

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

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

INVOCATION / Pastor Rife Stewart with Destiny Church

PLEDGE OF ALLEGIANCE

PRESENTATION: 911 Day of Remembrance / Pastor Rife Stewart

- 3. APPROVE MINUTES:**
 - Council Meeting Minutes / August 15, 2016
 - Speical Called Council Meeting Minutes / August 29, 2016
 - Special Called Council Meeting Minutes / August 30, 2016

4. REPORTS OF STANDING COMMITTEES:

- A. FINANCE COMMITTEE** – Fry
- B. BUILDINGS & PROPERTY COMMITTEE** - Lake
- C. PUBLIC SAFETY** - Conaway
 - Review minutes / August 15th
- D. CODE ENFORCEMENT/ORDINANCE COMMITTEE** - Scott
 - Review minutes / August 15th
- E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY** – LeJeune
 - Review minutes / July 5th
 - Review Beautification minutes / July 6th
 - Review Museum minutes / August 8th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. BOARD OF ZONING ADJUSTMENTS** – Adrienne Jones
- B. DOWNTOWN REDEVELOPMENT AUTHORITY** – Conaway
 - Review minutes / August 24th
- C. INDUSTRIAL DEVELOPMENT BOARD** – Phillips
- D. LIBRARY BOARD** – Lake
 - Review minutes: March 10th / April 4th / May 12th / June 9th
- E. PLANNING COMMISSION** – Scott
 - Review minutes / July 28th / Staff Report / August 25th meeting
 - a.) **MOTION:** Set a Public Hearing Date for October 17, 2016 and approve advertising to consider:
 - a.) 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

F. RECREATION BOARD / LeJeune

G. UTILITY BOARD – Fry
Review minutes / July 27th

6. MAYOR'S REPORT

7. CITY ATTORNEY'S REPORT

8. DEPARTMENT HEAD'S REPORT

9. CITY CLERK'S REPORT

- 1.) **MOTION:** Establish cost for of a paper ballot recount of votes by hand of District 2 as requested by Mr. John Lake
- 2.) Appoint New Fire Code Board of Appeals (*4 year terms*):
 - a.) Andy Bobe / September 6, 2016 – September 6, 2020
 - b.) Frank Henning / September 6, 2016 – September 6, 2020
 - c.) Troy Dyess / September 6, 2016 – September 6, 2020
 - d.) Mike Hayes / September 6, 2016 – September 6, 2020
 - e.) Tom Hand / September 6, 2016 – September 6, 2020
- 3.) Events Permit / Run for Shep / January 21, 2017
- 4.) Event Permit / SEEDS / Classic Rock 5K and 1 Mile Fun Run / March 14, 2017
- 5.) Event Permit / Daphne Christmas Parade / 12/09/2016
- 6.) **MOTION:** Set a special called council meeting for October 11, 2016 12:00 p.m. to canvass the vote for the municipal runoff election

10. PUBLIC PARTICIPATION

11. RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

- a.) **Resolution 2016-61.....**ADEM 319 D'Olive Sub-Watershed Management Project (FY 16)
- b.) **Resolution 2016-62.....**Franchise Agreement for Private Haulers
- c.) **Resolution 2016-63.....**Appointing Kent Hamilton Broom to the Special Care Facilities Financing Authority
- d.) **Resolution 2016-64.....**Appointing Hugh Andrew Williams to the Special Care Facilities Financing Authority

ORDINANCES:**2ND READ**

- a.) **Ordinance 2016-50.**.....Appropriation of General Funds: Appraisal, Survey and Associated Closing Fees for Donated Property Located on Milton Jones Road
- b.) **Ordinance 2016-51.**..... Amending Job Classification Schedule to Address the Fair Labor Standards Act
- c.) **Ordinance 2016-52.**.....Amending Ordinance 2014-06 Reallocating a Portion of the Lodging Tax
- d.) **Ordinance 2016-53.**.....Appropriation of the Seven Cents Gas Tax Funds: City-Wide Roadway Striping, Painting of Mast Arm Signals – US Hwy 98 (*Whispering Pines / CR 64*), Repair and Resurfacing of Sixth Street
- e.) **Ordinance 2016-54.**..... Amending the Land Use and Development Ordinance 2011-54 / Amendments to Article XI, Minimum Standards and Requirements for Subdivisions and Commercial Site Developments: Subdivision Exceptions & Exemptions within the City Limits; Extraterritorial Jurisdiction Subdivision Exceptions & Exemptions; Sidewalk Provisions

1ST READ

- a.) **Ordinance 2016-55.**.....Right-of-Way Ordinance
- b.) **Ordinance 2016-56.**..... Adopting the 2017 Fiscal Year Budget
- c.) **Ordinance 2016-57.**..... Consenting to the Grant of an Easement Over Certain Property by the Utilities Board of the City of Daphne

12. COUNCIL COMMENTS

13. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL**

ROLL CALL

CITY COUNCIL:

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

MAYOR:

MAYOR HAYGOOD	PRESENT____	ABSENT____
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CITY CLERK:

REBECCA HAYES	PRESENT____	ABSENT____
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CITY ATTORNEY:

JAY ROSS	PRESENT____	ABSENT____
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Community Prayer Gathering

— 911 DAY OF REMEMBRANCE —

CRY OUT! AMERICA!



DAPHNE CITY HALL
FRI., SEPT. 9 | 12PM

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

1. CALL TO ORDER:

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

2. ROLL CALL

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

Also Present: Mayor Haygood; Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Jay Ross, City Attorney; Kevin Boucher, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; Richard Johnson, Public Works 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; Richard Merchant, Building Official; Ashley Campbell, Environmental Programs Manager; Beautification Committee: Dorothy Morrison, Kiki Mikkelson; Al Guarisco, Village Point Foundation; Don Ouellette, Environmental Advisory Committee; Councilman elect Joe Davis.

INVOCATION/PLEDGE OF ALLEGIANCE:

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

3. APPROVE MINUTES:

There being no corrections to the August 1, 2016 council meeting minutes or the August 8, 2016 council work session minutes they stand approved as written.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Fry

The minutes for the August 8th meeting are in the packet.

Treasurers Report / July 2016

The Treasurer's Report as of July, 2016 Total Unrestricted Cash Balance - \$11,764,439 and Total City Cash Balance - \$21,349,971

TREASURER'S REPORT					
As of July, 31, 2016					
Account Type/Title	7/31/2016	6/30/2016	Increase (Decrease) from last Month	7/31/2015	Increase (Decrease) from Last Year
Total Unrestricted Cash Balance	<u>11,764,439</u>	<u>11,861,203</u>	<u>(96,764)</u>	<u>\$ 9,341,558</u>	<u>\$ 2,422,881</u>
Total Restricted Cash Balance	<u>9,582,532</u>	<u>8,300,726</u>	<u>375,655</u>	<u>8,317,234</u>	<u>1,265,298</u>
Total City Cash Balance	<u>\$ 21,346,971</u>	<u>\$ 20,161,929</u>	<u>\$ 278,891</u>	<u>\$ 17,658,792</u>	<u>\$ 3,688,179</u>
Encumbrance Total as of 7/31/2016				\$100,834	

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

Sales & Use Tax Collections / June 2016

\$1,376,077.74 was collected for June 2016:

- YTD Variance over Budget - \$ 643,171.99.

Lodging Tax Collections, June, 2016

The collections for **June, 2016** were \$126,568.77 which is up \$15,231.56 from June 2015's collections of \$111,337.21.

- YTD Variance over Budget: \$35,910.64.

This report will be submitted for audit.

B. BUILDINGS & PROPERTY COMMITTEE – Lake

The minutes for the August 1st meeting are in the packet.

C. PUBLIC SAFETY COMMITTEE – Conaway

The committee met today and the next meeting will be September 19th.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

The committee met today and have recommended 3 ordinances to full council. The next meeting will be September 19th.

E. PUBLIC WORKS COMMITTEE – LeJeune

No report. The next meeting will be September 6th at 5:30 p.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

The next meeting will be September 1st with one application for a variance for the Little Bethel Church.

B. Downtown Redevelopment Authority – Conaway

The minutes for the July 27th meeting are in the packet. The next meeting will be August 24th at 5:30 p.m.

C. Industrial Development Board – Phillips

No report.

D. Library Board – Lake

The next meeting will be September 8th.

E. Planning Commission – Scott

The June 23rd minutes along with the staff report for the July 28th meeting are in the packet. The Site Review meeting will be Wednesday at 8:30 a.m., and the regular Planning Commission meeting will be August 25th with quite a few items to consider.

MOTION BY Councilman Scott to set a Public Hearing Date for September 19, 2016 and approve advertising to consider:

a.) Pre-Zoning: James V. Roberts, as Conservator for Jeannette D. Lazzari

AUGUST 15, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

Location: Northeast of Edgewood Drive and CR 64
Present
Zoning: RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction
Requested Zoning: PUD, Planned Unit Development, City of Daphne
Recommendation: Unanimous favorable recommendation with certain conditions regarding the developer's mitigation of traffic impacts caused by the proposed development, and city staff presenting to the City Council a conclusion of the traffic impact study provided by the developer for review, and consideration of future traffic improvements in this area

b.) Annexation: James V. Roberts, as Conservator for Jeannette D. Lazzari

Location: Northeast of Edgewood Drive and CR 64

Recommendation Unanimous favorable recommendation with certain conditions regarding the developer's mitigation of traffic impacts caused by the proposed development, and city staff presenting to the City Council a conclusion of the traffic impact study provided by the developer for review, and consideration of future traffic improvements in this area

Seconded by Councilman Fry.

MOTION CARRIED UNANIMOUSLY

F. Recreation Board – LeJeune

They are trying to set a Park Team meeting at Park Drive to tour the clear cutting of underbrush.

G. Utility Board – Fry

The board will meet Wednesday August 31st. Councilman Fry mentioned that Donald Trot an employee of Daphne Utilities passed away, and asked everyone to keep his family in their prayers.

6. MAYOR'S REPORT

No report.

7. CITY ATTORNEY REPORT:

No report.

8. DEPARTMENT HEAD COMMENTS:

David McKelroy – Recreation Director – reported football starts Friday Daphne will be playing Davidson at 7:00 p.m.

Margaret Thigpen – Civic Center Director – reported on the Taste of the Eastern Shore.

Adrienne Jones – Planning Director – mentioned that she sent an application to the Public Works Committee and the Ordinance Committee in order to discuss traffic and contribution toward improvements.

AUGUST 15, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
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DAPHNE, AL
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9. **CITY CLERK'S REPORT:**

a.) Events Permit / Bayside Academy Homecoming Parade / September 16, 2016

MOTION BY Councilman Scott to approve the Events Permit for Bayside Academy Homecoming Parade / September 16, 2016. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

b.) ABC License / Ronald McDonald House Charities of Mobile / 240 – Non Profit Tax Exempt

MOTION BY Councilwoman Conaway to approve the ABC License for Ronald McDonald House Charities of Mobile / 240 – Non Profit Tax Exempt. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

c.) MOTION: To call a Special Called Council meeting August 29, 2016 6:00 P.M. to discuss the 2017 Budget and anything else deemed necessary

MOTION BY Councilman Fry to schedule a special called council meeting for August 29, 2016 at 6:00 p.m. to discuss the 2017 budget and anything else deemed necessary. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

d.) MOTION: To call a Special Called Council meeting August 30, 2016 12:00 Noon to Canvass the Vote of the August 23, 2016 Municipal Election

MOTION BY Councilman Scott to schedule a special called council meeting for August 30, 2016 12:00 p.m. to canvass the vote of the August 23, 2016 Municipal Election. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

10. **PUBLIC PARTICIPATION**

Ms. Victoria Phelps – Worchester Drive – thanked all the participants in the candidate forum. She reported that residents from outside Lake Forest were present for the event. She thanked the press for covering the event, and she thanked council for their service making Daphne a better place to live.

11. **RESOLUTIONS & ORDINANCES:**

RESOLUTIONS:

a.) Resolution 2016-57.....Approving Off-Street Parking / South Side of Lincoln Street / East of North Main

b.) Resolution 2016-58.....Increasing Employee Participation for Blue Cross / Blue Shield Medical Insurance Benefits

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

- c.) **Resolution 2016-59.** Consenting to Annexation of Certain Parcels of Real Property Into the Corporate Limits of the City of Daphne / Legislative Act

- a.) **Resolution 2016-57.** Approving Off-Street Parking / South Side of Lincoln Street / East of North Main
b.) **Resolution 2016-58.** Increasing Employee Participation for Blue Cross / Blue Shield Medical Insurance Benefits
c.) **Resolution 2016-59.** Consenting to Annexation of Certain parcels of Real Property Into the Corporate Limits of the City of Daphne / Legislative Act

**MOTION BY Councilwoman Conaway to waive the reading of Resolutions 2016-57, 2016-58 and 2016-59.
Seconded by Councilman Scott**

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Resolution 2016-57. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Resolution 2016-58. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Resolution 2016-59. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2ND READ

- a.) **Ordinance 2016-49.** Regulate Taxi Cabs and Vehicles for Hire

Ordinance 2016-49. Regulate Taxi Cabs and Vehicles for Hire

MOTION BY Councilman LeJeune to send Ordinance 2016-49 back to the Ordinance Committee until Uber can be contacted and responded regarding the ordinance, to authorize the City Attorney to send a letter to Uber's attorney requesting a response before September 19, 2016. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY

1ST READ

- a.) **Ordinance 2016-50.** Appropriation of General Funds: Appraisal, Survey and Associated Closing Fees for Donated Property Located on Milton Jones Road

- b.) **Ordinance 2016-51.** Amending Job Classification Schedule to Address the Fair Labor Standards Act

**AUGUST 15, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
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6:30 P.M.**

- c.) **Ordinance 2016-52.** Amending Ordinance 2014-06 Reallocating a Portion of the Lodging Tax
- d.) **Ordinance 2016-53.** Appropriation of the Seven Cents Gas Tax Funds: City-Wide Roadway Striping, Painting of Mast Arm Signals – US Hwy 98 (*Whispering Pines / CR 64*), Repair and Resurfacing of Sixth Street
- e.) **Ordinance 2016-54.** Amending the Land Use and Development Ordinance 2011-54 / Amendments to Article XI, Minimum Standards and Requirements for Subdivisions and Commercial Site Developments: Subdivision Exceptions & Exemptions within the City Limits; Extraterritorial Jurisdiction Subdivision Exceptions & Exemptions; Sidewalk Provisions

ORDINANCES 2016-50, 2016-51, 2016-52, 2016-53 and 2016-54 ARE 1ST READ

12. COUNCIL COMMENTS

Councilwoman Phillips – commented on Ordinance 2016-50 saying that Milton Jones Road is a good site for a fire station, and she appreciated those who worked on the document findings. This will give a better response time to those residents in that area and to the south end of the city limits.

Councilwoman Scott – said he looked at the new park site and it is gorgeous. It has the potential to be a real jewel for the city, and encouraged folks to go out and look at the site.

Councilman Fry – said he is working with the donation of the property on Milton Jones Road, and said it has real potential. He reminded everyone that school starts Monday and to be careful.

Councilman Lake – encouraged everyone to go vote Tuesday.

13. ADJOURN:

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:15 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes, City Clerk

Pat Rudicell, Council President

**AUGUST 29, 2016
SPECIAL CALLED
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL

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

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Jay Ross, City Attorney; Michael Berson, City Attorney; David McKelroy, Recreation Director; Kelli Kichler, Finance Director/Treasurer; Richard Merchant, Building Official; Vickie Hinman, HR Director; Tonja Young, Library Director; James White, Fire Chief; Margaret Thigpen, Civic Center Director; David Carpenter, Police Chief; Captain Scott Taylor, PD; Captain Judd Beedy, PD; Adrienne Jones, Planning Director; Ashley Campbell, Environmental Programs Manager; Christine Ciancetta, Deputy Finance Director; Denis Kearney, IDB; Kit Smith, Recreation Board; Beautification Committee: Dorothy Morrison, Laurel Anderson, Victoria Phelps, Kiki Mikkelsen, Selena Vaughn/Utility Board, Tomasina Werner; Tim Patton, Volkert; Al Guarisco, Village Point Foundation; Don Ouellette, Environmental Advisory Committee; Phillip Durant, BZA; Councilman Elect Joe Davis.

1. ENVIRONMENTAL IMPACT AT THE DAPHNE SPORTS COMPLEX / ASHLEY CAMPBELL

Ashley presented to council damage done to the wetlands buffer zone and to the wetlands by the company clear cutting the trees at the complex. She has alerted the Corp of Engineers, and they will be sending a letter on their decision regarding the damage. She mentioned she did not know anything about the clear cutting resolution that council passed. She is very concerned about the damage. She said it will probably cost the city some money to restore, and she suggested the money made off the clear cutting of the trees be applied to restoring the wetlands.

Council was unaware that she did not know about the clear cutting of the trees.

Councilwoman Phillips suggested having a procedure in place where everyone that needs to be aware of a contract see it before it makes it to the agenda.

Council President Rudicell asked Mrs. Campbell to have a restoration plan for the work session on September 19th.

2. 2017 FISCAL YEAR BUDGET

Ms. Kichler gave the rationale for the budget.

Council asked questions of Public Safety regarding new personnel and overtime.

Council requested to combine the council training budget together with a total budget of \$15,000.

Councilman LeJeune asked that money be in the budget for streaming the council meetings on Mediacom.

**MAY 11, 2015
SPECIAL CALLED
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
5:30 P.M.**

MOTION BY Councilman Scott to have an ordinance adopting the 2017 Fiscal Year budget on the September 6, 2016 agenda as a first read. *Seconded by Councilman Lake.*

AYE Conaway, Lake, Fry, Scott, Phillips, Rudicell

NAY LeJeune

MOTION CARRIED

3. UPDATE ON THE LAKE FOREST BOAT RAMP AGREEMENT

Ms. Victoria Phelps reported that the contract was in the city's hands and mentioned that it needs to be ratified by September 30th in order to apply for grants by October 1st. If they miss this window they will have to wait a whole year without improvements. They have worked hard to get it to a September council meeting.

Councilman Scott reported that there will be a meeting tomorrow at 6:00 p.m. at city hall regarding the Lake Forest Lake.

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

MOTION CARRIED UNANIMOUSLY

There being no further business to discuss the meeting adjourned at 7:50 p.m.

Respectfully submitted by,

Certification of Presiding Officer:

Rebecca A. Hayes, City Clerk

Pat Rudicell, Council President

**AUGUST 30, 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; Randy Fry; Ron Scott; Robin LeJeune.

ABSENT: Angie Phillips.

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Kevin Boucher, City Attorney.

2. CANVASS VOTES OF THE 2016 MUNICIPAL ELECTION / Resolution 2016-60

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. Councilwoman Conaway verified District 2 votes. The votes were as follows:

MAYOR

NAME	VOTES
Ben Cruitt	31
Dane Haygood	2190
John Lake	1820
Timothy Swanson	124

Dane Haygood is elected Mayor

**AUGUST 30, 2016
SPECIAL CALLED COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
12:00 P.M.**

DISTRICT 1

Tommie Conaway	541
Willie Williams	106

Tommie Conaway is elected as Councilwoman for District 1

DISTRICT 2

Larry Chason	306
Clay Covert	34
Pat Rudicell	368
Thomas Walker	193

Runoff between Larry Chason and Pat Rudicell

DISTRICT 3

<u>D. Joel Coleman</u>	188
Harold D. Johnson	170

D. Joel Coleman is elected Councilman for District 3

**AUGUST 30, 2016
SPECIAL CALLED COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
12:00 P.M.**

DISTRICT 4

Randy Fry	312
Sean Gibbs	152
Doug Goodlin	237

Runoff between Randy Fry and Doug Goodlin

DISTRICT 5

Phillip Ellis	138
Ron Scott	257

Ron Scott is elected Councilman for District 5

DISTRICT 6

Robin LeJeune	320
Craig Rhodes	212

Robin LeJeune is elected Councilman for District 6

A summary sheet is attached to these minutes

**AUGUST 30, 2016
SPECIAL CALLED COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
12:00 P.M.**

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

MOTION CARRIED UNANIMOUSLY

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT
12:40 P.M.**

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes, City Clerk

Pat Rudicell, Council President

RECAPITULATION SHEET, MUNICIPAL ELECTION, CITY OF DAPHNE, ALABAMA, AUGUST 23, 2016

VOTING: MATCHING #	NAME OF PRECINCT	Guide Line	FOR MAYOR			FOR COUNCIL MEMBER, DISTRICT # 1			FOR COUNCIL MEMBER, DISTRICT # 2			FOR COUNCIL MEMBER, DISTRICT # 3		FOR COUNCIL MEMBER, DISTRICT # 4			FOR COUNCIL MEMBER, DISTRICT # 5		FOR COUNCIL MEMBER, DISTRICT # 6		
			Ben Cruik	Dane Haygood	John Lake	Timothy S. Swanson	Tommie B. Conaway	Willie Williams	Larry Chason	Clay Covert	Pat Rudicell	Thomas M. Walker	D. Joel Coleman	Harold D. Johnson	Sean Gibbs	Randy Fry	Doug Goodlin	Philip Ellis	Ron Scott	Robin LeLeune	Craig Rhodes
1	District # 1	1	6	239	370	13	523	101													1
	Absentee Votes	2	0	4	6	0	8	2													2
		3																			3
		4																			4
1	District # 2	5	8	527	315	19			300	34	342	186									5
	Absentee Votes	6	0	11	16	0			3	0	18	5									6
		7																			7
		8																			8
1	District # 3	9	3	130	214	14							181	168							9
	Absentee Votes	10	0	3	3	0						6	0								10
		11																			11
		12																			12
1	District # 4	13	6	388	264	33															13
	Absentee Votes	14	0	8	2	0									146	302	235				14
		15												5	4	1					15
		16																			16
1	District # 5	17	2	198	178	12											138	250			17
	Absentee Votes	18	0	4	0	0											0	4			18
		19																			19
		20																			20
1	District # 6	21	4	296	223	24															21
	Absentee Votes	22	0	3	0	0													316	210	22
		23																3	0	22	23
		24																			24
1	District # 7	25	2	357	200	9															25
	Absentee Votes	26	0	2	2	0															26
		27																			27
	Absentee Votes	28																			28
	Provisional Votes	29																			29
Sub-Total (including Absentee)			31	2170	1793	124	533	103	303	34	360	191	187	168	151	306	236	138	254	319	210
Provisional Votes			0	20	27	0	8	3	3	0	8	2	1	2	1	6	1	0	3	1	2
TOTAL VOTES			31	2190	1820	124	541	106	306	34	368	193	188	170	152	312	237	138	257	320	212

Public Safety Committee

Monday, August 15, 2016

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

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

Committee Members Attending:

Councilwoman Tommie Conaway, Councilman Pat Rudicell, Councilman Randy Fry, Councilman Ron Scott, Chief David Carpenter, Lt. Hempfleng, Chief James White, Battalion Chief Holasz, Code Enforcement Officer Billy Kennedy, Public Works Director Richard Johnson

CALL TO ORDER

Councilwoman Conaway **convened** the meeting at 4:32 p.m.

PUBLIC PARTICIPATION – Sarah and Jeremiah Kolb were in attendance with an issue of speeding on Maxwell Avenue. They stated it is just dangerous with speeding vehicles and no sidewalks. They would like speed tables done and a posted speed limit of 25 mph. Councilwoman Conaway will contact the school department about speeding buses. Councilman Rudicell spoke with citizens on the phone about the same issue, thanked them for coming and is having Public Works looking for solutions on Maxwell. Richard Johnson is looking at adding sidewalks to Maxwell and is high on the priority list. Challenges come with speed tables and he suggests a stand-alone solar sign that says slow down. They asked Johnson if the signs document or record traffic data and he said yes with an additional cost. Data gives the council a chance to make an informed decision. Councilman Rudicell stated that Maxwell Avenue is a ½ mile from top to bottom. Richard Johnson is looking into this issue and will do a traffic study at this location. Councilman Scott asked if the new speed tables were accommodating for Fire/Police? Johnson stated they are not. Joey Holasz said that Belrose Avenue is the only one that they don't have a problem with; its 3 pieces and the truck can straddle them. A speed hump can be defeated. Councilman Scott wants a study started after school starts so we can get an accurate count. Councilman Fry asked for some extra patrols on Maxwell and Hempfleng stated he would do so.

Victoria Phelps with Lake Forest POA was in attendance. She thanked the police officers for their efforts in Lake Forest. She asked Code Enforcement Officer Kennedy about an issue with protected trees possibly being cut down.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

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

POLICE DEPARTMENT

- A. New Business** – Chief Carpenter went over his stats. Chief stated that the department is down by three crossing guards and have received no applications for these positions. It's a pay issue.
- Councilman Scott stated that we need to increase the pay scale for this position. Councilman LeJeune had asked for the vehicle replacement plan from the police department and it is included in this packet. Councilman Scott asked what the maintenance costs were for the Tahoe vs Crown Vics. Johnson said they've been very reliable. Tires cost a bit more, brakes are more, but they have been very very cost

effective and reliable. Chief stated that the Tahoe's have turned out to be really good. Councilman Scott said back to the crossing guard, do we need to make a recommendation immediately? Councilman Rudicell would like to see the data again and wants to address it in the finance meeting. Motion made by Fry and seconded by Scott. All were in favor and the motion passed.

FIRE DEPARTMENT

A: New Business – Chief White went over his stats. White was asked to provide a vehicle replacement schedule. Chief thanked Public Works for fixing a drainage issue at Station 4. Councilman Fry is looking into possibly finding someone to donate storage space for Fire Station 2 contents. Richard Johnson stated that you should be getting the plans for Station 2 soon. The bidding will be before finance meeting at the beginning of October.

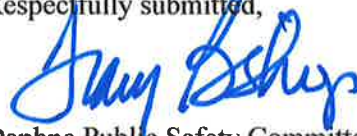
Old Business –

OTHER BUSINESS: Councilman Fry said there is an issue with the lighting at Alligator Alley. It is super dark and you can't see anything. For public safety reasons, we need lights there. Johnson stated it's a dawn to dusk park but obviously being used after hours. We have service there and will check into the options of lighting there. It will be done through the street lighting account.

ADJOURN

There being no further business to discuss, Councilwoman Conaway made a motion to adjourn the meeting at 5:06 p.m. Councilman Fry. The next meeting will be Monday, September 19, 2016 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,



Daphne Public Safety Committee

Public Safety Committee

Monday, August 15, 2016

4:30 p.m.

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

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

I. CALL TO ORDER

II. PUBLIC PARTICIPATION -

III. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Adopt Minutes from July 18, 2016 pages 1-3

IV. POLICE DEPARTMENT

A. New Business -

1. Statistics for June 2016 page 4
2. D-Runs for June 2016 pages 5-6

B. Old Business -

V. FIRE DEPARTMENT

A. New Business -

1. Statistics for June 2016 page 7

B. Old Business -

VI. OTHER BUSINESS -

Police Vehicle Replacement Plan per Councilman LeJeune 8

The next Public Safety Committee meeting will be September 19, 2016 Daphne City Council Chambers.

Public Safety Committee

Monday, July 18, 2016

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

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

Committee Members Attending:

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

CALL TO ORDER

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

PUBLIC PARTICIPATION – A group was in attendance from Potters Mill Subdivisions with two plans to correct the entrance to their subdivision from Main Street (attached). Plan A would state No Trucks Allowed, and Plan B would be to narrow the entrance. Trucks are tearing up their curbing at the entrance. Richard Johnson stated this is not uncommon. He said there is no pavement damage but some curb damage. Every large truck going to Potters Mill is to service Potters Mill. He sees their suggestions as problematic and that all traffic would have to come down Old County Road. Sherry Forte who is the secretary of Potters Mill POA stated she had a few disagreements. She said when they had a study done of their streets a few years ago it showed increased traffic commuting. Trucks come through the subdivision but not all are going to their community. In the past we have had broken curbs and Public Works has patched them. In March she asked to have the curbs repaired and was told no because they were not bad enough. This does not sit well with their homeowners. Councilman Rudicell asked that if this entrance does not merit a (No Trucks Allowed) sign does it warrant coming before Public Works in the future. Johnson stated that the city is eliminating the median and putting asphalt down in Polo Trace and that he could do that in Potters Mill. Councilman Lake said this sounds like the problem is deteriorating curbs and pavement. It seems like the city needs to go back to what we used to do. Joan Scott from 1204 Old County Road was in attendance and said you can't compare Potters Mill to Polo Trace. Everyone comes through Old County Road to Main Street through Potters Mill. Gary Golonet from 505 Potters Mill said there is no way to stop the trucks through Potters Mill. He doesn't know who designed the entrance originally but it should have the curbing cut off and put asphalt down. Richard Johnson said that maintaining the right of way is not an issue and he did not know why we were talking about a Public Works issue in Public Safety. Yes the curbs are busted but they are perfectly serviceable. When they need to be addressed we will address them. This is an issue Public Works needs to address, not Public Safety. Mike Shiebert from Potters Mill stated the curb is high and cracked and will damage a truck tire if hit.

Matthew Sparks submitted a letter to the Public Safety Committee regarding the "No U Turn" sign in front of Historic Malbis almost causing many accidents. Councilwoman Phillips has heard this repeatedly from neighbors with the same issue. Richard Johnson will ask ALDOT to investigate and he will contact Mr. Sparks. Councilman LeJeune asked why the light at Renaissance was not working. Johnson advised they did a traffic study and it's still a no go.

Victoria Phelps was in attendance advising there had been some criminal activity around Cherryhill Dr and asked if the police could close patrol. She also mentioned the 25 mph speed limit throughout

Lake Forest and asked if the police could step up enforcement. She inquired about the four way stop request at Lawson Rd and Ridgewood. Councilman Fry advised it was on the city council agenda tonight.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from June 2016 were adopted. Motion was made and passed with two corrections.

POLICE DEPARTMENT

- A. New Business** – Councilwoman Tommie Conaway stated her appreciation for the police department and for their efforts in making Daphne one of the safest cities. Chief Carpenter went over the stats. Carpenter had the School Resource Officer, Jaime Huffman, in attendance. She explained a brief summary of her job. She has been an SRO for one year. Getting the new Tahoes out about every 2-1/2 to 3 weeks. We had a few issues on the camera systems but they are fixed and working good. The bodycams are working great. We have implemented having two officers on calls for safety reasons. Councilman LeJeune asked for a report on the vehicles for the next Public Safety Meeting. Chief stated the first Tahoes were bought in 2011. Chief explained how our SWAT members teamed up with the FBI and did a drug sweep on Parma Drive. They got a few citizens; all others were on the outskirts. It made a big impact. Had fatality on Main St at Jackson Oaks, 24 year old male early Sunday morning. Hit the culvert then a tree. We are still working the bank robbery from last week. Chief stated that the PD has had a lot of community support during the last week or so.

FIRE DEPARTMENT

- A: New Business** – Chief White went over his stats. Chief advised that since we last met he met with Johnson and Peterson to redo Station 2. Drawings will be complete by mid-August for presentation August 17th. It will be probably from November – January for the start date. We got a quote on the trailer. It will be \$10,000 for 6 months. Mayor thought this is a pretty decent price. They will have to add a kitchen and a bathroom in the trailer. Councilman Scott asked since this is public safety was there any way we could compact this time span. Richard Johnson said most definitely. He said we already have an appropriation made but we will probably need another appropriation. We will need the contracts done and this is usually two weeks from the time the second read occurs. Councilman Scott asked if we could combine both readings. Johnson said no. Councilman Fry asked if we could fix the time issue with the trailer. Councilman Scott asked what we can do to compact this process, can we offer a financial incentive if completed early? Councilman Fry said we can fix somewhat with a trailer. Councilman Fry asked Chief what is his recommendation on the trailer, get now? Next month? Chief White added he'd like to get the firemen out as ASAP. Randy Fry made a motion that we go ahead and get the trailer as soon as possible. Do we need to run through Finance or go ahead and submit it to the council? Fry recommended it go straight to council so that we can go ahead and get it on the agenda. All were in favor, none opposed, motion passed. Richard Johnson stated that there is already a \$300,000 appropriation that we could use \$10,000 for the trailer and we know we are going to have to add to it when the bids come in so you might want to do it in the form of a resolution. Councilman Scott noticed a HUD application for property on County Road 13 & Corte Road, 80+ acres. Since we've been looking for a fire station in that area. It's coming before the planning commission next

Thursday night. It is a pre-annexation, pre-zoning. Councilwoman Conaway said we need to amend that motion. Fry amended the motion to take \$10,000 from the \$300,000 construction appropriation to purchase the trailer. Councilman LeJeune asked Chief White for a report on his overtime. Councilwoman asked White how long it will take to add a bathroom and kitchen to the trailer. Chief stated they gave him a price but no timeline.

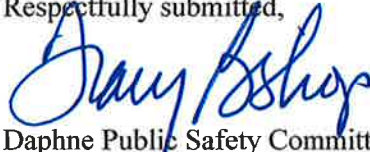
Old Business – Councilman Scott requested an all way stop at the intersection of North Lamhatty Lane and Cowles Crossing. Councilman Scott made a motion for Public Works to install signs for the four way stop. Motion was seconded and passed. Councilman Scott also talked to Hal Calloway about rumble strips at Loma Alta Towers to take care of a blind spot. Loma Alta Towers will submit a letter and we will address at the next meeting. Councilman Fry requested signage close to Montclair Pool on Ridgewood Drat the curve with limited sight then goes downhill. Richard Johnson said he would look at it. He advised that LED's are not expensive and will get the attention of drivers. Councilman Rudicell asked about the Crossing Guard situation, are we going to go to 10-99, raising salary, etc? Do we have the county pay averages? Chief stated we turned that pay scale in at the last meeting. Councilwoman Conaway said to check with Kelly to see if she can get us the information

OTHER BUSINESS:

ADJOURN

There being no further business to discuss, Councilwoman Conaway made a motion to adjourn the meeting at 5:25 p.m. Councilman Scott. The next meeting will be Monday, August 15, 2016 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,



Daphne Public Safety Committee

Monthly Report June 2016
2016

Patrol Division		Detective Division:		JAIL:		Animal Control		Crimes Reported This Month:	
(Capt. Beedy/Lt. Hempfleng)		(Capt. Beedy/Lt. Gulsby)		(Capt. Taylor/Lt. Yelding)		(Capt. Taylor/Lt. Yelding)			
# Complaints	1,266	# New Cases Received:	82	Total Arrestees Received & Processed:	156	YTD		Arson	0
Accidents, Private Property	25	# Previous Unsolved Cases:	68	Arrestees by Agency:			#Complaints	Burglary – Commercial	2
Accidents, Roadway	74	# Cases Solved:	50	Daphne PD	103	1,074	#Follow-ups	Burglary – Residence	13
Accidents, Traffic Homicide	0	Resulting in Total Arrests:	5	BCSO	11	82	#Citations	Burglary - Vehicle	21
Arrest, Controlled Substance	3	Felonies:	4	Spanish Fort PD	34	288	#Warnings	Criminal Mischief	10
Arrest, Drug Paraphernalia	5	Misdemeanors:	1	Silverhill PD	5	67	#Felines Captured	Disorderly Conduct	0
Arrest, Felony Marijuana	0	Houses Searched	0	Troopers	3	10	#Canines Captured	Domestic Disturbance	6
Arrest, Misdemeanor Marijuana	2			Other Agencies	0	2	#Other Captured	False Info to Police	2
Arrest, Alias Warrant	42						#Returned to Owner	Felony Assault	0
Arrest, DUI	7	Warrants:					#Adopted Out	Felony Theft	17
Arrest, Felony	5	Served	13				#Euthanized - Adoptable	Harassment	1
Arrest, Misdemeanor	70	Agency Assists	0	Highest			#Euthanized - Unadoptable	Identity Theft	1
Assists, Motorist / Citizen	168	Recalls (Pd Fines)	9	Lowest				Indecent Exposure	0
Citations	295	Total Warrants Served	22					Kidnapping	0
Drug Report	10			Meals Served				Menacing	1
Foot Patrols	662	Sex Offender:		Medical Cost				Misdemeanor Assault	1
Searches, Vehicle	21	New Registration:	0	Worker Inmate Hours				Misdemeanor Theft	10
Security Checks	988	Contact Verification	5					Murder	0
Warnings	250	Total # registered in Daphne	5					Other Death Investigations	0
		DARE:						Public Intoxication	0
		# Hours Report Writing:	1					Public Lewdness	0
		# Students Instructed SRO	60					Receiving Stolen Property	1
Drugs Seized:	5	# Students Instructed DARE	105					Reckless Endangerment	0
Money Seized:	0	# Police Reports by SRO	1					Resisting Arrest	0
Vehicles Seized:	0	# Arrest by SRO	1					Robbery	1
								Sex Crime Investigations	0
		CODE ENFORCEMENT:						Suicide	0
CMV Inspections / CMV OOS	47	Warnings:	56					Suicide, attempted	0
		Citations	40					Theft of Services	0
		Warning Compliance	99					Unauthorized Use of Services	3
		Follow – Up	0					Weapon Offenses	0
		Business License/Enforcement	30					White Collar Crimes	3



Daphne Police Department

Directed Patrol Spreadsheet

June
2016

DATE	LOCATION	START TIME	END TIME	HOURS	OFFICER	SPEED LIMIT	# OF VEHICLES	HIGHEST SPEED	LOWEST SPEED	TICKETS ISSUED	WARNINGS ISSUED	TYPE OF D-RUN	SHIFT
6/27/2016	100 BLOCK OF ROLLINGHILL DR.	13:05	13:35	0:30	KILCREASE	25	14	29	17	0	0	SPEEDING	D
6/16/2016	1200 BLOCK OF WILSON AVE.	8:30	9:00	0:30	HELMS	25	15	37	21	0	0	SPEEDING	B
6/1/2016	300 BLOCK OF RIDGEWOOD DR.	8:52	9:22	0:30	MENEFEE	25	24	34	25	0	0	SPEEDING, SEAT BELT, WINDOW TINT	B
6/10/2016	300 BLOCK OF RIDGEWOOD DR.	7:30	8:00	0:30	MENEFEE	25	43	33	21	2	0	SPEEDING, SEAT BELT, WINDOW TINT	B
6/15/2016	300 BLOCK OF RIDGEWOOD DR.	7:15	7:45	0:30	MENEFEE	25	78	33	21	0	0	SPEEDING	B
6/21/2016	300 BLOCK OF RIDGEWOOD DR.	7:56	9:15	1:19	MENEFEE	25	36	34	19	1	0	SPEEDING	B
6/29/2016	300 BLOCK OF RIDGEWOOD DR.	7:25	7:55	0:30	MENEFEE	25	53	35	18	0	2	SPEEDING, SEAT BELT, WINDOW TINT	B
6/12/2016	CHAMPIONS WAY @ CANTERBURY RD.	9:38	10:08	0:30	MENEFEE	35	71	45	23	0	1	SPEEDING, STOP SIGN, SEAT BELT	B
6/11/2016	CHAMPIONS WAY @ CANTERBURY RD.	15:30	16:00	0:30	MENEFEE	35	69	45	22	0	1	SPEEDING, SEAT BELT, WINDOW TINT	B
6/16/2016	CHAMPIONS WAY @ CANTERBURY RD.	7:15	7:45	0:30	MENEFEE	35	95	45	19	0	1	SPEEDING	B
6/17/2016	CHAMPIONS WAY @ CANTERBURY RD.	11:00	11:30	0:30	BURKHOLDER	35	36	53	18	1	1	SPEEDING	D
6/22/2016	CHAMPIONS WAY @ CANTERBURY RD.	19:30	20:30	1:00	MILLWOOD	35	16	46	28	0	0	SPEEDING	C
6/30/2016	CHAMPIONS WAY @ CANTERBURY RD.	7:15	7:45	0:30	MENEFEE	35	86	43	22	1	0	SPEEDING, SEAT BELT, WINDOW TINT	B
6/21/2016	CO. RD. 13 @ CO. RD. 64	7:45	8:15	0:30	RILEY	30	40	-	-	0	0	SEAT BELT	B
6/19/2016	CO. RD. 13 @ DAPHNE EAST ELEMENTARY	20:00	20:45	0:45	ADAMS	30	38	42	28	0	0	SPEEDING	C
6/9/2016	CO. RD. 13 @ DAPHNE MIDDLE SCHOOL	9:30	10:00	0:30	ANDREWS	30	20	44	30	0	1	SPEEDING	D
6/25/2016	CO. RD. 13 @ DAPHNE MIDDLE SCHOOL	12:00	12:30	0:30	RILEY	30	64	38	25	0	0	SPEEDING	B
6/3/2016	CO. RD. 13 @ LAWSON RD.	13:45	14:15	0:30	BURKHOLDER	45	42	64	32	1	0	SPEEDING	D
6/29/2016	DUNMORE DR. @ NO CROSS ST.	10:30	11:00	0:30	BUMPERS	25	19	26	18	0	0	SPEEDING	B
6/2/2016	LAKE FOREST BLVD.	20:43	21:14	0:31	GOLBAN	25	9	31	17	0	0	SPEEDING	A
6/3/2016	LAKE FOREST BLVD.	18:35	19:35	1:00	MILLWOOD	25	15	31	22	0	0	SPEEDING	C
6/4/2016	LAKE FOREST BLVD.	13:45	14:15	0:30	ANDREWS	25	11	33	16	0	0	SPEEDING	D
6/4/2016	LAKE FOREST BLVD.	20:00	21:00	1:00	GOODWIN	25	14	35	9	0	0	SPEEDING	C
6/5/2016	LAKE FOREST BLVD.	11:00	11:30	0:30	BURKHOLDER	25	18	31	16	0	0	SPEEDING	D
6/6/2016	LAKE FOREST BLVD.	8:09	8:39	0:30	MENEFEE	25	63	42	13	1	0	SPEEDING	B
6/7/2016	LAKE FOREST BLVD.	7:30	8:00	0:30	RILEY	25	10	41	18	1	0	SPEEDING	B
6/8/2016	LAKE FOREST BLVD.	8:00	8:30	0:30	GIBNEY	25	11	27	20	0	0	SPEEDING	D
6/8/2016	LAKE FOREST BLVD.	19:00	20:00	1:00	GODWIN	25	19	31	15	0	0	SPEEDING	C
6/9/2016	LAKE FOREST BLVD.	7:45	8:00	0:45	KAYL	25	28	33	19	0	0	SPEEDING	D
6/11/2016	LAKE FOREST BLVD.	7:30	8:00	0:30	HELMS	25	16	25	11	0	0	SPEEDING	B
6/11/2016	LAKE FOREST BLVD.	18:58	19:43	0:45	GOLBAN	25	10	47	19	1	0	SPEEDING	A
6/14/2016	LAKE FOREST BLVD.	20:05	20:50	0:45	DONNELLY	25	11	35	25	0	0	SPEEDING	C
6/18/2016	LAKE FOREST BLVD.	18:15	19:15	1:00	MILLWOOD	25	11	32	23	0	0	SPEEDING	C
6/26/2016	LAKE FOREST BLVD.	15:30	16:00	0:30	HELMS	25	6	20	15	0	0	SPEEDING	B
6/9/2016	MAIN ST. @ CHATEAGUAY	17:05	18:05	1:00	ADAMS	35	70	51	30	1	0	SPEEDING	C
6/16/2016	MAIN ST. @ CHATEAGUAY	10:45	11:15	0:30	BARNETTE	35	26	46	29	0	0	SPEEDING	B
6/10/2016	MAIN ST. @ DAPHNE LIBRARY	12:55	13:25	0:30	BARNETTE	35	42	54	29	1	0	SPEEDING	B
6/7/2016	MAIN ST. @ HILLWOOD CIR.	9:45	10:15	0:30	MENEFEE	35	59	50	24	0	1	SPEEDING, SEAT BELT	B
6/16/2016	MAIN ST. @ JACKSON OAKS	13:45	14:15	0:30	BARNETTE	35	37	45	29	0	0	SPEEDING	B
6/24/2016	MAIN ST. @ JACKSON OAKS	13:45	14:15	0:30	RILEY	35	54	42	32	0	0	SPEEDING	B
6/8/2016	MAIN ST. @ JORDAN	14:03	14:33	0:30	MITCHELL	35	66	52	24	1	0	SPEEDING	D
6/3/2016	MAIN ST. @ US HWY 98	13:00	13:30	0:30	MITCHELL	-	105	-	-	1	0	OTHER-RED LIGHT	D
6/9/2016	MAIN ST. @ WHISPERING PINES RD.	13:50	14:20	0:30	ANDREWS	35	15	51	33	0	1	SPEEDING	D
6/21/2016	MARCHAND AVE. @ TECUMSEH CT.	11:50	12:35	0:45	BUMPERS	25	13	27	17	0	0	SPEEDING	B
6/21/2016	MARCHAND AVE. @ TECUMSEH CT.	15:00	15:30	0:30	HELMS	25	8	28	16	0	0	SPEEDING	B
6/29/2016	MARCHAND AVE. @ TECUMSEH CT.	16:30	17:00	0:30	HELMS	25	10	26	10	0	0	SPEEDING	B

5

DATE	LOCATION	START TIME	END TIME	HOURS	OFFICER	SPEED LIMIT	# OF VEHICLES	HIGHEST SPEED	LOWEST SPEED	TICKETS ISSUED	WARNINGS ISSUED	TYPE OF D-RUN	SHIFT
6/30/2016	MCMILLAN @ POTTERS MILL	11:00	11:30	0:30	BUMPERS	25	9	-	-	0	0	STOP SIGN	B
6/28/2016	N. MAIN ST. @ ALLIGATOR ALLEY	6:15	7:15	1:00	GIBNEY	25	22	46	19	2	0	SPEEDING	D
6/28/2016	N. MAIN ST. @ PARK DR.	20:00	21:00	1:00	ADAMS	35	33	-	-	0	0	STOP SIGN	C
6/30/2016	N. MAIN ST. @ PARK DR.	18:30	19:30	1:00	MILLWOOD	-	45	-	-	0	0	SEAT BELT	C
6/27/2016	PARK DR. @ TWIN LN.	19:00	20:00	1:00	GODWIN	35	51	49	28	0	0	SPEEDING	C
6/3/2016	PINE RUN @ ASH CT.	9:00	9:45	0:45	KAYL	-	51	-	-	1	0	STOP SIGN	D
6/6/2016	PINE RUN @ NO CROSS ST.	10:30	11:00	0:30	BUMPERS	25	4	26	18	0	0	SPEEDING	B
6/17/2016	POLLARD RD. @ BROOKSIDE	12:35	13:13	0:38	MITCHELL	35	12	55	33	2	3	SPEEDING	D
6/29/2016	POLLARD RD. @ CREEKBANK	13:30	14:00	0:30	BUMPERS	35	41	38	23	0	0	SPEEDING	B
6/14/2016	RIDGEWOOD DR. @ AVON	13:25	13:55	0:30	MITCHELL	25	21	33	17	0	0	SPEEDING	D
6/27/2016	RIDGEWOOD DR. @ MONTCLAIR LOOP	10:15	10:45	0:30	KILCREASE	25	44	34	22	0	0	SPEEDING	D
6/28/2016	RIDGEWOOD DR. @ PLAZA CIR.	9:00	9:30	0:30	KILCREASE	25	26	33	21	0	0	SPEEDING	D
6/2/2016	TIMBERCREEK BLVD. @ ASPEN CIR.	10:20	10:50	0:30	BARNETTE	25	14	34	21	0	0	SPEEDING	B
6/18/2016	TIMBERCREEK BLVD. @ PINE RUN	20:30	21:30	1:00	ADAMS	25	42	-	-	0	0	STOP SIGN	C
6/19/2016	TIMBERCREEK BLVD. @ PINE RUN	19:00	20:00	1:00	GODWIN	25	34	30	24	0	0	SPEEDING	C
6/9/2016	U.S. HWY. 98 @ VAN BUREN	8:34	9:04	0:30	MITCHELL	45	104	-	-	2	0	SEAT BELT	D
6/17/2016	U.S. HWY. 98 @ WALMART	15:30	16:00	0:30	MITCHELL	50	105	-	-	0	0	OTHER-RED LIGHT	D
6/27/2016	U.S. HWY. 98 @ WALMART	8:35	9:10	0:35	MITCHELL	50	94	-	-	3	0	OTHER-RED LIGHT	D
6/21/2016	WHISPERING PINES RD. @ STRATFORD GLEN	8:20	8:50	0:30	RILEY	35	57	53	34	1	0	SPEEDING	B
6/23/2016	WHISPERING PINES RD. @ STRATFORD GLEN	19:30	20:30	1:00	GODWIN	35	42	48	31	0	0	SPEEDING	C

TOTAL
DIRECTED
PATROLS: 66

TOTAL HOURS: 42 hrs., 3 mins.
TOTAL # OF VEHICLES: 2,467 cars
TOTAL TRAFFIC TICKETS: 24
TOTAL WARNINGS ISSUED: 12

6

TOTAL
DIRECTED
PATROLS:

TOTAL
VEHICLES:

TOTAL UTTC:

TOTAL
WARNINGS:

TOTAL
HOURS
SPENT:

Shift A
Sgt. Ardis

Shift B
Sgt. Smith

Shift C
Sgt. Hollinghead

Shift D
Sgt. Barr

Daphne PD
Speed Trailer

2 19 cars 1 tickets 0 warnings (Hrs : Mins) 1:16 Mins

30 1,162 cars 8 tickets 6 warnings (Hrs : Mins) 16:04 (Hrs : Mins)

14 441 cars 1 tickets 0 warnings (Hrs : Mins) 13:30 (Hrs : Mins)

20 845 cars 14 tickets 6 warnings (Hrs : Mins) 11:13 Mins

0 cars 0 tickets 0 warnings 0:00 (Hrs : Mins)

total # at 10+ mph over the speed is 0 = 0%

Shift A
Sgt. Ardis 0
Cpl. Lazzari 0
Lewis 0
Day 0
Reeves, C. 0
Pearce 0
Golban 2

Shift B
Sgt. Smith 0
Cpl. Birt 0
Bumpers 5
Deblen 0
Riley 5
Menefee 11
Helms 5
Barnette (Swing A/B) 4

Shift C
Hollinghead 0
Cpl. Adams 4
Millwood 4
Gray 0
J. Reeves 0
Donnelly 1
Godwin 5
(Swing C/D) 0

Shift D
Sgt. Barr 0
Cpl. Mitchell 7
Andrews 3
Kayl 2
Gibney 2
Haag N/A
Kilcrease 3
Burkholder 3

TOTAL 2 TOTAL 30 TOTAL 14 TOTAL 20

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period June 2016

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	1	14
11-Structure Fire/Commercial	0	1
11-Structure Fire/Residential	1	14
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	0	8
14-Natural Vegetation Fire	0	5
15-Outside Rubbish Fire	0	0
16-Special Outside Fire	0	2
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	216	1157
4-Hazardous Conditions (No fire):	3	19
5-Service Call:	23	113
6-Good Intent Call:	12	103
7-False Alarm & False Call:	27	99
8-Severe Weather & Natural Disaster:	0	1
9-Other Situation:	0	5
Total Emergency Calls:	281	1497
Monthly Total Calls:	283	1250
Highest:	13:00	13:00
Lowest:	<1:00	<1:00
Average (Minutes/Seconds) :	4:57	4:57
Training Hours	525.00	6970.50
Property Loss - \$	\$125,000.00	\$260,802.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues	163	808
Number of Patients Treated	208	1132
Child Passenger Safety Seat Inspections/Installations	16	60
Pre-Plans	58	346
Classes	23	133
Persons Attending	223	1737
Plan Reviews	4	11
Final/Certificate of Occupancy	2	6
General/Annual Inspections	78	434
General/Re-Inspections (Violation Follow-up - Annual)	26	168
Business Licenses	3	52
All Other/Misc. Activities	5	31
Total Activities:	117	702

Authorized by:

James White

**City of Daphne
Police Department
4 Year Capital Vehicle Replacement Plan**

Please Be Advised all costs are not exact, they are estimated costs and will likely fluctuate from year to year

VEHICLE BEING REPLACED / SURPLUSED

Dept	Vehicle #	DESCRIPTION	Recommended Life	Exceeded Recommended Life by	FY17 (price with equipment)	FY18 (price with equipment)	FY19 (price with equipment)	FY20 (price with equipment)	Location New Vehicle will be utilized for	COMMENTS
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Daphne Police Department Tentative Capital Vehicle Replacement Costs for Four Years

FY2017

Patrol	606	2006 Ford Crown Victoria <i>(Vehicle will be Surplused/Sold)</i>	7	Exceeded Recommended Life by 4 years	\$ 52,700.00				Patrol Officer	
Patrol	110	2010 Ford Crown Victoria <i>(Vehicle will be Surplused/Sold)</i>	7	Exceeded Recommended Life by 0 years	\$ 52,700.00				Patrol Officer	
Patrol	210	2010 Ford Crown Victoria <i>(Vehicle will be Surplused/Sold)</i>	7	Exceeded Recommended Life by 0 years	\$ 52,700.00				Patrol Officer	
Detectives	105	2005 Ford Crown Victoria <i>(Vehicle will be Surplused/Sold)</i>	7	Exceeded Recommended Life by 5 years	\$ 50,700.00				Detective	
Detectives	1006	2006 Ford Expedition <i>(Vehicle will be moved to CID Admin. Vehicle 310 (2010 Crown Vic) will be Surplused/Sold)</i>	7	Exceeded Recommended Life by 0 years	\$ 50,700.00				Detective	Vehicle 1006 has reached its recommended life. Vehicle 1006 will be utilized for CID Administrative use (Detective travel, spare when other in shop, etc.) Vehicle 310 (2010 Crown Vic) will be surplused in its place, which has also reached its recommended life.
Command	301	2001 Ford Crown Victoria <i>(Vehicle will be Surplused/Sold)</i>	7	Exceeded Recommended Life by 9 years	\$ 50,700.00				Lieutenant over Patrol	

Command	405	2005 Ford F-150 Pick Up <i>(Vehicle will be Surplused/Sold)</i>	10	Exceeded Recommended Life by 3 years	\$ 50,700.00				Lieutenant over Support Services	
Command	106	2006 Chevrolet Tahoe <i>(Vehicle will be Surplused/Sold)</i>	10	Exceeded Recommended Life by 2 years	\$ 50,700.00				Lieutenant over Detectives	
Detectives	806	2006 Ford Expedition <i>(Vehicle will be Surplused/Sold)</i>	10	Exceeded Recommended Life by 2 years	\$ 50,700.00				Detective	
Detectives	906	2006 Ford Expedition <i>(Vehicle will be Surplused/Sold)</i>	10	Exceeded Recommended Life by 2 years	\$ 50,700.00				Detective	
Command	107	2007 Ford Expedition <i>(Vehicle will be moved to Admin. Vehicle 1017 (2004 Crown Vic) will be Surplused/Sold)</i>	10	Exceeded Recommended Life by 1 year	\$ 50,700.00				Chief	Vehicle 107 has exceeded its recommended life by 1 year. Vehicle 107 will be utilized as the Administrative Post Car. Vehicle 1017 (2004 Crown Vic) will be surplused in its place, which has also exceeded its life by 4 years.
Detectives	207	2007 Ford Expedition <i>(Vehicle will be Surplused/Sold)</i>	10	Exceeded Recommended Life by 1 year	\$ 50,700.00				Detective	

FY2019

Detectives	508	2008 Ford Expedition <i>(Vehicle will be Surplused/Sold)</i>	10	Exceeded Recommended Life by 1 year		\$ 50,700.00			Detective	
Animal Control	604	2004 F-150 Pick Up <i>(Vehicle will be Surplused/Sold)</i>	10	Exceeded Recommended Life by 5 years		\$ 28,000.00			Animal Control Officer	
Animal Control	108	2007 F-150 Pick Up <i>(Vehicle will be Surplused/Sold)</i>	10	Exceeded Recommended Life by 1 year		\$ 28,000.00			Animal Control Officer	

FY2020

Detectives (DARE)	309	2009 Ford F-150 Pick Up <i>(Vehicle will be Surplused/Sold)</i>	10	Exceeded Recommended Life by 1 year				\$ 50,700.00	DARE Supervisor	
Jail	609	2009 Van <i>(Vehicle will be Surplused/Sold)</i>	10	Exceeded Recommended Life by 1 year				\$ 29,000.00	Jail Inmate Van	*This cost is unknown*

TOTAL COST PER YEAR					\$ 310,200.00	\$ 304,200.00	\$ 106,700.00	\$ 79,700.00		\$ 800,800.00
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CODE ENFORCMENT/ORDINANCE COMMITTEE

Wednesday, August 15, 2016
City Hall Executive Conference Room
1705 Main Street
Daphne, AL
5:30 P.M.

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

Councilwoman Angie Phillips
Councilman John Lake
Councilman Robin LeJeune

I. CALL TO ORDER/ROLL CALL

The chairman declared a quorum was present and called the meeting to order at 5:37 p.m.

Members Present: Ron Scott; Tommie Conaway; Pat Rudicell; Randy Fry; Angie Phillips; John Lake
(arrived at 5:55 p.m.).

Absent: Robin LeJeune.

Also Present: Rebecca Hayes, City Clerk / recording secretary; Kevin Boucher; City Attorney; Margaret Thigpen, Civic Center Director; Chief Carpenter, PD; Joe Davis; Tom Walker; Victoria Phelps.

II. APPROVE MINUTES / July 18, 2016

The minutes were not in the packet and will be considered at the next meeting.

III. PUBLIC PARTICIPATION

Ms. Victoria Phelps asked the committee to keep the ATV ordinance in the forefront.

Mrs. Hayes mentioned that it will be on a September agenda. Legal, Richard Johnson and BJ Eringman are reviewing it now.

IV. ORDINANCE REVIEW/DISCUSSION

a.) Right-of-Way Ordinance

Kevin discussed revisions to the Right-of-Way Ordinance

MOTION BY Councilman Fry to recommend to council the revised Right-of-Way ordinance and to place it on the September 6, 2017 council meeting agenda. Seconded by Councilwoman Conway

MOTION CARRIED UNANIMOUSLY

b.) Amend Park Rules / 2016-01 / Adding Penalties

The city prosecutor and judge recommend having a penalty section in the ordinance so people can go and pay their ticket and not have to go to court. The committee requested that Kevin check out number 13 under General Park Rules with regard to no fishing, and to check with Fish & Wildlife.

The ordinance will come back to the September meeting.

b.) Franchise Ordinance / Private Haulers

The Committee asked that the effective date be changed to January 1, 2017, and to state that the money will go toward road improvements.

MOTION BY Councilman LeJeune to recommend the Franchise Ordinance with amendments to the effective date being January 1, 2017, and that the money from the fees go toward road improvements, and to be placed on the September 6, 2016 council meeting agenda. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

c.) Drones

Kevin said commercial flyers will have to get a business license, and if it is over a half pound it will have to be registered, and if they fly a class g air space they will have to submit a flight plan. Operators have to keep the drone in sight. For those who want to commercially use a drone at Bayfront Park can handle it through the Civic Center.

V OTHER BUSINESS

No other business to discuss.

VI. NEXT MEETING / September 19, 2016.

VII. ADJOURN

THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING ADJOURNED AT 6:08 P.M.



I. CALL TO ORDER

Meeting was called to order.

- II. Committee Members Present:** Robin LeJeune (Chairman), Councilwoman Tommie Conaway; Councilman Pat Rudicell; Councilman John Lake; Councilman Randy Fry; Councilman Ron Scott, Councilwoman Angie Phillips.

Others Present: BJ Eringman, PW Deputy Director; Dorothy Morrison-Daphne Beautification Committee; John Peterson-Mott McDonald; Victoria Phelps-LFPOA; Kevin Boucher, City Attorney. Dana Bryars, Dennis Welty, Phil Ehrhardt, Sean Gibbs, Tom Walker.

III. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. Work Request Report** – May 2015 & 2016 was reviewed.
- B. Vehicle/Equipment Maintenance Report** – The reports for May 2015-2016 and FY2015/2016 were reviewed. Mr. LeJeune asked if he could get 3 years to compare at the next meeting. Mr. Lake stated that some of the expense could have been the police cars being sub'd out. Mr. Eringman stated that one of the fire truck engines had to be overhauled as well.
- C. Correspondence** – No Correspondence.
- D. Public Participation** –
 - 1) Phil Ehrhardt – Press Register – commented that they are trying to do everything they can do to keep Daphne looking clean in reference to the papers being thrown and picked up in drive-ways.
 - 2) Tom Walker – St. Paul's Thrift Store – wanted to know where the progress was on the work to be done on the ROW at the Thrift Store. Mr. Scott stated that people are parking on the ROW causing damage to the grass/ground area. Mr. Eringman stated he will look and see what can be done.

IV. OLD BUSINESS

- A. Minutes** – The minutes from the June 6, 2016 meeting were reviewed and approved. *Motion by Tommie Conaway, seconded by Ron Scott.* All in favor. Motion carried. Ms. Phillips asked if all council members be added to the member lists.
- B. Mosquito Report** – Report for April and May were reviewed by the committee.
- C. Street Sweeper Report** – May and June will be in the next packet.

V. NEW BUSINESS

Mr. Scott asked why there was still a port-a-potty at Central Park. Mr. Eringman was not aware that one was still there. Ms. Morrison hopes to have a more pleasant looking port-a-let for the future.

VI. DIRECTOR'S REPORT

- A. Public Works Related Overtime Report** – The report was reviewed by the committee.

VII. DAPHNE SOLID WASTE DISPOSAL AUTHORITY

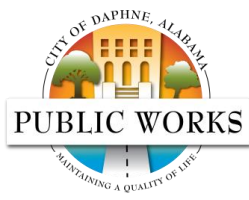
- A. Monthly Recycle Tonnage Report (Tonnage Comparison) – May 2016**
The committee reviewed the May report.
- B. Solid Waste New Customer Report – May 2016**
The committee reviewed the May report.

VIII. MUSEUM COMMITTEE

- A. Minutes** – May 9th minutes were reviewed by the committee.

IX. BEAUTIFICATION COMMITTEE

- A.** The June 8th minutes were reviewed by the committee. Dorothy stated that small tables are needed for children in the parks and adding a climbing dome to Centennial Park. Gator Alley dedication



is tomorrow. Hope to see everyone there.

X. ENVIRONMENTAL ADVISORY COMMITTEE

A. Minutes – June 26, 2016 minutes in next packet.

Had meeting, will report next month.

XI. ENGINEER'S REPORT

A. Mott MacDonald – had meeting on the Fire Station #2 Remodel; Parks & Rec Improvements is on the work session agenda with presentation.

B. HMR – No report.

C. Preble-Rish – County Road 13 Turn Lanes – right of way issues being resolved; received traffic impact study for Hwy 98 Improvements, starting on the design.

D. Volkert – No report.

E. Jade Consulting – No report; Gator Alley is complete and ready for tomorrow.

OTHER BUSINESS:

XII. FUTURE BUSINESS

A. Next Meeting will be August 1, 2016 at 5:30 p.m. at Council Executive Room.

XIII. ADJOURNMENT

Meeting adjourned.

CITY OF DAPHNE
PO Box 400
DAPHNE, AL 36526

*Daphne Beautification Committee
July 6, 2016 Minutes*

Thank you to Homewood Suites for hosting us for our July meeting. They are looking for people who can speak for 10 minutes on any subject of local interest for their cocktail hour.

Committee Members

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

A-Gator Alley Dedication went extremely well with a large crowd attending.

B-Beautification Awards- Laurel Anderson-a discussion of ways to change the selection criteria...HOA to be included more discussion planned for the August meeting.

C-Treasurer's Report- \$898.72 remains .Expenses for Dedication today will be deducted.

- ◆ *D-Top Ten Gateway Designs-15 months*
Daphne Museum concrete work completed
Veteran's Point [former KFC]-a 2017 Project-3 months
Malfunction Junction-10 years
Centennial Park- play equipment, children's tables [have been ordered] redo parking lot-8 months
Daphne Art Center plantings -3 months
Painting bench at Booth Park and Library -4 months
American Flags more for Hwy 98, 90,181,-1 month

E-Public Works Report

Gator Alley a few more details to complete...great job...Thanks to all
Planting on N Main Street Curve look great tie in so well
Sidewalk work in Lake Forest almost completed
Signage to warn of Gators and Snakes

F-Face Book check in for lots of pictures- Kiki Mikkelson

G-Gateways - Mayor

H-Hwy 181

I-Publicity - Kara

J-Progress on the round-a-bout plan

K-Keep America Meeting in Tuscaloosa on Oct 12 to 14

L-DRA- working to extend Overlay District, Welcome Gift folders deliver to new businesses

M- Mayor's Comments

N-Next meeting Aug 3, 2016

Old Methodist Church Museum of Daphne

Meeting Minutes

August 8, 2016

I. Call to order

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

- II. **Attendees:** Ken Balme, Rachel Burt, Arva Brown, Al Guarisco, Mickey Boykin, Emily Hammond, Lee Swetman, Lucy Cunningham, Candice Bishop, Betty Baker, Jeanne Nelson, Scott & Dooley Berry, Helen Barocco , Pete Brantley, Mildred Foster, Stephanie Middleton & guest Tom Walker.

III. Approval of minutes from last meeting: July 11, 2016

- IV. **Treasures Report:** 6/30/16 -7/31/16 Beginning bal. \$5724.00 Ck \$60 to USPS for yearly box rental. Deposit \$10 (2 ornaments) Ending bal. \$5674.00 Petty cash \$19.09

- V. **Volunteer Assignments/Schedules-** Sept. has 5 Fridays....Al will cover 9/30/16

VI. Committee Reports

- a) *Exhibits/Events:* Mickey & Lucy working to get Colleta Bailey to speak on uses for feed sacks in combination of the Stich in Time exhibit.
- b) *Publicity/Social Media :* Ken continuing his work on web development .
- c) *Cemetery:* No reports
- d) *Fund Raising & Volunteer Recruitment:* A friend of Ken's will speak to the Optimist Club in hopes of recruiting volunteers.
- e) *Special Tours :* Lucy will have a group from The Blake for a tour 8/30. She and Mickey will host meeting for their church group 9/22 that was previously cancelled A man from the Freedom Riders also showed interest in their group coming.
- a) *Archives, Curation:* Old data still being input into the new computer.
- b) *Building improvements:* Ken thought we should take and inventory of specific repairs and needs we have. Then approach city and/or B & C Committee for funds and help. WiFi still not working he discussed with Candice.
- c) *Impact 100:* Withdrew because of problems negotiations on pottery land. Exploring other avenues to acquire the area, liability is a concern of Mr Olds and city attorneys.

- d) *Brick fundraiser*: No new progress. Jeanne visited the Black Education building and they have a beautiful display of bricks and will inquire accordingly.
- e) *Mayday DVD*: 6 ready for sell today. Decided to sell for \$5 each. Al made motion to donate a DVD to the city. Stephanie 2ndpassed.
- f) *Daphne 50*: A permanent display and/or a mobile exhibit to show the progression of Daphne. Still a work in progress.

VII. New Business & Announcements

- We got the new TV & antenna. Rachel will write up basic directions. More features added in the future as we put it together.
- Ken showed his progress on a presentation he is working on. A slide show of the museum and artifacts that can be used at the Sr. Center and events to stimulate interest. Emily suggested it being available to the teachers to help them plan trips. It can be put on the FB page ect for all to view. Senior Center meets the 1st Tues of the month at 10.00.
- Dooley has had inquires on buying the Jackson Oak pillows. Al has access to plenty and will bring some for us to sell. \$20 was a suggested price with a portion being donated back to Village Point Foundation.
- September is the Baldwin County Fair, also Jubilee Festival 9/24-25.

VIII. Adjournment

Ken Balme adjourned the meeting.

Minutes submitted by: Rachel Burt

Next regular meeting: September 12, 2016

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE CITY HALL
1705 MAIN STREET, DAPHNE, AL 36526
AUGUST 24, 2016**

MEETING MINUTES

MEMBERS PRESENT: Chairman Casey Zito, Dayna Oldham, Kiki Mikkelsen, Daniel Dyas, and Brandy Lister

MEMBERS ABSENT: Patricia Vanderpool, Nicole Simms, Doug Bailey, Debbie Strahley, and Dorothy Morrison

COUNCIL LIASON PRESENT: Councilwoman Tommie Conaway

COUNCIL LIASON ABSENT: Councilman Pat Rudicell

ALSO PRESENT: Jenny White, Recording Secretary, Ken Balme, Andrew Guarisco, Steve Robinson, Daphne Rudicell Robinson, Starke Irvine, and Tom Walker

1. CALL TO ORDER

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

2. PUBLIC PARTICIPATION

Andrew Guarisco participated at meeting to observe operation. Andrew would like to be more involved in the community and expand network.

Daphne Rudicell Robinson and Steve Robinson participated in meeting as local business owners in downtown Daphne. Daphne announced their upcoming new shoe boutique on Mancie Avenue. Daphne expressed interest in the mini grant application.

3. APPROVAL OF MINUTES / JULY 27, 2016

Motion by Dayna Oldham to approve the minutes from July 27, 2016 meeting as written.
Seconded by Daniel Dyas. Aye, All in favor.

Motion Carried Unanimously.

4. TREASURER'S REPORT

Chairman Casey Zito presented Treasurer's Report.

Statement - July 1 - 31, 2016

July Beginning Statement Balance – \$209,238.06

Deposit	July 5, 2016	City of Daphne	\$5,224.17	July Tax Collection
Service Fee	July 29, 2016	Bryant Bank	\$3.00	Service Fee

July Ending Statement Balance - \$214,459.23

Deposit - August 5, 2016

Deposit	August 5, 2016	City of Daphne	\$6,328.44	July Tax Collection
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Current Balance – August 23, 2016

Current balance - \$220,787.67

Casey Zito will check on status of service fee of \$3.00 with Bryant Bank. This fee should be waived on account due switching account from paper statements to electronic statements.

Dayna Oldham inquired about the percentage Downtown Redevelopment Authority receives from lodging tax.

Chairman Casey Zito confirmed the percentage is 5%.

Motion by Dayna Oldham to approve Treasurer's Report. Seconded by Brandy Lister. Aye, All in favor.

Motion Carried Unanimously.

OLD BUSINESS

I. Website – Chairman Casey Zito

Chairman Casey Zito confirmed the website is under construction with four pages completed.

II. Rack Card Reprint – Ken Balme

Ken Balme discussed the total cost of the "Detour to a Daphne Sunset" rack card at 5000 cards totaled \$301.96. Receipts enclosed within meeting packet for review.

Chairman Casey Zito noted at last month's meeting a motion was approved at \$250.00 on July 27, 2016 for the printing of the rack cards. The overage includes freight at \$51.96.

Dayna Oldham amended motion from June 22, 2016 to authorize Ken Balme authorization to continue working on rack card design not to exceed expense of \$240.00. **In addition to move forward with printing changes discussed with an expenditure of \$301.96 for printing 5000 rack cards to include freight. Seconded by Brandy Lister. Aye, all in favor.**

Motion Carried Unanimously.

Chairman Zito commended Ken Balme and Sarah Toulson on rack card.

III. Brochure – Ken Balme

Ken Balme informed authority a draft brochure has been forwarded to members by email and is within packet for review, edit, and approval. Ken asked that all changes be submitted to him to finalize brochure. Ken commented the brochure is tentatively set to print by next meeting.

NEW BUSINESS

I. Irvine Co., Inc. – Commercial Real Estate Exclusive Buyer's Broker Agreement

Chairman Casey Zito informed authority she met with the mayor reference agreement for commercial real estate broker in purchasing a downtown property. Chairman Zito noted the mayor would like us to hold off on major purchase for now.

Chairman Zito discussed with mayor the authority's discussion to combine the Old Towne District and the Village Point Overlay District. This would allow us to expand the Old Towne District. Chairman Zito noted we have a consensus on partnership. Planning and zoning would need to be involved to redraw lines and present before council for approval with resolution.

Chairman Zito noted parking as another big issue discussed with the mayor. Chairman Zito commented the mayor is looking at grants.

Chairman Zito commented the mayor was in favor of underground utilities in the near future.

Starke Irvine was in agreement.

Daniel Dyas commented we should wait on future acquisitions.

Chairman Zito commented we should wait and put plan together.

Chairman Casey Zito asked for consensus to proceed with mayor. Aye, All in favor.

Starke suggested an idea of setting up two (2) committees within authority for business and development. Starke commented committees would report monthly at meetings.

Starke commented there are new townhomes going in behind Tazikki's Mediterranean Café and Moe's Southwest Grill.

II. Alabama Coasting Advertisement – Chairman Casey Zito

Chairman Casey Zito commented she has not heard back from Alabama Coasting reference advertisement.

III. 2016 aLABama Downtown Laboratory Conference – Dorothy Morrison

Chairman Casey Zito informed authority Dorothy Morrison volunteered to attend the "2016 aLABama Downtown Laboratory" conference in Birmingham, Alabama from August 22-24, 2016. Chairman Zito noted Dorothy Morrison provided an estimate of expenses for reimbursement to include conference, lodging, and fuel totaling \$707.58.

Motion by Brandy Lister to approve Dorothy Morrison travel expenses for Main Street Alabama "2016 aLABama Downtown Laboratory" conference. **Seconded by Kiki Mikkelson. Aye, all in favor.**

Motion Carried Unanimously.

5. OTHER BUSINESS DEEMED NECESSARY

a) Boo by the Bay – Kiki Mikkelson

Kiki Mikkelson presented report that she and Ken Balme have done a site survey for "Boo by the Bay". Kiki wanted to know if the downtown businesses are interested in participating in the event. Kiki mentioned the Paranormal Ghost Hunters out of Mobile and Harriet Walker plan on participating at event along with different story tellers. Kiki would like to get Bayside involved as a participant along with Daphne Rudicell Robinson to utilize her front lawn for story telling of event.

Daphne Rudicell Robinson was at meeting and in agreement with "Boo by the Bay" using her front lawn for event.

Dayna Oldham asked of date and time of event.

Kiki suggested the tentative date of October 29, 2016 from 6:00 – 9:00 p.m.

Brandy Lister suggested the merchants could open from 3:00 – 5:00 p.m. prior to the event. The event could advertise a flyer to shop down town in Olde Towne Daphne before event.

Kiki will work on flyer for proposed event.

Kiki would like to get support from Daphne Utilities and local food trucks for event.

Starke Irvine suggested Will Hughes food truck.

Chairman Zito informed Kiki as a board member she would not be eligible for a mini grant for event. If another party is working on event that is not a member of authority they could submit a mini grant on event as consideration.

b) Merchants Association – Brandy Lister

Brandy Lister is working on startup of Merchants Association. Brandy is working on development of Merchants Association to keep up with retail and unify shopping in the Olde Towne District. The first meeting is set for September 7, 2016 in the Executive Conference Room at City Hall at 8:30 a.m.

c) Industrial Development Board – Doug Bailey

Doug Bailey wasn't present to give report.

d) Beautification Committee – Dorothy Morrison

Dorothy Morrison wasn't present to give report.

Chairman Casey Zito reported Dorothy Morrison made request for \$300.00 to be budgeted for the planter boxes.

MOTION BY Kiki Mikkelson to budget \$300.00 for planter boxes. Seconded, by Brandy Lister. AYE, all in favor.

MOTION CARRIED

e) Southern Napa “Mini Grant Application” – Jim Cox

Chairman Casey Zito informed authority Jim Cox of Southern Napa submitted a mini grant application back on May 31, 2016 for “99 Bottles of Beer on Lawn” requesting grant for \$1,000.00 for advertising costs. Chairman Zito apologized for delay in presenting to authority due to delayed response on email request.

MOTION BY Brandy Lister to grant mini grant for \$1,000.00 for advertising cost with receipt of expenses. Seconded, by Dayna Oldham. AYE, all in favor.

MOTION CARRIED

6. NEXT MEETING

Our next meeting is scheduled for September 28, 2016 at City Hall in the Executive Conference Room at 5:30 p.m.

7. ADJOURN MEETING

Chairman Casey Zito asked for motion to adjourn meeting.

Motion by Daniel Dyas to adjourn meeting at 6:49 pm with no other business to consider.
Seconded by Brandy Lister. AYE, all in favor.

Motion Carried Unanimously.



Library Board - Meeting Minutes

March 10, 2016

In Attendance:

Board Chair Jim Morris; Library Board Members Nancy Volovecky, Windrila Longmire; Friends of the Library President Karen Kyzar; and Library Director Tonja Young.

1) Call to Order:

Meeting called to order at 4:05 pm by Chair Jim Morris.

3) New Business:

The minutes for the February 11 and February 25 meetings were read. Windrila made a motion to approve the minutes; motion seconded by Nancy. Motion passed.

Jim announced that new Board Member, Rhett Beyer has resigned due to conflicts with traveling work assignments; he had been unable to attend meetings.

The Library Board has decided to make changes in the behavior policies of the library. Tonja presented a long list of behavior policies gleaned from various library websites; Jim and Nancy volunteered to go through the list and compile and rewrite the policies they felt were applicable for approval at the next meeting. Jim stated that the policies would appear on the next agenda.

Tonja stated that circulation for January was 20,626 and patronage totaled 13,890.

2) Old Business:

None.

4) Friends of the Daphne Library Participation:

Karen announced that the Friends Book Sale would be held Saturday March 26.

6) Public Participation:

None.

7) Adjourn:

Meeting was adjourned at 5:01 pm.

Respectfully submitted by T. Young, April 13, 2016.



Library Board - Meeting Minutes

April 14, 2016

In Attendance:

Board Chair Jim Morris; Library Board Members Nancy Volovecky, Windrila Longmire, and Kathi Alsip; Friends of the Library President Karen Kyzar; Councilman John Lake; and Library Director Tonja Young.

1) Call to Order:

Meeting called to order at 4:05 pm by Chair Jim Morris.

3) New Business:

The minutes for the March 10 meeting were read. Windrila made a motion to approve the minutes; motion seconded by Nancy. Motion passed.

Jim announced that prospective new Board Member, Elliot Riser has agreed to participate on the Library Board. Discussion followed concerning Mr. Riser's bio and the fact that he was a library user and interested in the library. A motion was made to submit Elliot Riser to the council for approval by Windrila; motion seconded by Nancy. Motion passed.

The Library Board's new behavior policies of the library were presented by Jim for discussion. Kathi made a motion to approve the new policies; Windrila seconded the motion. Motion passed.

2) Old Business:

None.

4) Friends of the Daphne Library Participation:

Karen announced that the Friends Book Sale made \$689.

6) Public Participation:

None.

7) Adjourn:

Meeting was adjourned at 4:28 pm.

Respectfully submitted by T. Young, May 12, 2016.



Library Board - Meeting Minutes

May 12, 2016

In Attendance:

Board Chair Jim Morris; Library Board Members Nancy Volovecky, and Kathi Alsip; Friends of the Library President Karen Kyzar; and Library Director Tonja Young.

1) Call to Order:

Meeting called to order at 4:15 pm by Chair Jim Morris.

3) New Business:

The minutes for the April 14 meeting were read. Nancy made a motion to approve the minutes; motion seconded by Kathi. Motion passed.

3) New Business:

New member Elliot Riser was unable to attend. We will meet him next month.

Tonja reported that the statistics looked good with circulation of 32,328 and patron visits of 13,447. Year-to-date circulation was within 1% of that in April 2015. Children's program attendance was the highlight of the report with total attendance of 635. Extra high attendance was due to offering two "Family Night" movies. Teen programs did very well with 113 attendees in April 2016 versus 55 in April 2015. Special Teen programs offered included a Lego Workshop (teens built a variety of working machines), and the Teen Tea and Fashion Show (teens learn about poise and etiquette). Computer use remains steady.

Nancy reported on the Combined Boards Leadership Meeting of April 15, 2016. The meeting was held with the Foundation President Dee Gambill, Friends President Karen Kyzar, Library Board Vice Chair Nancy, and Library Director Tonja.

Nancy reported on discussions of the library addition and considerations concerning acoustics, handicap accessibility, energy efficiency, and privacy. She reported that the attendees discussed the feasibility of "The Porch" project versus the much-needed

auditorium. Nancy said it was decided that the cost of "The Porch" was more attainable and that the auditorium would be out of reach at the present time.

Jim reported on the Combined Boards Leadership Meeting of May 5, 2016. . The meeting was held with the Foundation President Dee Gambill, Friends President Karen Kyzar, Architect Mac Walcott, Library Board Chair Jim Morris, Library Board Vice Chair Nancy, and Library Director Tonja.

Jim stated that the group met with the architect to discuss changes that came up as a result of input from Friends and Library Board members. He mentioned the shelves that were not needed in the area and the danger of the original "pit" idea. Jim said that the group had discussed issues and come up with some solutions:

- Energy Efficiency – Double Paned Glass
- Heating/Cooling – Separate system from present equipment
- Windows (between the reading area and the new meeting rooms) – Need shears or shades
- Pit – No; too dangerous
- Divisions – three spaces that could alternately be used as one large space; hinged dividers for flexibility
- Acoustics – Need some sound-proofing; ceiling tiles, insulated dividers of some type?
- Entrances – Entrance available for right and left meeting spaces, but need to add double doors for center space
- Fundraising Bricks – Can be reused in the new addition so previous donors are still honored
- Food/Drink – Patrons can bring their own snacks and drinks, but library will not sell snacks or drinks through vending machines or self-serve

Jim reported that a lot of problems with the project had been worked out among the leadership group.

2) Old Business:

None.

4) Friends of the Daphne Library Participation:

Karen reported that Mac needed the updates and information on the actual need in the new meeting space and she thought meetings were productive.

6) Public Participation:

None.

7) Adjourn:

Meeting was adjourned at 4:28 pm.

Respectfully submitted by T. Young, June 7, 2016.

Daphne Public Library Board



Library Board - Meeting Minutes

June 9, 2016

In Attendance:

Board Chair Jim Morris; Library Board Member Windrila Longmire; Friends of the Library President Karen Kyzar; and Library Director Tonja Young.

1) Call to Order:

Meeting was not called to order due to lack of quorum.

Respectfully submitted by T. Young, 7/1/16

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

Call to Order:

The regular meeting of the City of Daphne Planning Commission was called to order at 5:02 p.m.

Call of Roll:

Members Present:

Ed Kirby
William Scully
Marybeth Bergin, Secretary
Larry Chason, Chairman
Tyrone Fenderson
Ron Scott, Councilman
Hudson Sandefur
Chief White

Staff Present:

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

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

Chairman asked for questions, comments or corrections to the minutes ***of the regular meeting of June 23, 2016. There being none, the minutes are approved as submitted.***

The next order of business is site plan review for Whit's Frozen Custard.

An introductory presentation was given by Mr. Trey Jinright, representative of Jade Consulting, of site plan review for an Old Towne Daphne single-story retail custard facility consisting of approximately zero point six acres located southeast of the intersection of Van Avenue and Main Street. He distributed a revised rendering to the Commission of the building elevation to illustrate the change in the façade to metal, brick, and masonry with a screened mechanical area.

Chairman asked for Commission questions or comments and for a description of the buffer. Mr. Jinright stated the owner proposes to install a landscape buffer encompassing the property with a six-foot wooden privacy fence along the northern boundary and a three or four foot detailed decorative wall along the southern boundary.

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

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

A Motion was made by Mr. Scott and **Seconded** by Mr. Fenderson **to grant Planning Commission approval of a custard shop in a B-1(a), Limited Local Business, zone and approval of the site plan for Whit's Frozen Custard. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for the Daphne Sports Complex, Phase 2.

An introductory presentation was given by Mr. Scott Hutchinson, representative of Hutchinson, Moore & Rauch, of site plan review for the second phase of the sports complex proposed by the recreation board consisting of approximately eight-three acres located southwest of the intersection of Pinehill Road and Park Drive.

Chairman asked for Commission questions or comments and commented on the request to reduce the wetland buffer from thirty to ten feet.

Mr. Hutchinson referenced correspondence provided to the Commission by Richard Johnson, Public Works Director, addressing the request for a variance to modify the wetland buffer and phasing. The variance would allow for encroachments into the wetland buffers and for the maximum disturbed area to exceed seventeen acres during the construction for the establishment of the second phase of the sports complex, roadway and detention basin/lake. The city plans to mitigate and/or offset any potential negative impacts on the four isolated encroachment points of the buffers and to re-establish vegetation.

Chairman asked for Commission questions or comments and if the necessary permits have been obtained. Ms. Campbell, the Environmental Programs Manager, stated that the final ADEM permit is pending and must be issued prior to the issuance of the site disturbance permit. A revised BMP plan is required to insure that additional measures are being taken during construction for those areas that will exceed seventeen acres or the required maximum disturbed area.

Mr. Kirby asked if traffic has been addressed. Mr. Hutchinson stated that the installation of a turn lane was required by Mr. Eady in the first phas.

Mr. Scott stated they will have a staggered schedule, and traffic will have the ability to travel east or west.

Chairman stated as a past dirt pit and/or dump site, the development of this site will improve the off-site impacts. Mr. Scott stated that the step pools and drainage feature will improve the effects on Yancey Branch. Mr. Johnson stated that the development is warranted to improve drainage, and the site will be developed with an abundance of caution.

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Mr. Scully stated that the Commission addressed the retaining wall buffer encroaching into the wetlands during discussion at the work session and asked how that will be addressed. Mr. Hutchinson stated that the intention is to flag the area and install orange fencing to protect the wetland buffers.

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

A Motion was made by Mr. Scott and Seconded by Mr. Sandefur to grant approval of the site plan, to include a variance to reduce the wetland buffer area from 30-foot buffer area from 30 (thirty) to 10 (ten) feet and to allow the land disturbance area to exceed 17.5 (seventeen point five) acres for Daphne Sports Complex, Phase 2. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary/final plat review for the Lipscomb Split.

An introductory presentation was given by Ms. Christine Clolinger, representing Davis & Fields, P.C., of preliminary/final plat review for a two-lot subdivision consisting of approximately five point eight seven acres located southeast of U.S. Highway 90 and Jenkins Road. The subdivision was granted an exemption by Baldwin County for a one time split for the owner to sell the southeastern corner of the property and a portion of a driveway.

Chairman asked for Commission questions or comments.

Mr. Scully asked why the parcel is not being subdivided to allow the purchase of the entire driveway. Ms. Clolinger stated originally it was; however, subsequently the owners revised the plat to allow for the sale of a portion of the driveway.

Chairman opened the floor for public participation. No one came forth. He closed the floor.

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

A Motion was made by Mr. Kirby and Seconded by Ms. Bergin to grant approval of the preliminary/final plat for the Lipscomb Split. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary/final plat review for the Witherington Acres.

An introductory presentation was given by Mr. Randall Witherington, representing Robert & Wanda Witherington, of preliminary/final plat review of a two-lot subdivision consisting of approximately one point

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nine two acres located southeast of Alabama Highway 181 and County Road 64.

Mr. Witherington stated that the subdivision was granted a subdivision exemption by Baldwin County for a one time split for my parents. **Chairman opened the floor for public participation. No one came forth. He closed the floor.**

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

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

The next order of business is a pre-zoning amendment for James V. Roberts, Jr., as conservator of Jeanette D. Lazzari.

An introductory presentation was given by Mr. John Avent, representative of Dewberry/Preble-Rish, of the pre-zoning of a sixty-eight point eight seven acre parcel located northeast of Edgewood Drive and County Road 64 from RA, Rural Agricultural, in Baldwin County District 15 to a PUD, Planned Unit Development, for James V. Roberts, Jr., as conservator of Jeanette D. Lazzari.

Mr. Avent presented a revision to the exhibit reflecting atwenty-foot buffer to encompass the property and the commercial areas are now designated as B-3, Professional Business in lieu of B-2, General Business.. A traffic impact study was conducted to analyze the present level of service and determined that it is poor. The narrative suggests that certain infrastructure improvements are deemed necessary at this intersection prior to or concurrent with development: striping and turn lanes for County Road 64 and Pollard Road, as well as, the installation of a roundabout at the intersection of Well and Pollard Road is recommended. The narrative serves as clarification regarding the traffic improvements as being a public benefit and to give fifteen percent of the estimated six hundred thousand dollars less the cost of the off-site studies for a total participation of seventy-five thousand dollars of which the city can seek funding through the participation of ALDOT, MPO, or a grant with an eighty/twenty percent match.

Chairman asked for Commission questions or comments and stated that a PUD, Planned Unit Development, is a relatively new tool in which lots do not have a specific width, setback and perimeter buffering in order to begin negotiations of the public benefit.

Mr. Boucher commented that a recommendation to the City Council of the proposed amendment in conjunction with this discussion is particularly concerning to as it may be construed as contract zoning. Mr. Scully stated this discussion is in regard to the mitigating the impacts of

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the proposed development and felt it wouldn't be considered contract zoning..

Mr. Boucher stated the discussion is pertinent if the proposed infrastructure improvements are a part of the city's master plan or planned future projects.

Mr. Scott commented that the public benefit would be the annexation of the property.

Mr. Johnson stated the traffic impact study indicated that the weak link is the intersection of Pollard Road and County Road 64. The infrastructure improvements are not sufficient to handle the traffic at this intersection, and there is a strong recommendation to provide signalization at Wilson Avenue and Well Road, not a roundabout. The developer of the Colonnade at Eastern Shore apartments participated in the improvements to the signalization at Johnson Road and U.S. Highway 98.

Chairman stated that the initial phase would make the connection from County Road 64 to Well Road, but the development of the subdivision would span over seven to ten years.

Mr. Fenderson stated this is the spirit of concessions. The developer should provide the narrative of the traffic impact study that supports a roundabout and provide a timeline and a roadway improvement plan as part of the PUD document..

Mr. Avent stated the public benefit of the planned unit development will be a connection from Well Road to County Road 64 in order to alleviate some of the traffic on Well Road, and the placement of a five-foot easement along County Road 64 for sidewalks.

Ms. Jones commented on the compatibility of the development with the surrounding area, the connection to Well Road, and the amenities and suggested that the Planning Commission provide a copy of the summary and recommendations from the traffic impact study to the City Council through the Public Works Director in order to initiate discussions regarding traffic issues and the possibilities of getting funding from the MPO and adding these improvements as a part of their visionary list. She also stated that the Colonnade at Eastern Shore apartment complex contribution was based on the recommendations of a traffic study at the time of the approval of a site plan, not a condition of re-zoning.

Mr. Scott suggested the consideration of the improvements at Pollard Road and County Road 64 and omitting the roundabout.

Ms. Bergin commented that she did review the traffic impact study that was conducted in June, but suggested that the intersection, as well

**The City of Daphne
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as, County Road 13 and Friendship Road be included and re-evaluated once school is in session because the results would likely be more accurate than what is currently noted. She also considers it appropriate to realign Pollard Road.

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

Ms. Patricia Gipson, 8545 County Road 64, spoke in opposition, commented on traffic and questioned if the buffer requirements would include a privacy fence because she leases the property for farming which creates dust.

Mr. Donald Gudates, 8279 Edgewood Drive, spoke in opposition and expressed concern regarding the buffer requirements and drainage.

Ms. Ruth Lazzari, 11974 County Road 54, spoke in opposition, stated that the Ms. Jeannette Lazzari is not incapacitated and expressed concern that this development is not something that she would have wanted the family to do with the property.

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

A Motion was made by Mr. Scully and Seconded by Mr. Scott of an affirmative recommendation by the Planning Commission to the City Council of Daphne of the pre-zoning of a sixty-eight point eight seven acre parcel to a PUD, Planned Unit Development, for James V. Roberts, Jr., as conservator of Jeanette D. Lazzari with the condition that the developer materially contributes to the amelioration and/or mitigation of off-site traffic impacts caused by this development in a manner in which the City Council deems appropriate after presentation of the traffic impact study for review and discussion with the Public Works Director. There was no discussion on the motion. The Motion carried. Ms. Bergin dissented.

The next order of business is annexation review for James V. Roberts, Jr., as conservator of Jeanette D. Lazzari, an incapacitated person.

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

A Motion was made by Mr. Kirby and Seconded by Ms. Bergin of an affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation of a sixty-eight point eight seven acre parcel into the City of Daphne located northeast of Edgewood Drive and County Road 64. There was no discussion on the motion. The Motion carried unanimously.

**The City of Daphne
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The next order of business is public participation.

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

The next order of business is the attorney's report.
Mr. Boucher stated no report.

The next order of business is commissioner's comments.

Mr. Scott commented on the activation of the Divergent Diamond Traffic Signal at the intersection of Alabama Highway 181 and U. S. Highway 90.

Mr. Scully discussed a revision to the 2003 Comprehensive Plan. Ms. Jones stated the new planner will assist in the preparation of a revision to the plan.

The next order of business is director's comments.

Ms. Jones presented the following:

- a. Registration for the Town of Alabama classes, August 31 - September 2, 2016, requested participation from members;
- b. Discussed travel reimbursement for the University of North Alabama classed in July 2016;
- c. City Council approval of the Daphne Rudicell Robinson and B-1(a), Limited Local Business District, July 5, 2016, 6:30 p.m.;
- d. City Council action on zoning amendments for Eastern Shore Associates, Anne K. Irvine, McBride Romero, AJD Family Limited Partnership, as well as, annexation of the Bills' No. 2, L.L.C. property is set for August 2, 2016, 6:30 p.m.;
- e. The upcoming meeting dates are site preview, August 17, & regular meeting, August 25, 2016.

There being no further business, the meeting was adjourned at 6:50 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: August 25, 2016


Larry Chason, Chairman

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

REPORT

1. **CALL TO ORDER:** 5:00 P.M.
2. **CALL OF ROLL:** LARRY CHASON, MARYBETH BERGIN, RON SCOTT, TYRONE FENDERSON, CHIEF WHITE, HUDSON SANDEFUR, ED KIRBY, CHARLES SMITH AND WILLIAM SCULLY (ARRIVED 5:02 P.M.)
3. **APPROVAL OF MINUTES:** Review of minutes for the regular meeting of July 28, 2016.
(APPROVED AS SUBMITTED)
4. **NEW BUSINESS:**
 - A. **SUBDIVISION EXEMPTION REVIEW:**
 1. **File SRP16-05: (APPROVED)**

Subdivision: Replat of Lots 74, 75 & Common Area 8, the Reserve of Daphne, Phase One

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

Location: North of the intersection of County Road 64 and Montelucia Way

Area: 2.38 Acres $\pm$, (3) lots

Owner: D.R. Horton, Inc. - Joel Coleman

Agent: Dewberry/Preble-Rish - Steve Pumphrey

Surveyor: Dewberry/Preble-Rish- David Diehl
 2. **File SRP16-06: (APPROVED)**

Subdivision: Replat Parcel No. 43-04-20-2-000-047.000 & 43-04-20-2-000-047.001 for Christ the King Parish

Zoning(s): *B-1, General Business*

Location: Southeast of the intersection of Trione Avenue and Main Street, 812 & 814 Trione Avenue

Area: 0.493 Acres $\pm$, (2) lots

Owner: Christ the King Catholic Church

Agent: Cowles, Murphy, Glover - Gary Cowles or Bruce Smith

Surveyor: Lawler & Company - W. J. Lawler, III

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

B. SITE PLAN REVIEW:

1. File SP16-11: (APPROVED)

Site: **Pulmonary Associates**

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

Location: Northeast of the intersection of County Road 64 and Capital Drive

Area: 1.5 + Acres

Owner(s): PAM Building Corporation - Joseph Zurfluh

Engineer: SE Civil - Larry Smith

C. FINAL PLAT REVIEW:

1. File SDF16-03: (APPROVED)

Subdivision: **Villas @ St. Charles, a Detailed Development Plan**

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

Location: One quarter mile south of the intersection of County Road 64 and Pollard Road

Area: 7.27 Acres $\pm$, (82) lots

Owner: Fortuna - St. Charles Development, L.L.C. - Nathan Cox

Agent: Dewberry/Preble-Rish - Steve Pumphrey

Surveyor: Dewberry/Preble-Rish- David Diehl

2. File SDF16-04: (APPROVED)

Subdivision: **Caroline Woods, Phase Two C & D**

Zoning(s): ***R-4, High Density Single Family Residential***

Location: Northeast of the intersection of Parker Lane and Whispering Pines

Road, North of Madison Place Subdivision and West of Daphne Commercial Park, Phase Two

Area: 5.15 Acres $\pm$, (25) lots

Owner: Plan B Investments, L.L.C. - Jacob Cunningham

Agent: Dewberry/Preble-Rish - Steve Pumphrey

Surveyor: Dewberry/Preble-Rish - David Diehl

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

D. PRELIMINARY/FINAL PLAT REVIEW:

1. File SDPF16-16: (APPROVED) PUBLIC HEARING

Subdivision: Beowulf

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

Location: Southeast of County Road 54 and Chaucer Avenue

Area: 83.77 Acres $\pm$, (3) lots

Owner: Jon & Judy Naef and Marian Pekelder

Surveyor: McCrory & Williams - Merlin Miller

E. PRELIMINARY PLAT REVIEW:

1. File SDP16-05: (APPROVED) PUBLIC HEARING

Subdivision: La Piazza Di San Francesco via del Pollard

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

Location: Northwest of the intersection of County Road 64 and Pollard Road

Area: 4.90 Acres $\pm$, (9) lots

Owner: Anne K. Irvine

Agent: Irvine & Co., Inc. - Starke Irvine

Surveyor: Hutchinson, Moore & Rauch - Stuart Smith

Engineer: Hutchinson, Moore & Rauch - Robert Cummings

F. BLACKSTONE LAKES - F.K.A BELLATON WEST:

PRE-ZONING AMENDMENT: (FAVORABLE RECOMMENDATION)

1. File PZA16-03: Fred L. Corte PUBLIC HEARING

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

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

Location: Southeast of Corte Road and County Road 13

Area: 73.53 Acres $\pm$

Owner(s): Fred L. Corte

Agent: Dewberry/Preble-Rish - Steve Pumphrey

5. PUBLIC PARTICIPATION: Mr. Ouellette commented regarding the negative impact of have a second access to a residential subdivision.

6. ATTORNEY'S REPORT: None presented

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

7. **COMMISSIONER'S COMMENTS:** Chief White commented that a review should be made of how the Blackstone Lakes gated entrance will affect private services.

8. **DIRECTOR'S COMMENTS:**

Introduction of new employee, Brennan Walters, Planner

Ms. Jones presented the following:

- a. City Council public hearings for Sidewalk and Subdivision Exemptions, September 6, 2016, 6:30 p.m.;
 - b. City Council action on zoning amendments, Eastern Shore Associates, Anne K. Irvine, McBride-Romero, AJD Family Limited Partnership, annexation, the Bills' No. 2, L.L.C., and land use revision, Home Occupations on August 1, 2016;
 - c. Presentation of the traffic impact study for Winged Foot Subdivision to the PW Committee, September 6, and to the Ordinance Committee on September 19, 2016.
 - d. RFQ for the Comprehensive Plan update has been drafted
 - e. The upcoming meeting dates are site preview, September 14, & regular meeting, September 22, 2016.
9. **ADJOURNMENT:** 6:38 p.m.

SET PUBLIC HEARING DATE FOR

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 Extraterritorial Planning Jurisdiction |
| Requested Zoning: | PUD, Planned Unit Development, City of Daphne |
| Recommendation: | Favorable |

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

MEMORANDUM

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 Lake Date Submitted June 28, 2016
 Application Number: ZA- 16-03 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		Phone/Fax: E-mail:
Mailing Address: PO BOX 1156, FAIRHOPE, AL 36533		
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: <u>[Signature]</u>	Date
Agent's Signature: <u>Steve Pumphrey</u>	Date <u>6-28-16</u>

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.

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



The Jubilee City



COMMUNITY DEVELOPMENT

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.

Blackstone Lakes

SITE DESIGN STANDARDS:

PRESENTLY ZONED RA (RURAL AGRICULTURAL) - BALDWIN COUNTY
 PROPOSED ZONING P.D. - CITY OF DAP-NE
 TOTAL ACRES OF SITE - 213.33 ACRES
 PROPOSED NO. OF LOTS - 174 SINGLE-FAMILY LOTS
 122 LOTS @ 52' WIDE (6000 SF MIN.)
 52 LOTS @ 70' WIDE (10,500 SF MIN.)
 PROPOSED DENSITY - 2.37 LOTS PER ACRE
 PROPOSED COMMON AREA - 13.51 ACRES (19,911 SF)
 7.50 ACRES (10,800 SF) RECREATION AREA

BELLATON MASTER PLAN

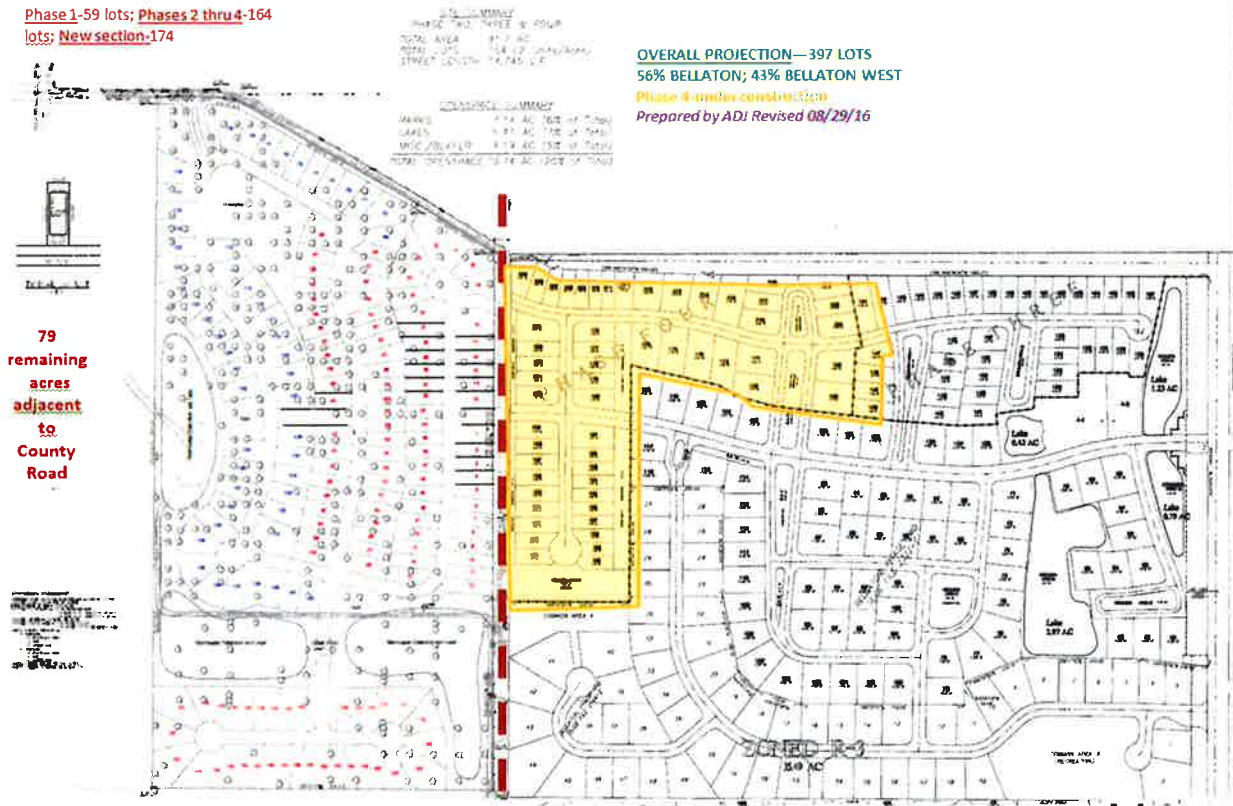
REVISION 11/2015

Phase 1-59 lots; Phases 2 thru 4-164
lots; New section-174

PHASE 1 SUMMARY
 TOTAL AREA - 87.7 AC
 TOTAL LOTS - 154 (12 LOTS/ACROSS)
 STREET DENSITY - 14.749 LOTS/MI
 PHASE 2 SUMMARY
 LOTS - 474 AC (100' WIDE)
 LOTS - 474 AC (100' WIDE)
 LOTS - 474 AC (100' WIDE)
 TOTAL OVERALL AREA - 134.7 AC (100' WIDE)

OVERALL PROJECTION—397 LOTS
 56% BELLATON; 43% BELLATON WEST
 Phase 4 under construction
 Prepared by ADJ Revised 08/29/16

79
remaining
acres
adjacent
to
County
Road



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.”*

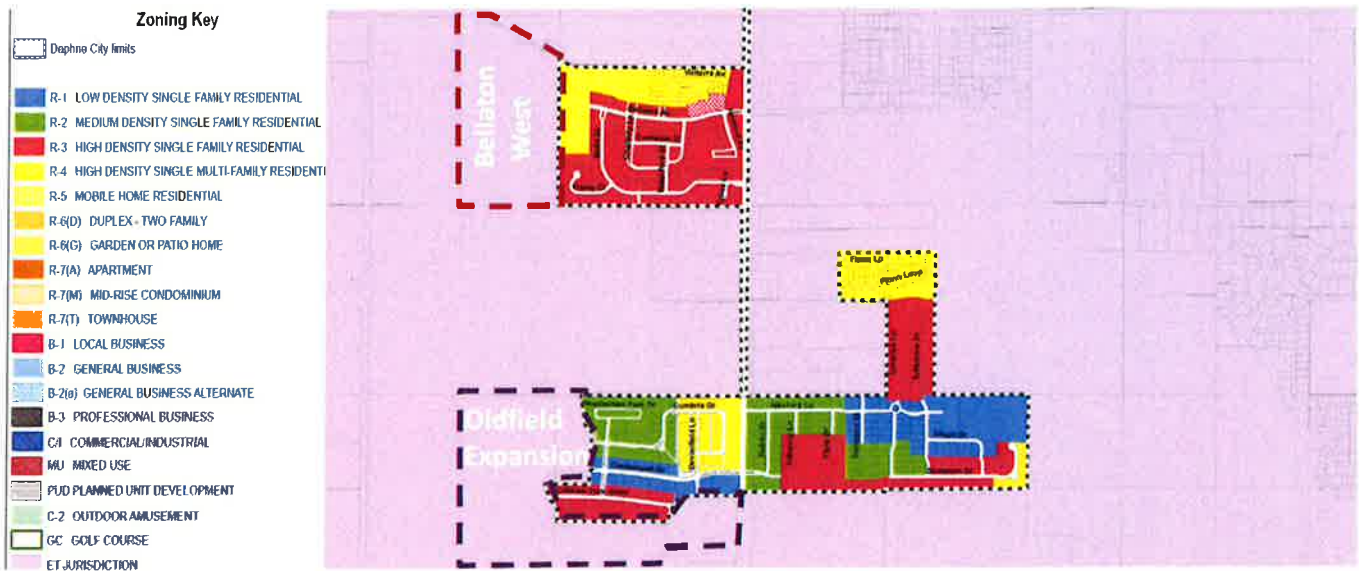
August 25th Public Hearing

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

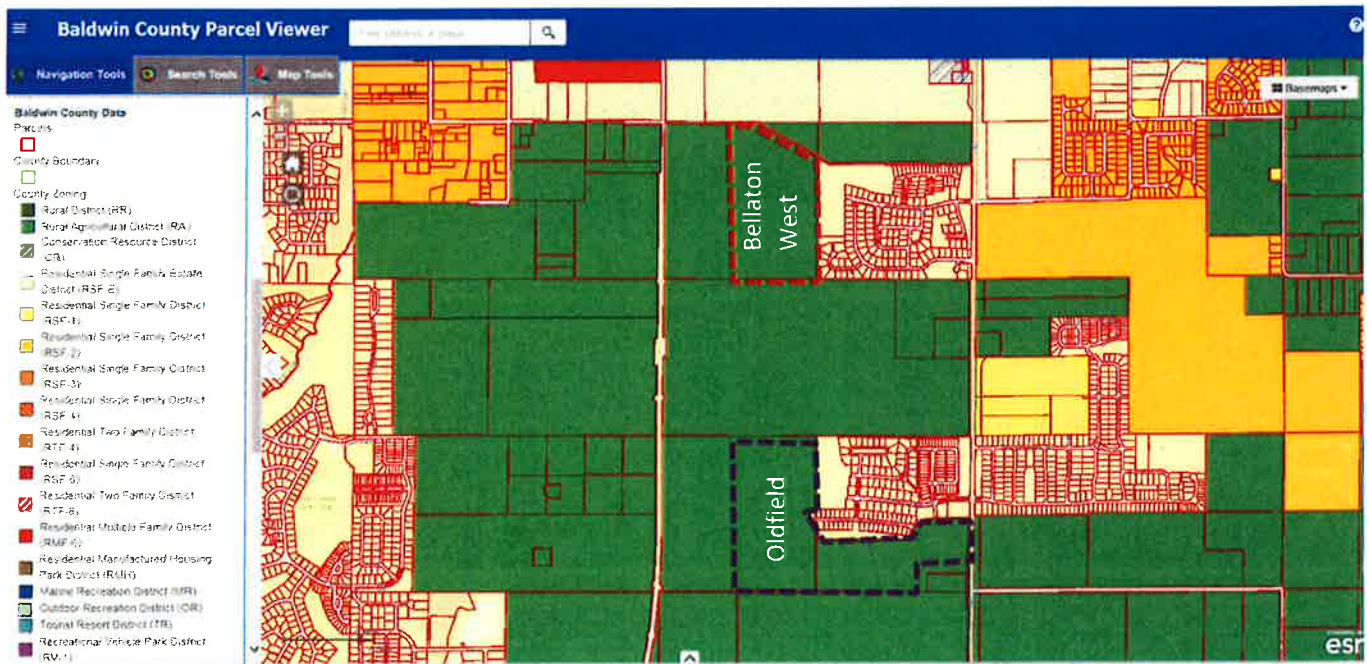
The vote of the Planning Commissions was 8 to 1 to send Council a favorable recommendation to rezone the site Planned Unit Development.

Related applications on City Council Agenda: n/a

Zoning Map Excerpts from the City of Daphne and Baldwin County

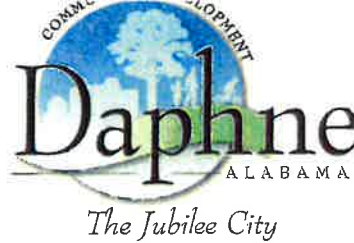


Excerpt from City of Daphne Zoning Map



Excerpt from County Zoning Map (from ISV website)

DANE HAYGOOD
MAYOR



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

COMMUNITY DEVELOPMENT
1705 MAIN STREET • P.O. BOX 400 • DAPHNE, ALABAMA 36526
TELEPHONE: (251) 621-3184 • FAX: (251) 621-3185

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, there 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.

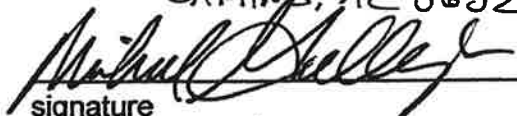
4. Do Not Connect. In full consideration of our listed concerns, it is our desire that there be no road connectivity between the Bellaton and Blackstone Lakes developments.

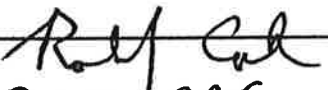
We request that a copy of this letter be given to each member of the Planning Commission during any consideration of Blackstone Lakes PUD, in particular during the Planning Commission on 25 August 2016, and for the subsequent Daphne City Council meeting to consider the Pre-zoning request.

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 JAEHNE
Address 9499 BELLA DR
DAPHNE, AL 36526


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

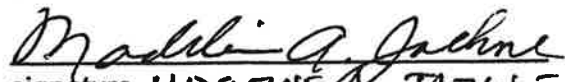

signature
Name BOB CAR
Address 9731 BELLA DR
DAPHNE AL

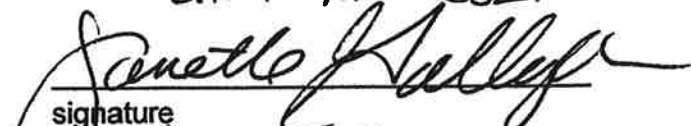
signature
Name
Address


signature
Name Robert J. Cruthers
Address 9786 BELLA DR
Daphne, AL 36526

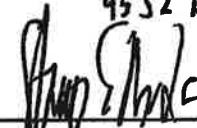

signature
Name Michael G. Weidman
Address 24630 Hartford Ave
Daphne, AL 36526

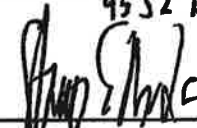

signature
Name Ernest Taylor
Address 9576 KASEX CT
DAPHNE AL 36526


signature MARLENE A. JAEHNE
Name
Address 9499 BELLA DR
DAPHNE, AL 36526


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

signature
Name Jamir Ferguson
Address 9911 BELLA DR
DAPHNE AL 36526

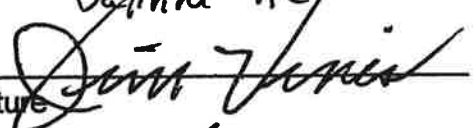

signature
Name STUART McLaurin
Address 9532 BELLA DR.
DAPHNE, AL 36526

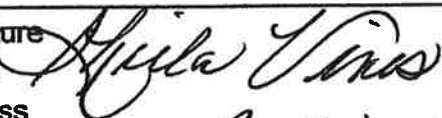

signature
Name Karen McLaurin
Address 9532 Bella Dr
Daphne, AL 36526

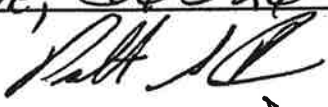

signature
Name
Address

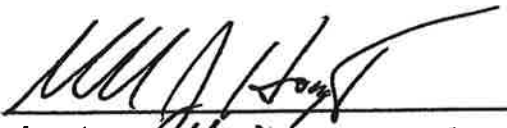

signature
Name James E. Windham Jr.
Address 9936 Volterre Ave
Daphne, AL 36093

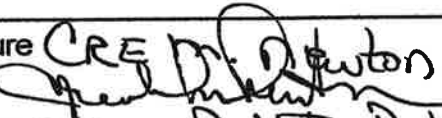
signature 
Name Brian Metz
Address 9861 Bella Dr
Daphne AL

signature 
Name JIM VINES
Address 9759 Bellaton Ave
36526

signature 
Name Milla Vinos
Address 9759 Bellaton Ave
Daphne, 36526

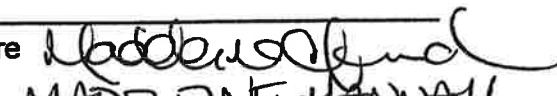
signature 
Name Matt McL
Address 9624 Bulwa Dr
Daphne, 36526

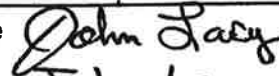
signature 
Name Michael J. Hoyt
Address 9479 Bella Dr
Daphne, AL 36526

signature 
Name CRE Dr. Newton
Address 9852 Bellaton Ave,
Daphne, ALA
36526

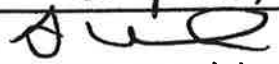
signature 
Name STEPHANIE P METZ
Address 9861 BELLA DR
DAPHNE, AL 36526

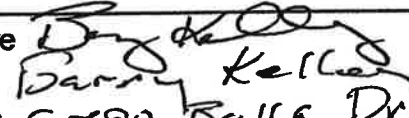
signature 
Name Jason Johnston
Address 24530 Huxford St
Daphne AL 36526

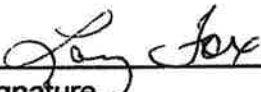
signature 
Name MADELEINE HANWAY
Address 9807 BELLATON AVENUE
DAPHNE, AL 36526

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

signature 
Name Andrea Lomax
Address 9715 Bella Drive
Daphne, AL 36526
*Would not like the two neighborhoods to connect at all.

signature 
Name Suntrease Williams-Meynord
Address 9838 Bellaton Ave
Daphne, AL 36526
*Would like no connectivity between the two neighborhoods

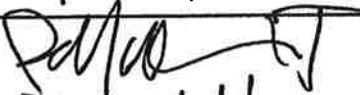
signature 
Name Barry Keller
Address 9582 Bella Dr
Daphne, AL 36526

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

signature
Name
Address

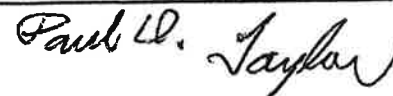
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Name Christin Ferguson
Address 9911 Bella Dr.
Daphne, AL 36526

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

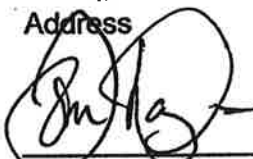
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Name Richard Norman
Address 24672 Adalade Lane
Daphne, AL 36526

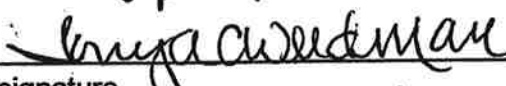
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Name Jessica L. Wessman
Address 24667 Chantilly Lane
Daphne, AL 36526

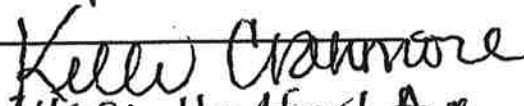
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Name Paul W. Taylor
Address 9800 Bella Dr.
Daphne, AL

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Name Tom Ossinger
Address 24627 Hartford Ave
Daphne, AL 36526

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

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Name Kelle Crannore
Address 24601 Hartford Ave
Daphne, AL 36526

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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 Ashley Holtz

Address 9941 Bellaton Ave.



signature

Name Willie E. Newton

Address 9852 Bellaton Ave,



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Name 9839 Bellaton Ave

Address Daphne AL 36526

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Kara Martin
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Name Kara Martin
Address 24053 Hartford Ave.

Elizabeth Poscy
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Name Elizabeth Poscy
Address 24543 Alex Court

Marcus Poscy
signature
Name Marcus Poscy
Address 24543 Alex Ct.

Colby Martin
signature
Name Colby Martin
Address 24653 Hartford Ave.

Lisa S. Musselman
signature
Name Lisa S. Musselman
Address 24609 Chantilly Ln.

Nicholas Wessman
signature
Name Nicholas Wessman
Address 24667 Chantilly Lane

Amanda Johnston
signature
Name Amanda Johnston
Address 24530 Huxford Street

Sharon Borgard
signature
Name Sharon Borgard
Address 9595 Kasey Ct

Jeannette Smart
signature
Name Jeannette Smart
Address 9595 Bella Drive

Norman Hapworth
signature
Name Norman Hapworth
Address 24542 Huxford St.

Mark & Brenda Rollins
signature
Name Mark & Brenda Rollins
Address 24680 Adelaide Ln

Scott Hannah
signature
Name SCOTT HANNAH
Address 9807 BELLETON AVE.

Amy & Robert Newbold
signature
Name Amy & Robert Newbold
Address 9601 Kasey Court

Phyllis Jordan
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Name Phyllis Jordan
Address 9686 Bella dr.

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ROLAND J. JORDAN
9686 Bella Dr.

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Name DAVID R. IDE
Address daveide11@yahoo.com

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Name MELICI ROSA DIR H
Address 23880 TYBEE CIRCLE
LOT 2



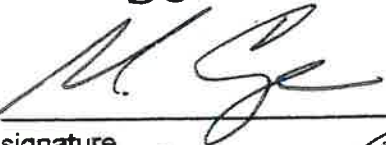
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Name STUART McLaurin
Address 9532 Bella Dr.

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Name Karen H. McLaurin
Address 9532 Bella Dr



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

signature
Name
Address

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.

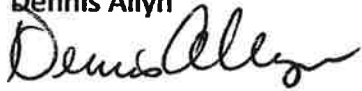
Our concerns are that if they pave Corte Road, motorist will increase dramatically and speeders will go even faster. Our back yards end approximately 5 feet from Corte Road. Children play in their back yards and with increased traffic and speed, they are at risk of getting hit. Corte Road does not need 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. It 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

A handwritten signature in cursive script, appearing to read "Dennis Allyn".

Wendy Allyn

A handwritten signature in cursive script, appearing to read "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 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.

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:

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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**

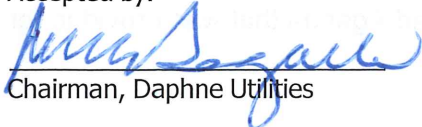
WHEREAS, Fred L. Corte as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of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

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Accepted by:


Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Meeting

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

I. Call to Order

The regular July 2016 Board meeting for the Utilities Board of the City of Daphne was held on July 27, 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
Mayor Dane Haygood, Board Member

Members Absent:

Others Present:

Jerry Speegle – Board Attorney
Danny Lyndall – General Manager
Van Baggett – Operations Manager
Drew Klumpp – Administrative Services Manager
Teresa Logiotatos – Finance Manager
Lori May-Wilson – Executive Assistant
Robbie Strom – HMR
Tim Patton – Volkert & Associates
Melinda Immel – Volkert & Associates
Ray Moore – HMR

Others Absent:

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. Utilities Board Minutes from June 29, 2016:

The Chairman requested any additions, corrections, or deletions for the submitted Minutes from the June 29, 2016 Utilities Board Meeting.

MOTION by Randy Fry to approve the submitted Minutes for the June 29, 2016 Utilities Board meeting; **SECONDED** by Billy Mayhand.

AYE: Fry, Mayhand, Segalla, Vaughn

NAY:

ABSENT:

ABSTAIN : Haygood

MOTION CARRIED

V. OLD BUSINESS – None

Mr. Lyndall reminded the Board that we will proceed with the Amended Agenda that was provided for this meeting.

VI. NEW BUSINESS –

A. Presentation by Warren W. Hopper, CCM, Vice President, BancorpSouth Insurance – Commercial Liability Insurance;

Danny Lyndall introduced Mr. Warren Hopper with BancorpSouth Insurance who recently acquired Daphne Utilities' commercial liability insurance policy and who has been working with the DU staff to search for improved savings and coverage.

Mr. Hopper reviewed for the Board his prepared summary highlighting Daphne Utilities' renewal, agency/brokerage fee, open claims, a workers' compensation forecast, and current projects.

B. Approval of Purchase Requisition #P50-050416 for the Purchase of Gas Meter AMR Transceiver for \$189,210.00 to H-D Supply (Board Action: Motion)

C. Approval of Purchase Requisition #P50-050516 for the Purchase of Water Meter AMR Coupler for \$521,832.00 to H-D Supply (Board Action: Motion)

Danny Lyndall recommended reviewing "B." and "C." together due to their relativity with each other and both requiring approval. He informed the Board that the Purchase Requisitions were necessary in order to move forward with the automatic meter reading project and are before the Board requiring approval due to the amounts and the purchasing authority of staff.

MOTION by Randy Fry for Approval of Purchase Requisition P50-050416 for the Purchase of Gas Meter AMR Transceiver in the amount of \$189,210.00; SECONDED by Billy Mayhand.

Randy Fry asked what was budgeted for this project. Mr. Lyndall explained the total budget of the project and that figures are tracking to be on target. He advised the Board of upcoming necessary documents for approval of an installation contractor within the next 2 months.

MOTION by Randy Fry for Approval of Purchase Requisition P50-050416 for the Purchase of Gas Meter AMR Transceiver in the amount of \$189,210.00; SECONDED by Billy Mayhand.

AYE: Fry, Haygood, Mayhand, Segalla, Vaughn

NAY:

ABSENT:

ABSTAIN :

MOTION CARRIED

MOTION by Billy Mayhand for Approval of Purchase Requisition P50-050516 for the Purchase of Gas Meter AMR Transceiver in the amount of \$521,832.00; SECONDED by Selena Vaughn.

AYE: Fry, Haygood, Mayhand, Segalla, Vaughn

NAY:

ABSENT:

ABSTAIN :

MOTION CARRIED

Randy Fry asked for the project timeline. Mr. Lyndall answered that the project is anticipated to be finished by spring 2017. Mr. Lyndall agreed to Mayor Haygood's request to be kept apprised of the roll-out schedule and locations that are being targeted.

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

Mr. Lyndall advised the Board that this was the added item on the Amended Agenda and explained the easement is a request across the Central Services Property on Well Road in order to cooperate with the sale of the property that was presented before the Board at the May 2016 Board meeting. Mr. Starke Irvine, representing the sellers of the property, explained the land-lock predicament of the property he is selling. Mr. Speegle reminded the Board that the Utilities cannot give any property away but a mutual agreement on a nominal amount, as well as certain expectations, can be negotiated. He informed that once this had been done, the Utilities can then seek the City Council's approval under the statute in order to move forward. It was decided that Mr. Speegle would prepare a draft for both parties to review. Mr. Irvine replied to Mayor Haygood's timeline concern that the sellers are anxious to move forward with the sale of this property.

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle had nothing to add to his report.

VIII. FINANCIAL REPORT

Teresa Logiotatos reviewed financial highlights for the month of June, pointing out the decrease in the total assets due to principle and interest payments on the Utilities' bonds, the fluctuations in inventory due to the AMR project, the budget figures, and explained the new graph included in the financials. She then reviewed the check history report, clarifying a large refund, capacity fee transfers, and other unique payments.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Danny Lyndall announced Mr. Buford King's resignation from the Utilities' staff to attend the MPA program at Auburn University. He then recognized employees in the water and wastewater departments for their hard work in achieving Best Operated Plants and Award of Excellence awards from AWWPCA. He had nothing further to add to his report. Chairman Segalla commended Bobby Purvis for his presentation and hosting the First Responders Pipeline Awareness meeting.

B. Operations Report

Van Baggett also complimented Bobby Purvis and the Natural Gas department for the First Responders Pipeline Awareness and acknowledged his pride of Daphne Utilities water and wastewater employees for their efforts in receiving awards at the AWWPCA banquet.

C. Engineering & Consulting Reports

Ray Moore from HMR gave updates to the Board on the progress of the Olde Towne/ 6th Street Water Treatment Facility, Douglas Road Water Storage Facility and the unsewered Daphne areas projects and answered questions from the Board.

Melinda Immel from Volkert advised the Board on the upcoming two contract renewals for the cleaning and filming and the CIPP on the sewer lines.

X. BOARD ACTION –

A. Approval of Purchase Requisition #P50-050416 for the Purchase of Gas Meter AMR Transceiver for \$189,210.00 to H-D Supply (Board Action: Motion) - Previously addressed under "New Business".

B. Approval of Purchase Requisition #P50-050516 for the Purchase of Water Meter AMR Coupler for \$521,832.00 to H-D Supply (Board Action: Motion) – Previously addressed under "New Business".

XI. PUBLIC PARTICIPATION – None.

XII. BOARD COMMENTS – Selena Vaughn commented positively on the Douglas Road sewer project and the Olde Towne/6th Street project. Mayor Haygood commented on the upcoming election cycle and informed the audience of the polling changes and to field any questions to City Hall. Mr. Fry also congratulated on the AWPCA awards and Mr. King's educational endeavors. Chairman Segalla thanked the employees.

XIII. ADJOURNMENT –

MOTION BY Billy Mayhand to adjourn.

AYE: Fry, Haygood, Mayhand, Segalla, Vaughn

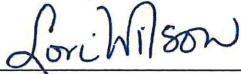
NAY:

ABSENT: ABSTAIN:

MOTION CARRIED

The meeting adjourned at 6:00pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities

August 31, 2016

AUG31 16 4:56PM

Dear Rebecca Hayes city clerk of the city of Daphne

I John Lake candidate for the mayor of Daphne on August 23, 2016.

I am requesting a paper ballot recount as well as a number of voters for District 2.

I have the money to pay then amount of expenses immediately, or I will deposit immediately a cashier's check for the cost of this request.

Upon receipt of an itemized expenses and cost.

Please let me know the amount to deposit and I will pay concurrent with the request. The money is set aside in my campaign account to honor the request.

Thank you



John Lake

From: Beverly Pat Black
Sent: Thursday, September 01, 2016 8:04 AM
To: Jay Ross; Kevin Boucher
Subject: FW: Recount of Votes in Mayoral Election

[Please see below](#)

From: John Lake [<mailto:johnlake3@bellsouth.net>]
Sent: Wednesday, August 31, 2016 9:01 PM
To: Beverly Pat Black; buzz@rossandjordan.com; Charls Donald Lake; Peter Root; R. Nichols
Subject: Re: Recount of Votes in Mayoral Election

I'm paragraph three you make it sound as if I do not want to count the paper ballots I wish to vote count the votes I do not think that by counting sheets of paper I will accomplish what I want to do. I am requesting a count of the votes this should not be a question but it makes it sound as if that is what I'm not asking for I want to be very clear with this I am asking to count the votes. I am asking for a recount of the votes. John Lake

I apologize if my letter was not clear enough. Secondly I do not want a voting machine I want a hand count of the votes. I appreciate your time in this matter thank you very much I hope I have clarified any confusion. Thank you John Lake



Established
1953

DAPHNE FIRE DEPARTMENT BUREAU OF FIRE PREVENTION

1705 MAIN STREET • PO BOX 400
DAPHNE, ALABAMA 36526
OFFICE: (251) 621-2815
FAX: (251) 621-0067



Established
1927

8/11/16

Appointment to Fire Code Board of Appeals

To whom it may concern:

Please see the attached list of names to be appointed to the Fire Code Board of Appeals. I am recommending them to serve as they all have various skills and knowledge, and meet the recommendation set forth in the International Fire Code. I feel it would be a great asset to have them sever on this board.

The previous board members of the Fire Code Board of Appeals have all served over there 4 year appointment terms and need to be replaced. Several have served two terms and others have moved away from our area and no longer wish to serve.

Thank you for your time on this matter.

Chip Martin

Fire Marshal

Fire Code Official

New Fire Code Board of Appeals 2016

1. Design Professional:

Andy Bobe: Andy has been a licensed Engineer for 8 years and employed with Dewberry/Preble-Rish Engineering of Daphne, for the last 5 years, and is a resident of Stratford Glenn.

2. Fire Protection Professional

Frank Henning: Frank is the Vice President of Operations for Hunter Security where he has been for the past 36 years. Frank is also a NICET IV in Fire Alarms.

3. Safety Professional

Troy Dyess: Troy is the Director of Operations for American Autism and Rehabilitation Center here In Daphne. He has been a member of the Spanish Fort Fire Rescue Department for the last 22 years, and holds the rank of Deputy Fire Chief.

4. General Contractor

Mike Hayes: Is the owner of MDH Construction Services Inc. he has been in business for 15 years as licensed general contracting, and lives here in Daphne.

5. Business Representative

Tom Hand: Is a well-known and successful business owner of Gold Mine Pawn Shop, which has been here in Daphne for the past 34 years, and he is also a resident of Daphne.

**CITY OF DAPHNE
ORDINANCE NO. 2012-41**

FIRE PREVENTION CODE FOR THE CITY OF DAPHE

**AN ORDINANCE TO REPEAL ORDINANCE NO. 2009-37 AND TO ADOPT
THE 2012 INTERNATIONAL FIRE CODE WITH AMENDMENTS THERETO
FOR THE CITY OF DAPHNE, ALABAMA.**

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

The 2012 edition of the International Fire Code, copyrighted by the International Code Council, with amendments thereto, has heretofore been on file in the Office of the City Clerk of the City of Daphne, Alabama, pursuant to Resolution No. 2012-37 adopted by the City Council of Daphne, Alabama, on the 7th day of May, 2012.

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

1. That a public hearing shall be held on June 4, 2012 concerning the adoption of an ordinance for the 2012 Edition of the International Fire Code and all amendments thereto.
2. Said Ordinance shall provide for the amendment, deletion, and changes to the International Fire Code, Edition 2012 as follows:
3. The following section of the International Fire Code, Edition 2012, is hereby revised in its entirety to read as follows:

A.

Section 101.1 of the International Fire Code shall be repealed in its entirety and a new section 101.1 shall be added to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of Daphne, hereinafter referred to as "this code."

B.

Section 103.1 of the International Fire Code shall be repealed in its entirety and a new section 103.1 shall be added to read as follows:

103.1 General. Bureau of Fire Prevention. There is hereby established a department to be called the Bureau of Fire Prevention and the person in charge shall be known in this Code as the Fire Code Official, who shall be the Fire Marshal of the City of Daphne. The function of the department shall be the implementation, administration and enforcement of the provisions of this code and amendments.

[A] **106.3 Concealed work.** It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the *fire code official* shall have the authority to require that such work be exposed for inspection. Neither the *fire code official* nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

[A] **106.4 Approvals.** Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this code or of other ordinances of the jurisdiction shall not be valid.

SECTION 107 MAINTENANCE

[A] **107.1 Maintenance of safeguards.** Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this code, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this code and applicable referenced standards.

[A] **107.2 Testing and operation.** Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this code.

[A] **107.2.1 Test and inspection records.** Required test and inspection records shall be available to the *fire code official* at all times or such records as the *fire code official* designates shall be filed with the *fire code official*.

[A] **107.2.2 Reinspection and testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the *fire code official* for inspection and testing.

[A] **107.3 Supervision.** Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this code.

[A] **107.4 Rendering equipment inoperable.** Portable or fixed fire-extinguishing systems or devices, and fire-warning systems, shall not be rendered inoperative or inaccessible, except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

*

[A] **107.5 Overcrowding.** Overcrowding or admittance of any person beyond the *approved* capacity of a building or a portion thereof shall not be allowed. The *fire code official*, upon finding any overcrowding conditions or obstructions in aisles, passageways or other *means of egress*, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

SECTION 108 BOARD OF APPEALS

[A] **108.1 Board of appeals established.** In order to hear and decide appeals of orders, decisions or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The *fire code official* shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *fire code official*.

[A] **108.2 Limitations on authority.** An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code.

[A] **108.3 Qualifications.** The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to hazards of fire, explosions, hazardous conditions or *fire protection systems*, and are not employees of the jurisdiction.

SECTION 109 VIOLATIONS

[A] **109.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**

[A] **109.2 Owner/occupant responsibility.** Correction and abatement of violations of this code shall be the responsibility of the *owner*. If an occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the abatement of such hazardous conditions.

[A] **109.3 Notice of violation.** When the *fire code official* finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the *fire code official* is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for reinspection.

[A] **109.3.1 Service.** A notice of violation issued pursuant to this code shall be served upon the *owner*, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the *owner*, occupant or both.

EMPLOYMENT:

Dewberry\Preble-Rish, 2011 to present

(Dewberry acquired Preble-Rish in April 2016)

Goodwin Mills Cawood: 2009-2011

Rester and Coleman: 2004-2009

ALDOT : 2003-2004

Projects:

Gulf State Park Water Main Upgrades

The project consisted of design and management of 18,000 linear feet of new potable water main within the existing water tower in Gulf State Park back to Fort Morgan Road. Project is currently under construction and is ahead of schedule and under budget. Project bid price \$1.2 million dollars.

CR 64 and CR 13 Intersection Improvement

The ATRIP Project will be the largest roundabout implemented within Baldwin county to date. Work is scheduled to start construction early 2015. Project Bid for \$1.1 million dollars and construction to be managed by Baldwin County.

Fairhope Soccer Complex

Fairhope tasked Preble Rish with the a project involving the design of 10 soccer fields with associated drainage infrastructure, fencing, grassing, irrigation, parking and drives on 40 acres. Project was bid at \$2.5 million dollars less lighting. Project to complete in 2016.

Baldwin Beach Express (Segment 4)

This project consists of approximately 5 miles portion of a 25 mile project, consisting divided 4 lane highway to connect I-10 with I-65. This work was completed through required design phase and is estimated at \$25 million dollars.

ThyssenKrupp Industrial Park (Now ArcelorMittal) –Design/Project Engineer

This project consisted of the installation of all new roads, drainage and utility infrastructure to support 6 large steel processing plants external to ThyssenKrupp. Mr. Bobe designed and managed the project throughout construction and closeout.. This project was \$2.1 million dollars and was completed in Dec. 2012

Steel Warehouse @ ThyssenKrupp Industrial Park- Design/Project Engineer

This project involved the installation of rolled coil steel processing facility with the ability to coil and uncoil 1" steel plate. Project was on approximately 18 acres, with heavy haul access for trucks and rail spur for steel receiving and delivery. Project was \$2 million dollars and finished in Dec. 2012

Commercial Sites: Multiple Walgreen's, Hancock Bank, Whitney Bank, Mobile Educators Credit Union, Hampton Inn, Comfort Suites, LaQuinta, Country Inn and Suites, Holiday Inn Express, Hilton Garden Inn, Gleem Carpet One, Malbis Parkway Pediatric Dental Center, Audubon Park Apartments Ph.2, Cypress Cove Apartments, Ultra Car Wash, Weinacker's Montessori School, Nazaree Christian School, North Mobile County Middle School, Shore Oaks, Eastern Shore Promenade, to name a few.

Subdivisions: Timber Creek Phase 10, Brookhaven, Dunmore, Landsdown, Richmond Unit 3, Crystal Place, Forest Cove Unit 2, Rangeline Hamilton Commercial Park, Timber Creek Commercial South, Timber Creek Office Park,



ANDREW N. "ANDY" BOBE
ASSOCIATE / PROJECT MANAGER
PROFESSIONAL ENGINEER

Education:

Bachelor of Science in Civil Engineering
University of South Alabama

A.S. Civil Engineering Technology
Pensacola Junior College

Registrations:

Professional Engineer – State of Alabama
AL License # 30021
State of Mississippi
MS License # 19433
State of Florida
FL# 78330

Affiliations:

American Society of Civil Engineers (ASCE)
National Council of Examiners for Engineers and
Surveyors(NCEES)



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Daphne, AL 36526

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- Fire
- CCTV

Frank G. Henning
13519 County Road 1
Fairhope, AL 36532

251-583-2599
Frank.huntersecurity@gmail.com

Employed with Hunter Security, Inc. since November 1980.

Currently VP of Operations with Hunter Security, Inc.

EDUCATION

B.S. Georgia Institute of Technology 1980

NSCA – Advanced Sound Design 1993

Certification of Completion Alarm Sales Training, Alabama Alarm Association

LICENSES

Alabama Electronic Security Board of Licensure #1566

Certified Electrical Contractor State of Florida License EF0000994

FIRE ALARM CERTIFICATION & TRAINING

- National Institute for Certification in Engineering Technologies – **NICET Level IV Certification Valid through June 1, 2017**
- Scotty's Contractors School
- Harrington Signal Addressable Fire Alarm Control Panels Certificate 1997
- IMSA Interior Fire Alarm Tech 2003
- Fire Protection Engineering Tech Fire Alarm Systems 2003
- IMSA Fire Alarm Certification Program for Interior Fire Alarm Technician Level 1 2003

Troy D. Dyess
Post Office Box 7648 Spanish Fort, AL 36577
Cell: (251) - 583-3205
Email: troy.dyess@gmail.com

QUALIFICATIONS:

- Work well without supervision
- Work well with people
- Ability to prioritize and remain focused on the essence of an issue
- Excellent supervision skills, experienced with managing personnel
- Sharp management skills, experienced with managing multiple projects simultaneously
- Enjoy leading personnel while cultivating company philosophy

EXPERIENCE:

04/14 – Present American Autism & Rehabilitation Center **Daphne, AL**

Director of Operations

- Direct and coordinate patient accounting
- Direct and coordinate activities with collection agencies, insurance companies, admitting, information management systems, patients, and physicians
- Promote good staffing practices
- Generate statistical information and reports for executive meetings
- Ensure an excellent patient experience
- Supervise staff to ensure cleanliness, safety and policy compliance
- Provide quality systems for recruitment and retention of staff
- Develop budget and financial forecasting
- Provide quality education and performance improvement plans for employees

11/01- Present Spanish Fort Fire Rescue, Inc. **Spanish Fort, AL**

Deputy Fire Chief

- Direct pre-fire planning process
- 1 of 2 fire code enforcement officials for the department
- Manage department-wide operation in absence of the Fire Chief
- Lead emergency response to various incidents
- Instrumental in transferring from one data platform to a new platform
- Review and approve payroll functions for compensated staff
- Manage daily and long-term finances for the department

04/11- 06/13 Medstar Emergency Medical Services **Spanish Fort, AL**

Emergency Medical Technician

- Provide emergency responses to calls within an assigned district
- Provide patient care at the scene of an emergency
- Manage station and unit supplies for district
- Maintain a clean unit for responses
- Maintain a clean station for the following shift
- Submit paperwork / reports for shift

7/02-03/11 Citizens' Bank, Inc. **Robertsdale, AL**

Senior Vice President / Chief Operating Officer

- Managed all operations process for a community based bank including:
 - Information Technology
 - Data Processing
 - Deposit Operations
 - Teller Operations
 - Compliance Implementation
 - Branch Operations
 - Correspondence and clearing operations with correspondent banks and the Federal Reserve
- Managed customer service initiatives

- Correspond with Federal and State regulators during on-site examinations
- Prepared certain reports for Federal and State regulatory agencies; monthly, quarterly, and annually
- Coordinated an overall safety program for the bank, including all branches. This included a regular visit to each branch identifying any maintenance needs to be addressed
- Provided monthly operations reports to the board of directors and attend the board of directors meeting

to answer any questions

11/94- 07/02 Citizens' Bank, Inc. **Robertsdale, AL**

Assistant Vice President / Branch Manager and Other Positions

- Worked in the following positions:
 - Teller
 - Head Teller
 - New Accounts / Customer Service Representative
 - Loan Documentation / Loan Processor
 - Back Room Operations / Data Processing
- Worked as a Branch Manager managing all branch operations and handling loan requests to customers of the branch.

EDUCATION:

May, 1994	Central Christian School	Valedictorian of the Class of 1994	Robertsdale, AL
October, 2003	Samford University	Community Banking School – Diploma	Birmingham, AL
June, 2008	Louisiana State University	Graduate School of Banking – Diploma	Baton Rouge, AL
December, 2009	Faulkner State College	Emergency Medical Technician	Bay Minette, AL
Present	Anna Maria College	Bachelor Degree – Fire Science	Paxton, MA

Alabama Fire College Certifications

- Volunteer Fire Fighter
- Fire Fighter II
- Fire Instructor I
- Hazardous Materials - Awareness and Operations
- First Responder
- Fire Officer I
- Fire Inspector I
- Live Fire Instructor

FEMA Training

- NIMS 100
- NIMS 200
- NIMS 300
- NIMS 400
- NIMS 700
- NIMS 701
- NIMS 702
- NIMS 800

REFERENCES:

Available upon request

Date: May 12, 2016

To: City of Daphne
1705 Main St.
Daphne, AL 36526

Subject: Letter of Resume for Fire Marshal Chip Martin

MDH Construction Services, Inc. is a full service residential and light commercial contractor. We are licensed in the state of Alabama (State License #13620) and incorporated in October 2003.

Projects:

2004-2005 South Pointe Condominiums (Hurricanes Ivan and Katrina Restoration) Alex Pastore
Built 241 Bayview Dr. Daphne, AL. Daniel Sandlin. Approx. 1500 sq.ft.. Project ran \$100k

2005 Built 8954 S. Lamhatty Ln. Daphne, AL. Michael and Kimberly Hayes. Approx. 5000 sq. ft.. The project ran \$500k.
Plantation, Gulf Shores, AL. Garry Jennings. Removed stucco and fixed rotting decks, walls and installed new hardi siding. The project ran \$120k.

2007 Built Spec 8851 N. Lamhatty Ln. Daphne, AL. Approx 4750 sq.ft.. The project ran \$470k.

2008 Built Spec 27634 Oakachoy Loop Daphne, AL. Approx 3000 sq.ft.. The project ran \$300k
Built 27632 Oakachoy Loop Daphne, AL. Eric Hayes Approx 2800 sq.ft.. The project ran \$250k.
2009 505 Church St. Daphne, AL. Ellis and Gay Lord. Removed siding and replaced with Hardi siding. Fixed damage. \$50k
18230 Driskell Loop Loxley, AL. Andy and Karen Fletcher. Added a bonus room and new back porch. Re-sided the house with hardi siding. Project ran \$120k.

2010 27563 Red Eagle Dr. Daphne, AL. Walker and Rachel Goodrich. Added a bedroom/bathroom and bonus room to existing house. Project ran \$100k.

2011 3724 Kentan Dr. Mobile, AL. Robert and Carol Sharp. Renovated kitchen, living room, bedroom and laundry room. Project ran \$120k.

2012 19241 Scenic Hwy 98 Fairhope, AL. Kevin McKaskey. House was built Circa 1914. We completely remodeled the house, added new living areas, built a new garage/storage that attached to an existing guest house. Built a pier with a large dock. This project ran \$900k

http://www.al.com/living/index.ssf/2015/07/cool_spaces_century-old_bay_ho.html

2013 700 Belrose Ave. Daphne, AL. Jimmy Stocks. Approx. 2000 sq.ft. \$150k.

2014 232 Rochester Rd. Mobile. Adrian and Elisa DiVittorio. Remodeled parts of the house and added new master suite, office, work out room, patio, outdoor kitchen and garage ect. The project ran \$450k.
420 White Ave. Fairhope, AL. Harry Souchon. We gutted and added on to an existing house. The project ran \$350k.

165 Georgia Ave. Mobile, AL. Dr. Burt and Carolyn Eichold. Remodeled master bedroom, bathroom, study and closets ect. The project ran \$120k.

2015 233 Suzanne Circle Mobile, AL. Jon Jeffress and Julie Nelson. Job in progress. Renovated entire existing house and added and laundry room and carport. We also had to repair extensive termite damage to the house. The project will run \$360k.

Richard Merchant (Chief building inspector for the City of Daphne, AL.) 251-621-3080

Action A/C. Mobile, AL. Adam and Theresa Anderson 251-645-0089

Azalea Plumbing. Kevin Reber 251-422-2710

BJ Construction. Bart Jones 251-379-9637

Bowden Architecture. Mobile, AL. Don Bowden 251-433-0713

Blue Water Lumber. Daphne, AL. Robert DeNeeffe 251-338-3040

CL Electric. Chris Little 251-895-1139

Coastal Insulation. Mobile, AL. 251-471-3311

Custom Millworks. Fairhope, AL. 251-990-3545

Ford Lumber. Semmes, AL. 251-649-3215

NFL. Daphne, AL. 251-626-2682

Plumb and Square Construction. Chris 251-622-0700

Sherwin Williams. Daphne, AL. 251-626-7419

Swift Lumber. Daphne, AL. 251-621-5066

Please feel free to call me if you need any more references or have any questions.

Thanks,

Mike Hayes
MDH Construction Services, Inc.
8954 S. Lamhatty Ln.
Daphne, AL. 36526
251-379-4043
Mdhconstructioninc@gmail.com



Green theme

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cmartin@daphnefire.org

Read Message - Inbox

[Previous](#) [Next](#)**From:** Rita Hand <rlhand.goldmine@mail.com> [Add to Address Book](#) [Add to Whitelist](#)**To:** cmartin@daphnefire.org**Sent:** Jul 19 '16 4:25pm**Subject:** Tom's resume**Encoding:** Unicode, Worldwide (UTF-8)[-T](#) [T](#) [+T](#)[Delete](#) [Print View](#)[Source](#) [Download](#) [Show](#)[Reply](#)[Reply All](#)[Forward](#)[Forward as Attachment](#)[Put in Folder](#)[Headers](#)[Mark as Unread](#)

To Whom it may concern,

Hello. My name is Thomas J. Hand, IV. I am 52 years old, and have been a resident of Daphne, AL, since 1986, for 30 years.

In 1982, I opened my business, Gold Mine Pawn Shop, in Daphne, in the old Winn Dixie shopping center, which is where the library is located now. In 1990, I was able to buy property, and built my store, in its current location, at 602 US Hwy 98, in Daphne. I have experienced growing pains like any other business man, including having to completely move my business. I have now been in business for 34 years, and it seems as though expansion is a constant.

In addition to my main business, I now have (7) rental retail properties, as well as (14) rental storage buildings on my property. Therefore, as I have personally handled a growing business, paying taxes, renting out space, and maintaining all the buildings and property.

I would be an asset to this committee, as I can see things from the business man's perspective.

If you have any questions, please feel free to call me. Thank you very much.

Tom Hand
251-626-6500



City of Daphne Event Permit Application

Date of Application: 8/16/16 Permit Requested: ☐ Event/Fundraiser ☒ Parade/Run ☐ Band

Contact Information	
Organization Name: <u>Shepherd's flock</u>	
Contact Name: <u>Buddy Hall</u>	E-mail Address: <u>runforsherp@gmail.com</u>
Address: <u>32320 Wildflower Blvd Spanish Fort, AL 36527</u>	
Primary Phone Number: <u>251 406 1301</u>	Secondary: _____
Event Information	
Event Name: <u>Run For Sherp</u>	Event Date: <u>11/21/17</u>
Event Location: <u>Wetline</u>	# Participants/Vehicles: <u>400+ people</u>
Start Time: <u>9AM 5K</u>	Stop Time: <u>10AM 1/2 mile</u>
Assembly Time: <u>6AM</u>	Parade/Run Only
Special Requests: _____	
Road Closures Requested: ☒ Yes ☐ No	

Special Instructions

Route #3 - city Hall start

Approval: Internal Use Only

Date Routed: August 16, 2016
Fire Dept: [Signature]
Police Dept: Richard D. [Signature]
Public Works: Johnson, PE
Parks & Recreation: N/A

DN: cn=Richard D. Johnson, PE, o=City of Daphne, ou=Division of Public Works, email=rjohnson@daphneal.com, c=US
Date: 2016.08.23 16:13:39 -0500

For Special Event/Band Permits:

Council Member: _____
Print Name Signature

For Parade/Run Permits & Use of City Grounds:

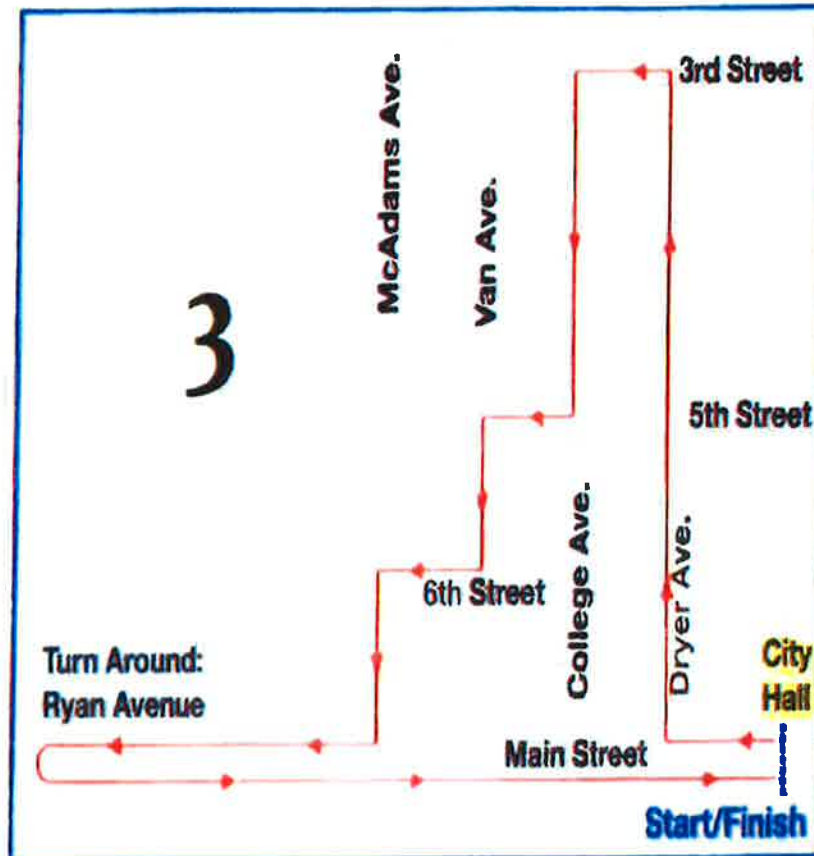
City Council: _____
Date of Approval

Parade/Run Permits ONLY

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4





City of Daphne Event Permit Application

Date of Application: 8-8-16 Permit Requested: ☐ Event/Fundraiser ☒ Parade/Run ☐ Band

Contact Information

Organization Name: SEEDS
Contact Name: Becky Parke E-mail Address: seeds@daphne@gmail.com
Address: P.O. Box 460 Daphne 36526
Primary Phone Number: 251-802-5002 Secondary: 251-623-5814

Event Information

Event Name: SEEDS Classic Rock SK and 1 mile fun Run Event Date: Saturday March, 2017
Event Location: City Hall # Participants/Vehicles: 1000
Start Time: 8:00 am Stop Time: 11:30 Assembly Time: 6:30 - 11:30
Special Requests: set up per past events, use of police, fire dept and city help Road Closures Requested: ☒ Yes ☐ No

Special Instructions

Approval: Internal Use Only

Date Routed: August 12, 2016

Fire Dept: [Signature]

Police Dept: [Signature]

Public Works: Richard D. Johnson, PE

Parks & Recreation: N/A

Digitally signed by Richard D. Johnson, PE
DN: cn=Richard D. Johnson, PE, o=City of Daphne, ou=Division of Public Works, email=rdjohnson@daphneat.com, c=US
Date: 2016.08.23 16:12:43 -05'00'

For Special Event/Band Permits:

Council Member: _____

For Parade/Run Permits & Use of City Grounds:

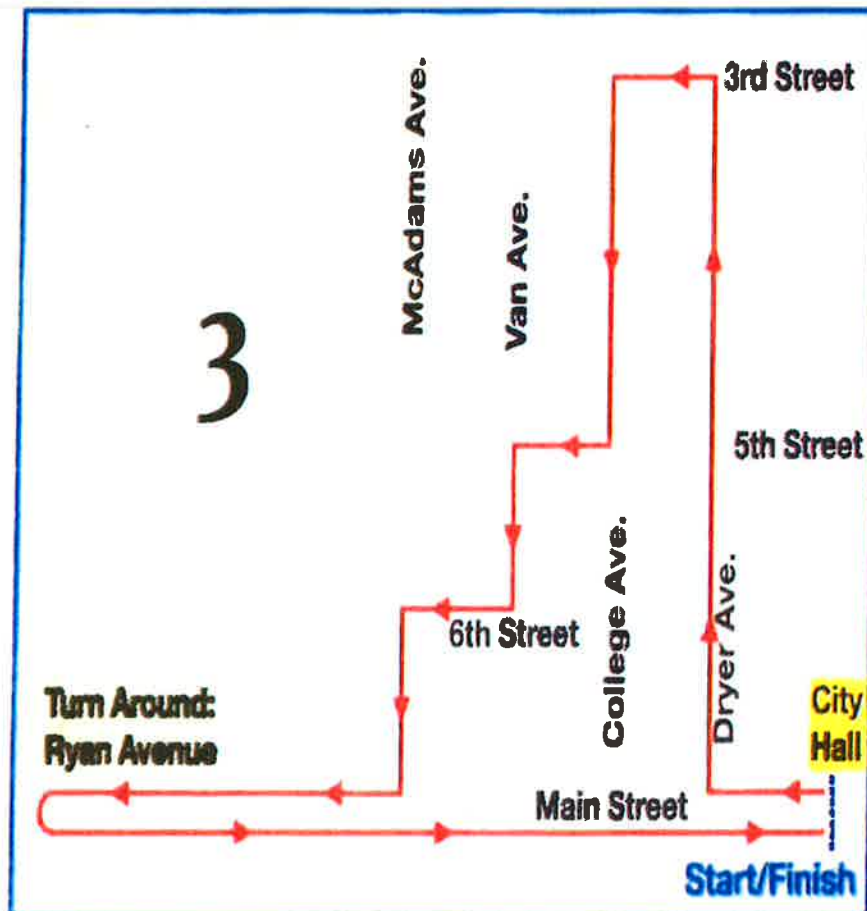
City Council: _____

Parade/Run Permits ONLY

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☒ 3 ☐ 4





City of Daphne Event Permit Application

Date of Application: 8/16/2016

Permit Requested: ☐ Event/Fundraiser ☒ Parade/Run ☐ Band

Contact Information

Organization Name: City of Daphne

Contact Name: Debbie White/Kara Wilbourn

E-mail Address: kwilbourn@daphneal.com

Address: 1705 Main St., Daphne, AL 36526

Primary Phone Number: 251-621-9000

Secondary: 251-621-3703

Event Information

Event Name: Daphne Christmas Parade

Event Date: Friday, 12/9/2016

Event Location: Main Street Route

Participants/Vehicles:

Start Time: *approx. 6pm

Stop Time:

Assembly Time: TBA

Special Requests: *Parade will be a NIGHT parade, but exact time has not yet been set.

Start time will be approx. 6pm.

Road Closures Requested: ☒ Yes ☐ No

Special Instructions

Approval: Internal Use Only

Date Routed: August 16, 2016

Fire Dept

Police Dept

Public Works

Parks & Recreation

Richard D. Johnson, PE

Digitally signed by Richard D. Johnson, PE
DN: cn=Richard D. Johnson, PE, o=City of
Daphne, ou=Division of Public Works,
email=rjohnson@daphneal.com, c=US
DATE: 20160823T16:11:19-0500

Only req. road closure permits, traffic control, or other Daphne permits

For Special Event/Band Permits:

Parade/Run Permits ONLY

Council Member:

District #

Signature

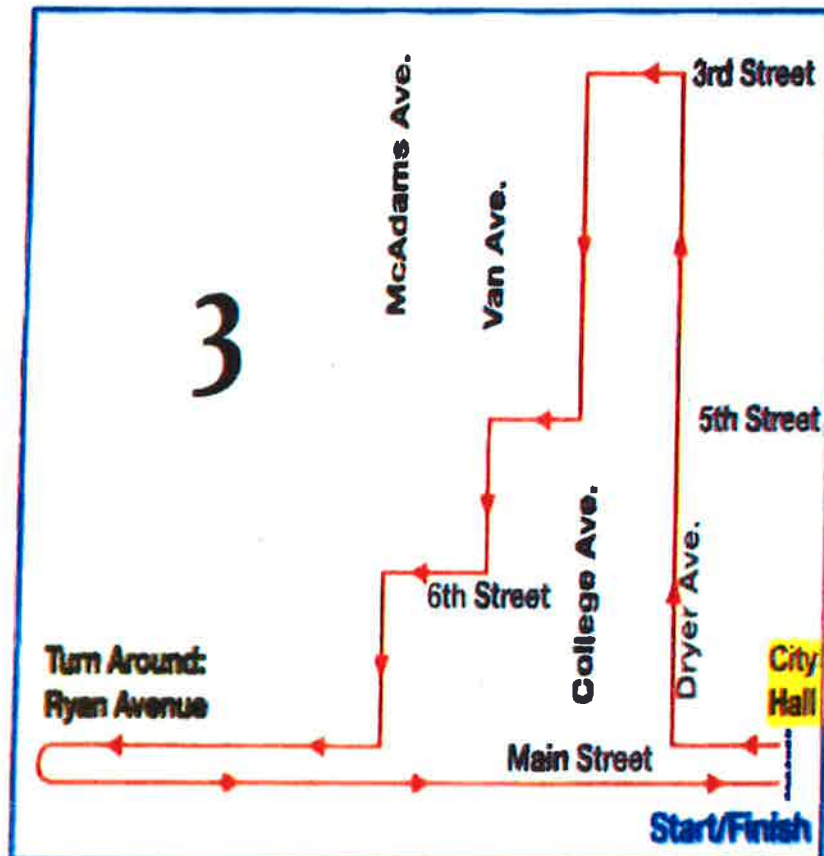
☐ Fee Paid: \$ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

City Council

Date of Approval

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4



City of Daphne

Resolution 2016-61

ADEM 319 D'Olive Creek Sub-watershed Management Project (FY 16)

WHEREAS, the coast of Alabama is blessed with estuaries that support both fresh and saltwater species and serve as nursery habitat for many commercially and recreationally important fish and shellfish; and

WHEREAS, the Tensaw Appalache watershed, located in Baldwin County, AL is within the Mobile Bay estuary and includes the sub-watersheds of D'Olive Creek, Tiawasee Creek and Joes Branch; and

WHEREAS, the Watershed Management Plan: D'Olive Creek, Tiawasee Creek, and Joe's Branch Watersheds was published in 2010 to guide restoration activities in areas of environmental degradation within the sub-watersheds of D'Olive Creek, Tiawasee Creek and Joe's Branch; and

WHEREAS, this plan recommends and identifies areas for stream restoration/stabilization and areas for improved stormwater management in the D'Olive sub-watershed; and

WHEREAS, the City's goal is to support environmental endeavors which will improve water quality and lessen the potential for impacts to the City's watersheds which are part the greater Mobile Bay estuary.

NOW, THEREFORE, BE IT ORDAINED, that:

1. The City Council of the City of Daphne deems the 2016 ADEM 319 D'Olive Creek Sub-watershed Management Project an important component to the Watershed Restoration and approves the City submitting a grant application for one of the following projects:
 - a.) A stream restoration along a severely eroding segment of D'Olive Creek on the south side of Melanie Loop in Lake Forest Subdivision, or
 - b.) A stream restoration along a severely eroding segment of Tiawasee Creek on the south of the Lake Forest Golf Course's driving range.

If the grant is awarded, the project that is causing the most environmental harm will be chosen to be implemented.

2. The ADEM 319 grant program provides 60% of the project cost while the local sponsor is responsible for other 40% share. If awarded, the grant will be for \$324,060.00. ADEM 319 will provide (60%) of the funds totaling \$194,436.00. The required local match (40%) for the grant is \$129,624.00. The match will be provided by the Mobile Bay National Estuary Program's National Fish & Wildlife Foundations D'Olive Watershed Restoration Grant. The City of Daphne will not provide any cash for the grant. However, city staff will manage the grant.
3. The Mayor or his designee is authorized to manage and sign all grant-related documents including grant application, reimbursement requests and periodic reports.

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

ADEM 319

2016 Potential Stream Restoration Projects



**Tiawasee Creek
Stream Restoration Project 2**
-87.896 30.646

**Melanie Loop D'Olive Creek
Stream Restoration Project 1**
-87.87 30.647

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RESOLUTION 2016-62

**AUTHORIZING _____
TO REMOVE AND DISPOSE OF COMMERCIAL SOLID WASTE
AND TO REMOVE AND TRANSPORT CONSTRUCTION AND DEMOLITION
DEBRIS**

WHEREAS, _____ has made application for a non-exclusive franchise for the use of the City streets to remove and dispose of Commercial Solid Waste and to remove and transport Construction and Demolition Debris from construction projects;

WHEREAS, City is willing to grant a non-exclusive franchise on the terms and conditions set out in the attached Franchise Agreement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne, Alabama, that the Mayor and City Clerk are authorized to execute and attest, respectively, the attached Franchise agreements by and between the City of Daphne and _____.

ADOPTED and **APPROVED** this the _____ day of _____, 2016.

REBECCA A. HAYES
CITY CLERK

FRANCHISE AGREEMENT AUTHORIZING

**TO COLLECT COMMERCIAL SOLID WASTE AND CONSTRUCTION
DEBRIS IN THE CITY AND ITS POLICE JURISDICTION**

SECTION 1 -Non-Exclusive Franchise Granted

The City of Daphne hereby grants to _____ (hereinafter called the Franchisee) a non-exclusive franchise to use of streets and public places for the collection and disposal of Commercial Solid Waste and the removal and transportation of Construction and Demolition Debris, under the terms and conditions hereinafter set out.

SECTION 2 - Definitions

As used in this franchise, the following terms shall have the meaning assigned as follows:

ADMINISTRATOR shall mean the City Clerk of the City of Daphne or his/her designee.

APPROVED CONTAINER shall mean an enclosed container usually constructed of metal with a close fitting cover or doors with a capacity in excess of one (1) cubic yard, approved by the County Health Department which is used to store large volumes of Solid Waste for collection.

BUSINESS shall mean all commercial establishments, including, but not limited to motels, hotels, recreational vehicle rental space(s), stores, office buildings, irrespective of the form of ownership, restaurants, service stations and garages, laundry and cleaning establishments, industrial establishments and all other places not classified as “residential premises” or a “residential unit” that produce or accumulate solid waste, including adjacent unimproved property.

CITY shall mean the City of Daphne, a political subdivision of the State of Alabama.

COLLECTION shall mean the act of removing material from a construction or demolition site.

COLLECTOR shall mean _____, the entity authorized by this ordinance to engage in the collection and transportation of Construction and Demolition Debris.

COMMERCIAL DEMOLITION DEBRIS shall mean material from a construction or demolition site mixed with other types of solid waste. This debris shall be handled as Business and not Residential.

COMMERCIAL SOLID WASTE shall mean garbage, rubbish, yard waste or trash, clean debris, “white” goods, construction and demolition waste or other discarded material or refuse, other than Residential.

CONSTRUCTION AND DEMOLITION DEBRIS shall mean materials generally considered to be not water soluble and non-hazardous in nature, including, but not limited to steel, glass, brick,

concrete, asphalt roofing materials, pipe, gypsum wallboard, and lumber, from a construction or demolition project and including rocks, soils, tree remains, trees (all diameters), and other vegetative matter which normally results from land clearing operations. Mixing of Construction and Demolition Debris with other types of Solid Waste, including material from a construction or demolition site which is not from the actual construction or destruction of a structure, will cause it to be classified as Commercial Demolition Debris.

COUNCIL shall mean the City Council of the City of Daphne, Alabama.

CUSTOMER shall mean any person or persons, firm, corporation or association who/which contracts with the Collector for collection and disposal of Commercial Solid Waste and/or Construction and Demolition Debris for a fee.

DISPOSAL FACILITY shall mean the Tallent Lane landfill located in the County, or if not available, to any other Solid Waste Facility or Solid Waste Management Facility designated as a RCRA Subtitle D site or one operating under Subtitle D regulations in Alabama, Mississippi or Florida.

HAZARDOUS WASTE shall mean Solid Waste, or a combination of Solid Wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed and including any materials specifically designated by state or federal agencies.

HOUSEHOLD WASTE shall mean any combination of refuse usual to housekeeping and generated solely by residents in the ordinary course of residential occupancy of a premises, excluding major appliances, such as stoves and refrigerators, furniture, automobile bodies and parts, tires, household and yard appliances, and other bulky items not suitable for proper confinement in the garbage receptacle.

PUTRESCIBLE WASTE shall mean food waste or garbage that will rot or decay producing foul odors or attract vectors. Putrescible waste includes containers that are contaminated by such waste.

RESIDENTIAL WASTE shall mean Garbage, Rubbish, and Recyclable Materials resulting from the normal housekeeping activities of a Residential Unit.

SOLID WASTE shall mean Garbage, Rubbish, Yard Waste or Trash, Clean Debris, "White" Goods, Construction and Demolition Waste or other discarded material or refuse.

SPECIAL WASTES shall mean Solid Waste that requires special handling and management, including, but not limited to, whole tires, used oil, lead acid batteries, and Biological Wastes.

WHITE GOODS shall mean refrigerators, ranges, water heaters, freezers and other large appliances.

YARD WASTE shall mean material resulting from landscape maintenance, including but not limited to grass clippings, leaves, twigs, small trees (6" diameter or less), etc., and material not resulting from land-clearing operations.

SECTION 3 - Service Undertaking

The Franchisee shall offer services solely for the collection and disposal of Commercial Solid Waste and Construction and Demolition Debris to persons located within the corporate limits of the City and its police jurisdiction. Upon request, a Franchisee shall provide to the City's Finance Department, a listing of customers, service location, frequency of pickup and types of service provided, as well as, franchisee telephone numbers and contact personnel.

SECTION 4 - Equipment

Franchisee shall utilize such trucks or other collection equipment and/or vehicles necessary and approved by the City's Public Works Director for the collection and disposal of Commercial Solid Waste. Vehicles utilized by Franchisee shall be so covered, secured or sealed that there will be no loss during haulage to cause littering of streets and highways, or cause a nuisance or hazard to the public health. Franchisee shall utilize an adequate number of collection vehicles and/or equipment based on number of customers and solid waste generated. In the event the City in its discretion determines that an adequate number or type of vehicles or equipment is not being utilized by Franchisee, it shall so notify Franchisee in writing. All vehicles or equipment utilized by Franchisee shall be maintained in a safe and clean operating condition, and the City at its convenience may inspect such vehicles or equipment from time to time. The collection containers provided by Franchisee shall be maintained by Franchisee in good repair and in a sanitary condition.

SECTION 5 - Frequency of Collection

Franchisee shall begin and complete scheduled collections of Commercial Solid Waste and Construction and Demolition Debris at a time that shall be mutually agreed between Customer and Franchisee. Collection containers provided by Franchisee shall be in a sanitary condition and equipped so that contents will not fall out.

SECTION 6 - Compliance with Collection and Disposal Laws and Regulations

Franchisee shall dispose of all solid waste collected by it in accordance with all applicable federal, state, county, and municipal laws, ordinances, rules and regulations pertaining to the collection of disposal of such waste material. Specifically, but without limitation, such waste shall be disposed of only in a disposal facility duly licensed and permitted by all governmental entities and agencies having jurisdiction with respect to such site and Franchisee shall comply with all reporting requirements of all governmental entities and agencies having jurisdiction. Upon request, Franchisee shall provide the City with copies of any and all such reports.

SECTION 7 - Books and Records of Franchisee

The books and records of Franchisee relevant to its collection and disposal services in the service area shall be available for inspection or audit by the City during the hours of 8:00 a.m. to 4:00 p.m. Monday through Friday, legal holidays excepted. If such books and records are not regularly maintained by Franchisee within the corporate limits of the City, Franchisee shall present such books and records for inspection or audit at the Municipal Complex upon twenty-four (24) hours oral or written demand for inspection or audit. In addition, upon request, Franchisee shall provide to the City a customer listing, frequency of collection, quantity of waste collected, and any other necessary reports or documentation, to meet ADEM reporting requirements.

The accounting system utilized by the Franchisee shall be in accordance with generally accepted accounting principles. Franchisee shall provide the City with an acceptable detailed annual operating statement or consolidated operating statement within forty-five (45) days after the end of each of Franchisee's fiscal year during the term of this Franchise.

SECTION 8 - Cause for Cancellation

The City shall have the right to cancel this Franchise for cause, including, without limitation, insufficiency or irregularity of services, financial irregularities, violation of governmental law, ordinance, rule or regulation, or other misfeasance, malfeasance, or nonfeasance in the provision of services under this Franchise or breach of the terms and conditions herein. In the event the City believes cause for termination exists, it will give written notice to Franchisee of the basis on which it believes cause for termination exists and will give Franchisee an opportunity to appear before a regular or special meeting of the Municipal Council to present any evidence or explanation of the existence of cause for termination. Following such presentation, the City may elect to terminate this Franchise, may elect to continue this Franchise, either as written or under probationary conditions, or may elect such other action as may be in the best interest of the City. Franchisee shall be given written notice of the action of the Council, and no termination shall become effective earlier than thirty (30) days following the giving of such notice.

SECTION 9 - Indemnification

The Franchisee shall indemnify and hold the City, its elected and appointed officials, officers, agents, servants, and employees harmless from any and all claims or demands (including reasonable attorney's fees) of whatever kind or character arising directly or indirectly, proximately or remotely, from the operation of solid waste collection activities by Franchisee.

SECTION 10 - No Assignment or Transfer

This Franchise nor the rights of Franchisee hereunder may not be sold, assigned, pledged or transferred in whole or in part by Franchisee. In this regard, the sale, transfer, or conveyance of more than fifty percent (50%) of the shares of voting stock of Franchisee to any one person or entity shall be considered an assignment.

SECTION 11 - Insurance

Franchisee, as a condition under this document, shall furnish and maintain comprehensive general liability insurance coverage in coverage amount not less than \$2,000,000, single limit, under a policy issued by an insurer acceptable to the City. Such policy shall be in a form satisfactory to the City and shall name the City as co-insured against any liability for personal injury, death, or property damage arising directly or indirectly from the collection or disposal services to be performed by Franchisee. Any lapse in the coverage required in this paragraph shall result in an automatic and immediate suspension of the franchise rights granted Franchisee hereunder. Franchisee shall provide acceptable documentation to the City of Workers Compensation Insurance.

SECTION 12 - Nonexclusivity

The franchise rights granted hereunder shall be non-exclusive, and the City may at any time and from time to time award similar franchise rights to other persons or entities. This Franchise is the grant of a non-exclusive franchise pursuant to Section 220 of the Constitution of Alabama.

SECTION 13 - No Agency

Franchisee shall be an independent contractor and not the agent of the City for any purpose. The City assumes no responsibility for the collection of fees or other debts owed to Franchisee.

SECTION 14 - Term

This franchise shall become effective upon its adoption by the City Council and when Franchisee files its acceptance, attached hereto as Exhibit "A", and furnishes proof that it has complied with all of the terms of this Franchise. This Franchise shall expire, unless sooner terminated or extended in writing after the approval of the City, on December 31, 201__.

SECTION 15 - Consideration for Franchise Rights

As consideration for the franchise rights granted hereunder and unless and until increased or amended as provided in this paragraph, Franchisee shall pay to the City an annual franchise fee equal to three percent (3%) of Franchisee's gross receipts from charges for services rendered pursuant to this Franchise. Such franchise fee shall be paid to the City every three (3) months, with the first payment being due and payable three (3) months from the effective date of this Franchise. A late charge equal to ten percent (10%) of the amount due every three (3) months shall be assessed for each one to thirty-day (1-30) period said franchise fee is not paid after its due date.

The City reserves the right from time to time and at any time during the term of this Franchise to amend the terms hereof, to increase the amount of the franchise fee, to impose a franchise fee obligation in a set amount or to otherwise alter or amend the franchise fee obligation of Franchisee hereunder; provided, however, that Franchisee shall be given written notice of any such alteration or amendment and such alteration or amendment shall not take effect sooner than the date that is sixty (60) days after the date on which the notice is delivered to Franchisee or the first anniversary date of the effective date of this Franchise occurring after the giving of notice, whichever

date is later. In the event of notification of an increase of the franchise fee hereunder or the imposition of a fee based on a percentage of Franchisee's receipts, Franchisee may elect in writing prior to the effective date of the franchise fee increase or amendment to terminate this Franchise as of the effective date of the franchise fee increase or amendment, in which case all rights and privileges of Franchisee shall terminate as of such date.

SECTION 16 - Permit Submittal

Copies of all applications for permits from board or agencies of the County, State, or Federal government having jurisdiction over any activities of the Franchisee in relation to this Franchisee shall be provided to the City at the time of their submittal to the governing agency.

SECTION 17 - Complete Franchise

This Franchise sets out the complete conditions with respect to the subject matter hereof and may not be amended except in a writing whose execution by the City has been approved by Ordinance or formal resolution of the Municipal Council.

SECTION 18 - Compliance with ADEM and other State Reporting Requirements

The City is required to quarterly and annually submits full cost accounting of solid waste collections, etc., to the Baldwin County Commission and the Alabama Department of Environmental Management (ADEM). Franchisee shall submit all required and requested full cost accounting reports to the County Commission and ADEM by the requested deadline dates. Copies of these reports will be submitted simultaneously to the City, along with a full listing of all customer accounts.

SECTION 19 - Severability Clause

The provisions of this Ordinance are hereby declared to be severable. In the event any provision hereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect any other portion of this Ordinance.

Dane Haygood, Mayor

Attest:

Rebecca A. Hayes, City Clerk

Franchisee

By:_____

Its:_____

SWORN to and subscribed before me on this the _____ day of _____, 201____.

Notary Public

My Commission Expires:_____

CITY OF DAPHNE

RESOLUTION NO. 2016-63

**A RESOLUTION TO THE CITY COUNCIL OF THE CITY OF DAPHNE APPOINTING
KENT HAMILTON BROOM TO THE BOARD OF DIRECTORS OF THE SPECIAL
CARE FACILITIES FINANCING AUTHORITY OF THE CITY OF DAPHNE**

WHEREAS, the City Council (the “Council”) of the City of Daphne, Alabama (the “City”), previously has approved the formation of The Special Care Facilities Financing Authority of the City of Daphne (the “Authority”) in accordance with Chapter 62 of Title 11 of the Code of Alabama (1975), as amended (the “Act”); and

WHEREAS, the City desires to appoint Kent Hamilton Broom who is a qualified elector of and the owner of real property in the City and neither of whom is an officer of the State of Alabama or of any county or municipality in the State of Alabama.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF DAPHNE AS FOLLOWS:**

1. That Kent Hamilton Broom is appointed by the City Council as director to the Board of Directors of the Authority to fill the position vacated by Geri Moulton.
2. The term of Kent Hamilton Broom shall begin immediately, and end at noon on November 11, 2019.

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

Pat Rudicell
Council President

Dane Haygood
Mayor

ATTEST:

Rebecca A. Hayes
City Clerk

KENT H. BROOM

Landscape Architect

Kent Broom is the President and owner of Kent H. Broom, Inc. a landscape architectural firm located in Daphne, Alabama. Kent H. Broom, Inc. has been in business since 1997 and provides landscape architectural and consulting services along the Gulf Coast. Kent has designed large commercial projects as well as small detailed residential projects. His work is seen in private and commercial spaces throughout the region.

Kent Broom also is the president and co-owner of The Landscape Company, LLC, a landscape construction company located in Fairhope, Alabama. He is 50% owner of the company which started in 2006. The Landscape Company provides landscape maintenance and construction services for clients in Alabama and Mississippi.

Kent is a transplant native of New York and graduated with an Associates of Arts degree from Marion Institute in 1973. He continued his education graduating from Louisiana State University in 1977 with a BLA (Bachelors of Landscape Architecture, a 5 year program). Kent is a licensed Landscape Architect in the State of Alabama and had licenses in the State of Georgia and Mississippi.

Kent also has been the lead designer for the Providence Hospital Festival of flowers for over 10 years and is a parishioner at Chris the King Catholic Church in Daphne, Alabama. Kent has 3 children, which all were raised in Daphne and currently all three are in college.

CITY OF DAPHNE

RESOLUTION NO. 2016-64

**A RESOLUTION TO THE CITY COUNCIL OF THE CITY OF DAPHNE APPOINTING
HUGH ANDREW WILLIAMS TO THE BOARD OF DIRECTORS OF THE SPECIAL
CARE FACILITIES FINANCING AUTHORITY OF THE CITY OF DAPHNE**

WHEREAS, the City Council (the “Council”) of the City of Daphne, Alabama (the “City”), previously has approved the formation of The Special Care Facilities Financing Authority of the City of Daphne (the “Authority”) in accordance with Chapter 62 of Title 11 of the Code of Alabama (1975), as amended (the “Act”); and

WHEREAS, the City desires to appoint Hugh Andrew Williams who is a qualified elector of and the owner of real property in the City and neither of whom is an officer of the State of Alabama or of any county or municipality in the State of Alabama.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF DAPHNE AS FOLLOWS:**

1. That Hugh Andrew Williams is appointed by the City Council as director to the Board of Directors of the Authority to fill the position vacated by Enoch Toler.
2. The term of Hugh Andrew Williams shall begin immediately, and end at noon on November 8, 2021.

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

Bio – Hugh Andrew “Andy” Williams

Andy is a Senior Clinical Oncology Specialist with Medivation, Inc. covering the Southern portion of Alabama and The Florida Panhandle. He has been a field-based sales representative in the Pharma/Biotech Industry for over 25 years.

Andy is a native of Mobile and has resided in Daphne, AL since 1988. He attends Christ the King Catholic Church where he sits on the Parish Council and is involved in the decision making process for many of the policies affecting the Church.

Andy is also a member of the Board for the Archbishop Oscar Lipscomb Sports Complex in Mobile, AL. He has served in several leadership roles in his neighborhood Property Owner’s Association of Saint Charles Place in Daphne.

Andy earned his Bachelor of Science Degree from the University of South Alabama in 1986. He is married to Susan G. Williams, RN, MSN, PhD. Susan is a Professor in the College of Nursing at The University of South Alabama. They have two sons, Drew who is a senior studying at Auburn University and J.P. who is a junior at McGill-Toolen Catholic High School.

Andy Williams

7 Saint Charles Place, Daphne/AL/36526

251-510-3178

ORDINANCE 2016-50

Appropriation From the General Fund: For Appraisal, Survey and Associated Closing Fees for Donated Property Located on Milton Jones Road

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

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

WHEREAS, the City is evaluating properties where a future Fire Station/Public Safety Complex could be constructed to better serve the safety needs of the citizens of Daphne ; and

WHEREAS, an offer has been made by the property owner to donate property located on Milton Jones Road; and

WHEREAS, there are appraisal, survey, and other closing fees associated with the donation of such property to the City; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that

1). Funds from the General Fund are hereby appropriated and made a part of the Fiscal Year 2016 budget in the amount up to \$10,000 for closing cost: survey, title search, appraisal, taxes, and associated legal fees for the property located on Milton Jones Road.

2). Authorize the Mayor and/or the City Attorney to negotiate the purchase of said property for the City and the Mayor to execute all related agreements for approximately 1.5 acres included in the current parcel PPIN #062441.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF DAPHNE AND BERTOLLA PROPERTIES LLC**

This Memorandum of Understanding (hereinafter referred to as "MOU") is made and entered into on this the ____ day of _____, 2016, by and between the City of Daphne, an Alabama municipal corporation (hereinafter referred to as "DAPHNE") and BERTOLLA PROPERTIES L.L.C. (hereinafter referred to as "DONOR"); and

WHEREAS, DONOR has graciously consented to donate part of a parcel of real property, located in the City of Daphne to DAPHNE as more specifically identified on Exhibit "A" attached hereto and incorporated by reference; and

WHEREAS, by Resolution the City Council of the City of Daphne will accept the donated parcel of real property from DONOR; and

WHEREAS, DONOR has requested and DAPHNE consents that the conveyance of the real property be subject to the following conditions incident to said conveyance; and

WHEREAS, this MOU is intended to memorialize the intent of DONOR regarding his donated conveyance of the real property to DAPHNE and the parties covenant and jointly agree as follows:

1. DAPHNE will establish visible permanent markers or iron posts that will delineate each of the boundaries of the parcel of real property that DAPHNE has received from DONOR.
2. The donated portion of a parcel of real property located at Milton Jones Road, west of Highway 181 containing approximately 1.5 acres shall be improved with a storm water management facility appropriate to the intended use of the property.
3. When DAPHNE constructs a building on the parcel, DAPHNE will contemporaneously construct a paved road on the east boundary of the donated property that runs approximately 310 feet from Milton Jones Road with access to the southern part of the remainder of the parcel that is contiguous.

IN WITNESS WHEREOF, DAPHNE and DONOR have executed this Memorandum of Understanding on this the ____ day of _____, 2016.

**CITY OF DAPHNE
an Alabama municipal corporation**

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

BERTOLLA PROPERTIES L.L.C.

Ordinance 2016-51
An Ordinance Amending Job Classification Schedule to
address the Fair Labor Standards Act

WHEREAS, Ordinance 2004-52 as adopted January 3, 2005 established the City of Daphne Job Classification Schedule and Ordinance 2004-52 requires that subsequent revisions or amendments to the Job Classification Schedule be approved by the City Council; and

WHEREAS, changes are needed in the City's Job Classification Schedule to insure the Schedule remains current and compliant with State and Federal Labor laws

WHEREAS, the U. S. Department of Labor Wage and Hour Division has updated regulations governing executive, administrative, and professional employees (white collar workers) whom are entitled to the Fair Labor Standards Act's minimum wage and overtime pay protections.

WHEREAS, currently workers can qualify for exempt status from overtime rules as long as they meet certain conditions and earn \$455 per week, or \$23,660 per year.

WHEREAS, the Department of Labor updated these regulations to increase the current salary threshold to be exempt from overtime rules to \$913 per week, or \$47,476 annually. These rules become effective December 1, 2016.

WHEREAS, changes in law concerning salary thresholds will require certain revisions to the Job Classification Schedule in order for the City to remain compliant with Federal Law.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that:

The reclassification for the following positions is hereby approved and the following amendment is hereby incorporated into the City of Daphne Job Classification Schedule effective with the beginning of the first pay period in October 2016 as follows:

The following positions shall be reclassified from salary to hourly with no grade changes:

Position	From Grade		To Grade
IT Coordinator	22	IT Coordinator	22
Children's Librarian	18	Children's Librarian	18
Librarian- Young Adult	18	Librarian- Young Adult	18
Reference Librarian	18	Reference Librarian	18
Senior HR Specialist	18	Senior HR Specialist	18
Sales Manager	17	Sales Manager	17
Library Supervisor	16	Library Supervisor	16

Due to the large salary increase required, the following positions shall be reclassified but shall change to non-exempt, hourly and shall be entitled to overtime pay:

Position	From Grade		To Grade
Accountant	17	Accountant I	18
Revenue Officer	20	Revenue Officer	23

The following positions shall be reclassified and remain salaried:

Position	From Grade		To Grade
Accountant I	17	Accountant II	20
Court Admin Magistrate	17	Court Admin Magistrate	18

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

United States Department of Labor

Wage and Hour Division

Wage and Hour Division (WHD)

Final Rule: Overtime

Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees under the Fair Labor Standards Act



On May 18, 2016, President Obama and Secretary Perez announced the publication of the Department of Labor's final rule updating the overtime regulations, which will automatically extend overtime pay protections to over 4 million workers within the first year of implementation. This long-awaited update will result in a meaningful boost to many workers' wallets, and will go a long way toward realizing President Obama's commitment to ensuring every worker is compensated fairly for their hard work.

In 2014, President Obama signed a Presidential Memorandum directing the Department to update the regulations defining which white collar workers

are protected by the FLSA's minimum wage and overtime standards. Consistent with the President's goal of ensuring workers are paid a fair day's pay for a hard day's work, the memorandum instructed the Department to look for ways to modernize and simplify the regulations while ensuring that the FLSA's intended overtime protections are fully implemented.

The Department published a Notice of Proposed Rulemaking (NPRM) in the Federal Register on July 6, 2015 ([80 FR 38515](#)) and invited interested parties to submit written comments on the proposed rule at www.regulations.gov by September 4, 2015. The Department received over 270,000 comments in response to the NPRM from a variety of interested stakeholders. The feedback the Department received helped shape the Final Rule.

Key Provisions of the Final Rule

The Final Rule focuses primarily on updating the salary and compensation levels needed for Executive, Administrative and Professional workers to be exempt. Specifically, the Final Rule:

1. Sets the standard salary level at the 40th percentile of earnings of full-time salaried workers in the lowest-wage Census Region, currently the South (\$913 per week; \$47,476 annually for a full-year worker);
2. Sets the total annual compensation requirement for highly compensated employees (HCE) subject to a minimal duties test to the annual equivalent of the 90th percentile of full-time salaried workers nationally (\$134,004); and
3. Establishes a mechanism for automatically updating the salary and compensation levels every three years to maintain the levels at the above percentiles and to ensure that they continue to provide useful and effective tests for exemption.

Additionally, the Final Rule amends the salary basis test to allow employers to use nondiscretionary bonuses and incentive payments (including commissions) to satisfy up to 10 percent of the new standard salary level.

The effective date of the final rule is December 1, 2016. The initial increases to the standard salary level (from \$455 to \$913 per week) and HCE total annual compensation requirement (from \$100,000 to \$134,004 per year) will be effective on that date. Future automatic updates to those thresholds will occur every three years, beginning on January 1, 2020.

Informational Webinars on the Overtime Final Rule [Register Here](#)

Additional Information

- [Final Rule](#)
- [Overtime Overview](#)
- [Questions and Answers](#)
- [Fact Sheet: Overtime Final Rule \(PDF\)](#)

CITY OF DAPHNE

ORDINANCE 2016-52

**AN ORDINANCE AMENDING ORDINANCE 2014-06 REALLOCATING A PORTION
OF THE LODGING TAX**

WHEREAS, Resolution 2015-75 authorized the portion of the lodging tax allocated to the IDB from the City of Daphne to be reduced by Ordinance from thirteen percent (13%) to ten percent (10%) and the funds from the three percent reduction to the IDB to remain in the possession of the City; and

WHEREAS, the funds mentioned in Resolution 2015-75 have been transferred and all other conditions have been met; and

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

SECTION 1. NARRATIVE

By way of Resolution 2015-75, the City Council of the City of Daphne agreed to allow grant funds in the amount of (\$426,768.26) Four Hundred Twenty Six Thousand Seven Hundred Sixty Eight Dollars and Twenty Six Cents to be transferred from City bank accounts to the IDB subject to the following conditions:

- a) the real estate purchased by these grant funds and any future purchases related to the project initiated through this grant shall be annexed into the City of Daphne; and
- b) the real estate purchased by these grant funds and any future purchases related to the project initiated through this grant will be zoned under the office designation under Daphne's Land Use Ordinance, the current appropriate zoning being B-3 or as otherwise deemed appropriate by the City Council; and
- c) the portion of the lodging tax allocated to the IDB from the City of Daphne shall be reduced by Ordinance from thirteen percent (13%) to ten percent (10%) and the funds from the three percent reduction to the IDB shall remain in the possession of the City. This reduction will take place only after funds have been transferred.
- d) The 3% shall be used for the purpose of recreation acquisitions, development, and maintenance in addition to the current allocation as specified on Ordinance 2014-06.

The aforesaid conditions numbered 1 and 2 have been met. This Ordinance shall effectuate condition 3.

SECTION 2. REALLOCATION

Ordinance 2014-06 Section 9(a) is hereby repealed and replaced with the following:

“The lodging taxes which are collected are hereby divided as follows:

- (a) Ten percent (10%) shall be paid at least quarterly and used for the purpose of providing funding to the Industrial Development Board for the action items, implementation of strategies, and tactics included in the then current Strategic Economic Development Plan as approved and adopted by the City Council.”

The funds derived from the three percent reduction of payment to the IDB shall remain in the City’s general fund for use consistent with said tax

SECTION 3. 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 4. EFFECTIVE DATE

This Ordinance shall take effect and be in force effective upon full execution as provided by law.

SECTION 5. REPEALER

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

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

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

CITY OF DAPHNE

RESOLUTION 2015-75

"OPTION C"

DEEP WATER HORIZON FUNDS EXPENDITURE

WHEREAS, Resolution 2010-52 authorized the Mayor of the City of Daphne to sign all documents necessary to receive a Grant from the Alabama Emergency Management Agency (AEMA) related to the Deepwater Horizon Incident; and

WHEREAS, the Mayor executed a Grant Agreement to accept funding of part of a \$25 million grant from BP to the State of Alabama; and

WHEREAS, a Reallocation Grant Agreement was also entered on or about June, 11, 2015 between the City of Daphne, AEMA and the Industrial Development Board of the City of Daphne (IDB) to allow the remaining Grant funds in the amount of Four Hundred Twenty Six Thousand Seven Hundred Sixty Eight Dollars and Twenty Six Cents (\$426,768.26) to be used by the IDB for the purchase of real property for the purposes of fostering the development of a technology park; and

WHEREAS, additional funds were disbursed in error by the State of Alabama to the IDB and the state has requested those funds sent in error to be returned by the IDB. An IDB meeting was held on December 3, 2015 where the IDB voted to return the duplicative funds to the State; and

WHEREAS, the IDB desires to move forward with the land acquisition pursuant to the Deep Water Horizon Grant;

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

The City Council of the City of Daphne hereby agrees to allow the remaining grant funds in the amount of (\$426,768.26) Four Hundred Twenty Six Thousand Seven Hundred Sixty Eight Dollars and Twenty Six Cents to be transferred from City bank accounts to the IDB to be used pursuant to the Reallocation Grant Agreement, provided that and subject to the following additional conditions:

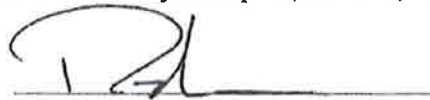
- a) the real estate purchased by these grant funds and any future purchases related to the project initiated through this grant shall be annexed into the City of Daphne; and
- b) the real estate purchased by these grant funds and any future purchases related to the project initiated through this grant will be zoned under the office designation under Daphne's Land Use Ordinance, the current appropriate zoning being B-3 or as otherwise deemed appropriate by the City Council; and
- c) the portion of the lodging tax allocated to the IDB from the City of Daphne shall be reduced by Ordinance from thirteen percent (13%) to ten percent (10%) and the



funds from the three percent reduction to the IDB shall remain in the possession of the City. This reduction will take place only after funds have been transferred.

This resolution shall become effective upon proper passage and execution.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this 7th day of December, 2015.

A handwritten signature in black ink, appearing to be "Dane Haygood", written over a horizontal line.

Dane Haygood, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to be "Rebecca A. Hayes", written over a horizontal line.

Rebecca A. Hayes, City Clerk

ORDINANCE 2016-53

Appropriation of Seven Cents Gas Tax Funds: Public Works Road Maintenance Projects: City-wide Roadway Striping, Painting of Mast Arm Signals-US Hwy 98 (*Whispering Pines/CR64*), Repair and Resurfacing of Sixth Street

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

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

WHEREAS, certain Public Works road maintenance projects are needed; and

WHEREAS, these projects are qualified for funding from the Seven Cents Gas Tax monies.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of **\$95,000 from the Seven Cents Gas Tax Fund** are appropriated and made a part of the Fiscal Year 2016 budget for the following projects:

1. City-wide roadway striping - \$25,000.00

Approximately. 15-20 miles. Work to be performed by Baldwin County Highway Department and material purchased under City Contract.

2. Painting of Mast Arm Signals US Highway 98 - \$25,000.00

At Whispering Pines Rd and County Road 64. Melvin Pierce Painting - Galvanized Satin Black

3. Repair and Resurfacing of Sixth Street (Old Town Daphne) - \$45,000.00

From College Street to Belrose Ave- 1,500 +/- L.F. Work will be contracted out with materials being purchased under City Contract

4. The Mayor and Public Works Director are hereby authorized to execute any and all documents required in order for the City of Daphne to complete the Public Works projects.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE
ORDINANCE NO. 2016-54**

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

**Amendments to Article XI, Minimum Standards and Requirements for Subdivisions and
Commercial Site Developments: Subdivision Exceptions & Exemptions within City Limits;
Extraterritorial Jurisdiction Subdivision Exceptions & Exemptions; Sidewalk Provisions**

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

WHEREAS, at the City of Daphne Planning Commission regular meeting on June 23, 2016 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on August 15, 2016; and,

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

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

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

~~(b) — Subdivision Exemptions:~~

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

(b) Subdivision Exemptions:

The sale or exchange of lots or parcels of land or the relocation of an interior lot line within the city limits between adjoining property owners may be exempt from the subdivision regulations by the director of Community Development, provided that (1) no additional lots are created and

(2) none of the lots affected by the sale, exchange or relocation of interior lines are reduced below the minimum size requirements of the zoning district in which the division is to occur.

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

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

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

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

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

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

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

1. Subdivision by testamentary or intestate provisions;
2. Subdivision by court order including, but not limited to, judgments of foreclosure;
3. Sale, deed or transfer of land by the owner to an immediate family member. Each parcel shall have its own ingress/egress and utility access of not less than required by Baldwin County Subdivision Regulations;
4. The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses;
5. Subdivision in which the size of each resulting lot equals or exceeds twenty (20) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each lot shall have at least 200 feet of frontage on an existing publically maintained road or

6. shall have access to a publicly maintained road pursuant to a private easement, at least 60 feet in width, which provides rights of ingress and egress and the right to install utilities sufficient to serve such subdivided lots;
7. Subdivisions in which the size of each resulting lot equals or exceeds ten (10) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each parcel declared to be exempt pursuant to this subparagraph shall have at least 150 feet of frontage on an existing publicly maintained road.
8. A one-time split of a single parcel into two resultant parcels, if, and only if, the parcel existed and has been divided since February 1, 1984.
9. The relocation of a common property line between two parcels where no new parcels are created. Revised parcels shall meet the minimum zoning lot size and width requirements. The owner of each parcel approved as exempt under this section shall be required to submit, as a condition to approval, either an affidavit executed by such owner attesting, under oath, that there exist no restrictive covenants of record in the Office of the Judge of Probate of Baldwin County, Alabama which would prohibit the subdivision of the parcel for which an exemption is sought pursuant to this subparagraph. In the event a parcel is approved as exempt under this subparagraph and it is later determined that such subdivision was prohibited by valid restrictive covenants recorded as of the date of such approval, the Community Development director, or designee thereof, shall have the authority to revoke such exempt subdivision approval.

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

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

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

11-11 SIDEWALKS

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

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

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

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

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

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

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

~~(4) Sidewalks shall be constructed with reinforced concrete that has a minimum twenty eight (28) day compressive strength of three thousand pounds per square inch (3000 psi), and shall be in accordance with City specifications and these regulations, unless otherwise approved by the Planning Commission.~~

~~(5) New sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access.~~

~~(6) All sidewalks shall be in accordance with current ADA (Americans with Disabilities Act) requirements.~~

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

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

~~(e) Additional Provisions:~~

- ~~(1) Subdividers may also be required to provide access through greenways and common areas.~~
- ~~(2) Trail design shall be reviewed and approved by the Planning Commission. Trail width shall be at least ten (10) feet.~~
- ~~(3) Walkways, with the exception of dedicated trail, shall be maintained by the adjacent property owners.~~
- ~~(4) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities.~~

11-11 SIDEWALKS

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

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

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

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

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

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

- (1) Along the perimeter of all developments where adjacent to City right-of-way.
 - (2) Along the right-of-way where adjacent to the perimeter of any common area within the development; except where walking trails/paths are incorporated into the design for formal/recreational open space as provided in Section 11-14, Special Provisions herein. Final plat shall not be approved until this provision is satisfied.
 - (3) Along the right-of-way within each residential subdivision development.
 - (4) New sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access.
- (d) Restrictive covenants and the final subdivision plat, as required in Article 17, Subdivision Review, shall provide for the installation sidewalks by individual home owners or the developer:
- The Planning Commission may, at its discretion, approve a final plat prior to the installation of sidewalks upon receipt of an agreement to install sidewalks, a cost estimate for sidewalk installation and a surety in the amount of two hundred percent (200%) of the estimated cost and shall not expire within a twenty-four (24) month period.
- (e) Additional Provisions:
- (1) Subdividers may also be required to provide access through greenways and common areas.
 - (2) Trail design shall be reviewed and approved by the Planning Commission. Trail width shall be at least ten (10) feet.
 - (3) Walkways, with the exception of dedicated trail, shall be maintained by the adjacent property owners.
 - (4) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities. Pedestrian crosswalks should be provided wherever sidewalks connect with an existing or planned signalized intersection. Crosswalk shall be designed in accordance with applicable MUTCD guidelines.
- (f) Exemptions:
- The developer may submit on the appropriate form a request for an exemption to the sidewalk provisions listed herein above. An exemption shall be granted upon receiving an affirmative supermajority vote of the Planning Commission and a favorable recommendation from the Public Works Division director or designee thereof.

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

SECTION IV: CONFLICT WITH OTHER ORDINANCES

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

SECTION V: SEVERABILITY

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

SECTION VI: EFFECTIVE DATE

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

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE
ORDINANCE NO. 2016-55**

RIGHT-OF-WAY ORDINANCE

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

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

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

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

SECTION I.

DEFINITIONS

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

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

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

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

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

14. In. Means, when used in conjunction with “right-of-way”, means over, above, in, within, on or under a right-of-way.
15. Landscape or Landscaping. Means trees, shrubs and other plantings of materials that are or may grow to a height of eighteen (18) inches or more, and irrigation systems (in unpaved areas), in the right-of-way.
16. Major Project. Means construction of water, sewer, gas, telephone, fiber optic, electrical power conduit, cable and duct, TV cable, jacking, boring, pushing and tunneling, retrofitting existing facilities/sites, storm drain and any other miscellaneous major facility construction projects that involve more than one continuous block or five hundred (500) linear feet of right-of-way.
17. Minor Project. Means construction of miscellaneous utility service lines, manhole installation not associated with Major Project construction, main line point repairs and installation, miscellaneous utility service line repair, storm drain and inlet repairs, vaults, irrigation systems and other miscellaneous construction and repair projects that involve less than one (1) block or five hundred (500) linear feet of right-of-way.
18. Municipal Court. Means the part of the City of Daphne Municipal Court System designed to enforce local laws and ordinances relating to the physical appearance of the City, and the health and safety of the public.
19. Municipal Offense Ticket (M.O.T.). Means a citation issued for a violation of this ordinance. A M.O.T. may require payment of a fine as defined by the municipal offense ticket system (M.O.T.) fine schedule, as may be amended from time to time, appearance in municipal court and if determined by the judge of said court, jail or community service.
20. Notice of Violation. Means a written warning issued by the Department, or the City of Daphne Code Enforcement Officer, for a violation or possible violation of this ordinance.
21. Obstruct. Means to place any one or any tangible object in a right-of-way so as to hinder free and open passage over, under or through that or any part of the right-of-way.
22. Permit Fee. Means money charged by the City of Daphne to cover the costs as provided in Appendix A (Schedule of fees) of this ordinance.

23. Permittee. Means any person or company to whom a permit to construct or obstruct a right-of-way has been granted by the City.
24. Person. Means any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity which has or seeks to have facilities/sites located in any right-of-way.
25. Restoration. Means the process by which a constructed or obstructed right-of-way is restored as specified in the constructed standards.
26. Right-Of-Way. Means the surface and space above and below any real property in which the City has an interest in law or equity, whether held in fee, or other estate or interest including easements, or as a trustee for the public, including, but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, river, tunnel, viaduct, detention pond, retention pond, culvert, ditch, storm water management facility, bridge, park, or any other place, area, or real property owned by or under the control of the City.
27. Right-Of-Way Permit. Means the permit which must be obtained before a person may construct in, or obstruct in a right-of-way as required by Section III (Right-of-way permits) of this ordinance.
28. Service or Utility Service. Means services provided by utilities.
29. Sidewalk. Means the paved pedestrian walkway between the edge of the road and the street right-of-way line.
30. Small Project (Type A). Means the installation of equipment cabinets, junction boxes, terminal boxes, splice boxes, regulator stations, meters and valves in paved areas, utility poles, guy poles and appurtenances not associated with a major or minor project.
31. Small Project (Type B). Means the installation, repair and routine maintenance of miscellaneous utility drop lines, overhead wires and cables, traffic signal poles, light poles, traffic signs, meters, valves and other miscellaneous construction, repair, routine maintenance and inspection, that requires minimal excavation or right-of-way disruption.
32. Supplementary Application. Means an application made to construct or obstruct more of the right-of-way than allowed in, or to extend, a permit that has already been issued.

33. Trenchless Technology. Means the use of directional boring, horizontal drilling and micro-tunneling and other techniques in the construction of underground portions of facilities which result in the least amount of disruption and damage to right-of-way as possible.
34. Underground Facilities. Means all lines, cables, conduits, posts, tanks and any other facilities owned or operated by persons other than the City which are located wholly or partially underneath right-of-way.
35. Utilities. Means any water, sewer, gas, drainage, irrigation or culvert pipe and any electric power, telecommunication, signal, communication, or cable television conduit, fiber / fiber optic, wire, cable, or operator thereof.

SECTION II. RIGHT OF WAY ADMINISTRATION

A. Administration. The City of Daphne Public Works Director shall be the principal City official responsible for the administration of the right-of-way, right-of-way permits, and the ordinances related thereto. The Public Works Director may amend from time to time, construction standards and other rules reasonably required to carry out the purposes of this ordinance. Any requirement not specifically covered by this ordinance or the construction standards shall be determined by the Public Works Director. The Public Works Director may delegate any or all of the duties hereunder.

B. Appeal Procedure. The Public Works Director may grant a special exception to the requirements of this ordinance if a permittee demonstrates, with written evidence, that:

1. The exception will not create any threat to public health, safety or welfare.
2. The permittee demonstrates that the increased economic burden and the potential adverse impact on the permittee's construction schedule resulting from the strict enforcement of this ordinance actually, or effectively, prohibits the ability of the permittee to provide utility services in the City.
3. The permittee demonstrates that the requirement unreasonably discriminates against the permittee in favor of another person.

C. Should any person be aggrieved by the decision of the Public Works Director, such person may appeal by filing written notice with the Public Works Department within fifteen (15) days from the date of such decision. The Department shall send a copy of the appeal and all relevant Documentation, within fifteen (15) days, to the City Clerk's Office to be considered by the City Council at a public hearing.

SECTION III.

RIGHT-OF-WAY PERMITS

A. Permit requirements.

1. Except as otherwise provided in this ordinance, no person may construct or obstruct any right-of-way without first having obtained one of the following right-of-way permits from the Public Works Department:

a) Major Project;

b) Minor Project;

c) Small projects;

- 1) Type A;
- 2) Type B; or

d) Landscape

2. Right-of-way permit. A right-of-way permit is a permit which allows the holder to construct, obstruct, or landscape in that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein. A permit is valid only for the date(s) and the area(s) of right-of-way specified in the permit. No person may construct in or obstruct the right-of-way beyond the date or dates specified in the permit unless such person:

a) Makes a supplementary application for another right-of-way permit before the expiration of the initial permit; and

b) A new permit or permit extension is granted.

However, if no work is initiated within four months or if the project lies dormant for a period of thirty (30) calendar days after being started, the Permit is made invalid.

3. Emergencies. When the work must commence immediately because of an emergency, the permittee shall comply with the provisions in Section V, subsection B, 1.

4. Exemptions. No permits shall be required for the following activities:

a) Installation and repair of facilities by, or for, City of Daphne Departments; and

b) Installation of landscaping materials which are, or may grow, to a height of not more than eighteen (18) inches.

5. Permit authorizing routine work. Applicants may be allowed, if determined by the Public Works Department, to obtain in advance, an annual, quarterly or semi-annual permit for minor projects outside roadway limits and some small projects that involve minimal excavation. Permit fees shall be calculated as an estimate of similar work conducted over the past 12 months. Bi-weekly summary submittals will be required of blanket permit applicants covering the type and extents of work, locations, durations, etc... These summary submittals will be used to verify and adjust fees based on the actual work completed under that blanket permit. A twenty-five dollar (\$25.00) application fee plus all estimated fees will be charged at the time of application.

B. Permit applications. Application for a permit is made to the Public Works Director.

1. All permit applications shall contain, and will be considered complete only upon compliance with the requirements of the construction standards, as appropriate.

a) Tree and landscaping requirements of this article shall be administered and enforced by the Director of Community Development, in cooperation with the Director of Public Works.

C. Issuance of permit; conditions.

1. If the Director of Public Works determines that the applicant has satisfied the requirements of this ordinance, he may issue a permit or issue notification and reason for denial of same.
2. The Director of Public Works may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder in order to protect the public health, safety and welfare, to insure the structural integrity of the right-of-way, to protect the property of other users of the right-of-way, and to minimize the disruption and inconvenience to the traveling public, including notification to property owners.

D. Permit fees.

1. Permit fees shall be established by the City Council upon recommendation by the Director of Public Works. Said fees shall be in an amount sufficient to recover the following costs:

- a) The City costs, including administration, inspection, and enforcement; and
 - b) The cost for obstructing the right-of-way, including costs associated with traffic management that results from street obstruction, lost tax revenues resulting from streets blocked and as an encouragement to minimize costs and to encourage timely, efficient use of the right-of-way.
 - c) The current schedule of permit fees is set forth in Appendix A to this article.
- 2. Payment of permit fees. No permit shall be issued without payment of such fees unless the Public Works Director authorizes payment to be made thirty (30) days following billing. All changes in fees shall be approved by the City Council.
 - 3. Nonrefundable fees. All permit fees are nonrefundable.
 - 4. Joint applications. Applicants are encouraged to make joint applications for permits to construct or obstruct the right-of-way at the same place and time.

SECTION IV.

CONSTRUCTION; RESTORATION

A. Compliance with construction standards. All construction or maintenance of facilities shall be in accordance with this ordinance, the construction standards and such other conditions imposed on the permit by the Public Works Director under Section III, C.

B. Location of facilities. The Public Works Director shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests or permittees to occupy and use the right-of-way. In making such decisions, the Public Works Director shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of public interest, the public's need for the particular utility service, the condition of the right-of-way, the protection of existing facilities/sites in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.

C. Least disruptive technology. Applicants are encouraged to perform construction and maintenance of facilities in a manner resulting in the least amount of damage and disruption of the right-of-way. Applicants will be required to use trenchless technology for major and minor construction projects, within roadway limits, in arterial and other high volume streets constructed or resurfaced within the last five (5) years, unless otherwise approved by the Director of Public Works and such approval shall not be unreasonably withheld. The Director of Public Works may require trenchless technology in other locations, where extreme circumstances prevent or make open cut methods impractical. Applicants may use the open cut method or trenchless technology for major and minor projects outside roadway limits.

D. Right-of-way restoration.

1. The work to be done under the permit, and the restoration of the right-of-way as required herein, must be completed within the dates specified in the permit. In addition to its own work, the permittee must restore the general area of the work, including all disturbed landscaping materials and the permitted areas, including the paving and its foundations, per the City of Daphne construction standards.
2. The permittee shall perform the work according to the standards and with the materials specified by the City of Daphne Public Works Director including but not limited to the construction standards.
3. By restoring the right-of-way, the permittee guarantees its work for twenty-four (24) months following its completion. During this twenty-four month period, the permittee shall, upon notification from the Public Works Director, correct all restoration work to the extent necessary using the method required by the Director. Said work shall be completed within the time frame specified by the Director of Public Works.

E. Installation requirements. The excavating, backfilling, restoration, and all other work performed in the right-of-way shall be done in conformance with specifications set forth in the construction standards.

F. Inspection. Except for routine work, when the work under any permit for major and minor projects hereunder is completed, the permittee shall notify the Public Works Director.

1. Permittee shall make the work site available to the Public Works Director or his authorized representative and to all others as authorized by law for inspection at all reasonable times during the execution and upon completion of the work.
2. At the time of the inspection, the Director of Public Works or his authorized representative may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.
3. The Director of Public Works or his authorized representative may issue a notice of violation to the permittee for any work which does not conform to the applicable standards, conditions or codes. The order shall state that failure to correct the violation will be cause for issuance of a Municipal Offense Ticket (M.O.T.) and/or a stop work order. Within the time frame indicated on the notice after issuance of the order, the applicant shall present proof to the Director of Public Works that the violation has been corrected. If such proof has not been presented within the required time, the Director of Public Works may issue a stop work order and/or have a Municipal Offense Ticket (M.O.T.) issued.

G. Other obligations. Obtaining a right-of-way permit does not relieve the permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other city, county, state, or federal rules, laws or regulations.

1. A permittee shall comply with all requirements of local, state and federal laws, including a franchise duly adopted by the City Council. Contact shall be made to the one call excavation notice system, Alabama Statutes @ 1-800-292-8525, or such other number which may be applicable.
2. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who performs the work.
3. Except in the case of an emergency, and with the approval of the Director of Public Works, no right-of-way obstruction or excavation may be performed when seasonally prohibited or when conditions are unreasonable for such work.
4. A permittee shall not so obstruct a right-of-way that the natural and free passage of water through the gutters or other waterways shall be interfered with.
5. Private vehicles not owned by or under contract to permittee may not be parked within or adjacent to a permit area.

SECTION V. ENFORCEMENT OF PERMIT OBLIGATION

A. Denial of permit.

1. Mandatory denial. Except in the case of emergency, no right-of-way permit will be granted:
 - a) To any person who has failed to comply with the requirements of this article;
 - b) To any person who is delinquent in paying a debt owed to the City;
 - c) If, in the discretion of the Director of Public Works, the issuance of a permit for the particular date and/or time would cause a conflict or interfere with an exhibition, celebration, festival, or any other event. The Director of Public Works, in exercising this discretion, shall be guided by the safety and convenience of ordinary travel of the public over the right-of-way, and by considerations relating to the public health, safety and welfare.

4. Permissive denial. The Director of Public Works may deny a permit in order to protect the public health, safety and welfare, to prevent interference with the safety and convenience of ordinary travel over the right-of-way, or when necessary to protect the rights-of-way and its users. The Director of Public Works may consider one (1) or more of the following factors:
 - a) The extent to which the right-of-way space where the permit is sought is available;
 - b) The competing demands for the particular space in the right-of-way;
 - c) The availability of other locations in the right-of-way or in other right-of-way for the facilities of the particular company;
 - d) The applicability of other ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way;
 - e) The degree of compliance of the applicant with the terms and conditions of its franchise, this ordinance, and other applicable ordinances and regulations; the degree of disruption to surrounding neighborhoods and businesses that will result from the use of that part of the right-of-way; and
 - f) The condition and age of the right-of-way, and whether and when it is scheduled for total or partial construction; and the balancing of the costs of disruption to the public and damage to the right-of-way, against the benefits to that part of the public served by the expansion into additional parts of the right-of-way.
 - g) The public policy of allowing an obstruction of similar character in other right of ways in the City.

B. Work done without a permit.

1. Emergency situations. Each permittee shall notify the Director of Public Works (by telephone or in person) of any event regarding its facilities which it considers to be an emergency immediately upon its discovery of same. The applicant may proceed to take whatever actions are necessary in order to respond to the emergency. Within three (3) business days after the occurrence of the emergency, the applicant shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this ordinance for the actions it took in response to the emergency.
2. In the event that the Director of Public Works becomes aware of an emergency regarding a permittees' facilities/site, the Department shall

attempt to contact the local representative of each permittee affected, if known, or potentially affected, by the emergency, who must comply with subsection B, 1. of this section. In any event, the Department may take whatever action deemed necessary in order to respond to the emergency.

3. Non-emergency situations. Except in the case of an emergency, any person who obstructs or excavates a right-of-way without a permit must

subsequently obtain a permit, pay double the normal fee for said permit, pay double all the other fees required by City Codes, is subject to the issuance of a notice of violation and/or a Municipal Offense Ticket (M.O.T.), deposit with the Department the fees necessary to correct any damage to the right-of-way and comply with all requirements of this article.

C. Enforcement.

1. Permittees hold permits issued pursuant to this ordinance as a privilege and not as a right.
2. If the Director of Public Works determines that the Applicant has violated a material term or condition of any statute, ordinance, rule, regulation or any condition of the permit, the Director of Public Works shall issue a notice of violation to the Applicant to remedy such violation. The demand shall state that continued violations may cause for the issuance of a stop work order and issuance of a Municipal Offense Ticket (M.O.T.). Further, a substantial breach, as stated above, will allow the Director of Public Works, at his or her discretion, to place additional or revised conditions on the permit.
3. A material violation by Applicant shall include, but shall not be limited to, the following:
 - a) The violation of any material provision of the permit;
 - b) An evasion or attempt to evade obtaining a permit or any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens;
 - c) Any material misrepresentation of fact in the application for a permit;
 - d) The failure to maintain the required bonds and/or insurance;
 - e) The failure to complete the work within a timely manner; or
 - f) The failure to correct a condition indicated on an order issued pursuant to Section IV, F.

5. Within forty-eight (48) hours of receiving a notice of violation, permittee shall contact the Director of Public Works with a plan, acceptable to the Director of Public Works, for its correction. Applicant's failure to so contact the Director of Public Works, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan shall be cause for immediate issuance of a stop work order and issuance of a Municipal Offense Ticket (M.O.T.)
6. From time to time, the Director of Public Works may establish a list of conditions of the permit that will automatically warrant the issuance of a Municipal Offense Ticket (M.O.T.) to the permittee.

SECTION VI. INDEMNIFICATION AND LIABILITY

A. The City does not accept liability. By reason of the grant of a right-of-way permit, the City does not assume any liability:

1. For injuries to persons, damage to property, or loss of service claims by parties other than the applicant or the City; or
2. For claims or penalties of any sort resulting from the installation, presence, maintenance, or operation of facilities by permittees or activities of permittees.

b) Applicant or permittee indemnifies the City. By accepting a permit, a permittee is required to, indemnify and hold the City whole and harmless from all costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair or operation of its facilities/site, or out of any activity undertaken in or near a right-of-way, whether any act or omission complained of is authorized, allowed, or prohibited by a right-of-way. It further agrees that it will not bring, nor cause to be brought, any action, suit or other proceeding claiming damages, or seeking any other relief against the City for any claim nor for any award arising out of the presence, installation, maintenance or operation of its facilities/site, or any activity undertaken in or near a right-of-way, whether the act or omission complained of is authorized, allowed or prohibited by a permit. The foregoing does not indemnify the City for its own negligence. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the applicant or to the City; and the applicant, in defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert on its own behalf.

c) Exceptions. The provisions of subsection (b) of this section shall not apply to a permittee that has, as effective date of this ordinance, a valid franchise duly granted by the City, and said franchise requires the permittee to hold harmless the City for damages occasioned by the presence, operations or maintenance of the permittee's facilities/site. This exemption shall not apply where said franchise does not afford the City at least the level of protection stated in section (b) of this section, unless the permittee agrees to provide the same or greater level of protection to the City.

SECTION VII.

PENALTY.

A. Any person found guilty of violating any provision of this Ordinance shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a period not exceeding six (6) months, or both, in the discretion of the Municipal Judge.

B. This Ordinance shall also be subject to enforcement by the issuance of a summons and complaint pursuant to the provisions of Ordinance No. 1993-02, as the same may be from time to time amended.

SECTION VIII.

NON-EXCLUSIVITY

The remedies provided in this ordinance are not exclusive or in lieu of other rights and remedies that the City may have at law or in equity. The City is hereby authorized to seek legal and equitable relief for actual or threatened injury to the public right-of-way, including damages to the right-of-way, whether caused by a violation of any of the provisions of this chapter or other provisions of this ordinance.

SECTION IX.

SEVERABILITY

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

SECTION X.

REPEALER

Ordinances 2004-23 and 2016-13 are hereby repealed and replaced by this Ordinance. Any other Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION XI.

EFFECTIVE DATE

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

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

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

SCHEDULE OF FEES

RIGHTS-OF-WAY AND EXCAVATION PERMIT FEES

Description	Permit Fee
Administration Fee	\$25.00 (all permits)
Aerial utility construction (new installation)	\$0.50 per L.F.
Utility poles including guy and anchor (new installation)	\$2.00 per pole
Excavation for all new projects (paved areas)	\$3.00 per L.F. (minimum fee \$100.00)
Excavation for all new projects (unpaved areas)	\$0.75 per L.F.
Excavation for point repairs - service lines, storm drains, manholes, etc. (paved areas)	\$20.00 per square yard
Excavation for point repairs - service lines, storm drains, manholes, etc. (unpaved areas)	\$6.00 per square yard
Directional boring and jacking operations, tunneling, retrofit or repair of existing utilities by bore, stitch boring, plowing, irrigation systems, etc...	\$0.40 per L.F. (minimum fee \$25.00)
Communication towers (new installation)	\$50.00 per tower
Terminal boxes, junction boxes, equipment cabinets, splice boxes, regulator stations, meters & valves in paved areas, vaults, utility pedestals	\$5.00 each
Sidewalk, driveway, curb, gutter, mitred-end sections (new construction, replacement, or repair):	
0 sq. yds. to 2 sq. yds.	\$10.00
2 sq. yds. to 25 sq. yds.	\$30.00
25 sq. yds. to 100 sq. yds	\$50.00
100 sq. yds. to 200 sq. yds.	\$100.00
200 sq. yds. or greater	\$0.50 per SY
Steps, Ramps (ADA compliant), etc...	\$50.00 per location
Monitoring wells	\$50.00 each
Temporary pedestrian walkway	\$50.00 per location
Balconies, Canopies	\$10.00 per location

Note: Applicants may be allowed, if determined by the Department to obtain, in advance, an annual, quarterly, or semi-annual permit for minor projects outside roadway limits and some

small projects that involve minimal excavation as defined by the Public Works director. Permit fees shall be calculated as an estimate of similar work conducted over the past twelve (12) months. Bi-weekly summary submittals will be required of blanket permit applicants

covering the type and extents of work, locations, durations, etc... These summary submittals will be used to verify and adjust fees based on the actual work completed under that blanket permit. A \$25 application fee plus all estimated fees will be charged at the time of application.

***No fee/permit shall be required for replacing existing poles of similar size or routine inspection.**

*******Please note: all fees are non-refundable*******

OBSTRUCTION FEES

The following conditions shall apply in determining obstruction fees:

1. The obstruction of commercial pedestrian walkways will be charged at the rate of five dollars (\$5.00) per calendar day for each twenty (20) linear feet of length.
2. Fees will not be charged for obstruction of less than eight (8) hours.

APPENDIX B

CONSTRUCTION STANDARDS FOR MISCELLANEOUS CONSTRUCTION UTILITY EXCAVATION, AND RIGHT-OF-WAY AND PAVEMENT RESTORATION

SECTION I. CONSTRUCTION PLAN SUBMITTAL REQUIREMENTS WITHIN PUBLIC RIGHT-OF WAYS AND EASEMENTS

A. Major projects.

1. Major projects within roadway limits:

a) Construction plan submittal. Applicants for right-of-way permits shall submit three (3) sets of construction plans and specifications, including the following information, for review and approval:

1.) The location of all topographic features affected by the project within the right-of-way.

b) Complete plan & profile sheets indicating the horizontal and vertical location of all components of the proposed project and other related information including, but not limited to, pipe and manhole flow line elevations, type and size of pipe, and other related structures, profile and other elevations necessary for roadway and right-of-way restoration, and the design details of the proposed construction and pavement and right-of-way restoration will be required for gravity flow systems including sanitary sewer, storm drain and related projects.

Note: Complete plan & profile sheets and other information currently required for gravity flow systems will be required for projects submitted after future ordinance amendment to include provisions for implementation of GIS mapping requirements.

c) A plan indicating the location of the proposed project with respect to the centerline, edge of road, and right-of-way, tie-in to nearest street intersection, components and material type used, and dimensions and depth of the proposed installation, will be required for non-gravity flow systems including water distribution systems, gas systems, communication, cable TV and electric power distribution systems, unless otherwise authorized by the Director of Public Works.

d) An erosion control plan and best management practices (BMP's) complying with provisions of the City Stormwater Management Ordinance.

e) A safety plan to include methods to be used to protect the general public from injury, and including the proposed use of barricades, signs, lights, fencing and other barriers.

f) A traffic control plan complying with all of the provisions of the Federal

Manual on Uniform traffic Control Devices, current edition, shall be submitted to the Director of Public Works.

g) A landscape plan complying with the tree landscaping and protection ordinance; and

h) Complete as-built construction plans of the construction project shall be submitted to the Director of Public Works, after final inspection of the project. The as-built plans shall be submitted in hard copy medium as well as CAD files in DWG Format.

2. Major projects outside roadway limits:

a) Construction plan submittal. Applicants for right-of-way permits shall submit three (3) sets of construction plans & specifications, including the following information for review and approval:

1.) The location of all visible topographic features within the right-of-way that will be impacted by the proposed project.;

b. anchor;

c. Complete plan and profile sheets indicating the horizontal and vertical location of all components of the proposed project and other related information including, but not limited to, pipe and manhole flow line elevations, type and pipe size, and other related structures, profile and other elevations necessary for right-of-way restoration and the design details of the proposed construction, including the right-of-way restoration will be required for gravity flow systems including sanitary sewer, storm drain and related projects.

Note: Complete plan & profile sheets and other information currently required for gravity flow systems will be required for projects submitted after ordinance amendment to include provisions for the implementation of GIS mapping requirements.

d) A plan indicating the location of the proposed project with respect to the centerline, edge of road, and right-of-way, tie-in to nearest street intersection, components and type of material used, and dimensions and depth of the proposed installation, will be required for non-gravity flow systems including water distribution systems, gas systems, communication, cable TV and electric power distribution systems, unless otherwise authorized by the Director of Public Works.

e) An erosion control plan with best management practices (BMP's) complying with the City's Stormwater Management Ordinance.

f) A safety plan to indicate methods to be used to protect the general public from injury, and including the proposed use of barricades, signs, lights, fencing and other barriers.

g) A traffic control plan complying with all the provisions on the Manual on Uniform Traffic Control Devices, current edition, shall be submitted to the Director of Public Works, if any roadway is affected.

h) A landscape plan complying with the tree landscaping and protection ordinance; and

i) Complete as-built construction plans of the construction project shall be submitted to the Director of Public Works, after final inspection of the project. The as-built plans shall be submitted in hard copy form and CAD files in DXF Format.

B. Minor projects.

1. Minor projects within roadway limits.

a) Construction plan submittal. Applicants for right-of-way permits shall submit a plat of the proposed project including the following information:

1) A plat prepared at a scale acceptable to the Director of Public Works to indicate the plan view of the proposed project, location with respect to centerline, edge of roadway, and right-of-way, tie-in to nearest street subdivision lot corner or street intersection, components and type of material used for the project, and dimensions and depth of proposed installation.

2) An erosion control plan with best management practices (BMP's) complying with provisions of the City's Stormwater Management Ordinance.

3) A safety plan to indicate methods to be used to protect the general public from injury, and including the proposed use of barricades, signs, lights, fencing and other barriers.

4) A traffic control plan complying with all the provisions of the Manual on Uniform Traffic Control Devices, current edition, shall be submitted to the Director of Public Works, if any roadway traffic is affected; and

5) Complete as-built construction plans of the construction project shall be submitted to the Director of Public Works, after final inspection of the project. As-built plans shall be submitted in hard copy medium and CAD files in DWG Format.

2. Minor projects outside roadway limits.

a) Construction plan submittal. Applicants for right-of-way permits shall submit a plat of the proposed project including the following information:

- 1) A plat prepared at a scale acceptable to the Director of Public Works to indicate a plan view of the proposed project, location with respect to edge of roadway, centerline, and right-of-way, tie-in to nearest subdivision lot corner or street intersection, components and type of material used, dimensions and depth of proposed excavation.
- 2) An erosion control plan with best management practices (BMP=s) complying with the City's Storm Water Management Ordinance.
- 3) A safety plan to indicate methods to be used to protect the general public from injury, and including the proposed use of barricades, signs, lights, fencing and other barriers.
- 4) A traffic control plan complying with all the provisions of the Manual on Uniform Traffic Control Devices, current edition, shall be submitted to the Director of Public Works, if any impact on traffic movement is involved.
- 5) A landscape plan complying with the tree landscaping and protection ordinance.
- 6) Complete as-built construction plans of the construction project shall be submitted to the Director of Public Works, after final inspection of the project. The as-built plans shall be submitted in hard copy medium and CAD files in DXF Format.

C. Small projects. The applicant will not be required to submit a construction plan or plat for small projects. However, a location sketch will be required for the approval of small projects (Type A). Any pavement or areas in the right-of-way that is disturbed shall be restored in conformance with sections 6 and 7 of this ordinance.

SECTION II. BOND REQUIREMENTS

A. Construction bond. The applicant shall be required to provide an irrevocable, unconditional letter of credit or bond to guarantee the proper construction and completion of right-of-way restoration. The amount of the bond shall be based on the estimated cost of the right-of-way restoration provided by the permittee and approved by the Director of Public Works. A construction bond will not be required for small projects if no paved area or right-of-way is disturbed by the project. The Director of Public Works may waive the requirement for the construction bond for permittees who evidence financial ability to pay the cost of the repairs to City rights-of-way resulting from their permittee activity.

B. City Departments performing installation of facilities/sites, routine maintenance and repair, and other agencies working in the right-of-way that are not involved in the installation, repair and maintenance of utilities, are exempt from the requirements of section 2.

SECTION III. NOTIFICATION PROCEDURES FOR MAJOR

AND MINOR PROJECTS

A. Except for emergencies, the following notification procedures will be followed for major & minor projects, prior to the commencement of any construction activities:

1. The one call line location center will be notified forty-eight (48) hours prior to any excavation. The location of all utilities shall be verified before commencing construction.
2. The Director of Public Works shall be notified twenty-four (24) hours prior to commencing any construction activity involving major and minor projects within roadway limits.
3. The Public Works Director will be notified seventy-two (72) hours prior to the closure of any roadway or interruption in traffic flow.
4. A written notice will be distributed to each occupant of premises adjacent to the project site five (5) days prior to commencing construction activity relating to major projects.

SECTION IV. INSPECTION

A. City engineering personnel will conduct periodic inspections of utility construction, right-of-way and pavement restoration. The contractor will schedule a final inspection for major & minor projects when construction is complete.

SECTION V. TRENCH EXCAVATION AND GENERAL UNDERGROUND CONSTRUCTION REQUIREMENTS FOR MAJOR AND MINOR PROJECTS

A. Excavation.

1. Trench excavating methods (trench box, shoring, etc.) shall be used to keep the width of the trench to a minimum. Extra wide excavation to accommodate equipment will not be permitted. Sheeting, bracing, shoring, pre-fabricated steel trench boxes and other trench restraint system will be used to keep trench width to a minimum and to comply with OSHA regulations.
2. Hazardous materials. The applicant will comply with all federal, state and local laws, regarding hazardous material. For purposes of this section, hazardous material shall mean any material, substance or waste which, because of its quantity, concentration, or physical or chemical characteristics, is deemed to pose a present or potential hazard to human health, safety or to the environment.
3. Utility construction. The construction of utilities will be in conformance with the plans which constitute a part of the permit approval process.

A. Depth requirements for underground installation:

1) Within roadway limits. The minimum clear depth for open cut installation, and jacking, boring,, and pushing operations shall be thirty-six (36) inches, unless otherwise authorized or directed by the Director of Public Works.

2) Outside roadway limits and driveways. The minimum clear depth for open cut installation and jacking, boring, and pushing operations shall be thirty (30) inches, unless otherwise authorized or directed by the Director of Public Works.

4. Housekeeping and excavated material. The permittee shall keep the area surrounding the excavation clean (including trash, loose materials or other debris).

B. Backfill material.

1. Backfill material for major projects will be select granular soil material approved by the geotechnical engineering company or the Director of Public Works. Excavated material from the trench will not be used unless approved. Material excavated from utility poles, guy wire installation, replacing existing poles and routine pole inspections may be used for backfill.

2. Backfill material for minor projects within the roadway shall be comprised of crushed stone material up to subgrade elevation, unless otherwise approved by the Director of Public Works. Backfill material for other areas will be select granular soil material approved by a geotechnical engineering company or the Director of Public Works.

3. Installation of backfill material:

a) Backfilling of the excavated area shall follow closely behind the installation project.

b) The backfill material shall be compacted at near optimum moisture content, in layers not exceeding six (6) inches compacted thickness, to a density of not less than ninety-five (95) percent, unless otherwise approved

by the geotechnical company. Mechanical tampers shall be used unless another method of compaction is approved. Jetting will not be permitted. The backfill material shall be installed uniformly and brought up evenly in layers for the full length of the trench.

4. Geotechnical testing and compaction for major & minor projects.

a) Major projects. A geotechnical engineering company will perform compaction tests at intervals of no more than 200 feet along the main trench line. Tests will be conducted at the installation of service lines within these limits where directed by the Director of Public Works. The

geotechnical engineering company will perform tests at as many levels of backfill installation, and at lateral locations to certify that compaction requirements have been achieved. Documented test reports will be prepared and submitted to the Director of Public Works before any right-of-way restoration proceeds.

b) Minor projects. Compaction tests may be requested for minor projects at specific locations.

5. General public safety: Every effort will be taken by the contractor to protect the safety and welfare of the general public, and to insure compliance with the safety and traffic plans submitted with the permit application.
6. Steel plates may be required by the Director of Public Works, in congested or heavily traveled areas, to cover open trenches. Temporary patching will be required for any trench excavation in the roadway prior to opening the area to traffic. The Director of Public Works may also require the temporary covering of any excavated area that will be left open overnight, if he so deems that not covering the excavated area will present a threat to public safety or health.
7. For major projects a construction sign will be placed adjacent to the utility construction area where traffic flow is to be obstructed. The signs will be placed seventy-two (72) hours prior to construction, at least every five hundred (500) feet along the project. The name of the utility/company involved and phone numbers that may be contacted on a twenty-four hour basis to be shown on the sign(s).

SECTION VI. RIGHT-OF WAY RESTORATION WITHIN ROADWAYS

A. All construction procedures and materials utilized will be in compliance with Alabama Department of Transportation Standard Specifications for Highway Construction, current edition. A geotechnical engineering company will be retained by the utility/company or permittee, to conduct field testing to document and certify that all materials and compaction efforts are in compliance with Alabama Department of Transportation Standard Specifications for Highway Construction, latest edition and procedures specified in the City engineering department's design details for right-of-way restoration.

B. Major projects.

1. Asphalt road surface.

a) Base construction.

1) Granular soil, sandy clay base. The base course of the affected lanes shall be reconstructed full width.

2) Bituminous base, stone base. The base course of the affected lanes shall be patched with equivalent base material if the

structural integrity of the roadway has not been affected by the project, as determined by the geotechnical engineering company. Otherwise, the affected lanes shall be reconstructed full width.

b) Wearing surface. The full width of the roadway surface shall be resurfaced within the limits of the project. Existing traffic striping and markings will be replaced.

2. Asphalt roadway surface overlay on existing concrete pavement.

a) Base construction. The existing concrete street may be patched with concrete, if the structural integrity of the roadway has not been affected by the project, as determined by the geotechnical engineering company. Otherwise, the affected panels of the existing concrete street shall be reconstructed.

b) Wearing surface. The full width of the roadway surface shall be resurfaced within the limits of the project. Existing traffic striping and markings will be replaced.

3. Concrete roadway surface.

a) Base construction. The base course of the affected lanes shall be reconstructed full width as determined by the geotechnical engineering company.

b) Concrete pavement. The entire roadway panel sections of the affected lanes shall be reconstructed. If the structural integrity of the roadway has been significantly affected by the project, the Director of Public Works may require the entire concrete surface, within the project limits, be reconstructed full width. Existing traffic striping and markings will be replaced.

4. Unpaved roadway surface. The entire roadway shall be surfaced with six (6) inches of stone within project limits.

B. Minor projects.

1. Asphalt roadway surface sixteen (16 square) feet or greater. For transverse service lines and miscellaneous installation and repair projects within excavated areas sixteen (16) square feet or greater, the entire width of the lane disturbed will be resurfaced from a point measured ten (10) feet from the edge of the excavation each way longitudinally along the centerline of the roadway. If more than one (1) lane is disturbed, the entire width of the disturbed lanes will be resurfaced. If the replacement pavement is more than seventy (70) feet long or more than ten (10) percent of the roadway area within a block is affected, the entire roadway will be resurfaced within the block. Existing traffic striping and markings will be replaced (See Fig. B-1).

2. Asphalt roadway surface less than sixteen (16) square feet. For miscellaneous construction involving excavated areas less than sixteen

(16) square feet, the area from the edge of the excavation extending one (1) foot outside the perimeter of the cut area will be resurfaced. If more than one (1) lane is disturbed, the entire width of the disturbed lanes will be resurfaced. If the replacement pavement is more than seventy (70) feet long or more than ten (10) percent of the roadway area within a block is affected, the entire roadway will be resurfaced within the block. Existing traffic striping and markings will be replaced.

3. Concrete roadway surface. The entire affected roadway panel sections, including base course, will be reconstructed joint to joint. Existing traffic striping and markings will be replaced.
4. Unpaved roadway surface. The entire roadway width will be resurfaced with six (6) inches of stone from a point ten (10) feet measured longitudinally along the roadway from the center of the excavation each way.

C. Jacking, boring, pushing, tunneling, retrofitting, and pipe lining projects. Any pavement damage caused by these types of projects will be restored in conformance with provisions of sections 5, 6, & 7 of this ordinance. Any existing pavement damage relating to the replacement, retrofitting, or pipe lining of damaged utilities will be restored in conformance with sections 5, 6, & 7 of this ordinance.

SECTION VII. RIGHT-OF-WAY AND EASEMENT RESTORATION OUTSIDE ROADWAY AREAS

A. Driveways.

1. Asphalt.
 - a) Asphalt driveways affected by the construction project shall be replaced from the right-of-way line to the curb or edge of road.
 - b) Construction of asphalt driveways will comply with Alabama Department of Transportation Standard Specifications for Highway Construction, current edition, section 410.
2. Concrete.
 - a) Construction of concrete driveways affected by the construction project shall be replaced to the nearest control joint.
 - b) Construction of concrete driveways will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, current edition, section 618.

B. Concrete sidewalks.

1. Concrete sidewalks affected by the construction project shall be replaced to the nearest control joint in the affected construction area. Joints will be sawed unless at an expansion joint.

2. Construction of sidewalks will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, current edition, section 618.
- C. Curb and gutter.
1. Concrete curb and gutter, affected by the construction project, will be replaced from joint to joint in the affected area.
 2. Concrete curb and gutter construction will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, current edition, section 623.
- D. Miscellaneous structures.
1. All walls, steps, and other miscellaneous structures, affected by the construction, will be replaced as required by the Director of Public Works.
- E. Drainage systems and structures.
1. All disturbed drainage channels, structures, and pipe systems affected by the construction will be replaced as required by the Director of Public Works.
- F. Unpaved areas.
1. All established lawn areas, affected by the construction project, will be replaced with similar landscaping materials which were existing prior to the project construction beginning, or upgraded at the discretion of the Director of Public Works. Other areas will be restored with approved topsoil replacement, and or sodding or seeding.

TYPICAL ASPHALT ROADWAY REPAIR

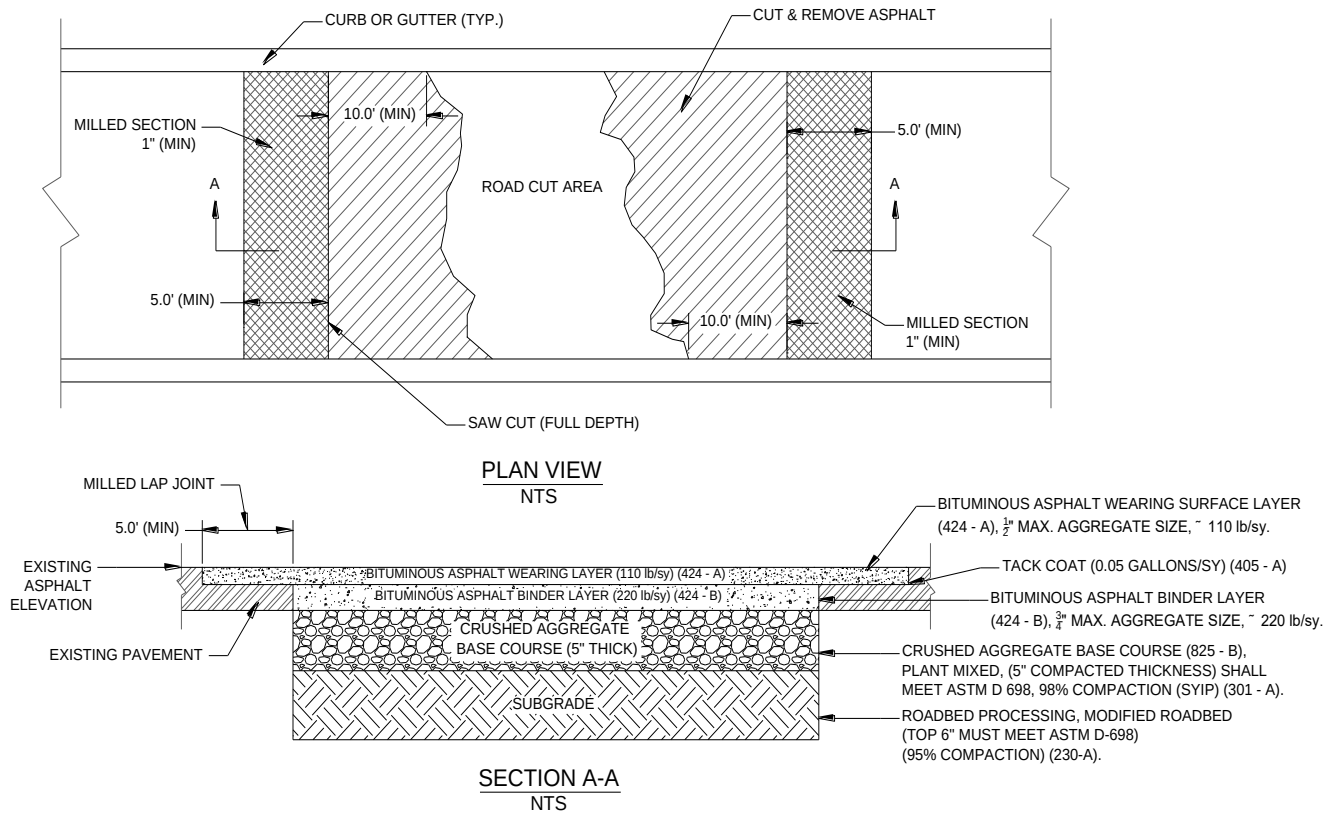


Figure B-1

ORDINANCE 2016-56

ADOPTING THE FISCAL YEAR 2017 BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council a budget for Fiscal Year 2017 which begins October 1, 2016 and ends September 30, 2017 (the "FY17 Operating Budget"); and

WHEREAS, the City Council has reviewed and considered such proposed budget; and

WHEREAS, the City Council believes that the attached proposed budget is a viable spending plan for the City during the next fiscal year;

WHEREAS, the City's procedures require the adoption of the budget by Ordinance; and

WHEREAS, if the amounts budgeted for departmental operating items or purposes are not required to be utilized for such items or purposes, then upon written approval by the Mayor or the Finance Director, these amounts may be expended for other departmental items or purposes, provided that the total amount of the adopted operating budget is not exceeded; and

WHEREAS, the Mayor is authorized to approve all applications for grants during the fiscal year with the understanding that grant awards requiring an additional appropriations will be presented to Council for approval.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the FY17 Budget in which the general fund revenues exceed appropriations in the amount of \$281,328 (*All Funds - \$861,314*) which includes total new Personnel \$408,050 and Capital \$869,000 as attached hereto and made a part hereof;

Approved and adopted on this the _____ day of _____, 2016.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

All Funds Budget Summary **Fiscal Year 2017**

	Enterprise Funds						
	General Fund	Solid Waste	Civic Center	Bay Front Park	Debt Service Fund	Special Revenues Fund	Capital Reserve Fund
TOTAL	(17,869,632)	(15,668,782)	-	-	(775,000)	(1,425,850)	-
Sales, use and luxury tax	(5,632,500)	(5,632,500)	-	-	-	-	-
Ad valorem taxes	(2,045,000)	(2,045,000)	-	-	-	-	-
Business licenses	(527,275)	(527,275)	-	-	-	-	-
Permits	(2,535,000)	(2,535,000)	-	-	-	-	-
PILOT Taxes	(445,000)	(376,000)	-	-	-	(69,000)	-
Fines and forfeitures	(472,453)	(226,500)	-	-	-	(55,953)	(190,000)
Intergovernmental	(2,135,175)	(337,050)	(202,125)	(77,500)	-	(113,000)	(55,000)
Charges for services	(7,500)	(7,500)	-	-	-	-	-
Grants	(92,752)	(82,500)	-	-	-	(10,252)	-
Contributions and donations	(85,650)	(85,000)	-	-	-	(650)	-
Interest / investment earnings	(75,500)	(75,500)	-	-	-	-	-
Miscellaneous	(31,923,437)	(27,598,607)	(202,125)	(77,500)	(775,000)	(1,674,705)	(245,000)
Total Estimated Revenues		(1,350,500)	(202,125)	(77,500)	(775,000)	(1,674,705)	
Payroll	16,745,929	933,967	189,864	187,429	-	59,692	-
Merit Increases	25,000	-	-	-	-	-	-
Employee Raises-\$0.50/hr COLA effective 4/1/2017	177,532	-	-	-	-	-	-
Health Insurance Premium Changes	(184,335)	-	-	-	-	-	-
Personnel	16,764,126	933,967	189,864	187,429	-	59,692	-
General Government	2,573,028	1,954,226	-	-	-	618,802	-
Public Safety	1,485,315	1,485,315	-	-	-	-	-
Public Works	2,683,016	1,670,068	-	-	-	-	-
Recreation	1,289,429	807,480	402,416	79,533	-	-	-
Operating	8,030,788	5,917,089	402,416	79,533	-	618,802	-
Capital	93,000	-	-	-	-	-	-
New Capital	776,000	266,000	-	-	-	275,000	235,000
New Personnel	408,050	368,241	-	-	-	39,809	-
Debt Service	4,990,160	-	-	-	4,990,160	-	-
Transfers To/From Other Funds							
Transfers To Other Funds	(5,427,311)	(5,279,776)	-	-	-	(147,535)	-
Transfers From Other Funds	5,427,311	-	596,415	189,462	4,215,160	36,119	-
	-	(5,279,776)	390,155	189,462	4,215,160	(111,416)	-
Total Estimated Revenues (Under) Appropriations	(861,314)	(281,328)	-	-	-	(569,986)	(10,000)

**CITY OF DAPHNE
ORDINANCE 2016 –57**

**AN ORDINANCE CONSENTING TO THE GRANT OF AN EASEMENT OVER
CERTAIN REAL PROPERTY BY THE UTILITIES BOARD OF THE CITY OF
DAPHNE**

WHEREAS, the Utilities Board of the City of Daphne (“Daphne Utilities”) is required to receive the consent of the City of Daphne under the provisions of Ala. Code § 11-50-314(a)(10) before it grants an easement across real property; and

WHEREAS, the management of Daphne Utilities has determined that it is in the best interest of Daphne Utilities to grant an ingress/egress easement over certain property to Sandra Dunlop as described in detail on Exhibit “A”; and

WHEREAS, the Board of Directors of Daphne Utilities has approved the grant of easement over the property to Sandra Dunlop as described in Exhibit “A”.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Daphne does hereby consent to the easement by Daphne Utilities of the property described on Exhibit “A” to Sandra Dunlop.

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

**Dane Haygood
Mayor**

ATTEST:

**Rebecca A. Hayes
City Clerk**

EXHIBIT “A”

STATE OF ALABAMA }

EASEMENT

COUNTY OF BALDWIN }

KNOW ALL MEN BY THESE PRESENTS, that **The Utilities Board of the City of Daphne**, an Alabama public corporation, (hereinafter referred to as “GRANTOR”), for and in consideration of the amount of \$500.00 and other good and valuable consideration in hand paid to the GRANTOR by the **Sandra M. Dunlop**, (hereinafter referred to as “GRANTEE”), the receipt and sufficiency whereof is hereby acknowledged by the said GRANTOR, and for the further consideration of the a release by GRANTEE of GRANTOR, does hereby, subject to terms hereinafter contained, **GRANT, BARGAIN, SELL AND CONVEY** unto the said GRANTEE, her heirs, successors or assigns, a non-exclusive right and easement for ingress, egress, constructing, inspecting, repairing, maintaining and using, the strip of land running across a parcel of land lying and being in the County of Baldwin, State of Alabama, being more particularly described as follows:

EASEMENT

Beginning at the Southeast corner of the Utilities Board of the City of Daphne parcel (described below), run thence South 00 degrees, 02 minutes, 21 seconds West along the East Boundary of the Utilities Board of the City of Daphne parcel (described below), a distance of 625.97 feet to a capped rebar on the North right-of-way line of Well Road; thence run South 89 degrees, 52 minutes, 48 seconds West along said right-of-way line 20.00 feet to a point, thence run North 00 degrees, 02 minutes, 15 seconds West, 625.62 feet to a point on the South boundary of the Utilities Board of the City of Daphne parcel (described below); thence run South 89 degrees, 59 minutes, 42 seconds East along said South boundary 20.00 feet to the Point of Beginning (hereinafter referred to as “Easement”).

The Utilities Board of the City of Daphne parcel is described as follows: From the Northwest corner of Section 16, Township 5 South, Range 2 East, thence run South 00 degrees, 05 minutes, 12 seconds East, 1,997.95 feet; thence run North 89 degrees, 59 minutes, 11 seconds East, 1,645.16 feet to the Point of Beginning; thence run North 00 degrees, 01 minutes, 48 seconds East, 446.91 feet; thence run North 89 degrees, 49 minutes, 35 seconds East, 1,005.61 feet; thence run South 00 degrees, 01 minutes, 45 seconds West, 449.72 feet; thence run South 89 degrees, 59 minutes, 11 seconds West, 1,005.16 feet to the Point of Beginning (hereinafter referred to as “Daphne Utilities Property”).

TO HAVE AND TO HOLD the above described property unto the said GRANTEE, her heirs, successors and assigns, forever.

Any except as to all other easements, right of way, restrictions or reservations of record together with all of those things specifically mentioned above, the said GRANTOR, for itself, its successors and assigns, does hereby covenant with the GRANTEE, her heirs, successors and assigns, that the GRANTOR is seized of an indefeasible estate in fee simple in said property, and that the GRANTOR does hereby warrant and will forever defend the above described easement and rights unto the GRANTEE, her heirs, successors and assigns, against the lawful claims of all persons.

The GRANTEE, for herself, her heirs, her personal representatives, her successors and her assigns does hereby completely and fully release, remise, acquit and discharge forever THE UTILITIES BOARD OF THE CITY OF DAPHNE, of and from any and all claims, demands, causes of action, suits, costs, damages, expenses, compensation and liability of every kind, character and description, either direct or consequential, at law or in equity, which we may have now, may have had at any time heretofore, or may have at any time hereafter, arising from, resulting from, or in any manner incidental to any matter, thing or event occurring, or failing to occur, at any time in the past up to and including the date hereof in any way related to the Property and to Daphne Utilities Property, including but not limited to, any and all claims of GRANTOR of alleged other existing easements, licenses or other grants of ingress/egress in, over or under the Daphne Utilities Properties that are not granted herein.

The Easement shall be subject to the following agreed terms and conditions:

- **Ingress and Egress of Grantee.** GRANTEE, her agents, licensees, successors and assigns, are hereby granted a nonexclusive ingress and egress easement over and across the Easement. Ingress and egress shall include vehicular and pedestrian access to GRANTEE'S property of approximately 10.34 acres adjacent to the north of the Daphne Utilities Property as shown on the attached survey as Exhibit A (hereinafter referred to as the "Grantee's Property").
- **Continued use by Grantor.** GRANTOR, its employees, agents, contractors, licensees, successors and assigns shall all have use and access of the Easement at any time and for any purpose.
- **Continued rights of Grantor.** Nothing herein shall be construed to limit, impair, or otherwise affect the rights of GRANTOR to develop, use, occupy or otherwise enjoy the Daphne Utilities Property or the Easement, including GRANTOR'S own construction of utility lines or other construction on, over or under the Easement.
- **No Public Use.** The use of the Easement shall not be subject to use by the public at large nor shall the Easement be used by the GRANTEE, her agents, licensees, successors or assigns, for any recreational use or other purpose not stated herein.
- **Grantor's Right to Dedicate as a Public Road.** GRANTOR shall have the exclusive right at any time or times to dedicate the Easement as a public road or to relocate any portion of the Easement, provided such public road or relocation continues to provide GRANTEE substantially similar access to the Grantee's Property. However, GRANTOR is under no obligation to build, provide or construct a roadway, is under no obligation to

relocate any portion of Easement, and is under no obligation to dedicate any roadway as a public road.

- **Indemnity.** To the fullest extent allowed by Alabama law, GRANTEE, her heirs, successors and assigns, shall and does hereby agree that she will protect, defend and indemnify and hold harmless the GRANTOR, and its officers, directors, board members, employees, contractors, agents, successors and assigns (the "Indemnitees") at all times from and against and in respect to any and all damages as hereinafter defined. Damages, as used herein, shall include any claims, actions, demands, losses, costs, expenses, obligations, liabilities (joint or several), penalties, charges, and damages (including, without limitation, reasonable legal, accounting, consulting, engineering, environmental, and other fees and expenses incurred in investigating or in attempting to avoid the same or oppose the imposition thereof) that may be imposed or incurred by, or assessed against any of the Indemnitees by any other party or parties (including, without limitation, governmental entities) arising out of, in connection with or relating to any accident or occurrence causing injury or death to any person (including, without limitation, Indemnitees), or damage to property (including, without limitation, property of Indemnitees) directly resulting from any act, omission, or commission of GRANTEE, her employees, contractors, agents, invitees, licensees, guests, heirs, successors or assigns that occur as a consequence of such third party's use of the Easement or roadway.
- **Remedies.** In the event that either GRANTOR or GRANTEE breaches any of the requirements hereof, the non-breaching party shall be entitled to all legal remedies, including, but not limited to, suit for injunction or specific performance.
- **Assignment.** GRANTEE may assign GRANTEE'S rights and obligations in the Easement but only in connection with the sale or conveyance of the GRANTEE'S Property and only provided the buyer agrees to the provisions herein.

(signatures on the pages to follow)

IN WITNESS WHEREOF, this instrument is executed this the _____ day
of _____, 2016.

The Utilities Board of the City of Daphne

By: Danny Lyndall
Its: General Manager

STATE OF ALABAMA }
COUNTY OF BALDWIN }

I hereby certify, that on this day, before me, a Notary Public, duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Danny Lyndall, General Manager of the Utilities Board of the City of Daphne, a public corporation, to me known to be person described in and who executed the foregoing instrument and acknowledged before me that, being informed of the content of the same, voluntarily signed and delivered the within and foregoing instrument on the day and year therein mentioned, as an authorized act of said corporation

Given under my hand and official seal, this _____ day of _____, 2016.

(Affix Seal)

Notary Public

Sandra M. Dunlop

STATE OF ALABAMA }
COUNTY OF BALDWIN }

I hereby certify, that on this day, before me, a Notary Public, duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Sandra M. Dunlop to me known to be person described in and who executed the foregoing instrument and acknowledged before me that, being informed of the content of the same, voluntarily signed and delivered the within and foregoing instrument on the day and year therein mentioned.

Given under my hand and official seal, this _____ day of _____, 2016.

(Affix Seal)

Notary Public

GRANTOR:
THE UTILITIES BOARD OF
THE CITY OF DAPHNE
c/o GENERAL MANAGER, DANNY LYNDALL
P.O. BOX 2550
DAPHNE, AL 36526

GRANTEE:
SANDRA M. DUNLOP

This instrument prepared by:
SPEEGLE, HOFFMAN, HOLMAN & HOLIFIELD, LLC
Jerome E. Speegle, Esq.
Post Office Box 11
Mobile, Alabama 36601
(251) 694-1700

**who makes no representation as to
status of title or to matters which
would be disclosed by a current survey or title search.**