

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
May 7, 2018

1. **CALL TO ORDER**
2. **ROLL CALL**
INVOCATION – Lamar Green – Daphne Fire Department Chaplain
PLEDGE OF ALLEGIANCE

PROCLAMATION: Municipal Clerk’s Week 4

PRESENTATION: Daphne Elementary School Student Government Association

PUBLIC HEARING: Re-zone of the WPNVA, LLC, Jay-E, LLC, John White-Spunner & Chester J. Stephan property located at the southeast corner of US Highway 98 & Johnson Road. 5
3. **APPROVE MINUTES:** **Council Meeting** – April 16, 2018 33
4. **REPORTS OF STANDING COMMITTEES**
 - A. **FINANCE COMMITTEE** – Rudicell 41
Review minutes of the April 16, 2018 Finance Committee Meeting.
 - B. **BUILDINGS & PROPERTY COMMITTEE** – LeJeune 47
Review the April 2018 Building Report.
 - C. **PUBLIC SAFETY COMMITTEE** – Davis
 - D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE** – Goodlin
 - E. **PUBLIC WORKS COMMITTEE** – Coleman 54
Review Museum minutes of April 9, 2018
5. **REPORTS OF SPECIAL BOARDS & COMMISSIONS**
 - A. **BOARD OF ZONING ADJUSTMENTS** – Adrienne Jones
 - B. **DOWNTOWN REDEVELOPMENT AUTHORITY** – Conaway
 - C. **INDUSTRIAL DEVELOPMENT BOARD** – Davis
 - D. **LIBRARY BOARD** – Rudicell
 - F. **PLANNING COMMISSION** – Scott 58
Review minutes of March 22, 2018 meeting and report of April 26, 2018 meeting.
 - F. **RECREATION BOARD** – LeJeune
 - G. **UTILITY BOARD** – LeJeune 67
Review minutes of the January 31, 2018, February 8, 2018 and February 28, 2018 Daphne Utilities Board meetings.
6. **MAYOR’S REPORT**
7. **CITY ATTORNEY REPORT**

Motion to authorize the City Attorney to make a formal offer of purchase on the property located at 706 Belrose Avenue for full market value as was previously determined by the appraisal for use by the City for public purposes and if the offer is rejected to proceed with the statutory condemnation process.

City Council Agenda – MAY 7, 2018

8. DEPARTMENT HEAD REPORTS

9. CITY CLERK'S REPORT

MOTION to approve the issuance of the 240 – Non-Profit Tax Exempt ABC license for The Anchor Cross Cancer Foundation, Judge Roy Bean Reunion Fundraiser, located at 1705 Main Street Lawn & Parking Lot on June 9, 2018. 85

MOTION to approve the publication and set a public hearing on June 18, 2018 for the Estate of Victorine Nelson Zoning Amendment located Southeast of Van Avenue and Main Street. 91

MOTION to approve the publication and set a public hearing on June 18, 2018 for proposed amendments to Ordinance 2011-54, Land Use and Development Ordinance, Article 17, Section 17-4, Procedures for Subdivision Review, Final Plat Application, Maintenance Bonds and Sidewalk Installation Bonds. 105

MOTION to authorize the Mayor to execute an amendment to the January 2017 Project Agreement between the City of Daphne and Daphne Strike Soccer Club to extend the City's guaranty period through September 1, 2020. 112

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

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2018-19 - 2018-E-Concrete Material, which awards the bid to Shelby Concrete doing business as Baldwin Concrete. 120

2018-20 - 2018-L-Recycled Rock Material, which awards the bid to Asphalt Services, Inc. 121

2018-21 – Resolution to Authorize Facility Use Agreement for Overlook Building 122

2018-22 – 2018-M-Daphne Sports Complex Phases 3A, 3B & 3C 134

2018-23 - Resolution to Vacate an Unopened Portion of the Church Street Right of Way 138

B. 2ND READ ORDINANCES:

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2018-16 – Ordinance to Re-Zone Property Located Southwest of Holy Cross Circle and Holy Cross Drive John W. West Irrevocable Trust 145

City Council Agenda – MAY 7, 2018

C. 1ST READ ORDINANCES

2018-17 - Appropriation: County Road 13 Intersection Improvement – Sidewalk Addition	147
2018-18 - Appropriation: Pollard Road & Whispering Pines Roads Area Sewer Connection CDBG Proj: LR-CE-PF-16-008	148
2018-19 – Appropriation: Daphne Sports Complex Phase 3A, 3B, 3C & Engineering	149
2018-20 – Re-zone of the WPNVA, LLC, Jay-E, LLC, John White-Spunner & Chester J. Stephan property located at the southeast corner of US Highway 98 & Johnson Road.	153

12. COUNCIL COMMENTS

13. ADJOURN

CITY OF DAPHNE, ALABAMA

Proclamation

WHEREAS; the Office of the Municipal/City Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS; the Office of the Municipal/City Clerk is the oldest among public servants; and

WHEREAS; the Office of the Municipal/City Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels; and

WHEREAS; Municipal/City Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS; the Municipal/City Clerk serves as the information center on functions of local government and community; and

WHEREAS; Municipal/City Clerks continually strive to improve the administration of the affairs of the Office of the Municipal/City Clerk through participation in education programs, seminars, workshops, and the annual meetings of their state, provincial, county, and international professional organizations; and

WHEREAS; it is most appropriate that we recognize the accomplishments and services of the Office of the Municipal/City Clerk.

NOW,
THEREFORE; I, Dane Haygood, as the Mayor of the City of Daphne, along with the Daphne City Council, do hereby proclaim May 6 - 12, 2018 as

Municipal Clerk's Week

in the City of Daphne, and further extend appreciation to our City Clerk, Candace G. Antinarella, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.



Dane Haygood, Mayor



To: Office of the City Clerk
From: Adrienne D. Jones, 
Director of Community Development
Subject: WPNVA, L.L.C. Jay-E, L.L.C., John
White-Spunner & Chester J. Stephan
Zoning Amendment
Date: January 26, 2018

MEMORANDUM

PRESENT ZONING: R-4, High Density Single & Multi-Family Residential
PROPOSED PRE-ZONING: B-2, General Business
LOCATION: Southeast corner of U.S. Highway 98 & Johnson Road
RECOMMENDATION: At the Thursday, January 25, 2018, regular meeting of the Daphne Planning Commission, seven members were present, and **the motion carried for a favorable recommendation for B-1, Local Business, in lieu of B-2 General Business** for the above mentioned zoning 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 Monday, February 5, 2018 to set a public hearing.

Thank you,
ADJ/jv

attachment(s)

1. Zoning Amendment Application
2. Community Development Report
3. Citizen Comments

FILE
2/2/18
10:00 am
5



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted

12/21/17

Application Number:

ZA-18-01 or PZA-

Planning Commission Public

Hearing Date:

01/26/18

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

SITE DATA

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

PPIN#(s):

SOUTHEAST CORNER OF U.S. HWY. 98 & JOHNSON ROAD

035698

Gross Site Area (acreage):

5.8

Requested Zoning or Pre-Zoning:

B-2, GENERAL BUSINESS

Current Zoning Designation(s):

R-4, HIGH

Amended Request:

DENSITY SINGLE & MULTI-FAMILY RESIDENTIAL

Initials:

Date:

Current Land Use:

AGRICULTURAL

Anticipated Land Use:

COMMERCIAL

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

SEE ATTACHED LEGAL DESCRIPTION ON EXHIBIT A

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: WPNVA, LLC, JAY-E, LLC,
CHESTER STEFAN, JOHN WHITE - SPUNNER

Mailing Address: C/O WHITE - SPUNNER REALTY
P.O. Box 7475, MOBILE, AL 36670

Name of Authorized Agent: WILLIAM M. "B.J." LYON, JR.
AND/OR SHARON WRIGHT

Mailing Address: B.J. - P.O. Box 8331, MOBILE, AL 36689
SHARON - P.O. Box 7475, MOBILE, AL 36670

Name of Developer*:

N/A

Phone/Fax: 251.471.1000

E-mail:

B.J. - 251.378.3623

bj@lyonlawmobile.com

Phone/Fax: Sharon - 251.471.1000

E-mail: sharonwhite-spunners
realty.com

Phone/Fax:

E-mail:

Other:

Phone/Fax:

E-mail:

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

Applicant's Signature:

Date

Agent's Signature:

Date

REVERSIONARY CLAUSE ACKNOWLEDGEMENT

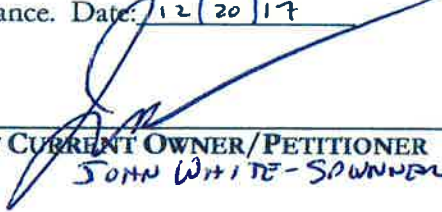
SKIP THIS PAGE IF REQUESTING PRE-ZONING OR PLANNED UNIT DEVELOPMENT ZONING

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

CURRENT OWNER'S ACKNOWLEDGEMENT

WPNA, LLC, JAY-E, LLC, CHESTER J. STEFAN

I, AND JOHN WHITE-SPUNNER, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 12/20/17

PRINTED NAME OF CURRENT OWNER/PETITIONER

B.J. LYON

JOHN WHITE-SPUNNER

DEVELOPER'S ACKNOWLEDGEMENT

I, N/A, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 12/20/17

WPNA, LLC, Jay-E, LLC, Chester Stefan

PRINTED NAME OF DEVELOPER

✓ John White-Spunner

PROPERTY ADDRESS OR PPIN#(S): 035698

WPNVA, L.L.C., JOHN WHITE-SPUNNER, JAY-E, L.L.C. & CHESTER STEPHAN

SOUTHEAST CORNER OF U.S. HIGHWAY 98 AND JOHNSON ROAD

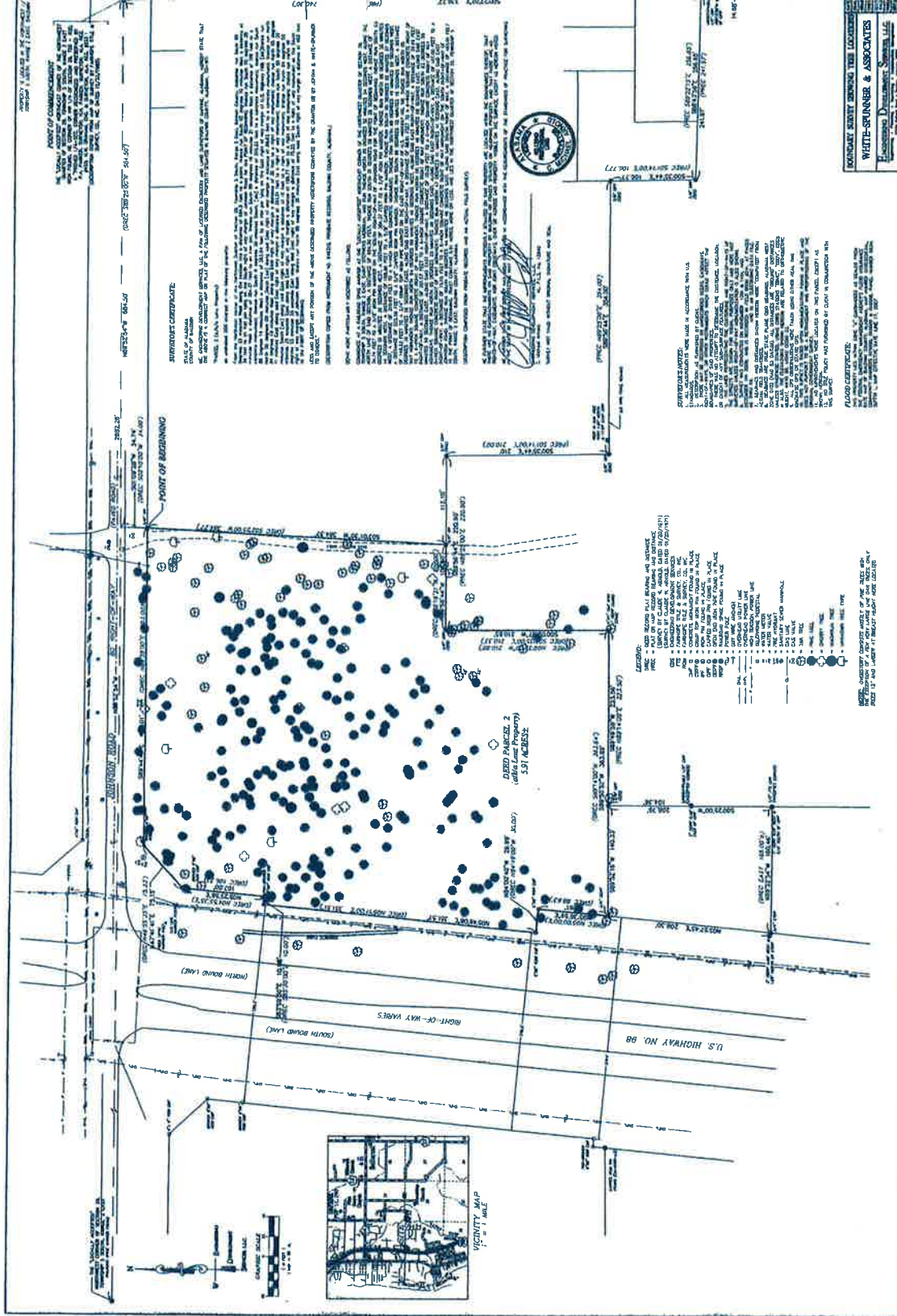
ZONING AMENDMENT

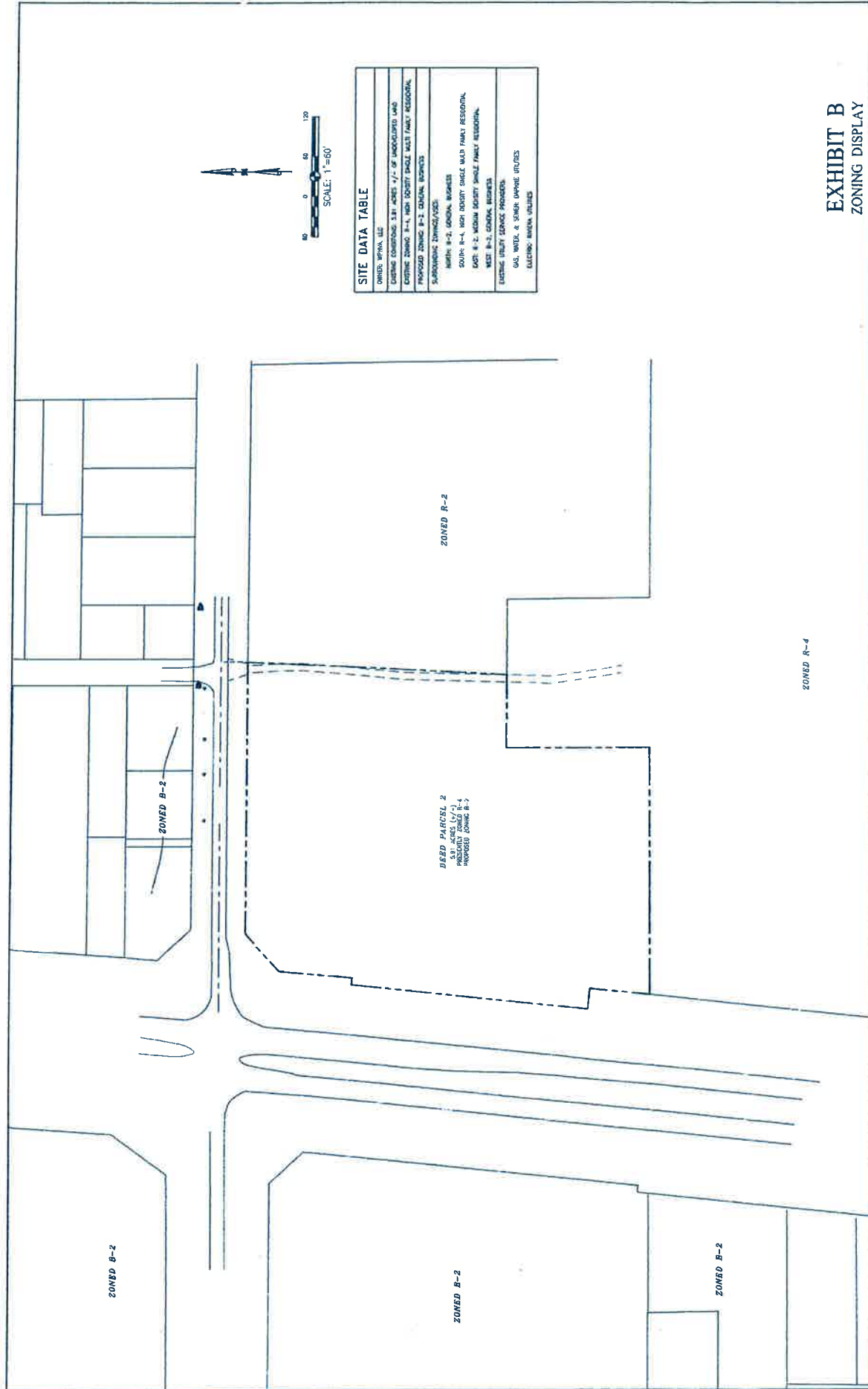
Exhibit "A"

LEGAL DESCRIPTION OF PROPERTY:

PARCEL 2 (a/k/a Lenz Property), an undivided 20% interest in the following property:

From the Northeast corner of the Northwest Quarter of Section 29, Township 5 South, Range 2 East, Baldwin County, Alabama: run South 89 Degrees 25 minutes West along the section line a distance of 684.5 feet to a point; thence run South 02 degrees 10 minutes West a distance of 34 feet to an iron pin lying on the South right of way margin of Johnson Road for the POINT OF BEGINNING; thence run South 02 degrees 25 minutes West a distance of 384.27 feet to an iron pin; thence run South 89 degrees 16 minutes 21 seconds West a distance of 109 feet to a concrete monument; thence run South 0 degrees 35 minutes South; [sic] a distance of 210.33 feet to a concrete monument; thence run South 89 degrees 14 minutes West a distance of 363.64 feet to an iron pin lying on the East right of way margin of U.S. Highway 98; [sic]thence run North 05 degrees 00 minutes South [sic] along said East right of way margin a distance of 88.63 feet to a concrete monument; thence run North 84 degrees 49 minutes West along said East right of way margin a distance of 30 feet to a right of way monument; thence run North 05 degrees 11 minutes East along said East right of way margin a distance of 351.51 feet to a right of way monument; thence run South 85 degrees 30 minutes South [sic] along said East right of way margin a distance of 10 feet to a right of way monument; thence run North 04 degrees 55 minutes 35 seconds East along said East right of way margin a distance of 106.77 feet to a right of way monument; thence run north 46 degrees 55 minutes 35 seconds East along said East right of way margin a distance of 75.25 feet to a right of way monument on the South right of way margin of Johnson Road; thence run North 89 degrees 39 minutes East along said South right of way margin a distance of 403 feet to the POINT OF BEGINNING; containing 5.8 acres more or less.





SITE DATA TABLE	
OWNER: WPA, LLC	
EXISTING CONDITIONS: 3.1 ACRES +/- OF UNDEVELOPED LAND	
EXISTING ZONING: R-1, HIGH DENSITY SINGLE FAMILY RESIDENTIAL	
PROPOSED ZONING: R-2, GENERAL BUSINESS	
SUBJECTING ZONING/USE:	
NORTH: R-2, GENERAL BUSINESS	
SOUTH: R-1, HIGH DENSITY SINGLE FAMILY RESIDENTIAL	
EAST: R-2, MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL	
WEST: R-2, GENERAL BUSINESS	
EXISTING UTILITY SERVICE PROVIDERS:	
GAZ. WATER & SEWER: IMPROVEMENTS	
ELECTRIC: BUREAU UTILITIES	

EXHIBIT B ZONING DISPLAY

PROPOSED REZONING OF PPIN# 035698		44-00-10-01		NOT FOR CONSTRUCTION		HUTCHINSON, MOORE & RAUCH, LLC		2039 MAIN STREET DOWNTOWN, ILLINOIS 60626		TEL (312) 626-2626 WWW.HMRA.COM dpm@hmr.com		DATE: 10/10/2017		SCALE: 1"=60'		SHEET: 1 OF 1	
ZONING DISPLAY		WPA, LLC		DATE: 10/10/2017		PROJECT: 035698		PROJECT: 035698		PROJECT: 035698		PROJECT: 035698		PROJECT: 035698		PROJECT: 035698	

ADJACENT PROPERTY OWNERS
WPNVA, LLC / WHITE-SPUNNER REALTY

43-09-29-2-000-007.000

PICKETT, OTIS ETAL PICKETT, MADELINE
3716 HOLLY RIDGE CIR
MOBILE, AL 36693

43-04-20-3-000-067.001

WILLIAMS, ELLEN
1308 OAKST
DAPHNE AL 36526

43-04-20-3-000-071.001

AUTRY, MAXINE
1005 JOHNSON RD
DAPHNE, AL 36526

43-04-20-3-000-071.000

43-04-20-3-000-071.002
LAWSON, JEWEL
PO BOX 2
DAPHNE AL36526

43-04-20-3-000-052.000

DAPHNE , CITY OF
PO BOX 400
DAPHNE, AL 36526

43-09-29-2-000-009.000

CITIZENS BANK INC
PO BOX 569
ROBERTSDALE, AL 36567

43-09-29-2-000-020.000

JOHNSON, ROBERT L ETUX MONYA M
1960 STORY RD
SAN JOSE, CA 95122

43-09-29-2-000-027.000

COLONNADE AT EASTERN SHORE LLC
116 ONE MADISON PLAZA, SUITE 2100
MADISON, MS 39110 .

43-09-29-2-000-008.000

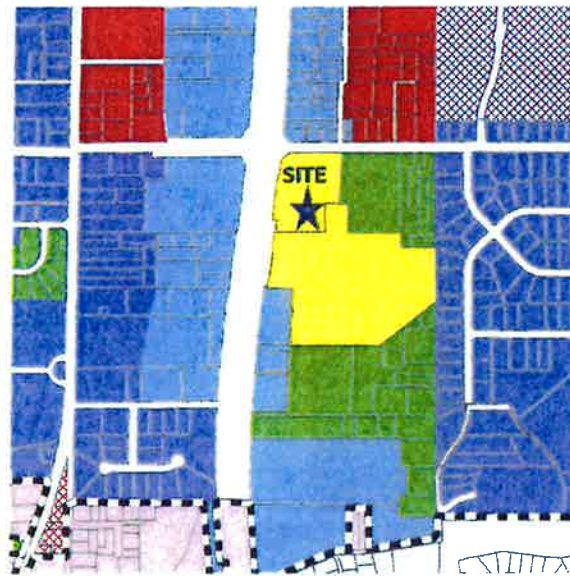
WPNVA, LLC ETAL
C/O SHARON WRIGHT
WHITE-SPUNNER REALTY
3201 DAUPHIN STREET, SUITE A
MOBILE, AL 36606

PLANNING COMMISSION REZONING REQUEST FOR WPNVA, LLC., JAY-E, LLC., JOHN WHITE-SPUNNER, CHESTER J. STEPHAN



Zoning Key

	Daphne City limits
	R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
	R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
	R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
	R-4 HIGH DENSITY SINGLE MULTI-FAMILY RESIDENTIAL
	R-5 MOBILE HOME RESIDENTIAL
	R-6(D) DUPLEX - TWO FAMILY
	R-6(G) GARDEN OR PATIO HOME
	R-7(A) APARTMENT
	R-7(M) MID-RISE CONDOMINIUM
	R-7(T) TOWNHOUSE
	B-1 LOCAL BUSINESS
	B-2 GENERAL BUSINESS
	B-2(a) GENERAL BUSINESS ALTERNATE
	B-3 PROFESSIONAL BUSINESS
	C-1 COMMERCIAL/INDUSTRIAL
	MU MIXED USE
	PUD PLANNED UNIT DEVELOPMENT
	C-2 OUTDOOR AMUSEMENT
	GC GOLF COURSE
	ET JURISDICTION



Excerpt from City of Daphne Zoning Map

Existing Conditions: 5.8 acres+/- wooded undeveloped land
Existing Zoning: R-4 High Density Single Family Residential
Proposed Zoning: B-2, General Business

Surrounding Zonings/Uses:

North – B-2, General Business/single family residence

South – R-4, High Density Single Family Residential/The Colonnade Apartments-
240 units

East – R-2, Medium Density Single Family Residential/undeveloped wooded land

West – B-2, General Business/Johnson Road Drainage Improvement project site
(has not begun construction as of yet)

Existing Utility Service Providers:

Water, Sewer, Gas- Daphne Utilities

Electric – Riviera Utilities

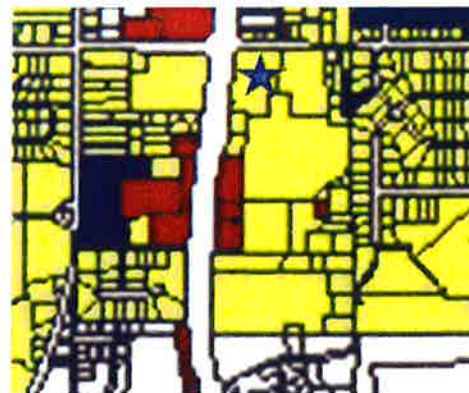
Affected City Service Providers:

Fire Protection-Station 1 Police Protection-Police Beat 1

Public Works

The Comprehensive Plan

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The future land use map shows this area as residential; however, the plan did not take into account the presence of B-2, General Business zones on three corners of Highway 98 and Johnson Road. Rezoning the subject property to a commercial zoning district would be consistent with previously established zoning in the immediate area.



Existing Conditions

The site is located southeast of the intersection of Johnson Road and U.S. Highway 98. This intersection is the gateway into the Daphmont neighborhood, a single family residential community which has been in existence since 1958. Three parcels to the north across Johnson Road are zoned B-2, General Business. There are two residences and one undeveloped lot; however, at this time, neither parcel is being used for commercial purposes. The subject property abuts the Colonnade Apartment complex, a 240-unit multi-family residential development which opened in 2016. The lot to the west is zoned R-2, Medium Density Single Family Residential: the site is also undeveloped.

Staff Comments

The applicant has submitted a petition to rezone 5.3 acres from R-4 to B-2, General Business. No indication of the future use has been provided.

In recent years, Council has added new commercial zoning classifications and established precedents for commercial zoning where it abuts residential property. In 2015 and 2016 the City of Daphne amended the Land Use and Development Ordinance adding new zoning classifications for commercial use. B-2(A), General Business Alternate was adopted in May 2015. According to Article 12 of the Land Use and Development Ordinance, “This district is intended to provide opportunity for *activities that are more compatible with restrictive business districts and residential uses than those allowed in B-2, General Business*. These uses may serve as a regional or a local market and may require location in proximity to major transportation routes.” Additionally, in June 2016 the B-1(A), Limited Local Business district was adopted.

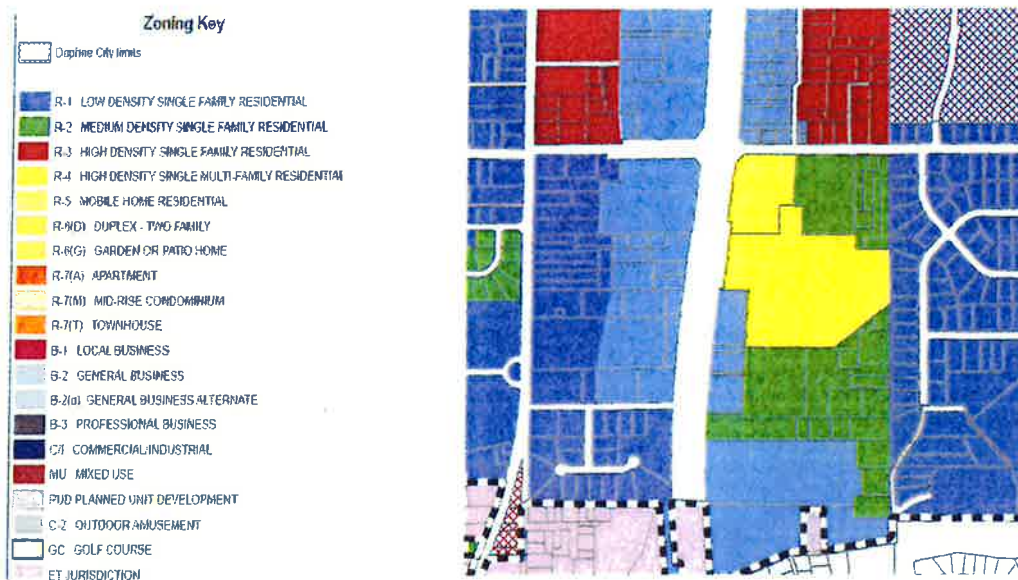
The zoning petition for the White-Spunner, et. al., property located at the northwest intersection of County Road 13 and U.S. Highway 90 was initially presented as B-2, but after the public hearing and upon receipt of the Planning Commission’s input, the petitioner changed part of the request to B-2(A). On January 17, 2017, the City Council approved B-2 at the intersection only and approved the remaining area along County Road 13 as B-2(A); most notable here, the B-2(A) zoned portion abuts property rezoned as residential. (Reference Ordinance# 2016-81).

On June 5, 2017, the City Council concurred with the Planning Commission’s March 2017 recommendation to rezone property to B-2(A) zone in lieu of the originally requested B-2 zoning. That property is located along U.S. Highway

90, due south of Renaissance Boulevard: across from B-2 zoned property and notably so, it is adjacent to residential zoned property. (Reference Ordinance 2017-45).

Recommendation: B-2 zone district would be consistent with the zoning of property located to the north and across Highway 98 to the west; however the City Council has adopted a zoning district which is intended to be *more compatible with restrictive business districts and residential uses than those allowed in B-2, General Business*. Commercial zoning is an obvious choice for a major intersection but it may be the case that B-2(A) zoning would be the better choice.

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



Excerpt from City of Daphne Zoning Map

PETITION TO OPPOSE REZONING

File Z17-01 Southeast Corner of Highway 98 and Johnson Road

To: The Planning Commission and the Daphne City Council Members

We, the undersigned property owners and/or residents of the Daphmont Subdivision, do hereby oppose the proposed rezoning of the property on the Southeast Corner of U.S. Highway 98 and Johnson Road.

We respectfully request NO zoning change on this parcel. We feel that any change in zoning of this property would negatively affect our subdivision.

Print Name	Address	Phone #	Signature
1 Elise Powe	1306 Warren Dr	626 1534	Elise C Powe
2 Cooper Banks	1009 Pickett Ave	689-4055	Cooper Banks
3 Mary Yelding	1012 Jones	251-626-5035	Mary Yelding
4 Alexander Miller	1114 Johnson Rd	251-232-4489	Alexander Miller
5 Elizabeth W.R. Gilbert	1112 Johnson Rd	251-626-0972	Elizabeth W.R. Gilbert
6 Marjorie Y. Lewis	715 Daphmont Drive	251-626-1638	Marjorie Y. Lewis
7 Ora Arnold	1111 Hersura Drive	(251) 626-6877	Ora Arnold
8 Michael L. Hobbs	706 Daphmont Drive Daphne, AL 36526	251 599-0394	Michael L. Hobbs
9 Janet Taylor	1317 Oak Street Daphne, AL 36526	251 409-2093	Janet Taylor
10 Ellen Williams	1308 Oak St Daphne, AL 36526	251 626-1680	Ellen Williams
11 Douglas M. Brown	Daphne	626-8532	

pc meeting
6/25/18 16
5:00 pm

	Print Name	Address	Phone #	Signature
12	LEOP L ALLEN	816 DAPHNE DR	626-5951	Leop L Allen
13	Sierra Patterson	711 Cedar Drive	525-0737	Sierra Patterson
14	Rhonda Pettibone	603 Elm Dr	604-1431	Rhonda Pettibone
15	JAMES SEWELL	1309 Johnson Rd.	716-2390	James Sewell
16	Josephine Sewell	1309 Johnson Rd.	222-2139	Josephine Sewell
17	Mari Sappard	504 Pine St		Mari Sappard
18	Mary C. Longmire	600 Pine St	251-689-6047	Mary C. Longmire
19	Marine Aubrey	1005 Johnson	251-289389	Marine Aubrey
20	Gennett Stubbs	1406 Maple Dr	626-1397	Gennett Stubbs
21	Linda + Thomas Batte	1312 Warren Dr.	626-1432	Linda Batte
22	Eddie Rudolph	710 DAPHNE DR DAPHNE	348-4870	Eddie Rudolph
23	Majid Gharbi	503 Pine St	707 534-9220	Majid Gharbi
24	George Rudolph	1306 Oak St Daphne	605-4378	George Rudolph
25	TO LATTER	604 PINE ST DAPHNE	251-626-1768	Tola House
26	Eddie Herrin	604 Pine St. Daphne, AL	626-1768	Eddie House
27	Terese Howard	604 PINE ST. DAPHNE, AL	626-1768	Terese Howard
28	Trudie Hopkins	704 Pine St. Daphne	367-1696	Trudie Hopkins
29	Richard Hopkins	704 Pine St. Daphne	367-1344	Richard Hopkins
30	Alfred Agre	702 Pine St Daphne	251-626-1112	Alfred Agre
31	Yvonne Agre	702 Pine St	251-626-1611	Yvonne Agre

	Print Name	Address	Phone #	Signature
32	Robert Gully	1403 Maple Dr	251-626-773	Robert Gully
33	George Smith	1408 Wren Dr	622-5468	George Smith
34	Gloria Smith	1408 Wren Dr	622-5468	Gloria Smith
35	Jennett Stubbs	1407 Maple	621-1397	J.S.
36	Mary Coats	1404 Maple Dr	626-1221	Mary H. Coats
37	Randy Tinsley	1408 Maple Dr	689-1939	Randy Tinsley
38	Bernadette Douglas	504 Pecan Dr	459-1963	Bernadette Douglas
39	Lena Quinney	501 Pecan Dr	626-2106	Lena Quinney
40	Jason Barrow	502 Pecan Dr	272-0171	Jason Barrow
41	Bessie Walker	501 Pecan Dr		Bessie Walker
42	Carl L. Safford	504 Pine St.	626-5498	Carl L. Safford
43	Cedric Sledge	605 Daphnont Dr	786-0399	Cedric Sledge
44	Adell Powe	607 Daphnont Dr	209-2031	A Powe
45	Lynne Montgomery	1126 Valrie Lane	(251) 382-5012	Lynne Montgomery
46	Donna Miller	136 Valrie Lane	251-382-5012	Donna Miller
47	Margaret Mitchell	1277 Valrie Ln	251-626-1071	Margaret Mitchell
48	Debra Lee	110 Valrie Lane	(251) 680-6334	Debra Lee
49	Andie McConico	113 Valrie Lane	251-591-4343	Andie McConico
50	Gillian Sampson	1672 Daphnont Dr	251-269-5828	Gillian Sampson
51	Denise Felding	712 Daphnont Dr	251-367-0581	Denise Felding

	Print Name	Address	Phone #	Signature
52	Denita Patterson	711 Cedar Dr. Daphne	232-6320	Denita Patterson
53	Bob Patterson	711 Cedar Dr. Daphne	232-1291	Bob Patterson
54	Brianna Patterson	711 Cedar Dr. Daphne	232-1863	Brianna Patterson
55	Timothy Wms	712 Cedar Dr	367-5840	Timothy Wms
56	Gloria Wmsby	712 Cedar Dr	367-5840	Gloria Wmsby
57	Evelyn Campbell	714 Cedar Dr.	425-4460	EVELYN Campbell
58	Yang & Hazel Baldwin	721 Cedar Dr.	622-0654	HAZEL & Yang BALDWIN
60	Julius Bradley	719 Cedar Dr.	626-3687	Julius Bradley
61	Deborah Bradley	719 Cedar Dr.	626-3687	Deborah Bradley
62	DAMIAN SANCHEZ	707 CEDAR CV	626-5483	Damian S
63	ELVIN HECTOR	707 CEDAR CV	626-5483	ELVIN HECTOR
64	DAMIAN SANCHEZ	707 CEDAR CV	626-5483	Damian S
65	ELVIN HECTOR	707 CEDAR CV	626-5483	Elvin Hector
66	Bria Howard	404 Pine St.	626-7768	Bria Howard
67	Vashti Johnson	800 Pine St.	678-386-9446	Vashti Johnson
68	Jordan Smith	800 Pine St.		
69	Sony Reel	802 Pine St	251-554-5886	Sony Reel
70	Sony Reel	802 Pine St		Sony Reel
71	Sienna Hunt	802 Pine St		Sienna Hunt
72	Sony Reel Jr	802 Pine St		Sony Reel Jr.
73	Ardella Jackson	501 Pine St, Daphne	251-610-1816	Ardella Jackson

	Print Name	Address	Phone #	Signature
74	Cora Johnson	7736 Gaskin Lane	554-8482	Cora Johnson
75	Henry Thomas	7470 Gaskin LA.	2093718	Henry Thomas
76	Rachel Thomas	7470 GASKIN LA	2093716	Rachel Thomas
77	Edward Schubert	1301 Oak St.	408-1628	Edward Schubert
78	Anthony Schubert	1301 OAK ST.	408-1078	Anthony Schubert
79	William Wright	604 Daphnate Dr	623-5050	William Wright
80	Susan Wright	604 Daphnate Dr	554-1438	Susan Wright
81	Lutricia Smith	907 Jones ST	753-41030	Lutricia Smith
82	Joseph Smith	907 Jones St	604-0177	Joseph Smith
83	Robert Tensley	1004 Puckett (Ald)	623-2323	Robert Tensley
84	Byron Baker	508 Pine Street	232-2879	Byron Baker
85	Rudolph Baker	508 Pine St	656-5899	Rudolph Baker
86	Kathleen Baker	508 Pine St.	621-1713	Kathleen Baker
87	Fred Pickett			Fred Pickett

PETITION TO OPPOSE REZONING

File Z17-01 Southeast Corner of Highway 98 and Johnson Road

To: The Planning Commission and the Daphne City Council Members

We, the undersigned property owners and/or residents of the Daphmont Subdivision, do hereby oppose the proposed rezoning of the property on the Southeast Corner of U.S. Highway 98 and Johnson Road.

We respectfully request NO zoning change on this parcel. We feel that any change in zoning of this property would negatively affect our subdivision.

Print Name	Address	Phone #	Signature
88 Cora Campbell	603 Daphmont Dr	251-626-1947	Cora Campbell
89 Luea Dugan	506 Daphmont dr	272-2302	Luea Dugan
90 Topi White	1198 Browns Ln	281-6456	Topi White
91 IRENE GASKIN	(B)THER		
92 Daphmont	501 Daphmont dr	545-5018	Daphmont
93 W. W. W.	201 Daphmont	251-6458960	W. W. W.
94 Ch...	207	251-6458960	Ch...
95 CLARA DALE	251-506-3451		
96 PAUL DALE	251-186-6292		
97 PAUL DALE JR.	251-209-6631		
98 Dorothy Dale	251-990-8441		Dorothy Dale

PETITION TO OPPOSE REZONING

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	Print Name	Address	Phone #	Signature
99	Ruth Y Bolton	1205 WARREN DR	251 626-8981	Ruth Y Bolton
100	LARRY L. YELDING	1207 WARREN DR	251 422-8215	Larry L. Yelding
101	Ellen L Yelding	1207 Warren DR	251 422-8215	Ellen L Yelding
102	Emory C. Yelding	1207 Warren Drive	251-550-4445	Emory C. Yelding
103	Charlesetta Rudolph	703 Daphmont	251-455-0337	Charlesetta Rudolph
104	Mary Wood	713 Daphmont Dr.	251-626-0930	Mary Wood
105	Damian Bolton	1205 Warren Dr	251-626-8981	Damian Bolton
106	Rosa Nell Turner	700 Pine St Daphne	251-454-0789	Rosa Nell Turner
107	Nancye Neal	1208 Warren Dr	251-391-1800	Nancye Neal
108	NORMAN J. NEAL	1208 Warren Dr	251-604-3078	Nancye Neal
109	Christine Greene	807 Daphmont Dr.	251-610-4455	Christine Greene

PETITION TO OPPOSE REZONING

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	Print Name	Address	Phone #	Signature
110	Erica Washington	700 Cedar drive	(251) 455-8469	[Signature]
111	Lewy Bugas	702 Cedar drive	(251) 626-2044	[Signature]
112	Clifford Hall, Sr.	701 Cedar Dr.	251-626-0709	Clifford Hall
113	Julius FRYE	703 Cedar DR	251-626-6380	Julius Frye
114	LEONARD M. HILLS	705 Cedar Dr	251-654-1188	[Signature]
115	Mary A. Highsmith	704 Cedar Dr. Daphne	251-643-5496	Mary A. Highsmith
116	George Highsmith	704 Cedar Dr Daphne	251-406-9178	George Highsmith
117	Alice V. HARDIN	708 CEDAR DAPHNE	251-644-8278	Alice V. Hardin
118	Barbara Smith	709 Cedar Dr.	624-7818	Barbara Smith
119	Sharonda Gregory	715 Cedar Dr Daphne	295-5669	S. Gregory
120	Minnie Reid	713 Cedar Dr.	251-626-3317	Minnie Reid

PETITION TO OPPOSE REZONING

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	Print Name	Address	Phone #	Signature
21	Alice Smith	P.O. Box 1722 Daphne, AL 36526	251-232-4244	Alice Smith
22	Don Smith	P.O. Box 1722 Daphne, AL 36526	251-229-0742	Don Smith
23	Janet Cottrell	P.O. Box 472 Daphne, AL 36526	251-423-4300	Janet Cottrell
24	Cameron Reed	P.O. Box 1722 Daphne, AL 36526	(251) 626-6094	Cameron Reed
25	Ellen Thompson	10039 Jones St Daphne, AL	251-626-9859	Ellen Thompson
26	LAURA BALDWIN	913 JONES ST DAPHNE, AL	251-626-0995	Laura Baldwin
27	Joyce Hutera	912 JONES ST DAPHNE, AL	251-284-7575	Joyce Hutera
28	Mechelle Howard	P.O. Box 795 604 Pine ST	251-626-1768	Mechelle Howard
29	FLOYD TOLBOR	715 CEDAR DRIVE	251-209-3538	Floyd Tolbor
30	Tabatha Reed	705 Pine Street	251-610-7861	Tabatha Reed
31	Moitilde Bigman	1404 Warren Dr	251-444-1285	Moitilde Bigman

PETITION TO OPPOSE REZONING

File Z17-01 Southeast Corner of Highway 98 and Johnson Road

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	Print Name	Address	Phone #	Signature
132	Alma Rudolph	703 Daphmont Drive	251-626-1665	A. L.
133	Joseph Woodley	705 Daphmont Drive	251-626-2444	JR
134	Delwin Knight	1302 Oak St. Oak St	251-222-6588	D.K.
135	William Armstrong	1304 Oak St	425-1625	WAS
136	Irvin Rudolph	1305 Oak St	251-643-2733	Irvin Rudolph
137	Willie Shaw	1315 OAK ST	251-402-9880	Willie Shaw
138	Edmond Taylor	1317 OAK ST	251-709-2092	Edmond Taylor
139	Dorcas Banks	1318 Oak St.	334-360-2174	Dorcas Banks
140	MOSES MORRISON	1320 Oak St.	251-626-7074	Moses Morrison
41	AMES ASH	1407 Maple St.	251-716-0569	AMES ASH
42	Bryant Faust	1405 Maple St.	251-510-0027	Bryant Faust

PETITION TO OPPOSE REZONING

File Z17-01 Southeast Corner of Highway 98 and Johnson Road

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Print Name	Address	Phone #	Signature
53 Shirley Thomas	7462 Reed Lane Daphne, Alabama	404-713-8385	
54 Mary A Benson	P.O. Box 695 Daphne, AL 36526	251-626-1594	Mary Alice Benson
55 Charles L. Thomas	P.O. Box 695 Daphne, Alabama	251-626-1594	Charles L. Thomas
56 Ed Thomas	P.O. Box 2251 AL	621-1373	Ed Thomas
57 Pam Thomas	" " " "	" " "	Pam Thomas
58 Vette Bray	PO Box 1202 Daphne AL 36526	601-9443	Vette Bray
59 Brenda Reed III	P.O. Box 1202	621-0232	Brenda Reed
60 Sankie Reed III	P.O. Box 1202 Daphne, AL	621-0232	Sankie Reed III

PETITION TO OPPOSE REZONING

File Z17-01 Southeast Corner of Highway 98 and Johnson Road

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Print Name	Address	Phone #	Signature
61 Michael L. Hobbs	706 Daphmont Dr. Daphne, AL 36526	251 599-0394	Michael L. Hobbs
62 LISA BANKS	1140 Johnson Rd DAPHNE AL 36526	251 321-3525	Lisa Banks
163 GEORGE COLEMAN	810 Daphmont Dr Daphne AL 36526	(251) 1026-3061	George Coleman

[illegible]

[illegible]

PETITION TO OPPOSE REZONING

File Z17-01 Southeast Corner of Highway 98 and Johnson Road

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	Print Name	Address	Phone #	Signature
73	Kimberly Matthews	87142 US HWY 98 Daphne AL 36526	321- 830-3775	
174	Amelia Clark	1406 Warren Dr.	251-231-8288	Amelia Clark
173	Larry Dacus	1301 Johnson Rd	367-4794	Larry Dacus
176	Shirley Dacus	" " "	621-9823	Shirley Dacus
177	LOVELL McCREARY	1102 Hwy 98	626-1673	Lovell McCreary
178	Frank Dent	1309 Johnson Rd	716-2390	Frank Dent



More ▾

Daphmont Rezoning**Anthony Sampson** (asampson@bcbe.org)

Thu, Jan 25, 2018 3:34 pm

To: you Details ▾

Mrs. Lawson,
As promised.

Good evening,

My name is Anthony Tyrone Sampson. I reside at 800 Daphmont Dr., Daphne, AL 36526.

I am requesting that this correspondence be shared and included in the official records of the Daphne Planning Commission's Public Hearing regarding the proposed B2 rezoning of the property at the intersection of Highway 98 and Johnson Road.

I appreciate the Planning Committee and City Council's previous dissenting vote in response to the residents request to deny the proposed plans.

I am deeply concerned in the developers failures to embrace the recommendations offered by the City Council, residents of Daphmont Subdivision and the community at large. No site plan has been submitted and no effort to communicate with the residents has transpired.

Unfortunately, I am unable to attend due to work obligations.

I appreciate your continued support of smart economic and community development.

Respectfully submitted,

Anthony Sampson

Daphmont Resident

**April 16, 2018
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

There being a quorum present Councilwoman Conaway called the meeting to order at 6:34 p.m.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Tommie Conaway; Pat Rudicell; Doug Goodlin; Ron Scott; Robin LeJeune; Joe Davis.

Also Present: Dane Haygood, Mayor; Candace Antinarella, City Clerk; Brandy Volovecky, Assistant City Clerk; Jay Ross, City Attorney; Betsy Schneider, Operations Director; James White, Fire Chief; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; David Carpenter, Police Chief; Tonja Young, Library Director; Jeremy Sasser, Public Works Director; Margaret Thigpen, Civic Center Director; Vickie Hinman, Human Resources Director; and Ashley Campbell, Environmental Programs Manager.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Reverend Thack Dyson from St. Paul's Episcopal Church.

PROCLAMATION: Earth Day Mobile

Mayor Haygood presented a Proclamation on behalf of the City Council and himself, which proclaims April 21, 2018 as Earth Day Mobile Bay in the City of Daphne. Carol Adams-Davis was present to accept the Proclamation.

Mayor Haygood said Ashley Campbell, Environmental Programs Coordinator, endeavors in her daily efforts to ensure good stewardship of our resources. He is looking forward to the Earth Day Mobile Bay event and asked Ms. Adams-Davis to provide more information.

Ms. Adams-Davis said the City of Daphne is participating in the event which takes place on Saturday, April 21, 2018 from 10 a.m. to 6 p.m. at the Fairhope Pier. There will be live music, children's performances, interactive activities and educational exhibits. She thanked the Council and Mayor for their support. Mayor Haygood thanked Ms. Adams-Davis and wished her a successful event. He thanked the City Council for its continued funding for environmental issues.

PUBLIC HEARING: Pre-zone of Bertolla Properties, LLC property located Southeast of Alabama 181 and Austin Road

PUBLIC HEARING: Annexation of Bertolla Properties, LLC property located Southeast of Alabama 181 and Austin Road

The two public hearings for the Bertolla Properties, LLC property were held simultaneously.

Steve Pumphrey, a representative of Dewberry Preble-Rise, gave details on the property and proposed development of a mixed-use residential Planned Unit Development (PUD) comprising 909 units.

Councilman Goodlin asked if Mr. Pumphrey had received a commitment from the Baldwin County Board of Education about if this property would be zoned as Fairhope or Daphne. Mr. Pumphrey said he has not.

Councilman LeJeune asked Mr. Pumphrey to show the first five phases of the plan and asked what the timeframe expectations are. Mr. Pumphrey showed the first five phases on the projected map and said they are aggressively working to have the additional three phases approved right away; once approved, the preliminary plats are only good for a limited time.

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Councilman Davis asked if all three lot sizes are included in the first five phases and how many lots would be represented in those phases. Mr. Pumphrey said all three lot sizes will be included; he is not sure how many lots would be in the first five phases. Mayor Haygood said according to Ms. Jones there will be 199 lots.

Councilman Goodlin asked if this developer has looked at the new Sidewalk Bond Ordinance. Mr. Pumphrey said the developer is aware.

The public hearing was opened at 6:49 p.m.

Rod Drummond, Ridgewood Drive, spoke against the proposed development. He said from what he has heard, PUDs are a developer's dream and residents' nightmare. He referenced the number of ponds in the proposed development.

There being no further requests to speak, the public hearing was closed at 6:51 p.m.

PUBLIC HEARING: Zoning amendment of John W. West Irrevocable Trust property located Southwest of Holy Cross Circle and Holy Cross Drive

Scott Hutchinson, representative of Hutchinson, Moore & Rauch, LLC, gave details on the property and proposed development. He said the goal is to create shops with residential homes above. Councilman Scott said the Mixed Use designation is cutting edge and an ideal situation.

The public hearing was opened at 6:54 p.m.

Michael Gagnet, 24437 Main Street, said he is not opposed to the proposed rezoning. This is a quiet entrance with a lot of beautiful trees. His biggest concerns are drainage and parking. He stressed compatibility with the surrounding area.

There being no further requests to speak, the public hearing was closed at 6:57 p.m.

3. APPROVE MINUTES:

The minutes of the April 2, 2018 Council Meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilman Rudicell said the Finance Committee meets the third Monday of each month.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman LeJeune said the minutes of the March 12, 2018 Buildings and Property Committee meeting are in the packet. There is a motion on the agenda to authorize the Mayor to execute a letter of intent with the Church of the Highlands. Councilman LeJeune asked for clarification on this matter. Jay Ross, City Attorney, said the Mayor does not need Council approval to execute a non-binding letter of intent. When a Lease Agreement is finalized it would need to come back to the Council for approval. Councilman Scott asked if this could be discussed in executive session to which Mr. Ross replied that it could. Councilwoman Conaway said this would be discussed in executive session.

C. PUBLIC SAFETY COMMITTEE

Councilman Davis said the next Public Safety Committee meeting will be May 14, 2018 at 4:30 p.m. The minutes from the March 12, 2018 meeting will be available soon. Councilman Davis said Chief Carpenter and Chief White are fine leaders who do a great job along with their staffs. He thanked them for all that they do.

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D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Goodlin said the next Code Enforcement/Ordinance Committee meeting will be on May 7, 2018 at 4:30 p.m.

E. PUBLIC WORKS COMMITTEE

Councilman Coleman said the minutes of the April 2, 2018 Public Works Committee meeting and the March 11, 2018 Museum Committee meeting are in the packet. The next Public Works Committee meeting is on May 7, 2018 at 5:30 p.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

No report.

B. Downtown Redevelopment Authority

Council President Conaway said the next Downtown Redevelopment Authority meeting is Wednesday, April 25, 2018 at 5:30 p.m.

C. Industrial Development Board

Councilman Davis said there is a motion to appoint Michael Pierce to the Industrial Development Board to fill vacant place seat formerly held by John Cox.

**MOTION by Councilman Davis to appoint Michael Pierce to the Industrial Development Board.
Seconded by Councilman Scott.**

MOTION CARRIED UNANIMOUSLY.

Councilman Davis said the Board increased its number of members by two. They will bring nominees for these two vacancies to the Council for approval soon.

Councilman Davis said the IDB members volunteer a lot of their time doing business for the City. He would like to allow the Council to hear from IDB Chairman Steve Carey and Scott Koser.

Mr. Carey thanked the Council for approving the appointment of Michael Pierce to the Board. He said they will bring additional nominations to the Council for approval. Mr. Carey provided an update on the DISC project. He said the IDB is requesting an increase in its portion of the Lodging Tax.

*Councilman LeJeune exited the meeting at 7:05 p.m. and returned at 7:06 p.m.

Councilman LeJeune said he recalls the IDB planning to sell off property from Highway 181 in order to fund this project. Mr. Carey said the IDB has pledged two out parcels of property as collateral for the \$1.3 million loan. He said there are other parcels, but the IDB does not own them at this point. The IDB would have to first purchase those properties in order to sell those properties. The goal is to begin construction and finish the infrastructure which will make it more marketable to sell those other properties. Mayor Haygood said there are three out parcels on Highway 181 which were included for this purpose. With a building and infrastructure in place, those out parcels are easily worth around \$350,000 to \$400,000. Without the project and the first building, they are worth significantly less. There is a deadline for the Federal EDA. The opportunities to sell those properties to generate income still exist but they don't meet the short-term need of showing the EDA proof of funds as required for the IDB to be released to move forward and to receive matching funds from the EDA. The sale of these properties is still a part of the strategy.

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Councilman Scott said they have come too far on this project to drop it now. He would like to see a packet at the next Council meeting that would include the funding that the IDB is requesting. He would like the City's funds to be a no-interest loan to be repaid as ad valorem taxes are collected on the property, with 80 percent going toward the principal.

Councilman Davis said the lodging tax is in the process of funding three outstanding projects which benefit the City of Daphne. In terms of the timing, they do not need the funding right now. They need to show commitment, possibly through a letter from the Council and/or Mayor, which would enable the IDB to move forward with the federal grant and work out the details later.

Councilman Rudicell said he would like for there to be a public hearing if the Council is going to discuss any reallocation of the Lodging Tax. He would also like for the Downtown Redevelopment Authority to give the Council a formal update before deciding if a reallocation is the right thing to do. Mr. Carey said the IDB is trying to be very transparent. The IDB is approaching this as a functioning business. They want to generate income for the City, but they also want to invest in the development in a smart fashion. He does not want to incur \$2.2 million in debt for the IDB. The funding of this project is very important for the City long term. The IDB is not just about DISC; it is about being in the position to fund future developments.

D. Library Board

Councilman Rudicell said the Library Board met last Thursday. The Porch project is going well. They are still taking donations.

E. Planning Commission

Councilman Scott said next Planning Commission meeting is April 26, 2018 at 5 p.m.

F. Recreation Board

Councilman LeJeune said the Recreation Board is eagerly awaiting the May 4, 2018 Bid Openings. The girls and boys tennis teams have their Regional Sectionals in Saraland today and tomorrow. He is looking forward to opening the bids and moving forward with the Lott Park project.

G. Utility Board

Councilman LeJeune commented on continued allegations by Mobile Baykeeper. Per the report released by the Daphne Utilities Board, all allegations are taken seriously by the Utility Board and reported to the proper authorities. The Board is working with ADEM and is complying with all requests. The Utility Board was in full compliance for the most recent report filed in March.

6. MAYOR'S REPORT:

Mayor Haygood said the Park Drive Sports Complex is out to bid; the Bid Opening is on May 4, 2018.

Mayor Haygood said the Daphne Utilities situation has been a public relations issue for Daphne Utilities Board (DUB) and the City of Daphne. The average citizen may not be aware of the distinction between the DUB and the City of Daphne. While DUB has done a good job over the past decade managing resources and being a good community partner, some of the public relations response to these issues has an implication back to the City of Daphne. He encouraged all concerned and interested citizens to get involved. It is important to look at the bylaws and the way that Board was formed and to make sure when there are vacancies and appointments, they are done very carefully and deliberately. He hopes that they can work to diversify the skill sets among all of the City's Boards and Committees to ensure the success of each of them.

7. CITY ATTORNEY REPORT:

Jay Ross, City Attorney, said there are three items for executive session, one of which may require Council action.

**April 16, 2018
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8. DEPARTMENT HEAD COMMENTS:

David McKelroy said Brown Bag by the Bay is April 19, 2018 from 11:30 a.m. to 1:30 p.m. at May Day Park.

Margaret Thigpen, Civic Center Director, said they had a successful national dance competition event. The economic impact for Daphne was \$186,000. There is an Anime convention is coming in on Friday.

9. CITY CLERK'S REPORT:

MOTION by Councilman Scott to approve the Anchor Cross Cancer Foundation's Judge Roy Bean Reunion & Memorial Fundraiser on June 9, 2018 on City Hall property, including the band permit. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to approve the issuance of the 140 – Special Events Retail ABC license for Southern Napa LLC, Live on the Lawn, located at 2304 North Main Street. (Event to be held on May 11, 2018.) Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Davis to approve the band permit for Southern Napa LLC, Live on the Lawn on May 11, 2018 at 2304 Main Street. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY.

10. PUBLIC PARTICIPATION:

Public Participation was opened at 7:30 p.m.

Katherine Osborne, 140 Michael Loop, said she is a resident of Lake Forest and another street light is needed at Ventura Circle and Michael Loop. She said this has become a safety issue.

Daryl Cleworth, 25575 Austin Road, says his children attend Central Christian School in Robertsdale. On Thursday, April 26, 2018 from 6 p.m. to 8:30 p.m. they are holding a live dinner auction at the Daphne Civic Center. He wants to invite everyone to attend. He has left event and ticket information with the City Clerk. This is the first annual Hearts and Minds dinner auction event.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

2018-16 – Resolution to Accept Property Donation from Bertolla Properties, LLC and to Authorize the Mayor to Execute the Same

2018-17 – Resolution Declaring Certain Personal Property Surplus and Authorizing the Mayor to Dispose of Such Property

**April 16, 2018
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**MOTION by Councilman Scott to waive the reading of Resolution 2018-16 and Resolution 2018-17.
Seconded by Councilman Rudicell.**

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2018-16. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2018-17. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY.

ORDINANCES:

2nd READ:

2018-10 – Ordinance to Amend Job Classification Schedule: Executive Director, City Development

2018-11 – Appropriation: Village Point Park Boardwalk Repairs

2018-12 – Appropriation: Park Drive-Daphne Sports Complex Traffic Study

2018-13 – Appropriation: Signage/Markers for the Alabama 200 Year Bicentennial Celebration

MOTION by Councilman Rudicell to waive the reading of Ordinance 2018-10, Ordinance 2018-11, Ordinance 2018-12 and Ordinance 2018-13. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2018-10. Seconded by Councilman Goodlin.

Roll Call Vote:

Councilman Rudicell	Nay
Councilman Coleman	Aye
Councilman Goodlin	Aye
Councilman Scott	Aye
Councilman LeJeune	Aye
Councilman Davis	Nay
Council President Conaway	Nay

MOTION CARRIED.

**April 16, 2018
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

MOTION by Councilman Goodlin to adopt Ordinance 2018-11. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman LeJeune to adopt Ordinance 2018-12. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Davis to adopt Ordinance 2018-13. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

1st READ:

2018-10 – Ordinance to Amend Job Classification Schedule: Executive Director, City Development

2018-11 – Appropriation: Village Point Park Boardwalk Repairs

2018-12 – Appropriation: Park Drive-Daphne Sports Complex Traffic Study

2018-13 – Appropriation: Signage/Markers for the Alabama 200 Year Bicentennial Celebration

12. COUNCIL COMMENTS:

None.

EXECUTIVE SESSION:

Jay Ross, City Attorney, asked that the Council consider going into executive session to discuss threatened litigation on two matters, and the buying and selling of real property on another matter. He certifies these are appropriate reasons to go into executive session under Alabama law. There may be a need for Council action on one of the items, so he asks that the Council comes back out of executive session to formally adjourn the meeting.

**MOTION by Councilman Scott to go into executive session as certified by the City Attorney.
Seconded by Councilman Rudicell.**

Roll Call Vote:

Councilman Rudicell	Aye
Councilman Coleman	Aye
Councilman Goodlin	Aye
Councilman Scott	Aye
Councilman LeJeune	Aye
Councilman Davis	Aye
Council President Conaway	Aye

MOTION CARRIED UNANIMOUSLY.

**April 16, 2018
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

COUNCIL WENT INTO EXECUTIVE SESSION AT 7:42 P.M.

Council returned to the Chambers at 8:14 p.m.

**MOTION by Councilman Scott to award the 2018-K Pollard Road & Whispering Pines Road Area
Sewer Connection CDBG Project bid to DHS, Inc. as the most qualified bidder.**

Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:17 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Candace G. Antinarella, City Clerk

Tommie Conaway, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
APRIL 16, 2018
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:30 p.m.

Present were:

Chairman Mr. Pat Rudicell

Councilwoman Mrs. Tommie Conaway

Councilman Mr. Joel Coleman

Councilman Mr. Doug Goodlin (*arrived at 5:28 p.m.*)

Councilman Mr. Ron Scott

Councilman Mr. Robin LeJeune

Councilman Mr. Joe Davis

Also Present: Mayor Dane Haygood, Finance Director Ms. Kelli Kichler, Senior Accountant Suz  ne Henson, Public Works Director Mr. Jeremy Sasser, Operations Manager Mrs. Betsy Schneider, Civic Center Director Mrs. Margaret Thigpen, City Clerk Mrs. Candace Antinarella, Library Director Ms. Tonja Young, Grant Administrator Ms. Cara Stallman, Engineer Mr. Ray Moore, Hutchinson, Moore, and Rauch, Engineer Mr. Andy Bobe, Dewberry Engineers, Inc., and City Attorney Mr. Jay Ross.

II. PUBLIC PARTICIPATION

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Vickie Hinman reviewed the Human Resource Report:

- Open positions – 3
- Reviewing/Testing/Interviewing-9
- Background check pending - 3
- Promotions - 1
- New Hires - 3

Mrs. Hinman reviewed the monthly Safety Committee meeting topics discussed and other Human Resource projects and events:

- Fire Lt. Oral Board
- CPR training at City Hall April 3, 4, & 5
- Workplace Violence training to be scheduled in Spring 2018
- Benefits Fair scheduled on Wednesday – August 1, 2018
- BCBSAL Lunch and Learn – April 24
- Police Promotions effective June 1, 2018
 - o Sgt. Reginald Ardis **promoted** to Support Services Lieutenant
 - o Cpl. Jason Vannoy **promoted** to Detective Sergeant
 - o Cpl. Philip Adams **transferred** to Detective Corporal
 - o Officer Jason Day **promoted** to Patrol Corporal

Mrs. Hinman noted that Lt. Kenny Hempfleng will retire next month. Mr. Davis discussed the importance of the Safety Committee and commended Human Resource department for doing a good job with that meeting. Mayor Haygood stated that Mr. Huskey, Facilities Director is working on some security/safety upgrade proposals which will be presented at the next Buildings and Property meeting.

B. Overtime Report

Ms. Kichler reviewed the Overtime report.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – March, 2018

Mrs. Champion, Revenue Clerk prepared the following reports and information:

- Code enforcement issued 23 warnings resulting in businesses becoming compliant and \$9,349.68 in revenue.
- New Businesses with a physical location in Daphne - 18

BUSINESS LICENSE COUNT through 3/31/2018	
Issued THIS MONTH:	
NEW Licenses	73
RENEWAL Licenses (2018)	299
PRIOR YEAR Licenses (2017 and Prior)	5
Total Issued THIS MONTH	377
Total Issued THIS MONTH - PREVIOUS YEAR	462
Net Gain/-Loss Current VS Previous Yr MONTH	-85
Total Issued YTD 2018	3,893
Total Issued YTD - PREVIOUS YEAR	3,908
Net Gain/-Loss Current VS Previous Yr YTD	-15

Business License Fee Historical Comparison - 2017 / 2018				
	FY 17	FY 18	Previous Year	\$2,150,000
October	\$7,103.71	\$5,258.84	(\$1,844.87)	(\$2,144,741.16)
November	\$11,604.68	\$8,566.59	(\$3,038.09)	(\$2,136,174.57)
December	\$33,347.73	\$41,564.84	\$8,217.11	(\$2,094,609.73)
January	\$1,301,664.28	\$1,420,279.64	\$118,615.36	(\$674,330.09)
February	\$603,134.76	\$569,031.88	(\$34,102.88)	(\$105,298.21)
March	\$154,190.39	\$183,259.10	\$29,068.71	\$77,960.89
Year to Date	\$2,111,045.55	\$2,227,960.90	\$116,915.34	\$77,960.89
* Amounts include penalty and interest.				

Mr. Scott requested Ms. Kichler ask the State of Alabama to send some information on how they calculate/allocate the Simplified Seller's Use tax. Mr. LeJeune

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: February, 2018

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,306,786.29 was collected for February, 2018 which was up \$140,961.94 from February 2017's collections: :

- YTD Variance over Budget - \$283,724.57

B. Lodging Tax Collections, February, 2018

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for February, 2018 were \$85,883.80 which is down (\$8,403.38) from February 2017's collections .

- YTD Variance over Budget: (\$5,052.21)

Mrs. Henson noted that although collections have been under budget the last three months the total YTD amount under budget was only (\$5,052.21). Discussion continued on the decline of lodging tax collections and potential causes. Mrs. Thigpen noted that the Hilton had dropped its rate.

C. Lodging Tax Fund : Statement of Rev over Exp, March, 2018

Mrs. Henson reviewed the Lodging Tax Statement of Revenues over Expenditure report for March, 2018.

- Unreserved balance for Bayfront related purchases - \$ 1,379,098.95
- Recreation related purchases - \$838,779.10

Mrs. Henson noted that there was not much activity for March. Discussion continued on the Bayfront Street Scape project.

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: March, 2018

Ms. Kichler reviewed the Treasurer's Report:

As of March 31, 2018					
Account Type/Title	3/31/2018	2/28/2018	Increase (Decrease) from last Month	3/31/2017	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	\$ 10,884,116	\$ 11,974,926	\$ (1,090,810)	\$ 10,338,715	\$ 545,401
CERTIFICATE OF DEPOSIT	500,000	-	500,000	-	500,000
INVESTMENT FUND	5,270,085	5,298,261	(28,176)	5,344,606	(74,521)
CREDIT CARD ACCOUNT	14,949	6,645	8,304	500	14,449
Total Unrestricted Cash Balance	16,669,151	17,279,832	(610,681)	15,683,821	985,330
2017 CONSTRUCTION	8,901,444	9,356,004	(454,560)	-	8,901,444
Total Restricted Cash Balance	15,903,783	15,934,837	(31,054)	6,342,279	9,561,504
Total City Cash Balance	\$ 32,572,934	\$ 33,214,669	\$ (641,736)	\$ 22,026,100	\$ 10,546,834
Encumbrance Total as of			3/31/2018	\$ 513,889.17	

Ms. Kichler noted that the difference in the balance from March of last year is mainly due to the 2017 Construction Fund monies. Ms. Kichler also pointed out the new line on the Treasurer's Report showing the monies invested in Certificates of Deposit (CD's). Ms. Kichler stated the difference in the Credit Card account balance is a deposit timing difference in the transfer of monies. Discussion continued on the City's required reserves - \$7,230,697 (3 months of the 2017 General Fund Audited Revenues) and funding for the Sports Complex projects.

The Treasurer's Report as of MARCH, 2018 Total Unrestricted Cash Balance - \$16,669,151 and Total City Cash Balance - \$32,572,934 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance is - \$513,889.17 as of March, 2018.

Ms. Kichler reviewed the Encumbrance Report and noted there was a small change from last month and that the largest expenditure was for the Library roof restoration and the largest remaining encumbrance is for the Public Works Safer Room (Grant) project. Mr. LeJeune asked about entrance signs and the City meetings streaming live. Mayor Haygood reviewed entrance sign projects that are in progress and stated that he and Mrs. Betsy Schneider have been looking for a vendor who provides the service to live stream meetings.

3. Outstanding Appropriations

Ms. Kichler reviewed the outstanding appropriation report noting that the City Hall roof recoating has been in progress this month. Ms. Kichler noted the majority of projects funded from the Lodging Tax fund are for improvements at the Trione Sports Complex.

4. Financial Overview: Debt Summaries & Monthly Financial Statements, February, 2018

Ms. Kichler reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), March, 2018
 - o Jubilee Square: Debt payments are currently fully paid through February thus 25 months in arrears. Arrearage includes \$866,946 in principal and \$451,450 in interest.
- Budgetary Comparison Schedule, February 2018
 - o Percentage used as of February 2018– Personnel –36%, Operating- 25%, Capital-9%

General Fund:

	FY 2018	FY 2017	Change
• YTD Budgetary Net Income:	\$4,798,205	\$ 3,977,532	\$ 820,673
• Total sales, use, and luxury tax collected for the year is approximately \$474,000 over prior year and \$284,000 over budgeted income			
• Ad Valorem Tax collections are approximately \$289,000 over prior year.			

- Unassigned Fund Balance: \$17,124,068
- Outstanding Encumbrances: \$545,044

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of February 28, 2018: \$39,326,810
- Outstanding Capital Lease Balance as of February 28, 2018:
 - o General Fund: \$1,322,518
 - o Enterprise Funds: \$ 393,254

Capital Project Funds (Capital Reserve, 2016 Construction, and 2017 Construction):

- YTD Park Improvements Expenditures: \$2,374,405
- YTD: CR 13 Sidewalk Expenditures: \$331,781 (TAP grant received for 80% of cost)
- Special assessment billing was sent out to property owners for the 2009 Highway 90 Sewer Project. Collections will begin in March.

Special Revenue Funds (12 separate funds):

- Lodging Tax Fund –
 - o Bayfront Unreserved Fund Balance: \$1,364,158.63
 - o Recreation Unreserved Fund Balance: \$837,144.02
 - o Total lodging tax collected was \$5,052 less than budgeted income and prior year to date income.

Enterprise Funds (Solid Waste, Civic Center, and Bayfront):

- Year to date transfers for each of the enterprise funds were as follows:

	<u>FY 2018</u>	<u>FY 2017</u>	<u>Change</u>
Solid Waste Fund	\$ 85,271	\$82,756	\$ 2,515
Civic Center Fund	\$ 85,143	\$82,890	\$ 2,253
Bayfront Park Fund	\$59,709	\$51,953	\$ 7,756

5. Future Projects Summary

Mayor Haygood gave an update on the projects on the Unfunded Future Expenditures list. Mayor Haygood also discussed the possibility of the Police department expanding their facilities at their Highway 98 property. Mr. Rudicell noted the estimated cost for the Bayfront Drive Master Plan project is now \$1.2 million and discussed Sports Complex projects.

B. Bills Paid Reports – March, 2018

The Bills Paid Report was presented in the packet.

VIII. BIDS:

A. 2018-E-Concrete Material

Mrs. Henson stated that Mr. Sasser's recommendation letter to award the Concrete Material bid to the sole bidder, Baldwin Concrete, was included in the packet.

MOTION BY Mr. Scott to recommend to Council to award the Concrete Material bid to Shelby Concrete dba Baldwin Concrete for unit cost bid. Seconded by Mr. Davis.

MOTION CARRIED UNANIMOUSLY

B. 2018-H-Paver Stone

Discussion was made that the ADEM paver project was being evaluated to be let as a labor + material bid project with the contractor providing the materials.

C. 2018-L-Recycled Rock Material

Mrs. Henson stated that Mr. Sasser's recommendation letter to award the Recycled Rock Material bid to Asphalt Services, Inc. in the amount of \$25/Per Ton for Crushed Concrete Aggregate (CCA) Base Material (*Equivalent to 825-Type B*) was included in the packet.

MOTION BY Mr. Scott to recommend to Council to award the Recycled Rock Material bid to Asphalt Services, Inc. in the amount of \$25/Per Ton for Crushed Concrete Aggregate (CCA) Base Material (Equivalent to 825-Type B). Seconded by Mr. Davis.

MOTION CARRIED UNANIMOUSLY

D. 2018-K-POLLARD & WHISPERING PINES ROADS AREA SEWER CONNECTION CDBG PROJ: LR-E-PF-16-08

A bid tabulation, draft resolution and ordinance including related grant estimated construction cost, total engineering fees (CE&I-\$31,682) and previously approved appropriations were included in the packet. Ms. Stallman mentioned that there was a construction meeting scheduled pending the award of the bid.

Mr. Ross discussed the evaluation process of a bidder being a responsible bidder and noted that due to pending potential litigation he requested the bid submittals be discussed during executive session at the Council meeting immediately following the Finance Committee meeting.

(Following the Council Executive Session Council awarded the 2018-K-POLLARD & WHISPERING PINES ROADS AREA SEWER CONNECTION CDBG PROJ: LR-E-PF-16-08 to DHS Inc.. An additional appropriation of \$37,162 is needed to complete the project.

E. 2018-M-Daphne Sports Complex Phase 3A, 3B, & 3C

Discussion was made that the bid opening date had been extended to May 4, 2018. Information will be presented in May's Finance Committee meeting.

IX. APPROPRIATION REQUESTS: (Ordinance)

A. County Road 13 Sidewalks (MPO project) - \$45,423

Mr. Bobe gave an update on the County Road 13 Sidewalk project (*from Daphne High School to Daphne Middle School*) and reviewed the cost related to the project. Mr. Bobe discussed for safety reasons the sidewalk had to be moved further from the road and he reviewed the process of the County obtaining the needed Right of Way without making any expenditures. Discussion continued that the Eastern Shore Metropolitan Planning Organization (MPO) would be paying for 80% of the estimated project cost (70,000) with the City paying for any overruns. Mr. Bobe gave a breakdown of the additional monies needed. Ms. Kichler stated she had reviewed the cost and that an additional appropriation in the amount of \$45,423 was needed.

MOTION BY Mr. Scott to adopt an ordinance appropriating \$45,423 out of the Seven Cent Gas Tax Fund for the County Road 13 Sidewalks (MPO project). Seconded by Mr. Goodlin.
MOTION CARRIED UNANIMOUSLY

B. Main Street Drainage – Estimated Design Engineering Cost - \$104,851

Mr. Sasser reviewed the Main Street drainage project. Mr. Sasser stated that if there were a total replacement of drainage in the area that he estimated the design engineering cost to be \$104,851. Discussion continued on potential options, including constructing a detention pond to alleviate the drainage issues.

Mr. Sasser stated he would get with Mr. Scott Hutchinson, HMR to see if a detention pond is an option.

C. Santa Rosa at Old County Road Drainage – Estimated Design Engineering cost - \$25,396

Mr. David Dietz and his wife Sara Dietz, citizens who lives at the Northeast corner of at Santa Rosa/Old County Road spoke concerning drainage issues affected their property. Mr. and Mrs. Dietz stated that there is water coming onto their property due to the drainage problems at the Santa Rosa and Old County Road area. Mr. Sasser discussed drainage issues in that area and handed out project information on the project including an estimated design engineering cost of \$25,396. Mr. Rudicell asked if a turn lane could be included in the drainage project. Discussion continued on getting a list of all drainage repair projects needed in the City so the projects could be prioritized. Mr. Rudicell stated he wanted this issue on the Public Works Committee agenda for further discussion.

Mr. Scott asked for a prioritized list of drainage projects needed for the City before monies are appropriated.

X. NEW BUSINESS

A. IDB – DISC Project – Discuss request for funding

The IDB funding proposals were forwarded to the Finance Committee from the Council Work Session. Due to time constraints IDB representatives were asked to speak at public participation at the Council meeting immediately following the Finance meeting.

XI. OLD BUSINESS

A. Gustafson Property 706 Belrose Avenue – adjacent to City Hall – Mr. Karl Gustafson

Mr. Gustafson's attorney, Mr. Bill Donaldson, noted that a letter he had drafted concerning Mr. Gustafson's construction project at 706 Belrose Avenue had been sent to all Council members and the City attorney. Mr. Donaldson asked if anyone had any questions concerning the project and noted he hoped the matter could be proceeded on. Discussion continued on what timeframe the project was projected to be completed in. Mr. Donaldson noted that he had suggested a timeframe of 180 days in his letter. Discussion continued on the 180 day timeframe. Mr. LeJeune noted that the letter submitted by Mr. Donaldson on behalf of Mr. Gustafson was vague on what would be completed in the designated timeframe and gave no assurance that the project would be totally completed. Mr. LeJeune followed with an example from the letter that specified the roof would be blacked in, not that it would be completed. Discussion was made on the difficulty of setting intermittent benchmarks within the timeframe allowed for the project. Mr. Ross noted that evaluating intermittent benchmarks might be difficult.

Mr. Scott discussed the need for additional parking at City Hall and noted that there are occasions where City personnel and visitors are having to park offsite to the detriment of local businesses.

City attorney Jay Ross discussed two options available to the City 1) to negotiate a timeframe for Mr. Gustafson to complete the construction or 2) move forward with condemnation of the property. Mr. Merchant and Mr. Ross continued discussing reasonable timeframes for completion of the project.

Mayor Haygood discussed an option of setting a timeframe for the construction to be completed and if the project is not completed in the set timeframe an agreement would be presented to purchase the property. Mayor Haygood continued that the agreement should address if project completion requirements are not met then the City would condemn the property and the City be allowed to purchase the property at its value prior to any improvements made.

Mr. Scott discussed negotiating to purchase the property for two weeks before condemning the property. Discussion continued on the need for additional parking for City. Mr. Ross stated that if an agreed upon purchase price is not obtained then the process of condemnation of the property will be required to come back before Council for a vote.

MOTION BY Mr. Scott to recommend to Council to authorize the Mayor to negotiate an agreement within two weeks for the purchase of the 706 Belrose Avenue property in order to construct additional parking for the Daphne City Hall facility meetings/events. If negotiations are not successful then the City will move forward with condemnation of the property which will come back before the Council for a vote. Seconded by Mrs. Conaway.

AYE: Conaway, Davis, Rudicell, LeJeune, Coleman - Nay: Rudicell

MOTION CARRIED

B. Timbercreek subdivision light poles

Discussion was made that the City pays the electric bill for approximately 215 light poles in the Timbercreek subdivision and that the Timbercreek organization was also paying electric bills for some light poles. Ms. Kichler stated she would contact Riviera to get an inventory of the light poles to verify against the monthly billing.

XII. ADJOURN The meeting adjourned at 6:28 p.m..

Permit Activity Report

New Construction April 2018

Tuesday, May 1, 2018

Permit Code From: BL To: BL
 Issued Date From: 4/1/2018 To: 4/30/2018
 Improvement Type: NEW

Permit Code: BL

BUILDING PERMIT

Residential - NEW - R3 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
6311-1	DSL D HOMES, LLC	18-484		9839 COBHAM PARK DRIVE	Yes	A	04/02/2018	04/02/2018	\$198,960.00	\$1,010.00
	DSL D HOMES, LLC			Daphne, AL 36526	Sub Division:	Old Field			SQ. FT	Lot: 68
6311-1	DSL D HOMES, LLC	18-476		9870 DUNLEITH LOOP	Yes	A	04/02/2018	04/02/2018	\$219,780.00	\$1,115.00
	DSL D HOMES, LLC			Daphne, AL 36526	Sub Division:	Old Field			SQ. FT	Lot: 70
6311-1	DSL D HOMES, LLC	18-477		9813 COBHAM PARK DRIVE	Yes	A	04/02/2018	04/02/2018	\$207,030.00	\$1,055.00
	DSL D HOMES, LLC			Daphne, AL 36526	Sub Division:	Old Field			SQ. FT	Lot: 64
6311-1	DSL D HOMES, LLC	18-478		9819 COBHAM PARK DRIVE	Yes	A	04/02/2018	04/02/2018	\$219,780.00	\$1,115.00
	DSL D HOMES, LLC			Daphne, AL 36526	Sub Division:	Old Field			SQ. FT	Lot: 65
6311-1	DSL D HOMES, LLC	18-479		9825 COBHAM PARK DRIVE	Yes	A	04/02/2018	04/02/2018	\$207,030.00	\$1,055.00
	DSL D HOMES, LLC			Daphne, AL 36526	Sub Division:	Old Field			SQ. FT	Lot: 66
6311-1	DSL D HOMES, LLC	18-480		9912 DUNLEITH LOOP	Yes	A	04/02/2018	04/02/2018	\$187,410.00	\$955.00
	DSL D HOMES, LLC			Daphne, AL 36526	Sub Division:	Old Field			SQ. FT	Lot: 75
6311-1	DSL D HOMES, LLC	18-481		9905 DUNLEITH LOOP	Yes	A	04/02/2018	04/02/2018	\$169,620.00	\$865.00
	DSL D HOMES, LLC			Daphne, AL 36526	Sub Division:	Old Field			SQ. FT	Lot: 101
6311-1	DSL D HOMES, LLC	18-483		9913 DUNLEITH LOOP	Yes	A	04/02/2018	04/02/2018	\$181,440.00	\$925.00
	DSL D HOMES, LLC			Daphne, AL 36526	Sub Division:	Old Field			SQ. FT	Lot: 100

5754-1	TRULAND HOMES TRULAND HOMES	18-646		8846 LONGUE VUE Daphne, AL 36526	Yes A Sub Division:	04/27/2018 04/27/2018 French Settlement	\$182,340.00 SQ. FT	\$930.00 Lot: 67
6311-1	DSL D HOMES, LLC DSL D HOMES, LLC	18-485		9892 DUNLEITH LOOP Daphne, AL 36526	Yes A Sub Division:	04/02/2018 04/02/2018 Old Field	\$182,340.00 SQ. FT	\$930.00 Lot: 73
6311-1	DSL D HOMES, LLC DSL D HOMES, LLC	18-486		9925 DUNLEITH LOOP Daphne, AL 36526	Yes A Sub Division:	04/02/2018 04/02/2018 Old Field	\$164,220.00 SQ. FT	\$840.00 Lot: 99
5754-1	TRULAND HOMES TRULAND HOMES	18-645		8838 LONGUE VUE Daphne, AL 36526	Yes A Sub Division:	04/27/2018 04/27/2018 French Settlement	\$179,460.00 SQ. FT	\$915.00 Lot: 68
5754-1	TRULAND HOMES TRULAND HOMES	18-516		8759 ROSEDOWN LANE Daphne, AL 36526	Yes A Sub Division:	04/05/2018 04/05/2018 French Settlement	\$194,700.00 SQ. FT	\$990.00 Lot: 30
6363-1	HABITAT FOR HUMANITY OF BALD HABITAT FOR HUMANITY OF BALD	18-532		27683 TALLENT LANE Daphne, AL 36526	Yes A Sub Division:	04/11/2018 04/11/2018 FALLEN OAKS	\$0.00 SQ. FT	\$20.00 Lot:
5754-1	TRULAND HOMES TRULAND HOMES	18-515		27113 GRAMERCY LANE Daphne, AL 36526	Yes A Sub Division:	04/05/2018 04/05/2018 Brookhaven	\$162,930.00 SQ. FT	\$830.00 Lot: 135
6311-1	DSL D HOMES, LLC DSL D HOMES, LLC	18-482		9833 COBHAM PARK DRIVE Daphne, AL 36526	Yes A Sub Division:	04/02/2018 04/02/2018 Old Field	\$151,560.00 SQ. FT	\$775.00 Lot: 67

Total Residential - NEW - R3 BL Permit(s)	16	\$2,808,600.00	\$14,325.00
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Residential - NEW - R2 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5754-1	TRULAND HOMES TRULAND HOMES	18-597		27675 RHONE DRIVE Daphne, AL 36526	Yes	A	04/19/2018	04/19/2018	\$190,620.00	\$970.00
					Sub Division:		RETREAT AT TIAWASEE	SQ. FT		Lot: 36

Total Residential - NEW - R2 BL Permit(s)	1	\$190,620.00	\$970.00
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Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
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84-1	ADAMS HOMES, LLC ADAMS HOMES, LLC	18-612		27507 ELISE COURT Daphne, AL 36526	Yes Sub Division:	A Caroline Woods	04/24/2018 04/24/2018		\$125,610.00 SQ. FT		\$645.00 Lot: 109
Total Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permit(s)							1		\$125,610.00		\$645.00
Residential - NEW - R-6G BL Permits											
ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost		Permit Fee
6311-1	DSL D HOMES, LLC DSL D HOMES, LLC	18-466		23790 BLYTHEWOOD LANE Daphne, AL 36526	Yes Sub Division:	A Old Field	04/02/2018 04/02/2018		\$142,920.00 SQ. FT		\$730.00 Lot: 35
6311-1	DSL D HOMES, LLC DSL D HOMES, LLC	18-467		23778 BLYTHEWOOD LANE Daphne, AL 36526	Yes Sub Division:	A Old Field	04/02/2018 04/02/2018		\$133,680.00 SQ. FT		\$685.00 Lot: 34
6311-1	DSL D HOMES, LLC DSL D HOMES, LLC	18-468		23681 BLYTHEWOOD LANE Daphne, AL 36526	Yes Sub Division:	A Old Field	04/02/2018 04/02/2018		\$134,760.00 SQ. FT		\$690.00 Lot: 39
6311-1	DSL D HOMES, LLC DSL D HOMES, LLC	18-469		23669 BLYTHEWOOD LANE Daphne, AL 36526	Yes Sub Division:	A Old Field	04/02/2018 04/02/2018		\$117,240.00 SQ. FT		\$605.00 Lot: 40
6311-1	DSL D HOMES, LLC DSL D HOMES, LLC	18-470		23693 BLYTHEWOOD LANE Daphne, AL 36526	Yes Sub Division:	A Old Field	04/02/2018 04/02/2018		\$151,680.00 SQ. FT		\$775.00 Lot: 38
6311-1	DSL D HOMES, LLC DSL D HOMES, LLC	18-475		9904 DUNLEITH LOOP Daphne, AL 36526	Yes Sub Division:	A Old Field	04/02/2018 04/02/2018		\$154,500.00 SQ. FT		\$790.00 Lot: 74
6311-1	DSL D HOMES, LLC DSL D HOMES, LLC	18-474		23800 BLYTHEWOOD LANE Daphne, AL 36526	Yes Sub Division:	A Old Field	04/02/2018 04/02/2018		\$151,680.00 SQ. FT		\$775.00 Lot: 36
Total Residential - NEW - R-6G BL Permit(s)							7		\$986,460.00		\$5,050.00
Total Residential - NEW BL Permit(s)							25		\$4,111,290.00		\$20,990.00
Total Residential BL Permit(s)							25		\$4,111,290.00		\$20,990.00

Non Residential - NEW - B3 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost		Permit Fee
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477-1	BEN M. RADCLIFF CONTRACTOR BEM M. RADCLIFF CONTRACTOR	18-626		8832 U.S. Hwy 90 Daphne, AL 36526	Yes Sub Division:	A	04/25/2018	04/25/2018	\$2,037,000.00 SQ. FT	\$12,222.00 Lot:
Total Non Residential - NEW - B3 BL Permit(s)								1	\$2,037,000.00	\$12,222.00
Non Residential - NEW - B2 BL Permits										
ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
3829-1	ROGERS & WILLARD	18-608		6935 US HWY 90 BUILDING B Daphne, AL 36526	Yes	A	04/20/2018	04/20/2018	\$100,000.00	\$600.00
	ROGERS & WILLARD				Sub Division:		DaPHNE JUBILEE LLC		SQ. FT	Lot:
3829-1	ROGERS & WILLARD	18-492		6883 HWY 90 BUILDING A Daphne, AL 36526	Yes	A	04/04/2018	04/03/2018	\$2,471,972.00	\$14,832.00
	ROGERS & WILLARD				Sub Division:		DaPHNE COMMONS		SQ. FT	Lot:
5902-1	CONSTRUCTION MANAGERS CONSTRUCTION MANAGERS	18-572		27480 WORLD COURT Daphne, AL 36526	Yes	A	04/13/2018	04/13/2018	\$400,000.00	\$2,400.00
					Sub Division:		NEW COMMERCIAL		SQ. FT	Lot:
Total Non Residential - NEW - B2 BL Permit(s)								3	\$2,971,972.00	\$17,832.00
Non Residential - NEW - B1 BL Permits										
ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
4912-1	OWNER	18-609		9806 TIMBER CIRCLE Daphne, AL 36526	Yes	A	04/20/2018	04/20/2018	\$250,000.00	\$1,500.00
	OWNER				Sub Division:		BUCKLEY DENTAL		SQ. FT	Lot:
Total Non Residential - NEW - B1 BL Permit(s)								1	\$250,000.00	\$1,500.00
Non Residential - NEW - R BL Permits										
ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
4430-1	TONSMEIRE CONSTRUCTION CO.	18-614		2200 EAST BAY DRIVE #15 Daphne, AL 36526	Yes	A	04/24/2018	04/24/2018	\$420,000.00	\$2,520.00
	TONSMEIRE CONSTRUCTION CO.				Sub Division:		EaST BAY		SQ. FT	Lot:
Total Non Residential - NEW - R BL Permit(s)								1	\$420,000.00	\$2,520.00
Total Non Residential - NEW BL Permit(s)								6	\$5,678,972.00	\$34,074.00
Total Non Residential BL Permit(s)								6	\$5,678,972.00	\$34,074.00
Total BL Permit(s)								31	\$9,790,262.00	\$55,064.00
Grand Totals								31	\$9,790,262.00	\$55,064.00

Certificate Of Occupancy Report

April 2018

Printed On : 5/1/2018

CO Issued Date From: 4/1/2018 To: 4/30/2018

Permit Number	CO Issued	Owner Name	Address	Sub Division	Status
17-1416	4/3/2018	DSL D HOMES (GULF COAST	9557 CAMBERWELL DRIVE	Old Field	
17-1460	4/3/2018	DSL D HOMES	9525 CAMBERWELL DRIVE	Old Field	
16-437	4/4/2018	TRULAND HOMES	8624 NORTH LAMHATTY LAN	ESTATES OF TIAWASEE	
17-1635	4/11/2018	D R HORTON	24569 KIPLING COURT	Bellaton	
17-194	4/12/2018	D R HORTON	10521 DUNMORE DRIVE	Dunmore	
17-1394	4/12/2018	TRULAND HOMES	8962 LONGUE VUE BLVD	French Settlement	
17-1482	4/17/2018	HERITAGE HOMES	29745 DOUGLAS ROAD	Douglas	
17-1321	4/17/2018	D R HORTON	24479 KIPLING COURT	Bellaton	
17-201	4/18/2018	D R HORTON	10495 DUNMORE DRIVE	Dunmore	
17-889	4/20/2018	D R HORTON	9799 VOLTERRA AVE	Bellaton	
17-1441	4/23/2018	WINGED FOOT DEVELOPME	8373 IRWIN LOOP	WINGED FOOT	
17-1492	4/23/2018	D R HORTON	24555 KIPLING COURT	Bellaton	
17-1478	4/23/2018	PAUL SLEDGE	1111 JOHNSON RD		
18-61	4/23/2018	D R HORTON	26126 GILMORE WAY	Winged Foot	
17-814	4/25/2018	ADAMS HOMES	27458 ELISE CT	CAROLINE WOODS	
17-999	4/25/2018	D R HORTON	7873 BARRINGTON LANE	CAROLINE WOODS	
17-1172	4/26/2018	D R HORTON	27326 LASHAY DRIVE	Caroline Woods	
17-1240	4/26/2018	D R HORTON	9805 VOLTERRA AVE	Bellaton	
17-1581	4/26/2018	D R HORTON	23842 FLYNT DRIVE	Dunmore	
17-940	4/27/2018	D R HORTON	10709 DUNMORE DRIVE	Dunmore	
17-635	4/30/2018	D R HORTON	10589 DUNMORE DRIVE	Dunmore	

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April 2018

Permit Activity Summary Report

Tuesday, May 1, 2018

Permit Code From: BL To: xSG

Issued Date From: 4/1/2018 To: 4/30/2018

Permit Code	Description	# Of Permits	Job Cost/Value	Permit Fee
BL	BUILDING PERMIT	99	\$10,818,532.82	\$62,471.00
EL	ELECTRICAL PERMIT	13	\$257,500.00	\$4,185.00
EL-NEW	ELECTRICAL - NEW	14	\$0.00	\$1,540.00
LD	LAND DISTURBANCE	1	\$0.00	\$100.00
ME	MECHANICAL PERMIT	2	\$18,522.00	\$125.00
ME-NEW	MECHANICAL - NEW	14	\$0.00	\$1,540.00
PL	PLUMBING PERMIT	5	\$4,500.00	\$242.00
PL-NEW	PLUMBING - NEW RESIDENTIAL	40	\$0.00	\$4,400.00
Grand Totals		188	\$11,099,054.82	\$74,603.00

Additional fee's \$9,455.²⁰
\$84,058.²⁰

April 2018

Periodic Report of Permits Issued by Improvement

05/01/2018

Issued Date From: 4/1/2018 To: 4/30/2018

		Code	Count	# Of Units	Valuation	Permit Fee
BUILDING PERMIT						
Residential						
REINSPECTION FEE	R3	BL	2			\$100.00
REINSPECTION FEE	R2	BL	1		\$0.00	\$50.00
REINSPECTION FEE	R4 - HIGH DENSITY R	BL	2		\$0.00	\$150.00
PLAN REVIEW	R3	BL	1			\$100.00
SCREEN PORCH	R3	BL	1		\$33,062.50	\$185.00
NEW	R3	BL	16		\$2,808,600.00	\$14,325.00
NEW	R2	BL	1		\$190,620.00	\$970.00
NEW	R4 - HIGH DENSITY R	BL	1		\$125,610.00	\$645.00
NEW	R-6G	BL	7		\$986,460.00	\$5,050.00
REPAIR	R3	BL	6		\$18,860.00	\$195.00
REPAIR	R4 - MULTI-FAMILY	BL	3		\$3,000.00	\$60.00
REMODEL	R1	BL	2		\$262,837.00	\$1,345.00
RE-ROOF	R1	BL	5		\$194,800.09	\$1,065.00
RE-ROOF	R3	BL	19		\$165,665.23	\$1,295.00
RE-ROOF	R4 - HIGH DENSITY R	BL	1		\$7,280.00	\$55.00
RE-ROOF	R4 - MULTI-FAMILY	BL	1		\$3,940.00	\$35.00
ADDITION	R1	BL	1		\$15,000.00	\$90.00
ADDITION	R3	BL	2		\$8,000.00	\$70.00
POOL	R3	BL	2		\$80,409.00	\$435.00
POOL	R2	BL	1		\$42,370.00	\$230.00
MISCELLANEOUS	R1	BL	1		\$35,000.00	\$190.00
MISCELLANEOUS	R3	BL	3		\$9,228.00	\$95.00
MISCELLANEOUS	R4 - HIGH DENSITY R	BL	1		\$2,720.00	\$30.00
MISCELLANEOUS	R4 - MULTI-FAMILY	BL	1		\$1,774.00	\$25.00
LAND DISTURBANCE	R3	BL	1			\$100.00
GENERATOR	R3	BL	2		\$1,600.00	\$40.00
RE-PERMIT	R2	BL	4			\$500.00
RE-PERMIT	R4 - HIGH DENSITY R	BL	1		\$115,260.00	\$720.00
Non-Residential						
NEW	B3	BL	1		\$2,037,000.00	\$12,222.00
NEW	B2	BL	3		\$2,971,972.00	\$17,832.00
NEW	B1	BL	1		\$250,000.00	\$1,500.00
NEW	R	BL	1		\$420,000.00	\$2,520.00
INTERIOR BUILD OUT	B2	BL	1		\$750.00	\$20.00
A/C CHANGE-OUT	B2	BL	1		\$19,890.00	\$120.00
Total - BUILDING PERMIT			97		\$10,811,707.82	\$62,364.00
Grand Total			97	0.00	\$10,811,707.82	\$62,364.00

Daphne History Museum

Meeting Minutes

April 9, 2018

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, Mickey Boykin, Lucy Cunningham, Al Guarisco, Lee Swetman, Dooley & Scott Berry, Arva Brown, Helen Baroco, Jeanne Nelson, Emily Hammond, Candice Bishop, Ty Sturtevant, Judy Hafner, Greg McRae

III. Approval of minutes from last meeting: March 12, 2018

- IV. **Treasures Report:** Period 2/28/18-3/31/18 Opening balance \$8335.96 Deposits: Bricks \$55 (1 brick & donation) , Check 1353 \$27.48 to Al (shelving for the new cabinet) Ending balance \$8,363.48 Petty Cash \$24.95

- V. **Volunteer Assignments/Schedules-** 4/29 is a fifth Sunday. Jeanne will work as she will not be able to work 5/13 Mother's Day. It was decided we will close that day.

VI. Committee Reports

- a) **Exhibits/Events:** No Reports
- b) **Publicity/Social Media:** No Reports
- c) **Cemetery:** No reports.
- d) **Fund Raising & Volunteer Recruitment:**
- e) **Special Tours :** None scheduled
- f) **Archives, Curation:** No reports

VII. Unfinished/Ongoing business

- a) **Brick Sales:** The pavers are at Public Works & will be installed as soon as the crew has the time. They will not be installed in any type of order. It will be a random placement. We would like to take pictures of the installation process. Helen will have a breakdown of the costs/profits by next meeting. We will also look into costs of additional future brick sales. We'll wait to set a date for the dedication until we know it's installed.
- b) **Hamilton plan:** in the process of rearrangement of the museum, we are trying to have a audio/visual display that is user friendly but lower costs. Several Ken priced were more than a thousand each. Rachel did find an iPad stand for less than \$150. We would need to purchase the iPads separately, but used ones would work for this project. We may need to consult an electrician for electric outlets & possible lighting of our cases. We still need to find the time and 'help' with the big move, as well as deciding the layout and displays.
- c) **200 Year Celebration:** Ken has been discussing the possibility of collaborating with the ES Camera Club, Archives and the 3 week traveling display that will be at the Robertsdale Coliseum starting 12/3/18.

- d) **Impact 100:** Ken attended the meeting for rules, timelines ect. He is starting the project list for the grant. Al will check on prices for informational plaques for the cemetery marking prominent individuals interred. It would be small (about the size of a car tag) mounted on a pole at the different graves. A man in Fairhope makes these from cast aluminum.
- e) **Cemetery Fencing:** Mickey spoke to Betsy (Operations Director) with the City. She will arrange a meeting with us to discuss what we want/need.

VIII. New Business & Announcements

- Al Guarisco was recognized by the Dept. of History & Archives by Baldwin County as a Historian.
- Donation from Committee to Elect Randy Davis was discussed. We received one check, but there is a possibility of another larger donation that we would need to clarify what the funds would be used for. We will explore these options & proposals in a board meeting.
- This Thursday 4/12 ES Chamber of Commerce will have a 'Tourism' bus stop by. They may or may come in. Ken will be at the museum to open and/or greet accordingly
- Al was approached by Dick Scott about a donation of a very old lathe/coping saw his family used. It was his parent that wrote the hardback Daphne Book. He will provide some of the history on the item. We did agree to accept it.

IX. Adjournment

Ken Balme adjourned the meeting.

Minutes submitted by: Rachel Burt

Next regular meeting: Monday May 14, 2018 @ 10AM!

Save the Date for
Spring Cleaning Made Easy!

KEEP DAPHNE BEAUTIFUL DAY

MAY 19, 2018
9 am - 1 pm . Daphne City Hall

Free & convenient services for the residents of the City of Daphne
to spruce up your life & to help Keep Daphne Beautiful!



Document Shredding . Expired Drugs . Tires . Electronics Recycling
Used Books . Thrift Store Donations . Vehicle Fluids . Car Batteries
Household Hazardous Waste

To: Office of the City Clerk
From: Adrienne D. Jones, 
Community Development Director

MEMORANDUM

Subject: Planning Commission Minutes and Report

Date: April 27, 2018

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of March 22, 2018, and the report of the regular meeting of April 26, 2018 for placement on the Monday, May 7, 2018 City Council agenda for review.

Should you have any questions or comments in this regard, please do not hesitate to call.

ADJ/jv

From the Office of

Adrienne D. Jones,
Community Development Director
P. O. Box 400
Daphne, Alabama 36526
251-621-3184 ph
251-621-3185 fx

FILE
04/27/18
2:15 PM 57

The City of Daphne
Planning Commission Minutes
Regular Meeting of March 22, 2018
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

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

Call of Roll:

Members Present:

Charles Smith, Secretary
Ed Kirby
Andrew Prescott
Marybeth Bergin, Chairman
Phillip Hodgson, Vice Chairman
Ron Scott
Hudson Sandefur
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Scott Hetrick, Attorney
Brennan Walters, Planner

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 February 22, 2018. There being none, minutes are approved as submitted.***

The next order of business is final plat review for Bailey Place Subdivision.

An introductory presentation was given by Jason Estes, representative of Dewberry/Preble-Rish, requesting final plat review of a thirteen-lot subdivision consisting of approximately five-point nine-three acres located southwest of County Road 64 and Alabama Highway 181.

Chairman asked about correspondence from Riviera Utilities and Baldwin County Sewer. Ms. Jones responded submission of documentation of acceptance is still outstanding.

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

A Motion was made by Mr. Hodgson and **Seconded** by Mr. Kirby ***to approve Bailey Place Subdivision final plat. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is site plan review for Eastern Shore Recovery Center.

The City of Daphne
Planning Commission Minutes
Regular Meeting of March 22, 2018
Council Chamber, City Hall - 5:00 P.M.

An introductory presentation was given by Jason Estes, representative of Dewberry/Preble-Rish, requesting site plan review of a four thousand square foot non-profit meeting facility with associated drainage, parking, and landscaping located southeast the intersection of Pollard and Well Road.

Chairman asked about sidewalks. Mr. Estes responded none are planned.

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

A Motion was made by Mr. Scott and Seconded by Mr. Hodgson to approve Eastern Shore Recovery Center site plan. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is site plan review for Rand Avenue Office/Storage.

An introductory presentation was given by Chris Lieb, representative of Lieb Engineering, requesting site plan review of two office facilities and storage space with associated drainage, parking, utilities, and landscaping located northeast of the intersection of Rand Avenue and Equity Drive.

Chairman reported the Public Works Director commented that the common detention pond has not been maintained since it was developed.

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

A Motion was made by Mr. Prescott and Seconded by Mr. Kirby to approve Rand Avenue Office/Storage site plan and a waiver to sidewalk requirement. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is site plan review for Sunrise Dermatology.

An introductory presentation was given by David Shumer, representative of Barton & Shumer Engineering, requesting site plan review of a medical facility with associated drainage, parking, utilities, and landscaping located southwest of the intersection of U.S. Highway 90 and County Road 13 and commented this site meets the conditions of an ADEM application.

Chairman asked for Commission questions or comments.

Commissioners discussed a proposed location of a sidewalk.

Mr. Scott commented a traffic impact study should be conducted at this intersection.

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

The City of Daphne
Planning Commission Minutes
Regular Meeting of March 22, 2018
Council Chamber, City Hall - 5:00 P.M.

A Motion was made by Mr. Scott and **Seconded** by Mr. Kirby **to approve Sunrise Dermatology site plan.**

The motion was withdrawn.

A Motion was made by Mr. Scott and **Seconded** by Mr. Kirby **to approve Sunrise Dermatology site plan and no waiver to sidewalk requirement. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation of street acceptance for French Settlement Subdivision, Phase 3.

An introductory presentation was given by Adrienne Jones, Director of Community Development, requesting a recommendation for acceptance of the right-of-way in French Settlement Subdivision, Phase 3 and stated all appropriate documentation has been presented.

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

A Motion was made by Mr. Kirby and **Seconded** by Mr. Smith **to send a favorable recommendation to Council to accept the streets in French Settlement Subdivision, Phase 3. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation of a proposed amendment to the Land Use Ordinance.

Ms. Jones presented revisions to the ordinance for a sidewalk installation bond and maintenance bond.

The agenda item is tabled until the April 26, 2018 meeting for additional consideration.

The next order of business is public participation.

Chairman asked for public participation.

Don Ouellette, 7720 Elizabeth Drive, asked about architectural standards for commercial development. Chairman stated there are none.

Don Ouellette responded the Commission should create an overlay district which has architectural standards which would allow businesses, similar to Waffle House, to only be allowed under certain circumstances.

Mr. Scott commented the ordinance regulates signage. Mr. Kirby stated it does not regulate content.

The next order of business is the attorney's report.

Mr. Hetrick stated no report.

The next order of business is commissioner's comments.

The City of Daphne
Planning Commission Minutes
Regular Meeting of March 22, 2018
Council Chamber, City Hall - 5:00 P.M.

Commissioners discussed Comprehensive Plan and sidewalks.

The next order of business is director's comments.

Ms. Jones presented the following:

- a. City Council Actions:
 - 1. Approved Oldham (Rife) Vacation of Right-of-Way and Vacation of Easement for Lot 5, Piazza di San Francesco & Tract 2, La Piazza di San Francesco Subdivision on March 19, 2018;
 - 2. Rescheduled public hearing for WPNVA, L.L.C., Jay-E, L.L.C., John White-Spunner & Chester J. Stephen zoning amendment to May 7, 2018;
- b. The upcoming meeting dates are site preview, April 18 & regular meeting, April 26, 2018;
- c. Outlined approved, permitted and completed projects.

Ms. Jones thanked the Commission for their service.

There being no further business, the meeting was adjourned at 6:13 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: April 26, 2018


Marybeth Bergin, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF APRIL 26, 2018
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

REPORT

1. **CALL TO ORDER:** 5:01 p.m.
2. **CALL OF ROLL:** Andrew Prescott, Ron Scott, Phillip Hodgson, Marybeth Bergin, Hudson Sandefur, and Ed Kirby
3. **APPROVAL OF MINUTES:**

Review of minutes for the regular meeting of March 22, 2018 (**Approved as submitted**)
4. **OLD BUSINESS:**
 - A. **CERTIFIED USED CAR CENTER:**

(**Approved Certified Used Car Center change in use for part of employee parking lot to be used as an automobile display area with a condition that sidewalks shall be installed along Renaissance and Frederick Boulevard**)

Discussion re: Toni Fassbender, Administrative Director for SE & Associates Management Group, proposes to change the use of a portion of an existing employee's parking lot (approved as an Administrative Site Plan) to an automobile sales display area for Certified Used Car Center, located at the southeast intersection of Frederick and Renaissance Blvd.
 - B. **DIAMANTE SUBDIVISION, PHASE ONE:** (**Approved**)

Discussion re: request for modification to buffer requirement for wetland area.
5. **NEW BUSINESS:**
 - A. **SITE PLAN REVIEW:**
 1. **File SP18-04:** (**Approved**)

Site: Millwood Circle Office Building

Zoning: *B-3, Professional Business*

Location: Northwest of the intersection of Mill Lane and Millwood Circle, Lot 5, TimberCreek Office Park
Area: 1.11 ± Acres
Owner(s): Schild Investments, L.L.C. – Johannes Schild
Engineer: Lieb Engineering - Chris Lieb
 - B. **PRELIMINARY/FINAL PLAT REVIEW:**
 1. **File SDPF18-01:** (**Approved**)

Subdivision: Parker Commercial

Zoning: *B-2, Neighborhood Business*

Location: West of Alabama Highway 181 and Milton Jones Road
Area: 10.28 ± Acres, (3) lots
Owner: Lee "Trip" Pitmann
Engineer: Barton & Shumer Engineering - David Shumer
Surveyor: GeoSurveying – Matt Kountz
 - C. **BERTOLLA PROPERTIES, L.L.C. APPLICATIONS:**

1. MASTER PLAN REVIEW:

File MPA18-01: (Approved)

Presentation to be given by Steve Pumphrey, representative of Dewberry/Preble-Rish, representing Bertolla Properties, L.L.C., requesting revised master plan review of Jubilee Farms Subdivision.

2. PRELIMINARY/FINAL PLAT REVIEW:

a. File SDPF18-02: (Approved)

Subdivision: Jubilee Acres

Present Zoning: RSF-2, Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction, per Ord. 2017-39, PUD pre-zoning for Bertolla Properties, L.L.C., pending annexation hearing

Location: Southeast of Austin Road and Alabama Highway 181
Area: 361.55 ± Acres, (3) lots
Owner: Bertolla Properties, L.L.C. - Alexander Bertolla
Agent: Dewberry/Preble-Rish - Steve Pumphrey
Engineer: Dewberry/Preble-Rish- Jason Estes
Surveyor: Dewberry/Preble-Rish - David Diehl

3. PRELIMINARY PLAT REVIEW:

a. File SDP18-03: (Approved)

Subdivision: Jubilee Farms, Phase Six

Present Zoning: RSF-2, Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction, per Ord. 2017-39, PUD pre-zoning for Bertolla Properties, L.L.C., pending annexation hearing

Location: Southeast of Austin Road and Alabama Highway 181
Area: 30.98 ± Acres, (78) lots
Owner: Bertolla Properties, L.L.C. - Alexander Bertolla
Agent: Dewberry/Preble-Rish - Steve Pumphrey
Developer: D. R. Horton, Inc. - Crain Rogers
Engineer: Dewberry/Preble-Rish- Jason Estes
Surveyor: Dewberry/Preble-Rish - David Diehl

b. File SDP18-04: (Approved)

Subdivision: Jubilee Farms, Phase Seven

Present Zoning: RSF-2, Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction, per Ord. 2017-39, PUD pre-zoning for Bertolla Properties, L.L.C., pending annexation hearing

Location: Southeast of Austin Road and Alabama Highway 181
Area: 38.04 ± Acres, (113) lots
Owner: Bertolla Properties, L.L.C. - Alexander Bertolla
Agent: Dewberry/Preble-Rish - Steve Pumphrey
Developer: D. R. Horton, Inc. - Crain Rogers
Engineer: Dewberry/Preble-Rish - Jason Estes
Surveyor: Dewberry/Preble-Rish - David Diehl

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF APRIL 26, 2018
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

REPORT

c. File SDP18-05:

(Approved plat with a condition that no construction access will be allowed through Scully Lane in Dunmore Subdivision)

Subdivision: Jubilee Farms, Phase Eight

Present Zoning: RSF-2, Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction, per Ord. 2017-39, PUD pre-zoning for Bertolla Properties, L.L.C., pending annexation hearing

Location: Southeast of Austin Road and Alabama Highway 181
Area: 16.90 ± Acres, (27) lots
Owner: Bertolla Properties, L.L.C. - Alexander Bertolla
Agent: Dewberry/Preble-Rish - Steve Pumphrey
Developer: D. R. Horton, Inc. - Crain Rogers
Engineer: Dewberry/Preble-Rish - Jason Estes
Surveyor: Dewberry/Preble-Rish - David Diehl

D. THE ESTATE OF VICTORINE NELSON:

1. ZONING AMENDMENT:

(No action taken due to insufficient quorum of Planning Commission members to set forth any recommendation to City Council)

File ZA18-03: The Estate of Victorine Nelson

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

Proposed Zoning(s): B-3, Professional Business

Location: Southeast of Van Avenue and Main Street
Area: 1.21 Acres ±
Agent: Chason & Earle – Larry Chason
Owner: The Estate of Victorine Nelson - Mary Lou Yeager

E. ADMINISTRATIVE PRESENTATION:

1. File AP18-04: (Favorable recommendation)

Presentation by Adrienne Jones, Community Development director, of a proposed amendment the provisions of Article 17, Procedures for Subdivision Review, Section 4, Final Plat Application (b) Maintenance Bonds of the Land Use and Development Ordinance regarding 1 or 2 year extensions of Sidewalk Installation Obligations as requested by the Ordinance Committee.

5. PUBLIC PARTICIPATION: None presented

6. ATTORNEY'S REPORT: No report

7. COMMISSIONER'S COMMENTS: Comments on Comprehensive Plan and sidewalks (see minutes for details).

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF APRIL 26, 2018
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

REPORT

8. **DIRECTOR'S COMMENTS:**

Ms. Jones presented the following:

a. City Council Actions:

1. Public hearing held for Bertolla Properties, L.L.C. (Jubilee Farms) pre-zoning amendment/annexation and John W. West zoning amendment on April 16, 2018;
 2. Executive Director, City Development (reviewing applications);
- b. The upcoming meeting dates are site preview, May 16 & regular meeting, May 24, 2018.

9. **ADJOURNMENT:** 6:06 p.m.

DAPHNE SUMMER

SPORTS CAMPS



2018 DAPHNE SUMMER SPORTS CAMPS

(all camps are held at Daphne High School)

Participants pay

ONLY \$10

for ALL Camps,
ALL Summer!

*Cash or checks payable to
"City of Daphne" accepted.

Open to all
Daphne Youth
2nd - 6th Grade*
(*2018 - 2019 school year)

FREE

Breakfast & Lunch
for **ALL** Kids & Teens!

BREAKFAST | 7:45 - 8:30am

LUNCH | 11:30 - 12pm

JUNE - BOYS

Mondays, Tuesdays, & Thursdays on dates shown below **ONLY**

FOOTBALL 9:30 - 10:30am	JUNE 4 - 24
BASKETBALL 8:30 - 9:30am	JUNE 4 - 14
SOCCER 10:30 - 11:30am	JUNE 4 - 14
BASEBALL 8:30 - 9:30am	JUNE 18 - 28
TRACK 10:30 - 11:30am	JUNE 18 - 28

JUNE - GIRLS

Mondays, Tuesdays, & Thursdays on dates shown below **ONLY**

CHEER 9:30 - 10:30am	JUNE 4 - 24
BASKETBALL 8:30 - 9:30am	JUNE 4 - 14
SOCCER 10:30 - 11:30am	JUNE 4 - 14
SOFTBALL 8:30 - 9:30am	JUNE 18 - 28
TRACK 10:30 - 11:30am	JUNE 18 - 28

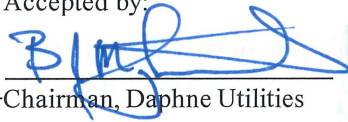
JULY - BOYS & GIRLS

Mondays, Tuesdays, & Thursdays on dates shown below **ONLY**

VOLLEYBALL 8:30 - 9:30am	JULY 2 - 12
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For more information, contact the
Daphne Parks & Recreation Department at
251-621-3703 or online at www.daphneal.com

Accepted by:



Vice-Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall □ January 31, 2018 □ 5:00 p.m.

I. Call to Order

The regular January 2018 Board meeting for the Utilities Board of the City of Daphne was held on January 31, 2018 at 5:00 p.m. in the Council Chambers at Daphne City Hall and called to order by Chairman Randy Fry, proceeded by the Roll Call:

II. Roll Call

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

Members Absent:

Others Present: Jerry Speegle – Board Attorney
Danny Lyndall – General Manager
Bobby Purvis – Operations Manager
Drew Klumpp – Administrative Services Manager
Teresa Logiotatos – Finance Manager
Lori May-Wilson – Executive Assistant
Melinda Immel – Volkert & Associates
Joe Asarisi – Asarisi & 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 November 27, 2017:

The Chairman requested any additions, corrections, or deletions for the submitted Minutes from the November 27, 2017 Utilities Board Meeting.

Since there were no additions deletions or corrections, the Chairman declared that the submitted Minutes would stand approved.

V. OLD BUSINESS – None

VI. NEW BUSINESS –

A. Motion to Authorize Sale of Trucks and Equipment (Board Action: MOTION)

Danny Lyndall informed the Board of the list of eligible equipment and requested the Board to declare the equipment as surplus and authorize Daphne Utilities to sale the surplus on GovDeals.

MOTION by Robin LeJeune to authorize the sale of surplus equipment; Seconded by Billy Mayhand.

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

B. Bid Tabulation & Recommendation of Award for Project Number 408183 – Eastern Shore Tank Coating & Renovations (Board Action: MOTION)

Danny Lyndall invited Melinda Immel from Volkert to discuss the bid and award of this project. Mrs. Immel explained the details of the project to the Board, answered questions, and gave the recommendation. Mr. Lyndall also advised that this project had been included in the budget under the CIP at approximately \$600,000.

MOTION by Mayor Haygood to award Project #408183 to Tank Pro, Inc. with a base bid amount of \$450,628.00 and additional Additive Alternate amount if necessary in the amount of \$24,443.00 for a total of \$475,071.00; Seconded by Robin LeJeune.

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

C. Bid Tabulation & Recommendation of Award for Project Number 408196 – 2017/2018 Annual Contract for Manhole Rehabilitation (Board Action: MOTION)

Melinda Immel explained this project and the bid process associated with it.

MOTION by Mayor Haygood to award Project #408196 to Gulf Coast Underground, LLC in the amount of \$112,025.00 for the annual contract of manhole rehabilitation; Seconded by Billy Mayhand.

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

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle offered to answer questions that are not related to any pending litigation or any topic that is not confidential attorney/client privilege. He requested the Board convene to Executive Session related to the Nettles lawsuit and before a vote, made the declaration required by Alabama Code 36-25A-7A3 that the Board convene to Executive Session to discuss with counsel the legal ramifications and legal options for the pending Nettles case with an estimated time 10-15 minutes.

MOTION by Billy Mayhand to convene to Executive Session to discuss the Nettles case for approximately 10-15 minutes; Seconded by Selena Vaughn.

Mayor Haygood requested that Executive Session not be held until the end of the meeting as the meeting had an extremely large crowd that, out of courtesy, should not be subjected to a lengthy executive session. A discussion ensued and Mr. Speegle advised that Executive Session can be

convened at the end of the meeting and made an additional declaration for further discussion with legal counsel regarding the legal ramifications and legal options for the pending ADEM litigation.

After a continued discussion, the decision was made to hold Executive Session after Public Participation and the Motion to convene and second were withdrawn.

VIII. FINANCIAL REPORT

Teresa Logiotatos advised that the submitted financials represented November and December (2017). She then discussed information from the December financials, reviewing the financial summary, charts, check register and offered to answer any questions.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Danny Lyndall recognized several employees for the Board; he welcomed new employees Don Trotter, Marcus Moseley, Matthew Collins, and Christopher McConico. He recognized: new employee Dennis Scott who relocated from Georgia and a Grade IV Operator; Robert Miller for passing his Grade II Certification exam; Alex Godfrey for being promoted to GIS Analyst; and lastly announced Mr. Woodrow Maye's retirement after serving 28 years with Daphne Utilities.

B. Operations Report

Mr. Bobby Purvis recognized the employees working on the lift stations in our system and commended our Facilities Support personnel for all the work they do behind the scenes. He also answered questions regarding repairs and upgrades at the water reclamation facility.

C. Engineering & Consulting Reports

Melinda Immel with Volkert had nothing to add to her report

Ray Moore with HMR updated the Board regarding the sewer connection availability in the Oakstone subdivision.

Joe Asarisi with Asarisi & Associates had nothing further to add to his report.

- X. Public Participation – The Chairman announced public participation for anyone who would like to address the Board to state their name and address. He advised that the Board serves the community and does their best for this organization. He informed the attendees that although pending litigation has been widely publicized against Daphne Utilities, we are advised from our counsel to refrain from comment on the issue but are aware that residents may express their concerns. He stated that we do look forward to factual information being announced to resolve the issue that is pending. Public participation began at 5:21pm.

Mr. Taylor Norton, 5 St. Charles Place, Daphne, with additional property on Main Street; expressed obvious concern about the pending litigation. He commented that as a small business owner in this area with a family, he bought into Olde Towne Daphne for the purpose of enjoying the Bay and quality of life on the Eastern Shore. He stated that it was paramount to him to continue to protect water quality in the areas that we live in. He continued that as a property owner, he is looking to spend a significant amount of money investing in the community and expressed worry to think that we as a public don't have trust in our utility. He thanked the Board for their time and effort. He stated his concerns referring to the Mobile Baykeepers allegations from statements of current and former staff members and hoped that an internal investigation had been performed as well as to the candidness with which employees can freely speak without retaliation.

Mrs. Galya Porter – stated that her name is Galya Porter and she wanted to state for the record that she is Van Baggett’s mother-in-law. She stated she had a question that she would like to ask which was why the information from the so-called independent internal investigation surrounding the issues at Daphne Utilities are being shared with Danny Lyndall so that he has had months to invent a defense and a cover-up of the allegations and also to retaliate against the fine employees who in good faith provided their statements to the attorney. She believed that the original intent of this investigation was to obtain and disclose the truth. She now believed that many of the truths are being covered up in an attempt to protect Danny Lyndall. She stated that the seriousness of this situation warrants that all the board members, and not just the board chairman, are kept informed of all the ongoing facts and disclosures and this does not seem to be the case at all. She declared that she also believed that all the board members should be involved in any employee mediations or grievance hearings and not just the board chairman due to the importance of these meetings. She thanked the Board.

Mr. Bill Riley – 1303 Lovette Lane; inquired as to the continued pollution of the Bay as a result inordinate rain and not only from Daphne but from Mobile and Spanish Fort and Fairhope. He asked if (Daphne Utilities) had contacted the other 3 cities to have a collective effort to correct the infrastructure problems causing the pollution in the Bay, such as the pollution that floats passed his house from time to time. He acknowledged that it’s a situation that has occurred numerous times over the past years and that money may be an issue when it comes to repairs of this nature. He asked where (Daphne Utilities) stands on this and what is being done to correct this situation.

Chairman Fry responded that it would take some time to answer his questions, advised that a major part of our budget is for capital improvements to continually make upgrades to our system on water, gas and wastewater, and offered to talk with him by telephone at a later time. Chairman Fry stressed that as residents in Daphne, we are concerned as well about the environment and our community.

Mayor Haygood requested to read an email from a presumed resident of Daphne that his office received earlier in the day. The email from Ms. Alison Henry read: “Mayor Haygood, to say the reporting concerning how Daphne Utilities is operating is upsetting, doesn’t really come close. As a mother that allows her family to swim in Mobile Bay, the thought that raw sewage spills are not only tolerated but covered up is incomprehensible. It seems that the only response so far has been to blame the situation on “disgruntled former employee” who appears to be a “former employee” simply because he wouldn’t play along with dishonest reporting of numbers. I urge you and the board to take this situation seriously. It should be as distressing to you as it is for all of us that enjoy Mobile Bay that raw sewage is routinely being allowed into those waters; worse, once it occurs, employees at the highest level are lying about it. I will be unable to attend the Utilities Board meeting held this evening. I request that my statement be read out in the public comment period to be one voice stating the concerns of many.” Alison Henry

Mr. Bill Walton – 102 Bell Circle, Daphne. Mr. Walton explained that he was not only a marine biologist professional who cares about the Bay from a professional perspective, he is a local scout leader. He stated that he periodically takes his Scouts to Bayfront to explore. He stated that while he is aware that these are allegations he considers them to be potentially tragic and expressed his concerns about not only the brand of the City, The Jubilee City, as well as seafood on the logo, but the health of our residents. He echoed previous comments made regarding assurance from the board for employees to be able to come forward without fear of repercussion. He noted that it did not take long after moving to Daphne to understand that the Daphne Utilities Wastewater Treatment Plant might need some investment, that we had spills and hoped those investments are made. He stated that if we find out that we’re under reporting or not reporting those (spills), that is misleading to the public as well as the taxpayer and that maybe we have an issue we need to spend money on sooner than planned.

With no additional requests to be heard, the Chairman closed Public Participation at 5:32pm and called for Board Comments.

Following Public Participation:

Chairman Fry asked legal for certification to go into Executive Session

Mayor Haygood requested Board discussion prior to a motion to convent to Executive Session.

Chairman consented Fry to discussion.

Mayor Haygood began the discussion:

Mayor Haygood acknowledged the Mobile Baykeeper report and citizen concerns surrounding the allegations as well as addressing the board's duty to investigate all such allegations. Concern over the boards plan to address the complaint and the citizen concerns that currently stem from the report. It was acknowledged that the board did engage Mr. Speegle's firm to conduct an investigation back in September but that such a report had still not been received at this time nor any communication as to when it would be available. Mayor Haygood suggested that the board proceed with an independent investigation, as Daphne Utilities committed to, and that perhaps engaging Mr. Speegle's firm was not the right course of action as it may not have been independent enough.

Mayor Haygood addressed high level planning related to the sewer plant. He referenced existing ten year Capital Improvement Plan for the Daphne Utilities that is in place and the fact that Water Reclamation Facility, or sewer plant, has \$14.826M of planned improvements as part of that ten year capital plan. He also mentioned the Aqua Nareda pilot project which is underway. The Mayor indicated a desire for the staff and board to explore an acceleration of the 10 year CIP to more quickly "long hard look at whatever improvements can be made to make sure that we are serving our citizens properly and protecting the environment." He indicated the matters of an independent investigation and communication to the public of actions being undertaken by the board would help restore confidence in the members of the public who are concerned about the allegations against the utility. Further, the mayor had a proposed solution to the independent investigation that he would like the board to consider as well.

Mr. Speegle: Indicated there would be relevant discussion during executive session and that executive session before you consider anything else.

Mr. Speegle advised the Board that they would hear discussion about the investigation in Executive Session and asked to finish Executive Session before considering anything else. For purposes of attorney/client privilege, he advised to go into Executive Session to discuss possible litigation, not to be discussed in an open meeting.

Councilman LeJeune asked about the AquaNareda pilot program. Mr. Lyndall informed that the project has been delayed due to issues at the water reclamation facility, that the pilot study is an optimization of the current process and that the process needs to be working properly before this type study takes place. Mr. Lyndall responded to Councilman LeJeune's question that the pilot study will affect the long-term capital improvements at the water reclamation facility.

With no additional Board comments, Chairman Fry thanked the meeting attendees for coming to the meeting to express concerns and affirmed that the Board had the same concerns.

Mayor Haygood asked for clarification on whether or not Executive Session discussions would be limited to the Nettles case as stated earlier in the meeting by Mr. Speegle as the preceding discussions has referenced the board would be discussing other matters as well the desire to ensure that we are not misleading the public. Mr. Speegle indicated that both the Nettles case and legal advice regarding the ongoing ADEM lawsuit would be discussed and that the certification would include both.

Mr. Speegle confirmed that discussions in Executive Session will be concerning the Nettles case and legal advice regarding the ongoing ADEM lawsuit with action to be taken on at least one issue or possibly more.

XI. Executive Session

MOTION by Selena Vaughn to adjourn into Executive Session as declared by Attorney Jerry Speegle for the discussion of the legal ramifications and legal options for the pending Nettles case with an estimated time 10-15 minutes and for further discussion with legal counsel regarding the legal ramifications and legal options for the pending ADEM litigation with an estimated time of 1 hour to 1-1/2 hours; Seconded by Billy Mayhand.

AYE: Fry, Mayhand, Vaughn, Haygood, LeJeune

NAY:

ABSENT:

ABSTAIN:

MOTION CARRIED

Adjourn to Executive Session at 5:42pm.

The Chairman reconvened the meeting at 7:10 pm and called for a Motion.

MOTION by Mayor Haygood for the Board to approve the Nettles mediated confidential settlement agreement; Seconded by Selena Vaughn.

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

MOTION by Mayor Haygood for the Board to hire an independent consultant to perform an independent study and fact-finding mission related to personnel matters within the Utility Board pursuant to what has become known to us through the grievance and ADEM process to supplement what had been done by Speegle and Hoffman; Seconded by Robin LeJeune.

Mr. Mayhand commented that since he just received his report in Executive Session and had not had a chance to read it and before he spent any money on another investigation, he requested the opportunity to read this report first. Mrs. Vaughn agreed. Mayor Haygood indicated that he would withdraw the motion to allow more time for the board to review the report the board received during executive sessions if the board would be willing to call a special-called meeting, that would occur sooner rather than later, to consider this action. Mr. Mayhand and Mrs. Vaughn agreed.

The Motion and Second was withdrawn.

A discussion took place regarding arranging a date and time for a special meeting. During the discussion Mayor Haygood indicated the reasons for the special called meeting would be (i) to consider hiring an a truly independent firm to perform an investigation on behalf of the board and (ii) to consider the as well as to have management provide an update to the board and the public on actions, activities and plans that have been undertaken or are underway at the sewer treatment plant.

MOTION by Mayor Haygood to call a special-called Daphne Utilities Board meeting at 5:00 pm on Thursday, February 8, 2018, in the City Council Chambers, if available; Seconded by Robin LeJeune.

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

The Chairman noted the agenda topics as to 1) give a presentation from management staff on the current work status of the wastewater treatment plant, engineers' recommendations for the wastewater treatment plant, and monitoring and processing plans; 2) potentially consider an independent investigation into certain matters

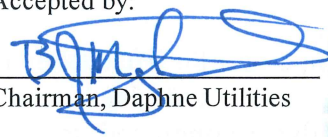
XII. Adjournment

The meeting adjourned at 7:26 pm.

MOTION by Robin LeJeune to adjourn; Seconded by Billy Mayhand.

Preceding minutes submitted to the Daphne Utilities Board by:

Accepted by:


Vice-Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Special Meeting

Council Chambers, Daphne City Hall □ February 8, 2018 □ 5:00 p.m.

I. Call to Order

A Special Meeting of the Utilities Board of the City of Daphne was held on February 8, 2018 at 5:00 p.m. in the Council Chambers at Daphne City Hall and called to order by Chairman Randy Fry, proceeded by the Roll Call:

II. Roll Call

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

Members Absent:

Others Present: Jerry Speegle – Board Attorney
Danny Lyndall – General Manager
Bobby Purvis – Operations Manager
Drew Klumpp – Administrative Services Manager
Teresa Logiotatos – Finance Manager
Lori May-Wilson – Executive Assistant

Others Absent:

III. Pledge of Allegiance

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

IV. Approval of Minutes - None

V. OLD BUSINESS – None

VI. NEW BUSINESS –

A. Presentation of work performed at Daphne Utilities Water Reclamation Facility

General Manager Danny Lyndall arranged a presentation to update the Board and public on the status of our wastewater treatment plant and collections system over the past several months.

Mr. Lyndall advised that our water reclamation facility is currently permitted by ADEM to treat 4.17 million gallons on an average daily flow; our current average flow of 3.1 million gallons per day. He noted that in 2008 and 2010, our peak capacity was increased to 9 million gallons per day at our headworks and outfall facility, clarifying that we can hydraulically push up to 9 million gallons per day of flow through the plant on a temporary

basis. He advised that over the last 10 years, we have spent over \$10million in upgrades at our wastewater treatment facility and that \$14million of upgrades are included in the CIP (Capital Improvement Plan) for the next 10 years.

Mr. Lyndall confirmed that Daphne Utilities operates 200 miles of pipe and 80 liftstations that pump wastewater from the furthest points north and south of our service area back to our single wastewater treatment plant. He informed that a capacity analysis conducted several years ago indicated our collection system has adequate capacity for current and anticipated future growth. He indicated an industry-wide common problem of inflow and infiltration issues due to heavy intense rainfall and noted these problems with gravity sewer systems. He reported that we have spent in excess of \$2million in improvements in the last 3 years and in 2017, we collected, transported and treated a billion gallons of wastewater at our treatment facility.

Mr. Lyndall explained further our particular wastewater treatment process as a biological process, how the recent upsets at the plant happened, and the preventative procedures put in place in response to the upsets. He enlightened the Board regarding his Moonshot initiative relating to issues, which is to predict, prevent, reaction, response and he clarified each.

He concluded in recognizing and thanking the many Daphne Utilities employees that were in attendance.

Mayor Haygood thanked General Manager Lyndall for a great presentation and his overall service of leading Daphne Utilities and I think you've done a wonderful job. The Mayor expressed his concern that the public's confidence in the Utility was in question and that he desired the utility "to respond in a way that instilled confidence back in the public" and the presentation by Mr. Lyndall did just that. Mayor Haygood indicated this was precisely the reason the special called meeting was held and that he wished it could have been presented as the January meeting when the attendance was much higher. He also indicated that we needed to publish this presentation and the information contained within. He also inquired if we had made any progress on evaluating the acceleration of the ten year Capital Improvement Plan.

Some additional discussions and q&a ensued with some specific inquire about Sanitary Sewer Overflow (SSO) and operator certification grades. Daphne Utilities is required by ADEM to have a grade three operator at the WRF eight hours a day, five days a week. [As indicated in the presentation, Daphne Utilities exceeds the minimum requires by having multiple grade four operators and are presently staffing 24 hours a day].

Sewer Mrs. Vaughn voiced positive accolades to Mr. Lyndall and the Daphne Utilities employees.

B. Potentially consider an independent investigation into certain matters

Mayor Haygood indicated his feelings that the board has a duty to investigate and respond to properly to the allegations that have been made against Daphne Utilities that are in the public domain. He also acknowledged that there are pending legal matters before the utility and that the board would not want to do anything to jeopardize those matters. But I think we as board members have a duty to ensure that the environment at Daphne Utilities is a positive one; that the employees are protected; and that the atmosphere is positive and professional.

The Mayor indicated he had performed personal inquiry by talking to employees, other board members, and even the Daphne Utilities outsourced Human Resources consultant that he has "personally become very comfortable" with his understanding of the workplace

environment and that he has “satisfied” himself with many of concerns.

Mayor Haygood indicated that the board agreed to perform an “independent investigation”, and at last week’s board meeting we were provided with the results of the investigation conducted by Mr. Speegle’s firm, which is legal counsel to the Utility Board. While he understands that Mr. Hoffman with Mr. Speegle’s firm conducted the investigation, and did so in an appropriate manner and with the utmost integrity, that the firms existing affiliation with the utility may not be “independent” enough.

Mayor Haygood expressed concerns are over whether or not the existing ties between the firm conducting the investigation and management would somehow affect the employees willingness to fully and openly participate in the investigation and make sure they felt comfortable to speak their mind. “As a board, I think all we want is the truth and the facts”.

Mayor Haygood indicated that at the last meeting when he brought this matter forth, we did not have an internal investigation completed not any expectation of when the board was going to receive that information. A report was provided to the board during executive session a the end of the January meeting and the board delayed action on engaging a third party to conduct an independent investigation after we agreed to call this special meeting. Mayor Haygood indicated he did not feel the matter could wait 30 days until the next regular board meeting and that the board needed take action for independent investigation.

Despite receipt of the report from Mr. Speegle’s firm, the Mayor is still of the opinion that the board should conduct a more independent investigation if for no other reason to remove the cloud that might exist from anybody who wants to point to the investigation and say it wasn't done in an independent manner. He asked that the board consider authorizing and independent investigation related to HR and workforce environment issues that have arisen in conjunction with the Baykeeper allegations that was previously brought up at the last meeting and withdrawn for consideration at this meeting to provide more time for Speegle’s firms investigative report to be reviewed.

Mr. Speegle inquired about further discussion on the agenda item prior to a motion being on the floor. Mayor Haygood indicated the he understood Mr. Tom O’Hara from O’Hara and Watkins, LLC was present in the audience and that it was the Mayor’s understanding that Mr. O’Hara would be making a presentation to the board pursuant to the request Daphne Utilities management and the board prior to the agenda for this meeting being created.

Chairman Fry asked for any other board comments and asked for a motion to allow further discussion or allowing a presentation by Mr. O’Hara to be made. Mayor indicated he would be happy to make the motion.

MOTION by Mayor Haygood to hire O’Hara and Watkins, LLC, to perform an independent investigation related to HR and workplace concerns stemming from the Baykeeper allegations; Seconded by Robin LeJeune.

Mr. Mayhand stated that the Motion should have been to hear the presentation instead of conducting an investigation; Mr. LeJeune indicated that he was going to ask if a motion to hear the presentation was needed. Mayor Haygood indicated he would be happy to withdraw the motion in order to hear the presentation but that we seem to be “running in circles”. Mr. Speegle opined that a motion on the floor could indeed be amended or withdrawn with the board members who first and seconded the motion consenting the said amendment or withdrawal. Chairman Fry asked for clarification on whether or not

there could be a presentation without the motion. Mr. Speegle responded with saying that (i) you could have a motion for a presentation or (ii) a motion could be made to amend the current motion, or have a spate motion, to approve the hiring of the law firm conditioned on the presentation. He further indicated the board should hear the presentation if the board was going to consider hiring the law firm and if the board wasn't going to consider that action, then hearing the presentation would not be necessary. Mayor Haygood expressed frustration with the fact the presentation was requested to the in an email to Chairman and the entire board and that all of the back and forth with mechanisms seemed unnecessary and why the presentation was not clearly listed on the agenda to avoid this whole back-and-forth discussion. Chairman Fry acknowledged receipt of the request for Mr. O'Hara to address the board and indicated the presentation was indeed on the agenda but that there the discussion was procedural in nature as to whether or not a motion had to be on the floor prior to hearing the presentation. Mr. Speegle indicated he did not feel a motion had to be made and approved related to allowing the presentation to be made.

The Chairman asked Mr. O'Hara to address the board but before the presentation commenced the Motion and Second on the floor was withdrawn and then Mr. O'Hara was allowed to proceed.

Mr. Tom O'Hara, a partner with the law firm O'Hara Watkins LLC located in Daphne, addressed the Board relating to conducting an independent investigation regarding the boards commitment to a "independent" investigation and that the subject matter would be allegations that arose as part of the Mobile Baykeepers allegations but that were separate from the legal matters associated with that. The focus would be on truly fact-finding mission that for which independence could not be questioned that would involve the subject matters as determined by the board. He answered questions from the Board.

Lengthy discussions ensued on a variety of topics:

A discussion took place regarding the investigation that was being proposed. Mr. Speegle clarified the investigation that was conducted by Speegle, Hoffman, Holman & Holifield LLC.

A conversation transpired relating to different interpretations and legal developments of confidentiality and attorney/client privilege.

Mr. Mayhand commented on the scope and confinement of another independent investigation; Questions as to the time required for the investigation and fee were also discussed.

Mayor Haygood clarified his request involving the scope and intent of his proposal to have an additional independent investigation that would be above reproach and also help provide an additional and third of view that could aid in deciphering between the two differing versions that exist between the Mobile Baykeepers report and the Speegle Hoffman report.

Mr. Speegle advised to the Board to recess to Executive Session before making a Motion to discuss the legal ramifications of this option being considered.

Chairman Fry thanked Mr. O'Hara for his comments and presentation. He expounded on the various allegations, potential future employee grievances and the investigation previously presented to the Board. He suggested to put out an RFP, if another investigation is going to be conducted, and to delay until the regular Utilities Board meeting at the end of the month.

Councilman LeJuene requested that public participation be allowed prior to any motion for convening into executive session.

VII. PUBLIC PARTICIPATION - Chairman Fry opened the floor for Public Participation at 6:36

Mr. Rick Fine, 310 Bayhill Drive, Daphne – gave compliments to Danny Lyndall for his report. Mr. Fine advised that he has had big problems at his house for a long time without any resolution. He noted that he is on the water quite often as a kayaker. He gave his opinion regarding the Baykeeper allegations and suggested an independent investigation conducted by someone not in Daphne to investigate the Baykeepers allegations and have it reported to the public; afterward, an independent company needs to come in and make recommendations to the Daphne Utilities system. He expressed that the Mayor lead the community with recognizing the issues and find a solution to pay for it.

Don Ouellette – 7720 Elizabeth Drive, Daphne – noted that he had a lot of concerns when he came to the meeting but Mr. Lyndall's presentation answered a lot of questions. He believed the biggest problem seems to be communication. He stated that nobody seems to know what is going on and it would be beneficial to have a billboard to communicate with the public. He noted that if this presentation had been presented after the issues were broadcast, he didn't think there would have been this much of a problem.

Taylor Norton – 5 St. Charles Place, Daphne – thanked Mr. Lyndall for the presentation. He asked questions about the presentation, specifically when ADEM last approved and inspected. He inquired about the lightning strikes and discrepancy of the amounts of the spill and asked what the definition of "significant" meant in relation to an amount of spill.

Mayor Haygood recommended the public questions be answered at the meeting instead of being answered one-on-one at a later time. Mr. Lyndall answered Mr. Norton's questions.

Pauline Ouellette – Madison Place, Daphne – asked why the low areas are being allowed to be developed to begin with. She also noted that home-buyers should be given Daphne regulations, environmental rules as well as Daphne Utilities' rules. She also asked if Daphne Utilities has any involvement with the Planning Commission or the planning process.

Chairman Fry and Mrs. Willett had some back and forth dialog.

Mayor Haygood attempted to address some of Mrs. Willett's concerns. The discussion including providing an overview the fact that Daphne Utilities is a separate public corporation from the City of Daphne, with separate financials and separate management. The that the Daphne City Council appoints the Daphne Utilities board members in accordance with Alabama law. Regarding the planning concerns, the Mayor Haygood indicated that all subdivisions requests to the city require signoff by all utilities that will serve any proposed subdivision in Daphne, including Daphne utilities. So coordination does happen and any development must meet both the City of Daphne standards that are set forth in the Land Use Development Ordinance as well as

compliance with the Development Requirements set forth by each utility provider .

Mr. Rick Fine – voiced an additional suggestion to have added ADEM water testing sites similar to MayDay Park.

Lori Wilson – employee with Daphne Utilities not only expressed gratitude to be an employee of Daphne Utilities but also proud support for Mr. Danny Lyndall and the leadership he has displayed as General Manager.

The Chairman closed Public Participation at 6:46pm.

VIII. Board Comments –

Mr. Mayhand addressed the Daphne Utilities employees attending that when the Board recesses into Executive Session that the employees are put first and to be patient.

Mayor Haygood inquired to legal about the status of providing the statements of employees, both signed and unsigned, that were referenced as part of the report of investigation by Speegle and Hoffman as they were not included with the report and had not been provided to the board to this point. Mr. Speegle noted that course of action has some consequences in litigation and would discuss with the Board in Executive Session.

Mayor Haygood commented on the notification of meetings.. He indicated that the January meeting had 40-50 members of the public in attendance and that felt the heavy attendance was the concern from the public attending the meeting to hear explanations and the plans from Daphne Utilities in addressing the concerns they heard in the Mobile Baykeeper report. Unfortunately, that meeting did not provide many answers. Tonight's presentation did a great job in addressing those concerns and re-assuring the public but unfortunately tonight's special called meeting was lightly attended. The Mayor indicated he did not see any notices on Facebook or via other social media to alert the public of tonight's meeting. He felt if those 40-50 attendees from the last meeting were present tonight, they would have had a lot of their concerns addressed. He requested that tonight's presentation be put on the Daphne Utilities website and via social media to enable the public to understand the actions being undertaken by Daphne Utilities. He also spoke about an earlier email he sent regarding Strategy and public relations and the fact that the board had not been involved in many key decisions regarding strategy and his concerns over the impact on public relations of Daphne Utilities. He indicated he felt the all parties were making an effort and things were improving. He indicated his appreciation for all the efforts that have been made thus far.

Discussion ensued on convening into Executive Session. Mayor Haygood indicated that he would be happy to make a motion regarding hiring O'Hara Watkins if that was needed since it has been indicated that the Executive Session discussions are predicated on the consideration of such a motion. Mr. Speegle indicated that it did not matter whether or not there was a motion on the floor prior to considering executive session but that he would make his certification.

Mr. Speegle certified that the options being considered and the legal ramifications for the pending litigation, controversies not yet litigated but imminently likely to be litigated, or imminently likely to be litigated if the governmental body pursues a proposed course of action would be the topics of the executive session.

Chairman Fry asked if executive session was necessary to which Mr. Speegle responded that, yes, he felt it would be necessary before a vote on the hiring a firm for and independent investigation. Mayor Haygood indicated we would attempt to make a motion to handle both requests:

MOTION by Mayor Haygood that we obtain independent legal counsel with O'Hara Watkins LLC to conduct the investigation as discussed and to go into Executive Session prior to a vote on that to discuss any potential legal ramification as so certified by the Utilities' attorney; Seconded by Robin LeJeune.

AYE:

NAY:

ABSENT:

ABSTAIN:

Mr. Speegle then indicated all he requested was for a vote to go into executive session. Discussion ensued with an offer to amend the motion by Mayor Haygood to separate the actions into separate motions. Mayor Haygood indicated that the motion on the floor provided allowed the board to enter executive session while allowing the public to fully understand the reason for entering executive session. Mr. Speegle indicated he preferred to only have a motion to enter executive session. To accommodate, Mayor Haygood and Mr. LeJeune indicated they would withdraw the motion on the floor.

The Second was withdrawn.

The Motion was Amended to remove the adjourn to Executive Session.

The Motion was then withdrawn.

XII. Executive Session

MOTION by Mayor Haygood to adjourn into Executive Session as so certified by legal counsel for approximately 15 minutes; Seconded by Robin LeJeune.

AYE: Fry, Mayhand, Vaughn, LeJeune, Haygood, NAY:

ABSENT:

ABSTAIN:

MOTION CARRIED

Adjourn to Executive Session at 6:53pm.

The Chairman reconvened the meeting at 7:21.

MOTION by Mayor Haygood to retain O'Hara Watkins LLC as an independent legal counsel to conduct a study not to exceed 100 hours at the same bill rate as our current legal counsel; Seconded by Billy Mayhand.

AYE:

NAY:

ABSENT:

ABSTAIN

A discussion followed; Mayor Haygood commented regarding the two conflicting reports, noting that Utilities employees are exhausted with the process but feels he has obligations as a Board member to the Utility in seeking the truth with no further delay.

Chairman Fry conveyed that he was not opposed to have an additional investigation but doesn't feel the need to push it through in a rush tonight in spending an additional substantial amount of clients and taxpayers money. He noted he also reviewed the investigation from Mr. Hoffman and is comfortable that he has conducted a thorough and is independent as possible investigation, but open to re-addressing the issue through the process of putting out an RFP.

Mayor Haygood mentioned his conversations he had tonight with employees of Daphne Utilities. who are ready to have these issues behind them and putting out an RFP delaying is of no benefit. He stated this special-called meeting was to give more time to review and suggested another special-called meeting next week, if needed, in order to act on it.

MOTION by Mayor Haygood to retain O'Hara Watkins LLC as an independent legal counsel to conduct a study not to exceed 100 hours at the same bill rate as our current legal counsel; Seconded by Billy Mayhand.

AYE: Haygood, LeJeune

NAY: Fry, Mayhand, Vaughn

ABSENT:

ABSTAIN:

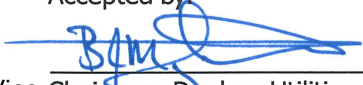
MOTION FAILED

XIII. Adjournment

MOTION by Robin LeJeune to adjourn; Seconded by Billy Mayhand.

The meeting adjourned at 7:26 pm.

Preceding minutes to the Daphne Utilities Board by:

Accepted by:

Vice-Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ February 28, 2018 ♦ 5:00 p.m.

I. Call to Order

The regular February 2018 Board meeting for the Utilities Board of the City of Daphne was held on February 28, 2018 at 5:00 p.m. in the Council Chambers at Daphne City Hall and called to order by Chairman Randy Fry, proceeded by the Roll Call:

II. Roll Call

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

Members Absent:

Others Present: Jerry Speegle – Board Attorney - arrived at 5:07 pm
Danny Lyndall – General Manager
Bobby Purvis – Operations Manager
Kelly DeLaney – Customer Service Supervisor
Teresa Logiotatos – Finance Manager
Samantha Coppels – Communications Manager
Lori May-Wilson – Executive Assistant
Melinda Immel – Volkert & Associates
Joe Asarisi – Asarisi & Associates
Ray Moore – HMR

Others Absent: Drew Klumpp – Administrative Services Manager

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. Utilities Board Meeting Minutes January 31, 2018

B. Utilities Board Special Meeting Minutes February 8, 2018

The Chairman announced a request to delay the approval of the minutes until the March regular Board meeting.

V. OLD BUSINESS – None

The Chair re-arranged the agenda to accommodate the Board attorney's arrival.

VI. FINANCIAL REPORT

Teresa Logiotatos examined the financials with the Board, reviewing the Summary information, the gas revenue chart, the monthly cash payments and the check history report. She offered to answer questions from the Board.

VII. GENERAL MANAGER'S REPORT

A. GM Report

With the equipment malfunctioning for his presentation, Danny Lyndall announced he would postpone his presentation on our lift stations as part of the wastewater collection systems until the March board meeting. He then discussed the Daphne Utilities Mission Statement and explained that the principles, along with the strategic plan, had been in development for more than a year by the management staff. Mr. Lyndall pointed out examples of these principles throughout his report.

Mrs. Samantha Coppels introduced Daphne Utilities' new employees and also mentioned Daphne Utilities' participation in the Chamber of Commerce's Youth Leadership Program Workforce Development graduation.

B. Operations Report

Mr. Bobby Purvis gave more detail on new employee Geoff Wilkins' background and the new energy he brings to Daphne Utilities as well as the understanding of the communication level between the collection system and the wastewater treatment plant. He described Johnny Grimes as energized and enthusiastic.

Mr. Purvis highlighted some operational activities: several point repairs in the wastewater collection system; Mr. Art Anderson as the outside contractor inspector and liaison with City inspections; Yancy Branch lift station upgrades; and upcoming smoke testing in the Canterbury subdivision.

C. Engineering & Consulting Reports

Ray Miller with Volkert had nothing to add to the submitted report and offered to answer any questions.

Ray Moore with HMR updated the Board regarding the CDBG Grant.

Joe Asarisi with Asarisi & Associates had nothing further to add to his submitted report and answered questions from the Board.

VIII. Public Participation – At 5:21 pm, the Chairman announced public participation for anyone who would like to address the Board to state their name and address.

With no participants, the Chairman closed Public Participation at 5:21 pm.

IX. BOARD ATTORNEY'S REPORT

Mr. Speegle had nothing additional to include in his report and offered to answer questions that are not related to any pending litigation or any topic that is not confidential attorney/client privilege.

X. Executive Session

Mr. Speegle then requested the Board convene to Executive Session and certified the purpose of the Executive Session to discuss with Board attorneys the legal ramifications of and legal options for pending litigation, controversies not yet being litigated but imminently likely to be litigated and, as referred to in the agenda, proposal for settlement of imminent litigation although not filed yet.

MOTION by Selena Vaughn to convene to Executive Session to discuss the proposal for settlement as certified by attorney Jerry Speegle for approximately 30-45 minutes; Seconded by Billy Mayhand.

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

The Board adjourned to Executive Session at 5:22 pm.
The Board reconvened the meeting at 6:36 pm.

XI. NEW BUSINESS –

A. Motion to accept settlement agreement (Board Action: MOTION)

MOTION by Mayor Dane Haygood to reject the settlement agreement listed under New Business, Item A, on the Agenda.

AYE: NAY: ABSENT: ABSTAIN:

The Motion failed due to lack of a Second.
Chairman Fry called for any additional Motions.

MOTION by Selena Vaughn to approve and accept the settlement agreement and allow the Chairman to execute any and all document necessary; Seconded by Billy Mayhand.

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

XII. Board Comments

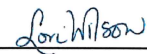
Mayor Haygood commented that although the action taken was not detailed due to legal ramifications involved, he expressed satisfaction with healthy discussion between the Board and Board attorneys. Mayor Haygood emphasized his impression of a PR issue occurring with the public and for him, that issue out-weighs the benefits of this proposed settlement.

XIII. Adjournment

The meeting adjourned at 6:40 pm.

MOTION by Billy Mayhand to adjourn.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20180416103108943

Type License: 240 - NON-PROFIT TAX EXEMPT

State: \$0.00 **County:** \$0.00

Type License:

State: **County:**

Trade Name: JUDGE ROY BEAN REUNION FUNDRAISER

Filing Fee: \$0.00

Applicant: THE ANCHOR CROSS CANCER FOUNDATION

Transfer Fee:

Location Address: 1705 MAIN STREET; LAWN AND PARKING LOT AT CITY HALL DAPHNE, AL 36526

Mailing Address: 29653 ANCHOR CROSS BLVD; SUITE B 101 DAPHNE, AL 36526

County: BALDWIN **Tobacco sales:** NO

Tobacco Vending Machines:

Type Ownership: CORPORATION

Book, Page, or Document info: INST 1068960

Date Incorporated: 08/16/2007 **State incorporated:** AL

County Incorporated: BALDWIN

Date of Authority: 08/16/2007

Alabama State Sales Tax ID: R010049286

Federal Tax ID: 26-0823285

Name:	Title:	Date and Place of Birth:	Residence Address:
MICHAEL WALLACE MESHAD 2330267 - AL	PRESIDENT	12/20/1946 BIRMINGHAM, AL	204 W WIMBLEDON PARK MOBILE, AL 36608
DANIEL WALLACE MESHAD 7065373 - AL	DIRECTOR OF ACCF	06/06/1984 MOBILE, AL	1219 CHURCH STREET MOBILE, AL 36604
JOHN GALANOS 3658053 - AL	VICE PRESIDENT	03/03/1958 MOBILE, AL	60 HILLWOOD ROAD MOBILE, AL 36608

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: DANIEL MESHAD

Business Phone: 928-890-8510

Fax:

Home Phone: 251-607-5081

Cell Phone:

E-mail: INFO@ANCHORCROSSFOUNDATION.ORG

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

Previous License Number(s)

License 1:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION

Confirmation Number: 20180416103108943



If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
Name of Property owner/lessor and phone number: **CITY OF DAPHNE 251-621-9000**
What is lessors primary business? **CITY HALL**
Is lessor involved in any way with the alcoholic beverage business? **NO**
Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **NO**
Is the business used to habitually and principally provide food to the public? **NO**
Does the establishment have restroom facilities? **YES**
Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
Building Dimensions Square Footage: **30500** Display Square Footage:
Building seating capacity: **500** Does Licensed premises include a patio area? **NO**
License Structure: **ONE STORY** License covers: **OTHER**
Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20180416103108943

Initial each

Signature page

In reference to law violations, I attest to the truthfulness of the responses given within the application.

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): Daniel Meshad

Signature of Applicant: Daniel Meshad

Notary Name (print): Betty G. Dean

Notary Signature: Betty G. Dean

Commission expires: 1/13/2019

Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION

Confirmation Number: 20180416103108943



Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: 06/09/2018 Ending Date: 06/09/2018

Special terms and conditions for special event/special retail:

EVENT WILL BE HELD SATURDAY, JUNE 9, 2018. LICENSED AREA WILL BE BARRICADED TO CONTROL ENTRANCE/EXIT. BEER WILL BE SOLD IN 16 OUNCE CUPS, WINE IN 10 OUNCE CUPS AND MIXED DRINKS IN 12 OUNCE CUPS. NO ALCOHOLIC BEVERAGES ARE ALLOWED TO LEAVE THE LICENSED PREMISE. THIS IS A NON-RENEWABLE LICENSE.

Other Explanations

What is the applicant(s) primary source of funding?: SPECIAL EVENTS AND DONATIONS

License Covers: LAWN AND PARKING LOT IN FRONT OF DAPHNE CITY HALL

Receipt Confirmation Page

Receipt Confirmation Number: **20180416103108943**
Application Payment Confirmation Number: 99999

Payment Summary	
Payment Item	Fee
Application Fee for License 240	\$0.00
Total Amount to be Charged	\$0.00

License Payment Confirmation Number: 99999

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
240 - NON-PROFIT TAX EXEMPT	\$0.00	\$0.00	\$0.00
			\$0.00
Total Amount to be Charged	\$0.00	\$0.00	\$0.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 240 - NON-PROFIT TAX EXEMPT

License Type 2:

License County: BALDWIN

Business Type: CORPORATION

Trade Name: JUDGE ROY BEAN REUNION FUNDRAISER

Applicant Name: THE ANCHOR CROSS CANCER FOUNDATION

Location Address: 1705 MAIN STREET; LAWN AND PARKING LOT AT CITY HALL
DAPHNE, AL 36526

Mailing Address: 29653 ANCHOR CROSS BLVD; SUITE B 101
DAPHNE, AL 36526

Contact Person: DANIEL MESHAD

Contact Home Phone: 251-607-5081

Contact Business Phone: 928-890-8510

Contact Fax:

Contact Cell Phone:

Contact Email Address:

Contact Web Address:



1715 Main Street
Daphne, AL 36526

251.375.0543

info@mancisantiqueclub.com

<http://www.mancisantiqueclub.com>

<http://www.facebook.com/MancisAntiqueClub>

Mayor Dane Haygood & Daphne City Council,

We are asking for a special event ABC license for a charity fundraiser permitted to be held on the grounds of City Hall on June 9th. The fundraiser will benefit the charities of two Daphne citizens who passed away last year.

Jack West the owner of the legendary Judge Roy Beans and Phillip Calametti owner of Calametti's Golf Outlet and a former Judge Roy Bean manager.

The charities to benefit are Pilots 4 Christ who flies patients in need of treatment and Anchor Cross who helps patients in need financially.

We are working with the City Clerk, Public Works Department, Daphne Police Department for security and the ABC Board on this event as well as local vendors to aid in food and beverages. Also on board are the future owners of the JRB property.

The blood drive held for Jack 18 months ago at city hall was one of the most successful in this area, hopefully this event we follow in those footsteps.

Tickets and sponsorships will go on sale Tuesday May 1st thru Event Brite and the Judge Roy Bean facebook page along with the charities involved. Manci's Antique Club, Callaghan's Irish Social Club, Mark Calametti and Terri Allen are helping organize this event.

Let me know any questions you may have,

Thank you, Harry P. Johnson 251-454-7550

To: Office of the City Clerk

MEMORANDUM

From: Adrienne D. Jones, ~~AY~~
Director of Community Development

Subject: The Estate of Victorine Nelson
Zoning Amendment

Date: April 27, 2018

PRESENT ZONING: R-3, High Density Single Family Residential

PROPOSED REZONING: B-3, Professional Business

LOCATION: Southeast of Van Avenue and Main Street

RECOMMENDATION: At the Thursday, April 26, 2018, regular meeting of the Daphne Planning Commission, five members were present. No action taken due to insufficient quorum of Planning Commission members to set forth any recommendation; therefore, zoning amendment moves forward to City Council with no recommendation to rezone the subject property from R-3, High Density Single Family Residential, to B-3, Professional Business.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, May 7, 2018.

Thank you,
ADJ/jv

Attachment(s)

1. Zoning Amendment Application
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. Adjacent property owners list
5. Community Development Report
6. Citizen Comments

FILE
04/27/18
2:15 PM

ARTICLE VI PROCEDURES FOR THE TRANSACTION OF BUSINESS

6-1 IMPLEMENTING AUTHORITY

The Planning Commission shall be the implementing authority for this Ordinance, except where required by law, action of the City Council is necessary. Such deliberative action of the City Council shall take place after due consideration of recommendations made to it by the Planning Commission.

6-2 PUBLIC HEARINGS

When the Planning Commission must hold a public hearing on any matter where its action is decisive, due notice shall be given as required by law. A sign shall be posted upon properties which by law require public notice. When the City Council must hold a public hearing on any matter recommended by the Planning Commission, the Planning Commission may dispense with a separate hearing and submit its recommendation to the appropriate body. The public notice of such hearing by the City Council shall be published or posted by the City Clerk immediately upon receipt of the recommendation from the Department of Community Development regarding the date, time, and place of said hearing.

6-3 RULES

"Robert's Rules of Order" shall normally govern the order of business and conduct of meetings of the Planning Commission or any committee of said Commission.

6-4 MEETINGS

The Planning Commission shall hold at least one (1) regular scheduled meeting per month. The date, time, and place of such meeting shall be determined by the Planning Commission. All meetings are governed by the Alabama Open Meetings Act 2005- 40.

Special meetings of the Planning Commission may be called by the Chairman upon giving a forty-eight (48) hour notice to the members.

6-5 AGENDA

An agenda shall be prepared by the Planning Coordinator in concert with the Director of Community Development and the Planning Commission Chairman for each meeting of the Planning Commission.

6-6 QUORUM

Unless otherwise provided by statute, a majority of the members shall constitute a quorum for the conduct of business. An affirmative vote of not less than six (6) members shall be required for approval of a comprehensive plan amendment, zoning amendment, annexation, and preliminary subdivision plat, pursuant to Section 11-52-10, the Code of Alabama, 1975, (as amended). The approval of a final subdivision plat shall require the

majority vote of the quorum present and voting, pursuant to Attorney General Opinion 2000-171.

6-7 APPLICATIONS

Applications for zoning amendments, annexation, vacation of easement and/or right-of-way, subdivision plats, site plans, or recommendations with regard to the development of land shall be filed and handled in accordance with the provisions outlined herein.

6-8 STUDY—ADDITIONAL REVIEW PERIOD

For any matter formally presented at a regular meeting, with the exception of a subdivision plat, the Planning Commission may defer action until the next regular meeting thereon so additional study of the matter may be made. As required by law, the Planning Commission shall act to approve or disapprove a subdivision plat within thirty (30) days after its formal submission. However, with the applicant's consent to waive the thirty (30) day rule, the Planning Commission may delay action on said plat until the next regularly scheduled meeting.

6-9 SIGNATURES

The Chairman or in the event of his/her absence, the Vice-Chairman or the Secretary shall be the person(s) authorized to sign documents testifying to action taken by the Planning Commission.

6-10 INTERPRETATIONS/MEDIATIONS

In accordance with *Article 5, Duties and Powers of the Planning Commission, Section 5-1(h), Authority*, requests for interpretation with regard to wording or intent of this Ordinance, or mediation of a dispute between an applicant and an administrator in regard to an approved site plan or subdivision plat shall be delivered to Community Development by the owner or authorized representative no less than sixteen (16) calendar days prior to the regularly scheduled meeting of the Planning Commission. The Director of Community Development shall provide initial review of request. Upon issuance of an unfavorable recommendation in regard to the interpretation or mediation, the Director of Community Development shall forward said dispute to the Planning Commission for determination. Any request for interpretation shall specify applicable Ordinance reference (article, section, subsection, etc). Planning Commission vote shall be by majority of quorum present. Planning Commission interpretation or mediation may be appealed to the Board of Zoning Adjustment in accordance with the provisions of *Article 21, Establishment of the Board of Zoning Adjustment*.

6-11 PUBLIC NOTICE SIGNS

This section intends to promote adequate public awareness of proposed changes to the use of real property in Daphne city limits. Pursuant to this purpose, applicants requesting



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted March 14, 2018

Application Number:

ZA- 18-02 or PZA-

Planning Commission Public

Hearing Date: April 26, 2018

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

SITE DATA

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

PPIN#(s):

Southeast Corner MAIN St & VAN AVE

031250

Gross Site Area (acreage):

1.25 ± .24 EC

Requested Zoning or Pre-Zoning:

B-3

Current Zoning Designation(s):

R-3

Amended Request:

Initials:

Date:

Current Land Use:

residential

Anticipated Land Use:

office

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

metes & bounds - 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:

The Estate of Victorine Nelson

Mailing Address:

16760 Ebenezer Dr. Silverhill AL

Name of Authorized Agent:

Larry E. Chase

36576

Mailing Address:

P.O. Box 3102 Daphne AL

Name of Developer*:

Phone/Fax: 251-945-5823

E-mail: Eastwillfarm@gmail.com

Phone/Fax: 251-454-3473

E-mail: CHASEIN@aol.com

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:

Mary Lou Yeager

Date 3/13/2018

Agent's Signature:

L. E. Chase

Date 3/15/2018



REVERSIONARY CLAUSE ACKNOWLEDGEMENT

SKIP THIS PAGE IF REQUESTING PRE-ZONING OR PLANNED UNIT DEVELOPMENT ZONING

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

CURRENT OWNER'S ACKNOWLEDGEMENT

I, Mary Lou Yeager, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: _____

Mary Lou Yeager
PRINTED NAME OF CURRENT OWNER/PETITIONER

Mary Lou Yeager

DEVELOPER'S ACKNOWLEDGEMENT

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

PRINTED NAME OF DEVELOPER

PROPERTY ADDRESS OR PPIN#(s):

031250

THE ESTATE OF VICTORINE NELSON
SOUTHEAST CORNER OF MAIN STREET & VAN AVENUE
ZONING AMENDMENT
EXHIBIT "A"

LEGAL DESCRIPTION:

68V – VAN AVENUE PARCEL

"PARCEL 1: BEGIN AT THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST, AND RUN THENCE SOUTH ALONG THE SECTION LINE DIVIDING SECTIONS 19 AND 20, FOR A DISTANCE OF 2226.76 FEET; THENCE RUN NORTH 89 DEGREES 21 MINUTES EAST 40 FEET TO THE POINT OF BEGINNING OF THE LOT HEREBY CONVEYED; THENCE CONTINUE NORTH 89 DEGREES 21 MINUTES EAST 99 FEET; THENCE RUN SOUTH 131.51 FEET; THENCE RUN SOUTH 89 DEGREES 21 MINUTES WEST 99 FEET; THENCE RUN NORTH 131.51 FEET TO THE POINT OF BEGINNING.

PARCEL 2: BEGINNING AT THE NORTHEAST CORNER OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 2 EAST BALDWIN COUNTY, ALABAMA, AND RUNNING THENCE SOUTH 33.75 CHAINS TO A POINT; THENCE RUN EAST 139 FEET TO A POINT FOR A PLACE OF BEGINNING: THENCE RUN EAST 120 FEET; THENCE WEST 120 FEET; AND THENCE NORTH 134 FEET TO THE POINT OF BEGINNING. SITUATED IN SECTION 20, T5S, R2E, BALDWIN COUNTY, ALABAMA.

PARCEL 3: BEGIN AT THE NORTHWEST CORNER OF SECTION TWENTY (20), TOWNSHIP FIVE (5) SOUTH, RANGE TWO (2) EAST AND RUN THENCE SOUTH 2361 FEET TO A POINT; THENCE EAST 25 FEET TO A POINT ON THE EAST LINE OF THE STATE HIGHWAY FOR THE POINT OR PLACE OF BEGINNING; THENCE SOUTH ALONG THE EAST LINE OF THE STATE HIGHWAY 108 FEET TO A POINT; THENCE EAST 230 FEET TO A POINT; THENCE NORTH 108 FEET TO A POINT; THENCE WEST 230 FEET TO THE PLACE OF BEGINNING IN SECTION TWENTY (20), TOWNSHIP FIVE (5) SOUTH, RANGE TWO (2) EAST, CONTAINING ONE HALF ACRE, MORE OR LESS."

(DESCRIPTION COPIED FROM STEWART TITLE GUARANTY COMPANY, TITLE COMMITMENT NO. 300-1710-00455, DATED NOVEMBER 10TH, 2017 AT 08:00 AM).

LANDS SURVEYED BEING COMBINED AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

COMMENCE AT THE NORTHWEST OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST, SAINT STEPHENS MERIDIAN, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 00°16'43" WEST, A DISTANCE OF 2226.76 FEET TO A POINT; THENCE RUN NORTH 89°40'15" EAST, A DISTANCE OF 40.00 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS) AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF MAIN STREET AND THE SOUTH RIGHT-OF-WAY OF VAN AVENUE FOR THE POINT OF BEGINNING: CONTINUE THENCE NORTH 89°40'15" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID VAN AVENUE, A DISTANCE OF 219.00 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS) IN AN OLD CHAIN-LINK FENCE; THENCE RUN SOUTH 00°17'58" WEST, ALONG AND WITH SAID CHAIN-LINK FENCE, A DISTANCE OF 240.63 FEET TO A 1" OPEN END IRON PIPE AT THE END OF SAID CHAIN-LINK FENCE; THENCE RUN SOUTH 89°53'55" WEST, A DISTANCE OF 218.90 FEET TO A 5/8" CAPPED REBAR (CA-1109-LS) ON THE EAST RIGHT-OF-WAY OF SAID MAIN STREET; THENCE RUN NORTH 00°16'43" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID MAIN STREET, A DISTANCE OF 239.76 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 1.21 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST. (DESCRIPTION COMPOSED FROM FIELD SURVEY).



THE ESTATE OF VICTORINE NELSON
ZONING AMENDMENT
ADJACENT PROPERTY OWNERS LIST

GLASS PROPERTIES, L.L.C.
1303 MAIN ST
DAPHNE, AL 36526

LOIS G HAVENS
809 VAN AVE
DAPHNE, AL 36526

SWEETWATER PROPERTIES, L L C.
P O BOX 241
FAIRHOPE, AL 36533

J H III & ALLISON N ALVES
P O BOX 123
MOBILE, AL 36601

GUY H JR & JILL V LOTT
710 DELACHASE CT
DAPHNE, AL 36526

HUTCHCO PROPERTIES, L.L.C.
P O BOX 361
MONTROSE, AL 36559

TODD M UNDERWOOD & STARLING
P O BOX 613
MAGNOLIA SPRINGS, AL 36555

DEMARIS L ANDERSON
1401 MAIN ST
DAPHNE, AL 36526

PENSCO TRUST COMPANY CUSTODIAN
P O BOX 1342
FAIRHOPE, AL 36533

1300 MAIN STREET, L.L.C.
1300 MAIN STREET
DAPHNE, AL 36526

PETER M & MALANA ANDERSON
221 MAPLEWOOD LOOP
DAPHNE, AL 36526

JONATHAN L & STEFANIE E TILLMAN
24917 PLANTERS DR
DAPHNE, AL 36526

VICTORINE M NELSON
ATTN: MARY LOU YEAGER
16760 EBENEZER DR
SILVERHILL, AL 36576

HELEN L TRAMMELL
23 GEORGES PL
CLINTON, NJ 08809

VIRA AND ASSOCIATES, L L C.
701 S MOBILE AVE
FAIRHOPE, AL 36532-1114

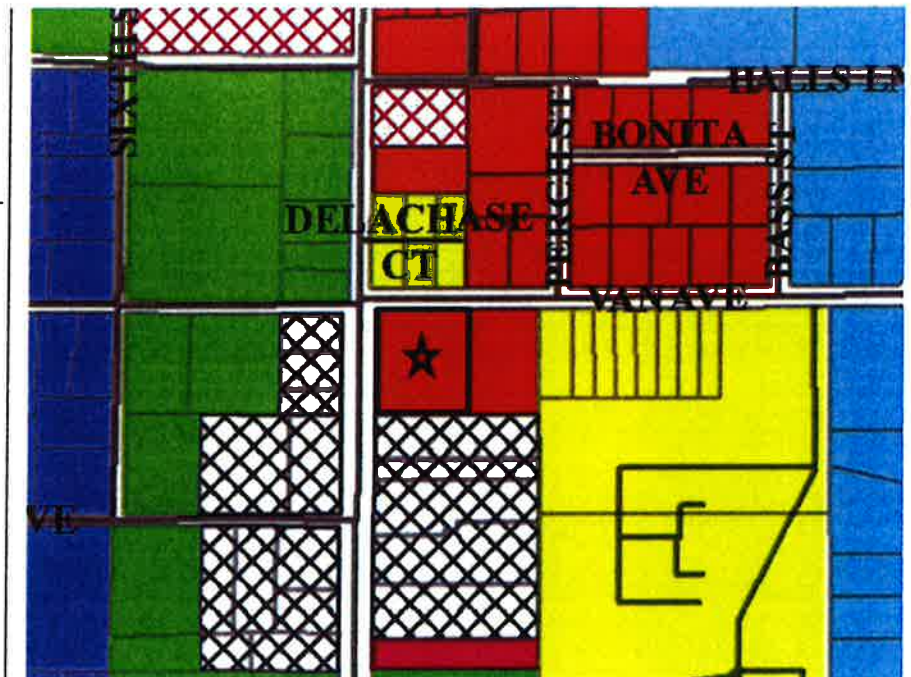
OLDE TOWNE PROPERTIES, L.L.C.
101 PINETOP CIR E
FAIRHOPE, AL 36532

PLANNING COMMISSION REZONING REQUEST FOR THE ESTATE OF VICTORINE NELSON



Zoning as of October 31, 2017

	R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
	R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
	R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
	R-4 HIGH DENSITY SINGLE MULTI-FAMILY RESIDENTIAL
	R-5 MOBILE HOME RESIDENTIAL
	R-6(D) DUPLEX - TWO FAMILY
	R-6(S) GARDEN OR PATIO HOME
	R-7(A) APARTMENT
	R-7(M) MID-RISE CONDOMINIUM
	R-7(T) TOWNHOUSE
	B-1 LOCAL BUSINESS
	B-1(A) LOCAL BUSINESS ALTERNATE
	B-2 GENERAL BUSINESS
	B-2(A) GENERAL BUSINESS ALTERNATE
	B-3 PROFESSIONAL BUSINESS



Existing Conditions: 1.21 acres+/-

Existing Zoning: R-3, High Density Single Family Residential

Proposed Zoning: B-3, Professional Business

Surrounding Zonings/Uses:

North – R-4, High Density Single Family Residential District

South –B-3, Professional Business District

West –R-3, High Density Single Family Residential District

East – B-3, Professional Business District

Existing Utility Service Providers:

Water – Daphne Utilities **Sewer** – Daphne Utilities

Gas – Daphne Utilities **Electric** – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

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 that are applicable to this application.

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.

Existing Conditions

The subject property is located at the southeast intersection of Van Avenue and Scenic Highway 98 in the Olde Towne Daphne District.

REZONING REQUEST THE ESTATE OF VICTORINE NELSON

The current applicant proposes to rezone the subject property from R-3 to B-3, Professional Business.

- **By Right:** Churches, government buildings, medical clinics, financial institutions, professional offices, printing/publishing, radio/tv antenna.
- **Planning Commission Approval:** Nursing home, hospital, gas regulator station, utility stations.
- **Special Exception:** School, youth club.

Staff Recommendation

Staff recommends approval of B-3, Professional Business District. Rezoning the subject property from R-3 to B-3, Professional Business, would be consistent with the zoning of the land to the south, and across Main Street to the west. The land to the north (across Van Avenue) is zoned and developed as a High Density Single Family Residential district. There is a wooden fence along the south side of the R-4 property along Van Avenue.

The property to the east is zoned R-3. The Olde Towne Daphne district requires the following (Article 14-3):

(c) Buffer Zone Requirements:

Where a business district abuts any part of a residential district, a buffer zone ten (10) feet in width shall be required. The buffer shall run the entire length of the abutting lot line(s). Under no circumstances shall this buffer impair vehicular flow and shall be part of the yard requirements. Said protection buffer shall be maintained in such a manner to accomplish its purpose continuously.

This District shall comply with the following minimum standards and said buffer zone shall be constructed of at least one of the following three (3) designs or a combination thereof as determined by the Director of Community Development and approved by the Planning Commission:

(1) Wall or Fence

If a wall or fence of solid appearance is provided as a protection buffer, it shall be at least six (6) feet in height and of a construction and a design approved by the Planning Commission.

If a wall or fence of solid appearance is provided as a protection buffer, it shall be at least six (6) feet in height and of a construction and a design approved by the Planning Commission.

(2) Screen Planting Strip

A staggered double row of Evergreen plantings at least ten (10) feet in width which will grow to at least ten (10) feet in height and spaced in a manner in which after three (3) years it will provide an impervious visual barrier.

(3) Natural Forest

A natural, undisturbed forest which provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the width of the buffer zone shall be ten (10) feet in width and shall be included on the landscape plan.

14-17 SETBACKS

MINIMUM DISTRICT REQUIREMENTS^d				
Zoning Districts	Front Yard	Rear Yard	Side Yard	Corner Lot Side Yard
R-4 ^c , Single Family R-6(D or G), Duplex or Garden or Patio Home	15	20	6	25
R-4 ^c , Multi-Family	15	20	a	25
B-1, Local Business B-1(a), Limited Local Business	10	b	b	25
B-2, General Business	10	b	b	25
B-3, Professional Business	10	b	b	25
MU, Mixed Use	15	e	b	25

- (a) When dwelling unit faces side yard, the dwelling unit shall not be less than twenty-five (25) feet from the side lot line.
- (b) None. If there is a rear alley, the setback shall be twenty-five (25) feet. When abutting a residential district it shall be not less than ten (10) feet. (See Buffer Requirements, Section 14-13, Landscape Standards).
- (c) The Planning Commission shall no longer consider zoning or rezoning amendments to an R-4 zoning district. All existing R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided herein. For all new requests, the following districts shall be considered in lieu of R-4: R-6(G) for all garden/patio homes developments; R-6(D) for duplexes; R-7(A) for apartments; and R-7(T) for townhouses and R-7(M) for mid-rise condominiums.
- (d) Minimum district requirements for any zoning district not specifically listed in this table shall meet the minimum standards as established in Requirement for lot area, width and setbacks in Section 13-4, Requirements For Lot Area, Width, Coverage, Density, Height and Other Factors and 13-6, Minimum Zoning District Setback Requirements, herein.
- (e) None. If there is an alley, the setback shall be twenty-five (25) feet. When abutting a residential district it shall be not less than fifteen (15) feet. (See Buffer Requirements, Section 14-13, Landscape Standards).

Jan Vallecillo

From: Adrienne Jones
Sent: Wednesday, April 18, 2018 12:41 PM
To: Jan Vallecillo
Subject: FW: Public Hearing of The Estate of Victorine Nelson Zoning Amendment

From: Damaris L. Anderson [<mailto:anderson1401sstudio@gmail.com>]
Sent: Wednesday, April 18, 2018 12:41 PM
To: Adrienne Jones
Subject: Public Hearing of The Estate of Victorine Nelson Zoning Amendment

Greeting, Adrienne D. Jones,

It is with my consent that the Estate Of Victorine Nelson Zoning Amendment pass. My property, 1401 Main Street is diagonally located to the Nelson property and I believe B-3, professional business will suit it fine.

Warm regards,

Damaris L. Anderson



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

To: Office of the City Clerk

From: Adrienne D. Jones, *ADJ*
Community Development Director

MEMORANDUM

Subject: Proposed Amendments to Ordinance 2011-54, Land Use and Development Ordinance, Article 17, Section 17-4, Procedures for Subdivision Review, Final Plat Application, Maintenance Bonds and Sidewalk Installation Bonds

Date: April 27, 2018

At the April 26, 2018, regular meeting of the City of Daphne Planning Commission, six members were present. The motion carried for a unanimous **favorable recommendation** for the above-mentioned revision to the Land Use and Development Ordinance.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, May 7, 2018.

Thank you,
ADJ/jv

cc: file

FILE
04/27/18
2:15pm

(b) Maintenance Bonds:

(1) Street Maintenance Bond. The developer/owner shall submit to the Department of Community Development a Street Maintenance Bond payable to the City of Daphne which shall be valid for a period of two (2) years. The bond shall be in an amount equal to twenty percent (20%) of the total street, utility, and drainage improvements in the subdivision. Said bond shall be required as a condition to dedication and acceptance of any new streets within the corporate limits. The Director of Community Development or Director of Public Works or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The Street Maintenance Bond period shall begin upon the acceptance of the street and drainage improvements by resolution of the City Council. No less than thirty (30) calendar days prior to the expiration of said maintenance bond, an inspection shall be conducted by the Department of Public Works and the Environmental Programs Manager or Site Containment Officer to ensure that the improvements are in satisfactory condition prior to acceptance.

The Planning Commission, upon the recommendations of the Department of Public Works or designee thereof and the Environmental Programs Manager or designee thereof, may release or extend a street maintenance obligation. An extension of the Street Maintenance Bond shall be for a period of time no greater than one year. Upon approval of an extension of the original Street Maintenance Bond period, the developer/owner or assign thereof shall submit to the Department of Community Development sufficient proof of the extended bond, and the Director of Community Development or Director of Public Works or other administrative official as designated by the City Council shall determine the adequacy of said extended bond and security thereon.

(2) Sidewalk Installation Bond. If applicable, the developer/owner shall submit to the Department of Community Development a Sidewalk Installation Agreement, a cost estimate for all undeveloped portions of the planned sidewalk network certified by the project civil engineer, and a financial guarantee of performance to be used by the City of Daphne which shall be valid

Article 17, Sec 17-4
Track
changes
Version

for a period of two (2) years. The Sidewalk Installation ~~b~~Bond shall be in an amount equal to two hundred percent (200%) of the cost of the required sidewalk improvements for the applicable phase of the subdivision. The Director of Community Development or Director of Public Works or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The developer/owner may request renegotiation of the Sidewalk Installation Agreement with the City once fifty percent (50%) of the planned sidewalk network has been constructed. If the planned sidewalk network is not fully installed prior to the expiration date of the Sidewalk Obligation Bond period, or any extension thereof, the city shall cause the sidewalk network to be completed using the funds from the bond.

~~The Planning Commission, upon the recommendations of the Department of Public Works or designee thereof and the Environmental Programs Manager or designee thereof, may release or extend a street maintenance obligation and may also release any sidewalk installation bond obligation or portion thereof.~~

~~— An extension of the maintenance bond shall be for a period of time no greater than one year. Prior to the original expiration date of the Sidewalk Obligation Bond period, the developer/owner or assign thereof may submit a request to the Director of Community Development for an extension of the original sidewalk obligation. The sidewalk obligation shall not~~may be extended beyond the originally specified period with sufficient cause as documented by the developer or assign as follows:

- i. No subdivision or subdivision phase with less than one thousand linear feet of sidewalk shall qualify for an extension.
- ii. Any recorded subdivision or subdivision phase with over one thousand linear feet of sidewalk but less than five thousand linear feet of sidewalk may submit a request to the Director of Community Development for a 12-month extension.
- iii. Any recorded subdivision or subdivision phase with over five thousand linear feet of sidewalk may submit a request to the Director of Community Development director for a 24-month extension.

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.25" + Indent at: 0.5"

Upon approval of an extension of the original Sidewalk Obligation Bond period, the developer/owner or assign thereof shall submit to the Department of Community Development sufficient proof of the extended bond, and the Director of Community Development or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

~~The city shall cause the sidewalk network to be completed using the funds from the bond.~~

The Planning Commission, upon the recommendations of the Department of Public Works or designee thereof and the Environmental Programs Manager or designee thereof, may release any Sidewalk Installation Bond obligation or portion thereof.

(b) Maintenance Bonds:

(1) *Street Maintenance Bond.* The developer/owner shall submit to the Department of Community Development a Street Maintenance Bond payable to the City of Daphne which shall be valid for a period of two (2) years. The bond shall be in an amount equal to twenty percent (20%) of the total street, utility, and drainage improvements in the subdivision. Said bond shall be required as a condition to dedication and acceptance of any new streets within the corporate limits. The Director of Community Development or Director of Public Works or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The Street Maintenance Bond period shall begin upon the acceptance of the street and drainage improvements by resolution of the City Council. No less than thirty (30) calendar days prior to the expiration of said maintenance bond, an inspection shall be conducted by the Department of Public Works and the Environmental Programs Manager or Site Containment Officer to ensure that the improvements are in satisfactory condition prior to acceptance.

The Planning Commission, upon the recommendations of the Department of Public Works or designee thereof and the Environmental Programs Manager or designee thereof, may release or extend a street maintenance obligation. An extension of the Street Maintenance Bond shall be for a period of time no greater than one year. Upon approval of an extension of the original Street Maintenance Bond period, the developer/owner or assign thereof shall submit to the Department of Community Development sufficient proof of the extended bond, and the Director of Community Development or Director of Public Works or other administrative official as designated by the City Council shall determine the adequacy of said extended bond and security thereon.

(2) *Sidewalk Installation Bond.* If applicable, the developer/owner shall submit to the Department of Community Development a Sidewalk Installation Agreement, a cost estimate for all undeveloped portions of the planned sidewalk network certified by the project civil engineer, and a financial guarantee of performance to be used by the City of Daphne which shall be valid

for a period of two (2) years. The Sidewalk Installation Bond shall be in an amount equal to two hundred percent (200%) of the cost of the required sidewalk improvements for the applicable phase of the subdivision. The Director of Community Development or Director of Public Works or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The developer/owner may request renegotiation of the Sidewalk Installation Agreement with the City once fifty percent (50%) of the planned sidewalk network has been constructed. If the planned sidewalk network is not fully installed prior to the expiration date of the Sidewalk Obligation Bond period, or any extension thereof, the city shall cause the sidewalk network to be completed using the funds from the bond.

Prior to the original expiration date of the Sidewalk Obligation Bond period, the developer/owner or assign thereof may submit a request to the Director of Community Development for an extension of the original sidewalk obligation. The sidewalk obligation may be extended beyond the originally specified period with sufficient cause as documented by the developer or assign as follows:

- i. No subdivision or subdivision phase with less than one thousand linear feet of sidewalk shall qualify for an extension.
- ii. Any recorded subdivision or subdivision phase with over one thousand linear feet of sidewalk but less than five thousand linear feet of sidewalk may submit a request to the Director of Community Development for a 12-month extension.
- iii. Any recorded subdivision or subdivision phase with over five thousand linear feet of sidewalk may submit a request to the Director of Community Development director for a 24-month extension.

Upon approval of an extension of the original Sidewalk Obligation Bond period, the developer/owner or assign thereof shall submit to the Department of Community Development sufficient proof of the extended bond, and the Director of Community Development or other administrative official as designated by the City Council shall determine the adequacy of said bond and security thereon.

The Planning Commission, upon the recommendations of the Department of Public Works or designee thereof and the Environmental Programs Manager or designee thereof, may release any Sidewalk Installation Bond obligation or portion thereof.

**PROJECT DEVELOPMENT AGREEMENT
BY AND BETWEEN DAPHNE STRIKE SOCCER CLUB, INC.
AND THE CITY OF DAPHNE, ALABAMA**

This **Project Agreement** (this "**Agreement**"), is hereby made and entered into as of the 17th day of January, 2017 ("**Effective Date**"), by and between DAPHNE STRIKE SOCCER CLUB, INC., an Alabama non-profit organization (hereinafter referred to as "**STRIKE**"), and the City of Daphne, Alabama an Alabama Municipal Corporation, (hereinafter referred to as "**City**"). STRIKE and the City may from time to time be referred to individually as a "**Party**" and collectively as the "**Parties**."

W I T N E S S E T H:

WHEREAS, the City supports and encourages local economic and commercial development and the expansion and retention of recreational facilities and activities within the City; and

WHEREAS, the City obtained an opinion from the Office of the Attorney General, Opinion No: 2017-006 dated November 18th, 2016, which authorizes the City to guarantee a mortgage of a non-profit organization to support construction of soccer fields for the purpose of supporting economic development; and

WHEREAS, the City currently maintains and operates Trione Park, leased from the Baldwin County Board of Education, and roughly one-quarter (1/4) of the current usage is dedicated to four (4) full-sized soccer fields with a concession stand. On those four (4) fields, STRIKE currently administers, at no cost to the City, Daphne's recreational Fall and Spring soccer leagues, two (2) year-round academy-level soccer clubs (STRIKE (U4-U12) and the Gulf Coast Rangers Soccer Club (U13-U19)); and

WHEREAS, STRIKE has entered a contract to purchase a tract of land on which it intends to construct a state-of-the art community soccer complex that will include construction of buildings to support the complex as well as two (2) or three (3) additional full-sized soccer fields. The real property intended to be purchased is approximately a ten (10) acre site (as described in detail on Exhibit "A" of the Agreement and incorporated herein by reference), contiguous and adjacent to the western boundary of Trione Park, directly west of the current four (4) full-sized soccer fields, and north of Daphne Utilities' Central Services Building. Once completed, the STRIKE property will have a similar use as Trione Park and the two (2) properties will appear seamless to the casual observer; and

WHEREAS, STRIKE intends to develop the real property to benefit all City residents by providing additional space for the programs it administers, including the youth and adult soccer leagues, the academy leagues, and the recently-added TOPSoccer program (The Outreach Program for Soccer) which is a community-based training and team placement program for young athletes with physical or mental disabilities, and for expansion of additional community programs for which there is no room at present; and

WHEREAS, in calendar year 2016, STRIKE managed approximately 775 City residents in the seasonal youth soccer leagues, 578 academy players, and 100 adults; and

WHEREAS, STRIKE provides a positive economic impact to the City through its programs, which draw many out-of-town teams for games and tournaments, including its annual Eastern Shore Premier Cup soccer tournament. The two-day Eastern Shore Premier Cup tournament is currently held each February and attracts over 90 teams from five (5) surrounding states, and is calculated to generate more than one million dollars in economic impact for the City. However, the size of the tournament is limited by field space. Thus, the proposed addition of fields would result in a significant increase in direct economic impact for the City; and

WHEREAS, the City enthusiastically supports and encourages business development and recreational activities within the City and is desirous of having STRIKE establish referenced soccer and recreational facilities within the City; and

WHEREAS, the City is authorized pursuant to Section 94.01 of the Constitution of Alabama of 1901 to expend funds for economic development, including, without limitation, to lend its credit to or grant public funds to any individual, firm, corporation, or business entity, public or private, for the purpose of promoting the economic and industrial development of the City; and

WHEREAS, the Parties hereto enter into this Agreement to establish a further relationship between the City and STRIKE and to set out the City's respective incentives to induce STRIKE to expand its recreational facilities and programming within the City; and

WHEREAS, as of the Effective Date and upon execution hereof by the Parties, the commitments contained in this Agreement shall become legally binding obligations of the City and STRIKE, which commitments are made in consideration of STRIKE's decision to expand its recreational facilities and programming within the City.

NOW, THEREFORE, upon and in consideration of the respective promises and covenants contained herein and for other good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

ARTICLE 1 CAPITALIZED TERMS

Section 1.1 Capitalized Terms. Capitalized terms utilized herein shall have the meaning ascribed thereto in this Agreement, unless the meanings of such terms have been otherwise specified in a different context.

ARTICLE 2 DETERMINATION TO LOCATE AND CONDITIONS PRECEDENT

Section 2.1 Decision to Locate. STRIKE has determined that it will expand its recreational facilities and programming within the City, contingent upon the satisfaction by the City of the Parties' respective obligations herein.

ARTICLE 3 INDUCEMENTS

Section 3.1. Amount of City Inducement. The City agrees that it will guarantee a real estate loan in the approximate amount not to exceed TWO HUNDRED TWENTY THOUSAND, FIVE HUNDRED DOLLARS (\$220,500.00) with Community Bank for STRIKE's purchase of the real property which shall be used by STRIKE for the expansion of its existing recreational facilities within the City. Said guaranty shall be for a period not to exceed twelve (12) months or for any extension period thereof. STRIKE shall make monthly payments, as Community Bank determines, for interest and/or principal for the guaranty period or any extension thereof; thereafter, STRIKE shall pay then the entire balance and any accrued interest, which will be due and payable. Should STRIKE default in any monthly payment or default in the balloon payment as required pursuant to the contract terms by Community Bank, which would require the City to make such payment, then and in that event, ownership of the real property shall transfer to the City.

Section 3.2. Payment Default. Should STRIKE default in any monthly payment as required by Community Bank by more than ten (10) calendar days from any monthly due date, which results in the City tendering such payment, or fail to pay the entire principal balance and any accrued interest and costs at the end of the twelve (12) month term or any extension, then in that event, ownership of the real property shall transfer to the City and STRIKE shall execute any conveyance instrument to the City to facilitate the transfer.

Section 3.3. Term of City's Guaranty. During the term of the City's guaranty period and any extension thereof, STRIKE shall agree that the City shall have public access to the real property and that STRIKE further agrees not to commence any development upon the real property without the express prior written consent of the City.

Section 3.4. Vehicular Access. That during the term of the City's guaranty period and any extension thereof, the City shall utilize its best efforts to provide or assist STRIKE in development of a roadway for vehicular traffic for egress and ingress to the real property made the basis of this agreement.

Section 3.5(a) Right of First Refusal. That during the City's guaranty period and any extension thereof, should STRIKE desire to sell or transfer said real property, STRIKE shall provide the City with a forty-five (45) calendar day right of first refusal to purchase the subject real property. Further, if the City decides to exercise its right under this agreement to purchase said property, the purchase price shall be Two-Hundred Fifty Thousand Dollars (\$250,000.00).

Section 3.5(b) Right of First Refusal. That subsequent to the City's guaranty period and any extension thereof, should STRIKE desire to sell or transfer said real property, the City shall have the first right of refusal to purchase the property if STRIKE obtains an unconditional bona fide written offer to purchase from a third party. The City shall have ninety (90) calendar days to purchase the property at the same terms and purchase price of the third party's bona fide offer. It is the intention of the Parties that this provision shall survive and shall be a covenant that shall run with the land for that period of time that STRIKE has title to said property.

ARTICLE 4 MISCELLANEOUS

Section 4.1. Governing Law. The governing law of this Agreement shall be the law of the State of Alabama.

Section 4.2. Severability. In case any one or more of the provisions contained in this Agreement should be invalid, illegal, or unenforceable in any respect and for any reason whatsoever, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Section 4.3. Notices. All notices required by this Agreement or necessary to the furtherance of its purposes shall be sent through the United States Postal Service as registered first class mail, postage prepaid, or by a nationally recognized overnight courier for delivery on the following business day, with a written acknowledgement of receipt available, or by telecopy (with such telecopy to be confirmed promptly in writing sent by mail or overnight courier as aforesaid), as follows:

DAH

The City of Daphne, Alabama:

The Honorable Dane Haygood
Mayor City of Daphne
Daphne City Hall
P.O. Box 400
Daphne, Alabama 36526

With a copy to:

Jay M. Ross, Esquire
Adams and Reese LLP
RSA Battle House Tower
11 North Water Street, Suite 23200
Mobile, Alabama 36602

To Daphne Strike Soccer Club, Inc. (STRIKE):

Jose Mergulhao
As Its: President
24469 Avalon Boulevard
Daphne, AL 36526

and

Steve Perrigin
As Its: Secretary
24469 Avalon Boulevard
Daphne, AL 36526

or to such other address as the receiving Party shall have most recently forwarded to the sending Party pursuant to the provisions of this Section 4.3.

Section 4.4. Cost and Expense. Except as otherwise provided in this Agreement, each Party agrees to pay its own costs incurred in connection with this Agreement, including all costs and expenses incurred in connection with the preparation of any studies, reports, surveys, or approvals associated herewith.

Section 4.5. Amendment and Waivers. This Agreement may not be amended or modified except by a written instrument signed by each Party. The waiver by any Party of such Party's rights under this Agreement in any particular instance or instances, whether intentional or otherwise, shall not be considered as a continuing waiver which would prevent subsequent enforcement of such rights or of any other rights.

DAV

Section 4.6. Assignment. This Agreement is not assignable by either Party except that the City may consent to any assignment by STRIKE, but any consent to assignment shall be at the sole, right, option, and privilege of the City. If so assigned, STRIKE shall remain liable for all obligations under this Agreement to the extent any such obligations are not performed by the assignee.

Section 4.7. Further Assurances. STRIKE and the City agree to do all things and take all actions reasonably necessary to fulfill their respective obligations under this Agreement, including the obtaining, negotiation, execution, and delivery of all necessary or desirable agreements, filings, consents, authorizations, approvals, licenses, or other agreements.

Section 4.8. Section Titles and Headings. The section titles and headings of this Agreement are for convenience only and do not define, modify, or limit any of the terms and provisions hereof.

Section 4.9. Entire Agreement. This Agreement constitutes the entire agreement and understanding among the Parties with regard to the subject matter addressed herein.

Section 4.10. Binding Effect. This Agreement and all terms, provisions, and obligations set forth herein shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns. In addition, the Parties agree (a) to take all actions, without exception, which are necessary and appropriate at any time to assure the binding effect, legality, and enforceability of their respective obligations hereunder and (b) not to take any action which would affect in any way whatsoever the binding effect, legality, and enforceability of their respective obligations hereunder.

Section 4.11. Time is of the Essence. Unless otherwise indicated by the wording of a specific provision herein or unless subject to excuse for Force Majeure, time is of the essence as to all terms and conditions of this Agreement.

Section 4.12. No Third Party Beneficiary. This Agreement is intended solely for the benefit of the Parties hereto. Nothing in this Agreement shall create or be construed to create any duty, standard of care, or liability to, nor confer any right of suit or action on, any person or entity other than the Parties hereof, including employees, independent contractors, or affiliates.

Section 4.13. Independent Contractor. For the purposes of this Agreement and all services to be provided hereunder, each Party shall be, and shall be deemed to be, an independent contractor and not an agent or employee or partner of the other Party.

Section 4.14. Counterparts. This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed an original, but all such counterparts

DM

shall together constitute but one and the same instrument.

IN WITNESS WHEREOF, STRIKE and the City have executed this Agreement as of the Effective Date first specified herein.

DAPHNE STRIKE SOCCER CLUB, INC.,
an Alabama Non-Profit Organization

By: _____

Jose Mergulhao
President

By: _____

Steve Perrigin
Secretary

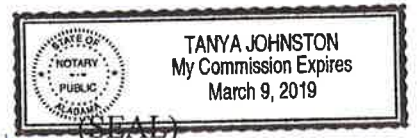
STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned notary public in and for the said County, in the said State, do hereby certify that Jose Mergulhao and Steve Perrigin, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the said instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this 12th day of January, 2017.

Tanya Johnston
NOTARY PUBLIC

My Commission Expires: 03/09/2019



THE CITY OF DAPHNE, ALABAMA

By: _____

Dane Haygood
Mayor

ATTEST:

Rebecca A. Hayes
Rebecca A. Hayes, City Clerk

CITY OF DAPHNE, ALABAMA
RESOLUTION #2018-18
2018-K-POLLARD ROAD & WHISPERING PINES ROADS AREA SEWER
CONNECTION CDBG PROJ: LR-CE-PF-16-008

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

WHEREAS, the City of Daphne acknowledges that the POLLARD ROAD & WHISPERING PINES ROADS AREA SEWER CONNECTION CDBG PROJ: LR-CE-PF-16-008 project will exceed \$50,000; and

WHEREAS, Resolution 2016-40 approved the application to ADECA for the 2016 CDBG Grant for sewer hookups in the Whispering Pines & Pollard Road community; and

WHEREAS, on October 31, 2016 the City of Daphne was awarded Community Development Block Grant (CDBG) funds from the Alabama Department of Economic and Community Affairs (ADECA) for Program Year 2016 made available through the United States Department of Housing and Urban Development (HUD).

WHEREAS, the City of Daphne did receive bids for the POLLARD ROAD & WHISPERING PINES ROADS AREA SEWER CONNECTION CDBG PROJ: LR-CE-PF-16-008 project; and

WHEREAS, the City engineer and City attorney have reviewed the bid submittals for the POLLARD ROAD & WHISPERING PINES ROADS AREA SEWER CONNECTION CDBG PROJ: LR-CE-PF-16-008 and has determined that the bid as presented is reasonable and should be awarded to DHS, Inc.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, hereby accept the bid from DHS, Inc. in the amount of \$280,680 as specified in BID SPECIFICATION NO. 2018-K-POLLARD ROAD & WHISPERING PINES ROADS AREA SEWER CONNECTION CDBG PROJ: LR-CE-PF-16-008

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2018.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION NO. 2018- 19**

2018-E-CONCRETE MATERIAL

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$15,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the CONCRETE MATERIAL will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the CONCRETE MATERIAL and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the CONCRETE MATERIAL be awarded to Shelby Concrete dba Baldwin Concrete.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, hereby accept the bid of Shelby Concrete dba Baldwin Concrete for unit cost as follows:

Base Mixes:

Type 1 - Mix "A". Minimum PSI strength at 28 days 3,000 Lbs. concrete.

"Short Load"	0 - 5 CYs	<u>\$101.00</u> / CY
"Regular Load"	5 - 10 CYs	<u>\$ 91.00</u> / CY
Large Project (100+cy)	100 – 300 CYs	<u>\$ 91.00</u> / CY
Large Project (300+cy)	300 – 500 CYs	<u>\$ 91.00</u> / CY
Large Project (500+cy)	500+ CYs	<u>\$ 91.00</u> / CY

Pervious 4,000 PSI Mix – Minimum PSI strength at 28 days 4,000 Lbs.

"Short Load"	0 - 5 CYs	<u>\$ NO BID</u> / CY
"Regular Load"	5 - 10 CYs	<u>\$ NO BID</u> / CY
Large Project (100+cy)	100 – 300 CYs	<u>\$ NO BID</u> / CY
Large Project (300+cy)	300 – 500 CYs	<u>\$ NO BID</u> / CY
Large Project (500+cy)	500+ CYs	<u>\$ NO BID</u> / CY

Additional Options:

A.	Additional Fiber Reinforcement Surcharge	<u>\$ 5.00</u> / CY
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Delivery is included in CY cost bid

as specified in BID SPECIFICATION NO. 2018-E-CONCRETE MATERIAL.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2018.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION NO. 2018- 20**

2018-L-RECYCLED ROCK MATERIAL

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$15,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the RECYCLED ROCK MATERIAL will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the RECYCLED ROCK MATERIAL and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the RECYCLED ROCK MATERIAL be awarded to Asphalt Services, Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA hereby accept the bid of Asphalt Services, Inc. for unit cost (delivered) as follows:

<i>CRUSHED CONCRETE AGGREGATE (CCA)</i>	
<i>BASE MATERIAL - Equivalent to 825-TYPE B</i>	<i>\$25.00</i>

as specified in BID SPECIFICATION NO. 2018-L-RECYCLED ROCK MATERIAL.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2018.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

RESOLUTION 2018-21

TO AUTHORIZE FACILITY USE AGREEMENT FOR OVERLOOK BUILDING

WHEREAS, the City of Daphne, Alabama (hereinafter referred to as the “City”) owns a facility known as “the Overlook” located at 29750 Larry Dee Cawyer Drive, Daphne, Alabama, which consists of public parking, a public gazebo, and overlook areas as well as a structure that the City desires to use as a Community Facility; and

WHEREAS, the U.S. ARMED FORCES HONOR GUARD, a not-for-profit corporation organized and existing under the laws of the State of Alabama (hereinafter referred to as the “User”), is a newly established organization that provides public services to our community by honoring our fallen Veterans and participating in numerous civic events throughout the year; and

WHEREAS, the City Council has determined that the services provided by the User serve a public purpose that promotes the culture, education, morals, prosperity, contentment, and general welfare of the community; and

WHEREAS, the City believes that the User’s efforts will be aided by having a location for (i) storage of its effects that are utilized in ceremonious public events, (ii) having a location for its membership to gather prior to events to enable carpooling to events, (iii) having a facility to conduct meetings, and (iv) having an office to conduct general business and storage of appropriate paperwork; and

WHEREAS, the City wishes to permit the User to utilize designated space in the Overlook building, subject to the terms and conditions of a Facility Use Agreement and the City’s policies regarding facility use.

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

1. The Mayor is hereby authorized to execute a Facility Use Agreement between the City of Daphne and the U.S. Armed Forces Honor Guard.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this ____ day of _____, 2018.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

STATE OF ALABAMA)

COUNTY OF BALDWIN)

FACILITY USE AGREEMENT

THIS FACILITY USE AGREEMENT (this “Agreement”) is made and entered into by and between the CITY OF DAPHNE, a municipal corporation of the State of Alabama (the “City”), and the U.S. ARMED FORCES HONOR GUARD, a not-for-profit corporation organized and existing under the laws of the State of Alabama (the “User”) (collectively, the City and User are sometimes referred to as the “Parties”).

RECITALS

WHEREAS, the City is the owner of a facility known as the “Overlook Facility” located at 29750 Larry Dee Cawyer Drive, Daphne, Alabama, which consists of public parking, a public gazebo, and overlook areas as well as a structure that the City desires to use as a Community Facility; and

WHEREAS, the City Council of the City of Daphne, Alabama has set forth in Resolution 2018-____, attached hereto as Appendix A and incorporated herein, the City’s desire to permit the User to utilize certain designated space within the Overlook facility as described herein; and

WHEREAS, as of the Effective Date and upon execution hereof by the Parties, the commitments contained in this Agreement shall be legally binding obligations of the Parties.

NOW, THEREFORE, upon and in consideration of the respective promises and covenants contained herein and for other good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

AGREEMENT

I. Duration of Agreement. This Agreement shall commence on the date executed by all Parties following approval by the City Council and shall remain in effect until terminated by either Party. Either Party may terminate this Agreement, with or without cause, upon written notice to the other Party. Such notice shall be deemed effective, and the Agreement deemed terminated, sixty (60) days after the date of such notice is mailed by certified mail to the other Party.

II. Affirmative Covenants:

2.01 User. User agrees to continue its operations in the City and to continue its efforts to expand and enhance those operations in the City during the term of this Agreement. User further agrees to abide by all terms and conditions set forth herein.

2.02 City of Daphne. Subject to the provisions set forth herein, the City hereby agrees to permit User to utilize certain designated space within the “Overlook Facility” as described in Appendix B, attached hereto and incorporated herein.

III. Conditions of Use.

3.01 Permitted Uses and Limitations. The City agrees to permit User to utilize the Overlook Facility as described in Appendix B under the following terms and conditions:

- 3.01.1** User shall be solely responsible for assuring that the facility/premise is not used for any unlawful purpose or unsafe activity during its use by User and shall comply with all City policies, rules, and regulations and any applicable federal, state, or municipal law, including any applicable fire or building codes. User shall adhere to all minimum lighting requirements set by the Fire Marshall at all times during activities or events.
- 3.01.2** City, for its own protection, reserves the right to enforce all applicable laws, policies, rules, and regulations. City retains the right to enter any and all areas of the facility premises at any time, and on any occasion without restrictions whatsoever. User shall stop any event/activity immediately upon instruction by authorized City personnel and clear the facility upon the sounding of fire alarms or at the request of the City. City retains the right to direct the interruption of any event in the interest of public safety and to terminate such event when, in the sole judgment of City administration or its employees or designees, such act is in the interest of public safety. User hereby waives any claims for damages or compensation should any event be so interrupted or terminated.
- 3.01.3** User shall ensure that no alcoholic beverages, illegal drugs, or tobacco products are brought into the facility/premises, or any part of the facility/premises, including parking lots.
- 3.01.4** User shall use only the described portion of the facility/premises, during the times and for the purposes stated. Use of the public space is to be scheduled through the City.
- 3.01.5** User shall at all times comply with the City’s Facility Use Rules, as they exist as of the Effective Date and as they may be amended in the future. A copy of the current Facility Use Rules is attached hereto as Appendix C.

3.02 Schedule of Use Periods. Scheduling shall be solely within the sole discretion of City. User shall, upon request, submit written schedules of dates and times for its use of the facility/premises during periods covered by the request. Upon approval of any schedule, City will make a good faith effort to reserve the facility/premises for the date and time requested. The parties acknowledge that there are numerous Users of the facilities/premises whose time and needs City must attempt to coordinate and prioritize. City does not guarantee availability of the facility/premises. The City shall have the right, and will endeavor to provide reasonable written notice to User, to pre-empt use of the facility/premises for any reason determined by City of major importance to the City on the condition that the City either a) reschedule the Event(s) cancelled at a

mutually agreeable time and date, or b) at the City's discretion, refund or credit fees to User. City's liability under this Agreement shall be limited to such refund or credit of the fees. City shall not, in any event, be liable for any loss or damage caused by the unavailability of the facility/premises due to City events and unforeseen or other reasonably uncontrollable events which cause failure of the facilities to operate or function during the period of this Agreement.

3.03 Advertising and Publicity. When utilizing City facilities or premises, User shall ensure that, except to identify the location of the event, City's logo or name is NOT being used in any advertising and publicity. User shall provide proofs to City for approval of all advertising materials, commercials, and flyers whether radio, television, or print, PRIOR to advertising for any event.

3.04 Cancellation. User must notify City as soon as possible regarding its intent to cancel a scheduled use. If an event is cancelled, City may require payment of a cancellation fee, rental fee, and any other previously contracted expenses.

3.05 Equipment. Generally, the User must provide all equipment needed by User. User shall have the right to use City equipment only if the parties sign an approved equipment list, which upon execution shall be incorporated herein as Addendum No. 1. User shall keep any equipment owned and used by User at the facility/premises in good working condition at all times at User's own expense. The User shall be responsible for repairing or replacing any equipment or other property owned by City and used by User that is lost, damaged, or otherwise rendered unfit for use for reasons other than reasonable wear and tear. Any and all damages that result from User's failure to maintain its equipment in proper working order are the responsibility of the User and will be expeditiously mitigated or repaired at the User's expense. City reserves the right to make or contract repair of such damages, as it deems appropriate, and to bill the User for the actual costs of parts, materials and labor, and any potential loss of use of the facility/premises.

3.06 User Demeanor. In the event that User is not the sole user of the facility/premises during schedule use periods, User and all participants, employees, and invitees shall conduct themselves in a professional, inoffensive, and unobtrusive manner.

3.07 Cleaning, Vandalism, and Other Damage. During the periods of facility/premises use by User, User shall be responsible for the control of its members, agents, employees, participants, spectators, and others admitted to the premises by User. User shall be responsible for repair of all vandalism and/or damages and for the expense of cleanup at the conclusion of each use. User shall not drive, nor permit to be driven, any nails, hooks, tacks, or screws in any part of the building, nor shall User make, or allow to be made, any building alteration of any kind. User must perform general cleanup at the conclusion of the event. General cleanup includes the cleaning necessary to return the facility/premises to a clean, safe, orderly, and sanitary condition.

3.08 Additional Services. User shall reimburse City for any and all services not included in this Agreement but requested by User or required to fulfill User's responsibilities under the terms of this Agreement including, but not limited to, cleanup not accomplished by User.

Charges for any such items will be billed to the address of the User as shown below and shall be due in full upon receipt of the billing.

3.09 Minors. If any event involves minors, User shall defend, indemnify, and hold harmless the City, its officials, officers, and employees from and against any and all claims, causes of action, losses, liabilities, damage, or judgments directly or indirectly related to any mental or physical injury or death arising out of its contact or its conduct or the contact or conduct of its directors, employees, subusers, agents, or volunteers with minors including sexual abuse of minors as defined by Alabama law. Furthermore, User shall comply at all times with any current or future City policy regarding interactions with minors on City property.

IV. Remedies:

4.01 User agrees that upon violation of any of the covenants and agreements herein contained, on account of any act or omission or commission of User, the City may, at its option, terminate and cancel this Agreement.

4.02 In the event of any breach or apparent breach by User of any of its obligations under the terms of this Agreement, and in the further event that the City shall engage the services of an attorney to protect or to enforce its rights with respect to said breach or apparent breach, then and in those events, User agrees to pay and to reimburse any and all reasonable attorneys' fees and expenses which the City may incur with respect to the City's enforcement of this Agreement; regardless of whether said attorneys' fees and costs shall be incurred in connection with any litigation or in connection merely with advice and representation provided without litigation.

V. Insurance:

5.01 For the term of this Agreement, the User shall acquire and maintain in full force and effect the following liability and comprehensive insurance issued by a company licensed and qualified to do business in the State of Alabama, which such insurance shall name the City of Daphne as an additional insured, and shall attach to this Agreement, as proof thereof, a certificate of insurance issued by an agent licensed and qualified to do business in the State of Alabama:

- a) General Liability Insurance - public liability including premises, products, and complete operations:
 - (1) Bodily injury liability:
\$250,000 each person
\$500,000 each occurrence
 - (2) Property damage liability - \$100,000 each occurrence

Or, in lieu of (1) and (2) above:

- (3) Bodily injury and property damage combined - \$500,000 per occurrence

b) Comprehensive - Automobile Liability Insurance including owned, non-owned, and hired vehicles:

- (1) Bodily injury liability:
\$250,000 each person
\$500,000 each occurrence
- (2) Property damage liability - \$100,000 each occurrence

Or, in lieu of (1) and (2) above:

- (3) Bodily injury and property damage combined - \$500,000 per occurrence

5.02 User shall purchase at its own expense, and maintain in force at all times during the term of this Agreement, the insurance required in this article. Failure to furnish satisfactory evidence of insurance, lapse of a policy, or inadequate limits, is grounds for termination of this Agreement. All insurance limits are minimums. If the User's policies contain higher limits, then City shall be entitled to coverage to the extent of such higher limits.

5.03 If the certificate of insurance referenced in this agreement does not evidence insurance of owned vehicles, said certificate and this sentence shall evidence the User's covenant that it will not purchase or obtain any vehicles during the term of this Agreement.

5.04 Said certificate shall require that said insurance coverage will not be altered or terminated unless City shall be given written notice of such alteration or termination delivered to the City not less than thirty (30) days before the effective date of such alteration or termination.

5.05 City assumes no responsibility for the loss or damage of User's property placed on or in the facility/premises, and User hereby expressly releases and discharges City from any and all liability for loss to such property. City recommends that User maintain property insurance sufficient to cover any items brought to City facilities/premises. City shall have the sole right to collect and have custody of all articles left in the facilities/premises fifteen (15) days after the intended use of the facility.

VI. Indemnification:

6.01 User agrees to indemnify and hold the City, its elected officials, officers, agents, and employees whole and harmless from all costs, liabilities, and claims for damages of any kind (including interest and attorneys' fees) arising in any way out of the performance of this Agreement and/or the activities of User, its principals, directors, agents, servants, and employees in the performance of this Agreement, for which the City is alleged to be liable. In the event that the City is made a party to any lawsuit or legal proceeding arising in any way from this Agreement or any activities conducted pursuant thereto, User hereby agrees to pay all of the City's costs of defense, including but not limited to all attorneys' fees, court costs, expert witness fees, and other expenses through trial and, if necessary, appeal. User shall accept any such cause or action or proceeding within 15 days of tender by the City of Daphne. This indemnification shall survive the

termination of the Agreement. User expressly waives any and all claims of whatever nature, for any and all loss or damage sustained from any cause whatever, prior, during, or subsequent to the rental period, by reason of any defect, deficiency, failure, or impairment of the premises, including, but not limited to the water supply system, heating system, wires leading to or inside the premises, gas, electric, or telephone systems, automatic sprinkler systems or from any other source whatsoever. City is not liable or responsible for any financial loss incurred by the User due to unforeseen, extenuating or reasonably uncontrollable events, which cause failure of any or all of the facilities to operate or function during the period of this Agreement. This section is not as to third parties or to anyone a waiver of any defense of immunity or statutory damages cap otherwise available to User or City, and these defenses and matters may be raised on the City's behalf in any action or proceeding arising from this Agreement.

VII. Notice:

7.01 All notices of termination, cancellation, requests, demands, or other communications shall be in writing and duly delivered to the following address:

To the City:

City of Daphne
Office of the Mayor
1705 Main Street
Daphne, AL 36526

To the User:

U.S. Armed Forces Honor Guard
Attn: _____

VIII. Miscellaneous:

8.01 User, in the performance of its operations and obligations herein, shall not be deemed to be the agent of the City but shall be deemed to be an independent User in every respect and shall take all steps at its own expense, as the City may from time to time request, to indicate that it is an independent User. City does not and will not assume any responsibility for the means by which or manner in which services by User, provided for herein, are performed, but on the contrary, User shall be wholly responsible therefor.

8.02 User acknowledges that its identity and peculiar capacity to provide the services and fulfill its obligations described hereinabove constitute a material consideration for the City's having entered into this Agreement. Therefore, User shall not transfer or assign this Agreement or any of the rights or privileges granted herein without the prior written consent of the City; which such consent shall be granted or denied solely at the City's discretion.

8.03 User hereby agrees to comply strictly with all applicable ordinances of the City and laws of the State of Alabama and of the United States while performing its obligations under the terms of this Agreement.

8.04 User agrees that it will comply with Title 6 of the Civil Rights Act of 1964 assuring that no person will be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination on the grounds of race, sex, national origin, disability, or sexual orientation, in connection with any federally funded programs.

8.05 This Agreement is the final expression of the agreement between the parties, and the complete and exclusive statement of the terms agreed upon, and shall supersede all prior negotiations, understandings, or agreements. There are no representations, warranties, or stipulations, either oral or written, not contained herein.

8.06 Any alterations, variations, modifications, or waivers of the provisions of this Agreement shall only be valid when they have been reduced to writing and signed by authorized representatives of both parties. The City, however, may at any time and at its sole discretion amend the provisions and rules contained in Appendices B and C of this Agreement.

8.07 The provisions of this Agreement shall be deemed severable. If any part of this Agreement is rendered void, invalid, or unenforceable, it shall not affect the enforceability of the remainder of this Agreement unless the part or parts which are void, invalid, or otherwise unenforceable shall substantially impair the value of the entire agreement with respect to any party.

8.08 This Agreement shall be governed by the laws of the State of Alabama, and the appropriate venue for any actions arising out of this Agreement shall be Baldwin County, Alabama.

8.09 User shall obtain, at its own expense, all necessary licenses, permits, insurance, authorizations, and assurances necessary in order to abide by the terms of this Agreement.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on the day and year first written.

CITY OF DAPHNE, ALABAMA

Date: _____

BY _____
Dane Haygood, Mayor

ATTEST:

BY _____
Candace G. Antinarella, City Clerk

U.S. ARMED FORCES HONOR GUARD

Date: _____

BY _____

Its Authorized Agent

Name: _____

Title: _____

STATE OF ALABAMA

COUNTY OF BALDWIN

I HEREBY CERTIFY that on this _____ day of _____, 2018, before me, the subscriber, a Notary Public in and for said County and said State, personally appeared _____, the _____ of the U.S. ARMED FORCES HONOR GUARD, whose name is signed to the foregoing instrument as User, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the document, he, with full authority, executed the same voluntarily on the day the same bears date for and as the act of the U.S. ARMED FORCES HONOR GUARD.

Given under my hand and official seal this _____ day of _____, 2018.

Notary Public

(SEAL)

My Commission Expires: _____

Appendix A
Council Resolution
[attached]

Appendix B
Scope of Facility Use

1. User shall have use of the basement area for storage of effects. Said use of basement area shall be shared with the City.
2. User shall be allowed to use of an office in the Overlook Facility building as designated by the City. Any such space for which User is permitted to use may be moved, changed, or otherwise assigned in the sole discretion of the City.
3. User shall have non-exclusive use of public restrooms and other generally accessible public areas.
4. User shall be allowed scheduled use of other public facilities such as meeting rooms, conference rooms, outdoor spaces, and other shared spaces that require permission from the City for scheduled use.
5. User shall not possess or store any live ammunition at the facility at any time.

Appendix C
Additional Rules for Overlook Facility
[attached]

**CITY OF DAPHNE, ALABAMA
RESOLUTION NO. 2018-22**

2018-M-DAPHNE SPORTS COMPLEX PHASES 3A, 3B & 3C

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

WHEREAS, The City of Daphne acknowledges that the cost for the DAPHNE SPORTS COMPLEX PHASES 3A, 3B & 3C will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the DAPHNE SPORTS COMPLEX PHASES 3A, 3B & 3C and determined that the low bid as presented is reasonable; and

WHEREAS, Phase 3A included optional Add Alternates: 1, 2, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 5, 6; and

WHEREAS, Staff recommends the bid for the DAPHNE SPORTS COMPLEX PHASE 3A be awarded to _____ and PHASE 3B be awarded to _____

WHEREAS, PHASE 3C (3A & 3B) includes a deduct in the amount of (\$_____) if Phase 3A and 3B are awarded to the same vendor.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that

1. For Phase 3A the bid of _____ (*including Additive Alternates: #_____* in the amount of \$_____ is hereby accepted , and
2. For Phase 3B the bid of _____ in the amount of \$_____ is hereby accepted.
3. Phase 3C: Deduct allowed in the amount of (\$_____) if awarding both Phases 3A & 3B are awarded to the same vendor.
4. The Mayor is authorized to execute all agreements, on behalf of the City of Daphne, as necessary for such purpose.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2018

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

Telephone: (251) 626-2626
Fax: (251) 626-6934

May 4, 2018

Honorable Dane Haygood
City of Daphne
PO Box 400
Daphne, Alabama 36526

RE: Bid Document # 2018-M-Daphne Sports Complex Phases 3A, 3B & 3C

Dear Mayor Haygood:

Enclosed is the Tabulation of Bids received May 4, 2018 for the subject project.

We recommend that you award the Contract to Cunningham Delaney Construction, LLC at their submitted lowest bid for Phases 3A, 3B and 3C. Their base bid totals are as follows:

Phase 3A	\$4,850,000.00
Phase 3B	\$1,955,000.00
Phase 3C	<u>\$ (105,000.00)</u>
Total	\$6,700,000.00

If you have questions or require additional information, please call.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

Scott A. Hutchinson, P.E.
Project Manager

Attachment
D2500\4319

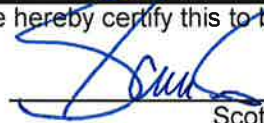
CITY OF DAPHNE
BID DOCUMENT NO.: 2018-M-DAPHNE SPORTS COMPLEX PHASES 3A, 3B 3C
MAY 4, 2018

Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners				CUNNINGHAM DELANEY CONSTRUCTION, LLC		DYAS CONSTRUCTION MANAGEMENT, LLC		SPORTSFIELDS, INC.	
#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
PHASE 3A									
1	FIELDS & APPURTENANCES	LS	1	\$ 4,850,000.00	\$ 4,850,000.00		0.00	5,206,296.87	\$ 5,206,296.87
Additive Alternates									
1	BLEACHER SHELTER (SHADE STRUCTURE)	EA	16	\$ 6,250.00	\$ 100,000.00		0.00	\$ 9,508.64	\$ 152,138.24
2	BALLFIELD SODDING	SFIP	295,100	\$ 0.51	\$ 150,501.00		0.00	\$ 0.57	\$ 169,387.40
									\$143,618.75
3A	ADDITIONAL 225 FT BALLFIELD - GENERAL	LS	1	\$ 370,000.00	\$ 370,000.00		0.00	\$ 362,895.94	\$ 362,895.94
3B	ADDITIONAL 225 FT BALLFIELD - SOD	LS	1	\$ 16,000.00	\$ 16,000.00		0.00	\$ 18,202.43	\$ 18,202.43
3C	ADDITIONAL 225 FT BALLFIELD - DUGOUT KNEEWALL	LS	1	\$ 22,000.00	\$ 22,000.00		0.00	\$ 14,520.00	\$ 14,520.00
3D	ADDITIONAL 225 FT BALLFIELD - BLEACHER SHELTER	LS	1	\$ 12,500.00	\$ 12,500.00		0.00	\$ 19,017.28	\$ 19,017.28
4A	ADDITIONAL 365 FT BALLFIELD - GENERAL	LS	1	\$ 610,000.00	\$ 610,000.00		0.00	\$ 458,801.22	\$ 458,801.22
4B	ADDITIONAL 365 FT BALLFIELD - SOD	LS	1	\$ 38,000.00	\$ 38,000.00		0.00	\$ 42,671.52	\$ 42,671.52
4C	ADDITIONAL 365 FT BALLFIELD - DUGOUT KNEEWALL	LS	1	\$ 22,000.00	\$ 22,000.00		0.00	\$ 14,300.00	\$ 14,300.00
4D	ADDITIONAL 365 FT BALLFIELD - BLEACHER SHELTER	LS	1	\$ 12,500.00	\$ 12,500.00		0.00	\$ 19,017.28	\$ 19,017.28
5	DECORATIVE PAVING	LS	1	\$ 615,000.00	\$ 615,000.00		0.00	\$ 681,512.04	\$ 681,512.04
6	DUGOUT KNEEWALLS	LS	1	\$ 110,000.00	\$ 110,000.00		0.00	\$ 84,531.08	\$ 84,531.08
Estimated Sales tax									
				BID	TAX	BID	TAX	BID	TAX
BASE BID				(ADD)	\$ 4,850,000.00	\$ 270,000.00	0.00	\$ 5,206,296.87	\$ 232,507.48
1		(ADD)		\$ 100,000.00	\$ 7,000.00		0.00	\$ 152,138.28	\$ 4,564.15
2		(ADD)		\$ 150,501.00	\$ 6,000.00		0.00	\$ 143,618.75	\$ 4,308.56
3A		(ADD)		\$ 370,000.00	\$ 21,000.00		0.00	\$ 362,895.94	\$ 10,886.88
3B		(ADD)		\$ 16,000.00	\$ 850.00		0.00	\$ 18,202.43	\$ 546.07
3C		(ADD)		\$ 22,000.00	\$ 660.00		0.00	\$ 14,520.00	\$ 435.60
3D		(ADD)		\$ 12,500.00	\$ 1,000.00		0.00	\$ 19,017.28	\$ 570.52
4A		(ADD)		\$ 610,000.00	\$ 34,000.00		0.00	\$ 458,801.22	\$ 13,764.04
4B		(ADD)		\$ 38,000.00	\$ 1,600.00		0.00	\$ 42,671.52	\$ 1,280.15
4C		(ADD)		\$ 22,000.00	\$ 660.00		0.00	\$ 14,300.00	\$ 429.00
4D		(ADD)		\$ 12,500.00	\$ 1,000.00		0.00	\$ 19,017.28	\$ 570.52
5		(ADD)		\$ 615,000.00	\$ 27,000.00		0.00	\$ 681,512.04	\$ 20,445.36
6		(ADD)		\$ 110,000.00	\$ 5,400.00		0.00	\$ 84,531.08	\$ 2,535.93

CITY OF DAPHNE
BID DOCUMENT NO.: 2018-M-DAPHNE SPORTS COMPLEX PHASES 3A, 3B 3C
MAY 4, 2018

 Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners				CUNNINGHAM DELANEY CONSTRUCTION, LLC		DYAS CONSTRUCTION MANAGEMENT, LLC		SPORTSFIELDS, INC.	
#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
PHASE 3B									
1	PARK BUILDINGS	LS	1	\$ 2,000,000.00	\$ 2,000,000.00	\$ 2,889,000.00	\$ 2,889,000.00		0.00
	Front-of-Envelope DEDUCT	LS	1	\$ (45,000.00)	\$ (45,000.00)				
Estimated Sales tax									
				BID	TAX	BID	TAX	BID	TAX
BASE BID (REVISED)				\$ 1,955,000.00	\$ 110,000.00	\$ 2,889,000.00	\$ 180,000.00		0.00
PHASE 3C									
DEDUCT FOR BEING AWARDED BOTH PHASES 3A & 3B				\$ 105,000.00	0.00		0.00		0.00

We hereby certify this to be a true and correct tabulation on the above named project.



Scott A. Hutchinson, P.E., Project Manager
Hutchinson, Moore & Rauch, LLC

**CITY OF DAPHNE, ALABAMA
RESOLUTION NO. 2018-23**

Resolution to Vacate an Unopened Portion of the Church Street Right of Way

WHEREAS, Dayna Oldham, as the abutting property owner of the hereinafter described right-of-way in the City of Daphne, Alabama, has petitioned the City Council of the City of Daphne, Alabama to assent to the vacation and closing by her as abutting property owner of a portion of the right-of-way hereinafter described; and

WHEREAS, it has been shown to the satisfaction of the Daphne City Council that Dayna Oldham owns all of the property abutting said portion of right-of-way, that the same is not needed as a public road in the City of Daphne, that no property owner owns lots or parcels that will be cut off from access thereby over some other reasonable and convenient way, and that it is in the best interest of the public that such portion of right-of-way be vacated.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DAPHNE, ALABAMA, that its assent be, and the same hereby is, given to Dayna Oldham as the abutting property owner, to the vacation and closing of the following portion of right-of-way situated on Church Street, East of Sixth Street, being more particularly described as follows:

The South 17 feet of the unopened Right-of-Way of Church Street along the North boundary of Lot 1 Block #1 of Dyer Subdivision of Daphne Alabama as recorded in Map Book #1 page 78 in the records in the Office of the Judge of Probate.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF DAPHNE, ALABAMA, that its assent be, and the same hereby is, given to vacate and annul any portion of any map recorded in the Office of the Judge of Probate of Baldwin County, Alabama, which shows the hereinabove described portion of right-of-way in accordance with the laws of the State of Alabama. The filing of this Resolution in the Probate Court of Baldwin County, Alabama, shall divest all public rights and liabilities, including any rights which may have been acquired by prescription, in those parts of the right-of-way vacated. Title and all public rights, including the portion of right-of-way, shall vest in the abutting landowner pursuant to *Code of Alabama (1975), Sections 23-4-20 and 23-4-2*, provided that entities with utility lines, equipment, or facilities in place at the time of vacation, if any, shall have the right to continue to maintain, extend, and enlarge their lines, equipment, and facilities to the same extent as if the vacation had not occurred. The City Council hereby finds that it is in the interest of the public that this portion of right-of-way be vacated.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2018.

ATTEST:

Dane Haygood,
Mayor

Candace G. Antinarella,
City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2018-14**

**Ordinance to Pre-zone Amendment for Property
Located Southeast of Alabama 181 and Austin Road
Bertolla Properties, LLC**

WHEREAS, Bertolla Properties, LLC, as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently zoned RSF-2, Single Family District and RA, Rural Agricultural in Baldwin County, 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 Alabama 181 and Austin Road, and more particularly described as follows:

Legal Description for Pre-zone:

BEGINNING AT A 3/4" CRIMP TOP IRON PIPE AT THE "LOCALLY ACCEPTED" SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 89°49'02" WEST, ALONG THE SOUTH LINE OF SAID SECTION 26, A DISTANCE OF 2669.96 FEET TO A 1/2" CAPPED REBAR (CA-0604) AT THE SOUTHEAST CORNER OF LOT 28, DUNMORE, PHASE TWO, PART B, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2448-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°11'14" EAST, ALONG THE EAST MARGIN OF SAID DUNMORE, PHASE TWO, PART B AND DUNMORE, PHASE TWO, PART A, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2443-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND A PROJECTION THEREOF, A DISTANCE OF 2671.05 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE SOUTHEAST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE RUN SOUTH 89°34'24" WEST, ALONG THE SOUTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 2610.05 FEET TO 1/2" CAPPED REBAR (CA-1109) ON THE EAST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181; THENCE RUN NORTH 00°10'51" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID ALABAMA HIGHWAY 181, A DISTANCE OF 400.02 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°34'24" EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 1402.13 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°03'11" EAST, A DISTANCE OF 902.21 FEET TO A 1/2" CAPPED REBAR ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN NORTH 89°32'12" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 1256.80 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°07'47" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 30.14 FEET TO 1/2" CAPPED REBAR AT THE SOUTHWEST CORNER OF LOT 1 OF AUSTIN BRIDGES, UNIT 1, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2007-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89°22'04" EAST, ALONG THE SOUTH MARGIN OF SAID AUSTIN BRIDGES, UNIT 1 AND THE SOUTH MARGIN AUSTIN BRIDGES, UNIT TWO, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2082-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1297.53 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 18 OF SAID AUSTIN BRIDGES, UNIT TWO; THENCE RUN SOUTH 00°46'05" WEST, A DISTANCE OF 670.61 FEET TO 1/2" REBAR; THENCE RUN NORTH 89°25'58" EAST, A DISTANCE OF 1069.01 FEET TO A 1/2" CAPPED REBAR AT THE NORTHWEST CORNER OF LOT 1 OF STEPHEN SPRINGS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2346-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 300.66 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°25'14" EAST, A DISTANCE OF 214.96 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'25" WEST, A DISTANCE OF 80.01 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHEAST CORNER OF LOT 3 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 89°25'14" WEST, A DISTANCE OF 214.96 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHWEST CORNER OF LOT 3 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE

OF 145.04 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 145.05 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°58'37" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 412.34 FEET TO 1-1/2" OPEN END IRON PIPE; THENCE RUN SOUTH 00°02'13" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 672.87 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE SOUTHWEST CORNER OF TRACT 1 IN SECTION 26 OF HIGHLAND FARMS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT MISCELLANEOUS BOOK 1, PAGE 290-291, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°47'09" EAST, A DISTANCE OF 1923.05 FEET TO 1/2" REBAR; THENCE RUN NORTH 00°06'23" EAST, A DISTANCE OF 630.48 FEET TO A 1/2" REBAR ON THE SOUTH RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 54; THENCE RUN SOUTH 89°34'12" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID BALDWIN COUNTY HIGHWAY 54, A DISTANCE OF 60.00 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE NORTHWEST CORNER OF LOT 1 OF AVALON PHASE 1A, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2104-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°06'23" WEST, A DISTANCE OF 630.25 FEET TO A 1/2" CAPPED REBAR ON THE WEST MARGIN OF LOT 73 OF AVALON, PHASE 3, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2220-D AND 2220-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°23'53" WEST, ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 663.68 FEET TO A 1/2" CAPPED REBAR; THENCE RUN SOUTH 88°35'21" EAST, A DISTANCE OF 7.96 FEET TO 5/8" CAPPED REBAR (CA-728); THENCE RUN SOUTH 00°08'21" WEST, CONTINUING ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 669.18 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°48'48" WEST, A DISTANCE OF 6.93 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 00°03'05" WEST, A DISTANCE OF 668.95 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 00°11'04" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 1319.23 FEET TO A 1/2" CAPPED REBAR (CA-1109) AT A FENCE CORNER AT THE "LOCALLY ACCEPTED" SOUTHEAST CORNER OF TRACT 4 IN SECTION 36 OF SAID HIGHLAND FARMS; THENCE RUN SOUTH 89°55'01" WEST, A DISTANCE OF 1326.54 FEET TO A 2" OPEN END PIPE AT A FENCE CORNER AT THE "LOCALLY ACCEPTED" SOUTHWEST CORNER OF TRACT 4 IN SECTION 36 OF SAID HIGHLAND FARMS; THENCE RUN NORTH 00°55'29" EAST, A DISTANCE OF 1323.76 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 361.55 ACRES, MORE OR LESS, AND LIES IN SECTIONS 25, 26 AND 36, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on February 22, 2018, the Commission considered said request and set forth a unanimous favorable recommendation to the City Council to pre-zone the property PUD, Planned Unit Development; 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 City Hall, a public hearing was held before the City Council on April 16, 2018; 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 RSF-2, Single Family District and RA, Rural Agricultural.

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 MAY, 2018.

Dane Haygood,
Mayor

ATTEST:

Candace G. Antinarella,
City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2018-15**

**ORDINANCE TO ANNEX PROPERTY CONTIGUOUS
TO THE CORPORATE LIMITS OF THE CITY OF DAPHNE**

**Southeast of Austin Road and Alabama Highway 181
Bertolla Properties, LLC**

WHEREAS, on the 18th day of January 2018, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, said petition did contain the signatures of all owners of the described territory, and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, after proper publication, a public hearing was held by the City Council on April 16, 2018 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on February 22, 2018, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

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

SECTION TWO: ZONING

At the May 7, 2018 regularly scheduled City Council meeting Ordinance 2018-14 was adopted pre-zoning the said property as PUD, Planned Unit Development (Jubilee Farms).

SECTION THREE: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

BEGINNING AT A 3/4" CRIMP TOP IRON PIPE AT THE "LOCALLY ACCEPTED" SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 89°49'02" WEST, ALONG THE SOUTH LINE OF SAID SECTION 26, A DISTANCE OF 2669.96 FEET TO A 1/2" CAPPED REBAR (CA-0604) AT THE SOUTHEAST CORNER OF LOT 28, DUNMORE, PHASE TWO, PART B, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2448-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°11'14" EAST, ALONG THE EAST MARGIN OF SAID DUNMORE, PHASE TWO, PART B AND DUNMORE, PHASE TWO, PART A, AS SHOWN BY MAP

OR PLAT THEREOF, RECORDED AT SLIDE 2443-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND A PROJECTION THEREOF, A DISTANCE OF 2671.05 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE SOUTHEAST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE RUN SOUTH 89°34'24" WEST, ALONG THE SOUTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 2610.05 FEET TO 1/2" CAPPED REBAR (CA-1109) ON THE EAST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181; THENCE RUN NORTH 00°10'51" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID ALABAMA HIGHWAY 181, A DISTANCE OF 400.02 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°34'24" EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 1402.13 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°03'11" EAST, A DISTANCE OF 902.21 FEET TO A 1/2" CAPPED REBAR ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN NORTH 89°32'12" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 1256.80 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°07'47" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 30.14 FEET TO 1/2" CAPPED REBAR AT THE SOUTHWEST CORNER OF LOT 1 OF AUSTIN BRIDGES, UNIT 1, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2007-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89°22'04" EAST, ALONG THE SOUTH MARGIN OF SAID AUSTIN BRIDGES, UNIT 1 AND THE SOUTH MARGIN AUSTIN BRIDGES, UNIT TWO, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2082-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1297.53 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 18 OF SAID AUSTIN BRIDGES, UNIT TWO; THENCE RUN SOUTH 00°46'05" WEST, A DISTANCE OF 670.61 FEET TO 1/2" REBAR; THENCE RUN NORTH 89°25'58" EAST, A DISTANCE OF 1069.01 FEET TO A 1/2" CAPPED REBAR AT THE NORTHWEST CORNER OF LOT 1 OF STEPHEN SPRINGS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2346-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 300.66 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°25'14" EAST, A DISTANCE OF 214.96 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS;

THENCE RUN SOUTH 00°11'25" WEST, A DISTANCE OF 80.01 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHEAST CORNER OF LOT 3 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 89°25'14" WEST, A DISTANCE OF 214.96 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHWEST CORNER OF LOT 3 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 145.04 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 145.05 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°58'37" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 412.34 FEET TO 1-1/2" OPEN END IRON PIPE; THENCE RUN SOUTH 00°02'13" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 672.87 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE SOUTHWEST CORNER OF TRACT 1 IN SECTION 26 OF HIGHLAND FARMS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT MISCELLANEOUS BOOK 1, PAGE 290-291, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°47'09" EAST, A DISTANCE OF 1923.05 FEET TO 1/2" REBAR; THENCE RUN NORTH 00°06'23" EAST, A DISTANCE OF 630.48 FEET TO A 1/2" REBAR ON THE SOUTH RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 54; THENCE RUN SOUTH 89°34'12" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID BALDWIN COUNTY HIGHWAY 54, A DISTANCE OF 60.00 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE NORTHWEST CORNER OF LOT 1 OF AVALON PHASE 1A, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2104-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA;

THENCE RUN SOUTH 00°06'23" WEST, A DISTANCE OF 630.25 FEET TO A 1/2" CAPPED REBAR ON THE WEST MARGIN OF LOT 73 OF AVALON, PHASE 3, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2220-D AND 2220-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°23'53" WEST, ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 663.68 FEET TO A 1/2" CAPPED REBAR; THENCE RUN SOUTH 88°35'21" EAST, A DISTANCE OF 7.96 FEET TO 5/8" CAPPED REBAR (CA-728); THENCE RUN SOUTH 00°08'21" WEST, CONTINUING ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 669.18 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°48'48" WEST, A DISTANCE OF 6.93 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 00°03'05" WEST, A DISTANCE OF 668.95 FEET TO A 1/2"

CAPPED REBAR (CA-1109); THENCE RUN SOUTH 00°11'04" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 1319.23 FEET TO A 1/2" CAPPED REBAR (CA-1109) AT A FENCE CORNER AT THE "LOCALLY ACCEPTED" SOUTHEAST CORNER OF TRACT 4 IN SECTION 36 OF SAID HIGHLAND FARMS; THENCE RUN SOUTH 89°55'01" WEST, A DISTANCE OF 1326.54 FEET TO A 2" OPEN END PIPE AT A FENCE CORNER AT THE "LOCALLY ACCEPTED" SOUTHWEST CORNER OF TRACT 4 IN SECTION 36 OF SAID HIGHLAND FARMS; THENCE RUN NORTH 00°55'29" EAST, A DISTANCE OF 1323.76 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 361.55 ACRES, MORE OR LESS, AND LIES IN SECTIONS 25, 26 AND 36, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

SECTION FOUR: MAP OF PROPERTY

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

SECTION FIVE: PUBLICATION

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

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE _____ DAY OF MAY, 2018.

Dane Haygood,
Mayor

ATTEST

Candace G. Antinarella,
City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2018-16**

**Ordinance to Re-Zone Property Located
Southwest of Holy Cross Circle and Holy Cross Drive
John W. West Irrevocable Trust**

WHEREAS, John W. West Irrevocable Trust as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as B-1, Local Business, to be Re-Zoned as MU, Mixed Use District; and

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

Legal Description for Re-Zone:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4, SUBDIVISION OF ISAAC AUSTIN'S PROPERTY, AS SHOWN ON PLAT THEREOF RECORDED IN MAP BOOK 4, PAGE 252, ALSO RECORDED AS SLIDE 292-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 21°41'59" EAST ALONG THE EAST RIGHT-OF-WAY OF SCENIC HIGHWAY 98 A DISTANCE OF 247.64 FEET TO A 1" IRON REBAR; THENCE RUN NORTH 19°34'01" EAST ALONG THE EAST RIGHT-OF-WAY OF SCENIC HIGHWAY 98 A DISTANCE OF 128.08 FEET TO A 1/2" IRON REBAR; THENCE RUN NORTHERLY ALONG THE EAST RIGHT-OF-WAY OF SCENIC HIGHWAY 98 AND A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 3964.05 FEET, AN ARC LENGTH OF 285.34 FEET, A CHORD BEARING NORTH 16°31'41" EAST, AND A CHORD DISTANCE OF 285.28 FEET TO A 1/2" IRON REBAR WITH CAP (CA#092); THENCE RUN SOUTH 89°40'20" EAST A DISTANCE OF 12.48 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE) ON THE WEST RIGHT-OF-WAY OF HOLY CROSS DRIVE; THENCE RUN SOUTH 00°29'05" EAST ALONG THE WEST RIGHT-OF-WAY OF HOLY CROSS DRIVE A DISTANCE OF 624.13 FEET TO A 3/4" CRIMPED TOP IRON PIPE; THENCE CONTINUE SOUTH 00°29'05" EAST ALONG THE WEST RIGHT-OF-WAY OF HOLY CROSS DRIVE A DISTANCE OF 25.70 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE LEAVING SAID RIGHT-OF-WAY NORTH 89°17'43" WEST A DISTANCE OF 242.73 FEET TO A 1" OPEN TOP IRON PIPE ON THE EAST RIGHT-OF-WAY OF SCENIC HIGHWAY 98; THENCE RUN NORTH 21°58'16" EAST ALONG THE EAST RIGHT-OF-WAY OF SCENIC HIGHWAY 98 A DISTANCE OF 24.41 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL LYING WITHIN FRACTIONAL SECTION 30, TOWNSHIP 5 SOUTH, RANGE 2 EAST, AND CONTAINING 1.77 ACRES, MORE OR LESS.

WHEREAS, at the regular Planning Commission meeting on February 22, 2018, the Commission considered said request and set forth an unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed re-zoning has been provided to the public as required by law through publication and open display at City Hall, a public hearing was held before the City Council on April 16, 2018; 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 re-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 rezoned from B-1, Local Business District to MU, Mixed Use District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2018.

Dane Haygood,
Mayor

ATTEST:

Candace G. Antinarella,
City Clerk

CITY OF DAPHNE, ALABAMA

ORDINANCE # 2018-17

Appropriation: County Road 13 Intersection Improvement – Sidewalk Addition

(RE: Project: STPOA-0216(250))

WHEREAS, Ordinance 2017-77 approved and adopted the Fiscal Year 2018 Budget on October 2, 2017; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2018 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2018 budget; and

WHEREAS, the City of Daphne is a member Government of the Eastern Shore Metropolitan Planning Organization (MPO); and

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

WHEREAS, the City of Daphne appropriated \$67,754 in Ordinance 2015-60 to install Intersection Improvements on County Road 13 at Sehoj Blvd. and Longue Vue Drive (CR 13 Intersection Improvement Project) for inclusion in the FY 2016-2019 Transportation Improvement Program; and

WHEREAS, the project was bid and awarded by the MPO and an additional appropriation of \$98,807 was required and appropriated in Ordinance 2017-43 (*total project cost-\$785,625 (including CE&I) - City's 20% match is \$166,561 less the previous appropriation of \$67,754*).

WHEREAS, the MPO made an Administrative Modification to the project to include the construction of a section of sidewalk on CR13 and fund 80% of the cost with the City funding the remaining 20% -\$45,423.

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

- 1). funds in the amount of **\$45,423 from the Seven Cent Gas Tax Fund** are appropriated and made a part of the Fiscal Year 2018 budget for the additional cost for the CR13 Sidewalk Addition to complete the project.
- 2). the Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in such project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2018.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE # 2018-18
APPROPRIATION: POLLARD ROAD & WHISPERING PINES ROADS AREA SEWER
CONNECTION CDBG PROJ: LR-CE-PF-16-008

WHEREAS, Ordinance 2017-77 approved and adopted the Fiscal Year 2018 Budget on October 2, 2017; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2018 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2018 budget; and

WHEREAS, Resolution 2016-40 approved the application to ADECA for the 2016 CDBG Grant for sewer hookups in the Whispering Pines & Pollard Road community; and

WHEREAS, on October 31, 2016 the City of Daphne was awarded Community Development Block Grant (CDBG) funds from the Alabama Department of Economic and Community Affairs (ADECA) for Program Year 2016 made available through the United States Department of Housing and Urban Development (HUD); and

WHEREAS, Resolution 2017-03 approved Engineering fees of \$31,682 be paid from grant funds; and

WHEREAS, monies were appropriated (Ordinance 2016-71) for the required cash match in the amount of \$25,018.20 from the **Capital Reserve Fund** for the Sewer hookups in the Whispering Pines and Pollard Road community (*total project cost was estimated to be \$250,182*); and

WHEREAS, bids were received and the construction bid cost of \$280,680 exceeds the initial construction estimate of \$218,800 (*total project cost- \$312,362: Construction-\$280,680 + Eng-\$31,682*).

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

1. An additional appropriation for the Pollard Road & Whispering Pines Roads Area Sewer Connection CDGB Project: LR-CE-PF-16-008 in the amount of \$37,162 shall be made from the **Capital Reserve Fund** for construction cost.
2. Authorizes the Mayor to sign all required grant documents, agreements, and other related documents on behalf of the City.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2018.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA

ORDINANCE 2018-19

APPROPRIATION: DAPHNE SPORTS COMPLEX PHASE 3A, 3B, 3C & ENGINEERING

WHEREAS, Ordinance 2017-77 approved and adopted the Fiscal Year 2018 Budget on October 2, 2017; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2018 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2018 budget; and

WHEREAS, the City of Daphne has received bids for the Daphne Sports Complex Phase 3A, 3B, & 3C and monies need to be appropriated for the project; and

WHEREAS, additional phases will be bid for the completion of Recreational Facilities construction for Lott Park Improvements and the Trione Park Improvements which will be presented for approval upon completion of each phases bid process.

WHEREAS, Resolution 2016-22 was approved and adopted to provide a guideline for funding sources for the Daphne Parks; and

WHEREAS, Recreational Facilities and Ordinance 2017-18 appropriated \$5,697,685 for construction of Daphne Sports Complex Phase 2 and a new appropriation is needed for Phase 3A, 3B & 3C and associated engineering fees, and

WHEREAS, Bids were received and evaluated by staff and Engineers and the following options were presented for Base Bid and Add Alternates:

Phase 3A: Fields & Appurtenances-\$

Phase 3B: Park Buildings-\$

Phase 3A & 3B: (\$) (Phase 3C: *Deduct for awarding both Phases A & B*)

Add Alt 1: Bleacher Shelter (Shade Structure)-\$

Add Alt 2: Ballfield Sodding - \$

Add Alt 3A: Additional 225' Ballfield-General -\$

Add Alt 3B: Additional 225' Ballfield-Sod- \$

Add Alt 3C: Additional 225' Ballfield -Dugout Kneewall-\$

Add Alt 3D: Additional 225' Ballfield Bleacher Shelter-\$

Add Alt 4A: Additional 365' Ballfield-General-\$

Add Alt 4B: Additional 365' Ballfield-Sod-\$

Add Alt 4C: Additional 365' Ballfield-Dugout Kneewall-\$

Add Alt 4D: Additional 365' Ballfield-Bleacher Shelter-\$

Add Alt 5: Decorative Paving (Exhibit "A")-\$

Add Alt 6: Dugout Kneewalls - \$

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

- 1) A total appropriation for the Daphne Sports Complex Phase 3A, 3B, & 3C in the amount of \$_____ shall be made from the 2017 Construction Fund for construction and engineering cost as follows:
 - a. Total Construction: Base Bid 3A, 3B and Add Alt #__, #__, #__, #__, #__, #__, #__, #__ - \$_____.
 - b. Engineering: C, E, & I - \$_____.
- 2) The Mayor and Finance Director are hereby authorized to execute any and all documents and to complete such actions as are necessary relative to the Daphne Sports Complex Phase 3A, 3B, & 3C project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE ALABAMA this ____ day of _____, 2018.

Attest:

Dane Haygood, Mayor

Candace G. Antinarella, City Clerk



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

Telephone: (251) 626-2626
Fax: (251) 626-6934

May 4, 2018

Honorable Dane Haygood
City of Daphne
PO Box 400
Daphne, Alabama 36526

RE: Bid Document # 2018-M-Daphne Sports Complex Phases 3A, 3B & 3C

Dear Mayor Haygood:

Enclosed is the Tabulation of Bids received May 4, 2018 for the subject project.

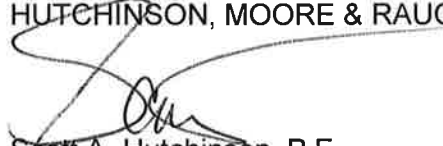
We recommend that you award the Contract to Cunningham Delaney Construction, LLC at their submitted lowest bid for Phases 3A, 3B and 3C. Their base bid totals are as follows:

Phase 3A	\$4,850,000.00
Phase 3B	\$1,955,000.00
Phase 3C	<u>\$ (105,000.00)</u>
Total	\$6,700,000.00

If you have questions or require additional information, please call.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC



Scott A. Hutchinson, P.E.
Project Manager

Attachment
D2500\4319

CITY OF DAPHNE
BID DOCUMENT NO.: 2018-M-DAPHNE SPORTS COMPLEX PHASES 3A, 3B 3C
MAY 4, 2018

Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners				CUNNINGHAM DELANEY CONSTRUCTION, LLC		DYAS CONSTRUCTION MANAGEMENT, LLC		SPORTSFIELDS, INC.	
#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
PHASE 3A									
1	FIELDS & APPURTENANCES	LS	1	\$ 4,850,000.00	\$ 4,850,000.00		0.00	5,206,296.87	\$ 5,206,296.87
Additive Alternates									
1	BLEACHER SHELTER (SHADE STRUCTURE)	EA	16	\$ 6,250.00	\$ 100,000.00		0.00	\$ 9,508.64	\$ 152,138.24
2	BALLFIELD SODDING	SFIP	295,100	\$ 0.51	\$ 150,501.00		0.00	\$ 0.57	\$ 169,387.40
3A	ADDITIONAL 225 FT BALLFIELD - GENERAL	LS	1	\$ 370,000.00	\$ 370,000.00		0.00	\$ 362,895.94	\$ 362,895.94
3B	ADDITIONAL 225 FT BALLFIELD - SOD	LS	1	\$ 16,000.00	\$ 16,000.00		0.00	\$ 18,202.43	\$ 18,202.43
3C	ADDITIONAL 225 FT BALLFIELD - DUGOUT KNEEWALL	LS	1	\$ 22,000.00	\$ 22,000.00		0.00	\$ 14,520.00	\$ 14,520.00
3D	ADDITIONAL 225 FT BALLFIELD - BLEACHER SHELTER	LS	1	\$ 12,500.00	\$ 12,500.00		0.00	\$ 19,017.28	\$ 19,017.28
4A	ADDITIONAL 365 FT BALLFIELD - GENERAL	LS	1	\$ 610,000.00	\$ 610,000.00		0.00	\$ 458,801.22	\$ 458,801.22
4B	ADDITIONAL 365 FT BALLFIELD - SOD	LS	1	\$ 38,000.00	\$ 38,000.00		0.00	\$ 42,671.52	\$ 42,671.52
4C	ADDITIONAL 365 FT BALLFIELD - DUGOUT KNEEWALL	LS	1	\$ 22,000.00	\$ 22,000.00		0.00	\$ 14,300.00	\$ 14,300.00
4D	ADDITIONAL 365 FT BALLFIELD - BLEACHER SHELTER	LS	1	\$ 12,500.00	\$ 12,500.00		0.00	\$ 19,017.28	\$ 19,017.28
5	DECORATIVE PAVING	LS	1	\$ 615,000.00	\$ 615,000.00		0.00	\$ 681,512.04	\$ 681,512.04
6	DUGOUT KNEEWALLS	LS	1	\$ 110,000.00	\$ 110,000.00		0.00	\$ 84,531.08	\$ 84,531.08
Estimated Sales tax									
BASE BID				BID	TAX	BID	TAX	BID	TAX
1		(ADD)		\$ 4,850,000.00	\$ 270,000.00		0.00	\$ 5,206,296.87	\$ 232,507.48
		(ADD)		\$ 100,000.00	\$ 7,000.00		0.00	\$ 152,138.28	\$ 4,564.15
2		(ADD)		\$ 150,501.00	\$ 6,000.00		0.00	\$ 143,618.75	\$ 4,308.56
3A		(ADD)		\$ 370,000.00	\$ 21,000.00		0.00	\$ 362,895.94	\$ 10,886.88
3B		(ADD)		\$ 16,000.00	\$ 850.00		0.00	\$ 18,202.43	\$ 546.07
3C		(ADD)		\$ 22,000.00	\$ 660.00		0.00	\$ 14,520.00	\$ 435.60
3D		(ADD)		\$ 12,500.00	\$ 1,000.00		0.00	\$ 19,017.28	\$ 570.52
4A		(ADD)		\$ 610,000.00	\$ 34,000.00		0.00	\$ 458,801.22	\$ 13,764.04
4B		(ADD)		\$ 38,000.00	\$ 1,600.00		0.00	\$ 42,671.52	\$ 1,280.15
4C		(ADD)		\$ 22,000.00	\$ 660.00		0.00	\$ 14,300.00	\$ 429.00
4D		(ADD)		\$ 12,500.00	\$ 1,000.00		0.00	\$ 19,017.28	\$ 570.52
5		(ADD)		\$ 615,000.00	\$ 27,000.00		0.00	\$ 681,512.04	\$ 20,445.36
6		(ADD)		\$ 110,000.00	\$ 5,400.00		0.00	\$ 84,531.08	\$ 2,535.93

CITY OF DAPHNE
BID DOCUMENT NO.: 2018-M-DAPHNE SPORTS COMPLEX PHASES 3A, 3B 3C
MAY 4, 2018

 Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners				CUNNINGHAM DELANEY CONSTRUCTION, LLC		DYAS CONSTRUCTION MANAGEMENT, LLC		SPORTSFIELDS, INC.	
#	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
PHASE 3B									
1	PARK BUILDINGS	LS	1	\$ 2,000,000.00	\$ 2,000,000.00	\$ 2,889,000.00	\$ 2,889,000.00		0.00
	Front-of-Envelope DEDUCT	LS	1	\$ (45,000.00)	\$ (45,000.00)				
Estimated Sales tax									
				BID	TAX	BID	TAX	BID	TAX
BASE BID (REVISED)				\$ 1,955,000.00	\$ 110,000.00	\$ 2,889,000.00	\$ 180,000.00		0.00
PHASE 3C									
DEDUCT FOR BEING AWARDED BOTH PHASES 3A & 3B				\$ 105,000.00	0.00		0.00		0.00

We hereby certify this to be a true and correct tabulation on the above named project.



Scott A. Hutchinson, P.E., Project Manager
Hutchinson, Moore & Rauch, LLC

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2018-20**

**Ordinance to Re-Zone Property Located
Southeast Corner of US Highway 98 and Johnson Road
WPNVA, LLC, Jay-E LLC, John White-Spunner & Chester J. Stephan**

WHEREAS, WPNVA, LLC, Jay-E LLC, John White-Spunner & Chester J. Stephan as the owner of certain real property located within the City of Daphne, has requested that said property that is currently under County zoning as R-4, High Density Single and Multi-Family Residential District, to be Re-Zoned as B-2, General Business District; and

WHEREAS, said real property is Southeast Corner of US Highway 98 and Johnson Road, and more particularly described as follows:

Legal Description for Re-Zone:

PARCEL 2 (a/k/a Lenz Property), an undivided 20% interest in the following property:

From the Northeast corner of the Northwest Quarter of Section 29, Township 5 South, Range 2 East, Baldwin County, Alabama: run South 89 Degrees 25 minutes West along the section line a distance of 684.5 feet to a point; thence run South 02 degrees 10 minutes West a distance of 34 feet to an iron pin lying on the South right of way margin of Johnson Road for the POINT OF BEGINNING; thence run South 02 degrees 25 minutes West a distance of 384.27 feet to an iron pin; thence run South 89 degrees 16 minutes 21 seconds West a distance of 109 feet to a concrete monument; thence run South 0 degrees 35 minutes South; [sic] a distance of 210.33 feet to a concrete monument; thence run South 89 degrees 14 minutes West a distance of 363.64 feet to an iron pin lying on the East right of way margin of U.S. Highway 98; [sic]thence run North 05 degrees 00 minutes South [sic] along said East right of way margin a distance of 88.63 feet to a concrete monument; thence run North 84 degrees 49 minutes West along said East right of way margin a distance of 30 feet to a right of way monument; thence run North 05 degrees 11 minutes East along said East right of way margin a distance of 351.51 feet to a right of way monument; thence run South 85 degrees 30 minutes South [sic] along said East right of way margin a distance of 10 feet to a right of way monument; thence run North 04 degrees 55 minutes 35 seconds East along said East right of way margin a distance of 106.77 feet to a right of way monument; thence run north 46 degrees 55 minutes 35 seconds East along said East right of way margin a distance of 75.25 feet to a right of way monument on the South right of way margin of Johnson Road; thence run North 89 degrees 39 minutes East along said South right of way margin a distance of 403 feet to the POINT OF BEGINNING; containing 5.8 acres more or less.

WHEREAS, at the regular Planning Commission meeting on January 25, 2018, the Commission considered said request and set forth a favorable recommendation for B-1, Local Business District in lieu of B-2 General Business; and,

WHEREAS, due notice of said proposed re-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 May 7, 2018; 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 re-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 rezoned from R-4, High Density Multi-Family Residential District to B-2 General Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2018.

Dane Haygood,
Mayor

ATTEST:

Candace G. Antinarella,
City Clerk