

**CITY OF DAPHNE
CITY COUNCIL MEETING AGENDA
1705 MAIN STREET, DAPHNE, ALABAMA
MAY 2, 2016
6:30 P.M.**

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

INVOCATION / Pastor Chris Bell with 3 Circle Church

PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council Meeting Minutes / April 18, 2016

INTRODUCTION: Widowed Persons Service of Mobile and Baldwin County / By Mrs. Jane Ellis

PRESENTATION: Jonathan Ellis / Daphne Elementary

- PUBLIC HEARINGS:**
- | | |
|---|---|
| 1.) Annexation: | CR 64 Right-of Way |
| Location: | From CR 13 to AL Hwy. 181 |
| Recommendation: | Unanimous Favorable |
|
2.) Rezoning: |
Elizabeth Wright |
| Location: | Southeast of the intersection of Van Avenue and Main Street -
1204 Main Street |
| Present Zoning: | B-3, Professional Business District |
| Requested Zoning: | B-1, Local Business District |
| Recommendation: | Unanimous Unfavorable |
|
3.) Amending the Land Uses & Development Ordinance / Sign Provisions /
Article 33-5 (g) (5) and (7) (<i>Political Signs</i>) | |

4. REPORTS OF STANDING COMMITTEES:

- A. FINANCE COMMITTEE – Fry**
- B. BUILDINGS & PROPERTY COMMITTEE - Lake**
- C. PUBLIC SAFETY - Conaway**
Review minutes / April 18th
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott**
Review minutes April 18th
- E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune**

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones**
- B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway**
Nomination for Appointment: Kiki Mikkelson / Term May 2016 – May 2022

C. INDUSTRIAL DEVELOPMENT BOARD – Phillips**D. LIBRARY BOARD – Lake****E. PLANNING COMMISSION – Scott****F. RECREATION BOARD / LeJeune**
Review minutes / April 13th

Recreational Consultant Agreement / Option “A” / Option “B”

G. UTILITY BOARD – Fry**6. MAYOR’S REPORT****7. CITY ATTORNEY’S REPORT****8. DEPARTMENT HEAD’S REPORT****9. CITY CLERK’S REPORT**

a.) **MOTION:** Set a Public Hearing date for May 16, 2016 and approve advertising to consider: CDBG Application / For hookups only for the low income residents on Whispering Pines Road / Pollard Road

b.) **MOTION:** To approve Cara Stallman with Grant Management (*the city’s grant consultant*) to apply for the ADECA Land and Water Conservation Fund FY 2016 Outdoor Recreation Legacy Partnership, and authorize the Mayor to sign all grant documents related to the grant application for a splash pad, playground and other facilities at Park Road Park

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

a.) **Resolution 2016-17.....**Adopting the 2015 Baldwin County Multi-Hazard Mitigation Plan

ORDINANCES:**1ST READ**

a.) **Ordinance 2016-27.....**Annex the Right-of-Way of county Road 64 from County Road 13 to Alabama Highway 181

b.) **Ordinance 2016-28.....**Rezone: Property Located Southeast of the Intersection of Van Avenue and main Street / 1204 Main Street

c.) **Ordinance 2016-29.....**Amending Article XXXIII of the City of Daphne’s Land Use & Development Ordinance / Sign Provisions

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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**APRIL 18, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

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

2. ROLL CALL

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

Also Present: Mayor Haygood; Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Jay Ross, City Attorney; Kevin Boucher, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; Vickie Hinman, HR Director; Tonja Young, Library Director; David Carpenter, Police Chief; Richard Merchant, Building Official; Don Ouellette, Environmental Advisory Committee; Larry Cooke, BZA; Dorothy Morrison, Beautification Committee; Ray Moore, HMR; Scott Hutchinson, HMR; Kiki Mikkelson, Beautification Committee; Victoria Phelps, Lake Forest Property Owners Association; Heiko Einfeld, Executive Director of the ES Chamber of Commerce; Melinda Immel, Volkert, Inc.; State Representative Randy Davis; Mike McMillan, Mayor of Spanish Fort.

INVOCATION/PLEDGE OF ALLEGIANCE:

Neil Beasley, Community Life Center Director at Daphne United Methodist Church gave the invocation.

3. APPROVE MINUTES:

April 4, 2016 Council Meeting Minutes:

There being no corrections to the April 4, 2016 council meeting minutes they stand approved as written.

PRESENTATION: Thomas Hospital Birth Center / Mr. Ormond Thompson

Mr. Thompson and staff gave a presentation on the new Birth Center at Thomas Hospital, and had renderings of the center. He said they are getting ready to start the project, and thanked council for their commitment and support. He said that it will serve the Eastern Shore. Dr. Jessie Jones and Dr. Brett Henderson thanked the council for their support of the center.

Council Vice President Fry asked if they could give an update on the Emergency Center. Mr. Thompson said it will be ready in the fall of 2017. It is a 12 month project for the 23,000 square foot building. The pre-site work is being done.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Fry

The April 11th minutes are in the packet.

• **Treasurers Report / March 2016**

As of March, 2016 Total Unrestricted Cash Balance- \$13,323,385 and Total Cash Balance - \$20,493,875

• **Sales & Use Tax Collections / February 2016**

\$1,250.035 was collected for February 2016:

YTD Variance over Budget - \$414,102

• **Lodging Tax Collections / February 2016**

For February, 2016 were \$84,997 which is down \$ 7,156 from February's 2015's collections of \$92,153.

YTD Variance over Budget: \$15,152

These figures will be submitted for audit.

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B. BUILDINGS & PROPERTY COMMITTEE – Lake

No report. The next meeting will be May 2nd.

C. PUBLIC SAFETY COMMITTEE – Conaway

No report. The next meeting will be April 18th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

No report. The next meeting will be April 18th after the Public Safety meeting.

E. PUBLIC WORKS COMMITTEE – LeJeune

The minutes for the last meeting will be in the next packet. The next meeting will be May 2nd after the Buildings and Property meeting.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

No report. No meeting for May.

B. Downtown Redevelopment Authority – Conaway

The minutes for the March 30th meeting is in the packet. The next meeting will be April 28th at 5:30 p.m.

C. Industrial Development Board – Phillips

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

D. Library Board – Lake

The next meeting will be May 12th at 4:00 p.m. at the Library.

E. Planning Commission – Scott

The next meeting will be April 28th.

F. Recreation Board – LeJeune

No report.

G. Utility Board – Fry

The next meeting has been rescheduled for April 20th at 5:00 p.m. in the council chambers.

Council President Rudicell skipped to the City Clerk's Report.

9. CITY CLERK'S REPORT:

a.) ABC License / Serdas Coffee Company / 020 – Restaurant Retail Liquor

MOTION BY Councilman LeJeune to approve the ABC License for Serdas Coffee Company / 020 / Restaurant Retail Liquor. Seconded by Councilman Fry.

MOTION CARRIED UNANIMOUSLY

b.) Events Permit / Scott Ward Memorial Run / 5K and Family Fun Run / June 11, 2016

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MOTION BY Councilman Scott to approve the Events Permit / Scott Ward Memorial Run / 5K and Family Fun Run / June 11, 2016. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

- c.) MOTION: To authorize the Mayor to sign the attached document, and any other documents necessary for the US 90 Water Line Project**

MOTION BY Councilwoman Phillips to authorize the Mayor to sign the attached document, and any other documents necessary for the US 90 Water Line Project. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

d.) Report on the Volunteer Appreciation Breakfast held April 13th

Mrs. Hayes reported that the Volunteer Appreciation Breakfast held last Wednesday was a great success. The volunteers really enjoyed themselves and they felt especially appreciated. She thanked council, Jenny White, Jane Ellis and Kara Wilbourn for their help with the breakfast.

Councilman Scott wanted to say for the record that the Volunteer Appreciation Day Breakfast was the idea of Council President Pat Rudicell.

6. MAYOR'S REPORT

Mayor Haygood reported:

- The city received a Risk Management Award from AMIC for Loss Ratio and was upgraded to a Silver Award. The ratio went down from 25% to 20%. He thanked HR for their efforts in bring the numbers down.
- He met with Mr. Jim Byard, Executive Director of ADECA, and his staff in his office today, and discussed possible grants for the city.
- He thanked Council and Mrs. Thigpen and her staff at the Civic Center for their help with the breakfast.
- He introduced his new assistant Zach Michael.
- He reported that Miraca Life Sciences has acquired Plus Diagnostics. They will open in the Mercy Medical Admin building and plan to increase employees to 100.
- The ribbon cutting for the Daphne Wal-Mart Delivery Service where all you have to do is send in your order and drive through and pick up your order. There is an app where you can order online. He said that Daphne and Fairhope are the only stores in the area with this service at this time.
- He has an update on the purchase and sale of real property which will require an executive session, and action may be required.

7. CITY ATTORNEY REPORT:

Mr. Ross affirmed the Mayor's statement regarding the need for an Executive Session to discuss the purchase and sale of real property.

8. DEPARTMENT HEAD COMMENTS:

Vickie Hinman – HR Director – Reminded Council of the Employee Service Awards on Wednesday at 11:30 am. There are nine (9) employees that have 25 years of service to the city.

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10. PUBLIC PARTICIPATION

Ms. Victoria Phelps – Worchester Drive - Lake Forest Property Owners Association – said that the Volunteer Appreciation Breakfast was a great event. She thanked Animal Control for helping with the incident at the stable. She spoke regarding the city’s logo drifting away and losing the “Jubilee City” in the logo.

Mrs. Beth Marks – Lazyboy Furniture - spoke regarding 4.9 acres of their property being in the City of Spanish Fort and the City of Daphne.

Mr. David Marks – Lazyboy Furniture – spoke regarding spoke regarding 4.9 acres of their property being in the City of Spanish Fort and the City of Daphne. They would like their property to be in the City of Daphne.

Ms. Fay Rivart – spoke regarding helping the Marks with public record research regarding their property. She mentioned that this property is separate from the Dewberry property it is two (2) separate parcels.

Representative Randy Davis – 6590 Thompson Lane – reported that there has been a major breakthrough regarding wind insurance thanks to the efforts of Joe Faust and the Baldwin County delegation. This area will be getting a break. He said that he worked with the Mayor today to find funds for sewer and recreation projects. He is thankful for the work the council puts in for the city. He spoke regarding the legislative act to bring the Mark’s property into the City of Spanish Fort. He said he spoke with former Mayor Fred Small and he said that it was the intent of the City of Daphne to de-annex all property north of I-10 into the City of Spanish Fort. He said this is a problem of error, not a land grab but a solving of a problem.

Mr. David Marks – Lazyboy Furniture - thanked Mr. Davis.

Mr. David Connor – City Attorney for Spanish Fort – spoke regarding the error in annexing the 4.9 acres. He said that the state missed it, and Spanish Fort missed it. He said there is nothing they are trying to hide. There is an issue that needs fixed. He asked for Daphne’s support on this issue.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Resolution 2016-23.**.....Adoption of the City of Daphne Debris Management Plan
- b.) **Resolution 2016-24.**.....Opposing AL Legislative House Bill 516 / De-annexing Certain Property
Parcels of Real Property from the City of Daphne and Subsequent
Annexation into the Territorial Limits of the City of Spanish Fort
- c.) **Resolution 2016-25.**.....Bid Award: Rock Material / Vulcan Materials Company
- d.) **Resolution 2016-26.**..... Bid Award: Asphalt / H.O. Weaver & Sons, Inc.
- e.) **Resolution 2016-27.**..... Bid Award: Pine Straw / SiteOne Landscape Supply
- f.) **Resolution 2016-28.**..... Bid Award: Recycled Rock Material / Asphalt Services, Inc.
- g.) **Resolution 2016-29.**..... ADEM 319 Watershed Management Project Engineering Services

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Low Impact Development (LID) and Leadership in Energy and Environmental Design (LEED) Project Engineering Services

h.) Resolution 2016-30..... Authorizing Letting of Bid and Dismissal of Current Contract for 2015-M-Disaster Debris Removal & Disposal

I.) Resolution 2016-31..... Adopting Purchasing Policy for All Grant Programs

Resolution 2016-23..... Adoption of the City of Daphne Debris Management Plan

MOTION BY Councilwoman Conaway to waive the reading of Resolution 2016-23. Seconded by Councilman Fry.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Resolution 2016-23. Seconded by Councilman Fry.

MOTION CARRIED UNANIMOUSLY

Resolution 2016-24..... Opposing AL Legislative House Bill 516 / De-annexing Certain Property Parcels of Real Property from the City of Daphne and Subsequent Annexation into the Territorial Limits of the City of Spanish Fort

MOTION BY Councilman Lake to lay Resolution 2016-24 over to the next agenda.

MOTION FAILED DUE TO LACK OF A SECOND TO THE MOTION

Resolution 2016-25..... Bid Award: Rock Material / Vulcan Materials Company

Resolution 2016-26..... Bid Award: Asphalt / H.O. Weaver & Sons, Inc.

Resolution 2016-27..... Bid Award: Pine Straw / SiteOne Landscape Supply

Resolution 2016-28..... Bid Award: Recycled Rock Material / Asphalt Services, Inc.

Resolution 2016-29..... ADEM 319 Watershed Management Project Engineering Services
Low Impact Development (LID) and Leadership in Energy and Environmental Design (LEED) Project Engineering Services

MOTION BY Councilman Scott to waive the reading of Resolutions 2016-25, 2016-26, 2016-27, 2016-28 and 2016-29. Seconded by Councilwoman Phillips.

MOITON CARRIED UNANIMOUSLY

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Resolution 2016-25. Bid Award: Rock Material / Vulcan Materials Company
Resolution 2016-26. Bid Award: Asphalt / H.O. Weaver & Sons, Inc.
Resolution 2016-27. Bid Award: Pine Straw / SiteOne Landscape Supply
Resolution 2016-28. Bid Award: Recycled Rock Material / Asphalt Services, Inc.
Resolution 2016-29. ADEM 319 Watershed Management Project Engineering Services
 Low Impact Development (LID) and Leadership in Energy and
 Environmental Design (LEED) Project Engineering Services

MOTION BY Councilman Scott to adopt Resolutions 2016-25, 2016-26, 2016-27 and 2016-28. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2016-29. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY

Resolution 2016-30. Authorizing Letting of Bid and Dismissal of Current Contract for 2015-
 M-Disaster Debris Removal & Disposal

Resolution 2016-31. Adopting Purchasing Policy for All Grant Programs

MOTION BY Councilman Scot to waive the reading of Resolutions 2016-30 and 2016-31. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolutions 2016-30 and 2016-31. Seconded by Councilwoman Phillips.

MOTION CARRIED UANIMOUSLY

ORDINANCES:

2ND READ

- a.) **Ordinance 2016-25.** Rezone: Christ the King / From R-2, Medium Density Family Residential District to B-1, Local Business District
- b.) **Ordinance 2016-26.** Policy for Appointment & Reappointment to Committees & Boards

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

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

MOTION BY Councilman Scott to wave the reading of Ordinances 2016-25 and 2016-26. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2016-25. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2016-26. Seconded by Councilman Fry.

1ST READ

No First Read Ordinances

12. COUNCIL COMMENTS

Mayor Haygood – commented on Resolution 2016-31 regarding adopting purchasing policies for all grant programs saying that they have had some discussion on adding some language about local preference zones, and the attorney, Kevin Boucher, had a comment on that today, and he does not know if that got included in the policy or not. If not, they can come back and revisit it, because they don't know when they are going to need it, and they want to make sure they include it. He recognized Mayor Mike McMillan, Mayor of Spanish Fort,, and thanked Representative Davis for being involved with the solution to the de-annexation problem.

Councilwoman Phillips – thanked all for coming out to the meeting tonight, and was glad to be a part of solving the problem with the de-annexation , and thanked Representative Davis for coming tonight. She thanked Mrs. Hayes and her staff for the Volunteer Breakfast. She said volunteers do a great service for the city, and she cannot thank them enough. She thanked Pat for the idea.

Councilman Scott – spoke regarding the de-annexation saying that he contacted Representative Davis, Senator Pittman former Mayor Fred Small on this issue, and this is a survey error, and the original legislative intent was that all property north of I-10 be annexed into Spanish Fort. He said as honorable people it was the intent that the property go to Spanish Fort.

Councilman Fry – thanked everyone for coming out, and he appreciates the Mark's business. He also talked with Representative Davis, Senator Pittman and former Mayor Fred Small, and it seems best for everybody to de-annex the property. He gave credit for the Volunteer Breakfast to Mr. Rudicell. He thanked all in the community who holds council responsible.

Councilman Lake – mentioned that the city could still have had revenue from future businesses on the 4.9 acres. He feels it should be up to the property owners to decide if they want to be annexed. There needs to be better communication

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between cities. He thanked Representative Davis for the wind coverage. He appreciated everyone coming out to the meeting.

Councilwoman Conaway – thanked Representative Davis for the update from Montgomery. She also thanked all the city volunteers.

Council President Rudicell reported that the May work session council will be considering capital requests.

MOTION BY Councilman Scott to enter into Executive Session, predicated on certification by the City Attorney, to discuss the buying and selling of real property. The session will last for 10 minutes. Seconded by Councilman Fry.

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		
Scott	Aye		

MOTION CARRIED UNANIMOUSLY

Council entered into Executive Session at 7:41 p.m.

Council returned from Executive Session at 7:47.

MOTION BY Councilman Scott that the City Council formally approves entering into a purchase agreement between the City of Daphne and Liberty Bank and Trust Company for certain property located in the City of Daphne portions on Mobile Bay as further described in Exhibit “A” Parcel “1” and Parcel “2” for the purchase price of \$210,000, and to authorize the Mayor to execute all documents related to the purchase of the property. Seconded by Councilman Lake.

MOTION CARRIED UNANIMOUSLY

13. ADJOURN:

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:51 P.M.

Respectfully submitted by,

Certification of Presiding Officer

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Rebecca A. Hayes,
City Clerk

Pat Rudicell,
Council President

Liberty Bank and Trust Property

EXHIBIT A

Real Property Description

SEE EXHIBIT "D" current boundary survey *ph*

Subject Property shall consist of Parcel 1 together with Parcel 2 totalling 12 acres m.o.l.

SEE ADDENDUM #1

Parcel 1:

Beginning at the Northeast Corner of Lot 13, Block 90, Park City Subdivision, as recorded in Miscellaneous Book 1, Pages 230-231 and 287 in the Office of the Judge of Probate, Baldwin County, Alabama, thence run South 89 degrees, 56 minutes, 12 seconds East along the North line of said Lot 13, 39.58 feet to a point, thence run North 00 degrees, 02 minutes, 10 seconds East, 58.55 feet to a point; thence run North 89 degrees, 53 minutes, 03 seconds West, 8.95 feet to a point; thence run North 00 degrees, 31 minutes, 09 seconds East, 149.97 feet to a point; thence run North 00 degrees, 31 minutes, 48 seconds East, 159.72 feet to a point; thence run North 00 degrees, 34 minutes, 37 seconds East, 100.13 feet to a point; thence run North 00 degrees, 45 minutes, 55 seconds East 200.20 feet to a point; thence run North 00 degrees, 34 minutes, 58 seconds East, 124.89 feet to a point; thence run North 00 degrees, 40 minutes, 52 seconds East, 89.32 feet to a point; thence run North 01 degrees, 17 minutes, 11 seconds East, 218.99 feet to a point; thence run North 03 degrees, 32 minutes, 07 seconds East 101 feet to a point; thence run North 02 degrees, 35 minutes, 50 seconds East 49.52 feet to a point; thence run South 89 degrees, 59 minutes, 02 seconds West, 221.80 feet to a point on the East margin of D'Olive Bay; thence run Southwardly along said East margin of D'Olive Bay, 1405 feet, more or less, to the point of intersection of said D'Olive Bay and North line of Lot 13, being South 06 degrees, 10 minutes, 06 second West 1256.86 feet from the last point of call; thence run South 89 degrees, 56 minutes, 12 seconds East along the said North line of Lot 13, 303.91 feet to the point of beginning, containing 11.32 acres, more or less.

Parcel 2:

Commencing at the Northeast corner of Lot 13, Block 90, Park City Subdivision, as recorded in Map Book 1, Pages 230-231 and 287 in the Office of the Judge of Probate, Baldwin County, Alabama; thence run South 89 degrees, 56 minutes, 12 seconds East, 39.55 feet to the point of beginning; thence run South 00 degrees, 00 minutes, 56 seconds East, 45.37 feet to a point; thence run South 89 degrees, 40 minutes, 35 seconds East, 24.72 feet to a point; thence run North 00 degrees, 13 minutes, 24 seconds East, 75.86 feet to a point; thence run South 89 degrees, 57 minutes, 54 seconds East, 330.85 feet to a point on the West right-of-way line of U.S. Highway 98, 24.68 feet to a point; thence run North 89 degrees, 53 minutes, 03 seconds West, leaving the said West right-of-way line of U.S. Highway 98, 356.06 feet to a point; thence run South 00 degrees, 02 minutes, 10 seconds West, 58.55 feet to the point of beginning, containing 10,784 square feet, more or less.

*TAK
PS*

PUBLIC HEARING

May 2, 2016

1.) Annexation: CR 64 Right-of Way

Location: From CR 13 to AL Hwy. 181

Recommendation: Unanimous Favorable

2.) Rezoning: Elizabeth Wright

Location: Southeast of the intersection of Van Avenue
and Main Street—1204 Main Street

Present Zoning: B-3, Professional Business District

Requested Zoning: B-1, Local Business District

Recommendation: Unanimous Unfavorable

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

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: City of Daphne
Petition for Annexation of the right-
of-way of County Road 64 from County
Road 13 to Alabama State Highway 181
Date: March 25, 2016

MEMORANDUM

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

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

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

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

Thank you,
ADJ

cc: Richard Johnson, Public Works Director
file

attachment(s)

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

Adrienne Jones

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

Mr. Mayor and Mrs. Jones:

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

Yours,

RDJ

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

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

rjohnson@daphneal.com



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

COUNTY ROAD 64 ROW
FROM COUNTY ROAD 13 TO STATE ROAD 181

LAYMAN'S DESCRIPTION:

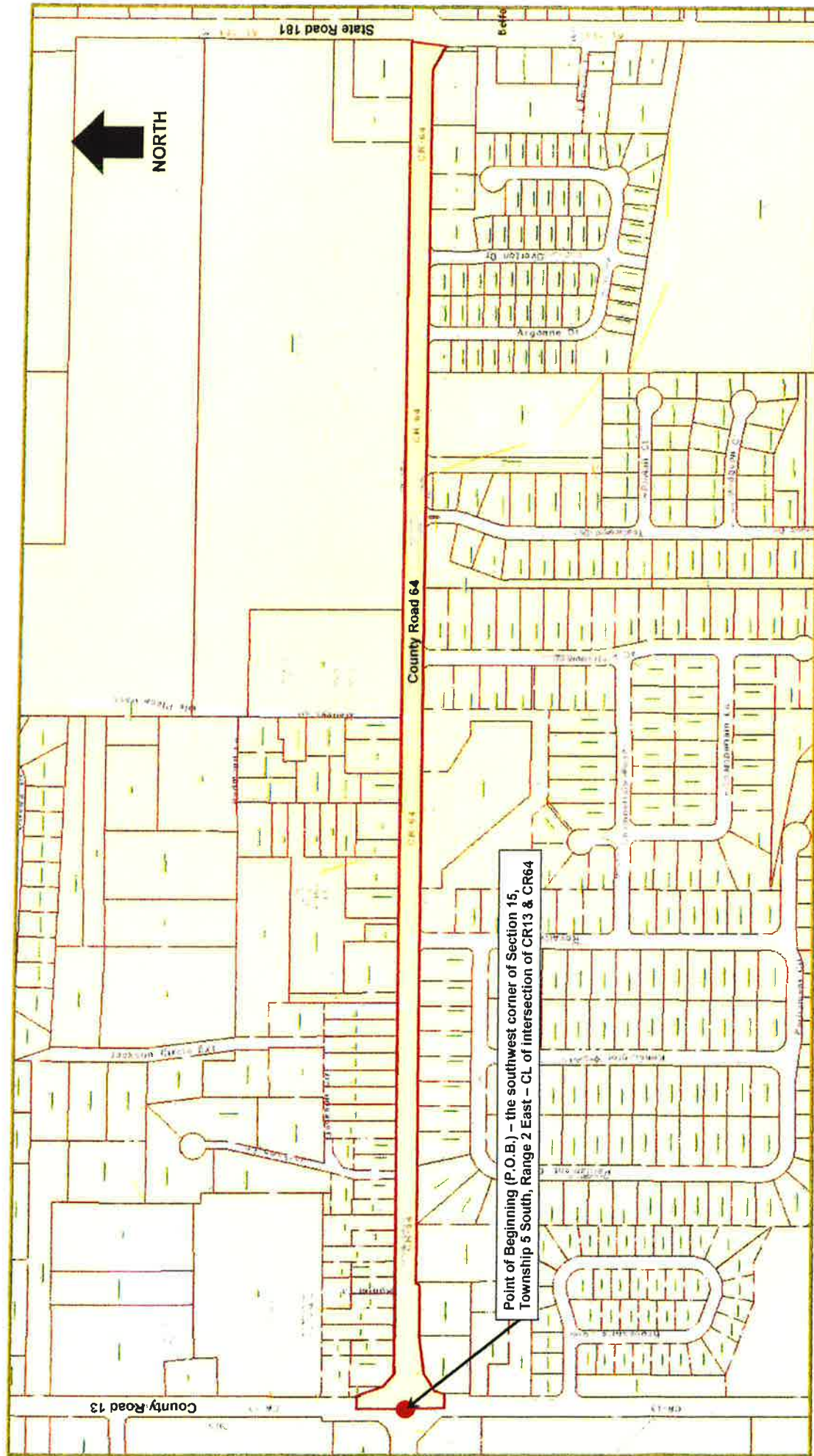
THE RIGHT-OF-WAY OF COUNTY ROAD 64 (GENERALLY 80 FOOT-WIDE WITH SOME VARIATIONS IN WIDTH) WITH A CENTERLINE DISTANCE OF $\pm$ 5,280 FEET (1 MILE, MORE OR LESS), CONNECTING COUNTY ROAD 13 ON THE WEST TO STATE ROAD 181 ON THE EAST, CONTAINING $\pm$ 09.6 ACRES AND LYING WITH THE SOUTH BOUNDARY OF SECTION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

LEGAL DESCRIPTION:

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

PREPARED BY:

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



PLANNING COMMISSION
ANNEXATION PETITION REVIEW



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



**COMMUNITY DEVELOPMENT
ANNEXATION REQUEST**

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

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

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

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

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

REQUEST

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

RECOMMENDATION

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



BALDWIN COUNTY

HIGHWAY DEPARTMENT

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

CAL MARKERT, P.E.
COUNTY ENGINEER

February 2, 2016

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

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

Dear Mayor Haygood,

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

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

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

Sincerely,

Cal Markert, P.E.
County Engineer

CM/am

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

Attachments:

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



COUNTY COMMISSION

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

MEMBERS
DIST 1 FRANK BURT JR.
2 ROBERT G. (BOB) JAMES
3 J. TUCKER DORSEY
4 CHARLES F. CRUBER

July 2, 2013

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

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

Dear Mayor Haygood:

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

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

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

Sincerely,

TUCKER DORSEY, Chairman
Baldwin County Commission

THANKS, DANE - GOOD PROJECT

TD/met Item GA1

cc: Cal Markert

ENCLOSURE

INTERGOVERNMENTAL SERVICE AGREEMENT

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

RECITALS

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

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

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

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

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

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

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

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

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

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

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

1 of 5

CITY OF DAPHNE, ALABAMA

ORDINANCE 2016-

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

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

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

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

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

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

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

SECTION ONE: ANNEXATION

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

SECTION TWO: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

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

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

SECTION THREE: MAP OF PROPERTY

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

SECTION FOUR: PUBLICATION

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

COUNTY ROAD 64 ROW
FROM COUNTY ROAD 13 TO STATE ROAD 181

LAYMAN'S DESCRIPTION:

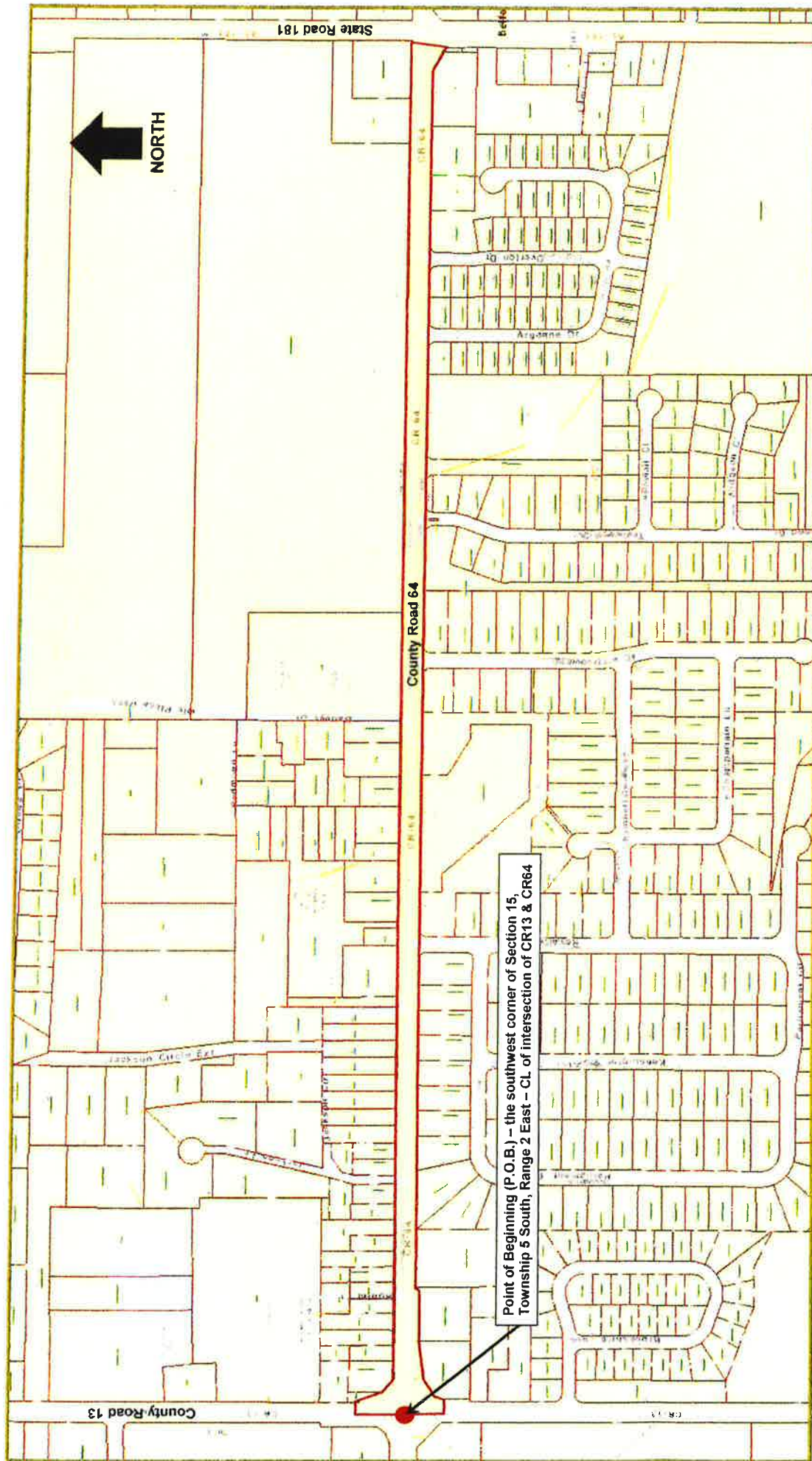
THE RIGHT-OF-WAY OF COUNTY ROAD 64 (GENERALLY 80 FOOT-WIDE WITH SOME VARIATIONS IN WIDTH) WITH A CENTERLINE DISTANCE OF $\pm$ 5,280 FEET (1 MILE, MORE OR LESS), CONNECTING COUNTY ROAD 13 ON THE WEST TO STATE ROAD 181 ON THE EAST, CONTAINING $\pm$ 09.6 ACRES AND LYING WITH THE SOUTH BOUNDARY OF SECTION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

LEGAL DESCRIPTION:

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

PREPARED BY:

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



City of Daphne: Annexation and Acceptance for Maintenance – County Road 64
From County Road 13 to State Road 181
Right-Of-Way Map

EXHIBIT "B"

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Elizabeth Wright
Zoning Amendment Recommendation
Date: March 25, 2016

MEMORANDUM

PRESENT ZONING: B-3, Professional Business District

PROPOSED REZONING: B-1, Local Business District

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

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

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

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

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

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

cc: file

attachment(s)

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



REZONING OR PRE-ZONING APPLICATION

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

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

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection):
1204 MAIN STREET, DAPHNE, AL
PPIN#(s):
004813

Gross Site Area (acreage): 0.62
Requested Zoning or Pre-Zoning: B-1

Current Zoning Designation(s):
B-3 DP
Amended Request:
Initials: Date:

Current Land Use:
A STYLISH BUSINESS
Anticipated Land Use:
FROZEN CUSTARD BUSINESS

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

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

APPLICANT & AGENT INFORMATION

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

Name of Current Owner: E. Zaborik W. R. G. K.	Phone/Fax: E-mail:
Mailing Address: 1112 Johnson Rd Daphne AL 36526	Primary: jurgens@sandfordbell.com
Name of Authorized Agent: RONALD L. BELL	Phone/Fax: E-mail: rbell1350@yahoo.com
Mailing Address: 7923 PLUMCROFT WAY, MONTE. 36117	Phone/Fax: (334) 425-6806 E-mail: SAME
Name of Developer*: RCBELL DAPHNE, LLC	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.

OWNER'S Applicant's Signature: E. Zaborik W. R. G. K.	Date: 1-29-16
Agent's Signature: Ronald L. Bell	Date: 1-28-2016



REVERSIONARY CLAUSE ACKNOWLEDGEMENT

SKIP THIS PAGE IF REQUESTING PRE-ZONING

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

CURRENT OWNER'S ACKNOWLEDGEMENT

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

Elizabeth Wright
PRINTED NAME OF CURRENT OWNER/PETITIONER

DEVELOPER'S ACKNOWLEDGEMENT

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

RC Bell DAPHNE, LLC / Ronald L Bell
PRINTED NAME OF DEVELOPER

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

“EXHIBIT A”

LEGAL DESCRIPTION

**STATE OF ALABAMA
COUNTY OF BALDWIN**

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

LEGAL DESCRIPTION BASED ON SURVEY

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

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

[illegible]

LEGAL DESCRIPTION
BASED ON SURVEY

1. All hearings shown in this survey shall be shown as to the West Line of the Surveyed Instrument # 1031636, as recorded in the Public Office of the Auditor for Baldwin County, AL.
2. Corner monuments shown as set on this are 3/8" railroad bars with a divider placement stamped 266235.
3. Only Survey found (land) improvements shown herein.
4. This survey was prepared for the client shown and is not to be used for any other purpose.
5. This survey was prepared for the client shown and is not to be used for any other purpose.
6. No instruments of conveyance, right of ways, and/or ownership were furnished this survey, except as shown or noted.
7. No underground installations or improvements have been located, except as shown or noted.
8. This survey was prepared without the benefit of an abstract of title or a title search unless stated herein. No liability is assumed by the undersigned for errors relating to any matter that might be discovered by an abstract, title search, or legal judgment rendered on the property.
9. Liability of the undersigned for the survey shown shall not exceed the amount paid for this survey.

DEAN
UNIVERSITY
BIRMINGHAM

(N90°00'00" E)
N89°56'21" E
384.22'
(387.00')

BELL
0.63 ACREST

(N90°00'00" W)
S89°56'21" W
384.24'
(387.00')

$$C_1^2 A_1 A_2 = (C_1^{2n} A_1)^{1/n} A_2$$

**REFERENCED*

SCALE

 $4'' = 30'$

CERTIFICATION

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

David Perry
Al Lic No 26627
55204 Martz Rd.
Stockton, AL 36579
251-997-2757

DAVID LOWERY
SURVEYING, L.L.C.

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

BELL
BALDWIN COUNTY, AL.

PLAT OF A BOUNDARY SURVEY PREPARED FOR

DWG. NO.	SURVEY DATE	SCALE
6-01-104	01/31/16	1"=30'

LEGEND AND SYMBOLS

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



PLANNING COMMISSION
REZONING PETITION REVIEW



ELIZABETH WRIGHT



COMMUNITY DEVELOPMENT

Rezoning Request Elizabeth Wright 0.62 acres

Owner: Elizabeth Wright

Existing Conditions: 0.62 acres+/- “Elizabeth’s Beauty Salon” (grandfathered nonconforming land use)

Existing Zoning: B-3, Professional Business District

Proposed Zoning: B-1, Local Business District

Surrounding Zonings/Uses:

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

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

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

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

Existing Utility Service Providers:

Water – Daphne Utilities

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

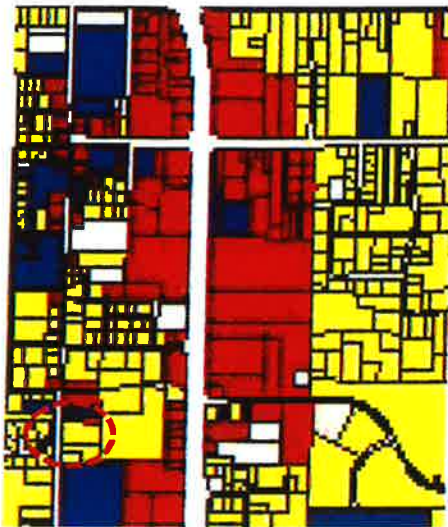
Baldwin County Schools—n/a

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

The Comprehensive Plan

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

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



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

Staff Comments

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

14-2 USES PERMITTED

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

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

Excerpt from ARTICLE XIV THE OLDE TOWNE DAPHNE DISTRICT

14-1 PURPOSE

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

- Aesthetics: Improve the appearance of all areas through the incorporation of innovative landscaping and open space into development in ways that harmonize and enhance the natural beauty of the environment.
- Land Values: Maintain and increase the value of land by incorporating innovative designs and criteria into development, thus becoming itself a valuable capital asset.
- Human Values: Provide direct and important physical and psychological benefits to human beings through the use of landscaping and tree preservation as a buffer zone between residential and business development to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.
- Improved Design: Promote innovative and cost conscious approach to the design and construction of the District.
- Improved Administration and Enforcement: Establish procedures and standards for the administration and enforcement of this Article.

Findings:

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

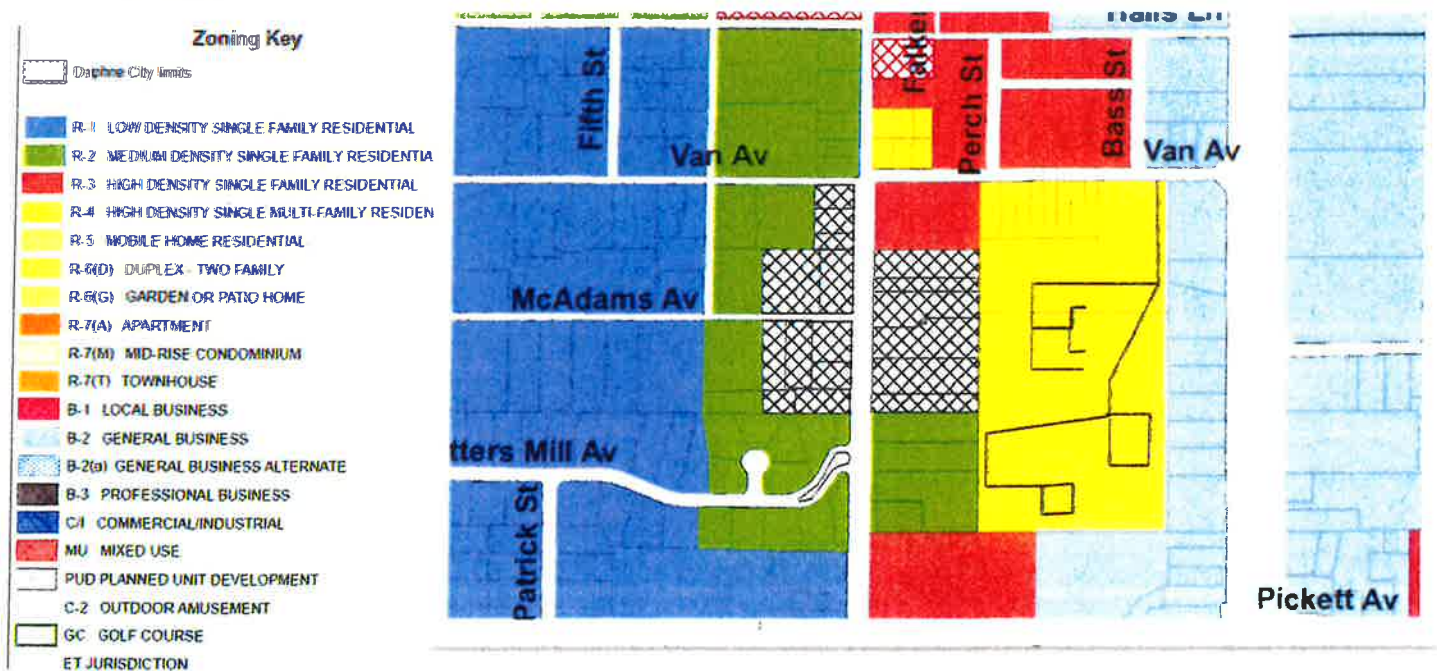
In 2008, City Council approved per the Planning Commission's recommendation, a request to rezone 0.74 acres located at the southwest intersection of Halls Lane and Main

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

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

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

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



ADJACENT PROPERTY OWNERS

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

PARCEL 12 (SOUTH):

FRANCIS ETUX TOMMIE CONAWAY
P.O. BOX 2555
DAPHNE, AL 36526

PARCEL 17.015 (WEST):

POTTER'S MILL PROPERTY OWNERS ASSOCIATION, INC.
P.O. BOX 2746
DAPHNE, AL 36526

PARCEL 2 (WEST):

PROGRESSIVE REHAB SERVICES, INC.
P.O. BOX 183
MONTROSE, AL 36559

PARCEL 1.002 (WEST):

PRESBYTERY OF SOUTH ALABAMA, INC.
P.O. DRAWER 2157
DAPHNE, AL 36526

PARCEL 11.001 (NORTH):

OBAMA LLC
C/O ALABAMA LAND TITLE
112 NORTH HOYLE AVE.
BAY MINETTE, AL 36507

PARCEL 15 (EAST):

ASHLEY GATES – BROOKFIELD LLC
C/O FELLERS, SCHEWE, SCOTT & ROBERTS, INC.
P.O. BOX 450233
ATLANTA, GA 31145

PARCEL 11

ELIZABETH WRIGHT
1112 JOHNSON ROAD
DAPHNE, AL. 36524

RC BELL DAPHNE, L.L.C.

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

DANE HAYGOOD
MAYOR



ADRIENNE D. JONES
COMMUNITY DEVELOPMENT
DIRECTOR/ZONING ADMINISTRATOR

CITY COUNCIL
TOMMIE CONAWAY
DISTRICT 1
PAT RUDICELL
DISTRICT 2
JOHN L. LAKE
DISTRICT 3
RANDY FRY
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
JOE DAVIS, III
DISTRICT 7

March 11, 2016

NOTICE OF PUBLIC HEARING

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

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

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

Sincerely,
Adrienne D. Jones
Director of Community Development

Elizabeth Wright

ORDINANCE NO. 2008 - 05

Reference
to other nearby
B-1 zoning

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

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

Legal Description:

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

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

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

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

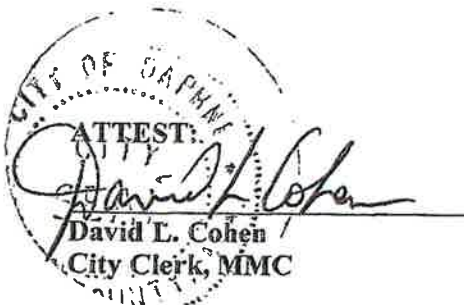
ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 22nd day of January, 2008.

Greg Burnack, Council President

Date & Time Signed: 1-23-08 9:15 AM

Fred Small, Mayor

Date & Time Signed: 1-23-08 14:36



THIS INSTRUMENT
PREPARED BY

Ross & Jordan PC.
PO Box 210

mobile at 36601-0210

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



1097267

HOWARD & CEANN WACHTER
ZONING AMENDMENT

EXHIBIT "A"

LEGAL DESCRIPTION:

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

REFERENCE: 1410 MAIN STREET

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

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

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

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

LEGAL DESCRIPTION BASED ON SURVEY

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

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

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

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

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

SECTION I: ZONING

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

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

“EXHIBIT A”

LEGAL DESCRIPTION

STATE OF ALABAMA
COUNTY OF BALDWIN

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

LEGAL DESCRIPTION BASED ON SURVEY

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

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

- NOTES**
1. All bearings shown in this plat are relative to the West line of the surveyed property as described.
 2. Corner monuments shown as set iron pins are 5/8" reinforcing bars with a variable plastic cap stamped "2623".
 3. Only 5/8" set iron pins are shown hereon.
 4. This survey was prepared for the client shown and is not to be used for any other purpose without prior approval from the surveyor.
 5. No monuments of record reflecting easements, right of ways, and/or ownership were furnished this surveyor, except as shown or noted.
 6. No underground installations or improvements have been located, except as shown or noted.
 7. This survey was prepared without the benefit of an abstract of title or a title search unless stated hereon. No liability is assumed by the undersigned for losses relating to any matter which might be discovered by an abstract, title search, or legal judgment.
 8. Liability of the undersigned for this survey shall not exceed the amount paid for this survey.

PROCESSED BY
DAVID LOWERY
AL 36579
DATE: 11/16/24

P.O.C.
SECTION 20,
T-5-S, R-2-E,
BALDWIN COUNTY, AL
F.O.B.
1/2" CAPTED
REBAR (10675)

80' R.O.W.
MAIN STREET
ASPHALT
P.O.C.
SECTION 20,
T-5-S, R-2-E,
BALDWIN COUNTY, AL
F.O.B.
1/2" CAPTED
REBAR (10675)

40.57' BUILDING
29.44' RAMP
16.7' PORCH
17.70' STEPS
SET NAIL AND CAP
IN BASE OF TREE

WOODEN PRIVACY FENCE
EAST OF LINE
70.00'
(S00°00'00"E)
24.6'
15.5'

SHED
24.99'
36.37'

1/2" CAPTED
REBAR (10675)
1' OPEN TOP PIPE
0.45° WEST 2.0° SOUTH

DAVID LOWERY
AL 36579
DATE: 11/16/24

DAVID LOWERY
SURVEYING, L.L.C.
58284 MARTIN LN.
STOCKTON, AL 36579
251-937-2767 ph. 251-937-2766 fax
dlsurvey25@hotmail.com

BELL
BALDWIN COUNTY, AL.

PLAT OF A BOUNDARY
SURVEY PREPARED FOR

DWG. NO. SURVEY DATE SCALE
16-01-104 01/13/16 1"=30'

DRAWN BY: DBL CHECKED BY: D. LOWERY

LEGEND AND SYMBOLS

(*) RECORD BEARING/DISTANCE
○ OVERHEAD ELECTRIC
● SET IRON PIN
○ FOUND IRON PIN
△ PIN NOT SET

P.O.C. POINT OF COMMENCEMENT
F.O.B. POINT OF BEGINNING
NOT TO SCALE

✕ FENCE
■ FENCE CORNER POST
□ CONCRETE MONUMENT



LEGAL DESCRIPTION
BASED ON SURVEY

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

ORANGE, LLC
112 N. 18th St. NW
Bldg. 1000
MARIETTA, GA 30067

(N90°00'00"E)
(384.22')
(387.00')

BELL
0.63 ACRES±

(N90°00'00"E)
(384.22')
(387.00')

FRANK P. CONNOR
112 N. 18th St. NW
MARIETTA, GA 30067



SCALE

1" = 30'



CERTIFICATION

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

David Lowery
David Lowery
AL License No. 25224
58284 Martin Ln.
Stockton, AL 36579
251-937-2767

DAVID LOWERY SURVEYING, L.L.C.

"EXHIBIT B"

To: Office of the City Clerk
From: Adrienne D. Jones, *ADJ*
Director of Community Development
Subject: Proposed amendment to Article 33, Sign
Provisions, Sign For Which No Permit Is
Required, Section 33-5 (g), Political
Signs
Date: March 25, 2016

MEMORANDUM

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

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

Thank you,
ADJ

Attachments:

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

Cc: file

Proposed Amendment to the Land Use & Development Ordinance

ARTICLE XXXIII SIGN PROVISIONS 33-5 SIGNS FOR WHICH NO PERMIT IS REQUIRED (g) Political Signs:

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

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

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

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

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

(g) Political Signs:

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

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

(1) Applicability:

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

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

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

(3) Attaching to Business or Commercial Establishment Signs:

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

(4) Impeding Traffic:

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

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

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

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

Deleted:

(6) Maximum Size in Residential Districts:

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

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

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

Deleted: sixteen (16)

Deleted:

(8) Use of Party Balloons:

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

(9) Period of Placement:

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

(10) Failure to Remove—Fining of Candidate:

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

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

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

Revised 04/07/14

Proposed
Amendment to Daphne Sign Provisions 11

CITY OF DAPHNE
ORDINANCE NO. 2016-

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

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of March 24, 2016 set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on May 2, 2014.

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

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

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

- a.) Two (2) non-illuminated political signs per lot or parcel may be placed on private property in any residential zoning district in the City.
- b.) One (1) non-illuminated political sign may be placed on private property perpendicular to each street frontage in any business, commercial and industrial district in the City for each candidate and for each issue.

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

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

SECTION II: CONFLICT WITH OTHER ORDINANCE

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

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

SECTION V: REPEALER

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

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

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

Public Safety Committee

Monday, April 18, 2016

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

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

Committee Members Attending:

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

CALL TO ORDER

Councilman Rudicell **convened** the meeting at 4:30 p.m.

PUBLIC PARTICIPATION – Timbercreek POA was in attendance in reference to speeding. Robert Totch whose home faces Pine Run stated with newer homes going up in the back of Timbercreek there is more traffic and the speeding is getting worse. The stop signs in the back aren't doing anything. When they get through the stop signs they try to make up time by speeding in the straightway. There is no one going under 45-50 mph according to Totch. Residents walking from the pool nearly get ran over. Also the cut through traffic from Hwy 31 has increased three fold. Someone will be hit. The speed limit is 25 mph throughout, but the volume of traffic and speed is a dangerous issue. Chief Carpenter stated that we are working traffic and have placed the speed trailer in there looking for a solution to this problem. Totch asked if the city could gate off the Hwy 31 entrance. Councilman Scott stated you can't gate off a public road. He stated that Timbercreek could ask for a gated community but all roadwork, etc. would be on you. Councilman Lake asked if the city could install bike paths or something to slow down the traffic. Candice Smith from TCPOA Management talked about chokers to choke lane down to slow traffic. Richard Johnson stated that there is 21' of asphalt from curb to curb. He said that many people hate chokers but they get the job done. He said they could do an all way stop at Pine/Timbercreek Blvd, and an all way stop at Pine Run/Timbercreek Blvd to slow traffic. Councilman LeJeune stated that the chokers would look the best but for them to give the choker and stop sign suggestions to the POA. Councilwoman Phillips asked when the next POA meeting was? Candice responded that it is May 10th. Johnson asked for them to come up with the most practical solution and he would be glad to design so they could present to the residents at the next POA meeting. Phillips asked to be cc'd and she will attend their POA meeting also.

Victoria Phelps was in attendance representing Lake Forest Property Owners Association. She advised that the pet deaths that were mentioned at last month's meeting have been remedied. The dogs were found by Animal Control and the owner surrendered them to be put down. She mentioned speeding at Bayview/Ridgewood being an ongoing issue. The LFPOA is requesting a four way stop at Lawson Rd/Ridgewood Dr and to remove the Wrong Way sign at that location. She mentioned that the traffic is stacking, the right of way cars take all turns, leaving those with stop signs stuck. Richard Johnson doesn't recall any big accident traffic movement at this location. He thinks it will complicate stacking traffic more, and get a lot of push back from the citizens in Lake Forest. It is ideal for a roundabout but there is not enough land. Ms. Phelps stated that they wouldn't do it overnight. They would educate the residents if they decided to do it. She stated that if you add some extra stops, it forces them to stop instead of carrying the speed into the intersection.

Tim Swanson of 104 Laverne Cir was in attendance thanking the fire department for taking care of his neighbor. He stated they have done it for many years and are always professional.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

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

POLICE DEPARTMENT

- A. New Business** – Chief Carpenter went over the stats. He also went over the numbers on the accident report ran for the intersection of Hwy 181/Hwy 90 requested last month. He advised that the PD worked a fatality accident east of Malbis last Saturday. Speed was a factor. It was on the fringe of our city limits and we worked it. Chief advised that Timbercreek wanted to hire an officer every night from 11:00 pm – 4:00 am. He stated we cannot do it because there are not enough officers. They were not happy and said they were going to the news. The county was contacted to work it so Chief told them to go ahead. We spend a lot of time in Timbercreek, Councilman Scott asked if it would help traffic in Timbercreek if we opened up Wilson Avenue in Wilson Heights for traffic relief. Chief stated it would probably be better for us but worse for Spanish Fort. Paul Birch with BCSO reached out to us about the off duty work. He is in charge of the security already in place in Timbercreek. Rudicell asked how many officers are on a shift, and are the Beats divided up per capita? Chief responded that he has 6 patrol officers and 1 sergeant on each shift and they are split up per capita. Richard Johnson asked if there was a crime problem in Timbercreek that we are not aware of? Chief responded that we had a few B&E's Friday night but it's really no worse than anywhere else. LeJeune said if they used their own car like Dillard's, they would be security not Daphne Police Department. Chief replied that they want a police officer in a patrol car. Lt. Yelding said that the officers may not want to work every night. Councilman Scott asked if this came through the POA. Chief said it came through Paul Birch who heads up the security at Timbercreek. Chief advised that the new Tahoes should be in tomorrow. Next year we should be totally out of the Crown Vic's. Councilman LeJeune asked if the animals that did the killing at the Lake Forest Stables were Pit Bulls. Chief Carpenter stated we are not sure they actually did the killing but they definitely had been roaming loose in this area.

Councilwoman Phillips asked about results regarding the letter from Malbis Plantation asking ALDOT to lower the speed limit on Hwy 90. Chief said the stats he provided were not high and would not merit a speed reduction. There are not a large number of accidents for the traffic that passes there. Richard Johnson stated a reduction of speed will not change anything.

FIRE DEPARTMENT

- A: New Business** – Chief White went over his stats. He stated he had the opportunity to sit down with Paul Davis and John Peterson and they have come back with a rendering for the Park Drive fire station. They were not prepared today but maybe next month's meeting. Chief Carpenter said if it works out, would it be feasible to take over Station 2 as a precinct? We have totally outgrown the precinct at the strip mall and this would be perfect for us. Ron Scott

asked what it was zoned for and was advised R3. Councilman Rudicell asked would it be more appropriate to show the rendering of the new fire station next month at work session? Councilwoman Conaway agreed that work session would be best.

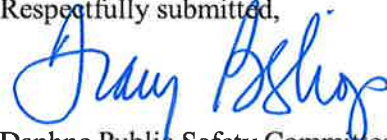
Old Business –

OTHER BUSINESS:

ADJOURN

There being no further business to discuss, Councilwoman Conaway made a motion to adjourn the meeting at 5:20 p.m. Councilman LeJeune seconded. The next meeting will be Monday, May 16, 2016 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Tracy Bell", is written over the typed name.

Daphne Public Safety Committee

Monthly Report February 2016

Patrol Division	Detective Division:	JAIL:	Animal Control	Crimes Reported This Month:
(Capt.Beedy/Lt.Hempfleng)	(Capt.Beedy/Lt. Gulsby)	(Capt. Taylor/Lt. Yelding)	(Capt. Taylor/ Lt.Yelding)	
			YTD	
# Complaints	1,089	# New Cases Received:	61	Arson
Accidents, Private Property	13	# Previous Unsolved Cases:	107	Burglary – Commercial
Accidents, Roadway	66	# Cases Solved:	45	Burglary – Residence
Accidents, Traffic Homicide	0	Resulting in Total Arrests:	13	Burglary - Vehicle
Arrest, Controlled Substance	0	Felonies:	9	Criminal Mischief
Arrest, Drug Paraphernalia	0	Misdemeanors:	4	Disorderly Conduct
Arrest, Felony Marijuana	0	Houses Searched	0	Domestic Disturbance
Arrest, Misdemeanor Marijuana	4		1	False Info to Police
Arrest, Alias Warrant	51			Felony Assault
Arrest, DUI	13	Warrants:		Felony Theft
Arrest, Felony	8	Served	22	Harassment
Arrest, Misdemeanor	86	Agency Assists	2	Identity Theft
Assists, Motorist / Citizen	144	Recalls (Pd Fines)	34	Indecent Exposure
Citations	311	Total Warrants Served	58	Kidnapping
Drug Report	4			Menacing
Foot Patrols	602	Sex Offender:		Misdemeanor Assault
Searches, Vehicle	43	New Registration:	0	Misdemeanor Theft
Security Checks	915	Contact Verification	4	Murder
Warnings	251	Total # registered in Daphne	4	Other Death Investigations
		DARE:		Public Intoxication
		# Hours Report Writing:	5	Public Lewdness
		# Students Instructed SRO	45	Receiving Stolen Property
Drugs Seized:	4	# Students Instructed DARE	220	Reckless Endangerment
Money Seized:	0	# Police Reports by SRO	5	Resisting Arrest
Vehicles Seized:	0	# Arrest by SRO	1	Robbery
				Sex Crime Investigations
		CODE ENFORCEMENT:		Suicide
CMV Inspections / CMV OOS	50	Warnings:	53	Suicide, attempted
		Citations	17	Theft of Services
		Warning Compliance	48	Unauthorized Use of Services
		Follow – Up	0	Weapon Offenses
		Business License/Enforcement	3	White Collar Crimes

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CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period February 2016

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	1	1
11-Structure Fire/Commercial	1	1
11-Structure Fire/Residential	3	5
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	3	4
14-Natural Vegetation Fire	2	3
15-Outside Rubbish Fire	0	0
16-Special Outside Fire	0	1
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	155	344
4-Hazardous Conditions (No fire):	6	10
5-Service Call:	24	44
6-Good Intent Call:	20	38
7-False Alarm & False Call:	11	23
8-Severe Weather & Natural Disaster:	0	0
9-Other Situation:	0	3
Total Emergency Calls:	216	462
Monthly Total Calls:	226	437
Highest:		
	14:00	14:00
Lowest:		
	<1:00	<1:00
Average (Minutes/Seconds) :		
	5:39	5:39
Training Hours		
	463.50	869.75
Property Loss - \$		
	\$27,000.00	\$47,000.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire		
	0	0
Advance Life Support Rescues		
Number of Patients Treated		
Child Passenger Safety Seat Inspections/Installations		
	6	14
Pre-Plans		
	105	192
Classes		
	18	41
Persons Attending		
	255	481
Plan Reviews		
	1	4
Final/Certificate of Occupancy		
	0	1
General/Annual Inspections		
	144	229
General/Re-Inspections (Violation Follow-up - Annual)		
	0	7
Business Licenses		
	3	11
All Other/Misc. Activities		
	8	13
Total Activities:	156	265

Authorized by:

James White

CODE ENFORCEMENT/ORDINANCE COMMITTEE

Wednesday, April 18, 2016
City Hall Executive Conference Room
1705 Main Street
Daphne, AL
5:30 P.M.

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

Councilwoman Angie Phillips
Councilman John Lake
Councilman Robin LeJeune

I. CALL TO ORDER/ROLL CALL

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

Members Present: Ron Scott; Pat Rudicell; Randy Fry; Robin LeJeune; Tommie Conaway (*arrived at 6:15 pm*); John Lake; Angie Phillips.

Also Present: Rebecca Hayes, City Clerk / recording secretary; Jay Ross, City Attorney; Kevin Boucher, City Attorney; Richard Johnson, Public Works Director; Matt Creel and William Kennedy, Code Enforcement Officers; Vickie Hinman, HR Director; David Carpenter, Police Chief; James White, Fire Chief; Adrienne Jones, Planning Director; David McKelroy, Recreation Director; Victoria Phelps; Tom Walker.

II. APPROVE MINUTES / March 21, 2016

Councilman Scott requested that the minutes be sent out to the committee ahead of time.

There being no corrections the March 21, 2016 minutes stand approved as written.

III. PUBLIC PARTICIPATION

Victoria Phelps spoke again regarding the use of ATV's within the city. She mentioned they are causing damage to private property. She said that there needs to be a designated area to operate ATV's.

Councilman Scott asked the City Clerk to do some research to see if the city has an ordinance pertaining to ATV's, and to get with Richard Johnson regarding this matter.

It was mentioned that parents have the responsibility for actions of their children.

Chief Carpenter said they are having problems with golf carts in the Olde Towne area.

This item will come back to the next meeting.

IV. ORDINANCE REVIEW/DISCUSSION

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

The committee requested to include a clause in the ordinance that there will be a GPS device on vehicles to track them.

It was suggested to put this ordinance in the employee handbook, and have employees that this will affect to sign a waiver saying that they acknowledge they will be tracked.

Richard Johnson asked for clarity regarding logos on vehicles, because each department has their own logo at this time. He thinks council should adopt a resolution specifying what logo would be used, and what it should say. He thinks it should include "The Jubilee City" since that is what Daphne is known as.

Chief Carpenter asked that for safety reasons the last sentence under Section II (G) (1) (a) be struck from the ordinance which says “All marked and unmarked vehicles must be parked at the officers place of residence in a visible position so as to be in public view.”

It was also asked that on page 12 Recreation be added as a Heading.

Any changes should be sent to Kevin by May 1st.

b.) Discuss: Handbill Issue / Ashley Campbell

Matt said that problems still exist with the throwing out of the handbill packets, and the Press-Register is not picking up the leftover packets that people do not pickup.

Councilman Scott said that since the pickup is not adequate they will plan to go forth with an ordinance. He instructed Matt and the City Clerk prepare a letter to Mr. Dougherty to let him know the city’s plan.

This will be on the May 16th agenda.

c.) Discuss: Food Trucks in Daphne / Regulations

This was not discussed, and will be on the May 16th agenda.

d.) Discuss: Sign Ordinance Amendment

(Specifically political signs) Matt says that it is hard to enforce the ordinance as it ready now due to signs that are allowed being of different sizes.

Councilman Scott said that you cannot be more restrictive on one type of signs than another signs.

The committee discussed how many signs per residence and commercial sites.

They discussed when the ordinance should go into effect, and most felt it should be with the next election.

MOTION BY Councilman Rudicell to move this ordinance to council. Seconded by Council Fry.

AYE Rudicell, Fry, Scott, LeJeune, Phillips

NAY Lake

MOTION CARRIED

Rebecca Hayes mentioned that the ordinance will be on the May 2nd agenda for a public hearing.

e.) Discuss: Multiple Families in Single Family District

Councilman Scott asked that this be taken off the agenda for the present time.

V. OTHER BUSINESS

No other business to discuss.

VI. NEXT MEETING / May 16, 2016.

VII. ADJOURN

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

NOMINATION FOR THE DOWNTOWN REDEVELOPMENT AUTHORITY

**Kiki Mikkelson
9302 Sehoy Blvd
Daphne, AL 36526
678 770-7431**

My husband Greg and I relocated to Daphne in April 2015. I was born in Atlanta and moved to Marietta, GA area where I grew up and lived most my life. I experienced the growth of a rural community boom into one of Georgia's most populated and flourishing counties. I look forward to experiencing Daphne's growth while contributing to it maintaining the small town feel that makes this town so special.

I enjoy involvement in my community. Since relocating, I have been privileged to get involved with several volunteer organizations. I currently serve on the Daphne Beautification Committee. I am on the Board of Directors for Sehoy POA, and serve as VP of Membership and Activities for the Newcomers of the Eastern Shore. I am the incoming President of the Down and Dirty Garden Club. I founded and lead Eastern Shore Friends, an organization of 250 members that helps ladies meet and get together for socialization and fellowship. I volunteer at The Brennnity Assisted Living. Home. I have worked on the Poppies for Veterans project in Fairhope and have a passion for recognition of our Vets.

My career path is/was executive administrative positions. I have excellent organizational and multi-tasking skills. I have worked with both federal and state agencies as a contract administrator billing \$1m monthly. I have been an executive assistant to both President and VP level executives. I have done event planning and conferencing as well as produce newsletters.

My most recent position was with a non-profit organization that assisted people with disabilities. That population along with seniors and vets remains a passion for me. I also enjoy gardening, politics, and photography.

It would be a privilege to join the DRA and become further involved in Daphne.

City of Daphne Recreation Board
2605 Hwy 98
Daphne, AL. 36526
April 13, 2016

Members Present: Rick Cleveland, Matt Cunningham, David Dueitt, Lisa O'Hara and Kit Smith

Advisory Staff: Councilman Robin LeJeune and David McKelroy

Guest: Tim Patton (Volkert)

Call to Order

Meeting was called to order at 6:35pm.

Review and Approval of Minutes

Motion was made Rick Cleveland and Seconded by Matt Cunningham to approve the December 9, 2015 minutes. Motion passed.

Program Reports

Information was provided regarding athletic programs, senior programs, Brown Bag by the Bay, Sunday Sunset Series and Trione Sports Complex usage.

Old / New Business

New Facilities Update

Planning – Tim Patton with Volkert spoke about the progress and planning schedule for the new facilities. A recommendation was made by Kit Smith, seconded by Rick Cleveland and passed that Tim Patton of Volkert remain the Project Manager for the new facilities and no additional firms be added.

Lighting – Director David McKelroy presented information to the board about LED lighting for the new baseball/softball facilities. The new technology for sports lighting may be more expensive but provides better lighting and is cost effective.

Field Rental Policy Current policy was provided to the board for their review. Further discussion will take place at a later date.

Recreational Consultant Agreement The board reviewed and discussed all three versions. The following recommendation was made by Rick Cleveland, seconded by Kit Smith and passed: Recommend version one with the following additions and deletions, increase compensation from \$22,000 to \$25,000 and remove section 2.k and 2.l from the duties of Recreation Consultant.

Adjourn

Meeting was adjourned at 7:40pm.

OPTION “A”

RECREATIONAL CONSULTANT AGREEMENT

This Agreement made and entered into on this the _____ day of March, 2016 by and between the **CITY OF DAPHNE, ALABAMA** (hereinafter referred to as **CITY**), a municipal corporation organized under the laws of the State of Alabama and _____, (hereinafter referred to as **Recreational Consultant**).

WHEREAS, the **CITY** is desirous of retaining the services of **Recreational Consultant** for the purpose of part-time consulting for the City of Daphne; and

WHEREAS, **Recreational Consultant** hereby agrees to use his experience and expertise in all areas of recreational activities and sports management affiliated with the City of Daphne Recreation Department.

NOW, THEREFORE, THE PREMISES CONSIDERED, THE PARTIES DO MUTUALLY COVENANT AND AGREE AS FOLLOWS:

1. That the **CITY** hereby agrees to employ **Recreational Consultant** to perform the functions and duties as a Recreational Consultant for an initial period of **one (1) year** commencing upon the start of employment with the Baldwin County Board of Education as Athletic Director for Daphne High School and terminating on the first anniversary of said commencement of employment, Thereafter, such contract shall automatically renew annually unless either party provides written notice to the other party at least ninety (90) days prior to expiration of said contract.
2. That, the duties of **Recreational Consultant** will be to provide the following services to the City to include:
 - a) Consultant services to the City of Daphne Recreation Department;
 - b) Advise and consult with the Mayor and City Council regarding all recreational activities;
 - c) Act as an advisory member of the City of Daphne Recreation Board;
 - d) Engage in community activities with the City of Daphne;
 - e) Encourage DHS team sports participation and engagement in community activities;
 - f) Conduct and oversee youth football clinics for a variety of age groups;
 - g) Engage, interact and attend City of Daphne and affiliated youth sports program activities;
 - h) Conduct and oversee sports clinics for coaches and players of youth sports programs;
 - i) Advise City of Daphne Recreation Department in regard to improvements to City of Daphne park facilities and facility operations;
 - j) Advise City of Daphne Recreation Department in regard to process and procedure improvements for tournament operations;

- k) Assist City of Daphne designated staff and marketing professionals with establishing and enhancing branding for recreational programs and tournament activities in conjunction with overall City of Daphne branding and marketing objectives;
 - l) Assist Daphne Recreation Department with recruitment of tournaments and sports related tourism activities;
 - m) Be an ambassador of the City of Daphne.
3. The parties agree that the total compensation to be paid by the **CITY to Recreational Consultant** during the term of the Agreement shall be in the amount of **TWENTY-TWO THOUSAND (\$22,000.00) DOLLARS** annually. Said compensation shall be payable to **Recreational Consultant** on the same pay cycle as city employees during the term of this Contract.
4. **Recreational Consultant** shall submit to the Mayor, Recreation Board and City Council, reports of services rendered, no less frequently than on an annual basis and upon request, including a summary description of the activities of the consultant concerning the various recreational programs in which he shall be involved.
5. This Contract will be void if, or when **Recreational Consultant** is no longer employed by the Baldwin County Board of Education as Athletic Director of Daphne High School or otherwise upon expiration of the term herein.
6. That **Recreational Consultant** shall at all times, material to this Agreement, be considered an independent contractor.
7. This Agreement shall be construed according to the laws of the State of Alabama.

IN WITNESS WHEREOF, the parties have hereunto set their hands and City Seal on this _____ day of _____. 2016.

CITY OF DAPHNE, ALABAMA

Dane Haygood, Mayor

RECREATIONAL CONSULTANT

Kenny King

OPTION “B”

(Recommendation from the Recreation Board)

RECREATIONAL CONSULTANT AGREEMENT

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WHEREAS, the **CITY** is desirous of retaining the services of **Recreational Consultant** for the purpose of part-time consulting for the City of Daphne; and

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 - a) Consultant services to the City of Daphne Recreation Department;
 - b) Advise and consult with the Mayor and City Council regarding all recreational activities;
 - c) Act as an advisory member of the City of Daphne Recreation Board;
 - d) Engage in community activities with the City of Daphne;
 - e) Encourage DHS team sports participation and engagement in community activities;
 - f) Conduct and oversee youth football clinics for a variety of age groups;
 - g) Engage, interact and attend City of Daphne and affiliated youth sports program activities;
 - h) Conduct and oversee sports clinics for coaches and players of youth sports programs;
 - i) Advise City of Daphne Recreation Department in regard to improvements to City of Daphne park facilities and facility operations;

- j) Advise City of Daphne Recreation Department in regard to process and procedure improvements for tournament operations;
 - ~~k) Assist City of Daphne designated staff and marketing professionals with establishing and enhancing branding for recreational programs and tournament activities in conjunction with overall City of Daphne branding and marketing objectives;~~
 - ~~l) Assist Daphne Recreation Department with recruitment of tournaments and sports related tourism activities;~~
 - m) Be an ambassador of the City of Daphne.
3. The parties agree that the total compensation to be paid by the **CITY to Recreational Consultant** during the term of the Agreement shall be in the amount of ~~TWENTY TWO THOUSAND (\$22,000.00)~~ **TWENTY FIVE THOUSAND (\$25,000) DOLLARS** annually. Said compensation shall be payable to **Recreational Consultant** on the same pay cycle as city employees during the term of this Contract.
4. **Recreational Consultant** shall submit to the Mayor, Recreation Board and City Council, reports of services rendered, no less frequently than on an annual basis and upon request, including a summary description of the activities of the consultant concerning the various recreational programs in which he shall be involved.
5. This Contract will be void if, or when **Recreational Consultant** is no longer employed by the Baldwin County Board of Education as Athletic Director of Daphne High School or otherwise upon expiration of the term herein.
6. That **Recreational Consultant** shall at all times, material to this Agreement, be considered an independent contractor.
7. This Agreement shall be construed according to the laws of the State of Alabama.

IN WITNESS WHEREOF, the parties have hereunto set their hands and City Seal on this _____ day of _____. 2016.

CITY OF DAPHNE, ALABAMA

Dane Haygood, Mayor

RECREATIONAL CONSULTANT

Kenny King

Set CDBG Public Hearing

Rebecca A. Hayes

From: Cara Stallman <carastallman@gmail.com>
Sent: Thursday, April 28, 2016 2:44 PM
To: Rebecca A. Hayes
Cc: rmoore@hmrengineers.com; Richard D. Johnson, P.E.; Ashley Campbell; Tommie Conaway
Subject: CDBG Public Hearing
Attachments: Daphne CDBG Public Hearing advertisement.doc

Hi Becky,

As I mentioned to you this morning, we are going to apply for the CDBG grant on Whispering Pines for the hookups only. The application is due on July 1. On Monday, would it be possible for you to authorize holding the public hearing for the Council meeting on May 16? We will need to run the ad in the paper at least 7 days before the 16th so it will need to run by May 9th.

Please add an item to the agenda

"Community Development Block Grant (CDBG) application public hearing. Authorize the City Clerk to advertise for required CDBG public hearing to be held on Monday March 16 at 6:30 pm. " This application will be for the hookups only for the low income residents on Whispering Pines.

Please see attached ad to be run 1 time as display ad in paper of general circulation once the City approves on Monday.

Let me know if you need help getting in the paper. Thank you so much!!!!

--Cara

Cara Stallman
Grant Management LLC
PO Box 1512
Fairhope, AL 36532
(251) 375-6630

PUBLIC HEARING NOTICE

The City of Daphne will hold a public hearing on Monday May 16, 2016 at 6:30 p.m. at the Daphne City Hall located at 1705 Main Street to discuss the City's submission of an application for the Fiscal Year 2016 Community Development Block Grant (CDBG) Program. The City is interested in obtaining all citizens' input on community development needs with the City. Activities that are eligible for funding include the improvement of public works, public facilities, housing rehabilitation, and others allowed by law. At least 51% of the funds must be used to benefit low and moderate income persons. The City is proposing to apply for funding to extend the public sewer system to the Dauphine Acres/Whispering Pines area. All citizens are encouraged to attend in order to comment on the proposed activities. No displacement of persons will be proposed. For more information, or if you require special accommodations at the hearing, contact Rebecca Hayes, City Clerk, at (251) 621-9000.

Rebecca A. Hayes

From: Cara Stallman <carastallman@gmail.com>
Sent: Thursday, April 28, 2016 2:36 PM
To: Richard D. Johnson, P.E.; Patton, Tim; David Mckelroy; Ashley Campbell; Rebecca A. Hayes
Subject: FY 2016 Outdoor Recreation Legacy Partnership
Attachments: Outdoor Recreation Legacy Partnership Grant Announcement.docx; Outdoor Recreation Legacy Partnership Program Grant Application.docx; Daphne Letter of Intent.doc

Hi all,

It was great to meet with you this am.

I reviewed the FY 2016 Outdoor Recreation Legacy Partnership grant (see attached documents). I don't think the project is eligible as it needs to serve areas without any existing park facilities - but think it will be worth it to scope out the boundless playground, splash pad, and gazebos/bathroom facilities for the Park Drive Park.

Project can be \$250-\$750 K and has to be matched 1:1. The application is due May 10.

Next steps:

1. Need letter of intent printed on City letterhead and sent to ADECA **by COB of business tomorrow.** (Richard/Becky - can you please help me with this? I have attached draft letter?)
2. Will need a detailed cost estimate and maps for just the grant facility (Tim - will send you specifics about the maps needed and how cost estimate should look)
3. The council will have to authorize the mayor to sign grant documents at meeting on Monday (Becky)

Here is language for agenda:

"Authorize the Mayor to sign all grant documents related to Land and Water Conservation Fund FY 2016 Outdoor Recreation Legacy Partnership grant application for splash pad, playground, and other facilities at Park Road Park"

4. I will draft narrative and coordinating directly with Dave and Ashley regarding necessary grant information

Sorry this is such a long e-mail. Looking forward to getting this application submitted by May 10.

Thank you!

--Cara

Cara Stallman
Grant Management LLC
PO Box 1512
Fairhope, AL 36532
(251) 375-6630

{Print on City Letterhead}

{Insert Date}

Jim Byard, Jr., Director
Alabama Department of Economic and Community Affairs
401 Adams Avenue, Suite 500
P.O. Box 5690
Montgomery, AL 36103-5690

RE: Letter of Intent for Land and Water Conservation Fund FY 2016 Outdoor
Recreation Legacy Partnership grant application

Dear Mr. Byard:

This is formal letter of intent to apply for the above-referenced grant application for a Boundless Playground, Splash pad, and other supporting facilities to be located at Park Drive Park. Thank you very much in advance for your review of this application.

Sincerely,

Dane Haygood, Mayor

Land and Water Conservation Fund

FY 2016 Outdoor Recreation Legacy Partnership

Funding Announcement

The process for a project sponsor to seek a Land and Water Conservation Fund (LWCF) Outdoor Recreation Legacy Partnership (ORLP) grant will begin at the State level. The Alabama Department of Economic and Community Affairs (ADECA) has been designated as the State's lead agency. ADECA will be allowed to nominate up to two projects to the National Park Service (NPS) for consideration in the national competition. ADECA will be responsible for: further soliciting project proposals from other state agencies, local units of government, and federally-recognized Indian Tribes; conducting the initial review of proposals for completeness and eligibility requirements; evaluating and prioritizing proposals according to the competition criteria and the State's Open Project Selection Process; ensuring that proposals are consistent with outdoor recreation priorities outlined in the Statewide Comprehensive Outdoor Recreation Plan (SCORP); and selecting the proposal(s) to be nominated. If a proposal is selected for funding in the national competition, ADECA will also be responsible for submitting the final application to the NPS. Grants will be awarded to ADECA, which will be responsible for ensuring that allocated funds are used for the purposes of and in a manner consistent with the LWCF. ADECA will in turn make a sub-award to the project's sponsor, which must be the public entity that submitted the proposal.

If a project is selected, the project cost estimate defines the maximum federal share that can be requested. Similarly, reductions in scope may lead to the federal share being reduced. In general, changes to the scope of the project after selection, particularly those that would result in an increase or decrease in costs, will be discouraged as they may materially alter the circumstances under which the project was evaluated and selected. A significant departure from the project's original proposed scope could result in the LWCF ORLP grant being withdrawn.

ORLP Applications

Applications for funding must be received by ADECA's Recreation and Conservation Programs staff no later than **12 Noon, Tuesday May 10, 2016**. ADECA's Recreation and Conservation Programs staff will review statewide applications, and will recommend up to two applications to the NPS for funding. Recommended applications will be forwarded to NPS by May 20, 2016. It is anticipated that the preliminary selection of projects will occur by September 30, 2016, with final applications due between October 1, 2016, and December 31, 2016. The anticipated date of the actual award of grants is between January 1, 2017, and March 31, 2017.

Background on LWCF

The LWCF State and Local Assistance Program was created by the Congress in 1964 to assist in preserving, developing and assuring accessibility to present and future generations of U.S. citizens and visitors “such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation in such recreation and to strengthen the health and vitality of the citizens of the United States....” This is accomplished in part by authorizing and providing grants to States, and through States to local units of government and federally-recognized Indian tribes, for projects that will provide outdoor recreation opportunities to the public through the acquisition of lands and waters for parks and other outdoor recreation areas, as well as through the development of new or renovation of existing outdoor recreation facilities.

Project Information

Acquisition of land may be in fee simple or a lesser interest (e.g., a perpetual easement) as long as public access is provided. On the development side, LWCF assistance is available for a wide range of outdoor recreation uses and the facilities needed to support the use and enjoyment of these areas. This includes things like parks, sports and other playing fields, picnic areas, and water-based recreation facilities such as swimming pools, trails, campgrounds, boating facilities, etc. Certain kinds of support facilities, such as restrooms, may also be eligible. For either project type, to be eligible the project must be located on public land and the project sponsor must possess sufficient legal title and control of the property to be assisted to ensure that it can be managed and maintained for outdoor recreation in perpetuity. Outdoor recreation areas and facilities assisted by the LWCF must be open to the general public and not limited to special groups.

Administrative Rules

The program operates within the context of the traditional LWCF Program, but focuses on projects that will benefit urban areas. The LWCF Grant Assistance Manual, v. 69 (October 1, 2008) establishes the eligibility, procedural, and programmatic requirements for LWCF grants, including ORLP grants. The Manual can be found at <http://www.nps.gov/ncrc/programs/lwcf/manual/lwcf.pdf>.

Selection Information

This competition round will target projects that will create or reinvigorate parks and other outdoor recreation spaces located in Census-delineated urbanized areas. Further, the NPS will prioritize the selection of projects that will: directly connect people to outdoor places, particularly in communities that are underserved* in terms of parks and other

outdoor recreation areas and have significant numbers of individuals who are economically disadvantaged, minority, and/or youth; engage and empower members of the affected community in the development of the project; involve and expand public-private partnerships, particularly to provide for the leveraging of resources; and rely on a high degree of coordination among the public, multiple levels of government, and the private sector, to improve recreation opportunities for all. In addition to the competition objectives, selected projects must advance goals of or otherwise meet priority recreation needs identified in the SCORP.

** For the purposes of this competition, “underserved communities” should be considered as those with: (1) no existing parks; (2) some parks but not enough to support the size of the population or otherwise satisfy existing recreational demand; or (3) some existing parks (potentially even an adequate number of parks) that are so deteriorated/obsolete or underdeveloped that redevelopment or rehabilitation would have a significant impact in terms of increasing the number of people who could be served and/or increasing the recreational opportunities that could be provided (in a way that is equivalent to new).*

Stipulations Regarding the Acceptance of the Award

All prospective LWCF ORLP grant applicants should be aware that the LWCF Act requires that any park or other outdoor recreation facility that has benefitted from assistance from the LWCF, whether for acquisition or development purposes, and regardless of the amount or extent of assistance, may not be converted to other than public outdoor recreation uses (see Section 5(f) of P.L. 88-578 or 54 USC 200305(f)(3)). As a condition of the grant, the NPS requires that language be recorded against the deed of the assisted property advising that the property described in the scope of the project agreement, including via a signed and dated project boundary map that shows the extent of the area subject to the requirement made part of that agreement, was acquired with or assisted by Federal funds from the LWCF. Further, that the property must be preserved for outdoor recreation uses in perpetuity and cannot be converted to other than public outdoor recreation use without the written approval of the Secretary of the Interior. In general, this requirement is applied to the assisted park or other recreation area as a whole, unless the NPS agrees to a more limited area. An assisted park may be released from this requirement only with the approval of the Secretary of the Interior. Approval is contingent upon the conversion being found consistent with the State’s SCORP and the project sponsor replacing the area to be converted with a new recreation area involving land of at least equal fair market value and reasonably equivalent recreational utility. Before seeking a grant, project sponsors should carefully consider their ability and willingness to comply with this provision of the law.

Award Information

The FY16 ORLP competition will make available up to \$15 million appropriated by Congress for this program in FY15 (\$3 million) and FY16 (\$12 million). The maximum amount of funds that may be requested per proposal is \$750,000. There is also a minimum level of \$250,000. With these limits, the NPS expects anywhere from 20 to 60 projects to receive funding. The NPS anticipates initial selection of projects based on the pre-applications by September 30, 2016, followed by submission of final applications and actual award of grants during the first and second quarters of FY 2017. Timelines for project proposals should assume a grant start date between January 1 and March 31, 2017. The period of performance for LWCF grants is typically from 1 to 3 years; this competition will favor projects that can be completed in shorter timeframes. Projects will be evaluated for their readiness (i.e., will begin within one year of grant award) and likelihood of completion within the stipulated period of performance.

All awards will be given as grants. LWCF ORLP must be implemented in accordance with the LWCF Manual and the executed LWCF Project Agreement.

Eligibility Information

Eligible applicants include state agencies, local units of government (state political subdivisions such as cities, counties, and special purpose districts such as park districts), and federally-recognized Indian Tribes. Applications submitted directly to the NPS by entities other than ADECA will automatically be rejected without consideration. Individuals, nonprofit organizations, and other private entities are not eligible applicants.

Further, for a project to be eligible the project's sponsor must:

- Represent a jurisdiction of at least 50,000 people, AND
- Be named as one of the 497 urbanized areas delineated by the Census Bureau OR be a jurisdiction that lies geographically within one of the delineated urbanized areas.
- If the project's sponsor is a state agency, the project must serve one or more of the urbanized area jurisdictions as described above.

In addition, the project itself should be physically located within one of the 497 urbanized areas. Projects that are not located within an urbanized area boundary are not necessarily ineligible, but may not compete well unless the sponsor can make a compelling case for how the project will serve the target populations, recognizing that access and proximity factor in the scoring criteria.

A list of the 497 urbanized areas was published in the Federal Register on March 27, 2012 (77 Fed. Reg. 18652-18669). The Census Bureau has published maps delineating

each urbanized area, which can be found at <https://www.census.gov/geo/maps-data/maps/2010ua.html>.

Match Requirement

As required by the LWCF Act, LWCF ORLP grants must be matched at a minimum level ratio of 1:1 with non-Federal funds. Matching funds may be derived from state, local, non-governmental, or private sources in the form of cash or in-kind contributions. The competition will favor contributions of cash or land from non-public sources over other types and sources. The competition will also favor projects that involve partnerships among the public, private, and non-profit sectors that result in the leveraging of resources (e.g., money, donations of land, supplies, services, etc.) and the extent of that leverage that allows the LWCF-eligible costs included in the project budget to exceed the 1:1 match required by the LWCF Act.

The following costs may not be counted toward the non-Federal matching share (not inclusive):

- Any project costs incurred before the grant start date, unless they are an eligible pre-award cost as defined in the LWCF Manual or unless the sponsor gets prior approval from the State lead agency and the NPS (i.e., waiver of retroactivity).
- Any funds or in-kind contributions such as land or services that have been used previously or will be used in the future to satisfy the matching requirements of another LWCF grant or other Federal grant.
- Any funds or in-kind contributions such as lands or services that were or will be acquired with other Federal funds, unless otherwise provided by Federal law.

Funding that originated from Federal sources or the value of land or services acquired with Federal funds may not be used as non-Federal match unless their enabling legislation authorizes that treatment. The best known examples are HUD's Community Development Block Grants and DOT's Recreation Trails Program, but there may be others (project sponsors should be prepared to show supporting documentation if seeking to use Federal funds from other sources as match). Other than this exception, in accordance with 54 USC 200305(f)(1) projects seeking LWCF ORLP grants may not include funds from other Federal sources, including LWCF formula funds, in the project's budget, even if all programs' match requirements are met.

Prospective applicants should note limitations on certain kinds of costs, whether proposed for the grant, as match, or as overmatch, including those related to project management/administration, contingencies, and design/engineering fees. Further, project sponsors should be aware that the LWCF Act specifically excludes acquisition

support costs from eligibility (see 54 USC 200305(e)(2)(A)) so such costs should not be requested for reimbursement from the ORLP grant or to meet the match within the 1:1 level.

Questions

Send questions to: crystal.davis@adeca.alabama.gov

**ALABAMA DEPARTMENT OF
ECONOMIC AND COMMUNITY AFFAIRS
(ADECA)**

LAND AND WATER CONSERVATION FUND (LWCF)

Outdoor Recreation Legacy Partnership (ORLP)



APPLICATION FOR FUNDING

SUBMIT COMPLETED APPLICATION BY 12 NOON ON TUESDAY, MAY 10, 2016

**ALABAMA DEPARTMENT OF ECONOMIC
AND COMMUNITY AFFAIRS
Post Office Box 5690
Montgomery, Alabama 36103-5690**

Process and Timeline

April 4 through May 10: Eligible applicants prepare application (narrative and maps).

May 10: Application Deadline

- Send the application with original signatures (narrative and maps) to ADECA's Recreation Programs Section.
- Applications must also be sent electronically to ADECA's Recreation Programs Section to crystal.davis@adeca.alabama.gov, subject line "LWCF Legacy Grant".

May 10 through May 16: Recreation & Conservation Programs staff reviews all statewide applications and selects the two highest ranking applications. Each state can recommend up to two applications.

May 20: Deadline for Recreation & Conservation Programs to recommend two applications to the NPS.

May 20 through September 30: NPS reviews up to 100 recommended nation-wide applications (up to two per state) and make preliminary selections.

Between October 1 and December 31: The preliminary selected projects complete the final applications.

Between January 1, 2017, and March 31, 2017: Anticipated date of actual grant awards.

Application Packet Requirements

By **12 Noon on Tuesday, May 10, 2016**, the following items must be received by ADECA's Recreation and Conservation Programs. The application must include all of the required elements. Applications submitted without all of the required elements will automatically be rejected without consideration. Project proposals will be scored and ranked on a national basis based on an evaluation of how the project meets the review and selection criteria for the competition and the general requirements of the LWCF Act.

Provide the application packet items in the following order:

- 1. SECTION 1: LWCF APPLICATION COVER SHEET**
- 2. SECTION 2: STANDARD FORMS FOR FEDERAL GRANT APPLICATIONS**
- 3. SECTION 3: PROJECT NARRATIVE**

The Project Narrative will describe the purpose of the project and how it meets the objectives of the competition; intended outcomes of the project; and expected benefits (short and long term) and other impacts in terms of improving recreation opportunities that meet an identified recreational deficiency or need for a neighborhood or community. Project sponsors are encouraged to review the descriptions of the evaluation criteria to understand how projects will be evaluated and scored.

The Project Narrative includes eight sections. The Project Narrative should be outlined in the order of the criteria to ensure that the Project Narrative directly addresses each criteria. Please use the same section titles to structure the Project Narrative.

- 4. SECTION 4: BUDGET NARRATIVE**

The Budget Narrative includes two sections. The Budget Narrative should be outlined in the order of the criteria to ensure that the Budget Narrative directly addresses each criteria. Please use the same section titles to structure the Budget Narrative.

- 5. SECTION 5: PROJECT LOCATION AND SITE MAPS/PLANS**
- 6. SECTION 6: SUPPLEMENTAL ELEMENTS**

Although the Supplemental Elements are not required at this time, submitting one or more of the Supplemental Elements with this application phase may help substantiate the project's "readiness."

Project sponsor should note that this application phase does not include important documentation needed to substantiate the project's compliance with environmental and historic/cultural resources laws (i.e., NEPA, NHPA), and that such documentation will be required if the project is selected. Further, selection of the project could be withdrawn if development of these documents reveals a previously unknown issue that materially affects the project's eligibility or feasibility of completion.

7. SECTION 7: SYSTEM FOR AWARD MANAGEMENT (SAM)

SECTION 1: LWCF APPLICATION COVER SHEET

1) SPONSOR		2) DUNS NUMBER:	
a. Chief Elected Official		a. Congressional Dist	
b. Organization		b. State House Dist	
c. Street/P.O. Box		c. State Senate Dist	
d. City		d. Federal ID Number	
e. County		e. Latitude (Deg/Min/Sec)	
f. Zip Code		Longitude (Deg/Min/Sec)	
g. Contact Person			
h. E-mail address			
i. Phone/Fax Number			
3) PROPOSED OR EXISTING PROJECT SITE CONTROL			
a. Acres to be Purchased		f. Acres owned by Sponsor	
b. Acres to be Donated		g. Date Acquired (MM/YY)	
c. Total Acres to be protected under Section 6(f)(3)		h. Acres Leased by Sponsor	
d. ROW/Easement Purchased		i. Years Remaining on Lease	
e. Total Acquisition (Sum a:d)		j. Leased From?	
4) PROJECT TITLE:		(35 Characters Maximum)	
5) PROJECT DESCRIPTION:			

6) SOURCE OF PROJECT FUNDING			
SOURCE	TOTAL	CASH	DONATED LABOR OR EQUIPMENT
a. LWCF			
b. Sponsor			
c. Other			
TOTAL			
7) SOURCE OF PROJECT SPONSOR MATCHING SHARE:			
a. Park Revenue	%	d. Donated Labor & Equip	%
b. Bonds	%	e. General Fund	%
c. Cash Donations	%	f. Other Federal Programs	%
8) CERTIFICATION: The applicant certifies that the data contained in the attached application is true and correct; the application has been duly authorized; and, the applicant understands that incorrect or incomplete information may cause the application to be rejected.			
a. Typed Name and Title	b. Signature	c. Date	

SECTION 2: STANDARD FORMS FOR FEDERAL GRANT APPLICATIONS

- a. Application for Federal Assistance (SF-424)
- b. Budget Information for Non-construction Programs (SF-424A) (Acquisition Projects)
- c. Statement of Assurances Non-construction Programs (SF-424B) (Acquisition Projects)
- d. Budget Information Construction Projects (SF-424C) (Development Projects)

e. Statement of Assurances Construction Programs (SF-424D)
(Development Projects)

Please visit <https://www.nps.gov/ncrc/programs/lwcf/pub.htm> for electronic versions of the above listed forms.

SECTION 3: PROJECT NARRATIVE (Target Length: 10 Pages)

1. Project Overview:

For acquisition projects: provide a street address sufficient to provide at least a general location for the property, a description of the property, and an explanation of the need for its acquisition. Explain whether the acquisition would create a new public park or recreation area or is to expand an existing site. Describe and quantify the types of resources and features on the property (e.g., 50 acres of forested area, 2,000 feet of waterfront, scenic views, vacant lot, special habitats, unique or special features, recreation amenities, historic/cultural resources) as well as any constraints (e.g., existing development; hazardous materials/contamination history; and restrictions such as institutional controls, easements, rights-of-way, reversionary interests, above ground/underground utilities; etc.). Describe the plans for developing the property for recreation purposes after acquisition and the timeframe, including when the site is expected to be open and accessible for public use. Describe the current status of the acquisition, including negotiations with the landowner and development of due diligence materials such as title work and appraisal.

For development projects: provide a street address sufficient to provide at least a general location for the property, a description of the planned physical improvements and/or facilities, and the reason(s) such development is needed. Explain whether the work involves new development or rehabilitation or replacement of existing recreation facilities. Describe and quantify the types of resources and features available on the site as well as any constraints. Describe the current status of planning for the development and the timeframe for completing the project, including when the site will be open (or reopened) and accessible for public use.

For projects that will comprise acquisition and development (including projects where the land acquisition is being used as in-kind match) provide a narrative that combines the elements above.

2. Improving physical and recreational access and addressing recreational deficiencies:

Describe how the proposed project will create or significantly improve access to close-to-home park and recreation opportunities by expanding the quantity or quality of parks or other outdoor recreation areas. This can be through either: creating a new park/outdoor recreational area or significantly enhancing the quality of an existing park/outdoor recreation area by replacing or upgrading infrastructure to be able to provide high priority recreation services. Describe the new or expanded types of outdoor recreation opportunities and/or capacities that will be created as a result of the acquisition and/or development. Describe how the project meets an identified recreational need or deficiency.

3. Improving recreation service to priority target groups for this competition:

Describe the activities and uses planned for the project site after acquisition and/or development. Describe who will benefit from the project, particularly with respect to the groups targeted by this competition (minorities, youth, and/or low to moderate income individuals or families) and for whom serious recreation deficiencies exist.

Sponsors are encouraged to include available data/statistics about the local populations to be served by the park/recreation area in the response. Census-defined minorities are African-Americans, Hispanics, American Indians, Asians, Eskimos, Aleuts, and Pacific Islanders.

4. Project engagement and participation:

Describe the process that led to the development of this proposal. In particular, focus on efforts to engage the public, especially the local community that will be served by the park, and their participation in the project as well as that of other interested/affected entities. Describe any partnerships or other collaborative efforts, such as with neighborhood groups, community organizations, or private entities that have helped facilitate the project. Also, describe or provide evidence of local support for the project, particularly from local residents.

Supporting details could include how the public was notified of and provided opportunity to be involved in planning for and development of the project proposal; who has been involved (including local, state, and federal agency professionals; subject matter experts; and private organizations) and how were they able to help develop or review the proposal; and formal public participation

processes such as meetings, hearings, and comment periods, including dates and length of time provided for the public to participate in the planning process and/or to provide comments.

5. Innovative and transformative attributes:

Describe the extent to which the project encompasses or exhibits innovation, especially in ways that can be transformative for the neighborhood(s) and community in terms of revitalization. These qualities could be related to aspects such as: redevelopment of a blighted or distressed properties; involvement of new or non-traditional partners; unusual features in the project design; employment of novel solutions to issues in/challenges to addressing the community's recreation needs; the ability to affect or advance other complementary and intrinsic benefits beyond providing new or enhancing park or other outdoor recreation spaces; and other similar characteristics.

6. Project's alignment with the State Comprehensive Outdoor Recreation Plan (SCORP) and other applicable plans:

Describe how the project will advance, implement, or meet a priority need and/or goal of the applicable state's SCORP and other relevant park and recreation planning documents. Projects can also receive credit for aligning with or advancing priorities of other comprehensive or master plans at the city, regional, and/or state level such as community revitalization plans, economic development plans, open space plans, etc.; and/or benefitting other initiatives and programs.

7. Project readiness:

Describe the status of the planning for the grant project and its readiness to be implemented. Provide a narrative description of the timeline for the planned scope of work and a proposed period of performance, including providing dates for discrete benchmarks of significant work elements that will support the grant project's implementation to completion.

Describe the current use (if any) or disposition of the property targeted for the project. If there are any existing non-outdoor recreation or other non-public uses that are intended to continue on the property on an interim or permanent basis and/or proposed in the future, these should be explained.

8. Applicant and partner capacity:

Describe the project sponsor's experience in completing other similar park and recreation projects. If partners are or will be involved in the grant project's implementation, their role(s) should also be described. Describe who holds or will hold title to the property and how the park or recreation area will be managed and maintained to assure permanent use for public outdoor recreation. Describe the funding resources available to support the operation and maintenance. If partners will be involved with long-term management of the property, this should be described. Also describe the project sponsor's or partner's past experience, if any, with managing grant funds, particularly LWCF or other federal awards.

SECTION 4: BUDGET NARRATIVE (Target Length: 3-4 Pages, including tables)

1. Viability and reasonableness of the project's budget:

This section should explain how the requested LWCF assistance will be used and how the match requirement will be met, including any costs proposed for overmatch. Break down, describe, and justify the proposed project costs that correspond to the details of the work activities outlined in the project narrative. Project sponsors are encouraged to provide budget information in both narrative and tabular forms to ensure sufficient detail so the budget can be clearly understood, particularly in terms of what costs are proposed for reimbursement by the LWCF ORLP grant and what costs will be used to satisfy the 1:1 match.

Project sponsors are encouraged to review Chapters 3 and 5 of the LWCF Manual to ensure understanding about eligible costs. Of note: Land acquisition costs should be based on appraised value or other estimate of fair market value. Acquisition-related support costs (e.g., appraisals) are not eligible LWCF expenses or as match. On the development side, for this competition, project management/administration expenses, design/engineering fees, and contingencies may be included in the budget, but they are capped at 5% (administration) and 10% (design/engineering and contingencies) of the total budget, respectively. If indirect costs are planned (by the State lead agency) this should be reflected in the budget.

Match contributions can consist of cash, land donation, and in-kind contributions of supplies or services needed to implement the project. Describe the availability or firmness of commitments for funds to meet the 1:1 match and for the full amount of funds needed to complete the project, including any match commitment(s) that exceed the 1:1 requirement. Note that, at a minimum,

sufficient funding to meet the 1:1 match requirement must be in hand or firmly committed. If the project match exceeds the 1:1 requirement, indicate how the additional funds/in-kind contributions will be used. Overmatch costs needn't necessarily be eligible for LWCF but more weight will be given for leveraging if they are. Project sponsors should also ensure costs are reasonable and that it's clear why they are being included in the project budget.

As noted in Section C.2, other federal resources may not be used as a match for the LWCF grant unless such treatment is specifically authorized the source's enabling legislation. Project sponsors should be prepared to show supporting documentation if requested. Due to the increase in the ceiling for the LWCF-ORLP request for this competition round, project sponsors will not be permitted to also include LWCF formula funding in the project budget.

If the LWCF ORLP grant-funded project is part of a larger project, please be sure the LWCF-related components of the budget can be clearly discerned. It can be difficult to review and score a budget when it's not clear how the grant funds will fit in, and project sponsors risk having the requested federal share reduced if it appears ineligible costs will be charged to the grant or as part of the 1:1 match share. Note that the LWCF ORLP and match funded element(s) of the project must still result in a viable recreation opportunity that is not reliant on other funding even in the context of a larger planned project.

2. Partner support and leveraging:

Describe the how project is or will be supported by partnerships with the public, private, and/or non-profit sectors specifically through contributions of money, land, supplies, services, etc. In addition to the types of contributions and amounts, be sure to describe the source(s) of the contributions proposed for the match, particularly if they are from non-public partners in the project, and whether they are already available or still being secured.

If applicable, describe how and to what extent the LWCF ORLP grant will play a role in leveraging funding for the project from non-federal public, private, and/or non-profit resources, and if they allow the project budget to exceed the 1:1 match requirement. Projects that leverage the LWCF ORLP grant funds beyond the 1:1 match will be favored, but more points will be awarded when the leverage is comprised of LWCF-eligible costs directly related to the acquisition or construction work versus other kinds of costs that support the project in a larger sense but aren't necessarily needed to support the acquisition or development.

SECTION 5: PROJECT LOCATION AND SITE MAPS/PLANS

The application should include: 1) a neighborhood/community map showing the location of the project and any other existing recreation resources in the vicinity of the project site; 2) a map or aerial photo clearly delineating the specific project site to be acquired and/or developed, including the proposed boundary of the area that would be subject to the anti-conversion provisions of 54 USC 200305(f)(3), and 3) a plan or sketch of the site that depicts the likely location of planned recreational improvements and other features such as where the public will access the site, parking, etc.

SECTION 6: SUPPLEMENTAL ELEMENTS

Letters of Support: These are not required but may be helpful in terms of substantiating public support for the project, evidence of partnerships, etc. To ensure such letters are considered, submit them with the application. Letters arriving after the application deadline will not be considered during the application review.

The following Supplemental Elements are not required at this time. However, should the project be selected for funding, they will be required for review with the final application before grant funds could be awarded.

- a. Proposal Description and Environmental Screening Form (PD/ESF)
- b. Description and notification Form (DNF)

Please visit <https://www.nps.gov/ncrc/programs/lwcf/pub.htm> for electronic versions of the above listed forms.

SECTION 7: SYSTEM FOR AWARD MANAGEMENT (SAM)

Applicants must be registered with the System for Award Management. More information about SAM.gov registration can be found at: www.sam.gov. SAM registrations must remain active throughout the time period the application is under consideration and for the duration of the award. Expiration of the registration could delay or prevent the award of a grant. Documentation of SAM.gov registration must be submitted with the application.

RESOLUTION 2016-17

A RESOLUTION ADOPTING THE 2015 BALDWIN COUNTY MULTI-HAZARD MITIGATION PLAN, IN FULFILLMENT OF THE FEDERAL DISASTER MITIGATION ACT OF 2000 AND THE LOCAL MITIGATION PLAN REQUIREMENTS OF 44 C.F.R. SECTION 201.6 AND FEMA LOCAL MULTI-HAZARD MITIGATION PLANNING GUIDANCE

WHEREAS, The Federal Disaster Mitigation Act of 2000 (DMA 2000), as administered by the Alabama Emergency Management Agency (AEMA) and the Federal Emergency Management Agency (FEMA) provides Federal assistance to local governments to alleviate suffering and damage from disasters, and broadens existing relief programs to encourage disaster preparedness plans and programs, coordination and responsiveness, insurance coverage, and hazard mitigation measures; and,

WHEREAS, the DMA 2000 requirements for local mitigation plans are set forth in 44 C.F.R. Section 201.6 and the Local Multi-Hazard Mitigation Planning Guidance, FEMA, July 1, 2008 (Federal planning criteria); and,

WHEREAS, as a prerequisite for each Baldwin County jurisdiction to continue to qualify for FEMA mitigation grant assistance programs, the DMA 2000 requires the five year update of the Baldwin County, Alabama, Natural Hazards Mitigation Plan, which was approved by FEMA on February 1, 2011; and,

WHEREAS, the AEMA had awarded a planning grant funded through the FEMA Hazard Mitigation Grant Program (HMGP) to the Baldwin County EMA to fund 75% of the total cost of the five year plan update for all jurisdictions within Baldwin County; and,

WHEREAS, the 2015 Baldwin County Multi-Hazard Mitigation Plan has been prepared in accordance with DMA 2000 requirements under the direction of the Baldwin County Hazard Mitigation Planning Committee with the support of the Baldwin County EMA, on behalf of all of the jurisdictions within Baldwin County; and,

WHEREAS, said mitigation plan addresses all natural hazards deemed to threaten property and persons within the unincorporated and incorporated areas of Baldwin County; and,

WHEREAS, the Federal planning criteria require formal adoption of the FEMA-approved plan update by each participating jurisdiction.

NOW THEREFORE, BE IT RESOLVED that the 2015 Baldwin County Multi-Hazard Mitigation Plan is hereby adopted and immediately made effective.

**ADOPTED AND APPROVED BY 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**

CITY OF DAPHNE, ALABAMA

ORDINANCE 2016-27

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

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

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

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

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

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

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

SECTION ONE: ANNEXATION

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

SECTION TWO: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

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

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

SECTION THREE: MAP OF PROPERTY

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

SECTION FOUR: PUBLICATION

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

EXHIBIT "A"

COUNTY ROAD 64 ROW

FROM COUNTY ROAD 13 TO STATE ROAD 181

LAYMAN'S DESCRIPTION:

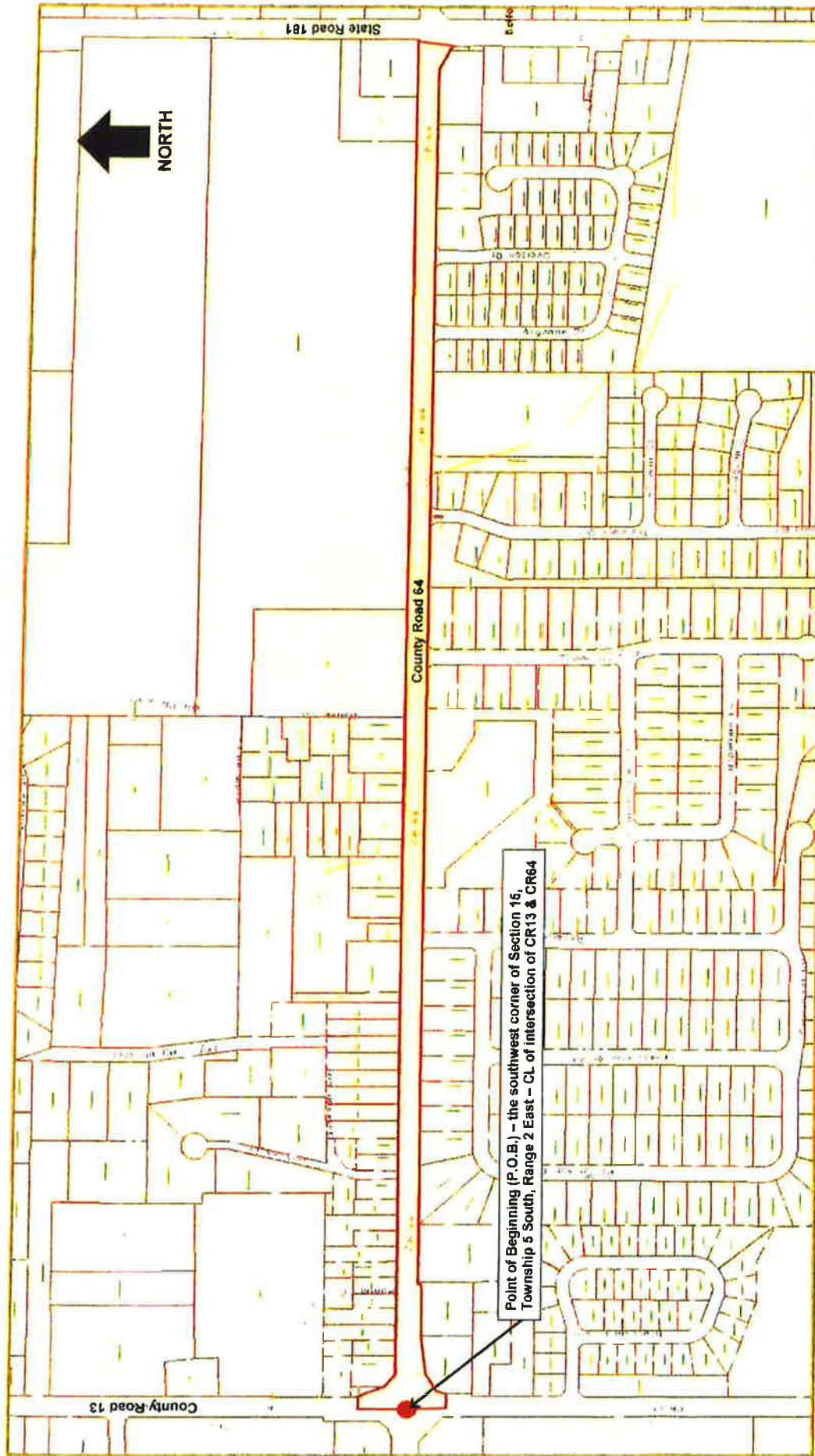
THE RIGHT-OF-WAY OF COUNTY ROAD 64 (GENERALLY 80 FOOT-WIDE WITH SOME VARIATIONS IN WIDTH) WITH A CENTERLINE DISTANCE OF $\pm$ 5,280 FEET (1 MILE, MORE OR LESS), CONNECTING COUNTY ROAD 13 ON THE WEST TO STATE ROAD 181 ON THE EAST, CONTAINING $\pm$ 09.6 ACRES AND LYING WITH THE SOUTH BOUNDARY OF SECTION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

LEGAL DESCRIPTION:

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

PREPARED BY:

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



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

From County Road 13 to State Road 181

Right-Of-Way Map

EXHIBIT "B"

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

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

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

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

LEGAL DESCRIPTION BASED ON SURVEY

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

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

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

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

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

SECTION I: ZONING

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

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

“EXHIBIT A”

LEGAL DESCRIPTION

**STATE OF ALABAMA
COUNTY OF BALDWIN**

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

LEGAL DESCRIPTION BASED ON SURVEY

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

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

"EXHIBIT B"

LEGAL DESCRIPTION
BASED ON SURVEY

COMMENCING at the N.W. CORNER OF SECTION 20, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA, a distance of 3,002.70 feet to a POINT; thence East, a distance of 40.00 feet to a 1/2" CAPTED REBAR ON THE EAST R.O.W. OF MAIN STREET being the POINT OF BEGINNING; thence S89°55'21"E, LEAVING SHAD R.O.W., a distance of 304.22 feet to a 1/2" CAPTED REBAR (10675); thence S00°00'11"E, a distance of 70.00 feet to a 1/2" CAPTED REBAR (10675); thence S89°55'21"E, a distance of 304.24 feet to a 1/2" CAPTED REBAR ON AFFRANCHI R.O.W.; thence N70°00'00"E, ALONG SHAD R.O.W., a distance of 70.00 feet to the POINT OF BEGINNING, that parcel containing 0.63 acres, more or less.

DEMON 11C
1. "11" x 8" x 1/4" ALU
2. 1/2" x 1/2" x 1/4" ALU

(N89°00'00"E)
(384.22')
(387.00')

BELL
0.63 ACRES±

(N89°00'00"E)
(384.24')
(387.00')

FOR 1" x 1/2" x 1/4" ALU
FOR 1" x 1/2" x 1/4" ALU

* REFERENCED

SCALE

1" = 30'



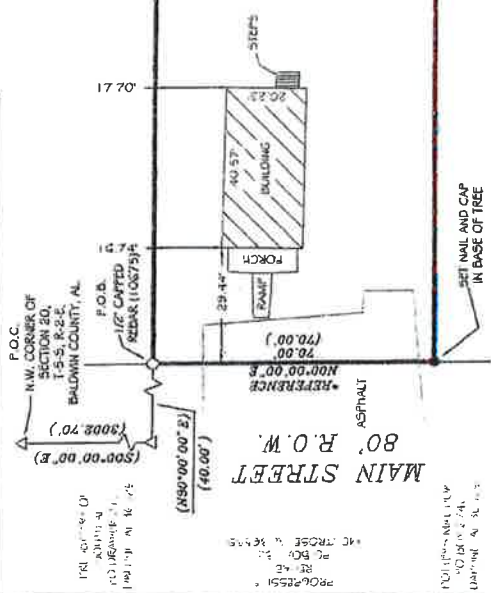
CERTIFICATION

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

David Lowery
ALABAMA
55284 Martin Ln.
Stockton, AL 36579
251-937-2757

NOTES

1. All bearings shown are true to the West Line of the Surveyed Property as shown on the map.
2. Corner monuments shown as set iron pins are set and are not 20" rebar.
3. A survey plat or map stamped "206223".
4. This survey was prepared for the client shown and is not to be used for any other purpose without prior approval from the surveyor.
5. No statements of records reflecting encumbrances, right of way, and/or ownership were furnished to the surveyor, except as shown or noted.
6. No underground utilities or improvements have been located, except as shown on this map.
7. This survey was prepared without the benefit of an abstract of title or a title search unless stated herein. No liability is assumed by the surveyor for any error or omission that might be discovered by an abstract, title search, or right judgment rendered on the property.
8. Liability of the undersigned for the survey shown shall not exceed the amount paid for this survey.



PLAT OF A BOUNDARY
SURVEY PREPARED FOR

BELL
BALDWIN COUNTY, AL.

DAVID LOWERY
SURVEYING, L.L.C.

55284 MARTIN LN.
STOCKTON, AL 36579
251-937-2757 ph. 251-937-2756 fax
dlurvey25@hotmail.com

DWG NO.	SURVEY DATE	SCALE
10-01-04	01/13/16	1"=30'
DRAWN BY: DEL	CHECKED BY: D. LOWERY	

LEGEND AND SYMBOLS

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



CITY OF DAPHNE

ORDINANCE NO. 2016-29

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

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of March 24, 2016 set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on May 2, 2014.

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

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

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

- a.) Two (2) non-illuminated political signs per lot or parcel may be placed on private property in any residential zoning district in the City.
- b.) One (1) non-illuminated political sign may be placed on private property perpendicular to each street frontage in any business, commercial and industrial district in the City for each candidate and for each issue.

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

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

SECTION II: CONFLICT WITH OTHER ORDINANCE

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

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

SECTION V: REPEALER

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

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

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK