of the Utilities Board of the City of Daphne, thanked Mr. Bobe for his cooperation and stated I believe the omission of a certification for the Utilities Board of the City of Daphne was an oversight. The Utilities Board has owned the Malbis Water System since 1997 and has the capability to provide potable water, sanitary sewer, and natural gas, and the connection would reimburse the city for some of the investment into utilities on U.S. Highway 90.

Mr. Kevin Spriggs, Spriggs Enterprises, 29640 State Highway 181, spoke in favor of the proposed subdivision, and commented that he researched the name of the subdivision, and it is Turkish not Greek.

Mr. George Kalasountas, 9563 Malbis Lane, spoke in favor of the proposed subdivision, but stated he would like to preserve the recorded easement which he owns near U.S. Highway 90 located southwest of the lake and extends one hundred and sixty-eight feet west of Alabama Highway 181. Mr. Davis stated Mr. Kalasountas rights will not be affected by this subdivision.

Chairman asked for Commission questions or comments. He closed public participation and asked for a motion for approval.

A Motion was made by Mr. Scott and Seconded by Mr. Fenderson to grant approval of the preliminary/final plat for Ionian Place Subdivision, with the understanding that the utilities will be provided by the Utilities Board of the City of Daphne. There was no discussion on the motion. The Motion carried. Mr. Scully abstained.

The next order of business is preliminary/final plat review for Daphne Commons Subdivision.

An introductory presentation was given by Mr. Andy Bobe and Jared Landry, representatives of Preble-Rish, requesting preliminary/final plat review of a three-lot subdivision consisting of approximately four point four acres located northwest of the intersection of U.S. Highway 90 and Bayview Drive.

Chairman asked for Commission questions or comments and commented on the discussion at the site preview meeting regarding the setbacks. The plat has been revised to comply with the setbacks, pending review of an application for a variance by the Board of Zoning Adjustment.

Mr. Johnson stated the setback in this district is based on the Highway Construction Act, so the setback is measured from the centerline of the right-of-way and not the property line. This was simply a schriever error; therefore, most of the structures in this district would not be in compliance.

**The City of Daphne
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Ms. Jones stated it was not a schriever error, but rather that the Commission focused on the creation of regulations for a pylon sign and did not pay attention to this section. Mr. Boucher stated the only one that can say it is a schriever error, is the entity that passed the ordinance.

Mr. Scott asked did the City Council have the authority to impose a more stringent setback line than the highway setback legislation required. Ms. Jones confirmed and stated that is all the more reason to move forward with the proposed amendment.

Mr. Fenderson asked is this based on the revised drawing with a one hundred foot setback. Ms. Jones stated this document meets the ordinance. The original configuration was based on a fifty-foot setback of a B-2 zone, not the overlay district.

Chairman stated the plat presented is in compliance, pending variance application before the Board of Zoning, and a proposal for the City Council to revise the wording.

Ms. Jones stated to follow up with Ms. Bergin's comments regarding easements for Ionian Place ingress/egress/parking easements exists to all of the land in this subdivision.

Mr. Scott commented that the variance does not constitute a hardship and asked if the Commission moves forward with the modification, when would an ordinance be presented to City Council. Ms. Jones stated on March 2nd. Mr. Scott stated approximately forty-five days.

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

Mr. Kevin Spriggs, Jubilee Shell, 6851 U.S. Highway 90, spoke in favor of the proposed subdivision, and commented that he is opposed to the recommendation by ALDOT to close the east access to the property. Chairman stated this comment should be discussed during the presentation of the site plan. Mr. Spriggs stated public participation is not required. Chairman stated public participation will be permitted.

Chairman asked for Commission questions or comments. He closed public participation and asked for a motion for approval.

A Motion was made by Mr. Fenderson and Seconded by Mr. Smith to grant approval of the preliminary/final plat for Daphne Commons Subdivision. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is site plan review for Daphne Commons.

The City of Daphne
Planning Commission Minutes
Regular Meeting of January 28, 2016
Council Chamber, City Hall - 5:00 P.M.

An introductory presentation was given by Mr. Andy Bobe and Mr. Jared Landry, representatives of Preble-Rish, requesting site plan review of a multi-tenant retail strip center combined with food service, retail and medical uses and an area for future expansion with associated access, parking, and landscaping located northwest of the intersection of U.S. Highway 90 and Bayview Drive.

Chairman asked for Commission questions or comments.

Mr. Bobe stated the ALDOT controls access to a state highway and proposes to close one of the two accesses associated with this site at the time of permitting. Historically, storm water directed from Interstate 10 onto this site has caused flooding in this area due an error during the installation of a drainage pipe by ALDOT during the construction of U.S. Highway 90. A drainage system has been designed to accommodate the storm water on this site and alleviate flooding on U.S. Highway 90.

Chairman asked for Commission questions or comments.

Mr. Johnson stated this is site redevelopment, and there is less storm water post development or at the redevelopment of the property and recommended waiving the sidewalk requirement because the design as presented exceeds the linear footage requirement for sidewalks. Mr. Bobe stated that the request to waive the installation of sidewalks is mainly due to the location of drainage ditches along U.S. Highway 90.

Mr. Fenderson asked if the impervious area was included in the calculations. Mr. Bobe confirmed.

Mr. Scully commented on the variance request and the request to waive the installation of sidewalks.

Mr. Landry presented the proposed revision to the monument signage and stated the proposal is in compliance with the ordinance.

Ms. Jones asked the developer's intention for site plan review of the future development and if it in compliance with the parking provisions. Mr. Bobe confirmed.

Mr. Sandefur asked Mr. Bobe to discuss the ALDOT proposal for this site. Mr. Bobe stated they are requiring the installation of a right turn lane and requiring closing of one of entrances to this site.

Mr. Johnson stated the access meets the minimum requirement.

Mr. Scott stated the owner would not be able to get a building permit until the variance is approved. Ms. Jones stated a site disturbance permit would not be issued until the setback issue is resolved.

**The City of Daphne
Planning Commission Minutes
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Chairman asked for Commission questions or comments and opened the floor to public participation.

Mr. Kevin Spriggs, Jubilee Shell, 6851 U.S. Highway 90, spoke in favor of the proposed subdivision, and commented that he is opposed to the recommendation to close the east access to the property, and asked that consideration of an administrative review if ALDOT allows the access to remain.

Mr. John Lake, 110 Paige Circle, requested the Commissioners to not waive the sidewalk requirement due to the pedestrian and bicycle traffic of Lake Forest Subdivision.

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

A Motion was made by Mr. Scott and Seconded by Mr. Sandefur to grant approval of the site plan for Daphne Commons; waived the sidewalk requirement.

The Commissioners discussed the enactment of the overlay district and connectivity of sidewalks on U.S. Highway 90.

Mr. Scott stated the installation of sidewalks on U.S. Highway 90 would be of no benefit because there is not pedestrian traffic from Lake Forest Subdivision to the restaurants or grocery store at this intersection.

Commissioners discussed amending the motion to include that no permits will be issued pending a resolution to the setback issue. Mr. Scott accepted the amendment to the main motion.

The Motion was amended by Mr. Scott and Seconded by Mr. Sandefur to grant approval of the site plan for Daphne Commons, contingent that no permits are issued until the setbacks comply with the Ordinance; waived the sidewalk requirement. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a zoning amendment for Christ the King Catholic Church.

An introductory presentation was given by Mr. Gary Cowles, representative of Cowles, Murphy and Glover, requesting re-zoning of a zero point five one acre parcel located northwest of Main Street and Dryer Avenue from R-2, Medium Density Single Family Residential to B-1, Local Business.

Chairman asked for Commission questions or comments and a recommendation of approval.

The City of Daphne
Planning Commission Minutes
Regular Meeting of January 28, 2016
Council Chamber, City Hall - 5:00 P.M.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Scully of a **unanimous affirmative recommendation by the Planning Commission to the City Council of Daphne of re-zoning of a zero point five one acre parcel located northwest of Main Street and Dryer Avenue from R-2, Medium Density Single Family Residential, to B-1, Local Business. There was no discussion on the motion. The Motion carried unanimously.**

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

An introductory presentation was given by Mr. Doug Bailey, representative of the Industrial Development Board, of a request to pre-zone seventy-six acres located at the southwest corner of Champions Way and Alabama Highway 181 for the purpose of the annexation and development of thirty acres.

Chairman asked for Commission questions or comments and stated that the petition for annexation has been withdrawn. Mr. Boucher stated that the petition for annexation is valid for one hundred and eighty days.

Chairman stated legislation requires pre-zoning and annexation. The owners are requesting annexation of thirty acres as B-3, Professional Business, and remaining property to remain in the county as residential.

Mr. Scott commented on thirty-foot setback on Champions Way and the creation of an overlay district.

Chairman closed public participation and asked for Commission questions or comments and a recommendation of approval.

A **Motion** was made by Ms. Bergin and **Seconded** by Mr. Fenderson of an **affirmative recommendation by the Planning Commission to the City Council of a request to pre-zone seventy-six acres located at the southwest corner of Champions Way and Alabama Highway 181 from a RSF-1, Single Family Residential, in Baldwin County District 15, to a B-3, Professional Business, for the Bills' No. 2, L.L.C. Road. There was no discussion on the motion. The Motion carried unanimously.**

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 City of Daphne
Planning Commission Minutes
Regular Meeting of January 28, 2016
Council Chamber, City Hall - 5:00 P.M.**

The next order of business is planning commission discussion.

Ms. Jones referenced a proposed amendment to the Land Use and Development Ordinance for Article 39, Jubilee Retail Overlay District, Section 39-2(b), District Requirements, regarding setbacks, previously provided to Commissioners. The purpose of the amendment is to clarify the point at which a front yard setback is measured. Annotations have been added to the minimum zoning district setback requirements table referencing the U.S., State or County Road front yard setback requirement and the applicable notes, d & e as follows: (d) the front setback for property that does not front U.S. Highway 90 shall be a minimum of fifty (50) feet as measured from the front property line; and, (e) where abutting U.S. Highway 90, the front setback shall be measured from the centerline of the U.S. Highway 90 right-of-way.

Chairman asked for Commission questions or comments and a recommendation of approval.

A Motion was made by Mr. Scott and Seconded by Mr. Smith of an affirmative recommendation by the Planning Commission to the City Council of a proposed amendment to Ordinance 2011-54, the Land Use and Development Ordinance, to Article 39, Jubilee Retail Overlay District, Section 39-2(b), District Requirements, Setbacks, for the addition of annotations and applicable notes as follows: (d) The front setback for property that does not front U.S. Highway 90 shall be a minimum of fifty (50) feet as measured from the front property line; and, (e) Where property abuts U.S. Highway 90, the front setback shall be measured from the centerline of the U.S. Highway 90 right-of-way. There was no discussion on the motion. The Motion carried unanimously.

Chairman requested to delay discussion of a food truck and temporary modular structures used for operation of a permanent business to the meeting of February 25, 2016.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

Ms. Jones presented the following presented that the upcoming meeting dates are site preview, February 17, and regular meeting, February 25, 2016.

There being no further business, the meeting was adjourned at 6:53 p.m.

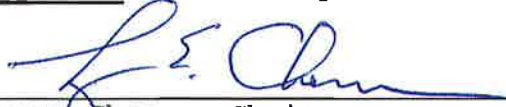
The City of Daphne
Planning Commission Minutes
Regular Meeting of January 28, 2016
Council Chamber, City Hall - 5:00 P.M.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: February 25, 2016



Larry Chason, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 25, 2016 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

1. **CALL TO ORDER**

2. **CALL OF ROLL:** LARRY CHASON, TYRONE FENDERSON, RON SCOTT, MARYBETH BERGIN, WILLIAM SCULLY, CHIEF WHITE AND HUDSON SANDEFUR

3. **APPROVAL OF MINUTES:**

Review of minutes for the regular meeting of January 28, 2016. **(APPROVED AS SUBMITTED)**

4. **NEW BUSINESS:**

A. **SITE PLAN REVIEW:**

1. **File SP16-03: (APPROVED)**

Site: Site One

Zoning(s): B-2, General Business

Location: Northwest of the intersection of Rand Avenue and Public Works Road

Area: 2.03 ± Acres

Owner(s): Jubilee Properties, L.L.C. - Spence Monroe

Engineer: Jade Consulting - Trey Jinright

B. **PETITIONS:**

1. **THE GARDENS ON RANDALL:**

(UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)

VACATION OF EASEMENT: PUBLIC HEARING

File VE16-01: Eastern Shore Acquisitions, L.L.C.

Location: Northwest of the intersection of Pollard Road and Randall Avenue

Area: 0.20 Acres ±

Owner: Eastern Shore Acquisitions, L.L.C. - Nathan Cox

Agent: Davis & Fields, P.C. - Rick Davis

C. **ADMINISTRATIVE PRESENTATION:**

1. **PETITION FOR STREET ACCEPTANCE:**

a. **File AP16-01:**

Presentation to be given by Adrienne Jones, Director of Community Development, recommending acceptance of all right-of-ways contained within Brookhaven Subdivision, Unit Two, Part C. Said right-of-ways being Riverton Court (438 linear feet). (UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 25, 2016 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

b. **File AP16-02:**

Presentation to be given by Adrienne Jones, Director of Community Development, recommending acceptance of all right-of-ways contained within Caroline Woods Subdivision, Phase Three A. Said right-of-ways being Elise Court (624.46 linear feet) and Barrington Lane (173.23 linear feet). (UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)

D. **PLANNING COMMISSION DISCUSSION:**

1. **Food Trucks (No action taken)**
2. **Temporary modular structures used for operation of a permanent business (No action taken)**

5. **PUBLIC PARTICIPATION**

6. **ATTORNEY'S REPORT**

7. **COMMISSIONER'S COMMENTS**

8. **DIRECTOR'S COMMENTS:**

- a. **SARPC Planning Commissioners Workshop, February 26, 2016, Mobile, 1- 4 p.m.**
- b. **Meeting dates: Site preview, March 16, and regular meeting, March 24, 2016**

9. **ADJOURNMENT**

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

MEMORANDUM

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

PROPOSED PRE-ZONING: B-1, Local Business

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

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

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

Thank you,
ADJ/jv

cc: file

attachment(s)

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



REZONING OR PRE-ZONING APPLICATION

Office use only

Date Submitted

12/21/15

Application Number:

Planning Commission Public

ZA-16-01 or PZA-

Hearing Date:

1/28/16

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

SITE DATA

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

PPIN#(s): 031649

713 DRYER AVE. DAPHNE, AL 36526

Gross Site Area (acreage):

5.181 ACRES

Requested Zoning or Pre-Zoning:

B-1

Current Zoning Designation(s):

R-2

Amended Request:

Initials:

Date:

Current Land Use:

PARKING LOT

Anticipated Land Use:

PARKING LOT

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

ATTACHED

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

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

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

Name of Current Owner:

CHRIST THE KING Catholic

251-626-2343

251-621-1640

Mailing Address:

Church

Phone/Fax:

E-mail:

711 COLLEGE AVE. DAPHNE, AL 36526

Name of Authorized Agent:

GARY D.E. COWLES

251-433-1611

Mailing Address:

457 ST. MICHAEL STREET MOBILE, AL 36602

Phone/Fax:

251-433-1411

E-mail: gcowles@cmg-a.com

Name of Developer*:

SAME AS AGENT

Phone/Fax:

E-mail:

Other:

N/A

Phone/Fax:

E-mail:

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

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

EXHIBIT "A"
LEGAL DESCRIPTION FOR
CHRIST THE KING CATHOLIC CHURCH

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

P.O.C. BALDWIN CO. HIGHWAY 84 80' R/W
1 NW CORNER OF SECTION 20, T-5-S, R-2-E
NO CORNER RECOVERED

REMAINS OF WELDED WIRE FENCE
100.36' 11.8' 98.95' 99.95' ACT.
98.95' REC.

100.36' 11.8' 98.95' 99.95' ACT.
98.95' REC.
225.79' ACT.
100.76' REC.
130.91' REC.
128.81' ACT.
500' 18' 46" E
500' 45' 22" E
225.97' ACT.
231.67' REC.
N00°19'30"W
N00°42'49"W
225.97' ACT.
231.67' REC.
N89°24'57"W
214.01'

ASPHALT
PARKING LOT
(NOT INCLUDED IN SURVEY)

ARCHDIOCESE
INST 0542674
713 DRYER AVE.
22569 FT.
0.5181 ACRES

PARCEL B
RP 445, PG 1377

OLD U.S. HIGHWAY 98 50' PUBLIC R/W
(MAIN STREET)

DRYER AVENUE 34' PUBLIC R/W
(PUBLISHED R/W WIDTH 30')

LEGAL DESCRIPTION:

PARCEL A:

Commencing at the Northeast corner of Section 19, Township 5 South, Range 4 East, Baldwin County, Alabama, Thence South, along the East line of said Section 19, 897.06 feet; Thence N-89°-24'-57"-W, leaving the East line of said Section 19, 100.76 feet to a crimp top iron pipe and the Point of Beginning of this parcel North, Thence S-100°-18'-46"-E, 100.36 feet to a point on the North right of way line of Dryer Avenue (34' wide public R/W); Thence N-89°-35'-26"-W, along the North right of way line of Dryer Avenue, for 98.90 feet; Thence N-00°-19'-30"-E, leaving the North right of way line of Dryer Avenue, for 225.97 feet to a crimp top iron pipe; Thence S-00°-16'-46"-E, for 95.99 feet to the Point of Beginning and containing 228 square feet or 0.5181 acres, more or less.

GENERAL NOTES:

BEARINGS BASED ON THE EAST RIGHT OF WAY OF MAIN STREET
AS BEING N00°24'23"E BASED ON GRID NORTH, MAG. 83.
IMPROVEMENTS, IF ANY, NOT INCLUDED IN THIS SURVEY.
FIELD SURVEY COMPLETED ON 07 AUGUST, 2015
USTN CAD FILE: \Gps\BALDWIN\DAHPNE\CTK\ 15060-713-DRYER.DGN

FLOOD ZONE:

FEMA NFIP FLOOD INSURANCE RATE MAP 0100300832L DATED JULY 16, 2007.
SHOWS THIS PROPERTY IN ZONE X UNSHADED.
FLOOD ZONE DETERMINATION MADE FROM GRAPHIC PLOTTING ONLY.

CERTIFICATION:

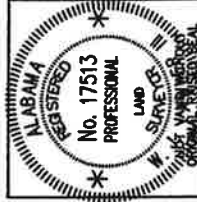
I, Claudia Lane, a Professional Land Surveyor in the State of Alabama, hereby certify that this survey and accompanying plat have been completed in accordance with the current requirements of the Standard Code of Professional Land Surveying in the State of Alabama to the best of my knowledge, information and belief.

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

[Signature]
W. LAWLER, III PLS 17513



NOT TO SCALE



REV.	DATE	REVISIONS
		LEGEND
		SUBJECT PROPERTY
		ADJOINING PROPERTY
		EASEMENT LINES
		OVERHEAD ELECTRIC
		FENCES
		SECTION CORNER
		POWER POLES
		GUY WIRES
		PINS & PIPES
		MONUMENTS
		TRANSFORMERS

LAWLER AND COMPANY
2879 THEODORE, ALABAMA 36682 (251) 861-8411
CLAUDIA LANE
PARCEL BOUNDARY SURVEY
CHRIST THE KING CATHOLIC CHURCH
IMMACULATA CENTER, DAPHNE, ALABAMA
DATE: 28 OCTOBER, 2015
DRAWN BY: CMG & ASSOC. - GARY COMLES
15-080

CHRIST THE KING CATHOLIC CHURCH

EXHIBIT "B"

IMMACULATA CENTER

ADJACENT PROPERTY OWNER'S LIST

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

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

**Daphne, City Of
P.O. Box 400
Daphne, AL 36526**

**J Johnson LLC
9591 St Hwy 104
Fairhope, AL 36532**

PLANNING COMMISSION
REZONING PETITION REVIEW



CHRIST THE KING



COMMUNITY DEVELOPMENT

Rezoning Request Christ the King Parish 0.51 acres

Owner: Christ the King Parish Daphne

Existing Conditions: 0.51 acres+/- parking lot

Existing Zoning: R-2 Medium Density Single Family District

Proposed Zoning: B-1, Local Business District

Surrounding Zonings/Uses:

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

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

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

West – Christ the King parking lot zoned R-2

Existing Utility Service Providers:

Water – Daphne Utilities

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

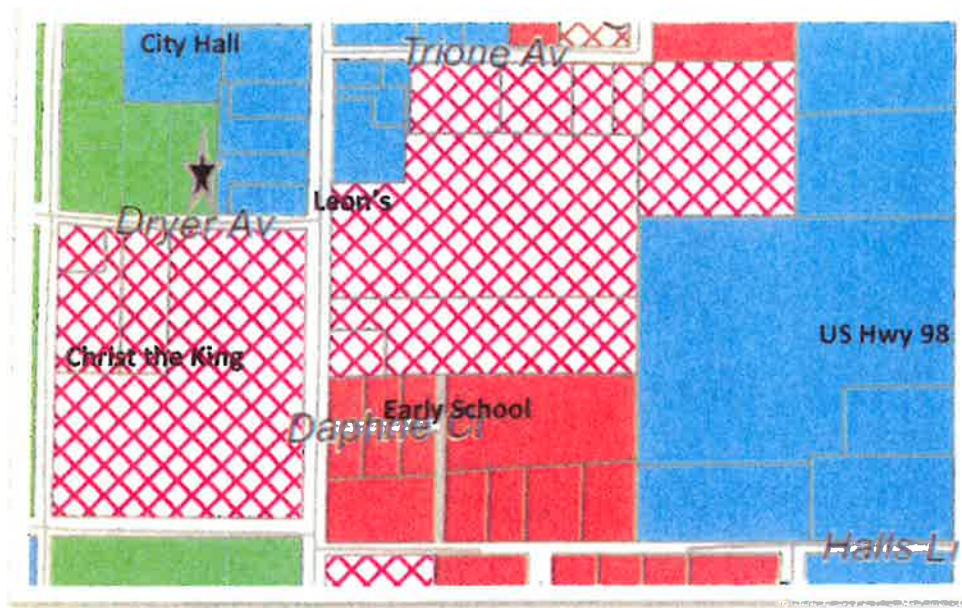
Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

Baldwin County Schools—n/a

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



Comprehensive Plan

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



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

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

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

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

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

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

LEGAL DESCRIPTION

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

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

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on April 4, 2016; and,

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

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

SECTION I: ZONING

That above described real property is hereby rezoned from R-2, Medium Density Family Residential District to B-1, Local Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

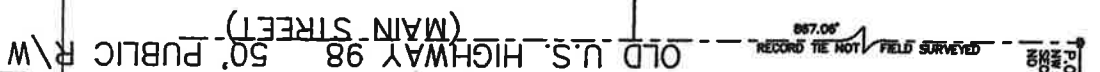
Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION FOR
CHRIST THE KING CATHOLIC CHURCH

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



OLD U.S. HIGHWAY 98 50' PUBLIC R/W
(MAIN STREET)

30 0 30
SCALE IN FEET

W. J. LAWLER, III PLS 17513

FLOOD ZONE:

LEGAL DESCRIPTION:

LAWLER AND COMPANY
2879 CLAUDIA LANE
THEODORE, ALABAMA 36682 (205) 661-9411
PARCE BOUNDARY SURVEY
CHRIST THE KING CATHOLIC CHURCH
IMMACULATA CENTER, DAPHNE, ALABAMA

EXHIBIT "B"

PLEASE Publish in the Bulletin Legal Section on Friday,
March 11, 2016

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on April 4, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from R-2, Medium Density Family Residential District to B-1, Local Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

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

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

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PLEASE Publish in the Bulletin Legal Section on Friday,
March 18, 2016

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given March 11, 2016, that the City Council of the City of Daphne will hold a Public Hearing on April 4, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from R-2, Medium Density Family Residential District to B-1, Local Business District, as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

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

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

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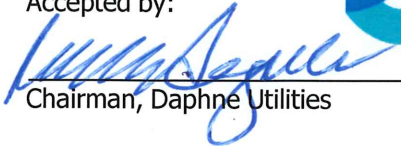
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Accepted by:


Chairman, Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ January 27, 2016 ♦ 5:00 p.m.

I. Call to Order

The regular January 2016 Board meeting for the Utilities Board of the City of Daphne was held on January 27, 2016 at 5:00 p.m. in the Council Chambers at Daphne City Hall and called to order by Vice-Chairman Randy Fry, proceeded by the Roll Call:

II. Roll Call

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

Members Absent: Robert Segalla, Chairman

Others Present: Jerry Speegle – Board Attorney
Danny Lyndall – General Manager
Van Baggett – Operations Manager
Drew Klumpp – Administrative Services Manager
Rebecca Williamson – Accounting Assistant
Lori May-Wilson – Executive Assistant
Melinda Immel – Volkert & Associates
Ray Moore – HMR
Robbie Strom – HMR

Others Absent: Teresa Logiotatos – Finance Manager

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. Utilities Board Corrected Minutes from December 2 (for November), 2015:

The Vice-Chairman advised that the Corrected Minutes from the December 2 (for November), 2015 Utilities Board Meeting was distributed and requested any corrections, additions or deletions.

The submitted corrected Minutes for December 2 (for November), 2015 stood approved with no corrections, additions or deletions.

V. OLD BUSINESS – No old business.

VI. NEW BUSINESS –

A. Refunding of 2005 Series Drinking Water SRF and 2006 Series Drinking and Clean Water SRF

Danny Lyndall informed the Board that no action was required on this item as it was only being provided for the Board's information at this time. He advised that 3 SRF loans are available for refinancing and our financial advisor, Mr. Phil Hunt, has reviewed these loans and believes he is able to get a savings for Daphne Utilities close to \$300,000 over the remaining life of the loans. He noted that a resolution could come before the Board at the February or March board meeting.

B. Recommendation for Award: Olde Towne Daphne Water Treatment Facility (BOARD ACTION: Motion)

Ray Moore with Hutchinson, Moore & Rauch reviewed the project and bid tabulation for the Board and recommended the project be awarded to The Creel Company, Inc. at their submitted lowest bid \$1,812,615.00. Mr. Moore answered questions concerning the timeline.

MOTION BY Mayor Dane Haygood to award the Olde Towne Daphne Water Treatment Facility project to The Creel Company, Inc. at their submitted lowest bid of \$1,812,615.00 including Item #DD-3; Seconded by Billy Mayhand.

AYE: Fry, Haygood, Mayhand, Vaughn

NAY:

ABSENT: Segalla

ABSTAIN:

MOTION CARRIED

C. Resolution 2016-01 Restructuring of Utility Rates (BOARD ACTION: Motion)

Mr. Lyndall advised the Board that the submitted Resolution and Projection Model is the result from the presentation given last year by Raffetis Financial Consultants to simplify and reduce the number of our customer rate classes. He confirmed that Mr. Speegle had reviewed and counseled on the model. Mr. Lyndall pointed out that only one adjustment from the financial consultants' recommendation is the addition of the "raw water" rate class which stemmed recently from the Christ The King athletic field project. He also explained that this new rate structure is designed to be revenue-neutral for all rate classes but slightly lower for the residential customers and as previously suggested, commercial customers have been contacted and advised. Mayor Haygood requested to postpone this agenda item until February to review further.

MOTION BY Mayor Dane Haygood to carry over Resolution 2016-01 into the February board meeting; Seconded by Billy Mayhand.

AYE: Fry, Haygood, Mayhand, Vaughn

NAY:

ABSENT: Segalla

ABSTAIN:

MOTION CARRIED

Mr. Lyndall assured the Board that notification will be given to our customers.

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle advised the Board of an error in his report and then gave a brief overview.

VIII. FINANCIAL REPORT

Rebecca Williamson pointed out a heading error on one of the tables of the Cash Flow Reports then proceeded to review the financials from November and December 2015 and offered to answer questions from the Board.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Danny Lyndall had nothing additional to include in his report, however he explained the new Leadership Academy program that had been implemented in September and recognized the new

supervisors that participated in the program by attending accelerated classes: Carlos Butler, Kelly DeLaney, Fred Williams, Darrell Bryant, Percy Gulley, James McPherson and Jake Mason. Certificates were presented to each participant. Mr. Lyndall had nothing further to add.

B. Operations Report

Van Baggett reviewed his report for the Board highlighting the New Year's Day water main break repair; he also pointed out recent upgrades in areas at Central Services, the decorated Christmas crabs at the Elizabeth S. Yelding Park, and renovations to the Daphne Utilities' cooking trailer.

C. Engineering & Consulting Reports

Melinda Immel from Volkert updated the Board on the US 90 Water project that will be solicited for bids and presented to the Board in the upcoming months and offered to answer any questions from the Board.

Ray Moore from HMR elaborated on the Douglas Road project, Olde Towne Water Treatment Facility project as well as the Unsewered Area of Daphne. He offered to answer any questions from the Board.

X. BOARD ACTION – Previously addressed.

XI. PUBLIC PARTICIPATION – None.

XII. BOARD COMMENTS – Mayor Haygood thanked Daphne Utilities for participation in the many City holiday events, in particular Samantha (Coppels) for her behind-the-scenes planning and involvement; he emphasized the many compliments and praise for events and the partnership building with the City. Mayor Haygood also acknowledged Danny Lyndall for his courteous and prompt consideration to concerns and issues that surface. Billy Mayhand congratulated the supervisors on their Leadership Academy certification. Selena Vaughn express her positive anticipation for Arbor Day and upcoming collaborations. Randy Fry thanked everyone for the jobs that they do and the great organization with which to be proud.

XIII. ADJOURNMENT

MOTION BY Billy Mayhand to adjourn.

AYE: Fry, Haygood, Mayhand, Vaughn

NAY:

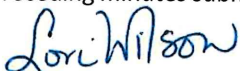
ABSENT: Segalla

ABSTAIN:

MOTION CARRIED

The meeting adjourned at 5:30 pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities

**CONTRACT FOR PROFESSIONAL SERVICES
BY AND BETWEEN THE
CITY OF DAPHNE
AND
GRANT MANAGEMENT, LLC**

THIS CONTRACT FOR PROFESSIONAL SERVICES entered into on this the ____ day of _____, 2016, is made by and between **GRANT MANAGEMENT, LLC**, of Fairhope, Alabama, and hereinafter referred to as “**CONTRACTOR**” and the **CITY OF DAPHNE**, an Alabama municipal corporation, hereinafter referred to as “**LOCAL GOVERNMENT**”. This contract concerns professional consulting services related to:

Comprehensive Administration and Management of all federal, state and local grant applications and projects, as requested by the City of Daphne administration, staff, and elected officials.

W I T N E S S E T H:

WHEREAS, the LOCAL GOVERNMENT desires to engage the CONTRACTOR to render technical and professional services, hereinafter described in connection with comprehensive grant consulting as requested by the LOCAL GOVERNMENT officials.

NOW, THEREFORE, the LOCAL GOVERNMENT and the CONTRACTOR do mutually agree as follows:

**ARTICLE I
EMPLOYMENT OF CONTRACTOR**

The LOCAL GOVERNMENT agrees to engage the CONTRACTOR and the CONTRACTOR hereby agrees to perform the services hereinafter set forth in connection with the Comprehensive Administration and Management of all federal, state and local grant applications and projects, as requested by the City of Daphne administration, staff, and elected officials or the LOCAL GOVERNMENT, for Professional Services as prescribed in accordance with accepted practices.

**ARTICLE II
SCOPE OF SERVICES FOR PROFESSIONAL SERVICES**

The CONTRACTOR shall provide professional and technical assistance and grant administration and management services to the LOCAL GOVERNMENT to include, but not necessarily be limited to, the activities described in Attachment A.

ARTICLE III
TIME OF PERFORMANCE

Services to be provided shall commence for an initial period of one (1) year beginning March 1, 2016 and terminating on February 28, 2017. Thereafter, such contract shall automatically renew unless either party provides written notice to the other party at least thirty days prior to expiration of said contract.

ARTICLE IV
GENERAL PROVISIONS

- a. The CONTRACTOR warrants that it has the professional personnel capable of performing the services called for herein, in a satisfactory and proper manner, or will secure the services of such personnel as may be required to perform such services.
- b. Office Space: The CONTRACTOR agrees to provide and maintain the office space and facilities required to perform all services as called for under this Contract, at no expenses to the LOCAL GOVERNMENT.
- c. CONTRACTOR agrees to indemnify and hold harmless LOCAL GOVERNMENT for any repayment, fines, or findings made or required by the funding entities that are due to the actions or omissions of CONTRACTOR or their agent. This term shall serve the termination or expiration of this contract.
- d. None of the work or services covered by this Contract shall be subcontracted without the prior approval of the LOCAL GOVERNMENT. Any work or services subcontracted hereunder shall be specified by written contract and shall be subject to each provision of this Contract.
- e. Access to Materials: The LOCAL GOVERNMENT agrees to make available to the CONTRACTOR any maps, documents, and planning materials, or any other information in its possession or otherwise readily available, which has a direct bearing on the grant project of the LOCAL GOVERNMENT, at no expenses to the CONTRACTOR.

ARTICLE V
COMPENSATION AND METHOD OF PAYMENT

For services rendered under this Contract the LOCAL GOVERNMENT agrees to pay the CONTRACTOR the sum of \$42,000 per year, payable monthly upon billing by contractor. The Contract will remain in force unless written notice of termination is given or the contract amount of \$42,000 is not approved for appropriation in a new fiscal year budget.

As consideration for duplication of services provided under this agreement and those previously contracted between LOCAL GOVERNMENT and CONTRACTOR under the terms of the contract dated March 10, 2015 related to Grant Administration of Coastal Impact Assistance (CIAP) grants from the State of Alabama, Department of Conservation and Natural Resources (AL2-21) Baldwin County Commission (BC-14) and National Fish and Wildlife

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Foundation (NFWF) for the Restoration of an Unnamed Tributary to Tiawasee Creek (the "Tiawasee Creek Project Agreement"). As part of this agreement, all remaining unbilled amounts from previous signed contracts (currently \$25,000.00) will be due and payable under this contract. CONTRACTOR hereby credits LOCAL GOVERNMENT the remaining un-invoiced and unpaid amounts from the Tiawasee Creek Project Agreement in the amount of \$9,375 which shall be used to offset the amount due to CONTRACTOR for the first year of services due under the terms of this agreement.

–The aforesaid compensation shall be the full compensation for all work performed by Consultant under this Contract.

ARTICLE VI

TERMS AND CONDITIONS

- a. **Termination of Contract for Cause/Breach of Contract.** If through any cause, the CONTRACTOR shall fail to fulfill in a timely and proper manner his obligations under this Contract, or if the CONTRACTOR shall violate any of the covenants, Contracts or stipulations of this Contract, the LOCAL GOVERNMENT shall thereupon have the right to terminate this Contract by giving written notice to the CONTRACTOR of such termination and specifying the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports or other materials prepared by the CONTRACTOR under this Contract SHALL, AT THE OPTION OF THE local government become its property and the CONTRACTOR shall be entitled to receive just and equitable compensation for any work satisfactorily completed on such documents or materials. Notwithstanding the above, the CONTRACTOR shall not be relieved of liability to the LOCAL GOVERNMENT FOR DAMAGES SUSTAINED BY THE local government BY VIRTUE OF ANY BREACH OF THE Contract by the CONTRACTOR, and the LOCAL GOVERNMENT may withhold any payments to the CONTRACTOR for the purpose of set-off until such time as the exact amount of damages due the LOCAL GOVERNMENT from the CONTRACTOR is determined.
- b. **Termination for Convenience of the Local Government.** The LOCAL GOVERNMENT may terminate this Contract at any time by giving written notice to the CONTRACTOR of such termination and specifying the effective date thereof, at least thirty (30) days prior to the effective date of such termination. In such event, all finished or unfinished documents and other materials as described in the above clause, shall, at the option of the LOCAL GOVERNMENT, become its property. If the Contract is terminated by the LOCAL GOVERNMENT as provided herein the CONTRACTOR shall be entitled to receive just and equitable compensation for any work satisfactorily completed on such documents and materials. The CONTRACTOR shall also be reimbursed (in addition to the above

payment) for that portion of the actual out-of-pocket expenses (not otherwise reimbursed under this Contract) incurred by the CONTRACTOR during the contract period which are directly attributable to the uncompleted portion of the services covered by this Contract. If this Contract is terminated due to the fault of the CONTRACTOR, the above clause relative to termination shall apply.

- c. **Changes.** The LOCAL GOVERNMENT may, from time to time, request changes in the Contract's Scope of Services to be performed hereunder. Such changes, or renegotiation, including any increase or decrease in the amount of the CONTRACTOR'S compensation, which is mutually agreed upon by and between the LOCAL GOVERNMENT and the CONTRACTOR, shall be incorporated in written amendments to this Contract. The Contract may be extended under mutually agreed provisions, through a written Amendment to this document.
- d. **Assignability.** The CONTRACTOR shall not assign any interest on this Contract, and shall not transfer any interest in the same (whether by assignment or novation), without the prior written consent of the LOCAL GOVERNMENT provided however, that claims for money by the CONTRACTOR from the LOCAL GOVERNMENT under this Contract may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be promptly furnished to the LOCAL GOVERNMENT.
- e. **Reports and Information.** The CONTRACTOR, at such times, and in such forms as the LOCAL GOVERNMENT may require, shall furnish to the LOCAL GOVERNMENT such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Contract, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this Contract.
- f. **Findings Confidential.** All of the reports, information, data, etc., given to, or prepared or assembled by the CONTRACTOR under this Contract are confidential and the CONTRACTOR agrees that they shall not be made available to any individual or organization without the prior written approval of the LOCAL GOVERNMENT.
- g. **Publication, Reproduction and Use of Material.** No material produced in whole or in part under this Contract shall be subject to copyright by or on behalf of the CONTRACTOR in the United States or in any other country. The LOCAL GOVERNMENT shall have unrestricted authority to publish, disclose, distribute, and otherwise use, in whole or in part, any reports, data or other materials prepared under this Contract.
- h. **Compliance with Local Laws.** The CONTRACTOR shall comply with all applicable federal, state and local laws, regulations, ordinances and codes.

- i. **Audits and Inspection/Access to Records/Record Retention.** At any time during normal business hours and as often as the LOCAL GOVERNMENT may deem necessary, the CONTRACTOR shall make available to the LOCAL GOVERNMENT for examination all of its records with respect to matters covered by this Contract and will permit the LOCAL GOVERNMENT to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel conditions of employment, and other data relating to all matters covered by this Contract. The CONTRACTOR shall retain all books, documents, papers, and records which are directly pertinent to this Contract for a period of five (5) years following completion of the contracted work and expiration of the Contract, unless written permission to destroy them or a written request to turn them over to the LOCAL GOVERNMENT is made.

ARTICLE VII
ADDITIONAL SERVICES OF CONTRACTOR

If authorized in writing by those with legal authority in the LOCAL GOVERNMENT, the CONTRACTOR shall furnish additional services which are not considered as an integral part of the Scope of Services herein. Under this Contract, all costs for additional services will be negotiated as to activities and compensation. Upon mutual contract between the LOCAL GOVERNMENT and CONTRACTOR and written authorization from the LOCAL GOVERNMENT to proceed, the CONTRACTOR will provide the additional service. Extended contract period caused by factors other than those under control of CONTRACTOR is considered to be an additional service.

IN WITNESS WHEREOF, THE LOCAL GOVERNMENT AND THE CONTRACTOR BY AND APPROPRIATE MOTION ADOPTED AN A LEGALLY AUTHORIZED MEETING OF ITS GOVERNMENT BODY HELD ON THE ____ DAY OF _____, 2016 HAS AUTHORIZED THIS CONTRACT TO BE EXECUTED.

CITY OF DAPHNE, ALABAMA
an Alabama municipal corporation

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

GRANT MANAGEMENT, LLC

CARA STALLMAN, OWNER

ATTEST:

ATTACHMENT A
SCOPE OF SERVICES

- A. Meetings. Attend and represent the LOCAL GOVERNMENT at meetings as necessary to implement the applicable projects.
- B. Files. Design a records management system that can be easily used by responsible personnel within the LOCAL GOVERNMENT. Provide assistance in setting up and maintaining the grant program files to adequately demonstrate compliance with all pertinent federal and state requirements.
- C. Contract for Engineering Services. Develop appropriate contract procurement and contract documentation for engineering services and prepare the necessary justification statement for utilization of the engineering firm chosen by the LOCAL GOVERNMENT. Said justification statement shall specifically include reasonableness and cost justification.
- D. Accounting Systems. Design, implement, and maintain the LOCAL Government's grant account system to include all appropriate ledgers and journals.
- E. Project Budgets and Schedules. Prepare project and program grant budgets and schedules and revisions thereto, as required.
- F. Contractor Status. Coordinate with the State to obtain information with respect to debarment status on selected engineering and construction firms to be engaged, grant funded public improvement contracts, as applicable.

- G. Contract Approval. Review and approve construction contracts for compliance with state and federal regulations and requirements.
- H. Financial Management. Assist in approving grant related purchase requests with respect to programmatic and regulatory compliance. Prepare Requests for Payment on Letter of Credit. Monitor financial transactions and records to ensure they comply with state and federal requirements.
- I. Project Management. Monitor and update the LOCAL GOVERNMENT on the contract performance of the engineering firm and construction contracts with respect to project costs, schedules and performance.
- J. Grant Closeout. Assist the LOCAL GOVERNMENT with arrangements to conduct any required grant audit and prepare the necessary Grantee Performance Report.
- K. General Administration. The above activities notwithstanding, provide general assistance, as appropriate, and when needed to assure that the grant programs are performed and completed in a timely and competent manner. Responsibilities in this area shall include, but are not limited to, preparation of miscellaneous reports, correspondence and file documentation, meetings with various persons and agencies, and coordination specifically in response to requirements and requests of the applicable state or federal agency.
- L. Comprehensive Existing Grant Overview. Conduct a comprehensive examination of the LOCAL Government's existing grant funded projects and provide technical assistance where needed or as requested by staff for any open grants.
- M. Comprehensive Needs Analysis. Perform a review of the LOCAL Government's Comprehensive Plan and other relevant planning documents to gain knowledge of development needs. Meet with various LOCAL GOVERNMENT officials, department heads, committee members, and staff to develop a specific list of identified needs that could be met with future grant funds.
- N. Grant Resources. Identify funding sources for projects and educate LOCAL GOVERNMENT staff and officials on grant program timelines, requirements, and commitment of funds and resources that would be necessary from the LOCAL GOVERNMENT.
- O. Keep LOCAL GOVERNMENT staff and officials informed of current grant opportunities on an on-going basis, including providing any relevant information, such as matching funds requirements.
- P. When authorized by the LOCAL GOVERNMENT to apply for a specific grant then all grant application preparation services will be provided. CONTRACTOR will be responsible for submitting a completed grant application to the funding entity prior to the stated deadline. CONTRACTOR will provide the LOCAL GOVERNMENT with a

complete copy of the grant application and confirmation that the application was received by the funding entity. CONTRACTOR will periodically check with the funding entity while the application is under review and will inform relevant LOCAL GOVERNMENT staff and officials when the grant is either funded or denied.

- Q. When requested by the LOCAL GOVERNMENT, CONTRACTOR will provide the full range of grant administration and management services for grant funded projects, ensuring compliance with all local, state and federal grant related laws, rules and regulations. CONTRACTOR will utilize professional grant management experience to make certain that no project delays, audit findings, or disallowed costs occur in relation to any grant funded projects.
- R. CONTRACTOR will work with LOCAL GOVERNMENT staff, attorneys, and accountants to establish comprehensive best management practices for administration of grant funds, including establishment of proper financial and record keeping procedures, procurement, and bidding and contracting practices that comply with grant applicable rules, submission of progress and finance reports, procedures for timely and accurate requests for reimbursement, close-out and record retention procedures and compliance with audit requirements.
- S. CONTRACTOR will be responsible for assisting LOCAL GOVERNMENT staff in navigating state and federal grant related processes and will meet with funding entities and attend grant related meetings as needed or required. CONTRACTOR will be readily available to LOCAL GOVERNMENT staff and officials to research grant opportunities and to answer grant related questions.
- T. CONTRACTOR will provide written reports on funding progress and status of grant funded projects to the LOCAL GOVERNMENT as requested.
- U. CONTRACTOR shall provide all services agreed upon under the Contract for Professional Services dated the 2nd of February, 2015 between the City of Daphne and Grant Management, LLC for services in connection with the Coastal Impact Assistance Program (CIAP) grants from the State of Alabama Department of Conservation and Natural Resources (AL2-21), Baldwin County Commission (BC-14), and National Fish and Wildlife Foundation (NFWF) for the Restoration of an unnamed Tributary to Tiawasee Creek and the subsequent amendment for the ADEM/NFWF grant received for the Tiawasee Creek project and the Trione Park Watershed Enhancement project.

CITY OF DAPHNE

RESOLUTION 2016-13

**VACATION OF DRIVEWAY EASEMENT(S)
EASTERN SHORE ACQUISITIONS, L.L.C.
THE GARDENS ON RANDALL SUBDIVISION**

WHEREAS, Eastern Shore Acquisitions L.L.C. has presented to the City Council of Daphne, Alabama a petition seeking vacation of certain driveway easement(s), the desire to vacate said driveway easement(s), and consent to the vacation thereof has been given by certain entities and abutting landowners having certain rights therein; and,

WHEREAS, at the regular Planning Commission meeting on February 25, 2016 the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, the City Council of Daphne, Alabama does assent to and approve the vacation and the annulment of the dedication thereof as reflected on said recorded plat and/or restrictive covenants of the Gardens on Randall Subdivision as consistent with the interest of the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA to assent to the act of the aforesaid petitioner in vacating and annulling said driveway easement(s), including recordation of this resolution, and same is hereby vacated. Said driveway easement(s) being more particularly described as follows:

The two 20' by 20' driveway easements of the Gardens on Randall Subdivision, as shown on the final plat dated May 21, 2007 and recorded on May 30, 2007 on Slide 2345D, Instrument #1053021, in the Office of the Judge of Probate of Baldwin County, Alabama. Said easements being located in Section 17, Township 5 South, Range 2.

BE IT FURTHER RESOLVED that the City Council of the City of Daphne, Alabama is authorized to execute this resolution and that the City Clerk is authorized and directed to attest and certify the same.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE)
STATE OF ALABAMA)
COUNTY OF BALDWIN)**

I, Rebecca A. Hayes, City Clerk of the City of Daphne, Alabama, do hereby certify the foregoing to be a true and exact copy of resolution 2016-13, and that such document is on file in the office of the City Clerk.

ATTEST:

Rebecca A. Hayes,
City Clerk
City of Daphne, AL

To: Office of the City Clerk

From: Adrienne D. Jones, 
Community Development Director

MEMORANDUM

Subject: Eastern Shore Acquisitions, L.L.C.
Vacation of the Driveway Easements for
the Gardens on Randall Subdivision

Date: February 26, 2016

At the, February 25, 2016, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a **favorable recommendation** of the above-mentioned vacation of driveway easements.

Attached please find said documentation for placement on the Monday, March 7, 2016 City Council for action by the City Council.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Planning Report
2. Petition for Vacation of Driveway Easements
3. Subdivision Plat
4. Legal Description
5. Adjacent Property Owners List
6. Easement Release Forms
7. Resolution

ARTICLE XXIV

VACATION OF EASEMENT AND/OR RIGHT-OF-WAY

24-1 PROCEDURE

The City Council may, from time to time, after examination and review thereon, amend, supplement, or change the subdivision requirements in regard to easements and right-of-ways provided herein or subsequently established, whether initiated by the Planning Commission, or any person, firm, or a corporation shall be treated in accordance with the following procedure:

- (a) An application on the prescribed form shall be submitted in writing to the Department of Community Development thirty (30) days prior to the regularly scheduled meeting of the Planning Commission and must be accompanied by an adjacent property owners list, warranty deed (proof of ownership), legal description of subject property, current survey, and a map of the subject property.
- (b) The application shall be reviewed by the Planning Commission at its next regular meeting.
- (c) Said Commission before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the Planning Commission with proper notice as required by law. Due notice shall also be given to the parties in interest of the date, time, and place of said hearing.

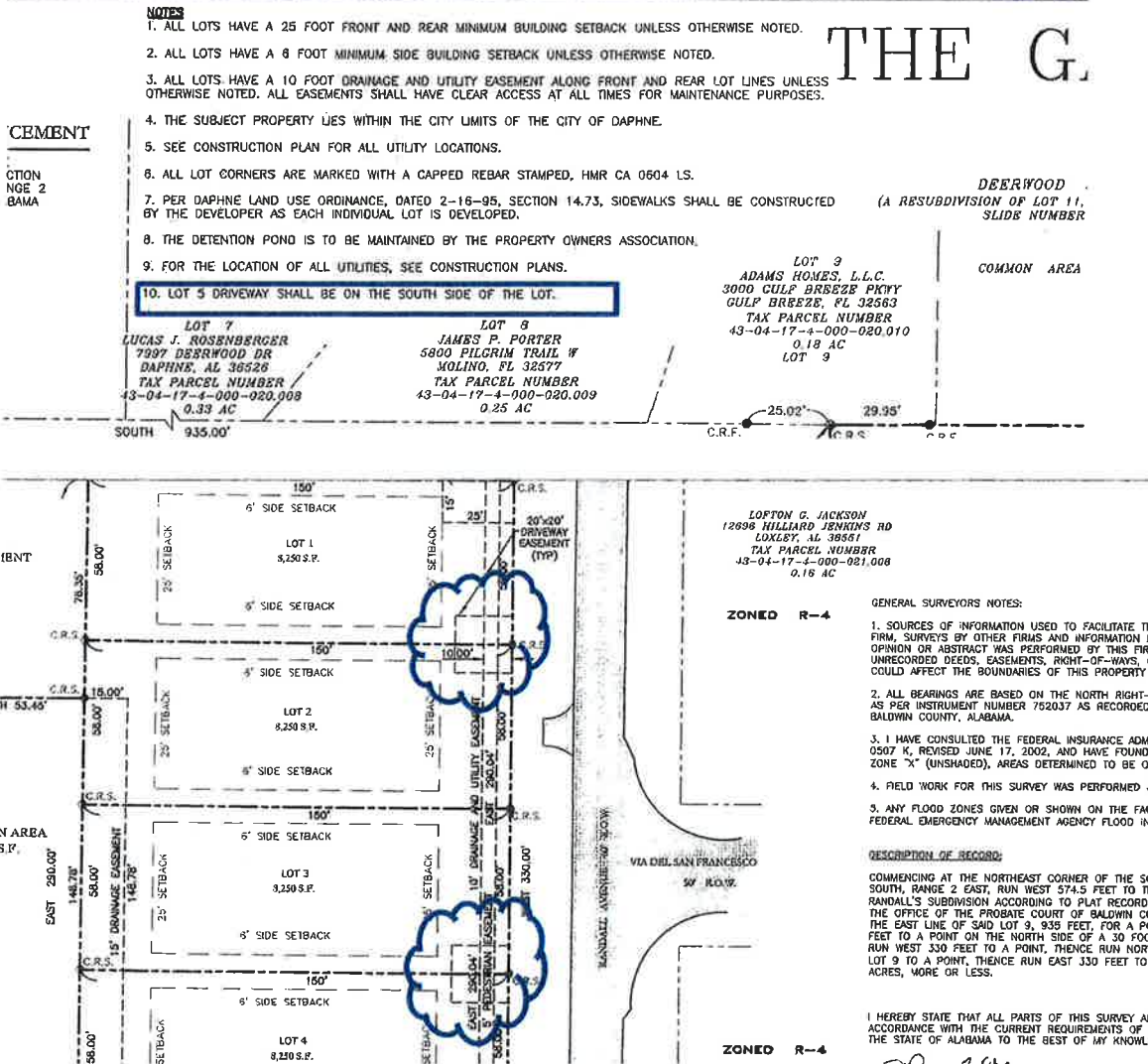
Said notice of a vacation of easement or right-of-way shall be published in full for one (1) insertion in a newspaper of general circulation published in the municipality prior to the said public hearing by the City Council.

- (d) Said easement or right-of-way shall be vacated and/or relocated upon the recommendation of the Planning Commission and the acceptance by resolution of the City Council.
- (e) Any petition for vacation of easement and/or right-of-way may be withdrawn prior to action thereon by the Planning Commission or City Council at the discretion of the owner, authorized representative, firm, or corporation initiating such a request upon written notice to the Planning Coordinator in the Department of Community Development or City Clerk in the City Clerk's Office, whichever is applicable.

Vacation of Right-of-Way process is governed by Code of Alabama Sections 23-4-20 and 35-2-54 and Article 24 of the Land Use & Development Ordinance.

COMMUNITY DEVELOPMENT VACATION OF EASEMENT REVIEW GARDENS ON RANDALL SUBDIVISION DRIVEWAY EASEMENTS

345D



The applicant proposes to vacate two 20' x 20' driveway easements located along Randall Avenue in the Gardens on Randall subdivision which was approved by the Planning Commission in 2007. The shared driveways were placed on the plat as a means to reduce the number of driveways along Randall Avenue. Note #10 states that lot 5 driveway shall be on the south side of the lot, however, south is along Randall Avenue. It is likely that the driveway was intended to be at the southwest corner of Lot 5. The entire subdivision is under single ownership. Vacating the driveway easements should have no impact on the general public. It will allow the owner reasonable flexibility regarding access for the small neighborhood. All other easements (drainage, pedestrian, utility) will remain as noted upon the plat. **Staff recommends approval.**

PETITION FOR VACATION OF EASEMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL OF DAPHNE, ALABAMA:

The undersigned Nathan L. Cox, managing member of Eastern Shore Acquisitions, LLC is/are the owner(s) of said property and this is a statement and petition seeking vacation of certain **driveway** easement(s). Aforesaid plat and/or restrictive covenants to said subdivision provides for **access** via two driveway easements. Owner(s) hereby petition, by the attached copies to vacate a certain **driveway** easement(s) described as follows:

The two 20' x 20' driveway easements of The Gardens on Randall Subdivision, as shown on Final Plat dated May 21, 2007 and recorded on May 30, 2007 on Slide 2345D, Instrument #1053021, in the Office of the Judge of Probate of Baldwin County, Alabama, said easements being located in Section 17, Township 5 South, Range 2 East.

No other easements within said subdivision will be affected by this petition.

The Petitioner further requests the Mayor and City Clerk be authorized and directed to execute a resolution which approves, ratifies, adopts, and confirms the vacation of the hereinabove described portion of said driveway easement(s).

IN WITNESS WHEREOF, the Petitioner(s) have hereto set their hand and seals on this the 20 day of January, 2016.

OWNER(S) SIGNATURE: _____

Nathan L. Cox, Managing Member of
Eastern Shore Acquisitions, LLC

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Nathan L. Cox, Managing Member of Eastern Shore Acquisitions, LLC, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 20 day of January, 2016.

Nanda LaCoste
Notary Public
My Commission Expires 11-19-2016

Gardens on Randall

Vacation of Common Driveways

Exhibit A: Legal Description

The two 20' by 20' driveway easements of the Gardens on Randall Subdivision, as shown on the final plat dated May 21, 2007 and recorded on May 30, 2007 on Slide 2345D, Instrument #1053021, in the Judge of Probate of Baldwin County, Alabama. Said easements being located in Section 17, Township 5 South, Range 2.

LIST OF PROPERTY OWNERS

Eastern Shore Acquisitions, LLC
32128 BROKEN BRANCH CIRCLE
SPANISH FORT, AL 36527

EASEMENT RELEASE FORM

City of Daphne Division of Public Works

WHEREAS, we the undersigned, City of Daphne Division of Public Works, do hereby give our permission/consent to vacate the **driveway easements** between Lots 1 and 2, and Lots 3 and 4 of The Gardens on Randall Subdivision as setforth in the attached exhibit with the following comments:

Comments

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided the following described easements are retained.

- ☐ Objects to the vacation(s) described above, reason described below.

AGENCY NAME: City of Daphne Division
of Public Works

By: Richard D. Johnson

Its: DIRECTOR OF PUBLIC WORKS

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

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that RICHARD D. JOHNSON, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 5th day of February, 2016.

Denali Perry

Notary Public

My Commission Expires:

My Commission Expires July 13, 2019

EASEMENT RELEASE FORM

Utilities Board of the City of Daphne (Daphne Utilities)

WHEREAS, we the undersigned, Utilities Board of the City of Daphne (Daphne Utilities), do hereby give our permission/consent to vacate the **driveway easements** between Lots 1 and 2, and Lots 3 and 4 of The Gardens on Randall Subdivision as setforth in the attached exhibit with the following comments:

Comments

- ☐ No objections to the vacation(s) described above.
- ☒ No objections to the vacation(s) described above, provided the following described easements are retained.

10' DRAINAGE & UTILITY EASEMENT ACROSS FRONT OF ALL LOTS

- ☐ Objects to the vacation(s) described above, reason described below.

AGENCY NAME: Utilities Board of the City of Daphne
(Daphne Utilities)

By: Dan Lyndall
Its: General Manager

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that DANNY LYNDALL, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 28TH day of JANUARY, 2016.

Kelly Delaney
Notary Public

My Commission Expires: November 3, 2018 MY COMMISSION EXPIRES:
November 3, 2018

EASEMENT RELEASE FORM

Utilities Board of the City of Foley (Riviera Utilities)

WHEREAS, we the undersigned, Utilities Board of the City of Foley (Riviera Utilities), do hereby give our permission/consent to vacate the **driveway easements** between Lots 1 and 2, and Lots 3 and 4 of The Gardens on Randall Subdivision as setforth in the attached exhibit with the following comments:

Comments

- ☐ No objections to the vacation(s) described above.
- ☒ No objections to the vacation(s) described above, provided the following described easements are retained.

10' Drainage and utility easment, as shown on the plat, on the south side of all the lots. Underground primary lines have already been installed.

- ☐ Objects to the vacation(s) described above, reason described below.

AGENCY NAME: Utilities Board of the City of Foley
(Riviera Utilities)

By: [Signature]

Its: Chief Engineer

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that Scott H. Sligh, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 19th day of January, 2016.

[Signature]
Notary Public
My Commission Expires: 2/16/18

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, AT&T, do hereby give our permission/consent to vacate the drainage and utility easement lines between Lot _____ and Lot _____ of Unit _____ of _____ Subdivision as setforth in the attached exhibit with the following comments: to vacate the driveway easements between lots 1 and 2, and lots 3 and 4 of the Gardens on Randall Subdivision as setforth in the attached.

Comments

- ☐ No objections to the vacation(s) described above.
- ☒ No objections to the vacation(s) described above, provided the following described easements are retained.

AT&T HAS NO OBJECTION TO VACATION OF SAID EASEMENTS, BUT RESERVES THE RIGHT TO REPAIR OR REPLACE FACILITIES AS NEEDED.

- ☐ Objects to the vacation(s) described above, reason described below.

AGENCY NAME: AT&T

By: [Signature]

Its: _____

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that _____, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 28 day of January 16

[Signature]
Notary Public
My Commission Expires _____



EASEMENT RELEASE FORM
Cable Company (Mediacom)

WHEREAS, we the undersigned, Cable Company (Mediacom), do hereby give our permission/consent to vacate the **driveway easements** between Lots 1 and 2, and Lots 3 and 4 of The Gardens on Randall Subdivision as setforth in the attached exhibit with the following comments:

Comments

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above, provided the following described easements are retained.

- ☐ Objects to the vacation(s) described above, reason described below.

AGENCY NAME: Cable Company (Mediacom)

By: Jason Clabo

Its: Area Director

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that Jason Clabo whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 9th day of February 2016.

Marked Motts
Notary Public

My Commission Expires:

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: 12-13-2017
BONDED THRU NOTARY PUBLIC UNDERWRITERS

CITY OF DAPHNE

RESOLUTION 2016-14

**Acceptance of Streets and Drainage
Located in the Brookhaven, Phase 2C Subdivision**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Brookhaven, Phase 2C Subdivision on January 28, 2016, and the City of Daphne hereby recommends acceptance of said street(s) located in Brookhaven, Phase 2C Subdivision; and,

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

Whereas, an inspection was made by the Director of the Division of Public Works, and said director has recommended acceptance said streets and storm water drainage of Brookhaven, Phase 2C Subdivision; and,

Whereas, Daphne Utilities has accepted the utilities of Brookhaven, Phase 2C Subdivision; and,

Whereas, the developer has provided to the City a two-year maintenance bond in the amount of \$13,802.15 as required and now requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled the Procedures for Subdivision Review of the City of Daphne Land Use and Development Ordinance; and,

Whereas, the developer has caused the plat to be recorded on slide 0002550-D of the records in the Baldwin County Judge of Probate Office; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Brookhaven, Phase 2C Subdivision streets named Riverton Court (438 linear feet) a 50-ft right of way according to the plat presented by Preble-Rish, LLC as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, are hereby accepted by the City of Daphne, Alabama as city streets for maintenance.

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

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

**DANE HAYGOOD
MAYOR**

ATTEST:

REBECCA HAYES, CITY CLERK

To: Office of the City Clerk
From: Adrienne D. Jones, *AD*
Director of Community Development
Subject: Brookhaven, Unit Two, Part C,
Acceptance of Roads and Rights-of-Ways
Date: February 26, 2016

MEMORANDUM

LOCATION: Northwest of the intersection of County Road
13 and Whispering Pines Road

RECOMMENDATION: At the, February 25, 2016, regular meeting of
the City of Daphne Planning Commission, seven
members were present. The motion carried
unanimously for a **favorable recommendation**
for the acceptance of Riverton Court as a
city street(s) for maintenance.

Attached please find said documentation for placement on the
Monday, March 7, 2016 City Council agenda.

Thank you,
ADJ/jv

cc: file
Richard Johnson, Public Works Director

attachment(s)

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

DRAFT RESOLUTION 2016-__

**Acceptance of Streets and Drainage
Located in the Brookhaven, Phase 2C Subdivision**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Brookhaven, Phase 2C Subdivision on January 28, 2016, and the City of Daphne hereby recommends acceptance of said street(s) located in Brookhaven, Phase 2C Subdivision; and,

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

Whereas, an inspection was made by the Director of the Division of Public Works, and said director has recommended acceptance said streets and storm water drainage of Brookhaven, Phase 2C Subdivision; and,

Whereas, Daphne Utilities has accepted the utilities of Brookhaven, Phase 2C Subdivision; and,

Whereas, the developer has provided to the City a two-year maintenance bond in the amount of \$13,802.15 as required and now requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled the Procedures for Subdivision Review of the City of Daphne Land Use and Development Ordinance; and,

Whereas, the developer has caused the plat to be recorded on slide 0002550-D of the records in the Baldwin County Judge of Probate Office; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Brookhaven, Phase 2C Subdivision streets named Riverton Court (438 linear feet) a 50-ft right of way according to the plat presented by Preble-Rish, LLC as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, are hereby accepted by the City of Daphne, Alabama as city streets for maintenance.

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

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

**DANE HAYGOOD
MAYOR
DATE AND TIME SIGNED:**

ATTEST:

REBECCA HAYES, CITY CLERK

December 11, 2015

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

RE: Brookhaven, Phase 2C

Dear Mrs. Jones:

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

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

Therefore, I hereby request that the City of Daphne accept the streets for Brookhaven, Phase 2C.

Sincerely,



JASON N. ESTES, P.E.
Project Engineer

9949 Bellaton Ave. Daphne, AL 36526
251.990.9950 fax 251.990.9910

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

SUBDIVISION NAME: BROOKHAVEN PHASE 2, PART C

THIS PETITION FOR ACCEPTANCE OF ROADS AND/OR RIGHTS-OF-WAY is made this 15 day of December, 20 15 by Felicitas Investments, LLC, hereinafter called "the subdivider," owner of certain property located in the City of Daphne, Alabama known as BROOKHAVEN PHASE 2, PART C to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

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

WHEREAS, a bond is required by the City as a condition of the acceptance of any new roads or rights-of-way as outlined in Article XVII in an amount equal to twenty percent (20%) of all street and drainage improvements in the subdivision as a warranty for such improvements to last for a period of two (2) years after the date of dedication and upon acceptance by the City Council, the subdivider has provided a \$ ~~17,108.55~~ 13,802.15 maintenance bond; and,

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

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

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the favorable recommendation of the City of Daphne Planning Commission voted upon at its meeting held on January 28, 2016. Said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named as follows:

Name of Right of Way	Length (linear feet)	Width (feet)
RIVERTON COURT	438	50

Are each hereby dedicated to the City of Daphne, Alabama as a city street.

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

IN WITNESS WHEREOF, the subdivider has caused the execution of this dedication as of the date set forth above.

Respectfully submitted,
FELICITER INVESTMENTS, LLC
Name of Individual or Corporation (Printed)

By: Nathan L. Cox
(Print Legibly and Sign)

Its: Manager
(Print Legibly)

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

I, the undersigned Notary Public in and for said State and County, hereby certify that Nathan L. Cox whose name as Manager of Feliciter Investments LLC an Alabama corporation or as owner of Feliciter Investments, LLC is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

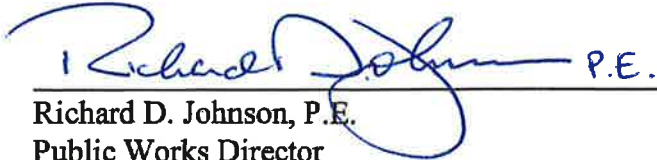
Given under my hand and official seal on this 15th day of December, 2015.



Kathryn McAlleer Huey (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: May 16, 2018

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

Favorable recommendation on behalf of Daphne Public Works:

 P.E.

Richard D. Johnson, P.E.
Public Works Director
City of Daphne

Favorable recommendation on behalf of Daphne Planning Commission:



Larry Chason
Planning Commission Chairman
City of Daphne

CITY OF DAPHNE

RESOLUTION 2016-15

**Acceptance of Streets and Drainage
Located in the Caroline Woods, Phase 3A Subdivision**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Caroline Woods, Phase 3A Subdivision on January 28, 2016, and the City of Daphne hereby recommends acceptance of said street(s) located in Caroline Woods, Phase 3A Subdivision; and,

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

Whereas, an inspection was made by the Director of the Division of Public Works, and said director has recommended acceptance said streets and storm water drainage of Caroline Woods, Phase 3A Subdivision; and,

Whereas, Daphne Utilities has accepted the utilities of Caroline Woods, Phase 3A Subdivision; and,

Whereas, the developer has provided to the City a two-year maintenance bond in the amount of \$14,805.28 as required and now requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled the Procedures for Subdivision Review of the City of Daphne Land Use and Development Ordinance; and,

Whereas, the developer has caused the plat to be recorded on slide 2550-A of the records in the Baldwin County Judge of Probate Office; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Caroline Woods, Phase 3A Subdivision streets named Elise Court (642.46 linear feet) a 50-ft right of way; and, Barrington Lane (173.23 linear feet) a 50-ft right of way according to the plat presented by Preble-Rish, LLC as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, are hereby accepted by the City of Daphne, Alabama as city streets for maintenance.

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

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

**DANE HAYGOOD
MAYOR**

ATTEST:

REBECCA A. HAYES, CITY CLERK

To: Office of the City Clerk
From: Adrienne D. Jones, *AD*
Director of Community Development
Subject: Caroline Woods, Phase 3A
Acceptance of Roads and Rights-of-Ways
Date: February 26, 2016

MEMORANDUM

LOCATION: North of Madison Place Subdivision, west of
Daphne Commercial Park, Phase Two

RECOMMENDATION: At the, February 25, 2016, regular meeting of
the City of Daphne Planning Commission, seven
members were present. The motion carried
unanimously for a **favorable recommendation**
for the acceptance of Elise Court and
Barrington Lane as a city street(s) for
maintenance.

Attached please find said documentation for placement on the
Monday, March 7, 2016 City Council agenda.

Thank you,
ADJ/jv

cc: file
Richard Johnson, Public Works Director

attachment(s)

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

DRAFT RESOLUTION 2016-__

**Acceptance of Streets and Drainage
Located in the Caroline Woods, Phase 3A Subdivision**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Caroline Woods, Phase 3A Subdivision on January 28, 2016, and the City of Daphne hereby recommends acceptance of said street(s) located in Caroline Woods, Phase 3A Subdivision; and,

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

Whereas, an inspection was made by the Director of the Division of Public Works, and said director has recommended acceptance said streets and storm water drainage of Caroline Woods, Phase 3A Subdivision; and,

Whereas, Daphne Utilities has accepted the utilities of Caroline Woods, Phase 3A Subdivision; and,

Whereas, the developer has provided to the City a two-year maintenance bond in the amount of \$14,805.28 as required and now requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled the Procedures for Subdivision Review of the City of Daphne Land Use and Development Ordinance; and,

Whereas, the developer has caused the plat to be recorded on slide 2550-A of the records in the Baldwin County Judge of Probate Office; and,

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Caroline Woods, Phase 3A Subdivision streets named Elise Court (642.46 linear feet) a 50-ft right of way; and, Barrington Lane (173.23 linear feet) a 50-ft right of way according to the plat presented by Preble-Rish, LLC as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, are hereby accepted by the City of Daphne, Alabama as city streets for maintenance.

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

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

**DANE HAYGOOD
MAYOR
DATE AND TIME SIGNED:**

ATTEST:

REBECCA HAYES, CITY CLERK

December 14, 2015

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

RE: Caroline Woods, Phase 3A

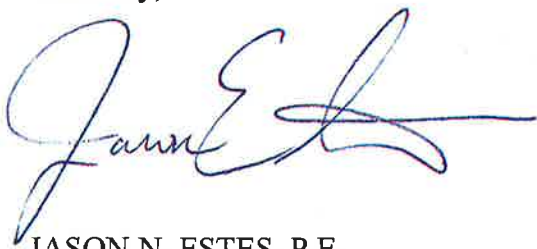
Dear Mrs. Jones:

I, Jason Estes, a professional engineer registered in the State of Alabama, Registration Number 22714, do hereby certify that the streets for Caroline Woods Phase 3A have been constructed under my supervision in accordance with the approved construction plans.

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

Therefore, I hereby request that the City of Daphne accept the streets for Caroline Woods, Phase 3A.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Estes", with a stylized flourish extending to the right.

JASON N. ESTES, P.E.
Project Engineer

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

SUBDIVISION NAME: CAROLINE WOODS, PHASE 3A

THIS PETITION FOR ACCEPTANCE OF ROADS AND/OR RIGHTS-OF-WAY is made this 17th day of December, 2015 by Plan B Investments, LLC, hereinafter called "the subdivider," owner of certain property located in the City of Daphne, Alabama known as Caroline Woods, phase 3A to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

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

WHEREAS, a bond is required by the City as a condition of the acceptance of any new roads or rights-of-way as outlined in Article XVII in an amount equal to twenty percent (20%) of all street and drainage improvements in the subdivision as a warranty for such improvements to last for a period of two (2) years after the date of dedication and upon acceptance by the City Council, the subdivider has provided a \$ 14,805.28 maintenance bond; and,

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

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

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the favorable recommendation of the City of Daphne Planning Commission voted upon at its meeting held on January 28, 2016. Said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named as follows:

Name of Right of Way	Length (linear feet)	Width (feet)
Elise COURT	642.46	50
BARRINGTON LANE	173.23	50

Are each hereby dedicated to the City of Daphne, Alabama as a city street.

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

IN WITNESS WHEREOF, the subdivider has caused the execution of this dedication as of the date set forth above.

Respectfully submitted,

Plan B Investments, LLC
Name of Individual or Corporation (Printed)

By:

Jacob Cunningham 45 Jacob Cunningham
(Print Legibly and Sign)

Its:

Member
(Print Legibly)

STATE OF ALABAMA)
COUNTY OF BALDWIN)

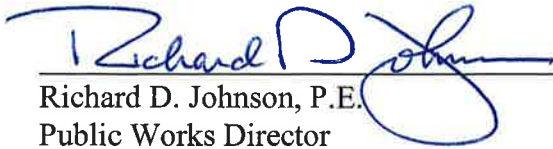
I, the undersigned Notary Public in and for said State and County, hereby certify that Jacob Cunningham whose name as Member of Plan B Investments an Alabama corporation or as owner of _____ is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this 16th day of December 2015

Christina M. Stamp (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: 4-19-16

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

Favorable recommendation on behalf of Daphne Public Works:

 P.E.

Richard D. Johnson, P.E.
Public Works Director
City of Daphne

Favorable recommendation on behalf of Daphne Planning Commission:



Larry Chason
Planning Commission Chairman
City of Daphne

CITY OF DAPHNE

ORDINANCE 2016-12

MAY DAY BOAT RAMP

WHEREAS, the City Council has determined that the boat ramp located at May Day Park has become an important issue that requires a significant investment of public assets to maintain, and

WHEREAS, it is the intention of this Council to clarify the highest and best use of May Day Park for the benefit of all its citizens.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE THE FOLLOWING:

The funding amounts found in this Ordinance are estimates only, and the City will not be bound to these amounts. The City will move forward with May Day Park utilizing one of the following options, to be voted on at a public meeting of the Daphne City Council:

Option #1: Keep Boat Ramp and Continue to Maintain for 20 Years -Estimated 20 year Total: \$88,640.80 plus cost to deal with northern property owners.

1. 20 Years Remaining on Agreement with the State of Alabama Department of Conservation & Natural Resources: 20 times (\$2,593.49-Annual Public Works Maintenance Cost) =\$51,869.80
2. 2016 White Beach Quality Sand (from offsite) & Sand Placement - Low Bidder - \$19,875.00- (USACE &ADCNR Permit Applied For)
3. Ongoing civil issue with northern property owners.
4. Permit compliance issue with the US Corps of Engineers & ADEM if allowed to continue dredging. Estimated ADEM Coastal Permit Cost for 20years \$2660.00 to \$16,896.00

Option #2 Ramp removal - Estimated Lump Sum Payment \$189,279.14 + Demolition-Sand Movement Total: \$207,279.14

1. Reimburse Department of Conservation & Natural Resources =\$189,279.14 (20 years left of a 25 year lease). Reimbursement will have to be a lump sum payment.
2. Demolition Cost and sand movement (sand from south side of ramp) along beach after demolition:

Demolition	\$ 7500.00
Sand Movement	<u>\$10,500.00</u>
Total	\$18,000.00
3. No additional sand management costs.
4. No additional attorney's fees.
5. US Corp of Engineers & ADEM Compliance issues addressed.
6. The Department of Conservation and Natural Resources may consider a new Boat Access Grant for a new boat ramp. The ADCNR may provide 75% of the project cost and the City would provide 25%. The grant would require another 25 year lease type agreement.

SECTION 10. SEVERABILITY

If any section, subsection, clause, provision or part of this Ordinance shall be held to be invalid or unconstitutional in a court of competent jurisdiction, such holding or holding shall not affect any other section, subsection, clause, provision or part of this Ordinance which is in itself and of itself valid and constitutional.

SECTION 11. 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.

SECTION 12. REPEALER.

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

ADOPTED AND APPROVED OPTION ____ THIS ____ day of _____, 2016.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE
ORDINANCE NO. 2016-13**

RIGHT-OF-WAY ORDINANCE

WHEREAS, the City Council of the City of Daphne, Alabama desires to protect, preserve and promote the health, welfare and safety of the citizens of Daphne by ensuring the structural integrity of public streets; and

WHEREAS, the City Council of the City of Daphne, Alabama desires to ensure that city rights-of-way are maintained in a state of good repair free from unnecessary encumbrances; and,

WHEREAS, the City Council of the City of Daphne, Alabama, possessing authority to manage and control its rights-of way, desires to establish the rules and regulations related to right-of-way work; to provide applicable definitions; to define prohibited acts; to provide penalties for the violation hereof; and to enact reasonable regulations in furtherance thereof.

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

SECTION I. DEFINITIONS

A. For the purpose of this ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context the words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word “shall” is always mandatory and not merely derivative.

1. Applicant. Means any person or entity requesting permission to obstruct or construct in a City of Daphne right-of-way.
2. City. Means the City of Daphne, Alabama.
3. Code Enforcement Officer. Means any person authorized by the City of Daphne to enforce the Codes of the City and issue Municipal Offense Tickets for violations thereof.
4. Construct. Means to excavate, repair, rehabilitate, maintain, and install sanitary sewers, water mains, fire hydrants, valves, meters, manholes, service lines and connections, gas mains, telephone and electrical conduit and their miscellaneous service lines and connections, telecommunications Facilities cables, wires, lines, wave guides, antennas, and other equipment or Facilities, pedestals, and service cabinets, poles, guy wires, storm drains, manholes, inlets, catch basins, irrigation systems, driveways, sidewalks, pavement

extensions, curbs, walks, steps, building canopies, balconies, overhead walkways, and temporary detour pedestrian walkways on, above, or under any part of the Rights of Way provided however, that Construct shall not mean installation, repair, rehabilitation or maintenance of Facilities that do not involve excavation of any portion of the Rights of Way.

5. Construction Bond. Means a bond posted to ensure proper and complete construction and/or repair of a permitted site pursuant to a permit issued by the Public Works Department.
6. Construction Standards for miscellaneous construction, utility excavation, Right-of-way and pavement restoration. Means the compilation of provisions and requirements that provide the technical specifications and details for the construction of facilities in the right-of-way.
7. Department. Means the City of Daphne Public Works Department.
8. Department Inspector. Any person designated/authorized by the Public Works Director to carry out inspections related to the provisions of this article.
9. Emergency. A condition that poses a clear and immediate danger to life or health, or of a significant loss of property or utility service. “Emergency” also includes requests for service which the applicant deems urgent and can be classified as small project types A and B.
10. Excavation. Means any work on the surface or subsurface of the public right-of-way including but not limited to opening the right-of-way, installing, servicing, repairing, or repairing/modifying any facilities/sites in or under the surface or subsurface, and restoring the surface and subsurface of the public right-of-way.
11. Facilities. Means any tangible thing located in any right-of-way; and shall include boulevard plantings or gardens planted & maintained in the right-of-way between a person’s property and the street edge of pavement.
12. Geo-technical Engineer. Means a professional engineer experienced in soils engineering and materials testing.
13. Geo-technical Company. Means a professional engineering company that provides soils engineering and testing services, laboratory and field testing services, construction material testing, and possesses a certificate of

authorization from the state board of registration for professional engineers and land surveyors.

14. In. Means, when used in conjunction with “right-of-way”, means over, above, in, within, on or under a right-of-way.
15. Landscape or Landscaping. Means trees, shrubs and other plantings of materials that are or may grow to a height of eighteen (18) inches or more, and irrigation systems (in unpaved areas), in the right-of-way.
16. Major Project. Means construction of water, sewer, gas, telephone, fiber optic, electrical power conduit, cable and duct, TV cable, jacking, boring, pushing and tunneling, retrofitting existing facilities/sites, storm drain and any other miscellaneous major facility construction projects that involve more than one continuous block or five hundred (500) linear feet of right-of-way.
17. Minor Project. Means construction of miscellaneous utility service lines, manhole installation not associated with Major Project construction, main line point repairs and installation, miscellaneous utility service line repair, storm drain and inlet repairs, vaults, irrigation systems and other miscellaneous construction and repair projects that involve less than one (1) block or five hundred (500) linear feet of right-of-way.
18. Municipal Court. Means the part of the City of Daphne Municipal Court System designed to enforce local laws and ordinances relating to the physical appearance of the City, and the health and safety of the public.
19. Municipal Offense Ticket (M.O.T.). Means a citation issued for a violation of this ordinance. A M.O.T. may require payment of a fine as defined by the municipal offense ticket system (M.O.T.) fine schedule, as may be amended from time to time, appearance in municipal court and if determined by the judge of said court, jail or community service.
20. Notice of Violation. Means a written warning issued by the Department, or the City of Daphne Code Enforcement Officer, for a violation or possible violation of this ordinance.
21. Obstruct. Means to place any tangible object in a right-of-way so as to hinder free and open passage over, under or through that or any part of the right-of-way.
22. Permit Fee. Means money charged by the City of Daphne to cover the costs as provided in Appendix A (Schedule of fees) of this ordinance.

23. Permittee. Means any person or company to whom a permit to construct or obstruct a right-of-way has been granted by the City.
24. Person. Means any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity which has or seeks to have facilities/sites located in any right-of-way.
25. Restoration. Means the process by which a constructed or obstructed right-of-way is restored as specified in the constructed standards.
26. Right-Of-Way. Means the surface and space above and below any real property in which the City has an interest in law or equity, whether held in fee, or other estate or interest including easements, or as a trustee for the public, including, but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, river, tunnel, viaduct, bridge, park, or any other place, area, or real property owned by or under the control of the City.
27. Right-Of-Way Permit. Means the permit which must be obtained before a person may construct in, or obstruct in a right-of-way as required by Section III (Right-of-way permits) of this ordinance.
28. Service or Utility Service. Means services provided by utilities.
29. Sidewalk. Means the paved pedestrian walkway between the edge of the road and the street right-of-way line.
30. Small Project (Type A). Means the installation of equipment cabinets, junction boxes, terminal boxes, splice boxes, regulator stations, meters and valves in paved areas, utility poles, guy poles and appurtenances not associated with a major or minor project.
31. Small Project (Type B). Means the installation, repair and routine maintenance of miscellaneous utility drop lines, overhead wires and cables, traffic signal poles, light poles, traffic signs, meters, valves and other miscellaneous construction, repair, routine maintenance and inspection, that requires minimal excavation or right-of-way disruption.
32. Supplementary Application. Means an application made to construct or obstruct more of the right-of-way than allowed in, or to extend, a permit that has already been issued.

33. Trenchless Technology. Means the use of directional boring, horizontal drilling and microtunneling and other techniques in the construction of underground portions of facilities which result in the least amount of disruption and damage to right-of-way as possible.
34. Underground Facilities. Means all lines, cables, conduits, posts, tanks and any other facilities owned or operated by persons other than the City which are located wholly or partially underneath right-of-way.
35. Utilities. Means any water, sewer, gas, drainage, irrigation or culvert pipe and any electric power, telecommunication, signal, communication, or cable television conduit, fiber / fiber optic, wire, cable, or operator thereof.

SECTION II. RIGHT OF WAY ADMINISTRATION

A. Administration. The City of Daphne Public Works Director shall be the principal City official responsible for the administration of the right-of-way, right-of-way permits, and the ordinances related thereto. The Public Works Director may amend from time to time, construction standards and other rules reasonably required to carry out the purposes of this ordinance. Any requirement not specifically covered by this ordinance or the construction standards shall be determined by the Public Works Director. The Public Works Director may delegate any or all of the duties hereunder.

B. Appeal Procedure. The Public Works Director may grant a special exception to the requirements of this ordinance if a permittee demonstrates, with written evidence, that:

1. The exception will not create any threat to public health, safety or welfare.
2. The permittee demonstrates that the increased economic burden and the potential adverse impact on the permittee's construction schedule resulting from the strict enforcement of this ordinance actually, or effectively, prohibits the ability of the permittee to provide utility services in the City.
3. The permittee demonstrates that the requirement unreasonably discriminates against the permittee in favor of another person.

C. Should any person be aggrieved by the decision of the Public Works Director, such person may appeal by filing written notice with the Public Works Department within fifteen (15) days from the date of such decision. The Department shall send a copy of the appeal and all relevant Documentation, within fifteen (15) days, to the City Clerk's Office to be considered by the City Council at a public hearing.

SECTION III. RIGHT-OF-WAY PERMITS

A. Permit requirements.

1. Except as otherwise provided in this ordinance, no person may construct or obstruct any right-of-way without first having obtained one of the following right-of-way permits from the Public Works Department.
 - a) Major Project;
 - b) Minor Project;
 - c) Small projects;
 - 1) Type A;
 - 2) Type B; or
 - d) Landscape
2. Right-of-way permit. A right-of-way permit is a permit which allows the holder to construct, obstruct, or landscape in that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein. A permit is valid only for the date(s) and the area(s) of right-of-way specified in the permit. No person may construct in or obstruct the right-of-way beyond the date or dates specified in the permit unless such person:
 - a) Makes a supplementary application for another right-of-way permit before the expiration of the initial permit; and
 - b) A new permit or permit extension is granted.

However, if no work is initiated within four months or if the project lies dormant for a period of thirty (30) calendar days after being started, the Permit is made invalid.

3. Emergencies. When the work must commence immediately because of an emergency, the permittee shall comply with the provisions in Section V, subsection B, 1.
4. Exemptions. No permits shall be required for the following activities:
 - a) Installation and repair of facilities by, or for, City of Daphne Departments; and

- b) Installation of landscaping materials which are, or may grow, to a height of not more than eighteen (18) inches.
- 5. Permit authorizing routine work. Applicants may be allowed, if determined by the Public Works Department, to obtain in advance, an annual, quarterly or semi-annual permit for minor projects outside roadway limits and some small projects that involve minimal excavation. Permit fees shall be calculated as an estimate of similar work conducted over the past 12 months. Bi-weekly summary submittals will be required of blanket permit applicants covering the type and extents of work, locations, durations, etc... These summary submittals will be used to verify and adjust fees based on the actual work completed under that blanket permit. A twenty-five dollar (\$25.00) application fee plus all estimated fees will be charged at the time of application.
- B. Permit applications. Application for a permit is made to the Public Works Director.
 - 1. All permit applications shall contain, and will be considered complete only upon compliance with the requirements of the construction standards, as appropriate.
 - a) Tree and landscaping requirements of this article shall be administered and enforced by the Director of Community Development, in cooperation with the Director of Public Works.
- C. Issuance of permit; conditions.
 - 1. If the Director of Public Works determines that the applicant has satisfied the requirements of this ordinance, he may issue a permit or issue notification and reason for denial of same.
 - 2. The Director of Public Works may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder in order to protect the public health, safety and welfare, to insure the structural integrity of the right-of-way, to protect the property of other users of the right-of-way, and to minimize the disruption and inconvenience to the traveling public, including notification to property owners.
- D. Permit fees.
 - 1. Permit fees shall be established by the City Council upon recommendation by the Director of Public Works. Said fees shall be in an amount sufficient to recover the following costs:

- a) The City costs, including administration, inspection, and enforcement; and
 - b) The cost for obstructing the right-of-way, including costs associated with traffic management that results from street obstruction, lost tax revenues resulting from streets blocked and as an encouragement to minimize costs and to encourage timely, efficient use of the right-of-way.
 - c) The current schedule of permit fees is set forth in Appendix A to this article.
- 2. Payment of permit fees. No permit shall be issued without payment of such fees unless the Public Works Director authorizes payment to be made thirty (30) days following billing. All changes in fees shall be approved by the City Council.
 - 3. Nonrefundable fees. All permit fees are nonrefundable.
 - 4. Joint applications. Applicants are encouraged to make joint applications for permits to construct or obstruct the right-of-way at the same place and time.

SECTION IV. CONSTRUCTION; RESTORATION

A. Compliance with construction standards. All construction or maintenance of facilities shall be in accordance with this ordinance, the construction standards and such other conditions imposed on the permit by the Public Works Director under Section III, C.

B. Location of facilities. The Public Works Director shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests or permittees to occupy and use the right-of-way. In making such decisions, the Public Works Director shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of public interest, the public's need for the particular utility service, the condition of the right-of-way, the protection of existing facilities/sites in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.

C. Least disruptive technology. Applicants are encouraged to perform construction and maintenance of facilities in a manner resulting in the least amount of damage and disruption of the right-of-way. Applicants will be required to use trenchless technology for major and minor construction projects, within roadway limits, in arterial and other high volume streets constructed or resurfaced within the last five (5) years, unless otherwise approved by the Director of Public Works and such approval shall not be unreasonably withheld. The Director of Public Works may require trenchless technology in other locations, where extreme circumstances prevent or make open cut methods impractical. Applicants may use the open cut method or trenchless technology for major and minor projects outside roadway limits.

D. Right-of-way restoration.

1. The work to be done under the permit, and the restoration of the right-of-way as required herein, must be completed within the dates specified in the permit. In addition to its own work, the permittee must restore the general area of the work, including all disturbed landscaping materials and the permitted areas, including the paving and its foundations, per the City of Daphne construction standards.
2. The permittee shall perform the work according to the standards and with the materials specified by the City of Daphne Public Works Director including but not limited to the construction standards.
3. By restoring the right-of-way, the permittee guarantees its work for twenty-four (24) months following its completion. During this twenty-four month period, the permittee shall, upon notification from the Public Works Director, correct all restoration work to the extent necessary using the method required by the Director. Said work shall be completed within the time frame specified by the Director of Public Works.

E. Installation requirements. The excavating, backfilling, restoration, and all other work performed in the right-of-way shall be done in conformance with specifications set forth in the construction standards.

F. Inspection. Except for routine work, when the work under any permit for major and minor projects hereunder is completed, the permittee shall notify the Public Works Director.

1. Permittee shall make the work site available to the Public Works Director or his authorized representative and to all others as authorized by law for inspection at all reasonable times during the execution and upon completion of the work.
2. At the time of the inspection, the Director of Public Works or his authorized representative may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.
3. The Director of Public Works or his authorized representative may issue a notice of violation to the permittee for any work which does not conform to the applicable standards, conditions or codes. The order shall state that failure to correct the violation will be cause for issuance of a Municipal Offense Ticket (M.O.T.) and/or a stop work order. Within the time frame indicated on the notice after issuance of the order, the applicant shall present proof to the Director of Public Works that the violation has been corrected. If such proof has not been presented within the required time, the Director of Public Works may issue a stop work order and/or have a Municipal Offense Ticket (M.O.T.) issued.

G. Other obligations. Obtaining a right-of-way permit does not relieve the permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other city, county, state, or federal rules, laws or regulations.

1. A permittee shall comply with all requirements of local, state and federal laws, including a franchise duly adopted by the City Council. Contact shall be made to the one call excavation notice system, Alabama Statutes @ 1-800-292-8525, or such other number which may be applicable.
2. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who performs the work.
3. Except in the case of an emergency, and with the approval of the Director of Public Works, no right-of-way obstruction or excavation may be performed when seasonally prohibited or when conditions are unreasonable for such work.
4. A permittee shall not so obstruct a right-of-way that the natural and free passage of water through the gutters or other waterways shall be interfered with.
5. Private vehicles not owned by or under contract to permittee may not be parked within or adjacent to a permit area.

SECTION V. ENFORCEMENT OF PERMIT OBLIGATION

A. Denial of permit.

1. Mandatory denial. Except in the case of emergency, no right-of-way permit will be granted:
 - a) To any person who has failed to comply with the requirements of this article;
 - b) To any person who is delinquent in paying a debt owed to the City;
 - c) If, in the discretion of the Director of Public Works, the issuance of a permit for the particular date and/or time would cause a conflict or interfere with an exhibition, celebration, festival, or any other event. The Director of Public Works, in exercising this discretion, shall be guided by the safety and convenience of ordinary travel of the public over the right-of-way, and by considerations relating to the public health, safety and welfare.
3. Permissive denial. The Director of Public Works may deny a permit in order to protect the public health, safety and welfare, to prevent interference with the safety and convenience of ordinary travel over the right-of-way, or when

necessary to protect the rights-of-way and its users. The Director of Public Works may consider one (1) or more of the following factors:

- a) The extent to which the right-of-way space where the permit is sought is available;
- b) The competing demands for the particular space in the right-of-way;
- c) The availability of other locations in the right-of-way or in other right-of-way for the facilities of the particular company;
- d) The applicability of other ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way;
- e) The degree of compliance of the applicant with the terms and conditions of its franchise, this ordinance, and other applicable ordinances and regulations; the degree of disruption to surrounding neighborhoods and businesses that will result from the use of that part of the right-of-way; and
- f) The condition and age of the right-of-way, and whether and when it is scheduled for total or partial construction; and the balancing of the costs of disruption to the public and damage to the right-of-way, against the benefits to that part of the public served by the expansion into additional parts of the right-of-way.

B. Work done without a permit.

- 1. Emergency situations. Each permittee shall notify the Director of Public Works (by telephone or in person) of any event regarding its facilities which it considers to be an emergency immediately upon its discovery of same. The applicant may proceed to take whatever actions are necessary in order to respond to the emergency. Within three (3) business days after the occurrence of the emergency, the applicant shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this ordinance for the actions it took in response to the emergency.
- 2. In the event that the Director of Public Works becomes aware of an emergency regarding a permittees' facilities/site, the Department shall attempt to contact the local representative of each permittee affected, if known, or potentially affected, by the emergency, who must comply with subsection B, 1. of this section. In any event, the Department may take whatever action deemed necessary in order to respond to the emergency.
- 3. Non-emergency situations. Except in the case of an emergency, any person who obstructs or excavates a right-of-way without a permit must

subsequently obtain a permit, pay double the normal fee for said permit, pay double all the other fees required by City Codes, is subject to the issuance of a notice of violation and/or a Municipal Offense Ticket (M.O.T.), deposit with the Department the fees necessary to correct any damage to the right-of-way and comply with all requirements of this article.

C. Enforcement.

1. Permittees hold permits issued pursuant to this ordinance as a privilege and not as a right.
2. If the Director of Public Works determines that the permittee has violated a material term or condition of any statute, ordinance, rule, regulation or any condition of the permit, the Director of Public Works shall issue a notice of violation to the permittee to remedy such violation. The demand shall state that continued violations may cause for the issuance of a stop work order and issuance of a Municipal Offense Ticket (M.O.T.). Further, a substantial breach, as stated above, will allow the Director of Public Works, at his or her discretion, to place additional or revised conditions on the permit.
3. A material violation by permittee shall include, but shall not be limited to, the following:
 - a) The violation of any material provision of the permit;
 - b) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens;
 - c) Any material misrepresentation of fact in the application for a permit;
 - d) The failure to maintain the required bonds and/or insurance;
 - e) The failure to complete the work within a timely manner; or
 - f) The failure to correct a condition indicated on an order issued pursuant to Section IV, F.
4. Within forty-eight (48) hours of receiving a notice of violation, permittee shall contact the Director of Public Works with a plan, acceptable to the Director of Public Works, for its correction. Permittee's failure to so contact the Director of Public Works, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved

plan, shall be cause for immediate issuance of a stop work order and issuance of a Municipal Offense Ticket (M.O.T.).

5. From time to time, the Director of Public Works may establish a list of
6. conditions of the permit that will automatically warrant the issuance of a Municipal Offense Ticket (M.O.T.) to the permittee.

SECTION VI. INDEMNIFICATION AND LIABILITY

A. The City does not accept liability. By reason of the grant of a right-of-way permit, the City does not assume any liability:

1. For injuries to persons, damage to property, or loss of service claims by parties other than the applicant or the City; or
2. For claims or penalties of any sort resulting from the installation, presence, maintenance, or operation of facilities by permittees or activities of permittees.

b) Applicant or permittee indemnifies the City. By accepting a permit, a permittee is required to, indemnify and hold the City whole and harmless from all costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair or operation of its facilities/site, or out of any activity undertaken in or near a right-of-way, whether any act or omission complained of is authorized, allowed, or prohibited by a right-of-way. It further agrees that it will not bring, nor cause to be brought, any action, suit or other proceeding claiming damages, or seeking any other relief against the City for any claim nor for any award arising out of the presence, installation, maintenance or operation of its facilities/site, or any activity undertaken in or near a right-of-way, whether the act or omission complained of is authorized, allowed or prohibited by a permit. The foregoing does not indemnify the City for its own negligence. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the applicant or to the City; and the applicant, in defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert on its own behalf.

c) Exceptions. The provisions of subsection (b) of this section shall not apply to a permittee that has, as effective date of this ordinance, a valid franchise duly granted by the City, and said franchise requires the permittee to hold harmless the City for damages occasioned by the presence, operations or maintenance of the permittee's facilities/site. This exemption shall not apply where said franchise does not afford the City at least the level of protection stated in section (b) of this section, unless the permittee agrees to provide the same or greater level of protection to the City.

SECTION VII. PENALTY.

A. Any person found guilty of violating any provision of this Ordinance shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a period not exceeding six (6) months, or both, in the discretion of the Municipal Judge.

B. This Ordinance shall also be subject to enforcement by the issuance of a summons and complaint pursuant to the provisions of Ordinance No. 1993-02, as the same may be from time to time amended.

SECTION VIII. NON-EXCLUSIVITY

The remedies provided in this ordinance are not exclusive or in lieu of other rights and remedies that the City may have at law or in equity. The City is hereby authorized to seek legal and equitable relief for actual or threatened injury to the public right-of-way, including damages to the right-of-way, whether caused by a violation of any of the provisions of this chapter or other provisions of this ordinance.

SECTION IX. SEVERABILITY

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 portion hereof.

SECTION X. REPEALER

Any Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION XI. EFFECTIVE DATE

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

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

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

**APPENDIX A
SCHEDULE OF FEES**

RIGHTS-OF-WAY AND EXCAVATION PERMIT FEES

<u>Description</u>	<u>Permit Fee</u>
Administration Fee	\$25.00 (all permits)
Aerial utility construction (new installation)	\$0.50 per L.F.
Utility poles including guy and anchor (new installation)	\$2.00 per pole
Excavation for all new projects (paved areas)	\$3.00 per L.F. (minimum fee \$100.00)
Excavation for all new projects (unpaved areas)	\$0.75 per L.F.
Excavation for point repairs - service lines, storm drains, manholes, etc. (paved areas)	\$20.00 per square yard
Excavation for point repairs - service lines, storm drains, manholes, etc. (unpaved areas)	\$6.00 per square yard
Directional boring and jacking operations, tunneling, retrofit or repair of existing utilities by bore, stitch boring, plowing, irrigation systems, etc...	\$0.40 per L.F. (minimum fee \$25.00)
Communication towers (new installation)	\$50.00 per tower
Terminal boxes, junction boxes, equipment cabinets, splice boxes, regulator stations, meters & valves in paved areas, vaults, utility pedestals	\$5.00 each
Sidewalk, driveway, curb, gutter, mitred-end sections (new construction, replacement, or repair):	
0 sq. yds. to 2 sq. yds.	\$10.00
2 sq. yds. to 25 sq. yds.	\$30.00
25 sq. yds. to 100 sq. yds	\$50.00
100 sq. yds. to 200 sq. yds.	\$100.00
200 sq. yds. or greater	\$0.50 per SY
Steps, Ramps (ADA compliant), etc...	\$50.00 per location
Monitoring wells	\$50.00 each
Temporary pedestrian walkway	\$50.00 per location
Balconies, Canopies	\$10.00 per location

Note: Applicants may be allowed, if determined by the Department to obtain, in advance, an annual, quarterly, or semi-annual permit for minor projects outside roadway limits and some

small projects that involve minimal excavation as defined by the Public Works director. Permit fees shall be calculated as an estimate of similar work conducted over the past twelve (12) months. Bi-weekly summary submittals will be required of blanket permit applicants covering the type and extents of work, locations, durations, etc... These summary submittals will be used to verify and adjust fees based on the actual work completed under that blanket permit. A \$25 application fee plus all estimated fees will be charged at the time of application.

*No fee/permit shall be required for replacing existing poles of similar size or routine inspection.

*****Please note: all fees are non-refundable*****

OBSTRUCTION FEES

The following conditions shall apply in determining obstruction fees:

1. The obstruction of commercial pedestrian walkways will be charged at the rate of five dollars (\$5.00) per calendar day for each twenty (20) linear feet of length.
2. Fees will not be charged for obstruction of less than eight (8) hours.

APPENDIX B

CONSTRUCTION STANDARDS FOR MISCELLANEOUS CONSTRUCTION UTILITY EXCAVATION, AND RIGHT-OF-WAY AND PAVEMENT RESTORATION

SECTION I. CONSTRUCTION PLAN SUBMITTAL REQUIREMENTS WITHIN PUBLIC RIGHT-OF WAYS AND EASEMENTS

A. Major projects.

1. Major projects within roadway limits:

a) Construction plan submittal. Applicants for right-of-way permits shall submit three (3) sets of construction plans and specifications, including the following information, for review and approval:

1.) The location of all topographic features affected by the project within the right-of-way.

b) Complete plan & profile sheets indicating the horizontal and vertical location of all components of the proposed project and other related information including, but not limited to, pipe and manhole flow line elevations, type and size of pipe, and other related structures, profile and other elevations necessary for roadway and right-of-way restoration, and the design details of the proposed construction and pavement and right-of-way restoration will be required for gravity flow systems including sanitary sewer, storm drain and related projects.

Note: Complete plan & profile sheets and other information currently required for gravity flow systems will be required for projects submitted after future ordinance amendment to include provisions for implementation of GIS mapping requirements.

c) A plan indicating the location of the proposed project with respect to the centerline, edge of road, and right-of-way, tie-in to nearest street intersection, components and material type used, and dimensions and depth of the proposed installation, will be required for non-gravity flow systems including water distribution systems, gas systems, communication, cable TV and electric power distribution systems, unless otherwise authorized by the Director of Public Works.

d) An erosion control plan and best management practices (BMP's) complying with provisions of the City Stormwater Management Ordinance.

e) A safety plan to include methods to be used to protect the general public from injury, and including the proposed use of barricades, signs, lights, fencing and other barriers.

f) A traffic control plan complying with all of the provisions of the Federal Manual on Uniform traffic Control Devices, current edition, shall be submitted to the Director of Public Works.

g) A landscape plan complying with the tree landscaping and protection ordinance; and

h) Complete as-built construction plans of the construction project shall be submitted to the Director of Public Works, after final inspection of the project. The as-built plans shall be submitted in hard copy medium as well as CAD files in DWG Format.

2. Major projects outside roadway limits:

a) Construction plan submittal. Applicants for right-of-way permits shall submit three (3) sets of construction plans & specifications, including the following information for review and approval:

1.) The location of all visible topographic features within the right-of-way that will be impacted by the proposed project.;

b. anchor;

c. Complete plan and profile sheets indicating the horizontal and vertical location of all components of the proposed project and other related information including, but not limited to, pipe and manhole flow line elevations, type and pipe size, and other related structures, profile and other elevations necessary for right-of-way restoration and the design details of the proposed construction, including the right-of-way restoration will be required for gravity flow systems including sanitary sewer, storm drain and related projects.

Note: Complete plan & profile sheets and other information currently required for gravity flow systems will be required for projects submitted after ordinance amendment to include provisions for the implementation of GIS mapping requirements.

d) A plan indicating the location of the proposed project with respect to the centerline, edge of road, and right-of-way, tie-in to nearest street intersection, components and type of material used, and dimensions and depth of the proposed installation, will be required for non-gravity flow systems including water distribution systems, gas systems, communication, cable TV and electric power distribution systems, unless otherwise authorized by the Director of Public Works.

e) An erosion control plan with best management practices (BMP's) complying with the City's Stormwater Management Ordinance.

- f) A safety plan to indicate methods to be used to protect the general public from injury, and including the proposed use of barricades, signs, lights, fencing and other barriers.
- g) A traffic control plan complying with all the provisions on the Manual on Uniform Traffic Control Devices, current edition, shall be submitted to the Director of Public Works, if any roadway is affected.
- h) A landscape plan complying with the tree landscaping and protection ordinance; and
- i) Complete as-built construction plans of the construction project shall be submitted to the Director of Public Works, after final inspection of the project. The as-built plans shall be submitted in hard copy form and CAD files in DXF Format.

B. Minor projects.

1. Minor projects within roadway limits.

a) Construction plan submittal. Applicants for right-of-way permits shall submit a plat of the proposed project including the following information:

- 1) A plat prepared at a scale acceptable to the Director of Public Works to indicate the plan view of the proposed project, location with respect to centerline, edge of roadway, and right-of-way, tie-in to nearest street subdivision lot corner or street intersection, components and type of material used for the project, and dimensions and depth of proposed installation.
- 2) An erosion control plan with best management practices (BMP's) complying with provisions of the City's Stormwater Management Ordinance.
- 3) A safety plan to indicate methods to be used to protect the general public from injury, and including the proposed use of barricades, signs, lights, fencing and other barriers.
- 4) A traffic control plan complying with all the provisions of the Manual on Uniform Traffic Control Devices, current edition, shall be submitted to the Director of Public Works, if any roadway traffic is affected; and
- 5) Complete as-built construction plans of the construction project shall be submitted to the Director of Public Works, after final inspection of the project. As-built plans shall be submitted in hard copy medium and CAD files in DWG Format.

2. Minor projects outside roadway limits.

a) Construction plan submittal. Applicants for right-of-way permits shall submit a plat of the proposed project including the following information:

- 1) A plat prepared at a scale acceptable to the Director of Public Works to indicate a plan view of the proposed project, location with respect to edge of roadway, centerline, and right-of-way, tie-in to nearest subdivision lot corner or street intersection, components and type of material used, dimensions and depth of proposed excavation.
- 2) An erosion control plan with best management practices (BMP's) complying with the City's Stormwater Management Ordinance.
- 3) A safety plan to indicate methods to be used to protect the general public from injury, and including the proposed use of barricades, signs, lights, fencing and other barriers.
- 4) A traffic control plan complying with all the provisions of the Manual on Uniform Traffic Control Devices, current edition, shall be submitted to the Director of Public Works, if any impact on traffic movement is involved.
- 5) A landscape plan complying with the tree landscaping and protection ordinance.
- 6) Complete as-built construction plans of the construction project shall be submitted to the Director of Public Works, after final inspection of the project. The as-built plans shall be submitted in hard copy medium and CAD files in DXF Format.

C. Small projects. The applicant will not be required to submit a construction plan or plat for small projects. However, a location sketch will be required for the approval of small projects (Type A). Any pavement or areas in the right-of-way that is disturbed shall be restored in conformance with sections 6 and 7 of this ordinance.

SECTION II. BOND REQUIREMENTS

A. Construction bond. The applicant shall be required to provide an irrevocable, unconditional letter of credit or bond to guarantee the proper construction and completion of right-of-way restoration. The amount of the bond shall be based on the estimated cost of the right-of-way restoration provided by the permittee and approved by the Director of Public Works. A construction bond will not be required for small projects if no paved area or right-of-way is disturbed by the project. The Director of Public Works may waive the requirement for the construction bond for permittees who evidence financial ability to pay the cost of the repairs to City rights-of-way resulting from their permittee activity.

B. City Departments performing installation of facilities/sites, routine maintenance and repair, and other agencies working in the right-of-way that are not involved in the installation, repair and maintenance of utilities, are exempt from the requirements of section 2.

SECTION III. NOTIFICATION PROCEDURES FOR MAJOR AND MINOR PROJECTS

A. Except for emergencies, the following notification procedures will be followed for major & minor projects, prior to the commencement of any construction activities:

1. The one call line location center will be notified forty-eight (48) hours prior to any excavation. The location of all utilities shall be verified before commencing construction.
2. The Director of Public Works shall be notified twenty-four (24) hours prior to commencing any construction activity involving major and minor projects within roadway limits.
3. The Public Works Director will be notified seventy-two (72) hours prior to the closure of any roadway or interruption in traffic flow.
4. A written notice will be distributed to each occupant of premises adjacent to the project site five (5) days prior to commencing construction activity relating to major projects.

SECTION IV. INSPECTION

A. City engineering personnel will conduct periodic inspections of utility construction, right-of-way and pavement restoration. The contractor will schedule a final inspection for major & minor projects when construction is complete.

SECTION V. TRENCH EXCAVATION AND GENERAL UNDERGROUND CONSTRUCTION REQUIREMENTS FOR MAJOR AND MINOR PROJECTS

A. Excavation.

1. Trench excavating methods (trench box, shoring, etc.) shall be used to keep the width of the trench to a minimum. Extra wide excavation to accommodate equipment will not be permitted. Sheet piling, bracing, shoring, pre-fabricated steel trench boxes and other trench restraint system will be used to keep trench width to a minimum and to comply with OSHA regulations.
2. Hazardous materials. The applicant will comply with all federal, state and local laws, regarding hazardous material. For purposes of this section, hazardous material shall mean any material, substance or waste which,

because of its quantity, concentration, or physical or chemical characteristics, is deemed to pose a present or potential hazard to human health, safety or to the environment.

3. Utility construction. The construction of utilities will be in conformance with the plans which constitute a part of the permit approval process.

A. Depth requirements for underground installation:

1) Within roadway limits. The minimum clear depth for open cut installation, and jacking, boring,, and pushing operations shall be thirty-six (36) inches, unless otherwise authorized or directed by the Director of Public Works.

2) Outside roadway limits and driveways. The minimum clear depth for open cut installation and jacking, boring, and pushing operations shall be thirty (30) inches, unless otherwise authorized or directed by the Director of Public Works.

4. Housekeeping and excavated material. The permittee shall keep the area surrounding the excavation clean (including trash, loose materials or other debris).

B. Backfill material.

1. Backfill material for major projects will be select granular soil material approved by the geotechnical engineering company or the Director of Public Works. Excavated material from the trench will not be used unless approved. Material excavated from utility poles, guy wire installation, replacing existing poles and routine pole inspections may be used for backfill.

2. Backfill material for minor projects within the roadway shall be comprised of crushed stone material up to subgrade elevation, unless otherwise approved by the Director of Public Works. Backfill material for other areas will be select granular soil material approved by a geotechnical engineering company or the Director of Public Works.

3. Installation of backfill material:

a) Backfilling of the excavated area shall follow closely behind the installation project.

b) The backfill material shall be compacted at near optimum moisture content, in layers not exceeding six (6) inches compacted thickness, to a density of not less than ninety-five (95) percent, unless otherwise approved by the geotechnical company. Mechanical tampers shall be used unless

another method of compaction is approved. Jetting will not be permitted. The backfill material shall be installed uniformly and brought up evenly in layers for the full length of the trench.

4. Geotechnical testing and compaction for major & minor projects.
 - a) Major projects. A geotechnical engineering company will perform compaction tests at intervals of no more than 200 feet along the main trench line. Tests will be conducted at the installation of service lines within these limits where directed by the Director of Public Works. The geotechnical engineering company will perform tests at as many levels of backfill installation, and at lateral locations to certify that compaction requirements have been achieved. Documented test reports will be prepared and submitted to the Director of Public Works before any right-of-way restoration proceeds.
 - b) Minor projects. Compaction tests may be requested for minor projects at specific locations.
5. General public safety: Every effort will be taken by the contractor to protect the safety and welfare of the general public, and to insure compliance with the safety and traffic plans submitted with the permit application.
6. Steel plates may be required by the Director of Public Works, in congested or heavily traveled areas, to cover open trenches. Temporary patching will be required for any trench excavation in the roadway prior to opening the area to traffic. The Director of Public Works may also require the temporary covering of any excavated area that will be left open overnight, if he so deems that not covering the excavated area will present a threat to public safety or health.
7. For major projects a construction sign will be placed adjacent to the utility construction area where traffic flow is to be obstructed. The signs will be placed seventy-two (72) hours prior to construction, at least every five hundred (500) feet along the project. The name of the utility/company involved and phone numbers that may be contacted on a twenty-four hour basis to be shown on the sign(s).

SECTION VI. RIGHT-OF WAY RESTORATION WITHIN ROADWAYS

A. All construction procedures and materials utilized will be in compliance with Alabama Department of Transportation Standard Specifications for Highway Construction, current edition. A geotechnical engineering company will be retained by the utility/company or permittee, to conduct field testing to document and certify that all materials and compaction efforts are in compliance with Alabama Department of Transportation Standard Specifications for Highway Construction, latest edition and procedures specified in the City engineering department's design details for right-of-way restoration.

B. Major projects.

1. Asphalt road surface.

a) Base construction.

1) Granular soil, sandy clay base. The base course of the affected lanes shall be reconstructed full width.

2) Bituminous base, stone base. The base course of the affected lanes shall be patched with equivalent base material if the structural integrity of the roadway has not been affected by the project, as determined by the geotechnical engineering company. Otherwise, the affected lanes shall be reconstructed full width.

b) Wearing surface. The full width of the roadway surface shall be resurfaced within the limits of the project. Existing traffic striping and markings will be replaced.

2. Asphalt roadway surface overlay on existing concrete pavement.

a) Base construction. The existing concrete street may be patched with concrete, if the structural integrity of the roadway has not been affected by the project, as determined by the geotechnical engineering company. Otherwise, the affected panels of the existing concrete street shall be reconstructed.

b) Wearing surface. The full width of the roadway surface shall be resurfaced within the limits of the project. Existing traffic striping and markings will be replaced.

3. Concrete roadway surface.

a) Base construction. The base course of the affected lanes shall be reconstructed full width as determined by the geotechnical engineering company.

b) Concrete pavement. The entire roadway panel sections of the affected lanes shall be reconstructed. If the structural integrity of the roadway has been significantly affected by the project, the Director of Public Works may require the entire concrete surface, within the project limits, be reconstructed full width. Existing traffic striping and markings will be replaced.

4. Unpaved roadway surface. The entire roadway shall be surfaced with six (6) inches of stone within project limits.

B. Minor projects.

1. Asphalt roadway surface sixteen (16 square) feet or greater. For transverse service lines and miscellaneous installation and repair projects within

excavated areas sixteen (16) square feet or greater, the entire width of the lane disturbed will be resurfaced from a point measured ten (10) feet from the edge of the excavation each way longitudinally along the centerline of the roadway. If more than one (1) lane is disturbed, the entire width of the disturbed lanes will be resurfaced. If the replacement pavement is more than seventy (70) feet long or more than ten (10) percent of the roadway area within a block is affected, the entire roadway will be resurfaced within the block. Existing traffic striping and markings will be replaced (See Fig. B-1).

2. Asphalt roadway surface less than sixteen (16) square feet. For miscellaneous construction involving excavated areas less than sixteen (16) square feet, the area from the edge of the excavation extending one (1) foot outside the perimeter of the cut area will be resurfaced. If more than one (1) lane is disturbed, the entire width of the disturbed lanes will be resurfaced. If the replacement pavement is more than seventy (70) feet long or more than ten (10) percent of the roadway area within a block is affected, the entire roadway will be resurfaced within the block. Existing traffic striping and markings will be replaced.
3. Concrete roadway surface. The entire affected roadway panel sections, including base course, will be reconstructed joint to joint. Existing traffic striping and markings will be replaced.
4. Unpaved roadway surface. The entire roadway width will be resurfaced with six (6) inches of stone from a point ten (10) feet measured longitudinally along the roadway from the center of the excavation each way.

C. Jacking, boring, pushing, tunneling, retrofitting, and pipe lining projects. Any pavement damage caused by these types of projects will be restored in conformance with provisions of sections 5, 6, & 7 of this ordinance. Any existing pavement damage relating to the replacement, retrofitting, or pipe lining of damaged utilities will be restored in conformance with sections 5, 6, & 7 of this ordinance.

SECTION VII.

RIGHT-OF-WAY AND EASEMENT RESTORATION OUTSIDE ROADWAY AREAS

A. Driveways.

1. Asphalt.
 - a) Asphalt driveways affected by the construction project shall be replaced from the right-of-way line to the curb or edge of road.
 - b) Construction of asphalt driveways will comply with Alabama Department of Transportation Standard Specifications for Highway Construction, current edition, section 410.

2. Concrete.
 - a) Construction of concrete driveways affected by the construction project shall be replaced to the nearest control joint.
 - b) Construction of concrete driveways will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, current edition, section 618.
- B. Concrete sidewalks.
 1. Concrete sidewalks affected by the construction project shall be replaced to the nearest control joint in the affected construction area. Joints will be sawed unless at an expansion joint.
 2. Construction of sidewalks will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, current edition, section 618.
- C. Curb and gutter.
 1. Concrete curb and gutter, affected by the construction project, will be replaced from joint to joint in the affected area.
 2. Concrete curb and gutter construction will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, current edition, section 623.
- D. Miscellaneous structures.
 1. All walls, steps, and other miscellaneous structures, affected by the construction, will be replaced as required by the Director of Public Works.
- E. Drainage systems and structures.
 1. All disturbed drainage channels, structures, and pipe systems affected by the construction will be replaced as required by the Director of Public Works.
- F. Unpaved areas.
 1. All established lawn areas, affected by the construction project, will be replaced with similar landscaping materials which were existing prior to the project construction beginning, or upgraded at the discretion of the Director of Public Works. Other areas will be restored with approved topsoil replacement, and or sodding or seeding.

TYPICAL ASPHALT ROADWAY REPAIR

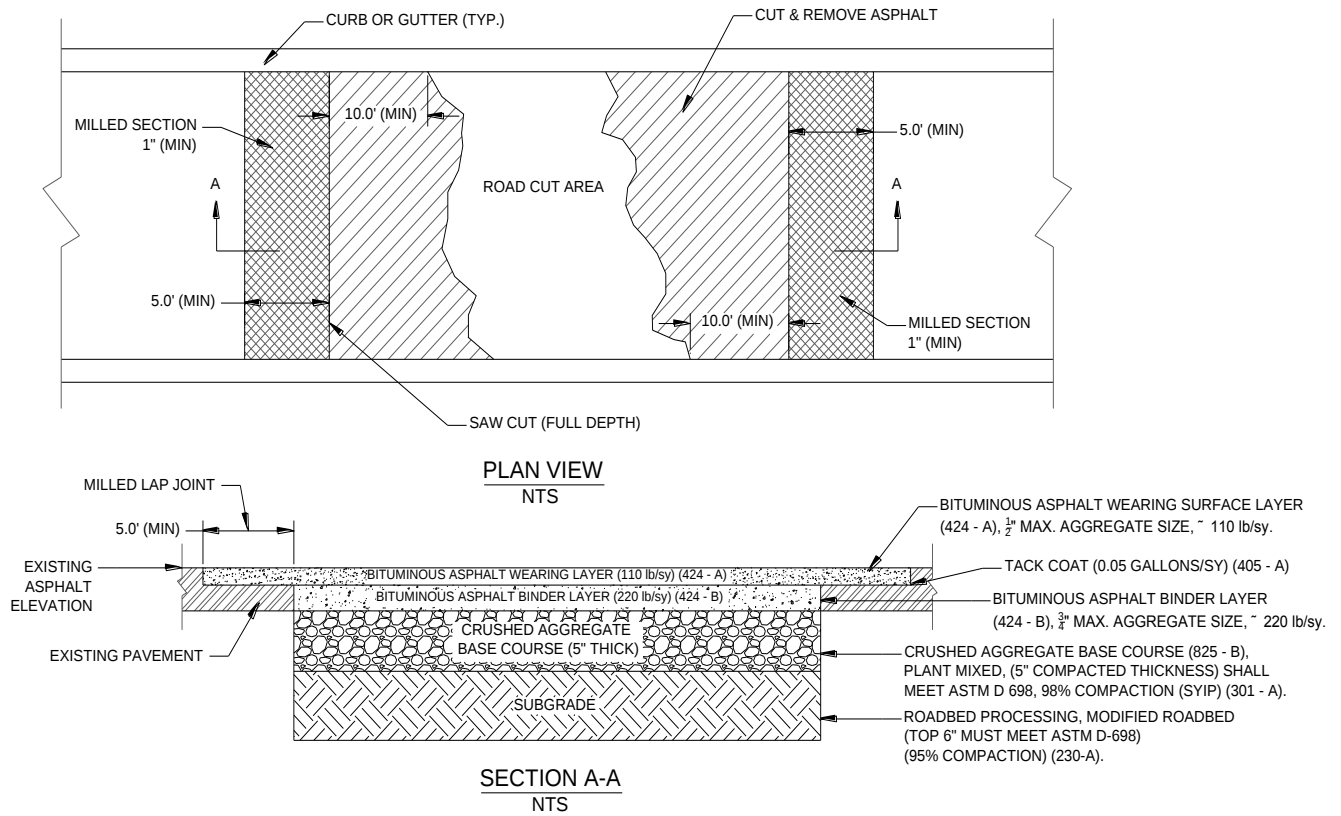


Figure B-1

Ordinance 2016-14

Appropriation for Preliminary Survey and Engineering for ALDOT to make Access Improvements through Signalization and Service Roads on U.S. Highway 98 between County Road 64 and Vann Avenue

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 City of Daphne has taken an active role in transportation planning and improvements along the U.S. Highway 98 corridor and in conjunction with the Alabama Department of Transportation (ALDOT) has worked jointly to improve the intersections of U.S. Highway 98 and the north service road, Whispering Pines, County Road 64 and Johnson Road; and

WHEREAS, the City of Daphne and ALDOT recognizes that the key to safe, efficient and maximized roadway capacity along the U.S. Highway 98 corridor is Access Management; and

WHEREAS, the City of Daphne and ALDOT has been working with business leaders, developers, engineers, elected officials, city and state employees and has established a “working group” to identify and study access issues along U.S. Highway 98 between County Road 64 and Vann Avenue; and

WHEREAS, this working group has determined improvements are warranted along this section of U.S. Highway 98 and are working with all involved parties to conduct a Transportation Impact Study (TIS) (\$14,950) and begin preliminary engineering (\$28,500) to design the proposed improvements; and

WHEREAS, it is the intent of City of Daphne that costs of improvements will be shared proportionally by all stakeholders: City, ALDOT and Private Businesses;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that:

1. the Fiscal Year 2016 Budget is hereby amended to include an appropriation in the amount of **\$43,450** from the **Seven Cent Gas Tax Fund** for a Transportation Impact Study and preliminary Survey and Engineering for signalization of Lavender Lane with U.S. Highway 98; construction of a new service road on the east side of U.S. Highway 98 north of Lavender Lane; combining the access of Halls Lane and the south end of the western service road with U.S. Highway 98; and improvements to the north access of the western service road, and
2. the Mayor is hereby authorized to execute any documents required in order for the City of Daphne to participate in such access improvement project.

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



CONTRACT FOR PROFESSIONAL SERVICES

SECTION 1 – GENERAL INFORMATION

This agreement including all attachments is made between Preble-Rish, LLC of 9949 Bellefont Avenue, Daphne 36526 and the Client listed below to perform the professional services as described below in Section 3.

CONTRACT DATE: FEBRUARY 2, 2016

PROJECT NAME: US HIGHWAY 98 IMPROVEMENTS PHASES 1 & 2

CLIENT: CITY OF DAPHNE

CONTACT PERSON: RICHARD JOHNSON

PHONE NUMBER: 251-621-3182

MAILING ADDRESS: P.O. DRAWER 400

CITY / STATE / ZIP: DAPHNE, AL 36526

EMAIL: rjohnson@daphneal.com

SECTION 2 – PROJECT DESCRIPTION

The scope of work consists of survey, design, letting and construction engineering inspection services for the two phase improvements to Highway 98 as follows:

1. Right turn lane and improvements to the intersection of Hall Drive and Highway 98.
2. Proposed service road from Wacky Shrimp to Lavender Lane and right turn lane along Lavender Lane.

ALDOT and the City of Daphne will be responsible for the traffic signalization design and installation of at the intersection of Lavender Lane and Highway 98.

The above items shall be improved as per Exhibit "A".

SECTION 3 - SCOPE OF SERVICES

1. TASKS PERFORMED FOR A LUMP SUM FEE FOR SURVEY, DESIGN & LETTING

A. SURVEYING

- 1) Provide necessary right of way vacation and topographic survey to facilitate the design of the required improvements for the two phases as outlined.
- 2) Provide any required easement description and or right of way dedication/vacation descriptions.
- 3) Prepare necessary maps to accompany descriptions listed above.

B. DAPHNE PERMITTING

- 1) Coordinate with the City of Daphne as necessary for any dedication/vacation to their existing right of way and design coordination for the two phase improvements to Highway 98.
- 2) Attend planning commission, Public Works and/or City Council meeting as required by the City of Daphne.

C. DESIGN ENGINEERING AND ALDOT PERMITTING

- 1) Sub Contract the Traffic Impact Study with Traffic Solutions to comply with the requirements of ALDOT.
- 2) Prepare preliminary engineering plans and cost estimates for the Highway 98 improvements and coordination meetings with city and adjacent property owners.
- 3) Prepare a final engineering plans and specifications and obtain an ALDOT permit application for proposed two phase of Highway 98 improvements as shown on Exhibit "A" and as required by the Traffic Impact Study.

2. TASKS PERFORMED ON AN HOURLY BASIS

A. CONSTRUCTION ENGINEERING SERVICES

Provide Construction Engineering Inspection services on a lump sum basis.

Generally, the purpose of the construction engineering inspection services is to assure that the project is being built according to the design plans, to help assure adherence to the construction schedule and to help assure the project is built within the construction budget. Full time inspection maybe necessary to achieve this but a Preble-Rish representative will visit the site during construction times. Inspection reports will be completed and filed. Itemized services may include:

- (1) Attend Pre-Construction meeting.

- (2) Review shop and manufacturer's drawings and other submissions of the contractor for compliance with the design concepts and specification requirements.
- (3) Inspect, consult and advise during construction.
- (4) Review monthly and final estimates of payment to contractors.
- (5) Make final inspection of the construction upon completion.
- (6) Revise construction drawings to show project as built based on information provided by the Contractor, and deliver to Owner within a reasonable time.

Construction Observation services to be performed on an hourly basis in accordance with the attached Hourly Rate Schedule. **(The Fee is only an estimate; and the actual fee will vary and could exceed this estimate).**

SECTION 4 – ADDITIONAL HOURLY SERVICES

The following hourly rate schedule will be used when performing out of scope services based on authorization from the Client.

<u>CLASSIFICATION</u>	<u>HOURLY BILLING RATE</u>
Principal.....	\$165.00
Project Manager	\$135.00
Project Engineer	\$125.00
Engineering Technician	\$ 85.00
Senior Designer	\$ 75.00
Exec. Admin. Assistant	\$ 65.00
Clerical.....	\$ 45.00
Inspector	\$ 80.00
Professional Land Surveyor	\$125.00
Land Planner	\$125.00
Field Crew Supervisor	\$ 70.00
Survey Crew	\$150.00
Extraordinary Out of Pocket Expenses (Specific to Assignment).....	Cost Plus 5%

SECTION 5 – FEE BREAKDOWN**SUMMARY OF FEES FOR LUMP SUM TASKS**

Listed below is our standard checklist of services provided. The items marked "Yes" apply to this Project and are included in the fee.

Description	Yes	No	Comments	Amount
SURVEY, DESIGN & LETTING				
Preliminary Design of Phaes One & Two	X			\$7,500.00
Phase One: Hall Lane/Hwy 98 Intersection Impr.	X			\$10,500.00
Phase Two: Lavender Lane/Service Road Impr.	X			\$10,500.00
Sub-total				\$28,500.00
CONSTRUCTION ENGINEERING SERVICES				
Phase One and Two	X			\$23,000.00
Sub-total				\$23,000.00
GRAND TOTAL				\$51,500.00

SECTION 6 – GENERAL CONTRACT CONDITIONS

In consideration of the engineering services provided by Preble-Rish, LLC, Client agrees to pay in addition to the invoice amount, interest at the rate of 1.5% per month (18% APR) for all balances outstanding for more than thirty (30) days from the invoice date, said interest to be calculated retroactively to the invoice date. In the event a dispute arises between Preble-Rish, LLC and Client for a lien claim or an amount claimed owed to Preble-Rish, LLC, Client agrees that the proper venue for that action will be Baldwin County, Alabama. Client acknowledges and agrees that Preble-Rish, LLC shall be considered a Laborer and Materialman with full authority to take all action with accompanying rights allowed by Code of Alabama Section 35-11-210 *et seq.* Any dispute not related to account collection by PR and which arises out of or is in connection with this agreement, negotiations, or discussions leading up to this agreement or any purported action or omission on the part of Preble-Rish, LLC, shall be resolved by an arbitrator chosen by Preble-Rish, LLC who will follow the Rules of the American Arbitration Association. The parties hereby acknowledge that the transaction made the basis of this agreement sufficiently affects interstate commerce so as to warrant the arbitration of any dispute between PR and Owner or Client. The arbitration award shall be final and binding upon all the parties, and judgment may be entered thereon in any court of competent jurisdiction. In the event Preble-Rish, LLC prevails in any such litigation or arbitration, Client agrees to pay reasonable attorney's fees and expenses of Preble-Rish, LLC associated with said litigation or arbitration. Client further agrees that any liability on the part of Preble-Rish, LLC will be limited to the amount paid by Client to Preble-Rish, LLC on the specific job made the subject of said litigation or arbitration.

No Assignment. Client shall not assign this agreement to any third party without the express written consent to an assignment. The Client/Assignor will continue to be liable and responsible for payment for all work, including work performed by PR after such assignment. The Third Party/Assignee shall also become legally obligated for payment of all work performed by PR,

with it being the responsibility of Client/Assignor to inform the Third Party-Assignee of that legal obligation.

SECTION 7 – OWNER'S RESPONSIBILITIES

1. Provide all necessary property information including deeds, title information, previous surveys, and any other information that may be relevant and necessary for the survey, planning, or engineering of the project.
2. Pay all application and permit fees associated with applications or submittals required for approval.
3. Make provisions for the engineers and surveyors to legally enter the property to collect data necessary for the design of the project.
4. Furnish the Engineer with all project criteria and full information as to the Owner's requirements for the project, including: design objectives and constraints, space, capacity and performance requirements, budget, and time constraints.
5. This agreement in no way shall be interpreted to be a warranty or guarantee that this project will be approved by the governing bodies.

SECTION 8 – SIGNATURES

PREBLE-RISH, LLC

DATE: 2/3/16

BY: 

PRINT NAME: JOHN G. AYENT

CLIENT

DATE: _____

CLIENT: _____

BY: _____

PRINT NAME: _____

3000 Piper Way
Hoover, AL 35244
(205) 249-6314



Fax: (205) 989-8607
john@traffic-solutions.net
www.traffic-solutions.net

STUDIES • ANALYSIS • DESIGN • SIGNALIZATION

February 4, 2016

Andrew N. "Andy" Bobe
Project Engineer
Preble-Rish
Consulting Engineers & Surveyors
9949 Bellaton Avenue,
Daphne, Alabama 36526

Subject: Proposal for a Traffic Impact Study: Shore Oaks Center
Location: US 98 in Daphne, AL
Job #: 16PRBL01

Dear Mr. Bobe:

I appreciate the opportunity to provide you with this proposal for a Traffic Impact Study (or TIS) for the subject development. This development is to be located on the west side of US 98, directly across from Lavendar Lane, and on the north side of the existing Popeye's Chicken.

This TIS will be based on the following project/site characteristics:

1. This development will be constructed in two (2) phases, and will consist of the following land uses:

Phase 1: (Anticipated Completion: summer 2016)

- Specialty Retail Shops (10,481 SF)
- 1- Fast Food without Drive-Thru (2,508 SF)
- 1- Fast Food with Drive-Thru (2,048 SF)
- 1- Coffee Shop with Drive-Thru (2,519 SF)
- 1- High Turnover Sit-Down Restaurant (4,000 SF)

Phase 2: (Anticipated Completion 2021)

- Residential Development (26 homes)

2. This development will access US 98 via the short connector/service road that runs parallel to US 98. It is proposed that the north end of the service road remain a right-in/right-out drive with direct access to US 98. It is also proposed that the southern end of the service road be restricted from allowing outbound left turns.

Currently, Halls Lane and the Service Road South Drive both have direct access to US 98. However, it is proposed that Halls Lane will be realigned to intersect the south end of the service road just west of US 98. That way, one direct access to US 98 can serve both roadways. ***For the proposed layout of area intersections (for which this TIS will be based), see the attached aerial image of the study area.***

3. The intersection of US 98 & Lavendar Lane will be signalized, which will require coordinated timing plans to be developed for Daphne Avenue, Lavendar Lane and Vann Road for AM & PM peak traffic conditions.
4. The study intersections for this TIS are as follows:
 1. US 98 @ Daphne Avenue (Highway 64),
 2. US 98 @ the Target Entrance,
 3. US 98 @ the Wacky Shrimp Right-in/Right-out Drive,
 4. US 98 @ Service Road North,
 5. US 98 @ Lavendar Lane
 6. US 98 @ Service Road South,
 7. US 98 @ Halls Lane,
 8. US 98 @ Van Avenue

The purpose of this study will be to determine what, if any, improvements are needed along US 98, or at study-area intersections, due to the additional traffic that is to be generated by both phases of the proposed development.

PART 1: Proposal and Scope

In order to perform this study, the following tasks will be completed:

1. A review of the 24-hour, bi-directional machine count (with speed study) on US 98, that was previously-performed near the proposed site;
2. AM & PM peak-hour turning movement counts (or TMCs) are to be conducted at the above study intersections 1, 2, 3 & 8;
3. A review of the AM & PM peak-hour turning movement counts (or TMCs) that were previously-collected at study intersections 4, 5, 6 & 7;
4. A field review of existing roadway operational and geometric conditions;

5. A determination of the new site traffic to be generated by the proposed development *(to be performed for both phases of construction)*;
6. An estimation of the directional distribution of this new site traffic;
7. The directional assignment of the new trips to each study intersection *(to be performed for both phases of construction)*;
8. Left and right turn lane warrant analyses to be conducted on US 98, at both ends of the Service Road;
9. AM and PM peak-hour capacity analyses of existing and future traffic conditions *(to be performed for both phases of construction)*;

Note that in order to properly analyze the effects (on US 98) of the proposed traffic signal at Lavendar Lane, AM & PM peak-hour coordinated (or system) timing plans will have to be developed for Daphne Avenue, Lavendar Lane and Vann Avenue due to the close proximity of these intersections.

10. A comprehensive report of the traffic study findings and recommendations.



The above tasks will be performed for a fee of **\$14,950.**



PART 2: Professional Services Agreement

This Agreement/Proposal is made by and between **Preble-Rish ("Client")**, doing business at 9949 Bellaton Avenue, Daphne, Alabama 36526, and **Traffic Solutions, LLC ("Consultant")**, doing business at 2363 Lakeside Drive, Birmingham, AL 35244.

Standard Terms and Conditions

Services performed by the **Consultant** under this agreement will be conducted in a manner consistent with that level of care and skill exercised by members of the profession currently practicing under similar conditions. No other warranty, expressed or implied, is made. The **Client** shall participate with the **Consultant** by providing all information and criteria in a timely manner, review documents and make decisions on project alternatives to the extent necessary to allow the **Consultant** to perform the scope of work within any established schedules.

This agreement may be terminated by either party upon ten (10) days' written notice should the other party fail substantially to perform in accordance with its terms through no fault of the other. In the event of the termination of this agreement, due to the fault of someone other than the **Consultant**, the **Consultant** shall be paid for services performed to termination date, including reimbursements then due.

This agreement shall constitute the entire agreement between the parties, and any prior understanding or representation of any kind preceding the date of this agreement shall not be binding upon either party except to the extent incorporated in this agreement.

Any modification of this agreement or additional obligation assumed by either party in connection with this agreement shall be binding only if placed in writing and signed by each party, or an authorized representative of each party.

It is understood that this agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Alabama.

The invalidity of any portion of this agreement will not and shall not be deemed to affect the validity of any other provision. In the event that any provision of this agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect.

To the fullest extent permitted by law, the **Client** and **Consultant** agree that, except for claims of indemnification, the time period for claims under this agreement shall expire one (1) year following the completion of the project.

The **Client** shall provide the **Consultant** access to the project site, as necessary, for the **Consultant** to provide the services outlined.

Reuse of any documents or other deliverables pertaining to the project by the **Client** other than for the project for which documents or deliverables were prepared, without written verification by the **Consultant**, shall be at the **Client's** risk.

No employee or agent of the **Consultant** shall have individual liability to the **Client**.

Risk Allocation

Client and **Consultant** each agree to indemnify and hold the other harmless, and their respective officers, employees, agents and representatives, from and against liability for all claims, losses, damages and expenses, including attorney fees, to the extent such claims, losses, damages or expenses are caused by the indemnifying party's negligent acts, errors or omissions. In the event claims, losses, damages or expenses are caused by the joint or concurrent negligence of **Client** and **Consultant**, they shall be borne by each party in proportion to its negligence.

Ownership of Documents

All specifications, calculations, sketch plans, and any other background documents prepared by **Consultant** as instruments of service, shall remain the property of **Consultant**. However, all project reports and design plans prepared by **Consultant**, for which **Consultant** has entered into

a signed contract (or proposal) to provide to the **Client**, will become the property of the **Client**. Reproduction of documents is prohibited without **Consultant** consent. The **Client** agrees that all documents and copies of documents as described, furnished to the **Client** or his agents, which are not paid for, will be returned upon demand and will not be used by the **Client** for any purpose. The documents as described, prepared by the **Consultant** are not transferable as parts of property or other business transactions between the **Client** and any third party, without the consent of the **Consultant**.

Payment(s)

At the completion of all services, outlined in **PART 1** of this contract, the total project fee will be due upon delivery of the traffic study report. Invoices are payable upon receipt, and such payment shall not be contingent or dependent upon **Client's** ability to obtain financing, obtaining approvals from any governmental or regulatory agencies, real estate closing, and receipt of payment from other parties (such as owner(s)), or upon the **Client's** successful completion of the project.

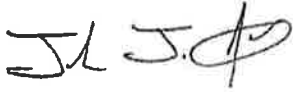
If any unforeseen factors cause a change in the scope of work tasks, as outlined above, the **Consultant** will notify the **Client** in writing of the changes and any adjustments to the fee(s) required by such change. If the **Client** chooses to undertake tasks that are outside the proposed scope of services, the **Consultant** is prepared to amend this Agreement or submit a proposal for the additional work.

If payment for invoices due is not received within thirty (30) days from date of invoice, the amounts due shall automatically include a late charge of 5% per month, calculated from said thirtieth (30th) day. If for any reason, payment for invoices has not been received in more than fifteen (15) days past the due date, The **Consultant** reserves the right to suspend services under this agreement until such time as payment in full for all amounts due for services rendered and expenses incurred have been received. The **Consultant** will not be liable for any delays to project schedules caused for such work stoppage. Should the **Consultant** be required to take legal action including, but not limited to, suit to collect for services, the **Client** shall be responsible for all costs and attorney fees in the collection of all amounts due for services rendered under this agreement/proposal or any amendment hereto. Failure to make payment within sixty (60) days shall constitute a waiver of the right to dispute the accuracy and appropriateness of the invoice.

The **Client** may authorize the **Consultant** to proceed with services by signing in the space provided below. The persons signing this agreement are certifying that they have the authority to sign on behalf of the **Client** and **Consultant**. **Services will begin upon receiving the signed contract in its entirety.** Should you have any questions or require additional information, please contact me at your earliest convenience.

February 4, 2016
Page 6

Sincerely,



John J. Anthony, P.E., PTOE
Owner/Principal Engineer

The Terms and conditions of this proposal are accepted on this _____ day
of _____.

Client

Title

**Please print or type the following information for the individual, firm or corporation
responsible for payment.**

Company (Individual, Firm or Corporate Body Name)

Client or Client's Authorized Representative Name

Street Address

City

State

Zip Code



Hwy 98 Access Plan Preliminary Estimates					
North Access Shore Oaks Option (Right in Right Out)					
Item No	Description	Unit	Quantity	Unit Price	Total
1	Asphalt Removal	SY	360	\$ 3.00	\$ 1,080.00
2	Unclassified Excavation	CY	175	\$ 5.50	\$ 962.50
3	Crushed Agg Base 6" Thick	SY	500	12	\$ 6,000.00
4	424B Lower Binder 2.5"	SY	500	13	\$ 6,500.00
5	424B Upper Binder 2.5"	SY	500	13	\$ 6,500.00
6	424B Wearing Surface 1.5"	SY	500	9	\$ 4,500.00
7	24" RCP extenaion	LF	24	35	\$ 840.00
8	24" Slope Paved Head Wall	Each	1	750	\$ 750.00
9	Concrete Island	SY	120	45	\$ 5,400.00
10	Striping	LS	1	500	\$ 500.00
11	Yeald Sign, post & Hardware	Each	1	350	\$ 350.00
12	Silt Fence	LF	40	3.5	\$ 140.00
13	Silt Fence Removal	LF	40	1	\$ 40.00
14	Solid Sod	SY	105	5.5	\$ 577.50
15	Traffic Control	LS	1	4500	\$ 4,500.00
Total Estimated Value					\$ 38,640.00

A

Turn Lane at Traffic Signal Shore Oaks Side					
Item No	Description	Unit	Quantity	Unit Price	Total
1	Asphalt Removal	SY	16	\$ 3.00	\$ 48.00
2	Unclassified Excavation	CY	250	\$ 5.50	\$ 1,375.00
3	Crushed Agg Base 6" Thick	SY	670	12	\$ 8,040.00
4	Borrow Excavation	CY	300	15	\$ 4,500.00
5	424B Lower Binder 2.5"	SY	670	13	\$ 8,710.00
6	424B Upper Binder 2.5"	SY	670	13	\$ 8,710.00
7	424B Wearing Surface 1.5"	SY	670	9	\$ 6,030.00
8	24" RCP	LF	72	35	\$ 2,520.00
9	24" Slope Paved Head Wall	Each	2	750	\$ 1,500.00
10	Concrete Island	SY	45	45	\$ 2,025.00
11	Striping	LS	1	1500	\$ 1,500.00
12	Yeald Sign, post & Hardware	Each	1	350	\$ 350.00
13	Silt Fence	LF	120	3.5	\$ 420.00
14	Silt Fence Removal	LF	120	1	\$ 120.00
15	Solid Sod	SY	250	5.5	\$ 1,375.00
16	Traffic Control	LS	1	7500	\$ 7,500.00
Total Estimated Value					\$ 54,723.00

Hall Lane /98 Intersection/Harwood Property					
Item No	Description	Unit	Quantity	Unit Price	Total
1	Asphalt Removal	SY	70	\$ 3.00	\$ 210.00
2	Unclassified Excavation	CY	325	\$ 5.50	\$ 1,787.50
3	Crushed Agg Base 6" Thick	SY	1660	12	\$ 19,920.00
4	Borrow Excavation	CY	500	15	\$ 7,500.00
5	424B Lower Binder 2.5"	SY	1660	13	\$ 21,580.00
6	424B Upper Binder 2.5"	SY	770	13	\$ 10,010.00
7	424B Wearing Surface 1.5"	SY	1660	9	\$ 14,940.00
8	Concrete Island	SY	170	45	\$ 7,650.00
9	Striping	LS	1	1500	\$ 1,500.00
10	Yeald Sign, post & Hardware	Each	1	350	\$ 350.00
11	Silt Fence	LF	40	3.5	\$ 140.00
12	Silt Fence Removal	LF	40	1	\$ 40.00
13	Solid Sod	SY	500	5.5	\$ 2,750.00
14	Traffic Control	LS	1	10000	\$ 10,000.00
Total Estimated Value					\$ 98,377.50

B

Traffic Signal					
Item No	Description	Unit	Quantity	Unit Price	Total
1	Traffic Signalization Lavendar Lane	LS	1	\$ 150,000.00	\$ 150,000.00

C

Lavendar Lane/Service Road Improvements					
Item No	Description	Unit	Quantity	Unit Price	Total
1	Curb Removal	LF	250	\$ 3.00	\$ 750.00
2	Unclassified Excavation	CY	825	\$ 5.50	\$ 4,537.50
3	Crushed Agg Base 6" Thick	SY	1100	\$ 12.00	\$ 13,200.00
4	Borrow Excavation	CY	2500	\$ 15.00	\$ 37,500.00
5	424B Lower Binder 2.5"	SY	25	\$ 13.00	\$ 325.00
6	424B Upper Binder 2.5"	SY	1100	\$ 13.00	\$ 14,300.00
7	424B Wearing Surface 1.5"	SY	1100	\$ 9.00	\$ 9,900.00
8	Concrete Island	SY	20	\$ 45.00	\$ 900.00
9	Striping	LS	1	\$ 1,500.00	\$ 1,500.00
10	Yeald Sign, post & Hardware	Each	1	\$ 350.00	\$ 350.00
11	Silt Fence	LF	725	\$ 3.50	\$ 2,537.50
12	Silt Fence Removal	LF	725	\$ 1.00	\$ 725.00
13	Solid Sod	SY	1600	\$ 5.50	\$ 8,800.00
14	Traffic Control	LS	1	\$ 5,500.00	\$ 5,500.00
Total Estimated Value					\$ 100,825.00

D

Grand Total

\$ 442,565.50

ORDINANCE 2016-15

Engineering: Gully project at Lovett Lane *(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, drainage repairs for the Gully at Lovett Lane are being reviewed; and

WHEREAS, engineering services in the amount of \$14,750 (*Survey, Design & Letting*) is required to evaluate the project for drainage improvements ; and

WHEREAS, the City Council has determined it to be in the best interest of the City to evaluate this project.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds from the General Fund are hereby appropriated and made a part of the Fiscal Year 2016 budget in the amount of \$14,750 for Engineering for the Gully project at Lovett Lane (referred to as Fannon property).

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE

ORDINANCE NO. 2016-16

AN ORDINANCE ESTABLISHING DISTRICT LINES FOR THE CITY OF DAPHNE, ALABAMA

WHEREAS, the City of Daphne, Alabama in order to encourage more active citizen participation in local government and to ensure equitable representation on the City Council in compliance with the Voting Rights Act of 1965, did pass Ordinance No. 1988-11, establishing seven (7) Single-Member Council Districts, which said district plan was approved by the United States Justice Department; and

WHEREAS, Act 1991-545, which governs the City of Daphne, incorporated the districting plan set out in Ordinance No. 1988-11, 1992-07 and said Act 1991-545, with the existing district lines, was approved by the United States Justice Department; and

WHEREAS, the 2010 Federal Decennial U.S. Census results have become final requiring an alteration to said district lines.

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

SECTION I: ENACTMENT

An Ordinance of the City of Daphne, Alabama, establishing Single-Member Council Districts for the purpose of electing Council representatives from each district, designating boundaries for each district based on current house count and current estimate of population, established by the Federal Census data, and prescribing a method for updating and amending the district boundaries on a periodic basis.

SECTION II: PURPOSE

The City of Daphne, Alabama, in order to encourage more active citizen participation in local government, to assure equitable representation on the City Council in compliance with the Voting Rights Act of 1965, as amended, and to promote the general welfare of all residents of the City, hereby ordains and enacts into law a Single-Member Council District Ordinance.

SECTION III: AUTHORITY

The Ordinance set forth herein is hereby adopted pursuant to authority granted by Act Number 91-545 of the 1991 Alabama Legislature as signed by the Governor and approved by the United States Justice Department.

ORDINANCE NO. 2016-16
DISTRICTS LINES

SECTION IV: ESTABLISHMENT OF DISTRICTS

The City of Daphne, Alabama is hereby divided into Single-Member Council Districts as listed and described below and as illustrated on the official Single-Member Council District Map which is hereby adopted and made a part of this Ordinance. The map shall be signed by the Mayor and attested to by the City Clerk. It shall be filed in the Office of the City Clerk and shall show thereon the date of adoption of this Ordinance. The Ordinance and Map shall, within five (5) days of the date of its adoption, be certified to the Judge of Probate of Baldwin County, Alabama.

SECTION V: LEGAL DESCRIPTION

See attached Exhibit "A", which is made a part hereof as fully as if set out completely herein.

SECTION VI: AMENDMENT

The City of Daphne, Alabama shall assess the population in the Single-Member Districts following each Decennial U.S. Census and shall make the minimum adjustments to the district boundaries that are necessary to maintain roughly equal populations within each district that are within the limits of deviation allowed by law as such may presently exist or be hereafter amended, and to assure Black representation on the City Council that generally approximates the Black proportion of the City's population.

SECTION VII: REPEALER

That Ordinances 1992-07, 2003-36 and 2008-26 are hereby repealed in their entirety, and that all City Ordinances or parts thereof in conflict with the provisions of this Ordinance is hereby repealed insofar as they conflict.

SECTION VIII: 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 portion hereof.

SECTION IX: EFFECTIVE DATE

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

ORDINANCE NO. 2016-16
DISTRICTS LINES

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes
City Clerk

EXHIBIT “A”
LEGAL DESCRIPTIONS

District 1

Point of Beginning at the intersection of the Centerline of Holy Cross Dr. and the June 5, 2015 city limits of the City of Daphne, following the City Limits east, south to Gabel St, east and north, east, to the eastern boundary of Section 29, Township 5S, Range 2E. Following said section line north to the western boundary of Section 21, Township 5S, Range 2E; travel north along said boundary to the intersection of the stated Daphne city limits; follow stated city limits as they intersect with the following 2010 US Census Block GEOIDs 1000000US010030108003007; 1000000US010030108003003; 1000000US010030108003015; 1000000US010030108003005; 1000000US010030108003004; 1000000US010030108003006; from the easterly boundary of GEOID 1000000US010030108003003 Follow the southern right of way of Baldwin County Rd 64; follow said right of way west to the intersection of the centerline of Pollard Rd; following said centerline north to the eastern boundary of the referenced city limits; following said east, north, east, and north to the intersection of Well Rd; Follow the centerline of Well Rd and the city limits west until the intersection of the centerline of Pollard Rd. Follow said centerline north to the intersection of the centerline of Park Rd. Follow said centerline west to the intersection of the centerline of Main St. Follow the centerline of Main St southwest to the south bound centerline of US HWY 98. Follow said centerline south to the intersection of the centerline of Johnson Rd. Travel west along said centerline to the intersection of the centerline of Main St. Follow said centerline south to the intersection of the centerline of Holy Cross Dr. Follow said centerline to the Point of Beginning.

District 2

Point of Beginning at the southwest end of the City limits of Daphne where meeting the shoreline following City of Daphne limits of June 5, 2015 moving west along city limits to intersection of the centerline of Holy Cross Dr., north along said centerline to the intersection of the centerline of Main Street; Following the Centerline of Main Street north to intersection of the centerline of Johnson Road. Traveling east on the centerline of Johnson Road to the intersection of the centerline of the southward bound lane of US HWY 98; Traveling north along the centerline of the southward bound lane of US HWY 98 to the intersection of centerline of Main Street; Traveling south along the centerline of Main Street to the intersection of the centerline of Bayfront Park. Traveling west along the centerline of Bayfront Park to the Shoreline and the Western most limits of the City of Daphne. South along the shore line and City limits to the Point of Beginning.

District 3

Point of beginning at Western most limits of the City of Daphne and the shoreline at the intersection of Bayfront Park, traveling east along the centerline of Bayfront Park to the centerline of Main Street; traveling north along the centerline of Main Street to the intersection of the centerline of N Main Street and to the centerline of Park Road. Traveling south and east along the centerline of Park Rd to the end of the road at the west boundary line of 2010 US Census block GEOID 1000000US010030107051031. Follow the boundary of said block north and east to the northeast boundary; Traveling north along the boundary of to the northerly adjacent 2010 US Census block GEOID 1000000US010030107051030; travel north to easterly boundary of said block and the

intersection of the centerline of Greenwood Dr and the intersection of centerline of Creekside Drive; traveling north along said centerline of Creekside Drive and the western boundary of the 2010 US Census block GEOID 1000000US010030107051028; following said block north to the centerline of Ridgewood Dr; travel westward along said centerline to the centerline of Avon Ct.; travel north along said centerline to the centerline of Tiawasee Creek; meander along said creek northwesterly to the intersection of the centerline of Bayview Dr. Travel south along said centerline to the intersection of the median of Ridgewood Dr. Follow said median westerly to the median of Lake Forrest Blvd to the intersection of the centerline of Eagle Drive. Follow said centerline west and north to the intersection of centerline of Van Buren St. Follow said centerline west to the centerline of N. Main Street; Follow said centerline northward to the northern boundary of US Census block GEOID 1000000US010030107051064. Following said northern boundary to the centerline of the northward bound lane of US HWY 98; Following said centerline north to the City Limits of Daphne. Following city limits westerly, northerly to the shoreline city limits; follow southward along said city limits to the Point of Beginning.

District 4

Point of beginning is the southern right of way of Baldwin County Rd 64 and the centerline of Pollard Rd.; following said southern right of way east to the intersection of the 2010 US Census block GEOID 1000000US010030108003000; Follow said census block south, east, and north and east to the to the intersection of the centerline of Friendship Rd.; following said centerline south to the June 5, 2015 city limits of Daphne; follow said city limits east and north to the intersection of the southern right of way of Baldwin County Rd 64; follow said right of way east to the intersection with the western right of way of Baldwin County Rd 13; follow Baldwin County Rd 13 right of way south to the intersection of the southern right of way of Milton Jones Rd; follow said right of way east to the western right of way of AL State HWY 181; Follow said right of way south to the centerline of Corte Rd.; follow said centerline west to the western boundary of stated city limit; follow city limit south, east to the intersection of the western right of way of AL State HWY 181; Follow said right of way south to northern boundary of Section 34, Township 5S, Range 2E; follow said boundary west to the western boundary of stated city limits of Daphne, Follow stated city limits south, east, and north, west, north, west, south, east and south to the intersection of northern boundary of Section 35, Township 5S, Range 2E; follow said boundary west to the eastern right of way of AL State HWY 181; Follow said right of way north to the intersection of the northern right of way of Milton Jones Rd; Follow said right of way west to the intersection of the stated city limits; Follow stated city limits north, east, north, west, south to the intersection of the northern right of way of Milton Jones Rd; Follow said right of way west to the intersection of eastern right of way of Baldwin County Rd 13; follow said right of way north to the intersection of the stated city limits; follow city limits east, south, east, north, and west, north, east, north, west to the intersection of eastern right of way of Baldwin County Rd 13; follow said right of way north to the intersection of the centerline of Parker Ln.; follow said centerline to the intersection with the eastern boundary of the stated city limits; follow said city limits north, east, north, and west to the intersection of eastern boundary of Section 4, Township 5S, Range 2E; follow said section boundary north to the 2010 US Census Block GEOID 1000000US010030107042022; following said census block's southern boundary to the intersection with the centerline of the eastern bound lane's centerline of Ridgewood Dr. to the intersection of the western boundary of the 2010 US Census Block GEOID 1000000US010030107051024; follow said boundary south to the intersection of the eastern

boundary of 2010 US Census Block GEOID 1000000US010030107051030; follow south and west along said boundary to the northwest corner of corner of Section 9, Township 5S, Range 2E; follow said section's western boundary south to the stated City limits of Daphne; follow stated city limits east, south, and west to the intersection of the western boundary of Section 9, Township 5S, Range 2E; follow said western boundary to the western boundary of Section 16, Township 5S, Range 2E; follow said section boundary south to the intersection of stated City limits of Daphne; follow said city limits east, north, west, and north to the intersection of the centerline of Whispering Pines Rd.; follow said centerline east to the stated City limits of Daphne; follow said city limits south, west, south, to the intersection of the southern right of way of Wells Rd.; follow said right of way east to the stated City limits of Daphne; follow said city limits south to the northern right of way of Baldwin County Rd. 64; follow said right of way west and south to the Point of Beginning; Excluding any land so described inside boundary that is not inside the June 5, 2015 stated City Limits of Daphne.

District 5

Point of Beginning at the intersection of the centerline of Eagle Dr. and the centerline of Van Buren St. Follow the centerline of Van Buren; follow west along centerline of Van Buren to the centerline of N. Main Street; Follow said centerline northward to the northern boundary of US Census block GEOID 1000000US010030107051064. Following said northern boundary to the centerline of the northward bound lane of US HWY 98; Following said centerline north to the intersection of the centerline of US HWY 90. Following said centerline to the intersection of transmission line right of way which is the eastern boundary of the named 2010 US Census block GEOID 1000000US010030107041030; following south to 2010 US Census Block GEOID 1000000US010030107041074 following the eastern most boundary south to the southern boundary, where the southern boundary of said census block intersects with the centerline of the median of Ridgewood Drive Follow said median westerly to the centerline of the median of Bay View Dr.; follow said median south to the intersection of the median of Ridgewood Dr. follow said centerline west and north to the centerline of the median of Lake Forest Blvd, following said center line north to the intersection of the centerline of Eagle Drive. Follow said centerline west and north to the Point of Beginning.

District 6

Point of Beginning at the intersection of Tiawasee Creek; and the centerline of Bay View Dr. following said median centerline of Bay View Dr. north to the intersection of the centerline of the median of Ridgewood Drive, following said median eastward to the intersection of the centerline of Wildoak Dr. and the 2010 US Census Block GEOID 1000000US010030107041074. Following said census boundary to the east and north to an unnamed tributary of D'Olive Creek. Follow the meander of the creek eastward and the southward to the eastern boundary of the June 5, 2015 city limits of Daphne, Section 4, Township 5S, Range 2E. Follow said Section line and City Limits south to the 2010 US Census Block GEOID 1000000US010030107042022; following said census block's southern boundary to the intersection with the centerline of the western bound lane's centerline of Ridgewood Dr. following said centerline to the intersection of the centerline of Avon Ct. following said centerline north to the intersection of Tiawasse Creek. Meander with said creek westward to the Point of Beginning.

District 7

Point of Beginning at the centerline of the northward bound lane of US HWY 98 and the Centerline of US HWY 90, moving east along the centerline of US HWY 90 to the intersection of transmission line right of way which is the western boundary of the named 2010 US Census block GEOID 1000000US010030107041029 . Follow the western boundary of said census block southeasterly to an unnamed tributary of D'Olive Creek. Follow the meander of the creek eastward and the southward to the eastern boundary of the June 5, 2015 City Limits of Daphne; following western right of way of Baldwin County Rd 13 south to the northern right of way of Lawson Rd.; follow said right of way west to the eastern boundary of Section 4 Township 5S Range 2E; follow section boundary south to the intersection of the eastern right of way of Baldwin County Rd 13. Follow said right of way north to the intersection of the stated city limits; following stated city limits west and north to the southern right of way of Champion Way; follow said right of way east to the intersection of the centerline of State HWY 181; following the northern right of way of Champion Way west to the stated city limits, following city limits north, west, and south to the northern right of way of Champions Way; Travel north along the eastern right of way of County Rd 13 to the intersection of the centerline of US HWY 90, following said centerline and the city limits east to the eastern most boundary of the stated Daphne city limits; following stated city limits north to US I-10 and west along said city limits to the intersection of the centerline of AL HWY 181; follow said centerline to the intersection of the centerline of US HWY 31 and the northern city limit boundary. Follow stated city limits west, south, west, south, west, southeasterly, and west along US Interstate 10 to the intersection of the centerline of north bound lane US HWY 98; Proceed south along said centerline to Point of Beginning.

ORDINANCE NO. 2016-17

Ordinance to Establish Voting Polls For the City of Daphne

AN ORDINANCE ESTABLISHING VOTING POLLING PLACES IN THE CITY OF DAPHNE, ALABAMA.

WHEREAS, the City Council of the City of Daphne believes it to be in the best interest of its citizens to have one voting poll center for the purpose of providing less costly election expenses, providing a better opportunity for citizens to vote by having a central location to all districts, to provide better election services by the poll workers and City Clerk; and

WHEREAS, the City Council of the City of Daphne, after due consideration deemed that the request is proper and believe it to be in the best interest of the City; and

WHEREAS, after due notice by publication as required by law, the voting poll places shall be changed for the 2004 Municipal Election pursuant to the State Code of Alabama 11-46-24 pertaining to the designation of voting places.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the below described voting poll place be established as the voting poll location for the City of Daphne's Seven Districts, and is hereby accepted as stated:

Districts 1, 2, 3, 4, 5, 6, and 7 shall have one Voting Poll Center to be at the City of Daphne Civic Center located on U.S. Highway 98 and Whispering Pines Road for the Municipal Election to be held on August 23, 2016 and for the October 4, 2016 a Runoff Election, if necessary.

Ordinances 2008-27, 2004-17, 1996-16 and 1992-14 are hereby repealed in their entirety. All Ordinances repealed by those ordinances shall remain repealed and are not revived. All other city ordinances or parts thereof in conflict with this provision of this ordinance, in so far as they conflict, are hereby repealed.

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

ORDINANCE NO. 2016-18

Ordinance to Establishing Voting Poll Places For the City of Daphne

AN ORDINANCE establishing Voting Poll Places for the City of Daphne, Alabama.

WHEREAS, the City Council of the city of Daphne believes it to be in the be interest of its citizens to have two voting polls for the purpose of holding a Municipal Election to be held August 23, 2016 and October 4, 2016 for a Runoff Election, if necessary; and

WHEREAS, after due notice by publication as required by law, the voting poll places shall be changed for holding the Municipal Election of August 23, 2016 and October 4, 2016 a Runoff Election, if necessary, pursuant to Act #95-327; and

WHEREAS, the City Council of the City of Daphne, after due consideration deemed, that the request is proper and believe it to be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the below described voting poll places be established as the voting poll locations for the City of Daphne Seven Districts is hereby accepted as stated:

Districts 1, 2, 3, 4, 5	- Daphne Civic Center	- 2603 U.S. Hwy 98
Districts 6, 7	- Daphne High School Trojan Hall	- 9078 Lawson Road / or

Ordinance Nos. 2008-27, 2004-17, 1996-16 and 1992-14 are hereby repealed in their entirety. All Ordinances repealed by those Ordinances shall remain repealed and are not revived. All other city Ordinances or parts thereof in conflict with the provision of this Ordinance, in so far as they conflict, are hereby repealed.

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

Rebecca A. Hayes

From: Chief White <jwhite@daphnefire.org>
Sent: Wednesday, February 24, 2016 2:01 PM
To: Rebecca A. Hayes
Cc: Dane Haygood
Subject: Station 2 Renovations
Attachments: Document1.docx

I am not sure of the timeframe for renovations to Station 2; I just wanted to make you aware that other arrangements may have to be made for a polling place during any upcoming elections. We will have to stay in the building during the construction phase, which will mean both floors will have to be utilized for crews, administration and or construction. If the contractor is working on the upstairs the crews will have to be moved downstairs or vice versa.

ORDINANCE NO. 2016-19

Ordinance to Establishing Voting Poll Places For the City of Daphne

AN ORDINANCE establishing Voting Poll Places for the City of Daphne, Alabama.

WHEREAS, the City Council of the city of Daphne believes it to be in the be interest of its citizens to have two voting polls for the purpose of holding a Municipal Election to be held August 23, 2016 and October 4, 2016 for a Runoff Election, if necessary; and

WHEREAS, after due notice by publication as required by law, the voting poll places shall be changed for holding the Municipal Election of August 23, 2016 and October 4, 2016 a Runoff Election, if necessary, pursuant to Act #95-327; and

WHEREAS, the City Council of the City of Daphne, after due consideration deemed, that the request is proper and believe it to be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the below described voting poll places be established as the voting poll locations for the City of Daphne Seven Districts is hereby accepted as stated:

District 1	-	Boys and Girls Club	-	1317 Johnson Rd.
District 2	-	Nicholson Center	-	College & Capt. O'Neal
District 3	-	Daphne Civic Center	-	2603 U.S. Hwy 98
District 4	-	Daphne Civic Center	-	2603 U.S. Hwy 98
District 5	-	Daphne Civic Center	-	2603 U.S. Hwy 98
District 6	-	Daphne High School Trojan Hall	-	9078 Lawson Road
District 7	-	Daphne High School Trojan Hall	-	9078 Lawson Road

Ordinance Nos. 2008-27, 2004-17, 1996-16 and 1992-14 are hereby repealed in their entirety. All Ordinances repealed by those Ordinances shall remain repealed and are not revived. All other city Ordinances or parts thereof in conflict with the provision of this Ordinance, in so far as they conflict, are hereby repealed.

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

Rebecca A. Hayes

From: Chief White <jwhite@daphnefire.org>
Sent: Wednesday, February 24, 2016 2:01 PM
To: Rebecca A. Hayes
Cc: Dane Haygood
Subject: Station 2 Renovations
Attachments: Document1.docx

I am not sure of the timeframe for renovations to Station 2; I just wanted to make you aware that other arrangements may have to be made for a polling place during any upcoming elections. We will have to stay in the building during the construction phase, which will mean both floors will have to be utilized for crews, administration and or construction. If the contractor is working on the upstairs the crews will have to be moved downstairs or vice versa.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-20**

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance 2011-54**

Article 39, Jubilee Overlay Section 39-2 (b) District Requirements, Setbacks

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regular meeting held on January 28, 2016, considered amendments to the City of Daphne Land Use and Development Ordinance No. 2011-54; and,

WHEREAS, the Planning Commission considered an amendment to Article 39, Jubilee Overlay to add and include an amendment to Section 39-2 (b); annotations added to the Minimum Zoning District Setback Table: U.S. State or County Roads^e, Front^d yard setback and notes (d) and (e) have been added to the Table Notes: (d) The front setback for property that does not front U.S. Highway 90 shall be a minimum of fifty (50) feet as measured from the front property line; (e) Where abutting U.S. Highway 90, the front setback shall be measured from the centerline of the U.S. Highway 90 R.O.W.; and after such consideration the Planning Commission set forth a unanimous favorable recommendation to the City Council of the City of Daphne for the addition of said 39-2 to Article 39 of the Land Use and Development Ordinance; and

WHEREAS, due notice of said proposed amendments 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 March 7, 2016; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission, deemed that said amendments to the City of Daphne Land Use Ordinance are proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I. AMENDMENTS

Article 39, Jubilee Overlay shall be and is hereby amended to include the following:

Section 32 (b)

Annotations added to the Minimum Zoning District Setback Table: U.S. State or County Roads^e, Front^d yard setback and notes (d) and (e) have been added to the Table Notes:

(d) The front setback for property that does not front U.S. Highway 90 shall be a minimum of fifty (50) feet as measured from the front property line;

(e) Where abutting U.S. Highway 90, the front setback shall be measured from the centerline of the U.S. Highway 90 R.O.W.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE 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.**

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

Dane Haygood, Mayor

ATTEST:

**Rebecca A. Hayes,
City Clerk**

Proposed Amendment to Article 39, Jubilee Retail Overlay, Section 39-2 District Requirements (b) Setbacks.

The purpose of the amendment is to specify the point from which the front yard setback will be measured.

Annotations have been added to the Minimum Zoning District Setback Requirements Table as follows:

- U.S., State or County Roads^e Front^d Yard setback and a notes **d.** and **e.** have been added to the Table Notes.

MINIMUM ZONING DISTRICT SETBACK REQUIREMENTS

Zoning District	Front ^d Yard (ft)			Rear Yard	Side Yard	Corner Lot ^c Side Yard (ft)	
	Arterial & Collector Streets	Local Streets & Service Roads	U.S., State or County Roads ^e			Arterial & Collector Streets	Local Streets & Service Roads
B-2	30	20	100	a, b	a, b	30	25
B-3	30	20	100	a, b	a, b	30	25

Table Notes:

a. None, except it will be five (5) feet where abutting an alley, or where abutting a residential district it shall be at least thirty (30) feet.

b. Where a public or semi-public use abuts any part of a single family residential district, a buffer zone ten (10) feet wide shall be required. Where a commercial district abuts any part of a residential district a buffer zone of twenty (20) feet shall be required. Said buffer zone shall be designed in compliance with the provisions established in Section 19-10.

c. Lot Orientation: On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

d. The front setback for property that does not front U.S. Highway 90 shall be a minimum of fifty (50) feet as measured from the front property line

e. Where abutting US Highway 90, the front setback shall be measured from the centerline of the U.S. Highway 90 R.O.W.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-21**

**Ordinance to Pre-Zone Property Located
At the Southwest Corner of the Intersection of Champions Way and Alabama Highway 181
The Bills' No. 2**

WHEREAS, The Bills' No. 2 as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RSF-1, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as B-3, Professional Business District, prior to annexing into the City of Daphne; and

WHEREAS, said real property is Southwest of the intersection of Champions Way and Highway 181, and more particularly described as follows:

Legal Description for Pre-zone:

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:
THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3,
TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND
THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST
QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN
COUNTY ALABAMA

WHEREAS, at the regular Planning Commission meeting on January 28, 2016 the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on March 7, 2016; and,

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

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

SECTION I: ZONING

That above described real property is hereby pre-zoned to B-3, Professional Business District, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in

Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RSF-1, Single Family District, Baldwin County District 15.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

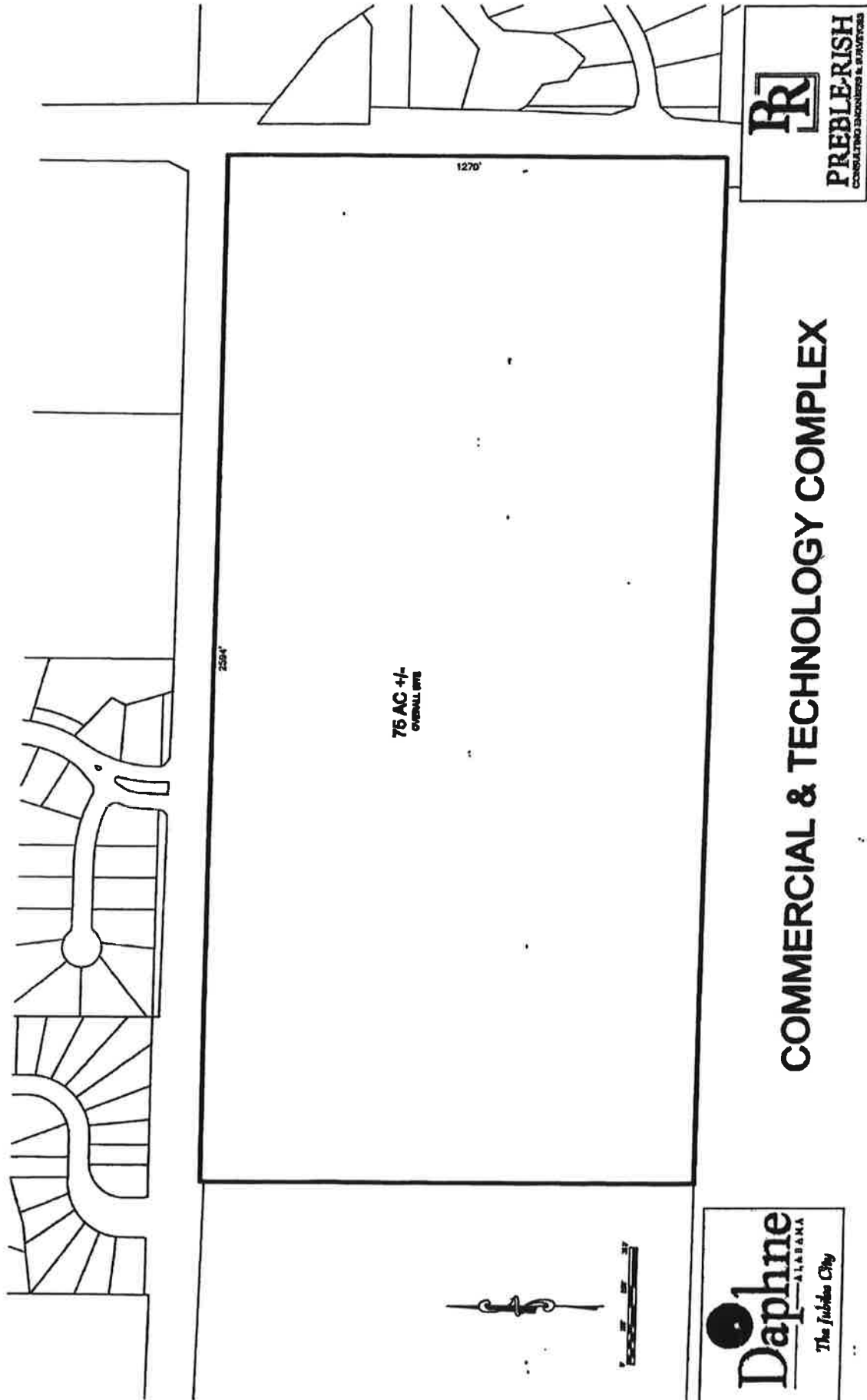
Rebecca A. Hayes,
City Clerk

EXHIBIT A

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

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:

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



**CITY OF DAPHNE
ORDINANCE NO. 2016-22**

AN ORDINANCE TO ADJUST SPEED LIMITS AND TO POST SPEED LIMIT SIGNS

WHEREAS, the traffic patterns and speeding problems on various highways, roads, streets, avenues, etc. having been studied and certain recommendations having been made to the City Council relative to establishing speed limits in accordance therewith; and

WHEREAS, the City Council of the City of Daphne has determined that it is in the best interest of the community and for the public welfare and safety to adjust the speed limit and to post speed limit signs on several streets within the city limit of the City of Daphne; and

WHEREAS, the City Council of the City of Daphne desires to place speed limit signs, which shall reflect the adjusted speed limit, the number and location of which shall be determined by the City of Daphne Public Works Department; and

WHEREAS, any violation of the aforementioned posted speed limit shall constitute a traffic offense, pursuant to Alabama Code, and within the jurisdiction of the City of Daphne Municipal Court.

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

SECTION ONE: PUBLIC STREETS

The speed limit on all public streets, roads and highways located within the City limits of the City of Daphne, Alabama, excluding U.S. Highway 98, U.S. Highway 90, and Main Street are hereby fixed at 25 m.p.h. unless listed herein.

SECTION TWO: SCHOOL ZONES

During the school year the speed limit in and through school zones is hereby fixed at 25 m.p.h. unless otherwise posted. Before or after the school year the speed limit in the school zone shall conform to the speed limit set in the adjacent areas, unless otherwise posted.

SECTION THREE: DAPHNE AVENUE (1)

The speed limit on Daphne Avenue between U.S. Highway 98 and Pollard Road is hereby fixed at 45 m.p.h.

SECTION FOUR: DAPHNE AVENUE (2)

The speed limit on Daphne Avenue between U. S. Highway 98, and Main Street is hereby fixed at 30 m.p.h.

SECTION FIVE: COUNTY ROAD 13

The speed limit on County Road 13 between Whispering Pines Road and Lawson Road is hereby fixed at 45 m.p.h.

SECTION SIX: MAIN STREET

The speed limit on Main Street between the intersections of Santa Rosa and Johnson Road is hereby fixed at 25 m.p.h. The speed limit on the other portions of Main Street between U.S. Highway 98 and the southernmost point of the City limits of the City of Daphne is hereby fixed at 35 m.p.h.

SECTION SEVEN: WHISPERING PINES ROAD

The speed limit on Whispering Pines Road between Main Street and County Road 13 is hereby fixed at 35 m.p.h.

SECTION EIGHT: POLLARD ROAD

The speed limit on Pollard Road between Park Drive and the southernmost point of the City limit of the City of Daphne is hereby fixed at 35 m.p.h.

SECTION NINE: LAKEFRONT DRIVE

The speed limit on Lakefront Drive is hereby fixed at 25 m.p.h.

SECTION TEN: GREENBAY CIRCLE

The speed limit on Greenbay Circle is hereby fixed at 20 m.p.h.

SECTION ELEVEN: JACKSON STREET

The speed limit on Jackson Street is hereby fixed at 15 m.p.h.

SECTION TWELVE: PENALTY

Any person who is convicted of speeding in excess of the speed limits as set forth in Section One (1) through twelve (12) above shall be fined in accordance with Title 32-5A-8 of the Code of Alabama (1975), as amended or may be amended, and City of Daphne Ordinance 1987-8 as amended.

SECTION THIRTEEN: REPEALER

Ordinance Nos. 2012-43 and 2002-28 are hereby repealed in their entirety. All Ordinances repealed by those Ordinances shall remain repealed and are not revived. All other city Ordinances or parts thereof in conflict with the provision of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION FOURTEEN:**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 FIFTEEN:**EFFECTIVE DATE**

This Ordinance shall take effect as provided by law after passage, approval and publication.

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

CITY OF DAPHNE

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes City Clerk