CITY OF DAPHNE
CITY COUNCIL MEETING AGENDA
1705 MAIN STREET, DAPHNE, ALABAMA
OCTOBER 17, 2016
6:30 P.M.

1. CALL TO ORDER
2. ROLL CALL

INVOCATION / Pastor Charlie Stafford with Coastal Church

PLEDGE OF ALLEGIANCE

PRESENTATION: Resolution 2016-76 / Rename Park City Park to "The Willie "Buddy" Raymond Alphonse Memorial Veterans Park"

3. APPROVE MINUTES: Council Meeting Minutes / October 3, 2016

Council Work Session Minutes, October 10, 2016

Special Called Council Meeting Minutes / October 11, 2016

PUBLIC HEARING:

Pre-Zoning:	Fred L. Corte
Location:	Southeast of Corte Road and County Road 13
Present Zoning:	RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction
Requested Zoning:	PUD, Planned Unit Development, City of Daphne
Recommendation:	Favorable recommendation

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Fry
Review minutes / October 10th

1. Ordinances:

a. Appropriation from the Lodging Tax Funds: May Day Boat Ramp Removal / Sand Replacement / ***Ordinance 2016-64***

b. Lake Forest Marina Ground Lease, Master Planning, Survey, Permitting, Designing and Maintenance of Channel Markers for the New Daphne Boat Ramp / ***Ordinance 2016-63***

2. **Motion:**
Motion for the Mayor to obtain legal advisement on buffer zone restrictions and restoration required for the wetland area on the Daphne Sports Complex property

3. **Financial Reports:**
   - Treasurers Report / September 2016
   - Sales & Use Tax Collections / August 2016
   - Lodging Tax Collections / August 2015

B. BUILDINGS & PROPERTY COMMITTEE - Lake
Review minutes / October 3rd

C. PUBLIC SAFETY - Conaway

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune
Review Museum minutes / September 12th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway
Review minutes / September 28th

C. INDUSTRIAL DEVELOPMENT BOARD – Phillips

D. LIBRARY BOARD – Lake

E. PLANNING COMMISSION – Scott

F. RECREATION BOARD / LeJeune

G. UTILITY BOARD – Fry
Review minutes / August 29th / August 31st

6. MAYOR'S REPORT

7. CITY ATTORNEY'S REPORT

8. DEPARTMENT HEAD'S REPORT

9. CITY CLERK'S REPORT

10. PUBLIC PARTICIPATION

11. RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

a.) Resolution 2016-76. . . . . . Renaming Park City Park to The Willie "Buddy" Raymond Alphonse Memorial Veterans Park / **Considered at the first of the meeting**

ORDINANCES:

2ND READ

a.) Ordinance 2016-61. . . . . . Rules and Regulation of City Parks

1ST READ

a.) Ordinance 2016-62. . . . . . Pre-Zone Property Located Southeast of Corte Road and County Road 13 / Fred L. Corte

b.) Ordinance 2016-63. . . . . . Appropriation from the Lodging Tax Funds: Lake Forest Marina Ground Lease, Master Planning, Survey, Permitting, Designing and Maintenance of Channel Markers for the New Daphne Boat Ramp

c.)

d.) Ordinance 2016-64. . . . . . Appropriation from the Lodging Tax Funds: May Day Boat Ramp Removal / Sand Replacement

e.) 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____**

CITY CLERK:

REBECCA HAYES	**PRESENT____**	**ABSENT____**

CITY ATTORNEY:

JAY ROSS	**PRESENT____**	**ABSENT____**

CITY OF DAPHNE

RESOLUTION NO. 2016-76

TO RENAME PARK CITY PARK TO THE WILLIE "BUDDY" ALPHONSE MEMORIAL VETERANS PARK

WHEREAS, Willie "Buddy" Raymond Alphonse, was a fourth generation native of Daphne, AL, passed away February 3, 2011 at the age of 89; and

WHEREAS, Willie was in the U.S. Army 333rd Infantry (Field Artillery Battalion Battery C) during WWII and was captured at the "Battle of the Bulge" and became a prisoner of war for 107 days; and

WHEREAS, he was taken by boxcar to Stalag 9, Bad Orb, Germany, and was rescued and flown by C-47 transport aircraft to Camp Lucky Strike ; and

WHEREAS, Willie earned the POW Medal, the Good Conduct Medal, Distinguished Unit Badge and the Campaign Medal with four Bronze Service Stars, and

WHEREAS, Willie "Buddy" Alphonse leaves to cherish his memories loving and devoted wife of 53 years Lenna Alphonse, six children Claudine, Gloria, Carliss, Jamita, Annice and Bernice, 12 grandchildren and numerous other nieces, nephews, cousins and friends; and

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that Park City Park to be named in honor of Willie "Buddy" Raymond Alphonse and the many other men and women who gave their all as the "Willie "Buddy" Raymond Alphonse Memorial Veterans Park".

APPROVED AND ADOPTED ON THE _____ DAY OF _____, 2016.

_____

DANE HAYGOOD, MAYOR

ATTEST:

_____

REBECCA A. HAYES, CITY CLERK

OCTOBER 3, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

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

2. ROLL CALL
COUNCIL MEMBERS PRESENT: Tommie Conaway; Pat Rudicell; John Lake; Randy Fry; Robin LeJeune; Angie Phillips.

ABSENT: Ron Scott.

Also Present: Mayor Haygood; Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Jay Ross, City Attorney; Kevin Boucher, City Attorney; Michael Berson, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; Tonja Young, Library Director; Vickie Hinman, HR Director; David McKelroy, Recreation Director; David Carpenter, Police Chief; BJ Eringman, Deputy Public Works Director; Beautification Committee: Dorothy Morrison, Sarah Toulson, Laurel Anderson, Kiki Mickkelson, Tomasina Werner; Ashley Campbell, Environmental Programs Manager; Al Guarisco, Village Point Foundation; Don Ouellette, Environmental Advisory Committee; Bob Segalla, Utility Board; Councilman elect Joe Davis; Ray Moore, HMR.

Absent: Richard Merchant, Building Official; Richard Johnson, Public Works Director.

INVOCATION/PLEDGE OF ALLEGIANCE:
Pastor Scotty Jernigan with 3 Circle Church gave the invocation.

3. APPROVE MINUTES:
Councilman LeJeune made an amendment to the September 19, 2016 council meeting minutes to include the motion by Councilman Lake to remove the Personnel Budget from the FY 2017 Budget. The minutes stand approved as amended.

PRESENTATION: 4th Quarter Beautification Award / Malbis Parkway Pediatric Dentistry / District 7 / Dr. Kelly Jones, Owner

Mrs. Laurel Anderson presented the award to Dr. Kelly Jones owner of Malbis Parkway Pediatric Dentistry as Mayor Haygood, Councilwoman Angie Philips and members of the Beautification Committee looked on.

PROCLAMATION: Breast Cancer Awareness Month
Councilwoman Conaway read the proclamation.

PROCLAMATION: Domestic Violence Awareness Month
Mayor Haygood read the proclamation.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Fry
The next meeting will be October 10th at 4:30 p.m.

B. BUILDINGS & PROPERTY COMMITTEE – Lake
The committee met today, and the minutes will be in the next packet.

C. PUBLIC SAFETY COMMITTEE – Conaway
The September 19th minutes are in the packet, and the next meeting will be October 17th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott
The September 19th minutes are in the packet, and next meeting will be October 17th at 5:30 p.m.

E. PUBLIC WORKS COMMITTEE – LeJeune
The committee met this afternoon, and the minutes will be in the next packet. The August 1st Public Works minutes, the August 3rd Beautification minutes, the August 8th Museum minutes and the July 25th Environmental Advisory Committee minutes are in the packet. The next meeting will be November 7th.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones
Mr. Willie Robison is up for reappointment, and council according to the ordinance has to give notice that there will be a vacancy, and made this the first notification of an upcoming vacancy. Council President Rudicell announced that anyone interested in applying send a resume to the City Clerk. He asked that this be placed on the November 7th agenda.

B. Downtown Redevelopment Authority – Conaway
The Authority met September 28th and the minutes will be in the next packet. The next meeting will be October 26th at 5:30 p.m.

C. Industrial Development Board – Phillips
The minutes for the September 26th meeting are in the packet. She announced that the IDB received an EDA grant for the infrastructure for the DISC project.

D. Library Board – Lake
The next meeting will be the October 13th at 4:00 p.m.

E. Planning Commission – Scott
Councilman LeJeune reported the minutes for the August 25th meeting are in the packet along with the staff report for the September 22nd meeting.

MOTION BY Councilman LeJeune to set a Public Hearing date for November 7, 2016 and approve advertising to consider:

1. Rezone:	**Earth Inc.**
Location:	**Southwest of the intersection of Park Drive and Tallent Lane, east of the future Daphne Sports Complex**
Present Zoning:	**R-3, High Density Single Family Residential District**
Requested Zoning:	**R-6(G), Garden or Patio Home District**
Recommendation	**Unanimous Favorable**

2. Revision to the City of Daphne Zoning Map
Recommendation: Unanimous Favorable

3. Rezone:	**GCOF Daphne Commercial Property 13-64, LLC**
Location:	**Southwest of the intersection of CR 64 and Rand Avenue**
Present Zoning:	**B-2, General Business District**
Requested Zoning:	**R-7(A), Apartments**
Recommendation:	**Favorable**

Seconded by Councilwoman Phillips. **MOTION CARRIED**

***F*. Recreation Board –** LeJeune
The next meeting will be October 12th at 6:30 p.m.

G. Utility Board – *Fry*
There will be two meetings in October. There is a meeting on October 19th to consider the budget at the Central Services building, and the regular meeting on October 26th 5:00 p.m.

6. *MAYOR'S REPORT*
Mayor Haygood mentioned a major milestone with the IDB receiving the grant to help move the DISC project along. He thanked everyone that was involved with that process. He mentioned that the DRA has a lot of momentum going. They are working on forming a Downtown Merchants Association, and they are also pursuing a Main Street Alabama initiation. They will have a representative at their January 2017 meeitng.

7. *CITY ATTORNEY REPORT:*
Mr. Ross reported the Attorney General's Opinion's request has been sent. He reported that his associate Kevin Boucher has been appointed as an Administrative Law Judge in Roanoke, VA, and that Friday will be his last day with the firm. He will be greatly missed. He mentioned that the grant is a big deal, and a lot of work by a lot of people went into the application process. He reported that he, the Mayor, Robin had a conference call with the Cal Ripken Group, and they are looking forward to working with the city.

8. *DEPARTMENT HEAD COMMENTS:*
David Carpenter – Police Chief - reported they did not receive the COP grant so there will not be any new officers.

David McKelroy – Recreation Director – reported Brown Bag by the Bay is on Thursdays at May Day Park 11:30 a.m. to 1:30 p.m. He gave the sports activity report.

Margaret Thigpen – Civic Center Director – reported the Run-off election is tomorrow.

Adrienne Jones – Planning Director – said she appreciated Kevin's service to the city.

9. *CITY CLERK'S REPORT:*
Mrs. Hayes reported that Ordinance 2016-60 is a 2nd read as the personnel budget was included with the 1st read of the 2017 budget back on September 19th. She reminded everyone that the run-off election is tomorrow at the Civic Center 7:00 a.m. – 7:00 p.m. for Districts 2 & 4.

10. *PUBLIC PARTICIPATION*
Mr. Bob Segalla – Creekside Subdivision – appreciated the time that Councilman Lake has put into the job, and thanked him for the 24 years he has served the city.

Mr. Thomas Warner – Daphne – appreciated the city's proclamation for Breast Cancer Awareness. He asked council to give some attention to the basketball courts in the city's parks because they are in disrepair.

OCTOBER 3, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) Resolution 2016-71. . . . . . Bid Award: Sanitary Sewer Projects Materials / Brass Fittings / Consolidated Pipe & Supply Company

b.) Resolution 2016-72. . . . . . FEMA Hazard Mitigation Grant Program Disaster Assistance for 118 Lakeview Loop

c.) Resolution 2016-73. . . . . . Revisions to the City of Daphne Street Map

d.) Resolution 2016-74. . . . . . Acceptance of Streets and/or Rights-of-Way / Lake Shore Drive in Lake View Subdivision

a.) Resolution 2016-71 . . . . Bid Award: Sanitary Sewer Projects Materials / Brass Fittings / Consolidated Pipe and Supply Company
b.) Resolution 2016-72. . . . . FEMA Hazard Mitigation Grant Program Disaster Assistance for 118 Lakeview Loop
c.) Resolution 2016-73. . . . Revisions to the City of Daphne Street Map
d.) Resolution 2016-74. . . Acceptance of Streets and/or Rights-Of-Way / Lake Shore Drive in Lake View Subdivision

MOTION BY Councilwoman *Conaway* to *waive the reading of* Resolutions 2016-71, 2016-72, 2016-73 and 2016-74. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to *adopt* Resolution 2016-71. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to *adopt* Resolution 2016-72. *Seconded by Councilman Lake.*

Councilman LeJeune asked that this resolution be pulled from the agenda and to be placed on another agenda when the owner can be present.

After discussion Councilwoman Conaway withdrew her motion and Councilman Lake withdrew his second.

MOTION BY Councilwoman Conaway to *adopt* Resolution 2016-73. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to *adopt* Resolution 2016-74. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

OCTOBER 3, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

ORDINANCES:

2ND READ

a.) Ordinance 2016-58. . . . . . Pre-Zone: James V. Roberts as Conservator for Jeanette D. Lazzari / PUD, Planned Unit Development

b.) Ordinance 2016-59. . . . . . Annexation: James V. Roberts as Conservator for Jeanette D. Lazzari Property Located Northeast of Edgewood Drive and CR 64

c.) Ordinance 2016-60. . . . . . Adopting the Fiscal Year 2017 New Personnel Budget

1ST READ

a.) Ordinance 2016-61. . . . . . Rules and Regulation of City Parks

Ordinance 2016-58. . . . . . Pre-Zone: James V. Roberts as Conservator for Jeanette D. Lazzari / PUD, Planned Unit Development
Ordinance 2016-59. . . . . . Annexation: James V. Roberts as Conservator for Jeanette D. Lazzari / Property Located Northeast of Edgewood Drive & CR 64
Ordinance 2016-60. . . . . . Adopting the FY 2017 Personnel Budget

MOTION BY Councilwoman Phillips to *waive the reading* of Ordinance 2016-58, 2016-59 and 2016-60 ***Seconded by Councilman Lake.***

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to *adopt* Ordinance 2016-58. ***Seconded by Councilwoman Phillips*.**

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

MOTION CARRIED

MOTION BY Councilman LeJeune to *adopt* Ordinance 2016-59. ***Seconded by Councilwoman Phillips.***

MOTION BY Councilman Fry to amend the motion to include in the ordinance that the annexation is contingent upon the donation of $90,000 from the developer for future improvements at CR 64 and Pollard Road. ***Seconded by Councilwoman Phillips.***

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

MOTION CARRIED

MOTION BY Councilman LeJeune to amend Section Two of Ordinance 2016-59 to include the ordinance number 2016-58. ***Seconded by Councilwoman Phillips.***

MOTION CARRIED UNANIMOUSLY

VOTE ON ORIGINAL MOTION AS AMENDED

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

MOTION CARRIED

MOTION BY Councilman LeJeune to *adopt* of Ordinance 2016-60. ***Seconded by Councilman Lake.***

AMENDMENT 101

MOTION BY Councilman Lake to remove item 12 "Chief Administrative Officer" from the Personnel Budget. ***Seconded by Councilwoman Conaway.***

ROLL CALL VOTE

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

MOTION CARRIED

AMENDMENT 102

MOTION BY Councilman LeJeune to add the 2nd School Resource Officer without the 50% match to start April 1, 2017. FY costs $26,048.50. ***Seconded by Councilwoman Conaway.***

MOTION CARRIED UNANIMOUSLY

VOTE ON ORIGINAL MOTION AS AMENDED

MOTION CARRIED UNANIMOUSLY

1ST READ

ORDINANCES 2016-61 IS A 1ST READ

12. COUNCIL COMMENTS

***Councilman Lake* –** said he would like the trees that were poisoned along US Highway 98 replanted. He spoke on putting sidewalks on Marina Drive.

***Councilman Fry* –** thanked the Boy Scout for being in the audience. He said he will miss Kevin Boucher, and appreciated everything he has done for the city. He gave kudo's to the police officer who took the initiative to find out the owner of a keychain that was turned in by taking the keys with a gym tag attached to the gym to find out who they belonged to.

***Councilwoman Conaway* –** thanked residents for coming out in support of renaming the Park City Park. She recognized Mr. Alphonse's wife and daughters. She thanked Mrs. Harris for bringing this to council's attention.

***Councilman Lake* –** asked Chief Carpenter to let Mike Dawson's family know they are grieving with them. He said that renaming Park City Park will be on the Buildings & Property meeting for October, and on the October 17th agenda to approve. He spoke regarding the developer on the agenda paying toward future road improvements for the area.

***Councilman LeJeune* –** thanked Kevin for his service to the city, and wished him well in his new job.

***Councilwoman Phillips* –** wished the candidates in the run-off election good luck. She said she considered it an honor to call Kevin her friend, and said she will miss him. She wished him the best.

***Council President Rudicell* –** mentioned the work session agenda items: Presentation by the Library Foundation, Towing and committee chairpersons and liaisons. He thanked Kevin for being a friend.

13. ADJOURN:

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:45 P.M.

Respectfully submitted by,

_____
Rebecca A. Hayes, City Clerk

Certification of Presiding Officer

_____
Pat Rudicell, Council President

OCTOBER 10, 2016
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

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

ABSENT: Randy Fry.

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Jay Ross, City Attorney; Michael Berson, City Attorney; Don Ouellette, Environmental Advisory Committee; Councilman Elect Joe Davis' Councilman Elect Doug Goodlin.

Council President Rudicell called the meeting to order at 6:30 p.m.

1. Tony's Towing / Daniel Wade

Mr. Wade, representing the seven (7) towing companies that are in the Police Department rotation, requested an increase in the towing fees. It has been eight (8) years since there was an increase, and costs have increased over the years. He requested a change to Section 16 Maximum Allowable Towing Fees allowing an increase of towing charges to $175 per hour, and to also add charges for cleanup fees.

Councilman Scott asked the City Clerk to add this to the Ordinance Committee agenda for further discussion. Mr. Scott asked that representatives of the Police Department and Fire Department be at the Ordinance Committee meeting on Monday, and representatives of the other towing companies to be present. He also asked the City Clerk to find out what other cities allow for towing.

2. Committee Chairman and Liaisons to Committees and Boards / New Council

Council discussed which of the five main committees they would like to serve as chairman, and which boards and committees they would like to serve as liaisons. They are as follows:

Public Works:	Joel Coleman
Buildings & Property:	
Finance:	Pat Rudicell
Public Safety:	Joe Davis
Ordinance:	Doug Goodlin
Planning:	Ron Scott & Doug Goodlin
Utility Board:	Robin LeJeune
Recreation:	Robin LeJeune and Joel Coleman
Library:	Pat Rudicell
DRA:	Tommie Conaway
IDB:	Joe Davis

Mayor Haygood thinks that the committee structure slows down the process. He is in favor of multiple work sessions or a longer work session. He feels due to the structure as it is now issues get lost in all the meetings.

Consensus of council was that the structure they have now seems to be working well and wants to keep it the way it is now.

3. Anything Else Deemed Necessary

Rebecca Hayes, City Clerk, wanted the council to know upfront before the November 7th council meeting where they will be appointing the City Clerk, Police Chief, Fire Chief, Treasurer and City Attorney that she will be retiring in June of 2017. She wanted them to be aware and asked that council if they felt that the could to reappoint her in November. She said that she loved her job and Daphne, and the reason for retiring was the health of her husband, otherwise, she would serve for the next four years.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:30 P.M.

Respectfully submitted by,

_____
Rebecca A. Hayes,
City Clerk

Certification of Presiding Officer:

_____
Pat Rudicell,
Council President

OCTOBER 11, 2016
SPECIAL CALLED COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
12:00 P.M.

1. CALL TO ORDER

Council President Rudicell with a quorum present called the meeting to order at 12:00 p.m.

COUNCIL MEMBERS PRESENT: Tommie Conaway; Pat Rudicell; John Lake; Ron Scott.

ABSENT: Randy Fry; Robin LeJeune; Angie Phillips.

Also present: Mayor Haygood; Rebecca Hayes, City Clerk.

2. INVOCATION / PLEDGE

Councilman John Lake gave the invocation.

3. CANVASS VOTES OF THE 2016 MUNICIPAL ELECTION / ***Resolution 2016-75***

Council President Rudicell opened and read the voting machine tapes and the provisional ballots, and the Rebecca Hayes the City Clerk read the tally of all the votes. The votes were as follows:

District 2

NAME	VOTES
Larry Chason	**258**
Pat Rudicell	**324**

Pat Rudicell is elected Councilman for District 2

DISTRICT 4

NAME	VOTE
Randy Fry	**187**
Doug Goodlin	**259**

Doug Goodlin is elected Councilman for District 4

OCTOBER 11, 2016
SPECIAL CALLED COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
12:00 P.M.

Resolution 2016-75 / Canvass Results of the October 4, 2016 Municipal Run-Off Election

Resolution 2016-75. . . . . . Canvass the Vote for the October 4, 2016 Municipal Run-Off Election

MOTION BY Councilman Lake to *waive the reading* of Resolution 2016-75. *Seconded by Councilwoman Conaway.*

MOTION CARIED UNANIMOUSLY

MOTION BY Councilman Lake to *adopt* Resolution 2016-75. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

4. ADJOURN

MOTION BY Councilman Lake to adjourn. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 12:20 P.M.

Respectfully submitted by,

_____
Rebecca A. Hayes, City Clerk

Certification of Presiding Officer

_____
Pat Rudicell, Council President

RECAPITULATION SHEET, MUNICIPAL ELECTION, CITY OF DAPHNE, ALABAMA, OCTOBER 4, 2016

VOTING MATCHING #	NAME OF PRECINCT	*Guide Line*	District #2 Larry Chason	District #2 Pat Rudicell		District #4 Randy Fry	District #4 Doug Goodlin	*Guide Line*
	District # 2	*1*	240	311		187	235	*1*
	Absentee Votes	*2*						*2*
		3						*3*
		4						*4*
	District # 4	*5*						*5*
	Absentee Votes	*6*	17	13		9	12	*6*
		7						*7*
		8						*8*
		9						*9*
		10						*10*
Sub-Total (*including Absentee*)			**257**	**324**		**196**	**247**	
	Provisional Votes		1					
TOTAL VOTES			**258**	**324**		**205**	**259**	

PUBLIC HEARING

OCTOBER 17, 2016

TO CONSIDER:

a.)	Pre-zoning:	Fred L. Corte
	Location:	Southeast of Corte Road and CR 13
	Present Zoning:	RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction, City of Daphne
	Requested Zoning:	PUD, Planned Development District, City of Daphne
	Recommendation:	Favorable

MEMORANDUM

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Fred L. Corte, Pre-zone Amendment

Reference: Blackstone Lakes, a planned unit development
Date: August 29, 2016

PRESENT ZONING: RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

PROPOSED REZONING: PUD, Planned Unit Development

LOCATION: Southeast of Corte Road and County Road 13

RECOMMENDATION: At the Thursday, August 25, 2016, regular meeting of the Daphne Planning Commission, nine members were present and a motion to set forth a favorable recommendation carried for the above mentioned pre-zone amendment.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Tuesday, September 6, 2016 to set the public hearing for Monday, October 3, 2016.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Rezoning Application
2. Legal Description
3. Boundary Survey
4. PUD Documents
5. Community Development Report
6. Citizen Comments

REZONING OR PRE-ZONING APPLICATION

Office use only Blackston Lakes	Date Submitted June 28, 2016
Application Number: ZA- or PZA- 16-03	Planning Commission Public Hearing Date: July 28, 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): 1/4 MILE EAST OF CO RD 13 AND CORTE RD INTERSECTION	PPIN#(s): 63517
Gross Site Area (acreage): 73.53 ACRES	Requested Zoning or Pre-Zoning: PUD
Current Zoning Designation(s): RA (BALDWIN COUNTY)	Amended Request: Initials: Date:
Current Land Use: AGRICULTURE	Anticipated Land Use: SINGLE FAMILY RESIDENTIAL

Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]":
SEE 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: FRED L. CORTE	
Mailing Address: PO BOX 1156, FAIRHOPE, AL 36533	**Phone/Fax:** **E-mail:**
Name of Authorized Agent: DEWBERRY/PREBLE-RISH	251-990-9950
Mailing Address: 9949 BELLATON AVE, DAPHNE, AL 36526	**Phone/Fax:** 251-990-9910 **E-mail:** mpumphrey@dewberry.com
Name of Developer*:	**Phone/Fax:** **E-mail:**
Other:	**Phone/Fax:** **E-mail:**

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

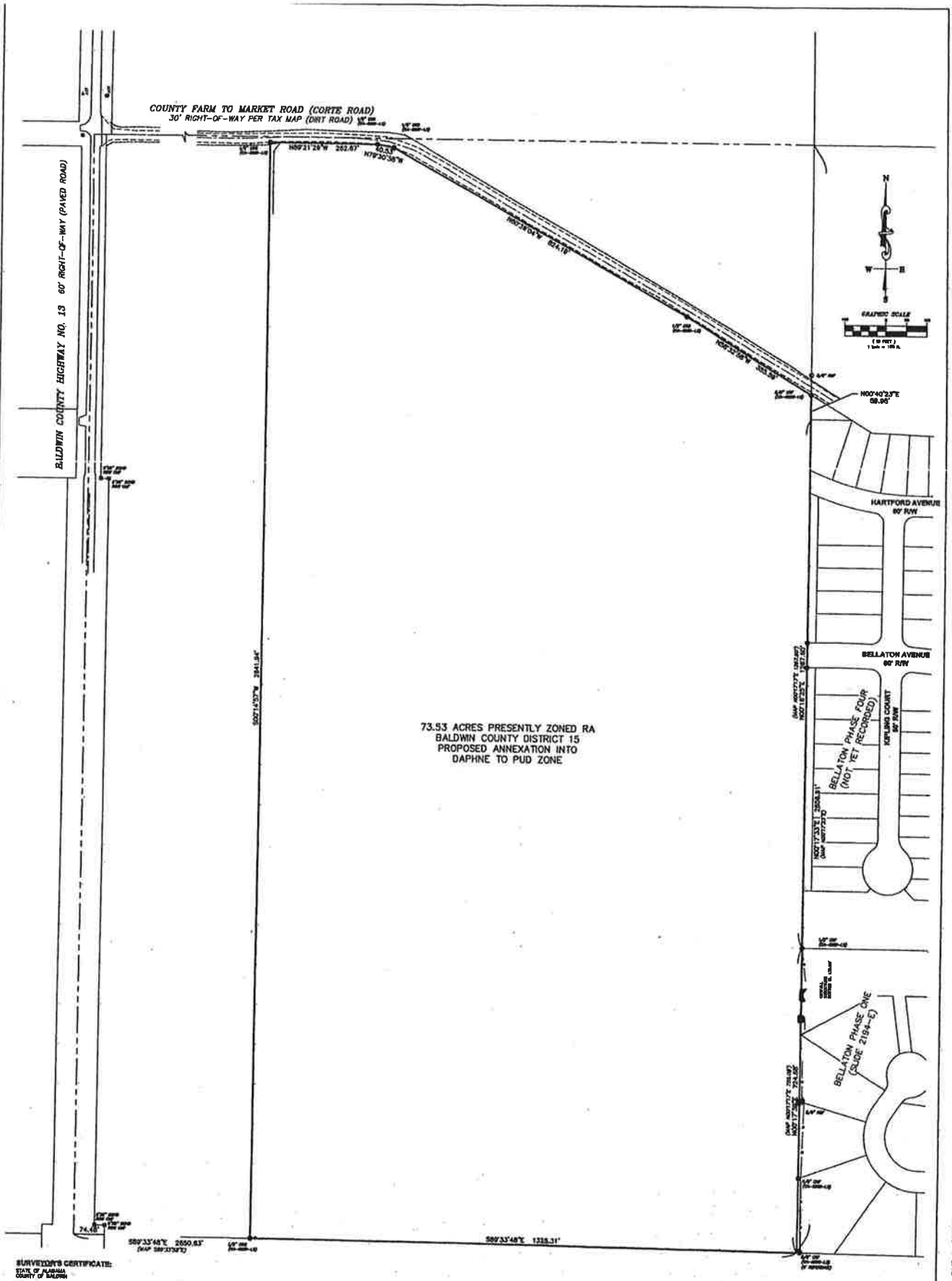
Applicant's Signature:	Date
Agent's Signature: Steven Pumphrey	Date 6-28-16

07/01/14

EXHIBIT A

LEGAL DESCRIPTION FOR FRED L. CORTE PROPERTY (PRE-ZONING)

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 59.95 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 58 DEGREES 32 MINUTES 58 SECONDS WEST, ALONG AN OLD FENCE ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 355.59 FEET TO A CAPPED REBAR; THENCE RUN NORTH 60 DEGREES 39 MINUTES 04 SECONDS WEST, ALONG SAID OLD FENCE ON THE SOUTH MARGIN OF SAID ROAD, A DISTANCE OF 824.19 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 30 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 40.53 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 262.67 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 57 SECONDS WEST, A DISTANCE OF 2641.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



SURVEYOR'S CERTIFICATE:

STATE OF ALABAMA
COUNTY OF BALDWIN

I, DOWBERRY | PREBLE-RISH, A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF DAPHNE, ALABAMA, HEREBY STATE THAT THE ABOVE IS A CORRECT MAP OR PLAT OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA, TO-WIT:

PARCEL DESCRIPTION

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 1325.83 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 29 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 58.96 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 89 DEGREES 20 MINUTES 38 SECONDS WEST, ALONG AN OLD FENCE ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 262.67 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 30 MINUTES 38 SECONDS WEST, ALONG SAID OLD FENCE AND ROAD, A DISTANCE OF 823.19 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 32 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 1633.1 FEET TO A CAPPED REBAR; THENCE RUN NORTH 80 DEGREES 31 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 282.67 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 11 MINUTES 57 SECONDS WEST, A DISTANCE OF 2641.84 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WE FURTHER STATE THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE MAY 7, 2003.

6-28-2016

DOWBERRY | PREBLE-RISH
DAVID E. DEAL AL. P.L.S. No. 29014

SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.

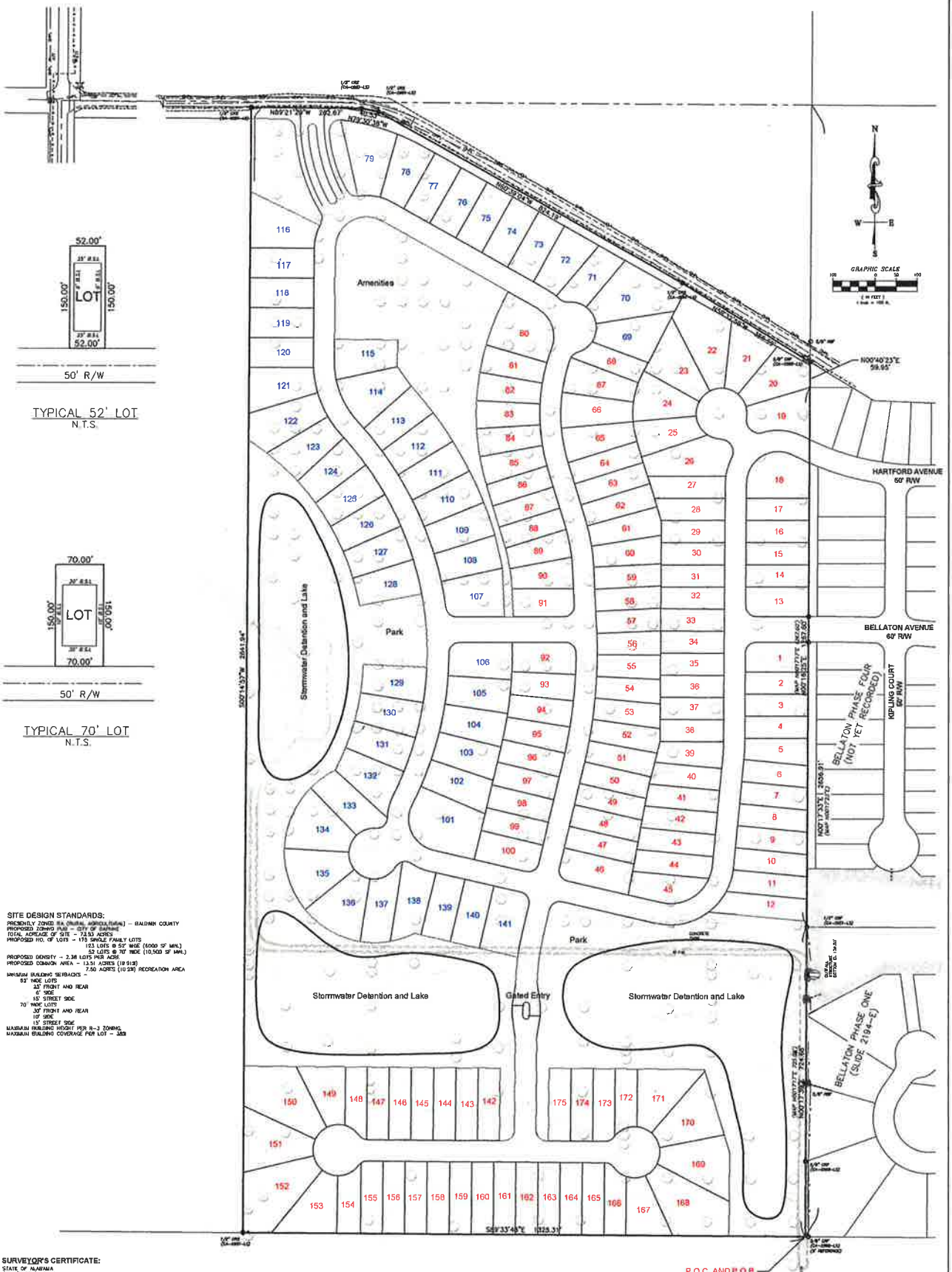
EXHIBIT B
ZONING DISPLAY

JUNE 26, 2016 - SHEET 1 OF 1

BOUNDARY SURVEY

DESIGN	D.E.D.	DRAWN	A.E.F.	CHKD.	D.E.D.
ENG	J.N.E	SURVEYOR	D.E.D.	PROJ MGR	J.G.A.
				SCALE	1"=80'
				PROJ. NO.	50082840
				FILE	50082840ZONING
				SHEET	1

Dowberry | PREBLE-RISH



TYPICAL 52' LOT
N.T.S.

TYPICAL 70' LOT
N.T.S.

SITE DESIGN STANDARDS:
PRESENTLY ZONED RA (RURAL AGRICULTURAL) – BALDWIN COUNTY
PROPOSED ZONING PUD – CITY OF DAPHNE
TOTAL ACREAGE OF SITE – 73.53 ACRES
PROPOSED NO. OF LOTS – 175 SINGLE FAMILY LOTS
123 LOTS @ 52' WIDE (6000 SF MIN.)
52 LOTS @ 70' WIDE (10,500 SF MIN.)
PROPOSED DENSITY – 2.38 LOTS PER ACRE
PROPOSED COMMON AREA – 13.51 ACRES (19.9%)
7.50 ACRES (10.2%) RECREATION AREA
MINIMUM BUILDING SETBACKS –
52' WIDE LOTS
25' FRONT AND REAR
6' SIDE
15' STREET SIDE
70' WIDE LOTS
30' FRONT AND REAR
10' SIDE
15' STREET SIDE
MAXIMUM BUILDING HEIGHT PER B-3 ZONING
MAXIMUM BUILDING COVERAGE PER LOT – 35%

SURVEYOR'S CERTIFICATE:

STATE OF ALABAMA
COUNTY OF BALDWIN

WE, DEWBERRY | PREBLE-RISH, A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF DAPHNE, ALABAMA, HEREBY STATE THAT THE ABOVE IS A CORRECT MAP OR PLAT OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA, TO-WIT:

PARCEL ONE:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 37, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 24 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1357.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 59.95 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 58 DEGREES 23 MINUTES 58 SECONDS WEST, ALONG AN OLD FENCE, ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 353.58 FEET TO A CAPPED REBAR; THENCE RUN NORTH 60 DEGREES 28 MINUTES 04 SECONDS WEST, ALONG SAID OLD FENCE ON THE SOUTH MARGIN OF SAID ROAD, A DISTANCE OF 824.18 FEET TO A CAPPED REBAR; THENCE RUN NORTH 78 DEGREES 33 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 60.53 FEET TO A CAPPED REBAR; THENCE RUN NORTH 88 DEGREES 31 MINUTES 29 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 262.83 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 57 SECONDS WEST, A DISTANCE OF 1841.84 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 37, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WE FURTHER STATE THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE MAY 7, 2002.

DEWBERRY | PREBLE-RISH
DAVID E. DIEHL AL. P.L.S. No. 26014

SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.

EXHIBIT C
BLACKSTONE LAKES
A PLANNED UNIT DEVELOPMENT
JUNE 28, 2016 - SHEET 1 OF 1

PUD GENERAL PLAN

DESIGN	D.E.D.	DRAWN	A.E.F.	CHKD.	D.E.O.
ENG	J.N.E	SURVEYOR	D.E.O.	PROJ MGR	J.O.A.

Dewberry | PREBLE-RISH
9949 Bellaton Ave Daphne, AL 36526
251.990.9990 fax 251.990.9900 info@prebleish.net

SCALE	1"=60'
PROJ. NO.	50082840
FILE	50082840PUD
SHEET	1 OF 1

BLACKSTONE LAKES
PUD STANDARDS

Blackstone Lakes, a Planned Unit Development (PUD), is a 73.53 acre site located one-quarter of a mile east of County Road 13 and is bound on the north side by Corte Road and on the east side by Bellaton Subdivision Phases 1 and 4. The property is presently in the extraterritorial jurisdiction of the City of Daphne and is located in Baldwin County Planning District 15 and is zoned RA – Rural Agriculture. Application has been made to the City of Daphne to Pre-zone this property as a PUD.

The proposed development consists of 175 single family lots, with 123 lots at 52' wide and a minimum of 6,000 sq. ft., and 52 lots at 70' wide and a minimum of 10,500 sq. ft. The proposed density of the development is 2.38 units per acre. There are 20.73 acres, or 28.19% of the total site, proposed as common area. These common areas consists of buffers, stormwater detention areas, and 7.50 acres of recreational area.

The residential lots shall have the following standards:
The 52' wide lots are to have building setbacks of 25' on the front and rear, 6' on the sides, and 15' on the street sides. The 70' wide lots are 30' on the front and rear, 10' on the sides, and 15' on the street sides. The maximum building heights for all residential lots are to be as per the City's R-3 zoning district. The maximum building coverage of each residential lot is 38%.

All utilities will be constructed underground and water, sewer, electric, and telephone are all available to the site. All roadways within the development, except for one area described below, will be public and sidewalks will be located on both sides of the proposed roadways. Sidewalks will be installed by the home builder at the time of house construction and will be required to be ADA compliant. All construction will be in accordance to the standards of the City of Daphne.

The stormwater management system will be designed in accordance with the standards of the City of Daphne. All stormwater facilities and structures outside of public right-of-ways will be maintained by the P.O.A. and not the City of Daphne.

A landscape plan will be provided as part of the subdivision process. The required landscaping will be provided in the common areas and installed during construction of the infrastructure adjacent to those common areas. Any additional landscaping will be provided by the home builders and/or the lot owners.

The PUD Master Plan proposes a mix in residential building types. As a public benefit the developer proposes to make connection to and pave Corte Road from County Road 13 to just beyond the entrance of the proposed development. This will provide connectivity from the existing Bellaton development to County Road 13 and also provide additional access to Bellaton for police, fire, ambulance, garbage service, and school buses. Due to Corte Road being a County Road, all improvements will be designed and constructed to County Standards.

The southernmost 34 lots, Lots 142-175, are proposed as a senior living section within the development with a proposed gated entryway. During the subdivision process, the developer will coordinate with emergency services, garbage services, and utility companies to provide an agreed upon method for access, whether by means of a code or keyed access. The developer plans to coordinate with the Public Works department for curbside garbage pickup service. The roadways within this section will be private and privately maintained. It is also understood that any storm related debris will not be picked up by the City along the private roadways.

Covenants and Restrictions will provide for the formation of a Property Owner's Association for the Blackstone Lakes development whereby maintenance responsibilities of the private roads, drainage infrastructure outside of public and private roadways, and common areas will be established. It is anticipated that the senior living section will have separate maintenance responsibilities than the remaining property owners of the Blackstone Lakes development but all will be under a Master set of Covenants and Restrictions. These Covenants and Restrictions will be for the Blackstone Lakes development and will not in any way be a part of the existing Bellaton development.

PLANNING COMMISSION
PREZONING REQUEST FOR
FRED L. CORTE

COMMUNITY DEVELOPMENT

Daphne

ALABAMA

The Jubilee City

Pre-zoning Request
Fred L. Corte
73.53 acres

Owner: Fred L. Corte

Existing Conditions: 73.53 acres+/- agricultural land

Existing Zoning: RA, Rural Agricultural, Baldwin County District 15-ETJ

Proposed Zoning: Planned Unit Development (PUD)

Surrounding Zonings/Uses:

North – RA, Rural Agricultural, Baldwin County District 15-ETJ

South – RA, Rural Agricultural, Baldwin County District 15-ETJ

East – R-4 (High Density Single Family Residential)

West – RA, Rural Agricultural, Baldwin County District 15-ETJ

Existing Utility Service Providers:

Water – Daphne Utilities or Belforest Water

Sewer – Daphne Utilities or Baldwin County Sewer Service

Gas – Daphne Utilities or Fairhope Gas

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 3 Police Protection-Police Beat 1

Public Works Baldwin County Schools—n/a

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

The Comprehensive Plan

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The following are some Land Use Goals and Objectives from the Plan.

> **Goal:** Provide a land use plan for the City of Daphne, which supports the City's economic development, housing, transportation, and open space, recreation and education goals in a manner that maintains and promotes Daphne's unique image and quality of life. *Objective:* Encourage development of sound and cohesive residential areas which meet the housing needs of current and potential residents.
>
> **Goal:** Grow sensibly by anticipating land use needs. *Objective:* Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties. *Objective:* Encourage planned unit developments which are beneficial to residents and which creatively take advantage of available properties that otherwise would not be developed. *Objective*: Protect and preserve the character of Daphne through review of new developments, the encouragement of growth that enhances the community spirit, and through aesthetic considerations. *Objective:* Integrate recreational resources with residential neighborhoods to insure that all portions of Daphne's population have convenient access to parks and open space. Promote clustered commercial development in defined areas.

Existing Conditions

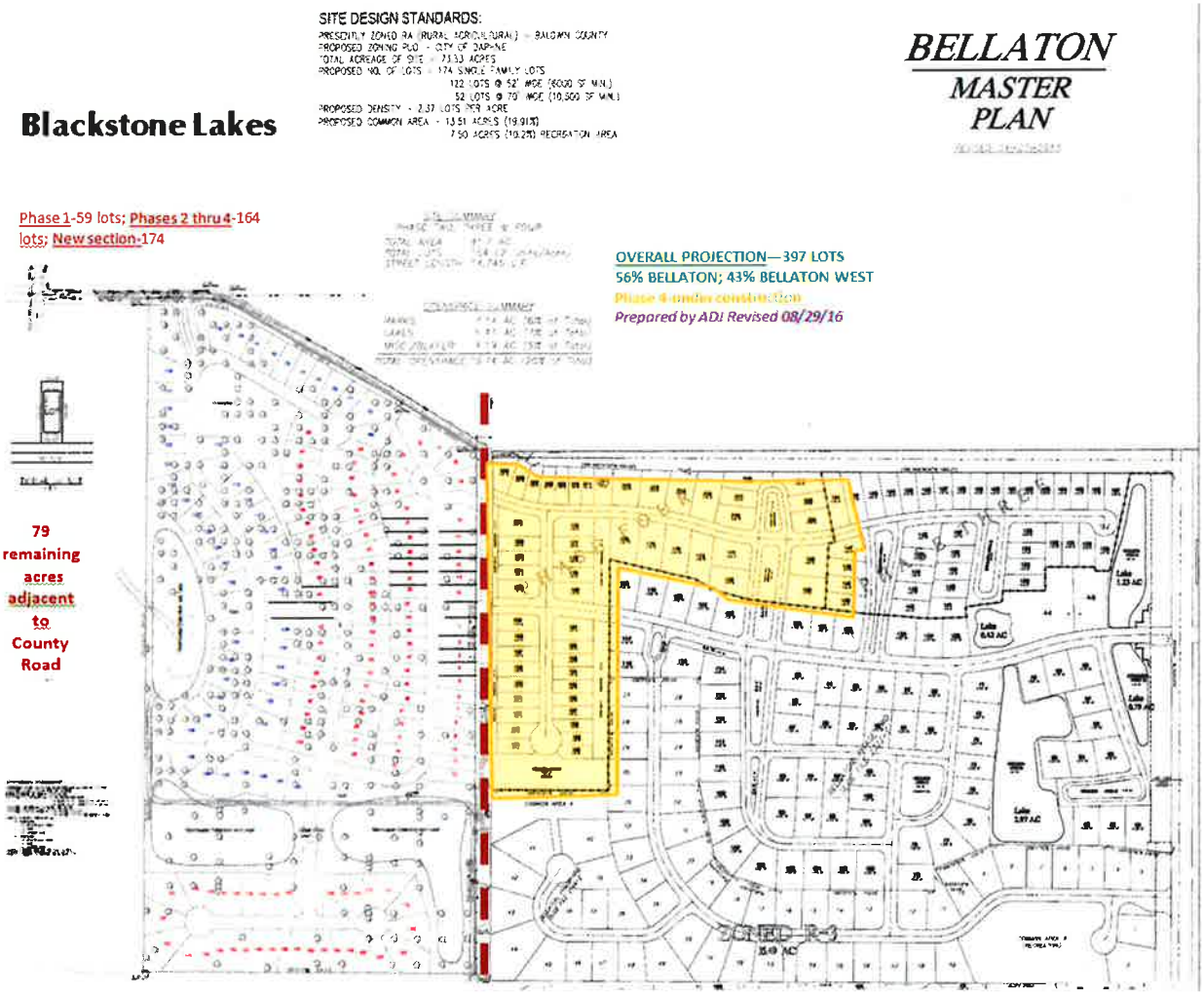
The site is located southeast of the intersection of Corte Road and County Road 13. Fred L. Corte owns this 153 acre parcel between County Road 13 and the western boundary of Bellaton Subdivision, Phase 4 (Baldwin County Tax PPIN #63517). Seventy-nine acres (frontage along County Road 13) is not being proposed for zoning. Seventy-three acres (abuts Bellaton Phase 1 and Phase 4—*still under construction*) is being proposed for pre-zoning. Upon completion of Bellaton Phase 4 there would then be access to Volterra Avenue and Bellaton Avenue. However, at this time Corte Road, a 30-ft wide dirt road, is the only access to the site. It seems to be a county-maintained road. The developer proposes to pave ¼ mile of Corte Road to meet Baldwin County standards. The road itself is not part of the pre-zoning request.

The existing Bellaton community is comprised of B-1, Local Business, zone and various residential zones (R-1, R-2, R-3 and R-4). The proposed Blackstone Lake PUD design and use is compatible with Bellaton subdivision. No perimeter buffer is proposed or necessary.

Blackstone Lakes PUD Review (Formerly Known As Bellaton West)

According to the Blackstone Lakes PUD Narrative the proposed development consists of 175 single family lots. The proposed overall density is 2.38 units/acre. This density is similar to that of an R-2, Medium Density Single Family Residential zoning district which is 2.5 units/acre. Lot widths are between 52-ft and 70-ft. The lot sizes are between six and over ten thousand square feet (similar to Patio Home lots in R-6(G)). 20.73 acres are reserved for common areas: 7.5 acres for recreation and 13.23 acres for stormwater management.

The PUD General Plan proposes a combination of two building/lot types, although architectural building elevations have not been presented to illustrate the building types. It also proposes a portion of the development to exclusively serve as a single family senior living community.



Staff Comments

According to Article 30-1, Planned Unit Development District General provision, "Overall, the City desires PUD zoning to produce development that is *superior* to development designed under conventional zoning and subdivision regulations."

According to Section 30-7 (d), General Requirements, "The PUD shall provide, through desirable arrangement and design, *benefits which justify deviations from conventional development standards* which would otherwise apply.

The purpose in creating the PUD district is clear. It is important for the Planning Commission and City Council to ensure that there is superior design and public benefit presented in each PUD request. **What makes this design superior to the existing Bellaton development or any other development in the area?** *Overall the plan presented is an R-6(G), Patio Home, design with an R-2, Medium Density Residential density.* **What are the public benefits?** *According to the PUD Standards document, "as a public benefit the developer proposes to make connection to and pave Corte Road from County Road 13 to just beyond the entrance of the proposed development. This will provide connectivity from the existing Bellaton development to County Road 13 and also provide additional access to Bellaton for police, fire, ambulance, garbage service and school buses."*

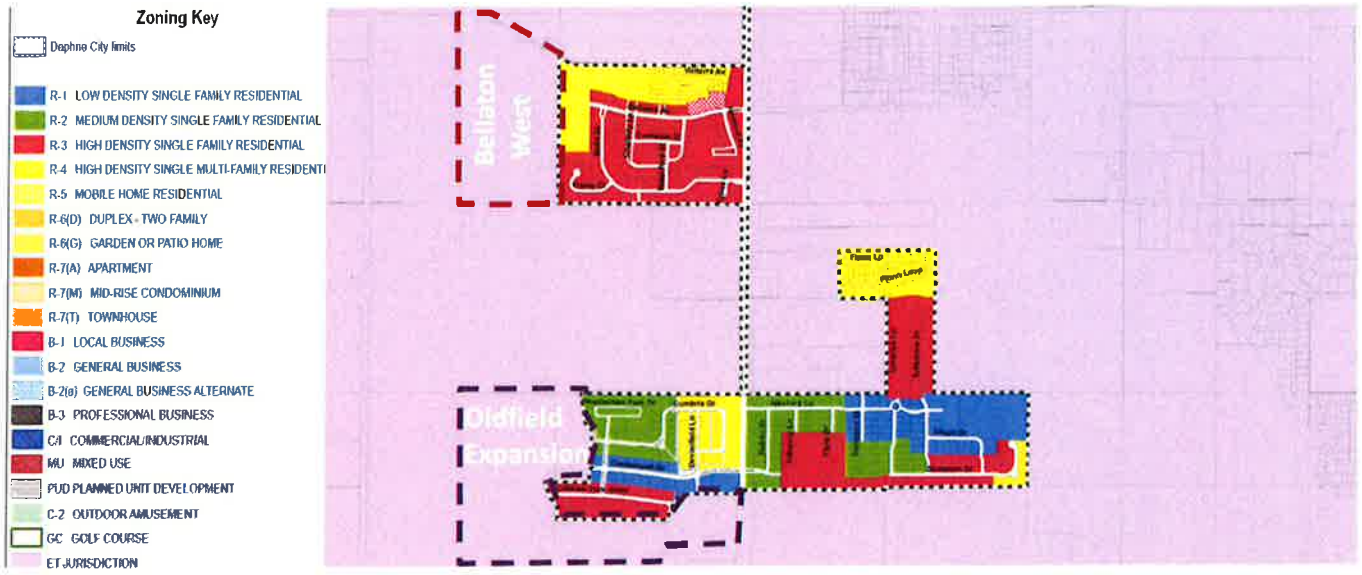
August 25th Public Hearing

Citizen comments were presented at the Planning Commission public hearing. All written responses are provided with this report.

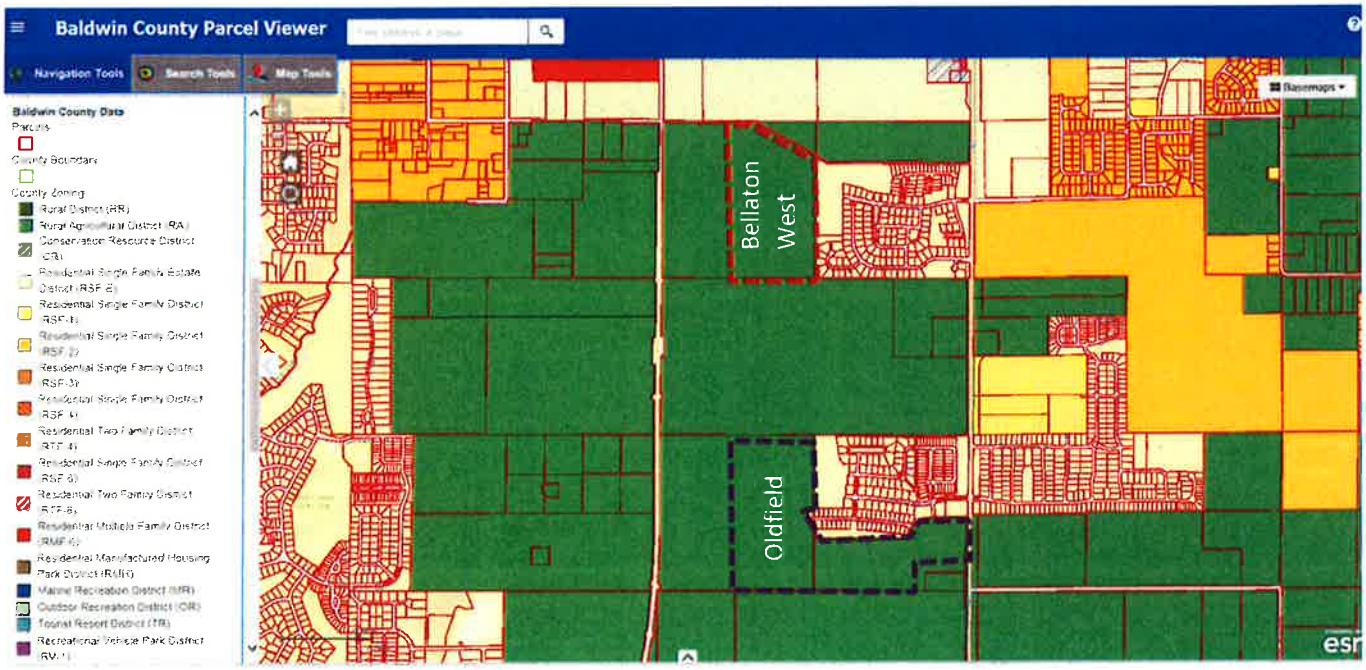
The vote of the Planning Commissions was 8 to 1 to send Council a favorable recommendation to rezone the site Planned Unit Development.

Related applications on City Council Agenda: n/a

Zoning Map Excerpts from the City of Daphne and Baldwin County



Excerpt from City of Daphne Zoning Map



Excerpt from County Zoning Map (from ISV website)

DANE HAYGOOD
MAYOR

Daphne
ALABAMA
The Jubilee City

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
ANGIE PHILLIPS
DISTRICT 7

June 17, 2016

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for Fred L. Corte, containing 73.53 acres +/- located southeast of Corte Road and County Road 13 zoned RA, Rural Agricultural, Baldwin County District 15, to be pre-zoned to a PUD, Planned Unit Development.

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, July 20, 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, July 28, 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

Fred Corte Pre-Zone Amendment

ADJACENT PROPERTY OWNERS FOR BELLATON WEST

05-43-05-22-0-000-022.000	BONI, THELMA MARIE AS PERSONAL REPRESENT	25170 CO RD 13	DAPHNE	AL	36526
05-43-08-27-0-000-002.000	BONI, THELMA MARIE AS PERSONAL REPRESENT	25170 CO RD 13	DAPHNE	AL	36526
05-43-08-27-0-000-001.000	BONI, LOUIS JR	11582 LISA CT	FAIRHOPE	AL	36532
05-43-08-27-0-000-001.001	BONI, LOUIS JR	11582 LISA CT	FAIRHOPE	AL	36532
05-43-08-27-0-000-004.000	DR HORTON - BIRMINGHAM	25366 PROFIT DR	DAPHNE	AL	36526
05-43-08-27-0-000-003.027	BELLATON POA INC	PO BOX 1629	FOLEY	AL	36536
05-43-08-27-0-000-003.026	LASSERE, BRUCE J ETAL LASSERE, MYRA R	9512 KASEY CT	DAPHNE	AL	36526
05-43-08-27-0-000-003.025	CAPSTRAW, JASON E ETAL CAPSTRAW, KRISTIN	7804 STRATHDON CT	ALEXANDRIA	VA	22315
05-43-08-27-0-000-003.024	EVANS, WILLIAM M ETAL EVANS, PAMELA B	2333A GALLATIN ST SW	HUNTSVILLE	AL	35801
05-43-08-27-0-000-003.023	RUBLE, LANCE DOUGLAS ETAL RUBLE, JENNY E	9548 KASEY CT	DAPHNE	AL	36526
05-43-08-27-0-000-003.000	JULIO CORTE FARM LIMITED PARTNERSHIP	24311 ST HWY 181	DAPHNE	AL	36526
05-43-08-27-0-000-003.001	CORTE, FRED L	PO BOX 1156	FAIRHOPE	AL	36533

Bellaton Residents
c/o Richard Jaehne
9499 Bella Dr
Daphne, AL 36526

21 August 2016

City of Daphne Planning Commission
c/o Adrienne D Jones
Community Development Director / Zoning Administrator
Daphne City Hall
1705 Main Street
PO Box 400
Daphne, Al 36526

Dear Ms. Jones and City Planning Commission:

The purpose of this letter is to present critical issues that we as property owners have with the Pre-zoning request for Blackstone Lakes PUD located off Highway 13 and Corte Road.

We want to recognize and express our appreciation for the efforts of the developer to address our concerns with both the name of the development and the potential traffic issues with Bellaton Ave. We believe that renaming the development from Bellaton West to Blackstone Lakes will serve to clearly distinguish the Blackstone Lakes development from the Bellaton development; however, the new PUD should state in clear language that it will establish a separate set of covenants and restrictions for Blackstone Lakes and the appropriate Property Owners Association to administer them. In addition, it is our hope that the rerouting of Bellaton Ave will make it less attractive as a high speed cut thru for non-resident traffic from Highway 181 to Highway 13; however, this remains a significant concern for safety of the neighborhood.

We would like to state our ongoing concerns for consideration by the Blackstone Lakes developer, the Daphne Planning Commission, the Daphne City staff and Daphne City elected leadership, as follows:

1. **Traffic Safety**. Currently, here are some 100 owner occupied homes in Bellaton, with a total of 221 planned for the full development of Phases 1-4 of Bellaton. Traffic congestion is already a serious issue entering Hwy 181 from Bellaton Ave, since it intersects with Austin Road at Hwy 181. During peak traffic periods on Hwy 181, traffic is significantly delayed and often unsafe entering Hwy 181 from either Bellaton Ave and/or Austin Road, which receives traffic feed from multiple developments east of Hwy 181. The proposed PUD will increase the potential traffic flow on Bellaton Ave by at least another 160 homes. Altogether, this could nearly quadruple the current traffic flow within the Bellaton development to over 380 homes, all potentially on Bellaton Ave.

   To help address and resolve these traffic problems, we would request as a condition of approving the PUD that the Planning Commission and City Council require:

a. A traffic light be installed on Highway 181 at the intersection of Bellaton Ave and Austin Road.
b. That the developer include specific language in the Blackstone Lakes PUD that the main entrance to the development from Corte Road to Highway 13 will be improved to meet or exceed Daphne City standards for an arterial connector road. (This should also help relieve the traffic congestion within the existing Bellaton development and onto Hwy 181)
c. That Daphne City require that all pre-road construction of the Blackstone Lakes PUD be made from Corte Road and not thru Bellaton.
d. That the developer consider routing home construction traffic off Hwy 13 and Corte Road as opposed to Bellaton Ave.

2. **Public Safety.**
   e. Police Patrols. Bellaton continues to experienced petty crime to include both theft at individual homes and destruction of community property, most recently wanton destruction of the metal gate at the community pool. These crimes are happening late at night; therefore, a significant increase in police patrols during late night hours is warranted. We also request that Daphne City Police more closely monitor traffic speeds in the Bellaton development.
   a. Fire Department Coverage. Currently, Bellaton is serviced by a fire station several miles away. We encourage Daphne to establish a fire and police station proximate to Highway 181 to service the multiple developments in the area to include, Bellaton, Dunmore, Oldfield, Blackstone Lakes (if approved), the newly established sizable Church of His Presence, and future development.
   b. Non-resident use of Bellaton Recreational Facilities. Routinely, non-residents have been found to be using recreational facilities in the community. While this is often a nuisance, in several cases the individuals when approached by residents have become very hostile and aggressive. We would request that Police be aware of and help to patrol this.

3. **Unique Neighborhood Distinction.** We believe that Bellaton is a unique neighborhood with significant amenities that are maintained at the property owners' expense. We would ask the Blackstone Lakes PUD clearly state that the development is separate and distinct from Bellaton and that there are no shared recreational facilities envisioned.

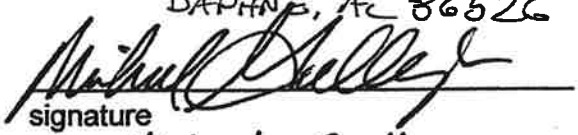
4. **Do Not Connect.** In full consideration of our listed concerns, it is our desire that there be no road connectivity between the Bellaton and Blackstone Lakes developments.

We request that a copy of this letter be given to each member of the Planning Commission during any consideration of Balckstone Lakes PUD, in particular during the Planning Commission on 25 August 2016, and for the subsequent Daphne City Council meeting to consider the Pre-zoning request.

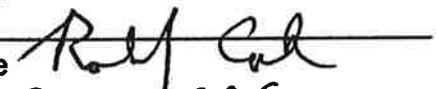
Thank you for your careful consideration of the issues we have raised and of this request.

Sincerely, Bellaton Property Owners as signified by signature and address below:

signature
Name RICHARD JAETHNE
Address 9499 BELLA DR
DAPHNE, AL 36526



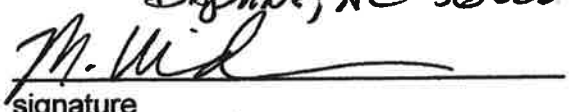
signature
Name Michael Gallegos
Address 9843 Bellaton AVE
Daphne, AL 36526



signature
Name BOB CAR
Address 9731 BELLA DR
DAPHNE AL

signature
Name
Address

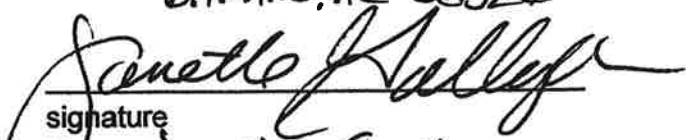
signature
Name Robert J Gutheads
Address 9786 Bella Dr
Daphne, AL 36526



signature
Name Michael G. Weidman
Address 24630 Hartford Ave
Daphne, AL 36526

signature
Name
Address 9576 KASEY CT
DAPHNE AL 36526

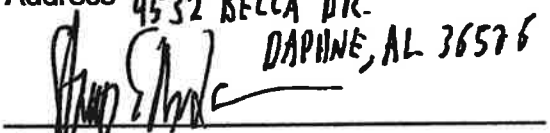
signature MADELINE A. JAETHNE
Name
Address 9499 BELLA DR
DAPHNE, AL 36526



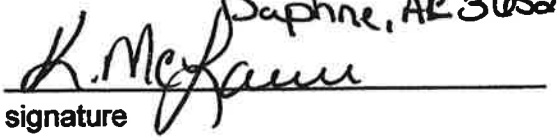
signature
Name Janette Gallegos
Address 9843 Bellaton AVE
Daphne, AL 36526

signature
Name Jamie Ferguson
Address 9911 Bella Dr
Daphne AL 36526

signature
Name STUART McLAURIN
Address 9532 BELLA DR.
DAPHNE, AL 36576



signature
Name Karen McLaurin
Address 9532 Bella Dr
Daphne, AL 36526



signature
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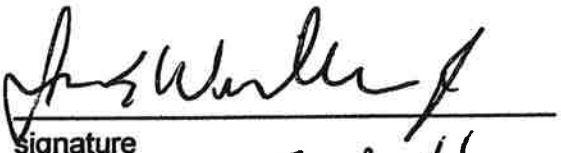
Address



signature
Name James E. Windham Jr.
Address 9936 Volterra Ave
Daphne, AL 36093

signature
Name Brian Metz
Address 9861 Bella Dr
Daphne AL

signature
Name JIM VINES
Address
9759 Bellaton Ave
36526

signature
Name
Address
9759 Bellaton Ave
Daphne, 36526

signature
Name
Address 9624 Bella Dr
Daphne, 36526

signature
Name
Address

signature Michael J. Hoyt
Name
Address 9479 Bella Dr
Daphne, AL 36526

signature CREDA Newton
Name
Address 9852 Bellaton Ave,
Daphne, AL
36526

signature
Name STEPHANIE P METZ
Address 9861 BELLA DR
DAPHNE, AL 36526

signature
Name Jason Johnston
Address 24530 Huxford St
Daphne AL 36526

signature
Name MADELEINE + HANNAH
Address
9807 BELLATON AVENUE
DAPHNE AL 36526

signature John Lacy
Name John LACY (Lot 153)
Address P.O. Box 936
DAPHNE, AL. 36526

signature Andrea Lomax
Name Andrea Lomax
Address 9715 Bella Drive
Daphne, AL 36526

* Would not like the two neighborhood to connect at all.

signature
Name Suntrease Williams-Maynard
Address 9838 Bellaton Ave
Daphne, AL 36526

* Would like no connectivity between the two neighborhoods

signature
Name Danny Keller
Address 9582 Bella Dr
Daphne, AL 36526

signature
Name Larry Fox
Address 9560 Kasey Ct.
Daphne, AL 36526

signature
Name
Address

signature
Name Christin Ferguson
Address 9911 Bella Dr.
Daphne, AL-36526

signature
Name Ashley Williams
Address 9732 Bellaton Avenue
Daphne, AL 36526

signature
Name
Address Richard Norman
24672 Adalade Lane
Daphe, AL 36526

signature
Name
Address Jessica L Wessman
Jessica L. Wessman
24667 Chantilly Lane
Daphne, AL 24667

signature
Name
Address

signature
Name
Address Paul D. Taylor
9800 Bella Dr.
Daphne, AL

signature
Name
Address

signature
Name Tom Ozsinger
Address 24627 Hartford Ave
Daphne, AL 36526

signature
Name Tonya C Weidman
Address 24630 Hartford Ave
Daphne, AL 36526

signature
Name
Address Kelly Crawmore
24681 Hartford Ave
Daphne, AL 36526

signature
Name
Address

signature
Name
Address

signature
Name MARIANNE ADDISON
Address 9735 Bellaton Ave

signature
Name Annette Brumfield
Address 9771 Bellaton Ave.

signature
Name Leslie Strobel
Address 9822 Bellaton Ave.

signature
Name Maricela Avalos
Address 9860 Bellaton Ave.

signature
Name Tara & Drew Knight
Address 9871 Bellaton Ave

signature
Name
Address

signature
Name
Address

signature
Name Ashley Holtz
Address 9911 Bellaton Ave.

signature
Name Willie E. Newton
Address 9852 Bellaton Ave,

signature
Name Stephen Maynard
Address 9839 Bellaton Ave Daphne AL 36526

signature
Name
Address

signature
Name
Address

signature
Name
Address

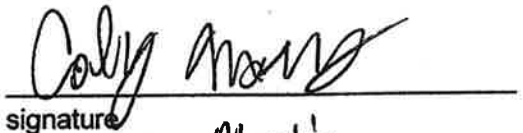
signature
Name
Address

signature
Name
Address

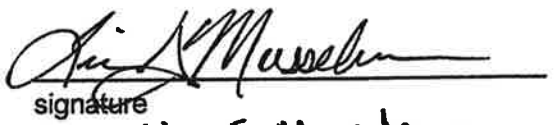
signature
Name Kara Martin
Address 24653 Hartford Ave

signature
Name Elizabeth Posey
Address 24543 Alex Court

signature
Name Marcus Posey
Address 24543 Alex Ct.

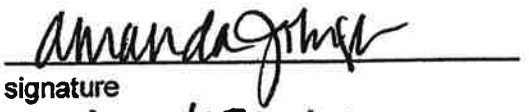


signature
Name Colby Martin
Address 24653 Hartford Ave.

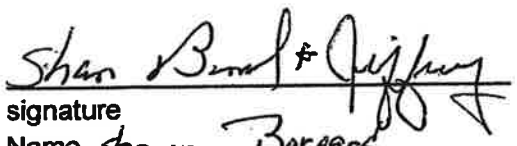


signature
Name Lisa S. Musselman
Address 24609 Chantilly Ln.

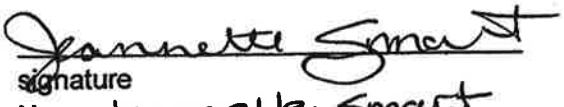
signature
Name Nicholas Wessman
Address 24667 Chantilly Lane



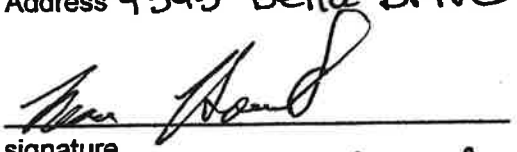
signature
Name Amanda Johnston
Address 24530 Huxford Street



signature
Name Sharon Borgard
Address 9585 Kasey Ct

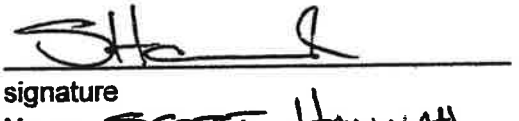


signature
Name Jeannette Smart
Address 9595 Bella Drive

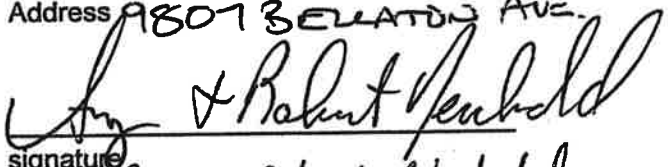


signature
Name Norman Hayward
Address 24542 Huxford St.

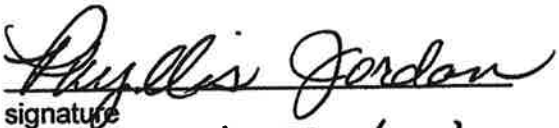
signature
Name Mark & Brenda Rollins
Address 24680 Adalade Ln



signature
Name SCOTT HANNAH
Address 9807 BELLATON AVE.



signature
Name Amy & Robert Newbold
Address 9601 Kasey Court



signature
Name Phyllis Jordan
Address
9686 Bella dr.

signature
Name ROLAND J. JORDAN
Address 9686 Bella Dr.

signature
Name
Address

signature
Name
Address

signature
Name
Address

signature
Name DAVID R. Ide
Address daveide176@yahoo.com

signature
Name
Address

signature
Name ALICI ROSANDIK H
Address 23880 TYBEE CIRCLE LOT 2

signature
Name
Address

signature
Name Stuart McLaurin
Address 9532 Bella Dr.

signature
Name
Address

signature
Name Karen H. McLaurin
Address 9532 Bella Dr

signature
Name
Address

signature
Name MATTHEW CODE
Address 23880 TYBEE CIRCLE DAPHNE, AL 36526

signature
Name
Address

Dennis and Wendy Allyn

9893 Volterra Ave.

Daphne, Al 36526

July 20, 2016

City of Daphne Planning Commission

C/O Adrienne D Jones

Community Development Director / Zoning Administrator

Daphne City Hall

1705 Main Street, P O Box 400

Daphne, AL 36526

Dear Ms. Jones and City Planning Commission:

I am writing this letter to present concerns we have as owners over the West Bellaton PUD off Hwy 13 and Corte Toad.

We built our home and moved in Feb. 29th, 2016. Our backyard backs up to Corte Road and was told when we built that Corte Road was a relatively quiet, low traveled road. It has been traveled more than we expected with drivers flying down it recklessly in the range of 50-60 miles per hour, even though there is a 35 MPH speed limit posted.

Our concerns are that if they pave Corte Road, motorist will increase dramatically and speeders will go even faster. Our back yards end approximately 5 feet from Corte Road. Children play in their back yards and with increased traffic and speed, they are at risk of getting hit. Corte Road does not need to ever be paved for this reason of increased speeders and traffic in our backyards. There will be in the range of 25-35 homes built with yards backing right up on Corte Road and you can imagine the volume of children playing in their own back yards with cars speeding and traffic crazy as motorist will then use Corte Road more as a means to get from 181 to 13 or other way around...

I hope you see and understand our concerns in this matter and can control this from ever happening. I would be nice to put more rock or gravel down on Corte Road as this might make drivers slow down a little on the rock, as now it is mostly dirt.

So we hope you take these reasons, children's lives, seriously and re-consider before ever paving Corte Road. Keep it gravel road to help keep traffic to a minimum.

We thank you for your time in reading this letter and hope you consider our options for Corte Road. We understand the West Bellaton PUD development of expanding Bellaton Ave from 181 to 13 and that also could impact heavy traffic on Bellaton Ave. Keep Bellaton Subdivision separate from the new one and not allow Bellaton Ave to run from 181 to 13.

Dennis Allyn

Wendy Allyn

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-

Ordinance to Pre-Zone Property Located
Southeast of Corte Road and County Road 13
Fred L. Corte

WHEREAS, Fred L. Corte as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as PUD, Planned Unit Development, prior to annexing into the City of Daphne; and

WHEREAS, said real property is Southeast of Corte Road and County Road 13, and more particularly described as follows:

Legal Description for Pre-zone:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 59.95 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 58 DEGREES 32 MINUTES 58 SECONDS WEST, ALONG AN OLD FENCE ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 355.59 FEET TO A CAPPED REBAR; THENCE RUN NORTH 60 DEGREES 39 MINUTES 04 SECONDS WEST, ALONG SAID OLD FENCE ON THE SOUTH MARGIN OF SAID ROAD, A DISTANCE OF 824.19 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 30 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 40.53 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 262.67 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 57 SECONDS WEST, A DISTANCE OF 2641.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

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

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on October 17, 2016; and,

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

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

SECTION I: ZONING

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

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

This Ordinance, and in particular the pre-zoning shall take effect after the date of its approval by the City Council of the City of Daphne and publication as required by law. Pursuant to Code of Alabama (1975) Section 11-52-85, the zoning of the property, shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the territory is not

annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law then this pre-zoning shall be null and void. Should the pre-zoning become null and void, the applicant may reapply for pre-zoning at any time as long as an annexation petition is pending.

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

_____
Dane Haygood,
Mayor

ATTEST:

_____
Rebecca A. Hayes,
City Clerk

BLACKSTONE LAKES
PUD STANDARDS

Blackstone Lakes, a Planned Unit Development (PUD), is a 73.53 acre site located one-quarter of a mile east of County Road 13 and is bound on the north side by Corte Road and on the east side by Bellaton Subdivision Phases 1 and 4. The property is presently in the extraterritorial jurisdiction of the City of Daphne and is located in Baldwin County Planning District 15 and is zoned RA – Rural Agriculture. Application has been made to the City of Daphne to Pre-zone this property as a PUD.

The proposed development consists of 175 single family lots, with 123 lots at 52' wide and a minimum of 6,000 sq. ft., and 52 lots at 70' wide and a minimum of 10,500 sq. ft. The proposed density ofthe development is 2.38 units per acre. There are 20.73 acres, or 28.19% ofthe total site, proposed as common area. These common areas consists of buffers, stormwater detention areas, and 7.50 acres of recreational area.

The residential lots shall have the following standards:
The 52' wide lots are to have building setbacks of25' on the front and rear, 6' on the sides, and 15' on the street sides. The 70' wide lots are 30' on the front and rear, 10' on the sides, and 15' on the street sides. The maximum building heights for all residential lots are to be as per the City's R-3 zoning district. The maximum building coverage of each residential lot is 38%.

All utilities will be constructed underground and water, sewer, electric, and telephone are all available to the site. All roadways within the development, except for one area described below, will be public and sidewalks will be located on both sides of the proposed roadways. Sidewalks will be installed by the home builder at the time of house construction and will be required to be ADA compliant. All construction will be in accordance to the standards of the City of Daphne.

The stormwater management system will be designed in accordance with the standards of the City of Daphne. All stormwater facilities and structures outside of public right-of-ways will be maintained by the P.O.A. and not the City of Daphne.

A landscape plan will be provided as part of the subdivision process. The required landscaping will be provided in the common areas and installed during construction of the infrastructure adjacent to those common areas. Any additional landscaping will be provided by the home builders and/or the lot owners.

The PUD Master Plan proposes a mix in residential building types. As a public benefit the developer proposes to make connection to and pave Corte Road from County Road 13 to just beyond the entrance of the proposed development. This will provide connectivity from the existing Bellaton development to County Road 13 and also provide additional access to Bellaton for police, fire, ambulance, garbage service, and school buses. Due to Corte Road being a County Road, all improvements will be designed and constructed to County Standards.

The southernmost 341ots, Lots 142-175, are proposed as a senior living section within the development with a proposed gated entryway. During the subdivision process, the developer will coordinate with emergency services, garbage services, and utility companies to provide an agreed upon method for access, whether by means of a code or keyed access. The developer plans to coordinate with the Public Works department for curbside garbage pickup service. The roadways within this section will be private and privately maintained. It is also understood that any storm related debris will not be picked up by the City along the private roadways.

Covenants and Restrictions will provide for the formation of a Property Owner's Association for the Blackstone Lakes development whereby maintenance responsibilities of the private roads, drainage infrastructure outside of public and private roadways, and common areas will be established. It is anticipated that the senior living section will have separate maintenance responsibilities than the remaining property owners of the Blackstone Lakes development but all will be under a Master set of Covenants and Restrictions. These Covenants and Restrictions will be for the Blackstone Lakes development and will not in any way be a part of the existing Bellaton development.

EXHIBIT A

LEGAL DESCRIPTION FOR FRED L. CORTE PROPERTY (PRE-ZONING)

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 59.95 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 58 DEGREES 32 MINUTES 58 SECONDS WEST, ALONG AN OLD FENCE ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 355.59 FEET TO A CAPPED REBAR; THENCE RUN NORTH 60 DEGREES 39 MINUTES 04 SECONDS WEST, ALONG SAID OLD FENCE ON THE SOUTH MARGIN OF SAID ROAD, A DISTANCE OF 824.19 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 30 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 40.53 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 262.67 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 57 SECONDS WEST, A DISTANCE OF 2641.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

PLEASE Publish in the Bulletin Legal Section on **Wednesday, September 14, 2016**

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on October 17, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance pre-zoning certain property as PUD, Planned Unit Development, City of Daphne as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk, MMC

PROPOSED ORDINANCE:

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-

Ordinance to Pre-Zone Property Located
Southeast of Corte Road and County Road 13
Fred L. Corte

WHEREAS, Fred L. Corte as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as PUD, Planned Unit Development, prior to annexing into the City of Daphne; and

WHEREAS, said real property is Southeast of Corte Road and County Road 13, and more particularly described as follows:

Legal Description for Pre-zone:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY,

PLEASE Publish in the Bulletin Legal Section on **Wednesday, September 21, 2016**

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given' September 14, 2016, that the City Council of the City of Daphne will hold a Public Hearing on October 17, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance pre-zoning certain property as PUD, Planned Unit Development, City of Daphne as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-

Ordinance to Pre-Zone Property Located
Southeast of Corte Road and County Road 13
Fred L. Corte

WHEREAS, Fred L. Corte as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as PUD, Planned Unit Development, prior to annexing into the City of Daphne; and

WHEREAS, said real property is Southeast of Corte Road and County Road 13, and more particularly described as follows:

Legal Description for Pre-zone:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
October 10, 2016
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:30 p.m. Present were Councilwoman Mrs. Conaway, Councilwoman Angie Phillips, Councilman Ron Scott, Councilman Pat Rudicell, Councilman John Lake, Finance Director Kelli Kichler, Senior Accountant Suzânne Henson, Revenue Officer Jamie Smith, and City Attorneys Jay Ross and Michael Berson.

Chairman Randy Fry, Councilman Randy LeJeune and Human Resource Director Vickie Hinman were absent.

Also in attendance were, Environmental Program Manager Ashley Campbell, Public Works Director Richard Johnson, Recreation Director David McKelroy, City Clerk Rebecca Hayes, and newly elected Councilmember Doug Goodland.

I. PUBLIC PARTICIPATION

There was no public participation.

II. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Henson noted that Mrs. Vickie Hinman was not able to attend but she had said if there were any questions on the Human Resource Report including open position status she would be glad to respond back with answers.

Positions	**Status**
PSW, Sr. – Street	Posting: 10/5/16-10/19/16
PT Library Aide (2)	DOH: 9/29/16
Building Maintenance Tech.	Scheduling Interviews
Volunteer Coordinator	Scheduling Interviews

Safety Committee
Next Safety committee meeting is October 26 @ 10:00 a.m. The committee discussed injuries and property damage. Presentation and demonstration by Kurtis Freund, CPT. Safety cards distributed for January – June 2016 for eligible employees.

Other HR projects/meetings/events:
- Kronos/Munis Upgrades are ongoing
- New Employee Orientation – 10/18/16
- TCM training with Finance ongoing
- HR Assistant will be on leave for 4-6 weeks during Oct. & Nov.

Mr. Scott asked for the status of the Kronos upgrade. Mrs. Kichler stated Kronos is up and running. Ms. Kichler reviewed the overtime report through the end of FY2016 including the Jubilee Festival overtime. Mr. Johnson noted that Public Works only had two accounts that went over budget.

III. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – September, 2016

BUSINESS LICENSE COUNT through 09/30/2016	
Issued THIS JULY:	
NEW Licenses	**67**
RENEWAL Licenses (**2016**)	37
PRIOR YEAR Licenses (**2015 and Prior**)	6
Total Issued THIS JULY	**110**
Total Issued THIS JULY - PREVIOUS YEAR	134
Net Gain/-Loss Current VS Previous Yr JULY	**-24**
Total Issued YTD 2016	**4,631**
Total Issued YTD - PREVIOUS YEAR	4,452
Net Gain/-Loss Current VS Previous Yr YTD	**+ 179**

Code enforcement issued 16 warnings resulting in businesses becoming compliant and $1,821 in revenue.
Mrs. Smith reviewed the following reports and information:

- Business License Fees report for March separated by Territory and Status.
- New Businesses with a physical location in Daphne - 11
- Total collections for September, 2016 were $13,543.59
- YTD collections are up $54,968.75 from the previous year.
- Delinquency report showed 11 current delinquencies.

Mrs. Smith reviewed the Business License reports. Discussion continued on the process of issuing business license in compliance with zoning laws.

IV. CURRENT BUSINESS

A. Approve previous months minutes

The previous minutes were approved.

MOTION BY Mrs. Conaway to approve the September 2016 Finance minutes as presented. Seconded by Mr. Lake. Motion carried.

B. Financial Reports

1. Treasurer's Report: September, 2016

Mrs. Henson reviewed the Treasurer's Report:

Account Type/Title	9/30/2016	8/31/2016	Increase (Decrease) from last Month	9/30/2015	Increase (Decrease) from Last Year
Total Unrestricted Cash Balance	**13,029,645**	**11,565,090**	**1,464,555**	**$ 10,664,208**	**$ 2,365,437**
Total Restricted Cash Balance	**9,059,104**	**9,046,683**	**12,421**	**7,888,847**	**1,170,257**
Total City Cash Balance	**$ 22,088,749**	**$ 20,611,773**	**$ 1,476,976**	**$ 18,553,055**	**$ 3,535,694**
	Encumbrance Total as of		**9/30/2016**	**$83,131**	

Mrs. Henson reviewed the Encumbrance report and noted a couple of the encumbered items would be clearing off next month.

The Treasurer's Report as of* September*, 2016 Total Unrestricted Cash Balance - $13,029,645 and Total City Cash Balance - $22,088,749 was presented to be filed for audit.

2. Sales and Use Taxes: August, 2016

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: $1,215,286.39 was collected for August, 2016:

- YTD Variance over Budget - $837,460.43

3. Lodging Tax Collections, August, 2016

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for August, 2016 were $79,694.02 which is down $11,064.32 from August 2015's collections of $90,758.34.

- YTD Variance over Budget: $39,144.77.

4. Lodging Tax Fund : Statement of Rev over Exp, September, 2016

Mrs. Henson reviewed the Lodging Tax Statement of Revenues over Expenditure report for September, 2016.

- Unreserved balance for Bayfront related purchases - $1,457,553.73
- Recreation related purchases - $ 577,391.92

Mrs. Henson noted that recent expenditures for Gator Alley, Village Point Park Preserve, and Daphne Parks *are* reflected in the report. Discussion continued on the additional twelve acres of property at this site.

5. Correction/Court Fund Report, August, 2016

Mrs. Henson reviewed the Correction/ Court Fund Report and reported that no transfers have been required to date this year.

- Court balance - $3,914.27
- Corrections balance - $207,829.55

6. General Fund Budgetary Comparison Schedule, July 2016
7. General Fund Balance Sheet, July 2016
8. General Fund Statement of Rev Over Exp, July 2016
9. Debt Service Fund Statement of Rev Over Exp, July 2016
10. Debt Service Summary Activity for General Fund through September 2016
11. Debt Service Summary Activity for Enterprise Funds through September 2016
12. Agency Funds Combining Statement of Assets and Liabilities, July 2016
13. Special Revenue Funds Balance Sheet, July, 2016
14. Special Revenue Funds Stmt Rev, Exp,&Changes in Fund Balance, July 2016
15. Capital Projects Funds Balance Sheet, July 2016
16. Capital Projects Funds Statement of Rev Over Exp, Next-July 2016
17. Enterprise Funds Statement of Net Position, July, 2016
18. Enterprise Funds Stmt of Rev, Exp, & Changes in Net Position, July 2016

Ms. Kichler reviewed the financial reports and noted next month's report would reflect the full year for FY2016 and that the auditors would start the FY2016 Annual Audit in November. Ms. Kichler stated that Budget reports show the percentage of budget used as of July, 2016 is: 77% of Personnel , 70% of Operating, and 73% Capital. Discussion was made on PILOT fee collections. Ms. Kichler stated that $2.43 Million was budgeted for PILOT fees.

General Fund

Unassigned fund balance - $12,622,134.
Total liabilities, deferred inflow, and fund balances - $13,992,373
General Fund Revenues - $26,071,360
Required 3 months Reserve - $6,517,840

Debt Service Fund

DEBT SERVICE FUND AS OF	9/30/2016
FY2016 YTD Principal payments made	$ 3,603,941
FY2016 YTD Interest Payments made	$ 1,247,871
FY2016 TOTAL YTD DEBT PAYMENTS	**$ 4,851,812**
FY2016 Remaining Debt payments	**$ -**
Balance of Debt for Warr/Bond Issues	$ 33,270,204
Balance of Debt for Capital Leases	$ 1,460,888
TOTAL DEBT BALANCE	**$ 34,731,092**

Agency Funds
Fund balance for Agency Funds - $126,914
Special Revenue Funds
Fund balance for Special Revenue Funds: : $3,281,495
Capital Projects Funds
Capital Reserve Fund balance - $4,235,874 *(includes new account/fund: 2016 Capital Improvements)*
Enterprise Funds
Transfers required from General Fund to Enterprise fund for net Operating Losses as of July, 2016 are as follows:

- Solid Waste *(Garbage & Recycling)* – ($423,585)
- Civic Center – ($261,035)
- Bayfront – ($124,062)
- Total transfer to the Enterprise Funds – ($808,682)

ENTERPRISE FUND - DEBT SUMMARY - AS OF	9/30/2016
FY2016 YTD Principal payments made	$ 145,213
FY2016 YTD Interest Payments made	$ 7,536
FY2016 TOTAL YTD DEBT PAYMENTS	**$ 152,749**
FY2016 Remaining Debt payments	**$ -**
TOTAL DEBT BALANCE FOR CAPITAL LEASES	**$ 270,666**

19. Bills Paid Reports – September, 2016

The Bills Paid Report was presented in the packet.

C. Appropriation Request: *(Ordinance)*

1. GENERAL FUND: Lake Forest Property Owner's Associations - LFPOA Ground Lease: Lake Forest Marina - $195,000 + $20,000 for Master Plan, Surveying Channel & Dredge Permit

Mrs. Henson stated that a draft ordinance is included in the packet to appropriate the monies for the ground lease. Mrs. Henson asked if the new Boat ramp has been officially named. Discussion continued on naming the park. Mr. Johnson discussed the need to include an appropriation of $20,000 for a Master Plan, surveying the channel and evaluating the channel markers, and a dredge permit. Mr. Johnson requested the $20,000 be appropriated along with the ground lease amount ($195,000) for a total of $215,000. Mr. Johnson stated a Master Plan, surveying, and permits need to be funded since no new grants can be applied for without them in place. Mr. Scott discussed that matching dollars are available from the Lodging Tax Fund for repayment of the grant . Mrs. Campbell stated the State preferred those funds be spent on construction improvements for the new boat ramp. Discussion continued if there were any remaining funds available after the improvements then perhaps they could be applied to the ground lease if approved by the State. The Mayor discussed the Master plan for the new Boat Ramp. Mr. Scott discussed the need to name the new boat ramp park so the public knows this is a public facility open for all Daphne citizens. Mrs. Campbell discussed that the LFPOA still needs to remove the gas tank off the property leased by the City. Mrs. Campbell asked if a timeline needed to be set

for the removal of the tanks. Discussion continued that Ms. Victoria Phelps was working on the tank removal project. Mrs. Henson noted that ordinance includes language that the LFPOA is responsible for the removal of the gas tank.

MOTION BY Mr. Scott to recommend to Council to adopt the Ordinance 1) amending the budget to appropriate $215,000 from Lodging Tax including for the LFPOA Ground Lease for the new Daphne Boat Ramp at the Lake Forest Marina, Master Plan, Surveying Channel, and Dredge Permit, and 2) reduce the appropriation by applying any funds remaining from repayment of boat ramp grant if approved by the State of Alabama. Seconded by Mr. Lake. Motion carried.

2. LODGING TAX: May Day Boat Ramp removal-Sand Replacement-$20,000

Mrs. Campbell reviewed the project and noted that citizens have been asking when the Mayday beach profile would be replaced. Mrs. Campbell stated that the beach profile needs to be completed by December 31, 2016. Mr. Johnson discussed the project and noted that it may not require the full $20,000 but the monies need to be available to re-establish the beach profile this one time to get it back to pre-grant status with the beach front then going back to its natural phases. Mr. Johnson stated the sand has to be the white coarse beach sand so the sand will have to be purchased, delivered and placed. The Mayor discussed the process and since the boat ramp has been removed we now need to work on re-establishing the May Day beach profile. Discussion continued concerning request to place another small boat ramp at May Day Park. Mrs. Campbell stated she had spoken to the State about placing another small boat ramp at May Day and they were agreeable but noted if the $189,000 is used for the boat ramp at Lake Forest Marina then a new agreement would need to be signed for the smaller boat ramp. Mrs. Campbell noted there were a couple different options the state would allow for construction of the smaller boat ramp.

MOTION BY Mr. Scott to adopt an ordinance appropriating $20,000 out of the Lodging Tax Fund for the purchase and delivery of beach quality sand to re-establish the MayDay Park beach profile. Seconded by Mrs. Conaway. Motion carried.

3. LODGING TAX: Daphne Sports Complex-Timber Removal $41,336

Mrs. Kichler noted when the bill from HMR came across her desk for approval she thought it was only for approved design fees but after reviewing she saw that there was additional cost of $41,336 included : $10,492-HMR Consulting / $16,027-Malone Forestry (construction of temporary road) / $14,816.59-Southeastern Natural Resources (SNR) (timber removal contract services). Mrs. Kichler stated that the contract with SNR indicates the cutting of the timber would be at no cost for the City. Mr. Johnson discussed his communication with each of the companies and noted that Malone Forestry did install the temporary road but he thought he remembered the quote being around $5,000-7,000 and noted he was waiting to talk with HMR to see why they had additional charges. Mr. Johnson noted that Public Works did try to install the temporary road but did not have the manpower or equipment to do that so that is why Malone Forestry installed the road. Mr. Lake stated that he remembered discussion at the Council meeting that the City would be receiving monies for the timber that would be removed. Mr. Lake stated there were a lot of trees cut down and asked if there was an inventory list of the trees that were removed? Mr. Johnson said there was not. Mr. Johnson stated that Mobile Forest Products cut down and harvested the trees and noted they also took the trunks, branches, and tops so there is a savings for them removing these and estimated the savings to be $150,000. Mr. Johnson said he asked Southeastern Natural Resources about the fees for managing the tree removal being included/offset by the revenue from harvesting the trees but SNR advised him that the contract for managing was separate from the harvesting the trees. Discussion continued that none of the following companies have a current City of Daphne Business License: Southeastern Natural Resources, Mobile Forest Products, and Malone Forestry. Mr. Johnson stated that there would need to be further discussion with Southeastern Natural Resources about their fees.

Mr. Scott recommended further investigation needs to be done on why these additional charges are on the invoice with the design fees. Ms. Kichler stated she would pay the portion of the bill that monies were appropriated for (portion for design fees).

4. LODGING TAX: Daphne Sports Complex Buffer Zones: Native Species Plantings & Invasive Species Control-$16,278

Mrs. Campbell noted she had walked the site with the contractor and reviewed the area where the buffer zone needs to be restored. Mrs. Campbell stated she is also concerned that the road is closer than it should be to the buffer zone. Mrs. Campbell noted there are stumps left where the area has been cleared. Mrs. Campbell stated there is a need to remove some debris, re-establish the 30' buffer and do some invasive control of the area. Mr. Johnson said they have not disturbed the buffer but they have managed the buffer. Mr. Johnson stated you have to be building something for there to be a disturbance but you are allowed to clear. Mr. Lake discussed there is a lot of wetlands on that property that need to be protected and he believes that is what Mrs. Campbell is trying to do. Mr. Johnson stated re-instating the buffers should be done once the construction of the park is complete. Mrs. Campbell noted she had offered her services from the beginning of construction so the buffer zones could be maintained. Mrs. Campbell stated this is not like a stream restoration this is a construction of a new park. Mrs. Campbell stated other contractors follow the land use ordinance for buffer zones and this is not following the ordinance. Mrs. Campbell stated the clearing of the area of the buffer zone was not presented like it was actually done – it was presented as four small areas. Mrs. Campbell stated they were also waiting on a letter from the Corps of Engineers for direction. Mrs. Campbell noted that the City has ordinances in place to protect the wetlands and the City's water quality. The Mayor stated he would get with the City attorney to advise on what the City Ordinance says and how it should be applied to creating a buffer zone at the Daphne Sports Complex. Mr. Scott agreed we needed the City's attorney advisement on applying the City's ordinance. Mr. Rudicell discussed allowing five weeks for legal to review and then come back to the committee. Mrs. Conaway asked if there was time to research further before the plantings need to be done. Mrs. Campbell said there is some time. Mr. Johnson assured the committee the drainage line would be maintained and it would be a win win for everyone. Mrs. Campbell stated that one reason the City previously received the benefit of $12 million in grant project monies was because the City established a land use ordinance that protects wetlands. Mrs. Campbell stated the City's land use ordinance follows the same guidelines as the County. Mr. Lake stated we need to be aware of the need to protect the wetlands and protect our citizen's properties. Mrs. Phillips discussed that Mrs. Campbell has been present to answer questions at several meetings and they were just now hearing from Mr. Johnson. Mrs. Phillips emphasized the need to not undermine the 5 years of work Mrs. Campbell put into writing and getting the land use ordinance in place and that the council proceed with caution before considering making any changes to the ordinance.

MOTION BY Mr. Scott for the Mayor to obtain legal advisement on buffer zone restrictions and restoration required for the for the wetland area on the Daphne Sports Complex property being developed. Seconded by Mrs. Conaway. Motion carried.

D. City-Wide Recreation Facilities Modification of Scope of Work & Appropriation for Professional Services – Pre-Phase Project-$750,000-300,000 (*already appropriated), Special Services PH II-$67,544, Eng-$36,700*

Mr. Johnson stated the request for modification of the scope of work and appropriation for professional fees is just FYI for now and that $300,000 had already been appropriated for Trione. Mr. Johnson noted he had met with the Mayor to discuss the project and that he and Mrs. Campbell were working on a 319 grant for a paving area from the parking lot to concession stand at Trione. Mr. Johnson stated that the Mayor had asked about looking at subset project for Trione for a new concession stand, other improvements and connection of the road section on the eastern side near Daphne Middle and Daphne East Schools. Mr. Johnson stated the road section would allow access by connecting Trione to Daphne East back to Well Road. Discussion continued that these changes would come back to the committee at a later date.

V. OLD BUSINESS

VI. ADJOURN The meeting adjourned at 6:00p.m.

TREASURER'S REPORT

As of September 30, 2016

Account Type/Title	Bank / Brokerage	9/30/2016	8/31/2016	Increase (Decrease) from last Month	9/30/2015	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	Compass Bank1	$ 7,482,874	$ 6,023,209	$ 1,459,665	$ 5,275,651	$ 2,207,223
INVESTMENT FUND	Raymond James	5,439,225	5,454,411	(15,186)	$ 5,305,255	$ 133,970
CREDIT CARD ACCOUNT	Compass Bank3	742	3,511	(2,769)	$ -	$ 742
MUNICIPAL COURT	Compass Bank2	106,805	83,959	22,846	$ 83,302	$ 23,503
Total Unrestricted Cash Balance		**13,029,645**	**11,565,090**	**1,464,555**	**$ 10,664,208**	**$ 2,365,437**
SPECIAL REVENUE FUNDS						
4 CENT GAS TAX	PNC Bank1	212,408	207,166	5,242	154,468	57,940
7 CENT GAS TAX	PNC Bank2	38,850	441,024	(402,174)	457,160	(418,310)
TREE & FLOWER	Compass Bank1	18,926	18,926	(0)	16,666	2,260
SAIL SITE	PNC3/Compass1	(412)	(703)	291	666	(1,078)
NON-MAJOR STORMS	Compass Bank1	(191,977)	(193,309)	1,332	(860,187)	668,210
BP OIL SPILL	Compass Bank1	-	-	-	426,768	(426,768)
FEDERAL DRUG FORFEITURES	Compass Bank1	186,104	207,403	(21,299)	290,561	(104,457)
LOCAL DRUG FORFEITURES	Compass Bank1	213	(9)	222	22,920	(22,707)
LIBRARY	Compass Bank1	12,052	14,161	(2,109)	4,461	7,591
CONCESSION STAND	Compass Bank1	-	-	-	(3,654)	3,654
COURT TRAINING & EQUIPMENT	Compass Bank2	35,998	36,031	(33)	33,044	2,954
COURT JUDICIAL ADMINISTRATIVE	Compass Bank2	110,139	111,969	(1,830)	131,163	(21,024)
COURT CORRECTION	Compass Bank2	213,962	212,447	1,515	187,756	26,206
LODGING TAX	Compass Bank1	1,976,887	2,125,570	(148,683)	2,802,128	(825,241)
AGENCY FUNDS						
SELF INSURANCE	Compass Bank1	109,241	108,881	360	85,353	23,888
FLEX SPENDING	Compass Bank1	9,785	6,130	3,655	14,369	(4,584)
		2,732,174	3,295,687	(563,513)	3,763,642	(1,031,468)
CAPITAL PROJECT FUNDS						
CAPITAL RESERVE	Wells Fargo Bank1	2,547,309	2,547,309	0	1,350,886	1,196,423
2014 CAPITAL IMPROVEMENTS	Compass Bank	646,849	782,445	(135,596)	782,256	(135,407)
2016 CAPITAL IMPROVEMENTS	Compass Bank	845,200	845,200	0	-	845,200
		4,039,358	4,174,954	(135,596)	2,133,142	1,906,216
DEBT SERVICE FUNDS						
DEBT SERVICE	Wells Fargo Bank2	1,936,572	1,576,042	360,530	1,992,063	(55,491)
Total Restricted Cash Balance		**8,708,104**	**9,046,683**	**(338,579)**	**7,888,847**	**819,257**
Total City Cash Balance		**$ 21,737,749**	**$ 20,611,773**	**$ 1,125,976**	**$ 18,553,055**	**$ 3,184,694**

Encumbrance Total as of 9/30/2016 **$83,131**

SALES & USE TAXES

**Adjusted to accrued collections*

ACTUAL COLLECTIONS

	2012	2013	2014	2015	2016	7/8 Year Sparklines
October	864,727.27	1,019,065.37	1,062,861.14	1,073,290.88	1,154,933.34	
November	845,342.45	1,011,813.96	1,061,121.86	1,092,961.96	1,157,742.46	
December	1,165,135.62	1,266,051.50	1,299,075.20	1,312,012.89	1,411,946.31	
January	809,785.59	895,717.19	974,224.69	1,023,171.34	1,089,869.73	
February	845,101.34	1,004,349.50	1,051,602.29	1,056,996.02	1,250,035.09	
March	1,018,721.43	1,181,007.55	1,205,342.67	1,256,397.38	1,322,579.37	
April	911,438.60	1,039,769.87	1,110,085.05	1,144,698.61	1,252,906.65	
May	911,839.30	1,098,548.05	1,218,956.40	1,198,226.99	1,209,149.30	
June	1,114,149.53	1,097,507.32	1,202,126.66	1,252,030.17	1,376,077.74	
July	1,010,193.08	1,065,215.02	1,139,120.72	1,222,993.95	1,287,651.05	
August	1,021,267.76	1,110,126.44	1,129,483.17	1,148,890.48	1,215,286.39	
September	1,004,661.04	1,058,958.43	1,104,411.74	1,138,473.73		
Totals	**11,522,363.01**	**12,848,130.20**	**13,558,411.59**	**13,920,144.40**	**13,728,177.43**	

FY 2016 BUDGET vs ACTUAL

	Budget	Monthly Variance	YTD Variance	(Under) Monthly Budget
October	1,091,054	63,879.34	63,879.34	5.9%
November	1,111,050	46,692.46	110,571.80	4.2%
December	1,333,727	78,219.31	188,791.11	5.9%
January	1,040,105	49,764.73	238,555.84	4.8%
February	1,074,489	175,546.09	414,101.93	16.3%
March	1,277,191	45,388.37	459,490.30	3.6%
April	1,163,643	89,263.65	548,753.95	7.7%
May	1,218,058	(8,908.70)	539,845.25	-0.7%
June	1,272,751	103,326.74	643,171.99	8.1%
July	1,160,473	127,178.05	770,350.04	11.0%
August	1,148,176	67,110.39	837,460.43	5.8%
September	1,122,690			
	14,013,407	**837,460.43**		

Budgeted Dollar Increase (Actual) FY15 vs (Budgeted) FY16	**93,263**
Budgeted Percent Increase FY15 vs FY16	**0.7%**

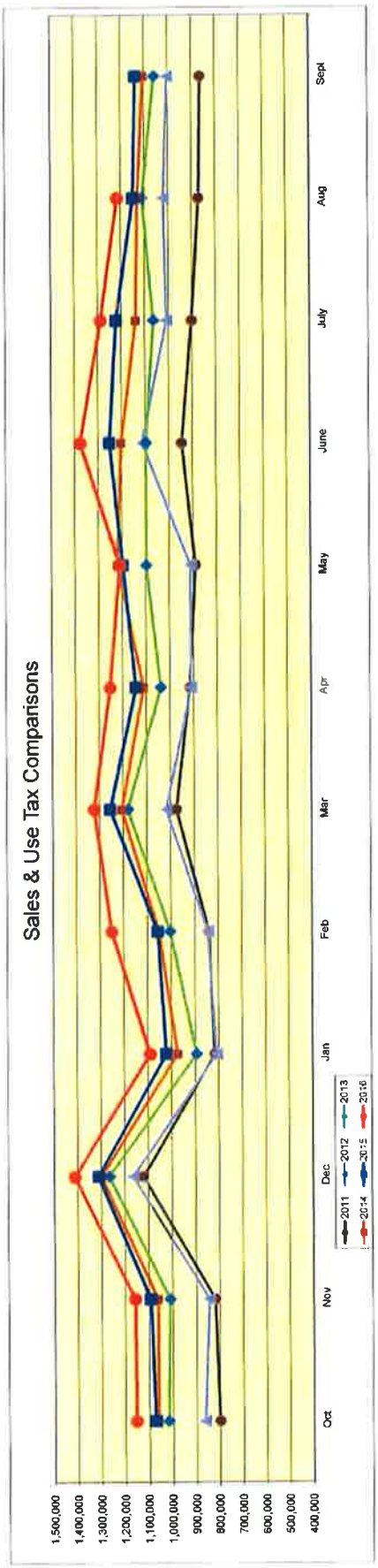
Fiscal Year Changes Year Over Year

$ Change

	2012-2013	2013-2014	2014-2015	2015-2016
October	154,338.10	43,795.77	10,429.74	81,642.46
November	166,471.51	49,307.90	31,840.10	64,780.50
December	100,915.88	33,023.70	12,937.69	99,933.42
January	85,931.60	78,507.50	48,946.65	66,698.39
February	159,248.16	47,252.79	5,393.73	193,039.07
March	162,286.12	24,335.12	51,054.71	66,181.99
April	128,331.27	70,315.18	34,613.56	108,208.04
May	186,708.75	120,408.35	(20,729.41)	10,922.31
June	(16,642.21)	104,619.34	49,903.51	124,047.57
July	55,021.94	73,905.70	83,873.23	64,657.10
August	88,858.68	19,356.73	19,407.31	66,395.91
September	54,297.39	45,453.31	34,061.99	
Annual $$ Cha	**1,325,767.19**	**710,281.39**	**361,732.81**	**946,506.76**

Percent Change

	2012-2013	2013-2014	2014-2015	2015-2016
October	17.8%	4.3%	1.0%	7.6%
November	19.7%	4.9%	3.0%	5.9%
December	8.7%	2.6%	1.0%	7.6%
January	10.6%	8.8%	5.0%	6.5%
February	18.8%	4.7%	0.5%	18.3%
March	15.9%	2.1%	4.2%	5.3%
April	14.1%	6.8%	3.1%	9.5%
May	20.5%	11.0%	-1.7%	0.9%
June	-1.5%	9.5%	4.2%	9.9%
July	5.4%	6.9%	7.4%	5.3%
August	8.7%	1.7%	1.7%	5.8%
September	5.4%	4.3%	3.1%	
Annual % Change	**11.5%**	**5.5%**	**2.7%**	


Sales & Use Tax Comparisons
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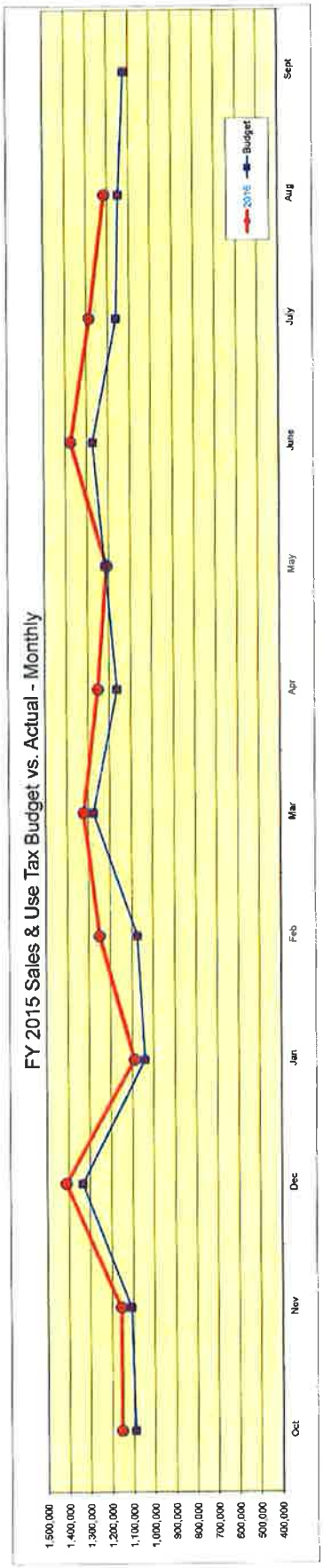
FY 2015 Sales & Use Tax Budget vs. Actual - Monthly
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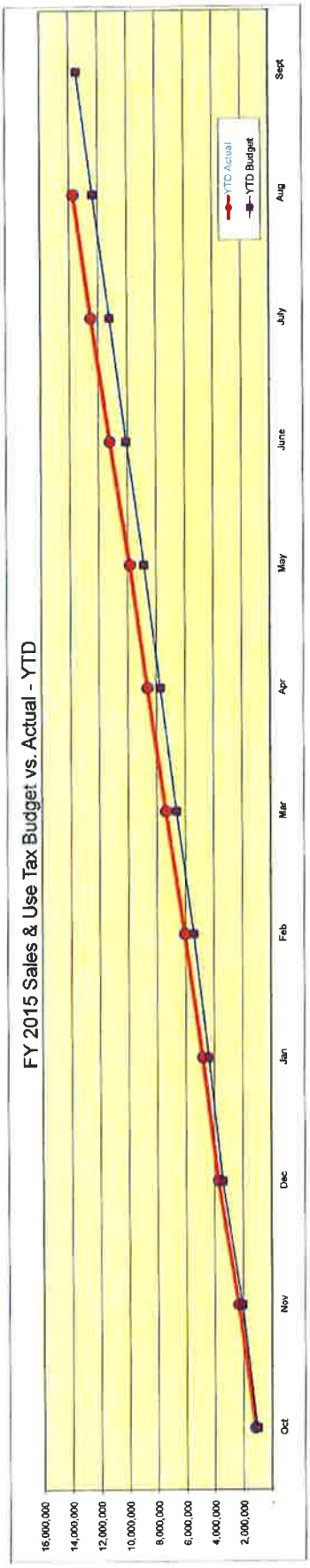
FY 2015 Sales & Use Tax Budget vs. Actual - YTD
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YTD Budget

MONTHLY LODGING TAX COLLECTIONS

**Based on Accrued Collections*

ACTUAL COLLECTIONS

	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16	10 Year Spark Line
October	56,001.39	52,002.53	51,578.40	48,382.05	74,581.63	82,326.38	
November	48,329.73	47,568.08	43,459.48	43,912.92	77,289.64	77,075.08	
December	47,210.56	42,279.22	40,495.14	39,122.53	69,585.61	67,742.93	
January	49,006.12	41,917.34	47,548.01	43,198.04	72,323.09	69,451.25	
February	43,052.68	47,346.50	54,207.03	49,784.71	92,153.01	84,997.02	
March	67,422.43	70,058.33	64,325.47	71,954.97	112,752.43	104,422.79	
April	48,487.83	51,939.06	47,434.55	86,245.34	101,196.07	95,497.23	
May	57,880.48	54,740.45	68,448.49	107,155.55	108,715.74	104,483.34	
June	67,544.77	69,822.91	71,090.69	127,920.37	111,337.21	126,568.77	
July	76,631.86	79,417.80	94,310.47	139,397.37	140,897.70	148,367.00	
August	52,820.33	50,417.73	52,427.99	93,733.35	90,758.34	79,694.02	
September	45,216.75	46,968.89	45,148.35	71,790.24	84,931.51		
Total	659,604.93	654,478.84	680,474.07	922,597.44	1,136,521.98	1,040,625.81	

Ord 1997-28 adopted December 8,1997 incr levy from 3% to 4%

Ord 2014-06 adopted February 17, 2014 incr levy from 4% to 6% - effective for Collections for April 2014 reflected in May 2014

FY 2016 BUDGET vs. ACTUAL

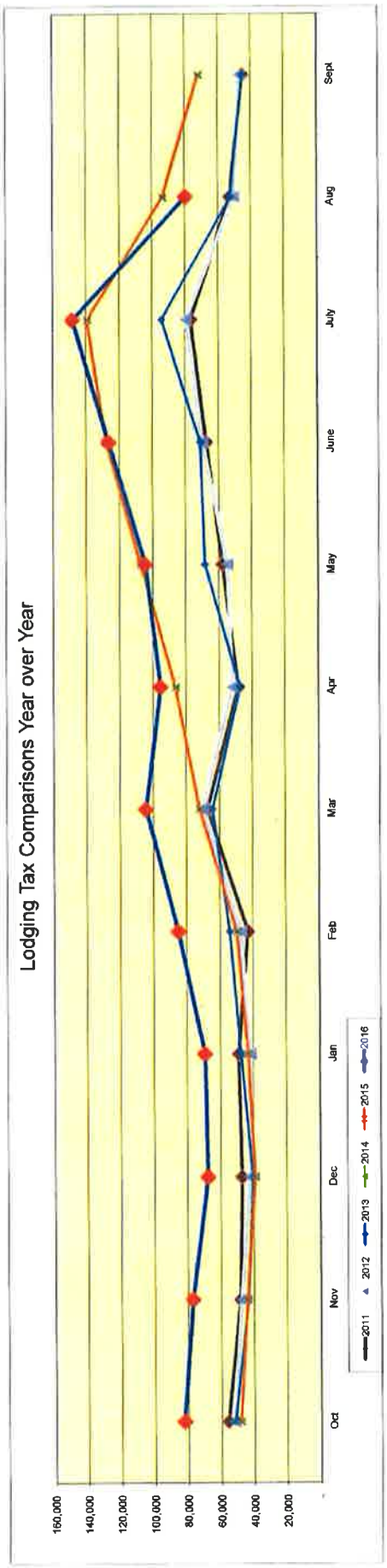
	Budget	Monthly Variance	YTD Variance	% Over / (Under) Monthly Budget
October	76,494.98	5,831.40	5,831.40	7.6%
November	70,694.40	6,380.68	12,212.08	9.0%
December	64,152.54	3,590.39	15,802.47	5.6%
January	70,905.79	(1,454.54)	14,347.93	-2.1%
February	84,192.65	804.37	15,152.30	1.0%
March	107,795.78	(3,372.99)	11,779.31	-3.1%
April	84,458.03	11,039.20	22,818.51	13.1%
May	104,577.65	(94.31)	22,724.20	-0.1%
June	113,382.33	13,186.44	35,910.64	11.6%
July	138,661.90	9,705.10	45,615.74	7.0%
August	86,164.99	(6,470.97)	39,144.77	-7.5%
September	73,518.97			
Total	1,075,000.01	39,144.77		

CHANGE IN DOLLARS

	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	9 Year Spark Line
October	16,595.83	(3,998.86)	(424.13)	(3,196.35)	26,199.58	7,744.75	
November	14,566.36	(761.65)	(4,108.60)	453.44	33,376.72	(214.56)	
December	15,639.18	(4,931.34)	(1,784.08)	(1,372.61)	30,463.08	(1,842.68)	
January	6,122.42	(7,088.78)	5,630.67	(4,349.97)	29,125.05	(2,871.84)	
February	(3,945.64)	4,293.82	6,860.53	(4,422.32)	42,368.30	(7,155.99)	
March	14,650.91	2,635.90	(5,732.86)	7,629.50	40,797.46	(8,329.64)	
April	6,956.78	3,451.23	(4,504.51)	38,810.79	14,950.73	(5,698.84)	
May	(8,940.48)	(3,140.03)	13,708.04	38,707.06	1,560.19	(4,232.40)	
June	(12,278.07)	2,278.14	1,267.78	56,829.68	(16,583.16)	15,231.56	
July	(15,274.61)	2,785.94	14,892.67	45,086.90	1,500.33	7,469.30	
August	(10,503.25)	(2,402.60)	2,010.26	41,305.36	(2,975.01)	(11,064.32)	
September	(7,446.04)	1,752.14	(1,820.54)	26,641.89	13,141.27		
Total	16,143.39	(5,126.09)	25,995.23	242,123.37	213,924.54	(10,964.66)	

CHANGE IN PERCENTAGE

	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016
October	-7.7%	-0.8%	-6.6%	35.1%	9.4%
November	-1.6%	-9.5%	1.0%	43.2%	-0.3%
December	-11.7%	-4.4%	-3.5%	43.8%	-2.7%
January	-16.9%	11.8%	-10.1%	40.3%	-4.1%
February	9.1%	12.7%	-8.9%	46.0%	-8.4%
March	3.8%	-8.9%	10.6%	36.2%	-8.0%
April	6.6%	-9.5%	45.0%	14.8%	-6.0%
May	-5.7%	20.0%	36.1%	1.4%	-4.1%
June	3.3%	1.8%	44.4%	-14.9%	12.0%
July	3.5%	15.8%	32.3%	1.1%	5.0%
August	-4.8%	3.8%	44.1%	-3.3%	-13.9%
September	3.7%	-4.0%	37.1%	15.5%	
% Change	2.4%	-0.8%	3.8%	18.8%	


Lodging Tax Comparisons Year over Year
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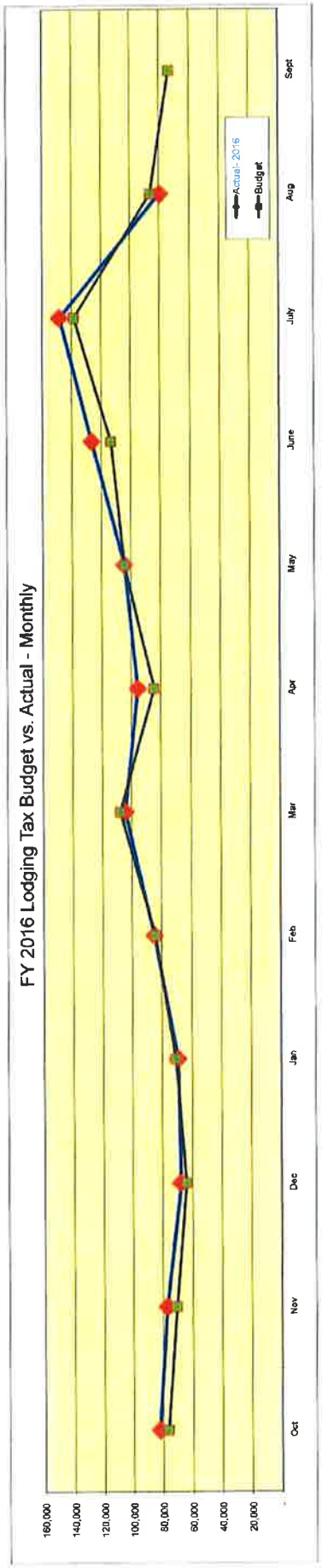
FY 2016 Lodging Tax Budget vs. Actual - Monthly
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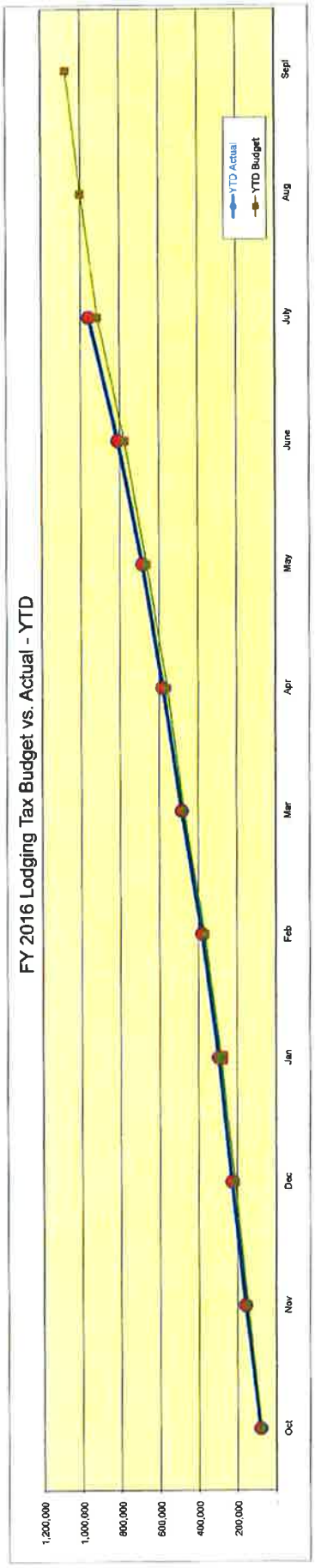
Actual - 2016
Budget


FY 2016 Lodging Tax Budget vs. Actual - YTD
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Lodging Tax Fund
Statement of Revenues Over(Under)Expenditures

	ACTUAL FY 1995-2004	ACTUAL FY 2005-2010	ACTUAL FY 2011-2013	ACTUAL FY 2014	ACTUAL FY 2015	DRAFT 9/30/2016	Total
Revenues							
Lodging Taxes	1,596,764.95	3,506,472.72	1,994,557.84	922,597.94	1,136,521.48	1,125,557.32	10,282,472.25
Settlement	30,000.00	-	-	-			30,000.00
Donations	240,300.00	10,000.00	-	-			250,300.00
Grants	498,100.00	1,390,048.13	172,458.01	-	80,961.99	166,167.19	2,307,735.32
Total Revenues	**2,365,164.95**	**4,906,520.85**	**2,167,015.85**	**922,597.94**	**1,217,483.47**	**1,291,724.51**	**12,870,507.57**
Expenditures							
Industrial Development Board	45,002.65	175,428.43	99,727.89	92,652.93	146,039.48	146,322.44	705,173.82
Downtown Redevelopment Authority	-	-	131,900.98	42,540.38	56,169.03	56,277.86	286,888.25
Cost of Debt Issuance	112,241.61	-	-	-	-	-	112,241.61
	157,244.26	175,428.43	231,628.87	135,193.31	202,208.51	202,600.30	1,104,303.68
BayFront Property Related Exp							
Bay Front Property	4,684,723.62	666,067.16	-	-	-	210,608.63	5,561,399.43
Bay Front Parking Lot	-	105,793.06	-	24,028.11	-	-	129,821.17
Bay Front Swing Bench	-	3,896.87	-	-	-	-	3,896.87
Bay Front Floors ('15), Windows ('16)	-	-	-	-	23,758.35	18,766.41	42,524.76
Bay Front Park Improvements	-	2,358.75	500.00	-	-	-	2,858.75
Bay Front Park Deck	-	-	20,000.00	-	-	-	20,000.00
Bay Front Restrooms	-	44,139.11	1,947.28	-	-	-	46,086.39
Bay Front/VP Invasive Species Grant	-	-	62,839.32	3,181.25	999.00	-	87,019.57
Boardwalk Parking Lot - Gator Alley	-	-	-	17,459.00	124,367.97	587,846.80	729,673.77
Boardwalks & Walking Trails	-	-	2,535.00	-	-	-	2,535.00
Building Improvements	48,956.54	56,000.97	44,158.00	-	-	-	149,115.51
Captain O'Neal Sidewalk	-	25,413.49	-	-	-	-	25,413.49
D'Olive Creek Pedestrian Bridge	-	85,279.08	106,592.66	2,043.73	-	-	193,915.47
Gator Alley Bridge	-	-	8,174.90	1,097.45	-	4,377.99	13,650.34
May Day Playground Eqpt	-	30,792.49	-	-	-	-	30,792.49
May Day Boat Ramp	-	414,655.63	18,247.24	-	-	24,000.00	456,902.87
May Day Parking Lot	-	271,248.90	-	-	-	-	271,248.90
May Day Drainage	-	5,000.00	-	-	-	-	5,000.00
May Day Sand Movement Study	-	12,273.50	50,507.50	-	-	-	62,781.00
May Day Grounds & Landscaping	-	-	5,000.00	-	-	-	5,000.00
Mobile Bay NEP Contribution	-	-	7,000.00	-	-	30,000.00	37,000.00
Property Improvements	1,712.30	2,244.00	2,629.57	-	-	-	6,585.87
Village Point Grant - Brdwlk - ADECA	-	-	-	-	9,705.54	119,884.35	129,589.89
Village Point Park Preserve-Survey	-	-	-	-	-	1,500.00	1,500.00
Williams Property (1/2) Brdwlk Prkng Lot	-	-	-	47,138.87	-	-	47,138.87
Total Bay Front Related Exp	4,735,392.46	1,725,163.03	350,131.47	94,946.41	158,830.86	996,984.18	8,061,450.41
Recreation Exp							
(Rec Loan from GF-$643,644 Forgiven 6/1/14)						-	
Sports Complex Entrance Rd (FY12-14)	-	-	831,091.68	48,517.98	-	-	879,609.66
Daphne Parks Master Plan-Survey	-	-	-	-	38,518.07	101,401.65	139,919.72
Daphne Parks Master Plan-Design Fees	-	-	-	-	-	567,506.75	567,506.75
Turf & Concrete-Batting Cages/HP Mats	-	-	-	-	9,605.03	2,860.00	12,465.03
Softball/Football Lighting (FY11)	-	-	449,084.04	-	-	-	449,084.04
Bathroom/Concessions (2) (FY10-11)	-	1,152.00	273,593.93	-	-	-	274,745.93
Bleachers (4) (FY11)	-	-	50,000.00	-	-	-	50,000.00
Fence/Net Replacmnt-net of ins (FY11)	-	-	2,062.50	-	-	-	2,062.50
Repair-Blchr/Conces Roof-net of ins(FY11)	-	-	23,197.52	-	-	-	23,197.52
Gazebos-Joe Lewis, Park City & Central	-	-	-	-	-	61,288.95	61,288.95
Total Recreation Exp	-	1,152.00	1,629,029.67	48,517.98	48,123.10	733,057.35	2,459,880.10
Other Financing Sources (Uses)							
Debt Proceeds	5,177,983.00	-	-	-	-	-	5,177,983.00
Transfers from General Fund	353,433.00	(353,433.00)	-	643,643.56	-	-	643,643.56
Transfers to Debt Service (Debt pd 9/20)	(3,042,540.12)	(1,080,638.30)	(436,283.22)	(137,838.00)	(151,628.00)	(154,434.96)	(5,003,362.60)
Transfers to Gen Fund	(20,322.18)	-	-	-	-	-	(20,322.18)
Other Financing Sources (Uses)	2,468,553.70	(1,434,071.30)	(436,283.22)	505,805.56	(151,628.00)	(154,434.96)	797,941.78
Rev & Financing Sources Over (Under) Expend & Financing Uses	**(58,918.07)**	**1,570,706.09**	**(480,057.38)**	**1,149,743.80**	**656,693.00**	**(795,352.28)**	**2,042,815.16**

Reserve: In-Progress BdWalk Repairs: as of 9/15	(4,524.56)
Close Remainder-Gator Alley Reserved Funds, as of 8/2016	4,524.56
Reserve for Recreation	(577,391.92)
Unreserved	1,465,423.24

Lodging Taxes were levied 9/95 @ 3%
12/97 increase to 4% (Ord 1997-28) / 4/14 increase to 6% (Ord 2014-06)
FY 01 IDB Contributions started / DTR Authority added FY 10
DTR: FY 10-$32,173.09/ FY 11-$32,980.25/FY 12-$32,723.95=$97,877.29
Current Allocations: 13% IDB
5% DownTown Redevelopment
32% Debt Service & Bay Front Property Uses: Acq, Dev, & Maint
50% Recreation Related Capital

As of June 1, 2014:	
Original Recreation Loan	$1,678,700
Repaid from Collections	$ (1,035,056)
Loan Balance 6/1/14	$643,644
Ord 2014-27 Debt Forgiven	$ (643,644)
Recreation Balance Owed	$0

Prior Mo Unreserved 1,457,553.73

Prior Mo Res for Rec (726,241.66)

Buildings & Property Committee Meeting

Monday, October 3, 2016

4:30 p.m.

1705 Main Street, Daphne, AL 36526

Committee Minutes:

Present: Chair Councilman John Lake; Councilwoman Tommie Conaway; Councilman Pat Rudicell; Councilman Randy Fry; Councilman Ron Scott; Councilman Robin LeJeune; Councilwoman Angie Phillips; and Elected Councilman Joe Davis

Also Present: Mayor Dane Haygood; Rebecca Hayes, City Clerk; Jay Ross, City Attorney; Kevin Boucher, City Attorney; Jenny White, Assistant City Clerk (Recording Secretary); BJ Eringman, Deputy Director Public Works; Margaret Thigpen, Civic Center Director; David McKelroy, Director Recreation; Ashley Campbell, Environmental Programs Manager; Tonja Young, Library Director; Selena Vaughn, Village Point Foundation, Chair; Dorothy Morrison, Beautification Committee and Downtown Redevelopment Authority Member; Al Guarisco, Ken Balme; Earline Martin Harris; Annice Sledge; Willie Young; Gerry Goffinet; Brandon Bias, Goodwyn Mills Cawood; John Avent, Dewberry Preble-Rish; Ben Cruitt; Cara Stallman; Rosemary Hart, Hart Lending Library; Rebecca E. Canale

Absent: Councilman Ron Scott, Richard Johnson, Public Works Director, Richard Merchant, Floodplain Manager, Building Inspection; Suzanne Henson, Senior Accountant; and Rick Whitehead, IT Coordinator, Adrienne Jones, Planning Director

1. CALL MEETING TO ORDER / ROLL CALL

There being a quorum present Councilman Lake called the meeting to order at 4:30 pm.

2. APPROVAL OF MINUTES: September 6, 2016

MOTION BY Councilwoman Tommie Conaway to approve the September 6, 2016 minutes. Seconded by Councilman Pat Rudicell. All in favor, AYE.
MOTION CARRIED UNANIMOUSLY

PRESENTATION: Mrs. John M. Hart – Hart Lending Library – Donation of Site

Mrs. John M. Hart came before the committee to seek a donated site to install a granite structure in memory of her deceased husband, Mr. John Michael Hart. Mrs. Hart shared a photo and schematic of the structure that will bear lettering of the Hart Lending Library. There will be a bench at the base of the structure and an interior marble book unit. The book unit will house books from the Hart book collection. There will be a plexi-glass door or doors to protect the books from wind and rain. The books will be available to the public and may be borrowed and returned at the discretion of the individual. Mrs. Hart's intention is to maintain a supply of books, as needed, over the next several years. The structure, delivery, and installation costs have been purchased from Wolfe-Bayview Funeral Home. Mrs. Hart is hoping for a site that gives easy access for pedestrians to use the lending library. She is interested in the property located between Ryan Avenue and Holy Cross Drive, but will consider optional sites if the City of Daphne is willing to donate land for the memorial.

Chair Councilman John Lake suggested Dorothy Morrison and Beautification Committee look at request to find location.

Dorothy Morrison commented the Beautification Committee would need recommendation from council on donation of land.

Chair Councilman John Lake addressed the council would need to review donation of land sites.

Councilman Pat Rudicell would like to move for further discussion at the October/November Work Session to work on policy for donating land.

3. DAPHNE CENTRAL PARK REPORT (SEPTEMBER): BJ Eringman

BJ Eringman gave report for Daphne Central Park. BJ commented their working on quotes for next phase of paving, signs complete, and fencing will follow.

4) SURPLUS PROPERTY (SEPTEMBER): Suzanne Henson

Suzanne Henson was not present at meeting. There was no report given for surplus property.

5) CIVIC CENTER & BAYFRONT PAVILLION REPORT (SEPTEMBER): Margaret Thigpen

Margaret Thigpen gave the Civic Center & Bayfront Report for September 2016.

Civic Center Report:

- September 2016 revenue for the Civic Center totaled $13,488.00 / Increase from September 2015
- FY 2015-2016 YTD Projected Year End Revenue / $178,713.50
- September 2016 Deposits / $9,496.00
- FY 2015-2016 YTD Deposits / $182,146.50

Bayfront Park Pavilion Report:

- September 2016 Revenue / $9,252.00 / Increase from September 2015
- FY 2015-2016 YTD Projected Year End Revenue / $74,538.00
- September 2016 Deposits / $7,718.00
- FY 2015-2016 YTD Deposits / $72,039.00

Reminder Note: Bayfront – Per Richard Merchant

- On record $122,330.00 in improvements thus far at Bayfront Pavilion
- Appraisal was for $295,000.00
- ½ the appraised amount is what we have to work within = $147,500.00
- This leaves roughly $25,170.00 for improvements
- The first to fall off due to the 10 year rule will be $40,000.00 on July 11, 2019.

Daphne Convention & Visitor's Bureau:

Alabama Coasting
Advertisement and article out

- Quarterly Distribution
- 2,000 Condo Rooms
- 70+ Hotels

Taste of the Eastern Shore – September 23, 2016

- 23 Vendors
- 524 Tickets Sold = $13,100.00

- 377 Actually Attended
- Wrap Up Meeting – October 13, 2016

Jubilee Festival – September 24-25, 2016

Ballroom Dance – September 30, 2016

- 286 tickets sold - $5,720.00

Tourism /Hotel Meeting – October 6, 2016

6) BUILDING INSPECTION MONTHLY REPORT (SEPTEMBER): Ashley Campbell

Ashley Campbell gave the Building Inspection Monthly Report for September.

- Total Building Permits / 158
- Total Permit Building Permit Fees / $38,344.00
- New Home Permits / 19
- CO's /17

7) RECREATION REPORT (SEPTEMBER): David McKelroy

David McKelroy gave the Recreation Report for September. David reported the Adult Recreation Program (Adult Softball) is complete with thirty-seven (37) teams/participants that will play on Monday, Tuesday, and Wednesday nights. David commented youth soccer, football, baseball and softball are going on for the month of September, Monday-Friday. Weekend activity at Trione Park consists of youth football and soccer. Gulf Coast Rangers had approximately twenty-three (23) matches for September. In addition, David commented they had adult softball and baseball tournaments.

8) LIBRARY REPORT (SEPTEMBER): – Tonja Young

Tonja Young gave the Library Report for the month of September. Tonja reported the library has served approximately 18,000 for the month of September with approximately 34,000 items checked out. Next month Tonja will have the annual statistical report for the state library. Tonja reported the library had its first air condition incident of the year for repair.

9) VILLAGE POINT BAYFRONT PROPERTIES (SEPTEMBER): Selena Vaughn

Selena Vaughn gave the Village Point Bayfront Properties Report for the month of September. Selena reported Andy Bobee from Dewberry/Preble-Rish wasn't able to attend the meeting today. Selena has received report from Andy and will forward to committee. Brandon Bias of Goodwyn Mills Cawood and John Avent of Dewberry/Prebble-Rish gave brief review of "Report for Bayfront Park & Village Point Park Reserve Master Plan, Draft, October 3, 2016".

Selena noted there were five different light designs in report. Selena suggested working with the Downtown Redevelopment Authority as they're working on the expansion of the downtown overlay district.

Selena commented on the incorporation of the low impact development (LID) techniques shown in report for projects adjacent to environmentally sensitive areas.

Chair Councilman John Lake noted have we looked at appropriate zoning down the road for businesses and mixed use to improve downtown district.

John Avent commented they're may be some modifications with curb cuts for better density.

The "Report for Bayfront Park & Village Point Park Reserve Master Plan, Draft, October 3, 2016" is attached to the Buildings and Property Committee Meeting minutes for October 3, 2016.

10) OLD BUSINESS

(a) Strike Team Building at Trione, Land Use Requirements

Chair Councilman John Lake commented "Strike Team Building at Trione, Land Use Requirements", currently under review by Attorney General.

(b) City of Daphne, Alabama and Lake Forest Property Owners Association (LFPOA) Ground Lease – Lake Forest Marina

MOTION BY Councilman Robin LeJeune for Finance to approve funding source on executed lease for the City of Daphne, Alabama and Lake Forest Property Owners Association (LFPOA) ground lease on Lake Forest Marina. Seconded by Councilwoman Angie Phillips. All in favor, AYE.

MOTION CARRIED UNANIMOUSLY

(c) Ordinance 2016-12, May Day Boat Ramp, Final Resolution on Sand

Ashley Campbell discussed Ordinance 2016-12, May Day boat ramp, final resolution on sand. Ashley introduced Mrs. Rebecca E. Canale as a property owner that lives north of May Day. Mrs. Canale and neighbors are ready for the City of Daphne to move forward with moving of sand to replace beach erosion before December 31, 2016.

Ashley commented the May Day Boat Ramp has been removed.

Ashley Campbell noted pictures within packet of theoretical sand volume north of projected property line on August 22, 2016 at 210 cubic yards and theoretical sand volume north of projected property line on September 28, 2016 at 311 cubic yards at 48% increase.

Ashley commented we have two (2) options; (1) Buy sand and move north or (2) move sand around.

Mayor Dane Haygood expressed neighbors have been patient and our goal is to complete by December 31, 2016 to condition of prior boat ramp. Mayor commented we need to establish whether will do the work in-house or use contractor. Mayor commented Richard Johnson suggested $20,000 would cover project.

Ashley Campbell commented Richard Johnson has instructed will complete work within house.

Mayor Dane Haygood would like to line up resources and bring to resolution for everyone with appropriation.

Jay Ross would like this appropriation of project to come before council.

Ashley Campbell asked mayor if she could draft ordinance and forward to finance.

MOTION BY Councilman Pat Rudicell to move forward with draft of ordinance to Finance. Seconded by Chair Councilman John Lake. Jay Ross, City Attorney has offered assistance. All in favor, AYE.

MOTION CARRIED UNANIMOUSLY

Rebecca E. Canale spoke on behalf of the neighbors they've been dealing with the beach erosion since 2006. Rebecca commented they have been patient. They would like to see project completed.

11) NEW BUSINESS

Resolution 2016 – Federal Emergency Management Agency (FEMA): Hazard Mitigation Grant Program (HMGP) Disaster Assistance – Ashley Campbell and Richard Johnson

- **Mr. Russell Dyess, 118 Lakeview Loop**

Cara Stallman spoke on behalf of Mr. Russell Dyess at 118 Lakeview Loop. Cara commented Mr. Russell Dyess was not able to attend due to illness and asked to pull from agenda. The deadline was October 15, 2016.

Ashley Campbell commented the landowner has noted he wanted the City of Daphne to do the full 25% match. We can discuss now or later. Ashley would like to present at the Buildings and Property Meeting on November 7, 2016.

(b) Proposal to Rename Park City Park

Chair Councilman John Lake noted the resolution for proposal to rename Park City Park is not included within packet. Councilman Robin LeJeune asked for proposal to be moved to the following Public Works Meeting for discussion.

12) ANY OTHER BUILDINGS & PROPERTY BUSINESS

13) PUBLIC PARTICIPATION:

Dorothy Morrison commented she attended the Main Street Alabama conference in Birmingham during August. Dorothy would like to keep Daphne beautiful. Dorothy is going to meet with Mayor Dane Haygood to discuss buildings and property.

Earline Martin Harris brought pictures of Park City Community Park to share with the Building and Property Committee to discuss park beautification. Chair Councilman John Lake introduced Dorothy Morrison as Chair of the Beautification Committee. Dorothy commented they would discuss at the Beautification Meeting on October 5, 2016. Earline would like to make park beautiful before Veterans Day.

Willie Young gave his thoughts on the May Day boat ramp removal and beach erosion. Willie commented this is a public beach. Willie felt complaints are working the city to their advantage. Willie commented on pier north of May Day Beach as its impossible now to walk down north of beach. Willie wants to know who is responsible for others who build an obstruction.

Mayor Dane Haygood asked Ashley Campbell if all piers had been approved. Ashley commented they have been approved.

Chair Councilman John Lake commented he appreciated his insight.

Councilman Pat Rudicell commented the Boat Ramp would be discussed at the Work Session in November.

14) NEXT MEETING

Next meeting scheduled for November 7, 2016.

15) ADJOURN

MOTION BY Chair Councilman John Lake to adjourn meeting. Seconded by Councilman Robin LeJeune. All in favor, AYE.
MOTION CARRIED UNAIMOUSLY

Daphne ALABAMA
The Jubilee City

REPORT FOR
BAY FRONT PARK & VILLAGE POINT
PARK PRESERVE
MASTER PLAN

Dewberry | PREBLE-RISH

GOODWYN | MILLS | CAWOOD

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GENERAL INFORMATION

LOCATION

The subject property is located in Daphne just south of the intersection of Main Street and US Hwy 98. Based on the Baldwin County Probate Records the City of Daphne owns approximately 83+/- acres that front both on Main Street and Bayfront Park Drive. The adjacent property to the north is undeveloped and is currently wooded. The western boundary of the property is Mobile Bay. The properties eastern boundary is adjacent to the following properties moving from north to south: Gulf South Hospitals, individual lots in the re-subdivision of Edgewater Estates Main Street and finally Harbor Place. The southern property line is also bounded by Harbor Place subdivision property.

EXISTING CONDITIONS

The Village Point Park Preserve has a well maintained gravel parking lot with two access points to Main Street just south of Bayfront Park Drive. The Village Point parking lot has a public restroom facility, a covered pavilion and access to the main road to in the park along with walking trails leading into the park. The park is heavily wooded with a large variety of hard wood and pine trees. Some of the trees on site have been recognized as Alabama Champion Trees; there is a champion Bluff Oak within the park, and the champion Scentless Bayberry is also the National Champion specimen. Within the park is also the Jackson's Oak and one of the feature attractions in the park. The tree was named as part local tradition as General Andrew Jackson made a speech to his troops from one of the limbs while he was enroute during the War of 1812.

Bay Front Park consists of a paved parking area (56 spaces), a fishing pier, gazebo, swings, benches, a removable public bathroom facility, and an elevated structure (Richard Scardamalia Pavilion, approximately 140 x 50 ft) often rented for private functions. Bayfront Park Drive has a few existing establishments leading into the park including secondary access to the {NAME} Shopping Center, Moe's Bar-B-Que, The Waggy Tail, Bay Front Self Storage, and a small office building with multiple tenant spaces. An aerial map of the existing property can be found in *Appendix A*. Bayfront Park Drive has overhead power and communications lines, along with water and sanitary sewer within the right of way.

WETLANDS

Wetlands are identified by specific soil types, wetland vegetation, and the presence of water. The Bay Front Park – Village Point Park Preserve property contains a significant amount of wetlands based on the National Wetland Inventory map. Base simply on the areas represented it is estimated that approximately 24 of the 83 acres are wet. This information does not represent an actual wetland delineation or Corps of Engineers Jurisdictional Determination. In order to provide accurate wetland data that task will need to be completed in the future. This task is outside the scope of the current study. A map of the national wetland inventory representation of wetlands on the property is located in *Appendix A.*

Prior to any permanent improvements being planned a boundary, and topographic survey of the site should be provided, as well as wetland delineation that is verified by the Corps of Engineers. A proposal for these services can be provided upon request.

FLOOD ZONES

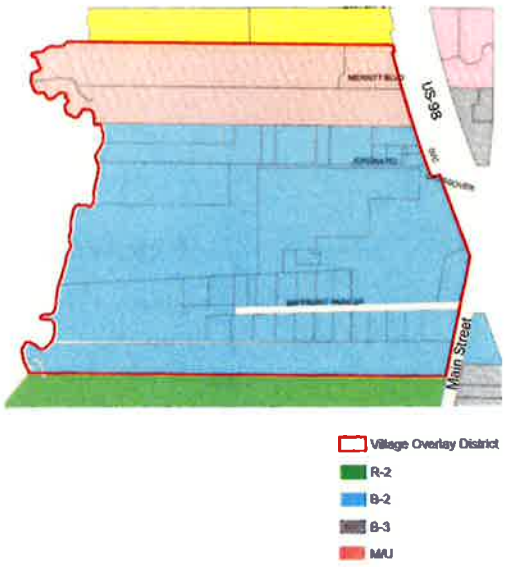
Based on FEMA's Flood Insurance Rate Map the majority of the site is considered to be within the 100 year flood zone. Of the approximately 83 acres, 62 acres +/- are shown to be within the current 100 year flood plain. The fact that such a significant portion of the property is located in flood zone would cause the building of any permanent, enclosed, habitable structure to comply with current flood proofing requirements as indicated in provisions provided by FEMA as part of the international building code currently accepted addition by the City of Daphne. Construction of any above grade structures could also trigger the need for a no rise study to be implemented in the course of the building permit review/ application. A map indicating the current FEMA Flood Insurance Rate Map flood zones has been included in *Appendix A.* Building construction costs within the flood zone would be higher than normal.

TOPOGRAPHY

Near the southern boundary of the subject property the outfall for Yancey Branch creates a natural divide between the City's property and the Harbor Place P.O.A. property. From Main Street the property drains towards Mobile Bay. The property is divided in half along an abrupt change in elevation approximately half way between Main Street and the Bay. The abrupt change or ridge line runs nearly the entire length of the property from north to south. As you approach the southern border of the property the topography breaks and drains to the south to Yancey Branch. A map of the Baldwin County GIS LIDAR contours has been provided in Appendix A.

ZONING

The subject property is currently zoned B-2 per the City of Daphne Zoning Map. The property is also included in the Village Overlay District. The requirements for development of all properties in the Village Overlay District can be found in the City of Daphne Subdivision Regulation, Section 36.



PROPOSED IMPROVEMENTS

PARKING

Bayfront Park currently has 56 parking spaces and on any given weekend that is generally not enough. If the Pavilion has been rented out for an event the parking will quickly become inadequate and parking will occur along the side of the road in the grassed ditches on the north side of Bayfront Park Drive. Attached is a sketch of an option for additional parking along Bayfront Park Drive that can be built as needed in phases. The current proposed number of additional spaces is 296 (124 north of Bayfront Park Drive and 172 south) which take up almost 3 acres of property near the current improvements at the park. A map is provided in Appendix B. The addition of this many parking spaces would require the need to for additional restroom facilities at this location.

Future parking construction should be similar to the recently constructed parking addition to Alligator Alley. This parking lot incorporated any Low Impact Design (LID) techniques and incorporated native plant material. The images below illustrate the completed construction and materials of the referenced area.

Alligator Alley Photo

STREETSCAPE

Bayfront Park Drive has been in place for many years and is currently a paved street with open ditches along both sides of the roadway that are nearly non-existent. The travel lanes are approximately 10 feet wide and service existing or future commercial property for the majority of the street frontage.

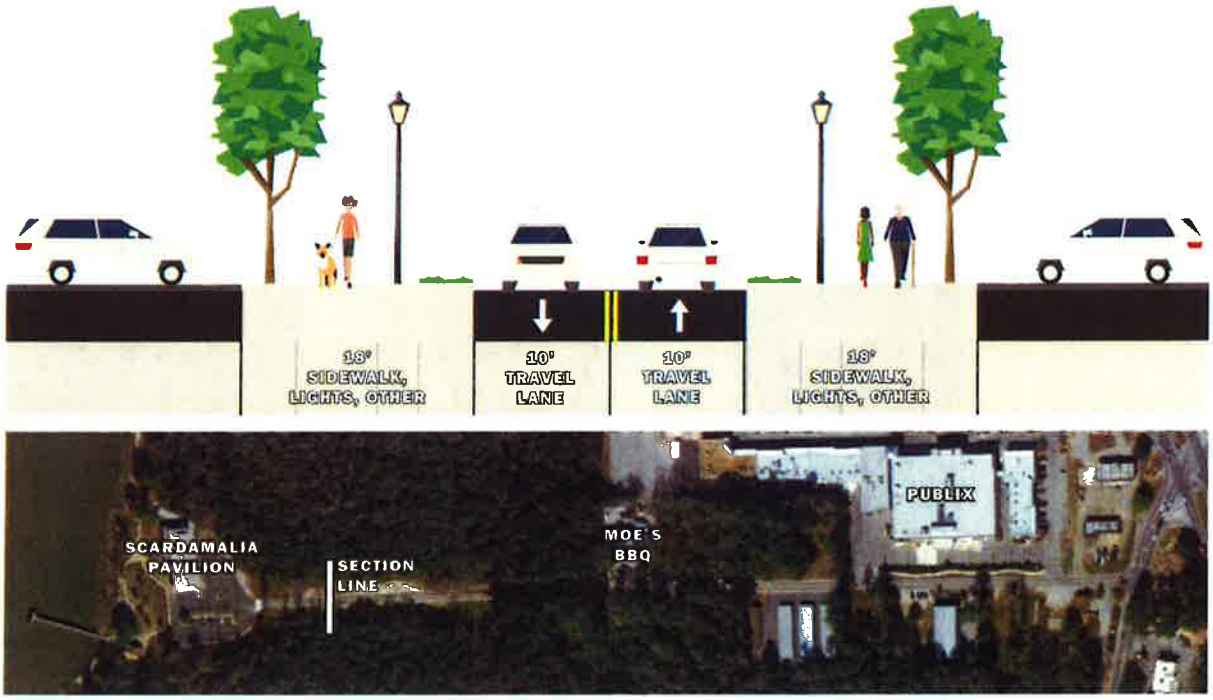
The east end of the road at the entrances to {name} shopping center has been improved with curb and cutter and as an improvement to the current streetscape curb and gutter could really improve the appearance of the existing roadway. The roadway could need to be set down, or lowered for a significant portion of the street to allow the gutters to become the low point for the street low water to drain to the street and be picked up in the gutters for curb inlets can be utilized to capture the new runoff. An additional survey of road would determine final needs in a future streetscape design.

Illustrated street sections on the following page are an example of how the streetscape could be changed along Bayfront Park Drive.

Alligator Alley Photo

Bayfront Park Drive East (below). This section illustrates how the eastern segment of Bayfront Park could be changed with curb and gutter to allow for street lighting and sidewalks.

Bayfront Park Drive West (below). This section illustrates how the western segment of Bayfront Park could be changed with curb and gutter to allow for street lighting and sidewalks. Additional parking is shown in the proposed areas to the north and south.



UTILITIES

There is existing overhead power in running on approximately 2/3 of the roadway until you get to Bayfront Park Drive where the power then transfers to underground. Existing utilities being upgraded along this corridor could also help to spur on development of the existing lots fronting Bay Front Drive.

LIGHTING

There are many features of a streetscape that will help set the aesthetic value of the area, one of those items is lighting. There are a variety of street lamps that can help decorate the streetscape and few options are shown below that can be incorporated into the streetscape. One consideration could be using a similar lighting style from other parks or locations within the City or an adjacent residential area. In choose a lighting style for the streetscape, an important consideration is stocking needed parts and bulbs for those fixtures as Riviera Utilities does not typically maintain none standard lights.

SIGNAGE

Signage throughout Village Point and Bayfront Park should be consistent with other City signage at City facilities. Because of the more rustic nature of Village Point, and different signage material could be considered, but logos, text and verbiage should still be consistent.

In future streetscape improvements, banners could be included with upgraded lighting fixtures. Banners could be used to advertise community events, include the park names, or other important information.

LOW IMPACT DEVELOPMENT

Recently, incorporating Low Impact Design (LID) techniques into projects adjacent to environmentally sensitive areas has become an important consideration. One option to address LID would be to utilize a new product offered by a long term manufacturer of storm drain products. This new product incorporates landscaping in with bio-retention and bio-filtration. Contech offers this new product under the name Filterra this could be a huge help in providing a green method of storm water management, and treatment that has relatively easy maintenance as far as a green technology goes. A brochure of this product has been included in the appendix of the report. This along with a multitude of other potential LID technics could make this project beautiful, as well as environmentally responsible. Also, the addition of a new closes system piping network could also assist in opening up development of the lots adjacent to the right of way.

BAY FRONT PAVILION

The existing Pavilion is a heavily used venue for public and private gatherings. When the City purchased the building there were clauses put in place that required the building to be upgraded to current building code after a certain period of time and/or a certain dollar amount spent on renovations. It is currently our understanding that deadline is drawing near.

It has been stated that changes needed to bring the current building up to code would most likely cost as much, if not more, than a new building to the current standard. The list of improvements needed to bring the existing building into compliance with current building codes are as follow: (*List is still being compiled*)

- Finished Floor elevation needs to be raised by approximately 2 feet.
- An elevator needs to be added, as well as an ADA ramp.
- Structural Requirements need to be upgraded to meet current standard.

AMPHITHEATER

For the future of Bayfront Park, there has been expressed the desire for the park to be upgraded with an Amphitheater. Given the constraints of the existing property there are very few locations that will be out of the wetlands and there are no locations that will be outside of the flood zone. That would mean that any structures placed on site would need to be flood proof or able to be inundated during a significant weather event.

There are an abundance of options and finishes that can come with an amphitheater. Typically there is some rise or grade change as you move away from the stage area, however, the available areas to place an the amphitheater does not lend itself well to creating the previously mentioned rise. Considering those constraints, an amphitheater in the park might be a risen stage against to a flat lawn area.

Parking is another important consideration for an amphitheater. With the existing and proposed parking the site could expect to accommodate approximately {number} people. There will be challenges in making sure all the areas created are ADA acceptable.

APPENDIX

EXISTING PROPERTY AERIAL

TOPOGRAPHY MAP

NATIONAL WETLANDS INVENTORY

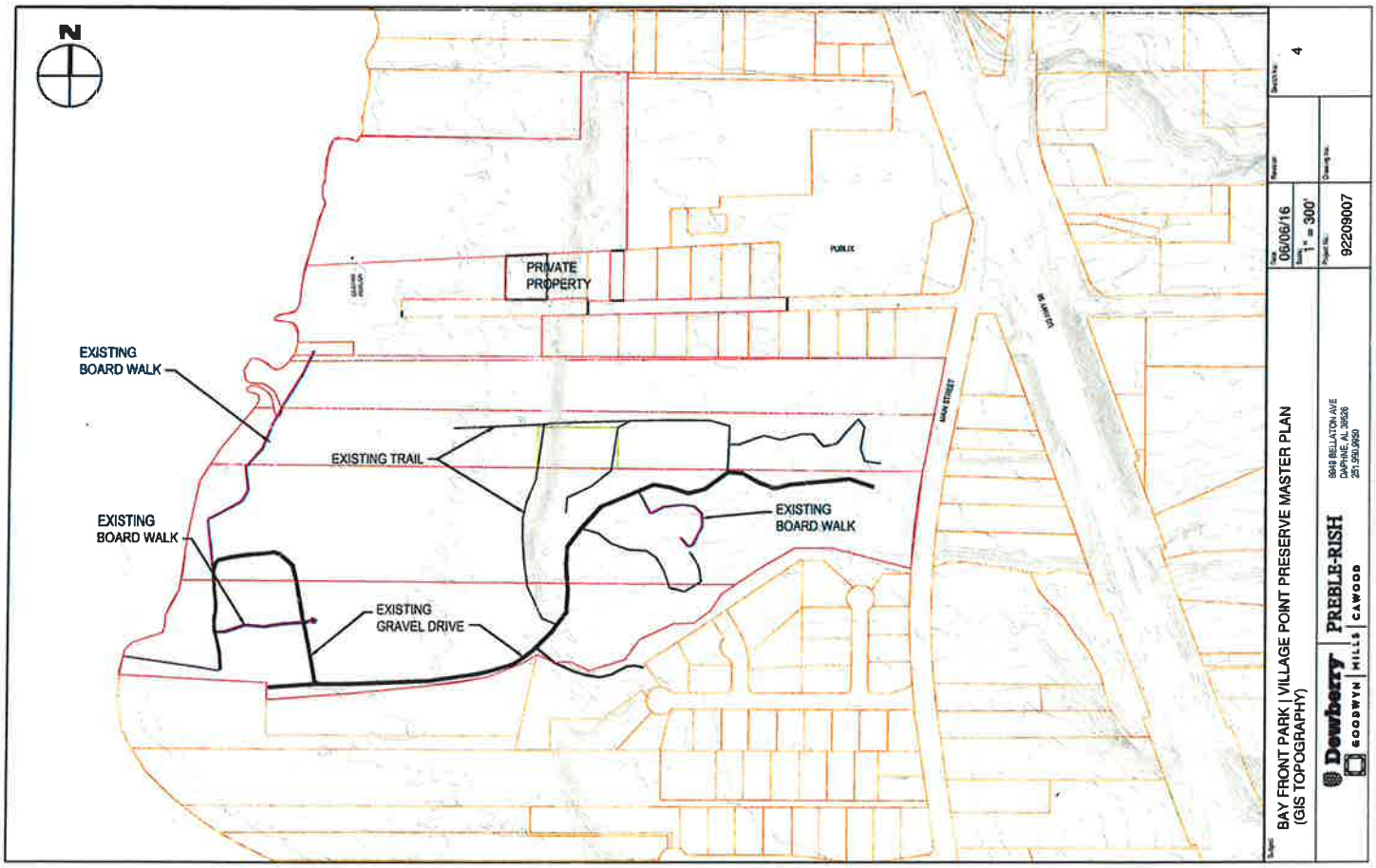
PARKING AND STREETSCAPE CONCEPT

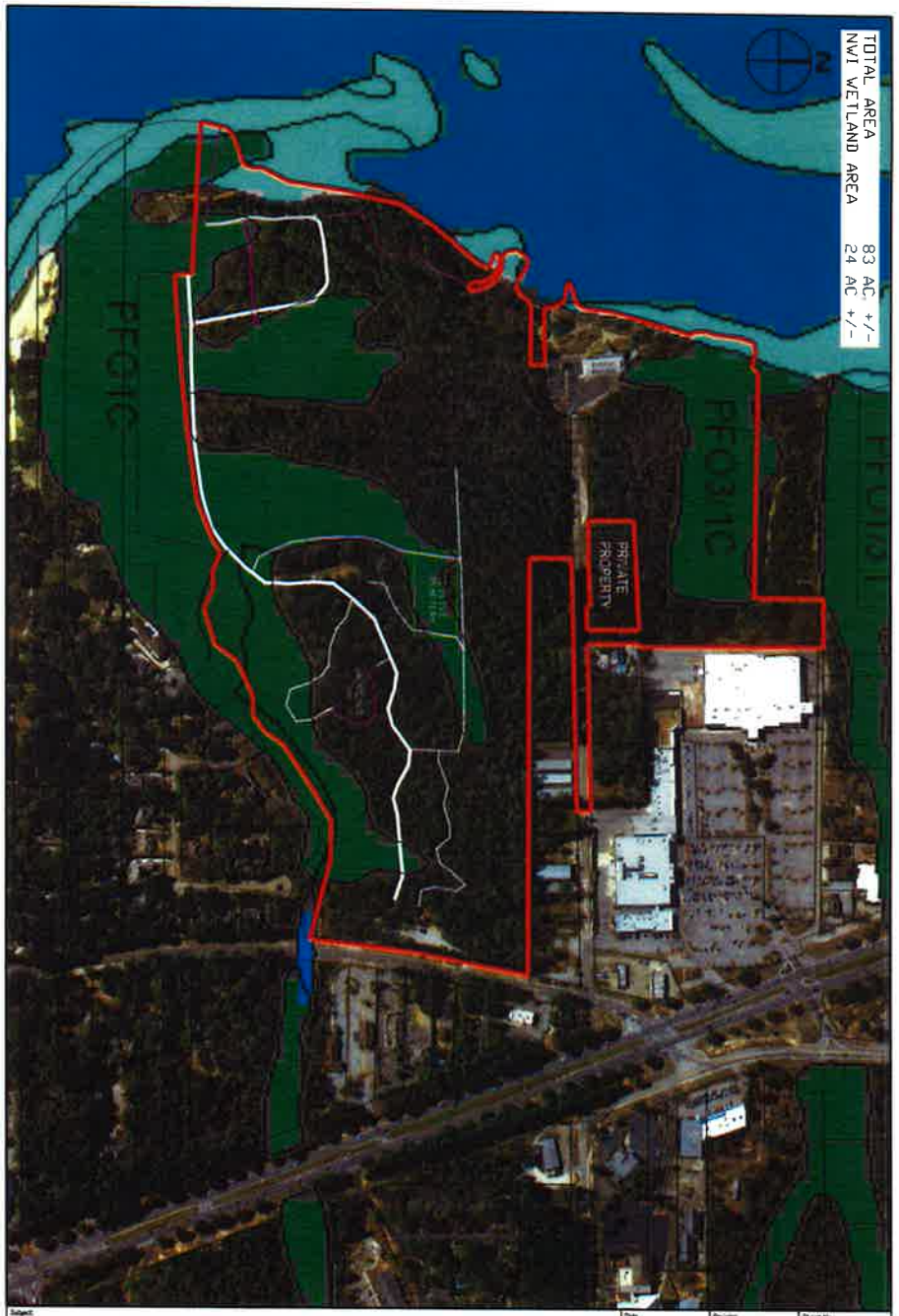
Subject: BAY FRONT PARK | VILLAGE POINT PRESERVE MASTER PLAN
(EXISTING CONDITIONS AERIAL)

Date: 08/29/16
Scale: 1" = 300'
Revision:
Sketch No.: 1

Dewberry | PREBLE-RISH
GOODWYN | MILLS | CAWOOD
9949 BELLATON AVE
DAPHNE, AL 36526
251.990.9850

Project No.: 92209007
Drawing No.:


N
PRIVATE PROPERTY
PUBLIC
MAIN STREET
EXISTING BOARD WALK
EXISTING TRAIL
EXISTING BOARD WALK
EXISTING BOARD WALK
EXISTING GRAVEL DRIVE
Sheet No. 4
Date 06/06/16
Scale 1" = 300'
Project No. 92209007
Drawing No.
Subject BAY FRONT PARK | VILLAGE POINT PRESERVE MASTER PLAN (GIS TOPOGRAPHY)
Dewberry
GOODWYN MILLS CAWOOD
PREBLE-RISH
8940 BELLATON AVE
DAPHNE, AL 36526
251.990.9950



BAY FRONT PARK | VILLAGE POINT PRESERVE MASTER PLAN
(NATIONAL WETLAND INVENTORY)

Date: 08/29/16
Scale: 1" = 300'
Revisions:
Sheet No.: 2

Dewberry | PREBLE-RISH
9949 BELLATON AVE
DAPHNE, AL 36526
251.990.9950

Project No.: 92209007
Drawing No.:

Subject: BAY FRONT PARK | VILLAGE POINT PRESERVE MASTER PLAN (POTENTIAL PARKING OPTION)

Date: 08/29/16
Scale: 1" = 100'
Revision:
Sketch No.: 3

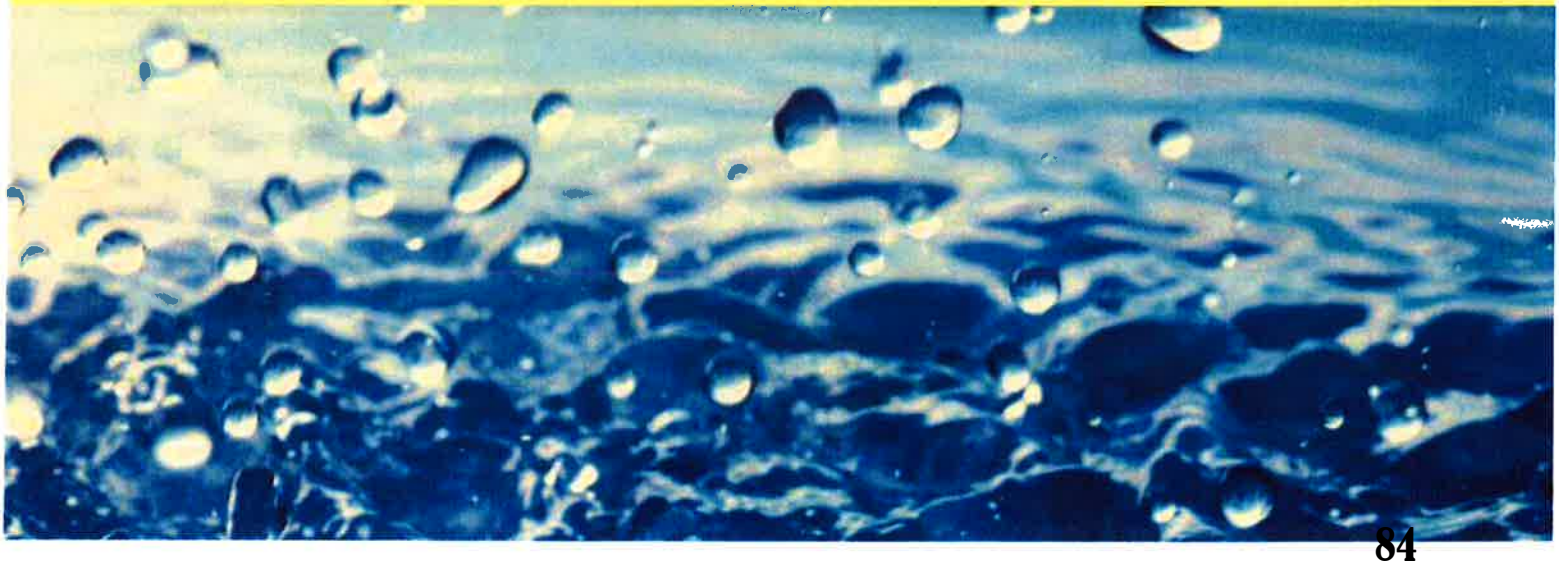
Dewberry | PREBLE-RISH
8949 BELLATON AVE
DAPHNE, AL 36526
251.990.9950

Project No.: 92209007
Drawing No:

CONTECH®
ENGINEERED SOLUTIONS

Filterra® Bioretention System

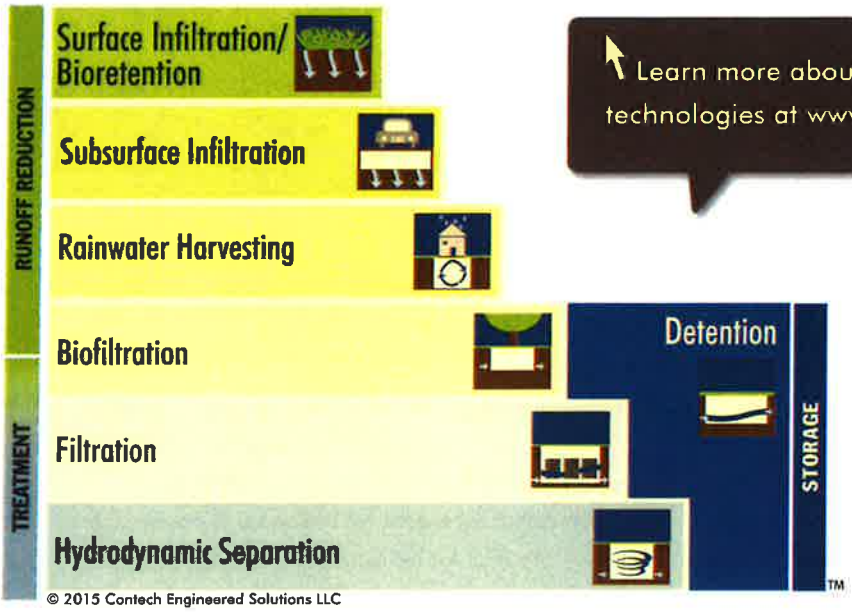
Solutions Guide



Stormwater Solutions from Contech

Selecting the Right Stormwater Solution Just Got Easier...

It's simple to choose the right stormwater solution to achieve your goals with the Contech Stormwater Solutions Staircase. First, select the runoff reduction practices that are most appropriate for your site, paying particular attention to pretreatment needs. If the entire design storm cannot be retained, select a treatment best management practice (BMP) for the balance. Finally, select a detention system to address any outstanding downstream erosion.



Learn more about all of our stormwater technologies at www.ContechES.com/stormwater

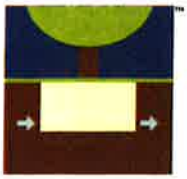
Low Impact Development Site Planner

The Low Impact Development (LID) Site Planner is a free, web-based tool intended to guide you in preliminary selection of the most effective and likely to be approved stormwater control measures that are technically feasible given known site constraints. To utilize this tool, visit www.conteches.com/lidsiteplanner

Benefits of the tool include:

- A fast, easy-to-use tool that follows a Low Impact Development design approach consistent with regulations that prioritize Green Infrastructure.
- Helps minimize the cost and delay of redesigns by prompting users to consider a wide range of common site constraints early in the design process.
- Captures specific site conditions precluding the use of infeasible BMPs.
- Allows flexibility to select flow through treatment controls where runoff reduction is not feasible.
- Provides a summary report with links to design guides, standard details, and specifications for stormwater management approaches that are likely to be feasible and approved on the project.

Bioretention as a Stormwater Management Strategy



Filtration and Biological Treatment in One System

Stormwater management regulations such as Low Impact Development (LID) and Green Infrastructure (GI) have proliferated throughout the United States.

Implementing LID and GI in urban environments is challenging, as they often require a large footprint. That doesn't mean LID/GI is not possible, it just means the solution may take a more engineered form. Contech has addressed this need by developing a unique solution – the Filterra Bioretention System.

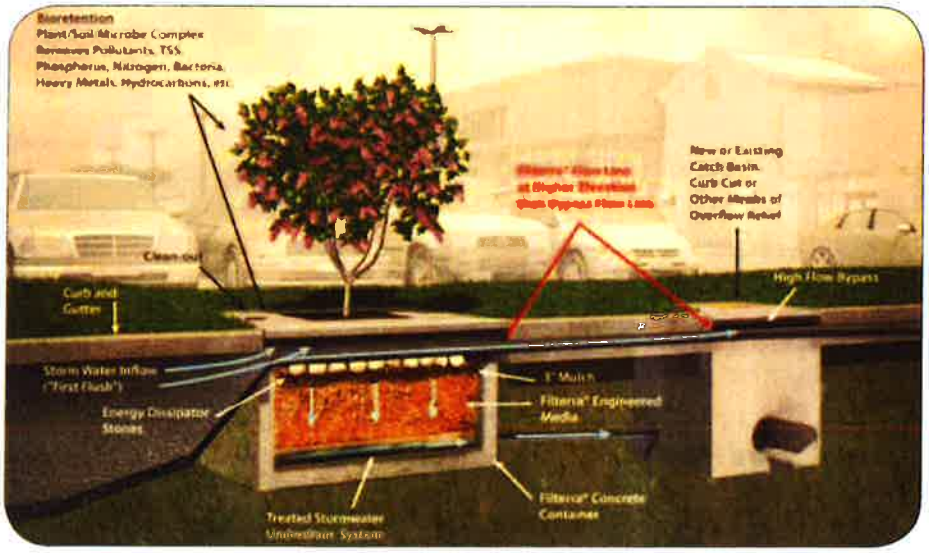
What is Filterra?

Filterra is an engineered biofiltration device with components that make it similar to bioretention in pollutant removal and application, but has been optimized for high volume/flow treatment in a compact system. Its small footprint allows Filterra to be used on highly developed sites such as landscaped areas, parking lots, and streetscapes. Filterra is adaptable and can be used alone or in combination with perforated pipes or chambers to optimize runoff reduction.

How The Standard Offline Filterra Systems Works

Stormwater runoff enters the Standard Offline Filterra system through a curb-inlet opening and flows through a specially designed filter media mixture contained in a landscaped modular container. The biofiltration media captures and immobilizes pollutants; some of these pollutants are then decomposed, volatilized and incorporated into the biomass of the Filterra system's micro/macro fauna and flora. Stormwater runoff flows through the media and into an underdrain system at the bottom of the container, where the treated water is discharged. The Standard Offline Filterra system utilizes a downstream catch basin or curb inlet for bypass flows allowing for the shallowest profile and most flexible design of any of the Filterra configurations.

In areas where runoff reduction and infiltration are mandated or desirable, Filterra can be paired with other Contech products such as ChamberMaxx or an Urban Green Rainwater Harvesting system to provide even greater alignment with LID/GI goals.



Learn more at www.ContechES.com/filterra

Filterra® Features & Benefits

- **Regulatory Compliance** – Multiple third-party field tests confirmed Filterra meets regulatory requirements for pollutant removal under TAPE, TARP, and NJCAT testing.
- **Value** – Filterra offers a cost effective stormwater treatment system featuring easy installation and simple maintenance.
- **Aesthetics** – Landscaping enhances the appearance of your site making it more attractive while removing pollutants.
- **Flexible** – Multiple sizes and a variety of configurations available to meet site-specific needs.
- **Versatile** – Filterra is ideal for both new construction and urban retrofits, as well as:
  - » Streetscapes
  - » Urban settings
  - » Parking lots
  - » Roof drains
  - » Highways
- **Easy Installation** – Delivered on-site, ready to lift and place.
- **Activation** – Performed by Contech-certified providers to ensure effective performance from the start.
- **Maintenance** – Simple and safe (no confined space access), and the first year of maintenance is included with the purchase of every system.

Third-party field testing confirmed Filterra meets regulatory requirements for pollutant removal under nationally recognized TAPE, TARP, and NJCAT testing protocols.

Additional Filterra® Configurations

Filterra is offered in multiple configurations to meet site specific needs. These configurations make Filterra a versatile yet effective stormwater BMP with a low life-cycle cost.

Filterra Internal Bypass – Curb

The Filterra Internal Bypass – Curb incorporates a curb inlet treatment chamber and internal high flow bypass in a single structure. This eliminates the need for a separate bypass structure and enables placement on grade or in a "sag" or "sump" condition.

Filterra Internal Bypass – Pipe

The Filterra Internal Bypass – Pipe treats stormwater runoff from rooftops or other sub-grade sources such as area drains. Higher flows bypass the biofiltration treatment system via an overflow/bypass pipe design.

Filterra - Street Tree

The Filterra Street Tree accommodates trees larger than the standard small-medium-sized trees used in standard Filterra units. These larger trees can provide benefits to site landscape designs on canopy cover, tree count, or percentage of green area.

Filterra – Sediment Chamber

The Filterra Sediment Chamber includes a pre-treatment chamber that provides settling for debris and sediment, meeting water quality volume temporary hold requirements in some jurisdictions, and provides a treatment-train feature to a standard Filterra.

Filterra – Recessed Top

The Filterra Recessed Top allows for a seamless integration of Filterra into the landscape design with pavers, mulch, sod, or even architectural concrete.

Filterra® Media – Proven Pollutant Removal

At the heart of the Filterra system is Filterra engineered biofiltration media; a specified gradation of washed aggregate and organic material homogeneously blended under strict quality controlled conditions. Using data from independent, third-party studies including the University of Virginia (TARP), Herrera Environmental Consultants (TAPE), Terraphase Engineering (NJCAT), North Carolina State University (TAPE & TARP) and Geosyntec Consultants, the filter media has been optimized to operate under high flow rates while maintaining pollutant removal performance. Filterra media is tested for hydraulic functionality, fertility, and particle size distribution to ensure uniform performance.

Filterra media also supports a vegetation component consisting of grasses, shrubs, or trees that assist with the adsorption of pollutants with biological uptake/storage and pollutant consumption by microbes within the plant root zone.

Measured Pollutant Removal Performance

(Ranges varying with particle size, pollutant loading and site conditions)

TSS Removal	85%
Phosphorus Removal	70%
Nitrogen Removal	43%
Total Copper Removal	58%
Dissolved Copper Removal	46%
Total Zinc Removal	66%
Dissolved Zinc Removal	58%
Oil & Grease	93%

Information on the pollutant removal efficiency of the filter media/plant media is based on third-party lab and field studies.

Some jurisdictions recognize higher removal rates - see your Contech Stormwater Consultant for details.

Filterra media has been **optimized** to operate under high flow rates while maintaining pollutant removal performance.

Filterra® – Regulatory Approvals

Based on more than 20 years of research and development, testing and field monitoring, Filterra's performance has been recognized by some of the nation's most significant regulatory agencies, including the states of Washington, Virginia, Maryland and New Jersey, the District of Columbia, the Texas Commission on Environmental Quality and the Atlanta (GA) Regional Commission. Highlights regarding these approvals include:

- Granted ESD (Environmental Site Design) status by the state of Maryland Department of the Environment (MDE).
- GULD-approved for ALL pollutants of concern with the state of Washington Department of Ecology (WA-Ecology) with (2) TAPE field tests.
- Third-party nationally recognized field/lab tests completed: (1) TARP, (2) TAPE, (1) NJCAT and (1) NC-DENR.

Filterra® – In the Field

We make it easy! The Filterra system is delivered to the job site with all components except plant and mulch.

Filterra – Installation

- Bioretention system sealed from construction sediment.
- Contractor off-loads top and vault separately.
- Set vault to grade on 6" compacted #57, pipe up, backfill, set top.

Filterra – Activation

- Contractors: Do NOT remove throat plate nor tree grate covers.
- Vegetation selection guidance based on your climate zone.
- Contech-certified providers conduct on-site activation with installation of mulch and plant.

Filterra – Maintenance

- The first year of maintenance is included with every system.
- Maintenance is low-cost, low-tech and simple:
  - » Remove trash, sediment, and mulch.
  - » Replace with a fresh layer of 3" of mulch.
  - » Can be done by landscape contractor.
  - » No confined space entry.

The **first year of maintenance** is **included** with the purchase of every Filterra system.

Learn more at www.ContechES.com/filterra

Next Steps

Dig Deeper

Find all the information you need at www.ContechES.com, including field and laboratory test results, approvals, brochures, design guides, standard details and specifications within the product section of our site.

Connect with Us

We're here to make your job easier – and that includes being able to get in touch with us when you need to. www.ContechES.com/localresources.

While you're there, be sure to check out our upcoming seminar schedule or request an in-house technical presentation.

Start a Project

If you are ready to begin a project, contact your local representative to get started. Or you can check out our design toolbox for all our online resources at www.ContechES.com/startaproject.

Links to Stormwater Design Tools:

To use the Land Value Calculator, visit: www.ContechES.com/lvc

To use the Design Your Own Detention System tool, visit: www.ContechES.com/dyods

To use the Design Your Own Hydrodynamic Separator tool, visit: www.ContechES.com/dyohds

To use the Rainwater Harvesting Runoff Reduction Calculator tool, visit: www.ContechES.com/rwh-calculator

To use the Low Impact Development Site Planner tool, visit: www.ContechES.com/lidsiteplanner

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Filterra Brochure 3M 1/16

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FSC

CONTECH®
ENGINEERED SOLUTIONS

filterra®
Bioretention Systems

Filterra® Maintenance Steps

1. Inspection of Filterra and surrounding area

2. Removal of tree grate and erosion control stones

3. Removal of debris, trash and mulch

4. Mulch replacement

5. Clean area around Filterra

6. Complete paperwork and record plant height and width

Contech has created a network of Certified Maintenance Providers (CCMP's) to provide maintenance on Filterra systems. To find a CCMP in your area please visit www.conteches.com/maintenance

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Old Methodist Church Museum of Daphne

Meeting Minutes

September 12, 2016

I. Call to order

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

II. **Attendees:** Mickey Boykin, Ken Balme, Rachel Burt, Arva Brown, Lucy Cunningham, Bill, Benbow, Betty Baker, Lee Swetman, Scott Berry, Al Guarisco, Kara Welborne (City Marketing Coordinator) , Shannon Burroughs (City Grounds Supervisor)

III. Approval of minutes from last meeting: August 8, 2016

IV. **Treasures Report:** Period 7/31/16-8/31/16 Beginning Balance $5,674.00 Total deposits $68 (misc sales and donations) Checks $385.13 & $32.85 for new TV & maps for Museum respectively. Ending balance $5324.02. Petty cash $53.09 (in prep for Jubilee Festival)

V. **Volunteer Assignments/Schedules**- We will be closed for the weekend of the Jubilee Festival 9-24/25.

VI. Committee Reports

a) *Exhibits/Events*: Jubilee Festival 9-24/25. Sign-up sheets were circulated. BC Fair 9-20/24. Email to follow for idea inputs when theme is verified.

b) *Publicity/Social Media:* Ken did updates on the Museum web site. Also making it more 'mobile' device friendly. www.daphnemuseumalabama.org

c) *Cemetery:* No reports

d) Fund Raising & Volunteer Recruitment: We have a new member Bill Benbow

e) Special Tours : Lucy scheduled of tour for The Blake 2nd Tues. of October.

f) Archives, Curation: Museum computer now working, most of our archives needs to be re- entered from a printed list. Hector took 1 copy of the Nymph to the Foley library and scanned. This will hopefully be accessible online soon.

VII. Unfinished/Ongoing business

a) Planning Calendar

b) Building improvements: Curbs where added to the parking lot.

c) ***Brick Fundraiser:*** Shannon Burroughs had drawn an outline and ideas of the landscaping to be done in conjunction with the brick sales. He had before and after 'pictures' that was his understanding of what we wanted. This included a water feature. All subject to change with Museum approval. The sketch had removal of 1 or 2 of the camellia bushes to make the cemetery more inviting. There was objection to this idea. Following the meeting we walked outside to discuss ideas with visuals & discussed a tentative plan.

VIII. New Business & Announcements

- ***Info from Kara***- Christmas festivities will be a little different this year. It will start on Friday Dec 2nd with the open house & tree lighting. The parade will be the night of Dec. 9th. The snow will be at Lott Park this year with a movie night on Dec. 16th. They will need volunteers for the events. Another notice will be circulated as a volunteer coordinator is hired by the City.

- ***Boo by the Bay:*** Oct. 29th. This is 'in the works' Ken scouted various locations (possibly at Bayside Academy) that story tellers would be located with things ending at the Museum, with the paranormal group from last year.

IX. Adjournment

Ken Balme adjourned the meeting.

Minutes submitted by: Rachel Burt

Next regular meeting: Monday October 10, 2016

DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE CITY HALL
1705 MAIN STREET, DAPHNE, AL 36526
SEPTEMBER 28, 2016

MEETING MINUTES

MEMBERS PRESENT: Chairman Casey Zito, Dayna Oldham, Daniel Dyas, Debbie Strahley, Dorothy Morrison, Brandy Lister, Nicole Simms, and Kiki Mikkelson

MEMBERS ABSENT: Patricia Vanderpool

COUNCIL LIASON ABSENT: Councilwoman Tommie Conaway and Councilman Pat Rudicell

ALSO PRESENT: Mayor Dane Haygood, Jenny White, Recording Secretary, Ken Balme, Belle Laurendine, and Brandon S. Bias

1. **CALL TO ORDER**

There being a quorum present Chairman Casey Zito called the meeting to order at 5.36 p.m.

2. PUBLIC PARTICIPATION

Brandon S. Bias, AICP, LEED Green Associate Community and Regional Planner of Goodwyn, Mills, Cawood introduced himself to authority. Brandon expressed interest in the Downtown Redevelopment Authority (DRA).

3. APPROVAL OF MINUTES / AUGUST 24, 2016

Motion by Dayna Oldham to approve the minutes as presented from the August 24, 2016 meeting. S**econded by Dorothy Morrison. All in favor, Aye.**

Motion Carried Unanimously.

4. TREASURER REPORT

Doug Bailey presented the Treasurer Report.

Statement – August 1 – 31, 2016

August Beginning Statement Balance – $214,459.23

Deposit	August 5, 2016	City of Daphne	($6,328.44)	July Tax Collection
Check 1036	August 17, 2016	Main Street of Alabama	$300.00	Dorothy Morrison – Conference
Check 1037	August 9, 2016	Sarah Toulson	$240.00	Rack Card Graphics
Check 1038	August 26, 2016	Ken Balme	$301.96	Reimbursement of Rack Card Printing
Service Charge Refund	August 24, 2016	Bryant Bank	($21.00)	Reimbursement of Service Charges

August Ending Statement Balance - $219,966.71

September 2016 - Current Transactions

Check 1039	August 31, 2016	Dorothy Morrison	$707.58	Reimbursement of Conference Expenses
Check 1040	August 31, 2016	Southern Napa	$1,000.00	Mini Grant
Deposit	September 9, 2016	City of Daphne	($7,418.35)	August Tax Collection
Check 1161	September 13, 2016	Void Check	$0.00	Void Check
Check 1162	September 15, 2016	Dorothy Morrison	$283.30	Reimbursement of Plants

Current Balance – September 26, 2016

Current balance - $225,394.18

Daniel Dyas commented the service charges were credited back to account on August statement of ($21.00).

Doug Bailey commented on lodging occupancy increase of funding.

Motion by Dorothy Morrison to approve Treasurer Report. S**econded by Dayna Oldham. All in favor, AYE.**

Motion Carried Unanimously.

OLD BUSINESS

I. Website – Chairman Casey Zito

Chairman Casey Zito commented she's working on the completion of the Downtown Redevelopment Authority (DRA) website.

II. Olde Towne Business Guide & Olde Towne Daphne Guide – Ken Balme

Ken Balme discussed Invoice #011 is in packet from Sarah Toulson, In House Studio, LLC for graphic design updates for Olde Towne Business Guide and Olde Towne Daphne Guide at 16 hours at a rate of $40.00/hour with amount due at $640.00. Ken commented the updates were approved in motion of meeting on February 24, 2016.

Chairman Casey Zito commented invoice is approved reference motion on February 24, 2016.

Ken discussed the estimate from Sarah Toulson, In House Studio, LLC for printing of 3000 Olde Towne Daphne Guides, full color, two sides at $1,902.00 and 2000 Olde Towne Daphne Business Guide Inserts at $828.00 for a total of $2,730.00.

Dorothy Morrison motion to approve estimate. **Doug Bailey second.**
Chairman Casey Zito asked for discussion.
Daniel Dyas motioned to table for another estimate for competitive pricing. **Second by Dayna Oldham. All in favor, AYE.**
Motion Carried Unanimously.

Belle Laurendine suggested estimate from local business Duplicator.

Ken Balme will contact Duplicator to obtain estimate.

Authority will vote on printing of Olde Town Business Guide & Olde Towne Daphne Guide at next meeting on October 26, 2016.

NEW BUSINESS

Downtown Redevelopment Authority (DRA) Logo – Chairman Casey Zito

Chairman Casey Zito presented logo sample in the meeting packet for authority members to review. Chairman asked for comments. She suggested authority could look at other sources as art contest, 99 designs, etc.

Downtown Redevelopment Authority (DRA)
Consensus
to explore options for logo.

Dayna Oldham volunteered to take lead on Daphne Downtown Redevelopment (DRA) logo. Dayna liked the idea of the 99 designs. Dayna will explore options to present to authority.

2016 aLABama Downtown Laboratory Conference – Dorothy Morrison

Dorothy Morrison expressed to authority how pleased she was with the "2016 aLABama Downtown Laboratory Conference".

Dorothy plans to meet with Mayor on ideas taken from conference to improve buildings in Olde Towne Daphne. Dorothy would like Downtown Redevelopment Authority (DRA) to utilize Main Street Alabama for guidance on establishment of a plan to improve look of Olde Towne Daphne. Dorothy suggested offering suggestions to local businesses on how

to improve the appearance of their business. Dorothy suggested businesses may be interested in the Downtown Redevelopment Authority (DRA) mini grant for assistance.

Dorothy commented Trisha Black with Main Street Alabama will be a speaker at our meeting on January 25, 2017. Trisha will require most of meeting time. Dorothy will contact Trisha about exact details. Dorothy has she is coming to meeting. (Revised, October 10, 2016, Dorothy Morrison.)

Photo Prints Reimbursement – Ken Balme

Dorothy Morrison asked Ken Balme to take pictures of Olde Towne Daphne businesses for plan discussed. Ken's photo prints reimbursement request is included within packet totaling $14.45.

Motion by Dorothy Morrison to approve Ken Balme photo prints reimbursement totaling $14.45. **Seconded by Daniel Dyas. All in favor, AYE.**
Motion Carried Unanimously.

Family Bike Night – Nicole Simms

Nicole Simms presented "Family Bike Night" proposal listed below to authority.

Come see what's new in Olde Towne Daphne! Streets will be blocked from Lea Avenue to Trione Avenue on Main Street. Shops will be open late, restaurants will be serving, and free music will be playing in front of City Hall. Park your bike on at one of the new bike racks and check out the artists and vendors who will be there to help get your holiday shopping going!

Businesses include B Boutique, Le Bouchon Wine & Tapas Bar (and retail), Buckle My Shoe (now selling women's clothing too!), Cousin Vinny's, Guido's, La Rosso (new Sushi restaurant), Manci's (all new!), Market on Main, Something Sweet, Objects, and Woodshed.

The Plan:

Heading south on Main Street, block the street at Lea Avenue on Main Street giving cars the option to park in Lott Park parking lot or to turn right to detour onto Sixth Street. More signs can lead to parking behind City Hall. This showcases parking as well as shows the location of the Daphne Art Center. This would be a great night for the Art Center to stay open late as well. The next barricade would be next to the south end of city hall. Cars would not have access to the parking in front of City Hall, this is where the band can play and people can mill around. The last place to block the road would be at Trione Avenue and Main Street with allowance to turn onto Trione for the parking next to Centennial Park.

With this stretch of Main Street blocked, the goal is for people to bring their bikes for car free riding. The shops can stay open late to get people in and shopping, and we can have

a band playing for a festive feel. I would also like to have some sort of signage that the cute new sculptures are in fact functional bike racks. Offering artists and vendors a fee spot to sell their goods could be a good way to make the event feel alive. Perhaps in the future those spots could be rented and the funds could go back to the Downtown Redevelopment Authority (DRA). This could be a good opportunity for the Daphne History Museum to set up a table to give out information about the museum. If anyone knows of organizations needing community service, they may be interested in doing face painting, etc. Would any of the business owners be interested in doing a drawing for folks to win a gift certificate as a way to get people in the stores again?

Nicole concluded by asking authority their thoughts of pursuing event.

Brandy Lister commented the new Olde Towne Daphne Business Association is planning the startup of a block party every third Thursday of the month. Should we try and plan the "Block Party and Family Bike Night" together or keep as separate events.

Chairman Zito commented since Olde Towne Daphne Business Association is planning the start-up of the "Block Party". Downtown Redevelopment Authority (DRA) could sponsor or cosponsor the events.

Brandy and Nicole are going to work the events through the Olde Towne Daphne Business Association.

Downtown Redevelopment Authority is in consensus of the "Block Party - Family Bike Night" in November with upcoming spring events to come for 2017.

Chairman Casey Zito asked Jenny Opal White what would be required for events. Jenny commented an Events Permit Application would need to be submitted for approval and to go before council.

"Block Party-Family Bike Night" will be further discussed on agenda at October 26, 2016 meeting.

Mayor Dane Haygood thought event was great idea. Mayor commented details of event would need to be addressed and approved by council.

Boo on the Bay – Kiki Mikkelson

Kiki Mikkelson informed authority there was lack of interest and enthusiasm for "Boo on the Bay". The proposed "Boo on the Bay" will not be on calendar for October 2016.

Daniel Dyas commented we could roll event over into next year.

Ken Balme noted the "Paranormal Ghost Hunters" out of Mobile are still on schedule for October 29, 2016. This event will be coordinated by the Daphne Museum.

“Holiday Proposal” Advertising Downtown Daphne Events – Chairman Casey Zito

Chairman Zito presented Local 15 “Holiday Proposal” by Jennifer Bryars to authority. Holiday proposal is to increase awareness of events in the city of Daphne by alerting people through Facebook, website and signage. The proposal will highlight the Christmas events in Daphne to increase the number of visitors to the Olde Towne Daphne area.

Local 15 “Holiday Proposal” Breakdown

Display ads	200,000 impressions	$1200	Hyperlink, changing creative, highly targeted
Coastal business spotlight	2 minute interview	$400	Over the air, archived shareable
Cruising the coast	Thursday morning	$0	Over the air, on line
Geo Fencing	100,000 impression	$1000	Hyperlink, changing creative, highly targeted, on a huge network of apps to anyone within a specific geography
	Total = 300,000 Impressions	$2600	

Motion by Dorothy Morrison to accept “Holiday Proposal” for advertising the City of Daphne events at $2600. **Seconded by Kiki Mikkelson. All in favor, AYE.**
Motion Carried Unanimously.

5. OTHER BUSINESS DEEMED NECESSARY

Merchants Association – Brandy Lister

Brandy Lister discussed with authority the Merchants Association first business meeting with ten (10) attendees in group. At the meeting the attendees agreed on name of association as “Olde Towne Daphne Business Association”. Brandy commented the group present was in consensus of Block Party on the 3rd Thursday of month. In addition Brandy noted they would have their next meeting on October 3, 2016 at 8:30 a.m. Brandy informed authority they’re in the start-up phase of setting up the organization and need support on forming the organization with funding.

Daniel Dyas suggested they need an attorney to setup the organization as a 501(c) non-profit organization.

Dayna Oldham asked if we the association could use the City Attorney or Downtown Redevelopment Authority (DRA) to sponsor the association.

Chairman Zito and Mayor Dane Haygood both commented the City Attorney would need to review and address.

Industrial Development Board – Doug Bailey

Doug Bailey gave report on the Industrial Development Board (IDB).

Doug reported Daphne Rudicell Robinson and Steve Robinson are building their new building on Manci Avenue for upcoming shoe boutique.

Doug discussed the rezoning of new apartments on County Road 13 and 64 would go before city council.

Doug commented there's a new car wash being built on Hwy 98.

Doug discussed the Industrial Development Board (IDB) has moved forward with purchase and closing of thirty five (35) acres east of Daphne High School for DISC Project. There is an option to buy (70) additional acres. Doug commented a grant was received in the amount of $826,000 for the infrastructure. Infrastructure will be site ready for new businesses.

Beautification Committee – Dorothy Morrison

Dorothy Morrison commented the Beautification Committee is making the City of Daphne more beautiful.

Dorothy mentioned Eastern Shore Cycles will donate bike tools if we buy a set. (Revised, October 10, 2016, Dorothy Morrison)

DRA Chairman Resignation – Chairman Casey Zito

Chairman Casey Zito announced she is resigning from position of Downtown Redevelopment Authority (DRA) Chairman.

Daniel Days thanked Chairman Zito for her service and work to the Downtown Redevelopment Authority (DRA).

Chairman Zito asked Doug Bailey his thoughts on position of chairman. Doug commented he appreciated acknowledgement; however, he would not be able to step up to position at this time.

Daniel Dyas informed authority he was interested in position of Downtown Redevelopment Authority (DRA) chairman.

Motion by Dayna Oldham to appoint Daniel Dyas as Chairman of the Downtown Redevelopment Authority (DRA). **Seconded** by Dorothy Morrison**. All in favor, AYE.**

Motion Carried Unanimously.

6. NEXT MEETING

Next meeting scheduled for October 26, 2016 at the City Hall in the Executive Conference Room at 5:30 p.m.

Jenny Opal White, Recording Secretary notified authority she will not be present at meeting on October 26th due to scheduled training at the Certified Municipal Clerks and Master Municipal Clerks Training Institute on October 26-28, 2016 in Tuscaloosa, Alabama. Jenny asked for a volunteer to record minutes in her absence. Ken Balme has volunteered to record minutes.

7. ADJOURN MEETING

Chairman Casey Zito asked for motion to adjourn meeting.

Motion by Daniel Dyas to adjourn meeting at 7:00 p.m. S**econded by Dayna Oldham. All in favor, AYE.**

Motion Carried Unanimously.

Accepted by:
Chairman, Daphne Utilities

DAPHNE UTILITIES
WATER • NATURAL GAS • SEWER

APPROVED MINUTES

SPECIAL Utilities Board Meeting

Council Chambers, Daphne City Hall ◆ August 29, 2016 ◆ 5:00 p.m.

I. Call to Order

A Special meeting for the Utilities Board of the City of Daphne was held on August 29, 2016 at 5:00 p.m. in the Council Chambers at Daphne City Hall and called to order by Chairman Robert Segalla, proceeded by the Roll Call:

II. Roll Call

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

Members Absent:

Others Present:
Tony Hoffman – Board Attorney
Danny Lyndall – General Manager
Van Baggett – Operations Manager
Lori May-Wilson – Executive Assistant

Others Absent:
Jerry Speegle – Board Attorney
Drew Klumpp – Administrative Services Manager
Teresa Logiotatos – Finance Manager
Robbie Strom – HMR
Tim Patton – Volkert & Associates
Melinda Immel – Volkert & Associates
Ray Moore – HMR

III. Pledge of Allegiance

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

IV. New Business

A. Agreement between the Utilities Board of the City of Daphne and the Industrial Development Board of the City of Daphne for Sanitary Sewer Services for the proposed DISC Project

Mr. Lyndall introduced the submitted proposed Service Agreement between Daphne Utilities and the Industrial Development Board regarding sewer service for the new DISC property. He stated it is as a collaboration between our attorney, Tony Hoffman with Jerry Speegle's office, and attorneys with Adams and Reese for the City of Daphne. He then invited the attorneys to discuss the necessity of the Agreement in lieu of Daphne Utilities' co-application status for the EDA grant that was previously explained to the board members in an email on August 26.

Mayor Haygood asked for an overview from one of the attorneys involved. Tony Hoffman summarized the Board's perspective regarding the services agreement – as part of the federal assistance, if Daphne Utilities were to take ownership of the sewage lines, then the EDA would require Daphne Utilities to be a co-applicant (of the grant). Under the services agreement, however, Daphne Utilities would not own

the sewer lines and could not own them for a year if Daphne Utilities is not on the application. He further commented that the proposed services agreement would permit Daphne Utilities to provide sewer service to the site at the regular rates as well as satisfying the EDA stipulations for the grant application. Chairman Segalla asked if the regular rates meant rated for service and capacity fees. Mr. Lyndall agreed and added that this agreement is no different than what Daphne Utilities has arranged with other developments within the City, such as apartment complexes and large shopping centers.

Mr. Britton Bonner with Adams and Reese agreed with the summary and continued with a general overview of the DISC project and the IDB as the applicant for an $861,000 grant which covers approximately 50% of the total infrastructure cost of development as $1.6 million with part of the infrastructure cost is the sewer infrastructure. He explained how Daphne Utilities transitioned from being a co-applicant on the grant application to now providing a services agreement.

Chairman Segalla questioned that Daphne Utilities is providing and signing a services agreement in the same manner that Belforest Water provided. Mr. Bonner concurred.

Mayor Haygood expressed a difference of opinion due to the fact that Belforest Water was not eligible to sign as a co-applicant because they are a private entity, as well as some language in the proposed agreement.

Mr. Hoffman also added that the late notification to the Board is because of the late realization of the stipulations of the co-application status with regard to ownership of the infrastructure.

Mr. Fry asked about agreement similarities or differences with the IDB and Belforest Water and Riviera Utilities for water and electricity. Mr. Bonnor stated that the Belforest Water agreement mirrors this agreement.

Chairman Segalla questioned once again that as a signer of the submitted proposed services agreement that Daphne Utilities has no liability and is not a co-signer of the application. Mr. Hoffman agreed, as it relates to the application and advised that the IDB has voted and approved the proposed services agreement earlier in the day and that Belforest Water has signed their services agreement with the IDB as well. He instructed that although there is no signature line on the services agreement, if the Board wished to move forward a motion and vote would be necessary from the Board.

MOTION by Randy Fry for Approval of the submitted Service Agreement with the Industrial Development Board for the City of Daphne in connection with the development of the DISC project; SECONDED by Billy Mayhand.

AYE: **NAY:** **ABSENT:** **ABSTAIN :**

Mr. Hoffman noted that Mr. Lyndall will need authorization to sign the Service Agreement and he would make the necessary change to the document.

SUPPLEMENT MOTION by Randy Fry to authorize the General Manager to execute any documents necessary for the Service Agreement with the Industrial Development Board for the City of Daphne in connection with the development of the DISC project; SECONDED by Billy Mayhand.

AYE: **NAY:** **ABSENT:** **ABSTAIN :**

Mayor Haygood had further comments relative to the procedures of Service Agreements the General Manager oversees. Mr. Lyndall responded that there are certain agreements he is authorized in which to enter into on a routine basis, however given the circumstances of the amount of this obligation in which Daphne Utilities could potentially be responsible, he realized after research and discussion that this co-application status was a commitment in which Board instruction would be necessary.

Chairman Segalla inquired about the dollar amount that Mr. Lyndall is authorized to sign. Mr. Lyndall advised that the purchasing policy put in place several years ago authorizing management, specifically the General Manager and the Finance Manager, up to $100,000 with anything over $100,000 requiring Board approval.

MOTION by Randy Fry for Approval of the submitted Service Agreement with the Industrial Development Board for the City of Daphne in connection with the development of the DISC project AND SUPPLEMENTAL MOTION to authorize the General Manager to execute any documents necessary relative to this Service Agreement with the Industrial Development Board for the City of Daphne in connection with the development of the DISC project; SECONDED by Billy Mayhand.

AYE: *Fry, Mayhand, Segalla, Vaughn* **NAY:** *Haygood* **ABSENT:** **ABSTAIN:** **MOTION CARRIED**

V. Board Action –

A. MOTION - Agreement between the Utilities Board of the City of Daphne and the Industrial Development Board of the City of Daphne for Sanitary Sewer Services for the proposed DISC Project – Addressed under New Business

VI. Public Participation

VII. Board Comments

VIII. Adjournment

MOTION BY Billy Mayhand to adjourn.

AYE: *Fry, Haygood, Mayhand, Segalla, Vaughn* **NAY:** **ABSENT: ABSTAIN:** **MOTION CARRIED**

The meeting adjourned at 5:34 pm.

Preceding minutes submitted to the Daphne Utilities Board by:

Lori Wilson

Lori Wilson, Executive Assistant, Daphne Utilities

Accepted by:
Chairman, Daphne Utilities

DAPHNE UTILITIES
WATER • NATURAL GAS • SEWER

APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ◆ August 31, 2016 ◆ 5:00 p.m.

I. Call to Order

The regular August 2016 Board meeting for the Utilities Board of the City of Daphne was held on August 31, 2016 at 5:00 p.m. in the Council Chambers at Daphne City Hall and called to order by Chairman Robert Segalla, proceeded by the Roll Call:

II. Roll Call

Members Present: Robert Segalla, Chairman
Randy Fry, Vice Chairman
Billy Mayhand, Secretary/Treasurer
Selena Vaughn, Board Member

Members Absent: Mayor Dane Haygood, Board Member

Others Present: Tony Hoffman – Board Attorney
Danny Lyndall – General Manager
Van Baggett – Operations Manager
Drew Klumpp – Administrative Services Manager
Teresa Logiotatos – Finance Manager
Lori May-Wilson – Executive Assistant
Melinda Immel – Volkert & Associates
Ray Moore – HMR

Others Absent: Jerry Speegle – Board Attorney

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. Utilities Board Minutes from July 27, 2016:

The Chairman requested any additions, corrections, or deletions for the submitted Minutes from the July 27, 2016 Utilities Board Meeting.

MOTION by Randy Fry to approve the submitted Minutes for the July 27, 2016 Utilities Board meeting; SECONDED by Billy Mayhand.

AYE: *Fry, Mayhand, Segalla, Vaughn* **NAY:** **ABSENT:** *Haygood* **ABSTAIN :** **MOTION CARRIED**

V. OLD BUSINESS

A. UPDATE - Easement Request across Central Services Property on Well Road – Starke Irvine, Irvine Company Inc. Real Estate

Mr. Lyndall advised that after negotiating for a month with the sellers, the attorneys for Daphne Utilities and the sellers have reached a mutual agreement beneficial for both and requested Daphne City Council presentation for consent. Mr. Tony Hoffman answered questions from Mr. Fry regarding the "no public use" section.

MOTION by Billy Mayhand for Approval of the Submitted Easement to cross Daphne Utilities Central Services Facility property on Well Road; SECONDED by Selena Vaughn.

AYE: *Fry, Mayhand, Segalla, Vaughn* **NAY:** **ABSENT:** *Haygood* **ABSTAIN :** **MOTION CARRIED**

VI. NEW BUSINESS –

A. Recommendation of Award: Annual Contract for CIPP of Various Sanitary Sewer Mains

Danny Lyndall invited Melinda Immel from Volkert to explain the two recommendations presented before the board members. She explained that the contract is for the ability to internally rehabilitate sewer lines in need of repair. She announced the apparent low bidder as Suncoast Infrastructure, Inc., which is the current contract holder, for a total bid amount of $209,865.50 and recommended proceeding with this award for this amount.

B. Recommendation of Award: Annual Contract for Cleaning and Television Inspection of Sanitary Sewer Mains

Mrs. Immel announced the apparent low bidder of this bid as Gulf Coast Underground, LLC, also the current contract holder, and recommended proceeding with this award for $274,645.00. She answered questions from the Board about the benefits and problems of performing this work as well as the compared unit prices.

MOTION by Randy Fry for Approval of recommended bid for Contract No. 408174 for Annual Contract for CIPP of Various Sanitary Sewer Mains to be awarded to Suncoast Infrastructure, Inc. for $209,865.50; SECONDED by Billy Mayhand.

AYE: *Fry, Mayhand, Segalla, Vaughn* **NAY:** **ABSENT:** *Haygood* **ABSTAIN :** **MOTION CARRIED**

MOTION by Randy Fry for Approval of recommended bid for Contract No. 408173 for Annual Contract for Cleaning and Television Inspection of Sanitary Sewer Mains to be awarded to Gulf Coast Underground, LLC in the amount of $274,645.00; SECONDED by Selena Vaughn.

AYE: *Fry, Mayhand, Segalla, Vaughn* **NAY:** **ABSENT:** *Haygood* **ABSTAIN :** **MOTION CARRIED**

C. **Agreement between the Utilities Board of the City of Daphne and the Industrial Development Board of the City of Daphne for Sanitary Sewer Services for the proposed DISC Project**
The Chairman advised that this agenda item had been addressed at a previous special meeting on August 29, 2016.

VII. BOARD ATTORNEY'S REPORT
Mr. Hoffman had nothing to add to the submitted report. He answered a question regarding the situation involving natural gas lines with Fairhope with the expectation of a special session at the September board meeting.

VIII. FINANCIAL REPORT
Teresa Logiotatos reviewed financial highlights for the month of July, pointing out the inventory expectations, explaining the loss of cash on the Cash Flow report due to on-going construction projects, and reviewed the check history report.

IX. GENERAL MANAGER'S REPORT

A. GM Report
Danny Lyndall mentioned scheduling a budget worksession for the Board in October. He then recognized Daphne Utilities employee Donald Trott who recently passed away and all the projects he worked on for the utility. He also announced that Daphne Utilities received the Peak Performance Award from the National Association of Clean Water Agencies which recognizes utilities that achieve 100% compliance with the wastewater systems during the year. He answered questions from the Board regarding Algae Systems.

B. Operations Report
Van Baggett pointed out for the Board the change of the logo, as well as the WeatherUnderground chart in his report. He clarified that the trial root control program had been discontinued.

C. Engineering & Consulting Reports
Melinda Immel from Volkert thanked the Board for accepting their recommendation of awards and gave an update on the US Hwy. 90 Water Line project.

Ray Moore from HMR updated the Board on the Douglas Road Water Storage Facility, the Olde Towne/6th Street Water Treatment "house", and the sewering on Whispering Pines Road, and answered questions from the Board.

X. BOARD ACTION –
A. Recommendation of Award: Annual Contract for CIPP of Various Sanitary Sewer Mains
Previously addressed.

B. Recommendation of Award: Annual Contract for Cleaning and Television Inspection of Sanitary Sewer Mains
Previously addressed.

XI. PUBLIC PARTICIPATION – None.

XII. BOARD COMMENTS – Billy Mayhand suggested installing an "Authorized Vehicle Only" sign regarding the easement at the Central Services Facility. Randy Fry gave congratulations on the award and thanked the employees for their hard work, Chairman Segalla echoed the comment.

XIII. ADJOURNMENT –

MOTION BY Billy Mayhand to adjourn.

AYE: ***Fry, Haygood, Mayhand, Segalla, Vaughn*** **NAY:** **ABSENT: ABSTAIN:** **MOTION CARRIED**

The meeting adjourned at 5:34pm.

Preceding minutes submitted to the Daphne Utilities Board by:

Lori Wilson

Lori Wilson, Executive Assistant, Daphne Utilities

CITY OF DAPHNE, ALABAMA

ORDINANCE NUMBER 2016-61

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE 2016-01 OF THE CITY OF DAPHNE, ALABAMA
REGARDING THE RULES AND REGULATIONS FOR DAPHNE CITY PARKS**

WHEREAS, Chapter 15, Section 15-10 of the City of Daphne Municipal Code establishes rules and regulations relating to the operation and usage of Daphne City Parks; and

WHEREAS, Ordinance 2016-01 promulgates the rules and regulations for the City of Daphne Parks; and

WHEREAS, the City of Daphne has undertaken a comprehensive review of the rules and regulations governing City parks with the intent of revising any and all provisions to improve the health, safety, and enjoyment of park patrons;

WHEREAS, the City of Daphne has determined that it is in the best interests of its citizens to revise and update certain provisions relating to the use of park areas or facilities as such relates to motorized vehicles, pets and commercial watercraft; and

WHEREAS, the City of Daphne desires to amend Chapter 15, Section 15-10 to better serve and protect its citizens and ensure proper operation and usage of City parks.

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

Chapter 15, Section 15-10 of the City of Daphne Municipal Code is hereby amended to read and Ordinance 2016-01 is hereby repealed and replaced with the following:

SECTION 1: DAPHNE CITY PARK RULES AND REGULATIONS

General Park Rules

1. City parks will open at sunrise and close at sunset, with the exception of parks which have lighting specifically designed for night activities and not merely parking.

2. No alcoholic beverages are allowed in any parks.

3. No person shall possess a weapon or discharge any weapon or explosive in a park or into a park from beyond the park boundaries to the maximum extent allowable by law.

4. No person shall deposit, drop or abandon garbage, rubbish, waste or any other kind of litter in or upon any waters or land within a park.

5. It shall be unlawful for any person to bring into, use or discard any glass beverage container, including any soft drink, beer, water bottles, drinking glasses or drinking cups made of glass and any and all similar beverage containers in any park.

6. Fires are allowed in cooking grills in designated areas only, Open "camp" fires are prohibited, unless permitted in writing by the Daphne Fire Department.

7. No person shall distribute or disseminate leaflets, pamphlets or other printed material or use any mechanical device in a park for soliciting or advertising, except upon prior written consent of the City. No person shall carry on or conduct any business or service within a park without the prior written approval of the City.

8. All camping activities shall be confined to designated areas in a park.

9. Hitting golf balls at any City park is strictly prohibited.

10. No person shall launch, land or leave unattended any boat, canoe, raft or other watercraft upon any water, bay, lagoon, lake or pond within a park except at locations and times designated for that purpose. No person shall operate any watercraft in a designated swimming area or other prohibited area or in violation of Alabama State Law.

11. No person shall use any marine areas or marine facilities, including, but not limited to, boat launches, docks, piers, wharfs, landings, moorings, floats, or shorelines within the limits of a park for commercial purposes or for commercial watercraft. For purposes of this section, "commercial watercraft" shall mean and include any and all boats, houseboats, motorboats, yachts, cruisers, inflatables, barges, vessels, canoes, rafts, jet skis, wet bikes and/or any other watercraft that is self-propelled or designed to be propelled by the use of internal combustion engines or electric motors.

12. No person shall wade or swim within a park except at beaches designated for that purpose and then only between sunrise and sunset or at such hours as may be designated by the City.

13. No person shall fish in a park in violation of Alabama State Law or in any area designated as "no fishing".

14. No person shall operate a bicycle except on designated bikeways and roadways in a park.

15. No person shall operate any motorized vehicle within a park except on roadways, parking areas, or other designated locations. The speed limit shall be 15 MPH within the parks. For purposes of this rule, "motorized vehicle" shall mean and include any and all automobiles, motorcycles, all-terrain vehicles whether two, three or four wheel; mobile trailers; trucks; truck tractors; semitrailers; trailers and/or any other device that is self-propelled or drawn in, upon, or by which any person or property is or may be transported or drawn upon any trail, path, road, or highway.

16. No person shall intentionally kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed any species of wildlife within a park, except that fishing will be permitted in designated areas.

17. No person shall remove, leave or deposit any animal, living or dead, from a park, and any animal so taken or left will be considered contraband and subject to seizure and confiscation.

18. No person shall intentionally feed any species of wildlife within a park.

19. No person shall bring a dog, cat or other pet into a park unless caged or kept on a leash not more than six feet in length. All dogs must be under the control and within sight of owners/custodians at all times. All owners/custodians are legally and financially responsible for their dog's behavior. All users of the Park do so at their own risk and assume all liability.

20. It shall be unlawful for any person to allow any dog, cat or other pet under his or her ownership, care, custody or control to defecate in a park without removing the defecation to a proper trash receptacle.

21. No person shall allow any dog, cat or other pet under his or her ownership, care, custody or control to disturb, annoy or harass any patrons of the park, wildlife, or other pets.

22. No person shall tether any animal to a tree or other plant. No person shall bring a dog, cat, or other pet into a park designated as an unauthorized area (playgrounds, athletic event parks).

Dog Park Rules – In addition to the Rules stated above, the following rules also apply within the confines of the Dog Park.

1. There is a limit of three (3) dogs per person. Owners/custodians must carry a leash for each dog and dogs may not be left unattended.

2. All dogs must be on a leash until inside the Park and upon leaving the Park.

3. There will absolutely be no female dogs in heat allowed inside the Park.

4. Each owner/custodian is responsible for cleaning up and properly disposing of dog excrement.

5. A dog must be removed from the Park at the first sign of aggression.

6. All dogs must wear a collar displaying current vaccination tags and current registration.

7. No collars that are visibly studded are permitted.

8. All children must be supervised and accompanied by an adult at all times. Children must not play in the Dog Park. The Daphne Dog Park is designed expressly for the recreation of dogs and the City of Daphne is not responsible for injuries to children.

9. No dogs under the age of four (4) months are allowed in the Park.

10. No food - human or pet - shall be allowed inside the Park.

11. All owners/custodians must stop their dog(s) from digging and shall fill any holes made by their dog(s).

12. The small dog area is reserved for dogs up to twenty-five (25) pounds. Small dogs are allowed in the large dog area, but no large dogs shall be allowed in the small dog area.

SECTION II: PENALTIES

Any person found guilty of violating any provision of this Ordinance shall be punished for a first offense by a fine of $25, for a second offense $50 and for a third offense $100. For offenses greater than three, punishment may include a fine of not over $500, by imprisonment for a period not exceeding six (6) months, or both, in the discretion of the municipal judge.

SECTION III: SEVERABILITY

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

SECTION IV: REPEALER

Ordinances 2016-01 and all other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION V: EFFECTIVE DATE

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

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

_____

Dane Haygood, Mayor

ATTEST:

_____

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-62

Ordinance to Pre-Zone Property Located
Southeast of Corte Road and County Road 13
Fred L. Corte

WHEREAS, Fred L. Corte as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as PUD, Planned Unit Development, prior to annexing into the City of Daphne; and

WHEREAS, said real property is Southeast of Corte Road and County Road 13, and more particularly described as follows:

Legal Description for Pre-zone:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 59.95 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 58 DEGREES 32 MINUTES 58 SECONDS WEST, ALONG AN OLD FENCE ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 355.59 FEET TO A CAPPED REBAR; THENCE RUN NORTH 60 DEGREES 39 MINUTES 04 SECONDS WEST, ALONG SAID OLD FENCE ON THE SOUTH MARGIN OF SAID ROAD, A DISTANCE OF 824.19 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 30 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 40.53 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 262.67 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 57 SECONDS WEST, A DISTANCE OF 2641.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

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

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on October 17, 2016; and,

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

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

SECTION I: ZONING

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

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

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

_____

Dane Haygood,
Mayor

ATTEST:

_____

Rebecca A. Hayes,
City Clerk

BLACKSTONE LAKES PUD STANDARDS

Blackstone Lakes, a Planned Unit Development (PUD), is a 73.53 acre site located one-quarter of a mile east of County Road 13 and is bound on the north side by Corte Road and on the east side by Bellaton Subdivision Phases 1 and 4. The property is presently in the extraterritorial jurisdiction of the City of Daphne and is located in Baldwin County Planning District 15 and is zoned RA – Rural Agriculture. Application has been made to the City of Daphne to Pre-zone this property as a PUD.

The proposed development consists of 175 single family lots, with 123 lots at 52' wide and a minimum of 6,000 sq. ft., and 52 lots at 70' wide and a minimum of 10,500 sq. ft. The proposed density of the development is 2.38 units per acre. There are 20.73 acres, or 28.19% of the total site, proposed as common area. These common areas consists of buffers, storm-water detention areas, and 7.50 acres of recreational area.

The residential lots shall have the following standards:
The 52' wide lots are to have building setbacks of 25' on the front and rear, 6' on the sides, and 15' on the street sides. The 70' wide lots are 30' on the front and rear, 10' on the sides, and 15' on the street sides. The maximum building heights for all residential lots are to be as per the City's R-3 zoning district. The maximum building coverage of each residential lot is 38%.

All utilities will be constructed underground and water, sewer, electric, and telephone are all available to the site. All roadways within the development, except for one area described below, will be public and sidewalks will be located on both sides of the proposed roadways. Sidewalks will be installed by the home builder at the time of house construction and will be required to be ADA compliant. All construction will be in accordance to the standards of the City of Daphne.

The storm-water management system will be designed in accordance with the standards of the City of Daphne. All storm-water facilities and structures outside of public right-of-ways will be maintained by the P.O.A. and not the City of Daphne.

A landscape plan will be provided as part of the subdivision process. The required landscaping will be provided in the common areas and installed during construction of the infrastructure adjacent to those common areas. Any additional landscaping will be provided by the home builders and/or the lot owners.

The PUD Master Plan proposes a mix in residential building types. As a public benefit the developer proposes to make connection to and pave Corte Road from County Road 13 to just beyond the entrance of the proposed development. This will provide connectivity from the existing Bellaton development to County Road 13, and also provide additional access to Bellaton for police, fire, ambulance, garbage service, and school buses. Due to Corte Road being a County Road, all improvements will be designed and constructed to County Standards.

The southernmost 34 lots, Lots 142-175, are proposed as a senior living section within the development with a proposed gated entryway. During the subdivision process, the developer will coordinate with emergency services, garbage services, and utility companies to provide an agreed upon method for access, whether by means of a code or keyed access. The developer plans to coordinate with the Public Works department for curbside garbage pickup service. The roadways within this section will be private and privately maintained. It is also understood that any storm related debris will not be picked up by the City along the private roadways.

Covenants and Restrictions will provide for the formation of a Property Owner's Association for the Blackstone Lakes development whereby maintenance responsibilities of the private roads, drainage infrastructure outside of public and private roadways, and common areas will be established. It is anticipated that the senior living section will have separate maintenance responsibilities than the remaining property owners of the Blackstone Lakes development but all will be under a Master set of Covenants and Restrictions. These Covenants and Restrictions will be for the Blackstone Lakes development and will not in any way be a part of the existing Bellaton development.

EXHIBIT A

LEGAL DESCRIPTION FOR FRED L. CORTE PROPERTY (PRE-ZONING)

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 59.95 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 58 DEGREES 32 MINUTES 58 SECONDS WEST, ALONG AN OLD FENCE ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 355.59 FEET TO A CAPPED REBAR; THENCE RUN NORTH 60 DEGREES 39 MINUTES 04 SECONDS WEST, ALONG SAID OLD FENCE ON THE SOUTH MARGIN OF SAID ROAD, A DISTANCE OF 824.19 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 30 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 40.53 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 262.67 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 57 SECONDS WEST, A DISTANCE OF 2641.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

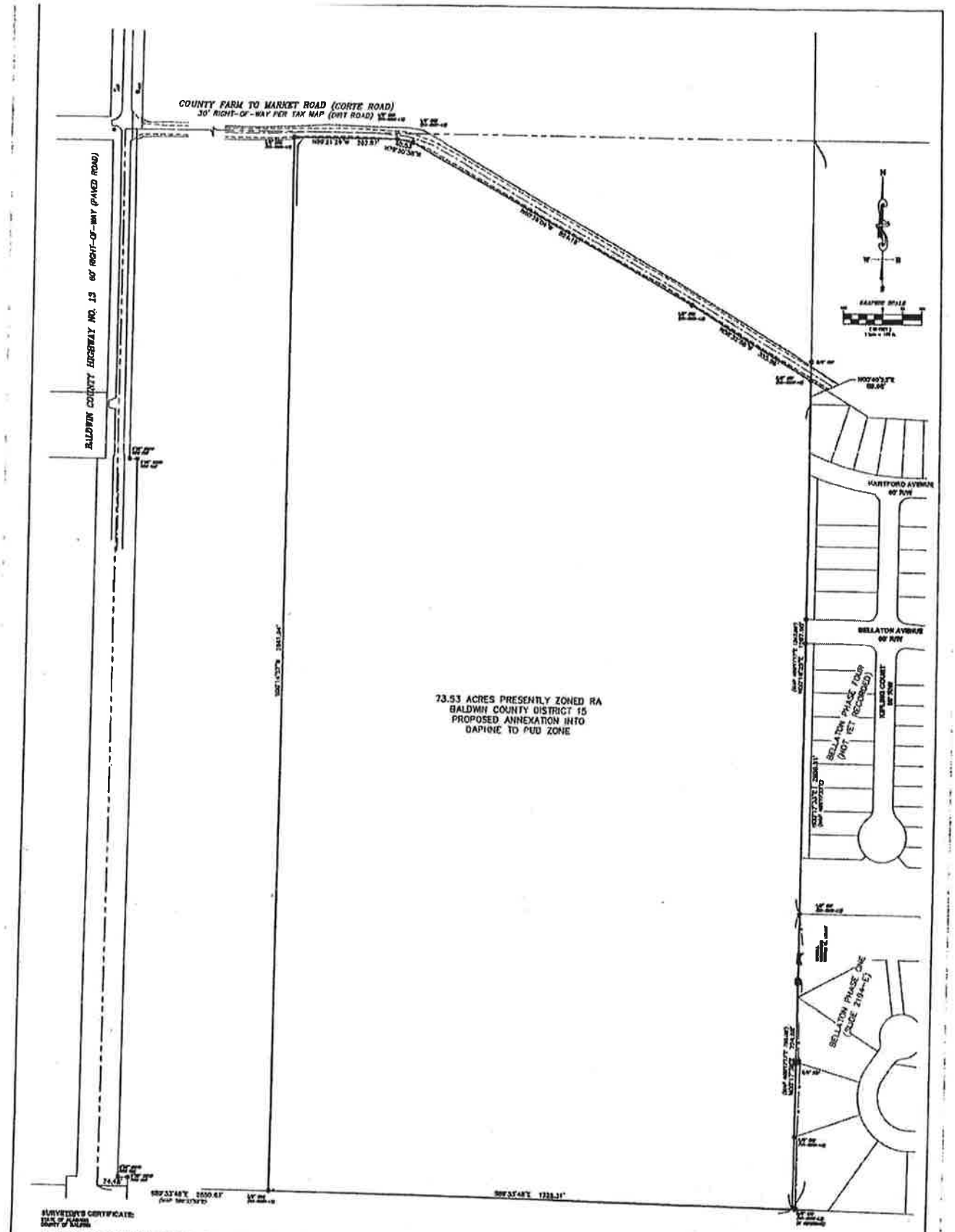


EXHIBIT B
ZONING DISPLAY

JUNE 26, 2016 - SHEET 1 OF 1

BOUNDARY SURVEY			
DESIGN D.E.D.	DRAWN A.E.F.	CHKD. D.E.D.	
ENG J.R.E.	SURVEYOR D.E.D.	PROJ MGR J.R.A.	
Dewberry | PREBLE-RISH		SCALE 1"=80'	
		PROJ. NO. 500825540	
		FILE 500825540ZONING	
		SHEET 1 OF 1	

ORDINANCE 2016-63

Appropriating Funds for Lake Forest Marina Ground Lease, Master Planning, Survey, Permitting, Design and Maintenance of Channel Markers for the new Daphne Boat Ramp

WHEREAS, Ordinance 2016-56 approved and adopted the Fiscal Year 2017 Budget on September 20, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2017 budget; and

WHEREAS, the City of Daphne has entered into a long-term lease for the boat ramp and one acre of contiguous land at the Lake Forest Yacht Club for use as a public facility effective October 1, 2016; and

WHEREAS, it is the intent of the City of Daphne to develop the Daphne Lake Forest Boat Ramp Park into a facility that meets the needs of our Citizens and Visitors for water access; and

WHEREAS, the City will pay the fixed rent amount of $195,000 for the whole term of the lease agreement which is 40 years (October 1, 2016 through September 30, 2056.

WHEREAS, in order for the City of Daphne to develop the Daphne Lake Forest Boat Ramp Park into a facility that meets the needs of our Citizens and Visitors for water access, funds for Master Planning, Survey, Permitting, Design and Maintenance of Channel Markers must be allocated; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of $215,000 from the Lodging Tax Fund are appropriated and made a part of the Fiscal Year 2017 budget for the new Daphne Boat Ramp Park project in Lake Forest as herein described:

1. The initial sum of $150,000 is due at the beginning of the lease term.
2. The additional sum of $45,000 is due on the first day of January, 2017.
3. Lake Forest Property Owners Association is responsible for the relocation of the fuel tank from City leased property to Lake Forest non-leased property
4. Master Planning & Design (Ramp, Pier, Parking, Access, Drainage and Landscaping) – Jade Consulting, LLC.
5. Survey (For Dredge Permitting and Other) – HMR Engineers, LLC
6. Dredge Permitting for reestablishment of Channel – HMR Engineers, LLC
7. Maintenance of Channel Markers (including 2 pile replacements)
8. The Mayor is hereby authorized to sign and execute all documents associated with the described projects.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this ____ day of _____, 2016.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
Filed/cert. 9/22/2016 3:18 PM
Deed Tax $ 73.50
TOTAL $ 124.50
15 Pages

1594490

GROUND LEASE

THIS AGREEMENT is made by and between the **CITY OF DAPHNE, ALABAMA**, An Alabama Municipal Corporation, ("CITY" or "LESSEE") and the **LAKE FOREST PROPERTY OWNERS' ASSOCIATION, INC.**, An Alabama Corporation ("LFPOA or LESSOR").

WITNESSETH:

WHEREAS, the Lessor is the owner of certain real property commonly known as "the Lake Forest Marina", hereinafter "Leased Land", being that parcel or parcels of land formerly used as boat ramp and dry storage area by the Lessor and its members, more particularly described in Exhibit "A" to this Lease Agreement which is attached hereto and incorporated herein; and

WHEREAS, Lessee recognizes the importance of recreational activities to youth and adult citizens of the City of Daphne and believes it to be in the best interest of the health, safety, and welfare of its citizens to promote recreational activities and provide facilities therefor; and

WHEREAS, Lessee desires to utilize the Leased Land for a free public boat landing area and parking lot and allied activities and for no other purpose, and

NOW, THEREFORE, for and in consideration of the covenants and conditions herein to be kept, performed and observed, the parties agree as follows:

ARTICLE 1
DEMISE OF LEASED LAND

Description of Leased Land

1.01 Lessor leases to Lessee, and Lessee rents and accepts from Lessor, a parcel of land ("Leased Land") situated in Baldwin County, Alabama, commonly referred to as "Marina" and more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Land Subject to Liens, Encumbrances, and Other Conditions

1.02 This Lease and the Leased Land are subject to all present and future leases, liens, encumbrances, conditions, rights, easements, restrictions, rights of way, covenants, other matters of record, and zoning and building laws, ordinances, regulations, and codes affecting or

governing the Leased Land or that may affect and govern the Leased Land after the execution of this Lease, and all matters that may be disclosed by inspection or survey.

ARTICLE 2
TERM AND RENT

Term of Lease

2.01 This Lease shall be for a term of Forty (40) years ("Term"), commencing on the 1st day of October, 2016, and ending on the 30th day of September, 2056, unless terminated at an earlier date for any reason set forth in this Lease. This lease will be recorded in the office of the Judge of Probate of Baldwin County, Alabama as required by the Code of Alabama 1975.

Holdover

2.02 If Lessee holds over after the expiration of the initial term of this lease agreement or any extensions thereof, then Lessee's tenancy shall be from year to year on all the terms and conditions as set forth in this Lease.

Consideration

2.03 Lessee shall pay to the Lessor the fixed rent amount of ONE HUNDRED NINETY FIVE THOUSAND DOLLARS AND NO/100's ($195,000.00) for the whole term of the Lease Agreement. The initial sum is payable in a lump sum in the amount of ONE HUNDRED FIFTY THOUSAND DOLLARS AND NO/100's ($150,000.00) due on the first day of the lease term, with an additional sum of FORTY-FIVE THOUSAND DOLLARS AND NO/100's ($45,000.00) due on the first day of January, 2017. In addition, if the Lessee has not commenced dredging the channel, as defined in Section 2.05(e), within thirty six months of the execution of this Lease Agreement, the Lessee shall pay to Lessor the additional sum of FORTY FIVE THOUSAND DOLLARS AND NO/100's ($45,000.00) consideration as additional lease payments, said payment being due on the first day of the thirty-seventh (37th) month after the execution of this Lease Agreement. Lessor is responsible for any and all ad valorem taxes and assessments related to the Leased Land.

2.04 Subject to notice requirements and time to "cure" provisions of Section 11.02, below, the Lessor shall have the right to terminate this Lease Agreement at any time if the Lessee breaches this Lease Agreement. Should the Lessor terminate this Lease Agreement pursuant to this paragraph, Lessor shall not owe to the Lessee either the cost of any public funds for capital improvements expended by the Lessee to the Leased Land, nor any lease payments paid in advance by Lessee.

If Lessor terminates this Lease Agreement under this Section 2.04, Lessee shall not remove any fixtures or permanent improvements, but may remove any movable fixtures, movable equipment, and articles of personal property that are on the Leased Land.

2.05 As additional consideration for the lease of the premises, Lessee shall, during the term of the lease and at Lessee's expense, be responsible for the following:

(a) Keep and maintain the Leased Land in a reasonably clean and safe condition;

(b) Maintain in good repair the channel markers in the area from the Leased Land to navigable water in Mobile Bay;

(c) Maintain in good repair the premises so that members of the general public will have access to a usable boat launch and launch pier 24 hours per day seven days a week (except during such times as improvements and/or maintenance are underway as set out in Section 2.05(d) below);

(d) During such times as improvements and/or maintenance of the boat launch and boat pier are underway, make reasonable efforts to minimize "down time" of the same;

(e) Within three (3) years from the date of this lease, apply for grant(s) to dredge a serviceable and navigable waterway (hereinafter "the channel") in the area from the Leased Land to navigable water in Mobile Bay and Lessee shall give timely written notice of said application to Lessor as set out in Section 13.04;

(f) Continuously and diligently pursue grant(s) to dredge and maintain the channel; and

(g) Install and maintain a cable and balustrade barrier (or similar style barrier) on the south end of the Leased Land to designate the end of City maintained property.

ARTICLE 3
USE AND CONSTRUCTION OF IMPROVEMENTS

Primary Use

3.01 Lessee shall have the right to use the Leased Land for the following lawful purposes:

(a) Lessee shall have the right to use the premises solely and exclusively for free public boat landing area and parking lot and allied activities and for no other purpose .

(b) Lessor acknowledges that the property at issue will be maintained to a standard that is consistent with the aforesaid uses.

ARTICLE 4
OPERATING COSTS AND IMPOSITIONS

Operating Costs

4.01 Lessee shall pay all "Operating Costs" and "Impositions" defined in Paragraphs 4.02 and 4.03, below, in connection with the Leased Land.

Definition of Operating Costs

4.02 "Operating Costs" shall include, but shall not be limited to, all expenses paid or incurred in connection with the following activities:

a. Repairs and maintenance
b. Damage repair, whether natural or man-made
c. Landscaping
d. Insurance
e. Utilities, as necessary
f. Rubbish Removal
g. All other expenses, whether or not mentioned in this Lease, that are incurred with regard to operation of the Leased Land, including any replacements, if necessary, for repairs and maintenance or otherwise.

Definition of Impositions

4.03 "Impositions" shall include all fines and levies that result from construction activities or the normal operation of the premises on the Leased Land, all real estate property assessments, and other governmental charges that are laid, assessed, levied, or imposed on the Leased Land and become due and payable during the term of this Lease, or any lien that arises during the time of this Lease on the Leased Land and Improvements.

ARTICLE 5
LAWS AND GOVERNMENTAL REGULATIONS

Compliance With Legal Requirements

5.01 Lessee shall promptly comply with all laws and ordinances, and all orders, rules, regulations, and requirements of federal, state, and municipal governments and appropriate departments, commissions, boards, and officers of these governments ("Legal Requirements") throughout the term of this Lease, and without cost to Lessor. Lessee shall promptly comply with these legal requirements whether they are foreseen or unforeseen, or ordinary or extraordinary.

ARTICLE 6
LIENS AND ENCUMBRANCES

Creation Not Allowed

6.01 Neither Lessee nor Lessor shall create, permit, or suffer any mechanics' or other liens or encumbrances on or affecting the Leased Land or the fee estate or reversion of Lessor. This Section shall not apply to any other real property owned by Lessor.

Discharge After Filing or Imposition

6.02 If any lien or encumbrance shall at any time be filed or imposed against the Leased Land or the fee estate or reversion of Lessor, Lessee shall cause the lien or encumbrance to be discharged of record within fifteen (15) days after notice of the filing or imposition by payment, deposit, bond, order of a court of competent jurisdiction, or as otherwise permitted by law. If Lessee shall fail to cause the lien or encumbrance to be discharged within the fifteen (15) day period, then in addition to any other right or remedy of Lessor, Lessor shall be entitled, but not obligated to discharge the lien or encumbrance either by paying the amount claimed to be due or by procuring the discharge by deposit or by bonding proceedings. In any event, Lessor shall be entitled to compel the prosecution of an action for the foreclosure of any lien or encumbrance by

the lienor and to pay the amount of the judgment for and in favor of the lienor with interest, costs, and allowances if Lessor elects to take this action. All amounts paid by Lessor and all of its costs and expenses in connection with the actions taken by Lessor, including court costs, reasonable attorneys' fees, and interest at the highest legal rate in effect at the time these moneys are due, shall be deemed to be additional rent under this Lease and shall be paid by Lessee to Lessor promptly on demand by Lessor.

Lessor Not Liable for Labor, Services, or Materials Furnished to Lessee

6.03 Lessor shall not be liable for any labor, services, or materials furnished or to be furnished to Lessee in connection with any work performed on or at the Leased Land. Lessee shall have the exclusive right to maintain, improve, modify or operate the Leased Land.

ARTICLE 7
INSURANCE AND INDEMNITY

Fire and Extended Coverage

7.01 At the earliest time practicable Lessee shall maintain, at its sole cost, insurance covering any improvements including, without limitation, all improvements now located on the Leased Land or that may be erected on the Leased Land, against loss or damage by fire, vandalism, malicious mischief, windstorm, hail, smoke, explosion, riot, civil commotion, vehicles, aircraft, flood, or earthquake. The insurance shall be carried by insurance companies authorized to transact business in Alabama, selected by Lessee. In addition, the following conditions shall be met:

(a) The insurance shall be in amounts no less than one hundred (100%) percent of the replacement cost of the buildings and other improvements, exclusive of foundations and below-ground improvements (but sufficient to satisfy the requirements of any coinsurance clause).

(b) Any and all fire or other insurance proceeds that become payable at any time during the Term of this Lease because of damage to or destruction of any improvements on the Leased Land shall be paid to Lessee and applied by Lessee toward the cost of repairing, restoring, and replacing the damaged or destroyed improvements in the manner required by Article 8 of this Lease

Property and Personal Injury Liability Insurance

7.02 At all times during the term of this Lease, Lessee shall maintain, at its sole cost, comprehensive broad-form general public liability insurance against claims and liability for personal injury, death, and property damage arising from the use, occupancy, disuse, or condition of the Leased Land and Improvements, and adjoining areas. The insurance shall be carried by insurance companies authorized to transact business in the State of Alabama, selected by Lessee and approved by Lessor. In addition, the following conditions shall be met:

(a) The insurance provided pursuant to this Paragraph 7.02 shall be in an amount no less than $1,000,000 for property damage, and in an amount no less than $1,000,000 for one person and $1,000,000 for one accident for personal injury.

(b) The amount of liability insurance shall be subject to determination by the City of Daphne with any increases that may be reasonably required by Lessor from time-to-time to account for inflation or other market conditions shall be made in cooperation between Lessor and Lessee. Notwithstanding the foregoing, the amount of liability insurance shall not be decreased without the prior written authorization of the Lessor.

(c) The general liability insurance shall be maintained for the benefit of both Lessee and Lessor, and any succeeding owners of the leased land. The policy of insurance shall name both Lessee and Lessor as insureds.

Certificate of Insurance

7.03 Lessee shall furnish Lessor with certificates of all insurance required by this Article 7. Lessee agrees that if it does not keep this insurance in full force and effect, Lessor may notify Lessee of this failure, and if Lessee does not deliver to Lessor certificates showing all of the required insurance to be in full force and effect within thirty (30) days after this notice, Lessor may, at its option, take out and pay the premiums on the insurance needed to fulfill Lessee's obligations under the provisions of this Article 7. On demand from Lessor, Lessee shall reimburse Lessor the full amount of any insurance premiums paid by Lessor.

Hold Harmless of Lessor

7.04 Lessor shall not be liable for any loss, damage, or injury of any kind or character to any person or property arising from any use of the Leased Land or Improvements, or caused by any defect in any building, structure, equipment, facility, or other improvement on the Leased Land, or caused by or arising from any act or omission of Lessee, or any of its agents, employees,

licensees, or invitees, or by or from any accident, fire, or other casualty on the land, or occasioned by the failure of Lessee to maintain the premises in safe condition. Lessee waives all claims and demands on its behalf against Lessor for any loss, damage, or injury, and agrees to hold Lessor entirely free and harmless from all liability for any loss, damage, costs, or injury of other persons, caused other than by the negligent or intentional act or omission of Lessor.

ARTICLE 8
DAMAGE OR DESTRUCTION OF IMPROVEMENTS

Damage or Destruction; Option to Terminate or Repair

8.01 In the event that the Leased Land, the Improvements, or any part of them are damaged or destroyed by any cause whatsoever, Lessee may elect either of the following options:

(a) Within one hundred twenty (120) days, Lessee shall commence and diligently pursue to completion the repair, restoration, or replacement of the damaged or destroyed Leased Land and improvements, and this Lease shall remain in full force and effect.

(b) Lessee may terminate this Lease with one hundred twenty (120) days written notice to Lessor and shall return the Leased Land to the condition existing at the time of the commencement of this Lease except for completed improvements constructed by Lessee which Lessee may leave or may remove at its sole discretion, normal wear and tear excepted.

ARTICLE 9
CONDEMNATION

Interests of Parties

9.01 If the Leased Land and improvements or any part of these premises is taken for public or quasi-public purposes by condemnation in any action or proceeding in eminent domain, or is transferred in lieu of condemnation to any authority entitled to exercise the power of eminent domain, the interests of Lessor and Lessee in the award or consideration for the taking or transfer and the effect of the taking shall be governed as follows: Lessor shall retain all proceeds less the value of capital improvements – as defined in Article 2.04 - constructed by Lessee, less depreciation, which shall be retained by Lessee.

Termination on Total Taking

9.02 If all or substantially all of the Leased Land and improvements are taken or transferred as described in Paragraph 9.01, this Lease and all of the rights, title, and interest under this Lease shall cease on the date that title to the Leased Land and Improvements vests in the condemning authority, and the proceeds of the condemnation shall be paid pursuant to the provisions of Paragraph 9.01.

Termination on Partial Taking

9.03 If less than all or less than substantially all of the Leased Land and improvements is taken or transferred as described in Paragraph 9.01, and, if the remainder of the Leased Land and improvements is in a location, or in a form, shape, or reduced size that makes it impossible for Lessee to effectively and practicably use the remaining Leased Land and Improvements as set forth herein, then this Lease shall terminate on the date title to the portion of the Leased Land and improvements taken or transferred vests in the condemning authority. The proceeds of the condemnation shall be paid pursuant to the provisions of 9.01.

ARTICLE 10
LEASEHOLD MORTGAGES

Leasehold Mortgages Not Permitted

10.01 Lessee shall not be permitted to mortgage Lessee's leasehold interest in the Leased Land.

ARTICLE 11
DEFAULT

Events of Default

11.01 Any one or more of the events listed in Subparagraphs (a) through (b) of this Paragraph 11.01 shall constitute a default under this Lease.

(a) Lessee's failure to observe or perform or cause to be observed or performed any other term, covenant, or agreement under this Lease shall constitute a default under this Lease.

(b) Lessee's assignment of the leasehold interest under this Lease without the prior written consent of Lessor shall constitute a default under this Lease.

Notice of Election to Terminate Lessee's Possession

11.02 Should Lessor determine a default has occurred, Lessor shall provide written notification to the Lessee, listing the reasons for default with specificity. Lessee shall have ninety (90) days to cure default. If no efforts to cure default have begun prior to the 91st day and the default continues, Lessor may elect to terminate Lessee's right of possession under this Lease. Upon termination, all of Lessee's rights, title, and interest in the Leased Land shall expire completely and Lessee shall, within a reasonable time, quit and surrender the Leased Land. Any Improvements erected on the subject Leased Land shall revert back to the Lessor subject to Sections 2.04 of this Agreement.

Lessor's Entry After Termination of Lessee's Possession

11.03 At any time after the termination of Lessee's right of possession under this Lease pursuant to Paragraph 11.02 or Paragraph 12.01 of this Lease, Lessor may enter and possess the Leased Land and Improvements by summary proceedings, ejectment, or otherwise, and Lessor may remove Lessee and all other persons and property from the Leased Land and Improvements. If Lessor takes the actions described in this Paragraph 11.03, Lessor may then possess the Leased Land and Improvements and Lessor may also sell any of the Improvements subject to the reimbursements set forth in Section 2.04.

ARTICLE 12
EXPIRATION OF TERM

Lessee's Delivery of Possession After Termination or Expiration

12.01 On the expiration date of this Lease as set forth in Paragraph 2.01of this Lease, or the termination of Lessee's possession under this Lease pursuant to Paragraph 11.03, or any entry or possession of the Leased Land and Improvements by Lessor pursuant to Paragraph 11.03 (collectively referred to as the "Expiration Date"), Lessee shall promptly quit and surrender the Leased Land and Improvements, and deliver to Lessor actual possession and ownership of the Leased Land, less movable fixtures, movable equipment, and articles of personal property, which the Lessee shall have a right to remove pursuant to paragraph 11.02, but shall otherwise return the premises in good condition, wear and tear excepted.

Lessee's Removal of Movable Objects

12.02 If at time of termination, Lessee shall have the sole right to remove from the Leased Land and Improvements all movable fixtures, movable equipment, and articles of personal property used or procured for use in connection with the use of the Leased Land on or

before the Expiration Date, provided that Lessee shall promptly repair, or cause to be repaired, any damage resulting to the Leased Land or Improvements by reason of this removal. Any fixtures, equipment, or articles of personal property of Lessee that remain at or on the Leased Land after the Expiration Date shall be deemed to have disposed of by Lessor without accountability to Lessee for the value of these fixtures, equipment, or articles of personal property, or any proceeds denied from the sale of the items.

ARTICLE 13
GENERAL PROVISIONS

No Waiver of Breach by Lessor's Actions

13.01 The failure of Lessor to seek redress for violation of, or to insist on the strict performance of any covenant, agreement, term, provision, or condition of this Lease shall not constitute a waiver of the covenant, agreement, term, provision, or condition. The receipt by Lessor of rent with knowledge of the breach of any covenant, agreement, term, provision, or condition of this Lease shall not be deemed a waiver of that breach.

Waiver of Any Provision Must Be Written

13.02 No provision of this Lease shall be deemed to have been waived, unless the waiver is in writing and signed by the party against whom enforcement is sought. Each right and remedy of Lessor provided for in this Lease shall be cumulative and in addition to every other right or remedy provided for in this Lease, or now or later existing at law, in equity, by statute, or otherwise.

Entire Agreement

13.03 This Lease and the Exhibits annexed to this Lease contain the entire agreement between Lessor and Lessee, and any agreement made after the execution of this Lease between Lessor and Lessee shall be ineffective to change, modify, waive, release, discharge, terminate, or effect a surrender or abandonment of this Lease, in whole or in part, unless that agreement is in writing and signed by the party against whom enforcement is sought.

Notices

13.04 All notices and demands of any kind that either party may be required or may desire to give to the other in connection with this Lease must be given by registered or certified mail, return receipt requested, with postage fully prepaid, and addressed to the party to be served at the party's address as set forth above. Any notice shall be deemed received on first attempted delivery. Any party may change the address to which notices to that party are to be directed by notice given in the manner provided in this Paragraph 13.04.

Lake Forest Property Owners' Association, Inc.
1 Golf Terrace
Daphne, AL 36526

Patrick Collins, LLC
Attorney at Law
Post Office Box 3062
Daphne, AL 36526

City of Daphne
Office of the Mayor
Post Office Box 400
Daphne, AL 36526

Adams and Reese
Attn. Jay Ross
11 North Water St.
Suite 23200
Mobile Alabama 36602

Lessor's Entry and Inspection of Premises

13.05 Lessor, or its agents or designees, shall have the right to enter the Leased Land and Improvements during reasonable business hours for inspection, or to complete any work that may be necessary because of Lessee's default under any of the terms, covenants, and conditions of this Lease continuing beyond the applicable periods of grace, or to exhibit the Leased Land and Improvements to potential buyers and agents.

Partial Invalidity or Unenforceability

13.06 If any term, covenant, or condition of this Lease shall be invalid or unenforceable to any extent, the remainder of the terms, covenants, and conditions of this Lease shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

Individuals Benefited by Lease

13.07 This Lease shall inure to the benefit of and be binding on Lessor and Lessee and their respective distributees, personal representatives, executors, successors, and assigns except as otherwise provided in this Lease.

Assignment and Subletting

13.08 This Lease and the Term and estate granted by this Lease, or any part of this Lease or that Term and estate, may not be subleased or assigned, without Lessor's written consent.

13.09 Nothing contained in this Agreement shall be deemed or construed by the parties or by any third person to create a relationship of principal and agent or of partnership or of joint venture or of any association between Lessee and Lessor, and neither the provisions contained in this Agreement or any acts of the parties shall be deemed to create any relationship between Lessee and Lessor, other than the relationship of Lessor and Lessee.

ARTICLE 14
DISCLAIMER OF WARRANTIES

14.01 The execution by the Lessor and Lessee of this Agreement shall not be construed as a warranty or representation by the Lessor or by Lessee that the premises are fit and suitable for the use which Lessee intends to make or may make of the premises or for the installation of the proposed improvements. The Lessor hereby specifically disclaims any and all warranties whether express or implied.

[INTENTIONALLY BLANK]
[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, Lessor and Lessee have executed and signed this Lease or have caused this Lease to be executed and signed on this the 20th day of September, 2016.

LAKE FOREST PROPERTY OWNERS' ASSOCIATION, INC.

BY: _____

AS ITS: President, Steve Sasser

ATTEST:

David P. Dueith

David P. Dueith, Secretary

CITY OF DAPHNE, ALABAMA
(An Alabama Municipal Corporation)

BY: _____

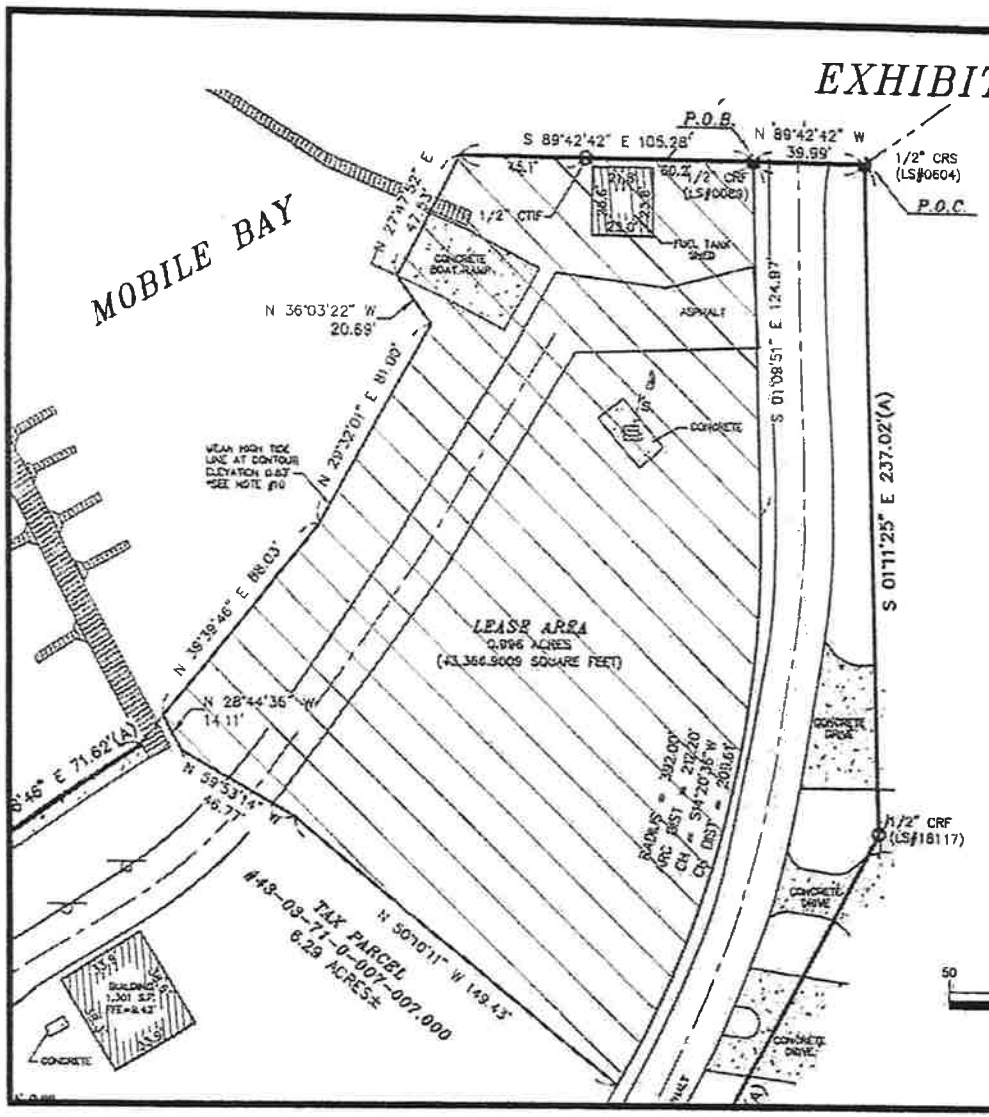
AS ITS: Mayor

ATTEST:

Rebecca A. Hayes

REBECCA A. HAYES, CITY CLERK

EXHIBIT "A"



DESCRIPTION FOR LEASE AREA

A LEASED PORTION OF BALDWIN COUNTY TAX PARCEL NO. 43-03-71-0-007-007.000, ALSO KNOWN AS LAKE FOREST PROPERTY OWNERS "YACHT CLUB" AS DESCRIBED WITHIN REAL PROPERTY BOOK 44, PAGE 1794 RECORDED IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF THE COMMON AREA OF YACHT CLUB VILLAS, AS SHOWN ON THE AMENDED PLAT RECORDED ON SLIDE 2363-F IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 89°42'42" WEST A DISTANCE OF 39.99 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 01°08'51" EAST A DISTANCE OF 124.97 FEET TO A POINT; THENCE RUN SOUTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 392.00 FEET, AN ARC LENGTH OF 212.20 FEET, A CHORD BEARING SOUTH 14°20'36" WEST, AND A CHORD DISTANCE OF 209.61 FEET TO A POINT; THENCE RUN NORTH 50°10'11" WEST A DISTANCE OF 149.43 FEET TO A POINT; THENCE RUN NORTH 59°53'14" WEST A DISTANCE OF 46.77 FEET TO A POINT; THENCE RUN NORTH 28°44'38" WEST A DISTANCE OF 14.11 FEET TO A POINT A POINT ON THE EAST MARGIN OF MOBILE BAY; THENCE RUN NORTH 39°39'46" EAST ALONG SAID EAST MARGIN A DISTANCE OF 86.03 FEET TO A POINT; THENCE RUN NORTH 29°32'01" EAST ALONG SAID EAST MARGIN A DISTANCE OF 81.00 FEET TO A POINT; THENCE RUN NORTH 36°03'22" WEST ALONG SAID EAST MARGIN A DISTANCE OF 20.69 FEET TO A POINT; THENCE RUN NORTH 27°47'52" EAST ALONG SAID EAST MARGIN A DISTANCE OF 47.53 FEET TO A POINT; THENCE RUN SOUTH 89°42'42" EAST A DISTANCE OF 105.28 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 0.996 ACRES (43,366.9009 SQUARE FEET), MORE OR LESS.

GRAPHIC SCALE

50 0 50

(IN FEET)

1 inch = 50 ft.

HUTCHINSON, MOORE & RAUCH, LLC
ENGINEERS • SURVEYORS

ORDINANCE 2016-64

MAY DAY BOAT RAMP: SAND REPLACEMENT

WHEREAS, Ordinance 2016- approved adopted the Fiscal Year 2017 Budget on September 19, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2016 budget; and

WHEREAS, Ordinance 2012-48 sets forth an allocation of Lodging Tax proceeds that may be used for certain Bayfront property capital items; and

WHEREAS, the May Day Park Improvement project meets such Bayfront property capital improvements criteria; and

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

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

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

The City Council specifically finds that the placement of sand on the shore of Mobile Bay north of May Day Park improves the profile of the beach and benefits the general public as well as all the citizens of Daphne. The funding amounts found in this Ordinance are estimates only, and the City will not be bound to these amounts.:

SECTION 1.

The City Council of Daphne intends to purchase the following in order to improve the beach shoreline and beach profile by purchasing beach quality sand at a cost of $20,000.00 with work to be completed by December 31, 2016.

SECTION 2. SEVERABILITY

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

SECTION 3. EFFECTIVE DATE

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

SECTION 4. REPEALER

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

SECTION 5. APPROPRIATION

The Fiscal Year 2016 Budget is hereby amended to include an appropriation from the Lodging Tax Fund in the amount of $20,000 for the purchase beach quality sand for the replacement of sand after removal of the Boat Ramp and Sand Movement.

ADOPTED AND APPROVED THIS _____ day of _____, 2016.

_____

Dane Haygood, Mayor

ATTEST:

_____

Rebecca A. Hayes, City Clerk