

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
June 18, 2018

1. **CALL TO ORDER**
2. **ROLL CALL**
INVOCATION
PLEDGE OF ALLEGIANCE

PUBLIC HEARING: Estate of Victorine Nelson Zoning Amendment located Southeast of Van Avenue and Main Street 3

PUBLIC HEARING: 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 17
3. **APPROVE MINUTES:** **Council Meeting** – June 4, 2018 24
4. **REPORTS OF STANDING COMMITTEES**
 - A. **FINANCE COMMITTEE** – Rudicell
 - B. **BUILDINGS & PROPERTY COMMITTEE** – LeJeune
Review the Building Reports for May 2018. 30
 - C. **PUBLIC SAFETY COMMITTEE** – Davis
Review minutes of the May 14, 2018 Public Safety Committee meeting. 37
 - D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE** – Goodlin
 - E. **PUBLIC WORKS COMMITTEE** – Coleman
5. **REPORTS OF SPECIAL BOARDS & COMMISSIONS**
 - A. **BOARD OF ZONING ADJUSTMENTS** – Adrienne Jones
MOTION to appoint Derek Wolstenholme as regular member of the board for a three (3) year term said term to commence on July 1, 2018 and expire on June 30, 2021. 42
 - B. **DOWNTOWN REDEVELOPMENT AUTHORITY** – Conaway
Review minutes of the April 25, 2018 Downtown Redevelopment Authority meeting. 43
 - C. **INDUSTRIAL DEVELOPMENT BOARD** – Davis
 - D. **LIBRARY BOARD** – Rudicell
 - F. **PLANNING COMMISSION** – Scott
 - F. **RECREATION BOARD** – LeJeune
 - G. **UTILITY BOARD** – LeJeune
6. **MAYOR’S REPORT**

City Council Agenda – June 18, 2018

7. CITY ATTORNEY REPORT

Highland Wake Construction, LLC

8. DEPARTMENT HEAD REPORTS

9. CITY CLERK’S REPORT

MOTION to authorize the Mayor to execute a Contingency Fee Agreement between the City of Daphne and the Law Firm of Mary Beth Mantiply in connection with damages related to Opioids. 45

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.

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2018-30 - Resolution to Accept Property Donation from Bertolla Properties, LLC and to Authorize the Mayor to Execute the Same 48

B. 2ND READ ORDINANCES:

2018-23 - Ordinance Reclassifying Job Description and Compensation for the Planner Position to Geographical Information System (GIS) Analyst Position 58

C. 1ST READ ORDINANCES

2018-24 – Ordinance to Re-Zone Property Located Southeast of Van Avenue and Main Street - The Estate of Victorine Nelson 62

2018-25 - Ordinance Amending the City of Daphne, Alabama Land Use and Development Ordinance 2011-54, as Adopted by the City Council on July 18, 2011 65

12. COUNCIL COMMENTS

13. ADJOURN

To: Office of the City Clerk

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

Subject: The Estate of Victorine Nelson
Zoning Amendment

Date: April 27, 2018

MEMORANDUM

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
3

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 <u>March 14, 2018</u>
Application Number: <u>ZA-18-02</u> or <u>PZA-</u>	Planning Commission Public Hearing Date: <u>April 26, 2018</u>

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): <u>Southeast Corner Main St & Van Ave</u>	PPIN#(s): <u>031250</u>
Gross Site Area (acreage): <u>1.25</u> <u>1.24</u> <u>EC</u>	Requested Zoning or Pre-Zoning: <u>B-3</u>
Current Zoning Designation(s): <u>R-3</u>	Amended Request: Initials: _____ Date: _____
Current Land Use: <u>residential</u>	Anticipated Land Use: <u>office</u>
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": <u>metes & bounds - see Attached</u>	

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

<i>*If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.</i>	
Name of Current Owner: <u>The Estate of Victorine Nelson</u>	
Mailing Address: <u>16760 Ebenezer Dr. Silverhill AL 36576</u>	Phone/Fax: <u>251-945-5823</u> E-mail: <u>Eastwillfarm@gmail.com</u>
Name of Authorized Agent: <u>Larry E. Chase</u>	
Mailing Address: <u>P.O. Box 3102 Daphne AL</u>	Phone/Fax: <u>251-454-3473</u> E-mail: <u>CHASEIN@aol.com</u>
Name of Developer*:	Phone/Fax: E-mail:
Other:	Phone/Fax: E-mail:

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

Applicant's Signature: <u>Mary Lou Yeager</u>	Date: <u>3/13/2018</u>
Agent's Signature: <u>L E Chase</u>	Date: <u>3/15/2018</u>



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.

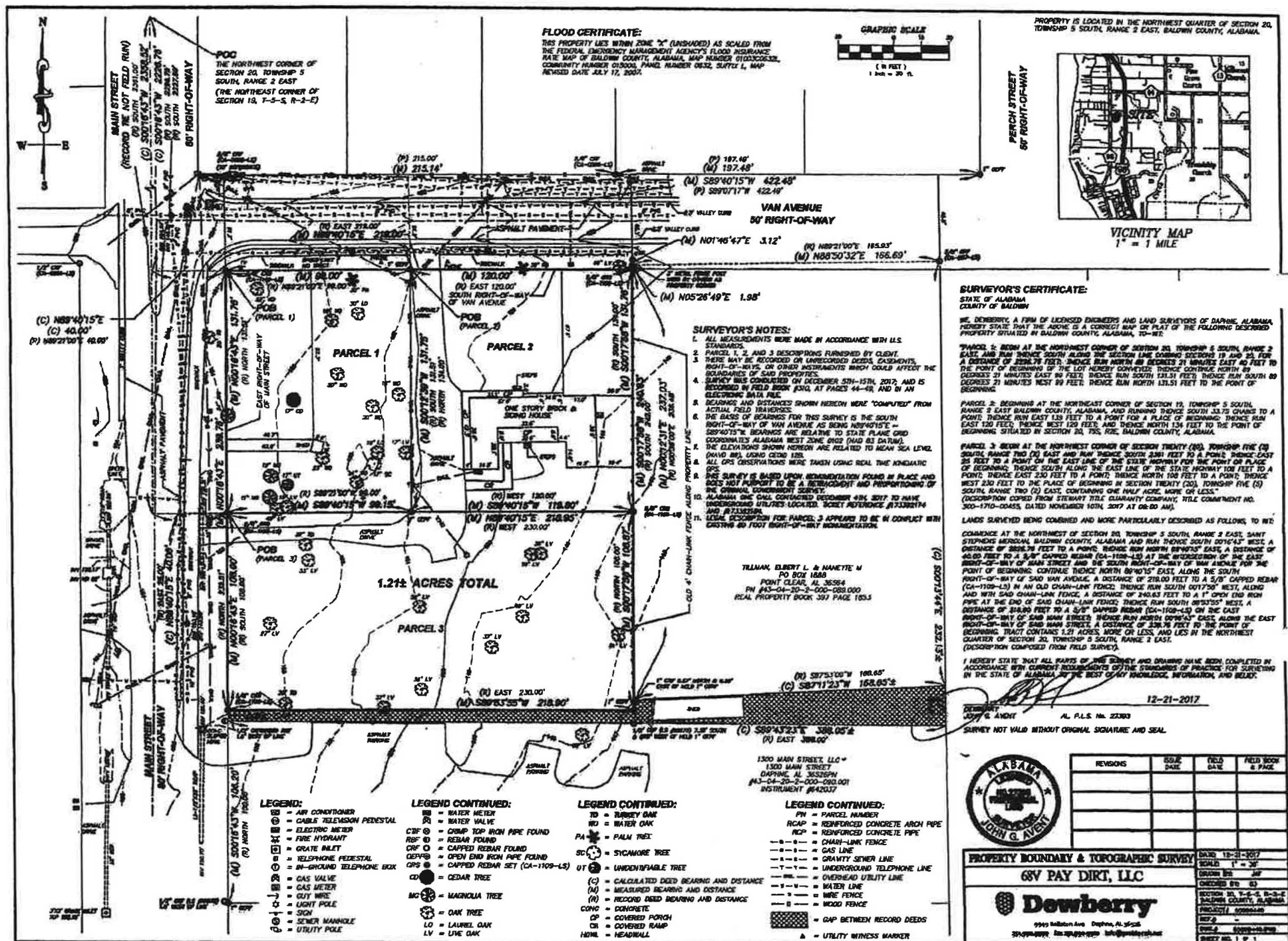
PARCEL 2: BEGINNING AT THE NORTHEAST CORNER OF SECTION 19, TOWNSHIP 5 SOUTH, RANGE 2 EAST BALDWIN COUNTY, ALABAMA, AND RUNNING THENCE SOUTH 33.75 CHAINS TO A POINT; THENCE RUN EAST 139 FEET TO A POINT FOR A PLACE OF BEGINNING: THENCE RUN EAST 120 FEET; THENCE WEST 120 FEET; AND THENCE NORTH 134 FEET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

Exhibit "B"

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

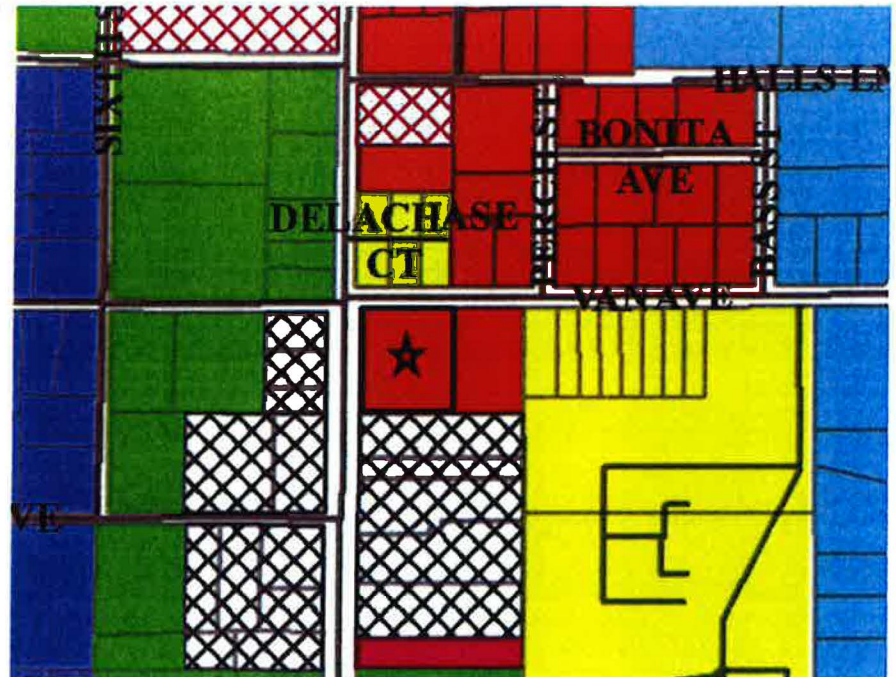
OLDE TOWNE PROPERTIES, L.L.C.
101 PINETOP CIR E
FAIRHOPE, AL 36532

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(G) 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.

REZONING REQUEST THE ESTATE OF VICTORINE NELSON

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.

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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.

**June 4, 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 6:32 p.m.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Tommie Conaway, Pat Rudicell, Doug Goodlin, Ron Scott and Robin LeJeune

Absent: Joe Davis.

Also Present: Mayor Dane Haygood; Candace Antinarella, City Clerk; Brandy Volovecky, Assistant City Clerk; Jay Ross, City Attorney; Ashley Campbell, Environmental Programs Manager; David Carpenter, Police Chief; Patrick Dungan, City Attorney; BJ Eringman, Deputy Public Works Director; Kristie Green, Administrative Assistant, Daphne Police Department; Vickie Hinman, Human Resources Director; Ronnie Huskey, Facilities Director; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; David McKelroy, Recreation Director; Betsy Schneider, Operations Director; Troy Strunk, Executive Director, City Development; James White, Fire Chief; Tonja Young, Library Director

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Reverend Rich Mueller, Holy Trinity Lutheran Church.

PROCLAMATION: Gabrielle “Brie” Clark

Mayor Haygood read the Proclamation on behalf of the City Council and himself. Council President Conaway said Ms. Clark was one of her students at Daphne East Elementary School and she is very proud of her. Mayor Haygood said that in addition to her athletic accomplishments, Ms. Clark’s work ethic and community involvement are a testament to her character.

PROCLAMATION: Lt. Kenny Hempfleng – Presentation of Service Weapon

Chief Carpenter provided background on Lt. Hempfleng and said the Daphne Police Department was lucky to have him. With Lt. Hempfleng’s 30 years of service, the Daphne Police Department has lost 130 years of experience recently due to retirements.

Mayor Haygood read the Proclamation on behalf of the City Council and himself. Mayor Haygood thanked Lt. Hempfleng for his service and said he has left his mark on the Daphne Police Department and the City of Daphne. Chief Carpenter presented Lt. Hempfleng with his service weapon.

3. APPROVE MINUTES:

The minutes of the May 21, 2018 regular meeting and May 23, 2018 special called meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilman Rudicell provided a brief overview of the financial reports.

MOTION to authorize the Mayor to enter into the Interlocal Agreement for the Acceptance and Processing of Source Separated Recyclables with Emerald Coast Utilities Authority (special district formed by the Florida Legislature).

MOTION CARRIED UNANIMOUSLY.

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MOTION to authorize the Mayor to enter into an agreement with the Daphne Volunteer Firefighters Association, Inc. for the loan for the purchase of a new Pumper Truck for the Daphne Fire Department.

MOTION CARRIED UNANIMOUSLY.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman LeJeune said the next Buildings and Property Committee meeting is June 11, 2018 at 5:15 p.m.

C. PUBLIC SAFETY COMMITTEE

Councilman Davis was not in attendance to provide report.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Goodlin said the next Code Enforcement/Ordinance Committee meeting is July 2, 2018 at 4:30 p.m. Discussed at today's meeting were minimal maintenance Ordinances, mixed use zoning in the Overlay District and signs in the Overlay District.

E. PUBLIC WORKS COMMITTEE

Councilman Coleman said the Public Works Committee met today and discussed the location and layout of a proposed connection from the Bellaton subdivision to Corte Road. The next meeting is July 2, 2018 at 5:30 p.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Adrienne Jones, Planning Director, said the Board of Zoning Adjustments meets Thursday night and will consider two applications.

B. Downtown Redevelopment Authority

Council President Conaway said the next Downtown Redevelopment Authority meeting is Wednesday, June 27, 2018 at 5:30 p.m.

C. Industrial Development Board

Councilman Davis was not in attendance to provide report.

D. Library Board

Councilman Rudicell said there has been a lot of progress with the Porch project. The Library Board meets the second Thursday of each month at 4 p.m. at the library.

E. Planning Commission

Councilman Scott said the minutes of the April 26, 2018 Planning Commission meeting and the report of the May 24, 2018 meeting are in the packet. The next meeting is Thursday, June 28, 2018 at 5 p.m.

F. Recreation Board

Councilman LeJeune said the next Recreation Board meeting is June 13, 2018 at 6:30 p.m. at the Recreation Center. At this meeting, the Board will be discussing the progress of the Parks project as well as improvements at Lott Park. The City's camps are beginning as well.

G. Utility Board

Councilman LeJeune said the Utility Board met this past Wednesday. The Board is coming to a conclusion with ADEM. There has been 100 percent turnover at the plant and a large amount of experience and knowledge has been brought in. They are working to make positive changes; it will be a brighter future for Daphne, the bay and Daphne Utilities.

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6. MAYOR'S REPORT:

Mayor Haygood said at the last Daphne Utilities Board meeting, several of the new hires participated in the discussions and it was obvious the level of sophistication, professionalism and experience was vastly improved. Daphne Utilities has put together an all-star team. He stressed the need to ensure that the Utility Board, along with the City, does everything it can to protect our natural environment.

Mayor Haygood referenced Lt. Hempfleng's retirement. He said Daphne is a safe and family-oriented community with a rich history as a waterfront community on Mobile Bay. He looks at safety as being paramount. He is appreciative to Lt. Hempfleng, under the leadership of Chief Carpenter, for everything they have done to keep the community safe. The City of Daphne was recognized as the 9th Safest City in Alabama by SafeWise. This is largely due to all of the efforts of the Public Safety personnel. Mayor Haygood said Daphne has the finest police department and fire department in South Alabama. He referenced the Channelview bus crash in March and the efforts of the Daphne Fire Department in responding to this incident. He recently received a letter from the Channelview students, staff and community thanking the City of Daphne for the warmth and generosity of the community. Mayor Haygood recognized Battalion Chief Kenny Hanak, Lt. Jerry Graham, Lt. Lamar Green, paramedic Steve Martell, firefighter TJ Winston, and firefighter Joe Greer. He presented them with a card signed by the Channelview students. He thanked the Daphne Fire Department personnel for their efforts and hard work. He also thanked the Council for the financial support of the Daphne Fire Department. Battalion Chief Hanak said if it weren't for the hard work of the firefighters and other first responders, the incident would have had a very different outcome. They train day in and day out for this kind of incident. He is very proud of all their hard work.

7. CITY ATTORNEY REPORT:

Jay Ross, City Attorney, said there is one issue that is being pushed back two weeks. He introduced Garret Zoghby, a new lawyer at Adams and Reese.

8. DEPARTMENT HEAD COMMENTS:

Chief White thanked the Council and Mayor for recognizing the firefighters and stressed the importance of repetitive training in being prepared for these types of situations.

Chief Carpenter thanked the Council and Mayor for recognizing Lt. Hempfleng and said he will be greatly missed.

Mayor Haygood introduced the new Director of City Development, Troy Strunk.

9. CITY CLERK'S REPORT:

MOTION by Councilman LeJeune to approve the publication and set a public hearing for July 16, 2018 to consider revisions to the City of Daphne Zoning District Map. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to approve the publication and set a public hearing on July 16, 2018 for the zoning amendment of R&S Leasing, L.L.C., aka Ford Lumber property located North of US Highway 90, Lot 1, Wooten Subdivision. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

10. PUBLIC PARTICIPATION:

Public Participation was opened at 7:10 p.m.

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Heather Dail, 135 Country Club Drive, said she spoke at the Public Safety Committee meeting on May 14, 2018 about the Daphne Animal Shelter and is here to speak to the Council regarding the same. The shelter was established in 1989 when the City's population reached 5,000 residents. As of 2016, the City's population was 26,000 and is significantly growing every year. The shelter has remained the same size and in the same condition as it was in when it was built. Ms. Dail said she has organized a group called Daphne Pet Advocates. Her group is hoping to get the Council's support to build a new animal shelter. Until that is done, they are hoping to have a cat room built and described the benefits to the animals and to potential adoptees.

Al Guarisco, 1205 Randall Avenue, said he is concerned about the drastic change to the community. Growth is inevitable but should be controlled. He proposed impact fees and County-wide restrictions subject to necessary infrastructure. He thanked the Councilmembers for their service and asked that they "lead us not into unprepared growth."

Thomas Warner, 1315 Warren Drive, thanked Judy Swan and the Daphne Beautification Committee for the landscaping and improvements done at the Daphne Post Office.

Willie Robison said tomorrow is a very important day in the state of Alabama and in Baldwin County. He encouraged everyone to get out and vote.

Amy Newbold, 9601 Casey Court, said she is representing more than 70 residents of the Bellaton community. They are asking the Council not to open up the Chantilly Lane entrance to the Bellaton subdivision. She thanked everyone on the Public Works Committee for their commitment to work with the residents to come up with a solution. She thanked the Mayor for his offer to hold a community meeting.

Public participation was closed at 7:17 p.m.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

2018-28 - Authorizing the Facility Use Agreement between City of Daphne and the Church of the Highlands for the Use of the Daphne Civic Center

2018-29 - Revisions to City of Daphne Street Map

**MOTION by Councilman Scott to waive the readings of Resolution 2018-28 and Resolution 2018-29.
Seconded by Councilman Coleman.**

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2018-28. Seconded by Councilman LeJeune.

Discussion took place as follows.

Councilman LeJeune referenced a lack of language allowing any leeway for late Mardi Gras events. He is concerned about having everything moved out and cleaned by 5:30 a.m. Mayor Haygood said there is not an explicit agreement with the tenant regarding this. The tenant is paying a significant amount to use the facility and some of the revenue could be used for a third party cleaning service. Councilman LeJeune said he is just concerned about there being such a quick turnaround time. Mayor Haygood said any personal items will be properly stored and third party cleaning services will be employed in order to ensure efficient turnaround. Previously scheduled events will continue as scheduled.

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MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2018-29. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

ORDINANCES:

2nd READ:

2018-21 - Appropriating Funds for Natural Resources Conservation Service (NRCS) Emergency Watershed Protection (EWP) Contract No. for: Mont Clair Loop (DAP #17-002) / CR 13 (DAP #17-004)

2018-22 - Appropriation: Engineering Design Fees: Main Street Drainage

MOTION by Councilman Scott to waive the reading of Ordinance 2018-21. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2018-21 as amended to remove the County Road 13 portion of the project as discussed in the Public Works Committee meeting. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Rudicell to waive the reading of Ordinance 2018-22. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Rudicell to adopt Ordinance 2018-22. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

1st READ:

None.

12. COUNCIL COMMENTS:

Councilman Rudicell referenced Lt. Hempfleng's retirement. He appreciates everyone who wears a uniform every day; they are heroes.

Councilman Coleman encouraged everyone to exercise their right to vote tomorrow.

Councilman Scott said he serves on the MPO as the Council representative and the bid to four lane Highway 181 has been awarded. Work is expected to begin this summer. He encouraged everyone to get out and vote tomorrow.

Councilman LeJeune thanked Lt. Hempfleng for his service and said he will be missed. Chief Carpenter has a lot of shoes to fill. He encouraged everyone to get out and vote tomorrow.

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Mayor Haygood read a letter from Melanie B. Iverson, who recently visited from Louisiana, praising the City's Parks and Recreation staff, specifically Chris Bradford and Jane Ellis, for their efforts to return her son's soccer gear to them after it was left on the soccer field at the Trione Sports Complex. Mayor Haygood thanked Mr. Bradford and Ms. Ellis for their work and reminded everyone that we are here to serve the community.

Council President Conaway said the Education Advisory Committee will meet Thursday at 1 p.m. in the Jubilee Conference Room.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:33 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Candace G. Antinarella, City Clerk

Tommie Conaway, Council President

Permit Activity Report

New Construction May 2018

Friday, June 1, 2018

Permit Code From: BL To: BL
 Issued Date From: 5/1/2018 To: 5/31/2018
 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
5754-1	TRULAND HOMES	18-787		8715 BAINBRIDGE DRIVE	Yes	A	05/30/2018	05/30/2018	\$165,780.00	\$845.00
	TRULAND HOMES			Daphne, AL 36526	Sub Division:	Brookhaven			SQ. FT	Lot: 117
5754-1	TRULAND HOMES	18-727		27597 French Settlement	Yes	A	05/14/2018	05/14/2018	\$181,140.00	\$925.00
	TRULAND HOMES			Daphne, AL 36526	Sub Division:	French Settlement			SQ. FT	Lot: 11
5754-1	TRULAND HOMES	18-729		8716 Bainbridge Drive	Yes	A	05/14/2018	05/14/2018	\$162,930.00	\$830.00
	TRULAND HOMES			Daphne, AL 36526	Sub Division:	Brookhaven			SQ. FT	Lot: 112
5754-1	TRULAND HOMES	18-730		27040 Allenbrook Court	Yes	A	05/14/2018	05/14/2018	\$163,690.00	\$835.00
	TRULAND HOMES			Daphne, AL 36526	Sub Division:	Brookhaven			SQ. FT	Lot: 130
5754-1	TRULAND HOMES	18-731		8706 Bainbridge Drive	Yes	A	05/14/2018	05/14/2018	\$160,860.00	\$820.00
	TRULAND HOMES			Daphne, AL 36526	Sub Division:	Brookhaven			SQ. FT	Lot: 110
5754-1	TRULAND HOMES	18-786		8719 BAINBRIDGE DRIVE	Yes	A	05/30/2018	05/30/2018	\$161,820.00	\$825.00
	TRULAND HOMES			Daphne, AL 36526	Sub Division:	Brookhaven			SQ. FT	Lot: 116
5754-1	TRULAND HOMES	18-789		27060 ALLENBROOK COURT	Yes	A	05/30/2018	05/30/2018	\$162,300.00	\$830.00
	TRULAND HOMES			Daphne, AL 36526	Sub Division:	Brookhaven			SQ. FT	Lot: 133
5754-1	TRULAND HOMES	18-788		27066 ALLENBROOK COURT	Yes	A	05/30/2018	05/30/2018	\$167,700.00	\$855.00
	TRULAND HOMES			Daphne, AL 36526	Sub Division:	Brookhaven			SQ. FT	Lot: 134

Total Residential - NEW - R3 BL Permit(s)	8	\$1,326,220.00	\$6,765.00
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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	18-782		27741 RHONE DRIVE Daphne, AL 36526	Yes	A	05/31/2018	05/30/2018	\$223,080.00	\$1,130.00
					Sub Division:		RETREAT AT TIAWASEE		SQ. FT	Lot: 40
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-800		23813 DUBLIN DRIVE Daphne, AL 36526	Yes	A	05/31/2018	05/31/2018	\$203,280.00	\$1,035.00
					Sub Division:		Dunmore		SQ. FT	Lot: 27
6311-1	DSL D HOMES, LLC DSL D HOMES, LLC	18-765		9549 CAMBERWELL DRIVE Daphne, AL 36526	Yes	A	05/24/2018	05/24/2018	\$215,970.00	\$1,095.00
					Sub Division:		Old Field		SQ. FT	Lot: 6
5754-1	TRULAND HOMES TRULAND HOMES	18-781		27705 RHONE DRIVE Daphne, AL 36526	Yes	A	05/30/2018	05/30/2018	\$183,330.00	\$935.00
					Sub Division:		RETREAT AT TIAWASEE		SQ. FT	Lot: 38

Total Residential - NEW - R2 BL Permit(s)	4	\$825,660.00	\$4,195.00
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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
3046-1	MCVAY CONSTRUCTION CO. INC. MCVAY CONSTRUCTION CO. INC.	18-748		30594 PINE COURT Daphne, AL 36526	Yes	A	05/18/2018	05/18/2018	\$181,410.00	\$925.00
					Sub Division:		Timber Creek		SQ. FT	Lot: 71
84-1	ADAMS HOMES, LLC ADAMS HOMES, LLC	18-712		27425 ELISE CT Daphne, AL 36526	Yes	A	05/10/2018	05/10/2018	\$127,710.00	\$655.00
					Sub Division:		Caroline Woods		SQ. FT	Lot: 99

Total Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permit(s)	2	\$309,120.00	\$1,580.00
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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	18-752		23742 BLYTHEWOOD LANE Daphne, AL 36526	Yes	A	05/21/2018	05/21/2018	\$134,760.00	\$690.00
					Sub Division:		Old Field		SQ. FT	Lot: 31
5754-1	TRULAND HOMES TRULAND HOMES	18-728		7766 Pine Run Court Daphne, AL 36526	Yes	A	05/14/2018	05/14/2018	\$157,200.00	\$805.00
					Sub Division:		Timber Creek		SQ. FT	Lot: 56

5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-814		24541 KIPLING CT Daphne, AL 36526	Yes Sub Division:	A Bellaton	05/31/2018	05/31/2018	\$117,210.00 SQ. FT	\$605.00 Lot: 199
Total Residential - NEW - R-6G BL Permit(s)							3		\$409,170.00	\$2,100.00
Residential - NEW - PUD R-3 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
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-659		8297 IRWIN LOOP Daphne, AL 36526	Yes Sub Division:	A WINGED FOOT	05/02/2018	05/02/2018	\$113,910.00 SQ. FT	\$585.00 Lot: 49
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-762		8333 IRWIN LOOP Daphne, AL 36526	Yes Sub Division:	A WINGED FOOT	05/24/2018	05/24/2018	\$125,310.00 SQ. FT	\$645.00 Lot: 46
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-763		8312 IRWIN LOOP Daphne, AL 36526	Yes Sub Division:	A WINGED FOOT	05/24/2018	05/24/2018	\$123,390.00 SQ. FT	\$635.00 Lot: 19
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-764		8343 IRWIN LOOP Daphne, AL 36526	Yes Sub Division:	A WINGED FOOT	05/24/2018	05/24/2018	\$123,390.00 SQ. FT	\$635.00 Lot: 45
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-662		8276 IRWIN LOOP Daphne, AL 36526	Yes Sub Division:	A WINGED FOOT	05/02/2018	05/02/2018	\$113,910.00 SQ. FT	\$585.00 Lot: 25
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-660		8225 IRWIN LOOP Daphne, AL 36526	Yes Sub Division:	A WINGED FOOT	05/02/2018	05/02/2018	\$122,100.00 SQ. FT	\$630.00 Lot: 53
Total Residential - NEW - PUD R-3 BL Permit(s)							6		\$722,010.00	\$3,715.00
Total Residential - NEW BL Permit(s)							23		\$3,592,180.00	\$18,355.00
Total Residential BL Permit(s)							23		\$3,592,180.00	\$18,355.00
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
6384-1	JAT GENERAL CONSTRUCTION LL JAT GENERAL CONSTRUCTION LL	18-685		26376 POLLARD RD Daphne, AL 36526	Yes Sub Division:	A IDEACOM OF GC	05/07/2018	05/07/2018	\$88,159.00 SQ. FT	\$534.00 Lot:
Total Non Residential - NEW - B2 BL Permit(s)							1		\$88,159.00	\$534.00
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

6389-1	BROWN BUILDERS INC	18-742	8764 RAND AVE	Yes	A	05/15/2018	05/15/2018	#####	\$131,310.00
	BROWN BUILDERS INC		Daphne, AL 36526	Sub Division:		BELFOREST APARTMEN	SQ. FT	Lot:	

Total Non Residential - NEW - R BL Permit(s)		1	\$21,884,043.00	\$131,310.00
Total Non Residential - NEW BL Permit(s)		2	\$21,972,202.00	\$131,844.00
Total Non Residential BL Permit(s)		2	\$21,972,202.00	\$131,844.00
Total BL Permit(s)		25	\$25,564,382.00	\$150,199.00
Grand Totals		25	\$25,564,382.00	\$150,199.00

Certificate Of Occupancy Report

May 2018

Printed On : 6/1/2018

CO Issued Date From: 5/1/2018 To: 5/31/2018

Permit Number	CO Issued	Owner Name	Address	Sub Division	Status
17-1457	5/9/2018	D R HORTON	25806 POLLARD ROAD UNIT	VILLAS AT ST CHARLES	
17-1219	5/10/2018	MCVAY	7240 PARK DRIVE		
17-1069	5/16/2018	D R HORTON	24730 CHANTILLY LANE	Bellaton	
17-1584	5/16/2018	D R HORTON	23811 KILKENNY DRIVE	Dunmore	
17-1499	5/17/2018	LANE DEVELOPMENT & INV	113 WILDWOOD DRIVE	Lake Forest	
17-1684	5/17/2018	D R HORTON	23883 KILKENNY LANE	Dunmore	
17-1491	5/22/2018	D R HORTON	24561 KIPLING COURT	Bellaton	
17-1320	5/23/2018	D R HORTON	10564 DUNMORE DRIVE	Dunmore	
17-1496	5/29/2018	ADAMS HOMES	27478 ELISE CT	Caroline Woods	
17-1476	5/29/2018	PTAC	28490 2nd Street		
17-720	5/30/2018	D.R.HORTON	24533 KIPLING Ct.	Bellaton	

May 2018

Permit Activity Summary Report

Friday, June 1, 2018

Permit Code From: BL To: xSG

Issued Date From: 5/1/2018 To: 5/31/2018

Permit Code	Description	# Of Permits	Job Cost/Value	Permit Fee
BL	BUILDING PERMIT	82	\$28,352,724.75	\$167,498.06
EL	ELECTRICAL PERMIT	8	\$61,000.00	\$1,051.55
EL-NEW	ELECTRICAL - NEW	14	\$0.00	\$1,540.00
ME	MECHANICAL PERMIT	15	\$71,220.00	\$819.00
ME-NEW	MECHANICAL - NEW	26	\$0.00	\$2,860.00
PL	PLUMBING PERMIT	6	\$139,040.00	\$1,007.35
PL-NEW	PLUMBING - NEW RESIDENTIAL	15	\$374,160.00	\$2,090.00
Grand Totals		166	\$28,998,144.75	\$176,865.96

Additional Fee's \$27,540.18
\$204,406.14

All Building Permits May 2018

Periodic Report of Permits Issued by Improvement

06/01/2018

Issued Date From: 5/1/2018 To: 5/31/2018

		Code	Count	# Of Units	Valuation	Permit Fee
BUILDING PERMIT						
Residential						
REINSPECTION FEE	R1	BL	2			\$150.00
REINSPECTION FEE	R3	BL	1			\$50.00
REINSPECTION FEE	R2	BL	1		\$0.00	\$50.00
REINSPECTION FEE	R4 - HIGH DENSITY R	BL	1			\$50.00
PLAN REVIEW	R1	BL	1		\$0.00	\$100.00
NEW	R3	BL	7		\$1,162,530.00	\$5,930.00
NEW	R2	BL	4		\$825,660.00	\$4,195.00
NEW	R4 - HIGH DENSITY R	BL	2		\$309,120.00	\$1,580.00
NEW	R-6G	BL	3		\$409,170.00	\$2,100.00
NEW	PUD R-3	BL	6		\$722,010.00	\$3,715.00
REPAIR	R1	BL	3		\$150,777.61	\$800.00
REPAIR	R3	BL	2		\$45,196.00	\$265.00
REPAIR	R4 - MULTI-FAMILY	BL	1		\$42,061.56	\$230.00
RE-ROOF	R1	BL	7		\$129,941.75	\$775.00
RE-ROOF	R3	BL	9		\$84,461.94	\$575.00
RE-ROOF	R4 - HIGH DENSITY R	BL	1		\$20,500.00	\$120.00
RE-ROOF	R4 - MULTI-FAMILY	BL	2		\$18,425.00	\$125.00
POOL	R3	BL	1		\$62,498.00	\$330.00
STORAGE BUILDING	R3	BL	2		\$9,500.00	\$85.00
MISCELLANEOUS	R3	BL	9		\$27,947.00	\$290.00
MISCELLANEOUS	R4 - MULTI-FAMILY	BL	1		\$1,256.00	\$25.00
A/C CHANGE-OUT	R1	BL	1		\$11,000.00	\$70.00
A/C CHANGE-OUT	R3	BL	1		\$7,780.00	\$55.00
Non-Residential						
NEW	B2	BL	1		\$88,159.00	\$534.00
NEW	R	BL	1		\$21,884,043.00	\$131,310.00
REMODEL	B2	BL	1		\$5,000.00	\$30.00
RE-ROOF	B2	BL	1		\$14,900.00	\$90.00
ADDITION	B2	BL	1		\$489,755.00	\$2,940.00
INTERIOR BUILD OUT	B2	BL	5		\$1,645,200.00	\$9,889.06
A/C CHANGE-OUT	B2	BL	1		\$3,000.00	\$75.00
Total - BUILDING PERMIT			79		\$28,169,891.86	\$166,533.06
Grand Total			79	0.00	\$28,169,891.86	\$166,533.06

Public Safety Committee
Monday, May 14, 2018

Councilman Joe Davis
Councilman Ron Scott
Councilman Doug Goodlin
Councilman Robin LeJeune
Councilman Pat Rudicell
Councilwoman Tommie Conaway
Councilman Joel Coleman

Police Chief David Carpenter
Fire Chief James White
Public Works Director, Jeremy Sasser
Samantha Cooper - Secretary

Committee Members Attending:

Councilman Ron Scott, Councilman Doug Goodlin, Councilman Joel Coleman, Councilman Pat Rudicell, Councilwoman Tommie Conaway, Police Chief David Carpenter, Lieutenant David Smith, Fire Chief James White

CALL TO ORDER

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

PUBLIC PARTICIPATION –

Heather Dail, 135 Country Club Drive, Daphne, addressed the committee regarding the Daphne Animal Shelter. She stated that there were recently 20 cats rescued at a local hotel in Daphne. It was an extreme case of animal cruelty and hording situation by a guest that was actually staying there. An animal control officer from the city came out and was incredible in getting all 20 cats to the Daphne Animal Shelter. They are currently there right now and are working on getting them rescue homes. She further stated the reason for being here today is that she had never really visited the animal shelter in depth until this moment, except for dropping off donations. She stated when the cats were dropped she visited for several days after to see the cats, check in on them, bring donations to help the cats, and it was then she realized they didn't really even have the space for them first off, make shift kennels had to be made out of dog crates, with about 2 to 3 cats in each make shift kennel. She said she spoke with the animal control officers at the shelter inquiring about the situation at the shelter. She stated there were a few dogs and cats located there prior to the 20 cats being brought in. The dogs have a small built in outdoor area where they can roam just a little bit, not nearly enough, but the cats have no roaming space what so ever and are often times confined specifically to their cage and never let out, except for adoption or to be euthanized. This set up makes the cats go what is called "cage crazy", dogs as well, when they don't get out. Ms. Dail expressed that the cats have no cat rooms, and the dogs have some runs, but not nearly enough. She stressed to the committee her feelings of upgrading the Daphne Animal Shelter. Ms. Dail stated her aunt and uncle own North Baldwin Animal Shelter in Bay Minette, which is a no kill center. They have 3 rooms that are known as "cat rooms", where cats are not confined to cages and are able to roam around the room, usually have a window or two, along with cat trees and other play toys to keep the cats active. She stated this type of setup is very good for the cats because 1. They are not in a cage and usually in a better mood because they aren't confined and 2. People who are looking to adopt can go in and interact with the cats and pet them. She stated it is a lot better for the animals as well as the people looking to adopt, with higher adoption rates based on this type of setup. She asked to bring the conversation to this committee and the council about upgrading the Daphne Animal Shelter. She stated, after doing some research, the shelter was built in 1989 when the city of Daphne reached 5,000 residents, which was mandated by state law. She stated we are currently at 26,000+ residents as of 2016 and even more today, with no major updates or additions added to the shelter since it was built. Ms. Dail stated the animal shelter and the staff does a great job with what

they have, but it is time to refresh and add much needed space and material to the shelter, to include more runs and outdoor space for dogs, as well as cat rooms and non-confinement for cats.

Councilman Coleman addressed Ms. Dail's concerns. He stated they had personally lost their rescue dog within the last few weeks and have been to the shelter looking to adopt a new dog. He stated they are doing a great job there, but the facilities are definitely run down and could certainly use some improvement.

Councilman Rudicell asked, regarding the current footprint of the shelter, if there was the ability to remodel it and utilize the space in a different way than what is currently at the shelter. Chief Carpenter stated there is no space within the building itself, the building is very, very small. Councilman Goodlin asked how much land around that property does the city own, which is a lot of currently unused land. He said so it sounds like it won't be a land problem. Chief Carpenter said it is not a land problem but the higher ups within the city do not want to utilize this land for the shelter, due to it being a high dollar piece of property commercially.

Ms. Dail added that she understands the money concerns and that it is a lot harder to get people to designate money to go towards animals, because "people" are of higher concern. Councilman Coleman said he agreed but also disagreed. He said that he thought if you were able to get an active Facebook or social media platform going, you might find there is a lot of support from the community. He said he is sometimes more sympathetic towards animals than people, and that this could be a positive opportunity for the city to help engage the community for money needed for improvements.

Elizabeth Wilkins, 254 S. Summit St., Fairhope, also added her support and concerns of the Daphne Animal Shelter. She suggested reaching out to the Haven and maybe modeling any type of additions off of their recent upgrades. She stated their building, made of cement and cinder blocks, is very similar to the Daphne Shelter. She stated they recently built a nice enclosure outside, with chain link, with built in shade rooms and resting blocks, free of weather elements where the cats were able to be outside, roam and in a much more natural living situation during the day, and then in kennels overnight. She said this cost minimally material wise. She also added one thing to consider, and it is what they did up in Bay Minette at the North Baldwin Animal Shelter, was that the majority of the labor and materials needed were donated at cost from contractors, plumbers, electricians, building supplies donated. She strongly suggests the city put a call out to the community to see what help and support there might be.

Councilman Coleman also added that North Baldwin does a great job with their Facebook page. He said you see the animals come in and they are next to near immediately rolling out; however it also is a no-kill shelter. Ms. Dail added that our Facebook page and social media presence for the Animal Shelter really needs a lot of help and can be a better utilized tool in helping get animals adopted out, instead of euthanized.

Councilman Scott stated he would like to recommend as a plan of action is to send this to the Building and Properties committee and ask them to investigate what the Haven and North Baldwin have done in regards to creating updated facilities for their animals. Councilman Goodlin stated he felt this should be brought up and addressed with Ronnie (Facilities Director) about a set recommendation about what we can do and what our different options might be. Councilman Scott asked for a formal motion to forward this recommendation to Building and Properties committee to take a look at it. Councilman Coleman, second. No disagreement, all in favor, motion carried.

Suzanne Rowell, 27825 Co. Rd. 13, Daphne, addressed the committee with concerns of the speed limit in the area off Co. Rd. 13 where the new sidewalks were just laid. The sidewalk will connect from Lawson road in front of the high school and will come down to Diamante, and eventually all the way to 64. She stated the current posted speed limit in this area is 45 mph, and she would encourage each person present to come down to this sidewalk at 5:00 in the evening and feel for

themselves what a danger this area is with the current speed limit. She stated in the last 5-10 years no less than 5 cars have gone into the bridge here, with one taking out the recently laid sidewalks just recently. She requested that some type of barrier be discussed for this area and that the current posted speed limit of 45 mph is very dangerous, especially going into the curve. She would like to see the speed limit to be decreased to 35 mph. She stated further down by Richtex Fabrics it is 35mph and posted residential, however where Diamonte is going to be it will be residential too with a 150 lot subdivision coming in, along with Sehoj and Tiawasee subdivisions all both right there.

Councilman Scott addressed Ms. Rowell and her concerns. He acknowledged that the 45 mph speed limit was justified in being that when it was just Tiawasee and Sehoj there, but no sidewalks. He stated however now with all of the new developments, along with the addition of the sidewalks that will be used by walking pedestrians, the speed limit needs to be reduced in this area. He stated if we are going to look into changing the speed limits for this area now is the time to do it as it currently has been 30 mph throughout the construction phase. He stated that from this point to the school it needs to be 35 mph, but past this point going to Hwy 90 it needs to be 45 mph because there isn't anything there.

Councilman Goodlin made a motion to change the speed limits to 35 mph in this area and move it to be in front of the City Council. Councilman Rudicell, second. No disagreement, all in favor, motion carried.

Gerry Goffinet, 505 Potters Mill Rd., Daphne, addressed the committee with his concern of an arrow sign (for a cross walk) that is posted underneath a stop sign as you turn onto 98, nearly across the street from Whitt's Ice Cream place. He stated the arrow sign obstructs your view (provided a diagram) in order to see on-coming right hand traffic heading North. He suggested that this sign either needs to be removed or move it down on the poll so that the view of traffic is not obstructed.

Councilman Rudicell addressed Mr. Goffinet and said the reason why the arrow sign was posted was to make the North and South-bound traffic aware that there is a cross-walk there. Several people came to the council 4 or 5 years ago stating the need of having notification of this cross-walk so it was put up. Councilman Scott stated this is going to be an issue with Public Works (not in attendance) and suggested he bring this issue up at the next Public Works meeting, first Friday of the month at 5:30pm.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from April 9, 2018, were approved as read.

POLICE DEPARTMENT

A. New Business –

March 2018 stats were presented. March 2018 D-runs were also presented. Chief Carpenter introduced Lieutenant David Smith to the council, some did not know him. He introduced him as the Lieutenant over the Patrol Division. Councilman Scott inquired about recent activity that he observed off of Ridgewood Drive and Lawson. He stated it looked as if some Patrol men were there standing guard for possibly FBI. He asked if there was some type of raid that happened. Chief responded saying that an arrest warrant and a search warrant were executed and we assisted the FBI in executing that. Chief said the FBI actually had their SWAT team down from Montgomery for this arrest. There was apparently some online activity where terroristic threats were being made and the FBI took this event very seriously and our officers stood watch while they executed the warrants.

Chief stated Lt. Smith followed up on Randall Ave. with some of the residents who live there regarding the D-Runs that were being done. Chief stated that these d-runs for this area will continue due to the numerous complaints we have received, but won't show up until April D-Run stats.

Councilman Goodlin inquired if speed bumps were needed in this area. Chief Carpenter and Lt. Smith both responded that it would be hard to have speed bumps in this area due to the length of the road. Lt. Smith did add that maybe the very low profile speed bumps, like those that are located in the back way of Magnolia Springs area heading towards Jesse's, would be a better solution, as they still allow you to maintain a good speed while going over them, but do slow you down as well. Chief added that this is something they need to consider looking in to in the new Jubilee Farms subdivision as well; having some type of calming devices in the planning/implementing stages established prior to the development being finished. Councilman Rudicell made a motion to put this issue in the planning commission meeting.

Chief stated that we currently have 3 new officers in the academy right now and 3 more officers were just hired last week, one with experience who won't have to go to the academy. He stated once Lt. Hempfleng retires (end of May) we will have one more opening that will need to be filled. Applications are currently being taken for that open officer slot.

FIRE DEPARTMENT

A: New Business –

Chief White presented the stats for March 2018. He stated to the council that they are having over 200 EMS calls per month.

He also stated that Friday he received 2 emails requesting payment for Station 2. Councilman Scott stated there was a settlement that was put forth with the vendor. He hadn't paid his "subs" which are to be paid by the contractor. Scott advised this needs to be forwarded on to Kelly in Finance.

Councilman Rudicell inquired as to what percentage (%) of calls the Fire Department receives where someone calls because someone elderly "falls" and their spouse or caregiver can't pick them up. Chief White stated these calls happen often and they have a lot of assists for circumstances like this.

Councilman Goodlin asked what the status of the ISO rating is. Chief White stated it has happened, but it takes 3 months to get the rating back.

Old Business – N/A

OTHER BUSINESS –

Chief Carpenter asked, regarding the animal shelter public participation, if the council knew if they had previously spoke to Lt. Hempfleng (over Support Services, including the Animal Shelter), prior to addressing the committee. Councilman Scott said he was unsure if they did or not, but that he got a call from Ms. Dail last week about this concern. He continued to say that building was built in 1989, we've grown 5 or 6 times since then and this is something we really need to look at. He added his concern that so many people are pulling at us (the city) in several different ways, that without a strategic plan how do we know where to put our priorities. Councilman Scott strongly advised that a strategic plan for the City needs to be put into place.

Mayor Haygood addressed the committee at the end of the meeting, stating he wished to introduce two new hires for the City; Kit Robinson who will be the executive assistant to the Mayor. He stated she formerly worked at the Chamber and started last Thursday, and secondly the executive director of city development, Mr. Troy Strunkt, was just recently hired and will be starting next Monday. He is formally of WAS Design, and has previously done a good bit of work for the City in a landscape architectural role, but their firm also does a lot of planning. He felt he was a great candidate and with the planning

background he felt he will help make the city not only beautiful but also try to establish a more high level sense of planning in terms of being proactive to help guide development and channeling it in the way the City of Daphne want to see it done to promote Daphne in a way that grow, with orderly development.

Councilman Scott asked Mayor Haygood if Mr. Strunkt would be able to help us jumpstart a strategic plan, to which the Mayor responded he felt he would definitely be able to aide and assist in this. Councilman Scott stated this is something that really needs to be a priority so we, as a City, can address how and where were are going to allocate our funds and our resources, especially when there is a need like the Animal Shelter. Mayor Haygood added, in regards to the Animal Shelter, that Lt. Kenny Hempfleng recently came on in that position when Lt. Ric Yelding retired, and unfortunately we will be losing Kenny to retirement at the end of this month, on top of losing Maria Nicholson who was Lt. Yelding's long-time administrative assistant for that position, so it has been a period of change and transition for the Animal Shelter. He added that Reggie Ardis will be filling the vacancy for Lt. when Kenny retires this month, and Debbie White recently moved over to the vacancy of Ms. Nicholson's position. He stated that Ms. White is an animal lover and a strong advocate for our shelter, and with her help and Lt. Ardis moving into this position, it is his hope that they will be able to carve a path for the shelter in an orderly fashion in the coming months.

ADJOURN

There being no further business to discuss, Councilman Scott made a motion to adjourn the meeting at 5:16 p.m. The next meeting will be Monday, June 11, 2018 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee

To: Candace Antinarella, City Clerk

From: Adrienne Jones, Director Community Development

Subject: BZA Membership & Officers

Date: June 8, 2018

MEMO

Listed below are the current BZA members, their term end dates and the Elected Officers. Mr. Durant's term expires in July and he has elected to no longer serve on the board due to work related issues; therefore I respectfully recommend Mr. Wolstenholme be appointed as a regular board member and a new second supernumerary alternate be selected to serve out his term.

Regular Board Members

Chairman	Term Ends
Willie Robison	November, 2019

Vice Chairman	
Billy Mayhand	March, 2020

Thomas Warner III	May, 2019
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Philip Durant	July, 2018
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Herb Cole	July, 2019
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Alternates

Derek Wolstenholme	May, 2019
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Carolyn Courson	June, 2019
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Additionally there will be no July meeting for the BZA and thank you for your prompt attention in this matter.

DOWNTOWN REDEVELOPMENT AUTHORITY

**CITY OF DAPHNE
CITY HALL
1705 MAIN STREET
DAPHNE, AL 36526**

April 25, 2018

MEETING MINUTES

MEMBERS PRESENT: Daniel Dyas, Belle Laurendine, Brandy Lister, *Dorothy Morrison, Dayna Oldham, Nicole Simms, Debbie Strahley and Patricia Vanderpool

COUNCIL LIASON PRESENT: Councilwoman Tommie Conaway

OTHERS PRESENT: Ken Balme, Taylor Wilkins, Amy Tickle and Brandy Volovecky, Assistant City Clerk

A. CALL TO ORDER

There being a quorum present, Daniel Dyas called the meeting to order at 5:34 p.m.

B. INVOCATION AND PLEDGE

Mr. Dyas gave the invocation and led members in the pledge of allegiance.

C. COMMITTEE REPORTS

Councilwoman Conaway said the Mayor mentioned that the DRA is looking into underground utility lines.

*Dorothy Morrison arrived at 5:38 p.m.

Councilwoman Conaway reminded members of the upcoming Volunteer Appreciation Breakfast on May 16, 2018.

Mrs. Morrison said the Beautification Committee is working on a lot of projects.

D. NEW BUSINESS

a) Pocket Park at Main Street

Mr. Dyas said the Pocket Park is a piece of property that has been offered to the City. He asked if Mrs. Morrison had any additional details on this.

Mrs. Morrison said she does not have any additional details. There may be a need for the DRA to provide \$650 to fund the transfer of the deed to the City. Discussion took place regarding maintenance of the property and the need for additional information. Mrs. Morrison said she will provide more information as it becomes available.

E. OLD BUSINESS

a) Bike Rack and Repair Station

Mrs. Morrison said she has provided all of the information to the Board members. Mr. Dyas said he and Ms. Morrison will coordinate next week to order the bike rack.

F. PUBLIC PARTICIPATION

a) Utility Pole Consolidation

Taylor Wilkins, 330 Bay Hill Drive, spoke regarding the need to consolidate, and remove obsolete, utility poles in Daphne.

The lack of regulation and coordination between the utilities was discussed. Mr. Wilkins said he believes a consultant could be brought in to provide options for consolidation.

b) Smart Growth Presentation

Amy Tickle gave a **presentation** on smart growth in Historic Daphne. She stressed the need for clearly defined goals and the creation of a working list for 2018-2019.

Discussion took place regarding possibly hiring a planner or consultant to establish a plan which can be brought to the Mayor and City Council.

Ms. Tickle agreed to facilitate a design charrette and bring an outline of the process to a DRA meeting.

G. ADJOURN

Mr. Dyas asked for a motion to adjourn.

Motion by Dorothy Morrison to adjourn meeting.

Motion Carried Unanimously

Meeting adjourned at 6:58 p.m.

Contingency Fee Agreement to represent The City of Daphne, Alabama for damages relating to and/or arising out of the manufacturing, distributing and prescribing of Opioids by all responsible parties.

The City of Daphne, by and through Dane Haygood, in his Official Capacity as Mayor by the virtue of the authority of a Resolution passed by a majority vote of the Daphne City Council on the ___ day of June, 2018, the undersigned (hereinafter referred to as "Client"), does hereby retain the law firm of Mary Beth Mantiply (hereinafter referred to as "Attorneys") to represent Client in connection with its claim for damages related to damages relating to and/or arising out of the manufacturing, distributing and prescribing of Opioids by all responsible parties (hereinafter referred to as "Claim").

Client specifically authorizes Attorneys to undertake negotiations and/or file suit or institute legal proceedings necessary in the future on behalf of Client regarding the Claim. Client further authorizes Attorneys to retain and employ, at Attorneys' expense, the services of any experts, as well as the services of other outside contractors, whom Attorneys deem are necessary in representing Client's interest.

Attorneys agree to diligently institute and prosecute Client's Claim to a final determination in the appropriate court and to make all reasonable and necessary efforts to collect any judgment that may be rendered therein in Client's favor. In the event of a judgment unfavorable to Client by a court, Attorneys will, if in their opinion good grounds exist, appeal said cause to the appropriate courts of appeal and will prosecute same to a final determination therein.

I. ATTORNEYS' FEES. As compensation for legal services, Client agrees to pay Attorneys as follows:

Contingency Fee - This employment agreement is on a contingency fee basis and, if no recovery is made, Client will not be indebted to Attorneys for any sum whatsoever as Attorneys' Fees or Attorneys' expenses.

Attorneys shall receive a percentage of the gross settlement before the deduction of costs and expenses as follows: 33.33% if the claim is resolved by a settlement or litigation, plus reimbursement for any direct itemized expenses incurred in prosecuting the case as described herein; or 40% if the filing of an appeal is made by any party, plus reimbursement of any direct itemized expenses incurred in prosecuting the case as described herein.

As used in this agreement, "gross settlement" means principal, interest, penalties, litigation costs and expenses, statutory attorneys' fees and all other amounts recovered or to be recovered, including the value of any structured settlement, future payments, remediation, or non-pecuniary benefits, whether by suit, settlement, judgment or otherwise.

Attorneys shall have the authority, without the need for further action by Client, to retain such additional attorneys and law firms as may be needed to successfully pursue the claims anticipated by this Agreement; provided, however, that the retention of such additional attorneys or law firms shall not increase the amount of Attorneys' fees otherwise payable by Client

pursuant to this Agreement. Attorneys will apprise Client of the identity of said Attorneys before disclosing any of Client's confidential information and will be responsible for the Attorneys' or any consultants' conduct with regard to its possession or use of any confidential information and shall hold Client harmless, indemnify and defend (with Client's choice of counsel) any claims made because of any improper disclosure of Client's confidential information by any of the Attorneys or their affiliates.

2. **COSTS AND EXPENSES.** Client understands that expenses related to the prosecution of this case will be advanced by Attorneys and that, in the event of a recovery, such expenses deemed reasonably necessary for the presentation or prosecution of the Claim shall be deducted from the amount recovered after the fee is calculated and distributed to the Attorneys. The Client shall have the right to a detailed accounting of all expenses claimed. In no event shall Client be required to reimburse the Attorneys for any expenses if, for example, either no recovery is made on the Client's Claim or the amount recovered on the Client's Claim is less than the expenses incurred. Notwithstanding the fact that Attorneys will advance out-of-pocket expenses, Client agrees to cooperate with Attorneys to the extent reasonably possible by making available to Attorneys all personnel, documents, and other information at Client's own expense that Attorneys in their discretion may deem necessary in furtherance of this Agreement and Client's Claim.

3. **NO GUARANTEE.** Client acknowledges that Attorneys have made no promise or guarantee regarding the outcome of this Claim. Attorneys have advised Client that litigation in general is risky, can take a significant amount of time, can be very costly, and can be very frustrating. Client further acknowledges that Attorneys shall have the right to cancel this agreement and withdraw from this matter if, in Attorneys' professional opinion, the matter does not have merit or does not have a reasonably good possibility of recovery, or as permitted under the Rules of Professional Conduct. No guarantee or representation has been made to Client as to what type or amount of recovery, if any, may be expected on Client's Claim.

4. **STATUTORY ATTORNEY'S FEES.** In the event of recovery under the provisions of any laws which specify attorney's fees to be paid, Attorneys are entitled to the whole of the statutory fee awarded regardless of whether there is an award of damages. The law firms shall be entitled to receive this court-awarded fee or the contingent percentage set forth herein, whichever is greater, but not both.

5. **ALABAMA LAW.** This contract shall be governed by Alabama law. It contains the entire and complete understanding between the parties and can only be modified by written amendment signed by all parties.

6. **TERMINATION OF REPRESENTATION.** Client understands that it has the right to terminate the representation upon written notice to that effect. Client understands that upon the event of termination it will be responsible for any fees or costs incurred prior to the discharge or termination, based on all of the facts and circumstances deemed relevant by Alabama statutory law and/or jurisprudence.

7. CLIENT COOPERATION. Client agrees to cooperate with Attorneys at all times and to comply with all reasonable requests of Attorneys.

8. DOCUMENT EXECUTION. The parties hereto agree to execute any and all documents that may be necessary to effectuate, ratify, acknowledge, or otherwise validate this agreement.

9. ENTIRE AGREEMENT. Client has read this agreement in its entirety and Client agrees to and understands the terms and conditions set forth herein. Client acknowledges that there are no other terms or oral agreements existing between Attorneys and Client. This agreement may not be amended or modified in any way without the prior written consent of Attorneys and Client.

10. In the event that Attorneys and Client determine that it is in the best interests of Client to pursue recovery in the Federal Multi-District Litigation, the entire Attorneys' Fees will be limited to 15% plus expenses.

The undersigned Client and Attorneys have caused this Agreement to be executed by and through their duly authorized representatives on this the ___ day of June, 2018.

MARY BETH MANTIPLY
FOR ATTORNEYS

DATE _____

DANE HAYGOOD, MAYOR
FOR CLIENT

DATE _____

CITY OF DAPHNE

RESOLUTION NO. 2018-30

DONATION OF REAL PROPERTY TO CITY OF DAPHNE

WHEREAS, Bertolla Properties, LLC, an Alabama limited liability company (hereinafter, the “Donor”), has expressed a desire to convey and donate one (1) parcel of real property to the City of Daphne, an Alabama municipal corporation; and

WHEREAS, said real property is located within the corporate limits of the City of Daphne, Alabama and is more particularly described as follows:

Lot 1 of Replat Bertolla Daphne Two Lot Subdivision as recorded on March 23, 2017, Instrument No. 1624902, Slide No. 0002593-C in the Probate Court of Baldwin County, Alabama.

WHEREAS, on April 16, 2018, Daphne City Council adopted Resolution 2018-16, accepting the real property and authorizing the Mayor to execute such documents required to convey the property to the City; and

WHEREAS, attached hereto as Exhibit 1 and incorporated herein by reference is the conveyance instrument, which includes restrictions on the City of Daphne’s use of the above referenced parcel of real property, along with a provision that would revert title to the property back to the Donor if the City were to ever default on any of said restrictions, as follows:

1. “The above described lot shall only be used for City of Daphne municipal public purposes, which shall not include jail facilities, housing of detainees or inmates, rehabilitation facilities, firing ranges, garbage facilities, or fleet parking. Fleet parking is defined as outdoor, or partially indoor (covered) parking of ten (10) or more self-propelled vehicles, owned or operated by the City of Daphne, which are stored on the subject property and not currently in service. Fleet parking **shall not** include the parking of vehicles by the City of Daphne on the subject property when said vehicles are in use and are related to the public purpose for which the property is being used.
2. Nothing herein requires that a building be constructed upon said lot.
3. Should a building ever be constructed on the above described lot, Grantee, or its successors in interest, shall contemporaneously therewith construct a dedicated, publicly maintained, paved road upon that certain land described in that certain Right of Way Deed from Grantor to The City of Daphne executed simultaneously herewith and recorded as Instrument Number _____ in the Office of the Judge of Probate, Baldwin County, Alabama, which lies contiguous and parallel to the entire east line of the above described lot.

4. That in the event of the breach of any one or more of the covenants contained in paragraphs one and two above, Grantor, its successors or assigns, shall have the right to declare a default to exist upon written notice to Grantee stating in detail the items of default and Grantee shall have one-hundred eighty (180) calendar days from the date of the notice of default in which to commence curing any such default. If no effort to cure the default is commenced prior to the one-hundredth and eighty-first (181st) day and the default continues, the lot shall revert to the Grantor, or its successors in interest, and all right, title or interest in and to said lot formerly held by Grantee, or its successors in interest, shall terminate and be rendered null and void.”

WHEREAS, the City Council has reviewed and contemplated said deed restrictions and reversionary clause, including the 180-day right of the City to commence curing any default of said restrictions to avoid reversion, and reaffirms its belief that the real property would be of benefit to the City of Daphne; and

WHEREAS, the City of Daphne reaffirms its acceptance of said property.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the Mayor of the City of Daphne be and is further authorized to execute such documents related to the closing and acceptance of the parcel, in the same form as attached hereto as Exhibit 1, as a charitable contribution to the City by the Donor.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE 18TH DAY OF JUNE 2018.

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

CANDACE G. ANTINARELLA, CITY CLERK

\$210,000.00 (Appraised Value)

**STATE OF ALABAMA
COUNTY OF BALDWIN**

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, BERTOLLA PROPERTIES, LLC, an Alabama limited liability company, ("Grantor"), for and in consideration of the sum of TEN AND NO/100 (\$10.00) and other good and valuable consideration to said Grantor in hand paid by THE CITY OF DAPHNE, an Alabama municipal corporation, ("Grantee"), the receipt of which is hereby acknowledged by the Grantor, does hereby, subject to the matters and things hereinafter set forth, grant, bargain, sell and convey unto Grantee, that certain real property situated, lying and being in the County of Baldwin, State of Alabama, as is more particularly described to-wit (the "Property"):

Lot 1 of Replat of Bertolla Daphne Two Lot Subdivision as recorded on March 23, 2017, Instrument No. 1624902, Slide No. 0002593-C in the Probate Court of Baldwin County, Alabama.

SUBJECT TO THE FOLLOWING:

1. The above described lot shall only be used for City of Daphne municipal public purposes, which shall not include jail facilities, housing of detainees or inmates, rehabilitation facilities, firing ranges, garbage facilities, or fleet parking. Fleet parking is defined as outdoor, or partially indoor (covered) parking of ten (10) or more self-propelled vehicles, owned or operated by the City of Daphne, which are stored on the subject property and not currently in service. Fleet parking **shall not** include the parking of vehicles by the City of Daphne on the subject property when said vehicles are in use and are related to the public purpose for which the property is being used.
2. Nothing herein requires that a building be constructed upon said lot.

3. Should a building ever be constructed on the above described lot, Grantee, or its successors in interest, shall contemporaneously therewith construct a dedicated, publicly maintained, paved road upon that certain land described in that certain Right of Way Deed from Grantor to The City of Daphne executed simultaneously herewith and recorded as Instrument Number _____ in the Office of the Judge of Probate, Baldwin County, Alabama, which lies contiguous and parallel to the entire east line of the above described lot.
4. That in the event of the breach of any one or more of the covenants contained in paragraphs one and two above, Grantor, its successors or assigns, shall have the right to declare a default to exist upon written notice to Grantee stating in detail the items of default and Grantee shall have one-hundred eighty (180) calendar days from the date of the notice of default in which to commence curing any such default. If no effort to cure the default is commenced prior to the one-hundredth and eighty-first (181st) day and the default continues, the lot shall revert to the Grantor, or its successors in interest, and all right, title or interest in and to said lot formerly held by Grantee, or its successors in interest, shall terminate and be rendered null and void.
5. Any setback, covenant or restriction applicable to the above described lot shown in the public records.
6. Laws, rules, and regulations of duly constituted governmental authorities.
7. Ad valorem taxes and assessments hereafter due, which taxes party of the second part assumes and agrees to pay, including any ad valorem taxes resulting from change in classification.
8. Reservation or conveyance of all oil, gas, and minerals situated in, on, or under the above described lot which was heretofore reserved by or conveyed to any third parties and not now owned by Grantor, it being the intention of the parties hereto to convey to Grantees any interest in said oil, gas, or minerals owned by Grantor.

9. Easements, rights of way, encroachments, overlaps, and other matters which would be shown by survey and inspection.

TOGETHER with all and singular the rights, privileges, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining; TO HAVE AND TO HOLD unto Grantee, and to its successors and assigns forever.

And except as for taxes hereinafter falling due, the Grantor, and for itself, and for its successors and assigns covenants with the said Grantee, its successors and assigns, that it is seized in fee simple of said premises; that the same is free of all encumbrances and that it has a good right to sell and convey the same as aforesaid, and that it, its successors and assigns, shall forever warrant and defend the same unto the said Grantee, its successors and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal on this the _____ day of _____, 2017.

BERTOLLA PROPERTIES, LLC

BY: ALEXANDER A. BERTOLLA
AS ITS: Sole Member

**STATE OF ALABAMA
COUNTY OF BALDWIN**

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that on this day, before me personally appeared **Alexander A. Bertolla** as Sole Member of BERTOLLA PROPERTIES, LLC, an Alabama limited liability company, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of said

instrument, he executed and delivered the same voluntarily and with authority on behalf of said limited liability company, on the day the same bears date on the day the same bears date.

Given under my hand and official seal on this the ____ day of _____, 2017.

NOTARY PUBLIC
My Commission Expires: _____

PROPERTY ADDRESS:
VACANT LAND
(No assigned street address)

GRANTEE'S ADDRESS:

City of Daphne
Office of City Clerk
Post Office Box 400
Daphne, AL 36526

THIS INSTRUMENT PREPARED BY:

JAY M. ROSS, ESQUIRE
Adams and Reese LLP
Post Office Box 1348
Mobile, AL 36633
(251) 433-3234 Telephone
(251) 438-7733 Facsimile

STATE OF ALABAMA
COUNTY OF BALDWIN

**GENERAL EASEMENT FOR
INGRESS AND EGRESS**

KNOW ALL MEN BY THESE PRESENTS, that the **BERTOLLA PROPERTIES L.L.C.**, an Alabama Limited Liability Company, (hereinafter "Grantor"), in consideration of the sum of Ten and No/100 (\$10.00) Dollars to be paid to the Grantor, and other good and valuable consideration, the receipt of which is hereby acknowledged by the Grantor, do hereby **REMISE, RELEASE, QUITCLAIM AND CONVEY** unto the **CITY OF DAPHNE**, an Alabama Municipal Corporation (hereinafter "Grantee"), a perpetual, non-exclusive, general easement for ingress and egress over, under and/or across land in the County of Baldwin, State of Alabama, which is more particularly described as follows:

COMMENCING FROM A 1/2" IRON REBAR WITH CAP (CA#604) AT THE SOUTHWEST CORNER OF LOT 1, BERTOLLA DAPHNE TWO LOT SUBDIVISION, AS SHOWN ON PLAT RECORDED AS SLIDE 2589-A IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°52'31" EAST ALONG THE NORTH RIGHT-OF-WAY OF MILTON JONES ROAD (60' R/W) A DISTANCE OF 151.08 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604) FOR THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 00°08'01" EAST A DISTANCE OF 300.01 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 89°51'59" EAST A DISTANCE OF 60.00 FEET TO A POINT; THENCE RUN SOUTH 00°08'01" WEST A DISTANCE OF 300.01 FEET TO A POINT ON SAID NORTH RIGHT-OF-WAY; THENCE RUN NORTH 89°51'59" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED EASEMENT CONTAINING 0.41 ACRES (18,001 SQUARE FEET), MORE OR LESS.

(hereinafter "Easement Area") for the purpose of ingress and egress in, over, through and across the described Easement Area.

This Easement shall be subject to the following terms and/or conditions:

1. Grantor and its successors and/or assigns shall not cause any unnecessary and/or unreasonable obstruction or interruption of travel or access by the Grantee to the Easement Area.
2. It shall be the Grantor's sole responsibility to maintain the easement unless and until the Grantee constructs a dedicated publicly maintained paved road upon the Easement Area according to the terms and conditions contained in the Warranty Deed executed contemporaneously herewith.
3. Grantee, its successors and/or assigns, shall have a perpetual, continuous and uninterrupted use, privilege and easement to use and enjoy the above described Easement Area.
4. Grantor hereby grants to Grantee the right to permit the Grantee, Grantee's invitees, guests, employees, agents and others of the general public to come on the premises to utilize the Easement Area, it being the intention of the parties hereto that such persons shall have free access to, upon, and over the Easement Area.
5. This easement shall be perpetual, permanent and run with the land and shall be binding on the Grantor and Grantee and their successors and/or assigns.
6. Grantee shall exercise due care in the use of the Easement Area.
7. Grantor shall have the right of access to the Easement Area at all times and all rights reasonably necessary for the use and enjoyment of the Easement Area.
8. Grantee does hereby obtain all the rights and privileges necessary or convenient for the full use and enjoyment of the Easement Area, including the right of ingress and egress.
9. Grantee is specifically granted the right to pave and construct a paved road to be dedicated to public use.

This Easement shall be binding on all parties hereto and their respective successors and/or assigns and shall run with the land.

IN WITNESS WHEREOF the Grantor has hereunto set its hand and seal this

_____ day of _____, 2017.

BERTOLLA PROPERTIES L.L.C.

BY: _____
ALEXANDER A. BERTOLLA
AS ITS: Managing Member

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned, a Notary Public in and for said State and County, hereby certify that Alexander A. Bertolla, as Managing Member of Bertolla Properties L.L.C. is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being informed of the contents of said instrument, he, as such Member and with full authority, executed the same voluntarily for and as the act of said Company.

Given under my hand and official seal this ____ day of _____, 2017.

Notary Public
State of Alabama
My Commission Expires: _____

By execution of this instrument the Grantee hereby agrees to the terms and conditions contained herein and shall be bound by the same.

Dated this ____ day of _____, 2017.

CITY OF DAPHNE, ALABAMA

DANE HAYGOOD, MAYOR

ATTEST:

CANDACE G. ANTINARELLA

CITY CLERK

THIS INSTRUMENT PREPARED BY:

Missty C. Gray
ADAMS AND REESE LLP
Post Office Box 1348
Mobile, Alabama 36633-1348
(251) 433-3234 telephone
(251) 438-7733 facsimile
Missty.gray@arlaw.com

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2018-23**

JOB RECLASSIFICATION: GIS ANALYST

**An Ordinance Reclassifying the Job Description and Compensation for
the Planner Position to Geographical Information System (GIS) Analyst Position**

WHEREAS, Ordinance 2004-52, adopted January 3, 2005, established the City of Daphne Job Classification Schedule; and

WHEREAS, the City of Daphne has recognized the need for modifications to the compensation package for the position of GIS Analyst; and

WHEREAS, Ordinance 2017-77 approved and adopted the Fiscal Year 2018 Budget on October 2, 2017 which funded the position of the Planner; and

WHEREAS, a reclassification of the Planner position to a GIS Analyst position;
and

WHEREAS, a Planner position is a Grade 18 exempt and a GIS Analyst position has been recommended as a Grade 19 exempt.

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

1. The Planner position is hereby reclassified to a GIS Analyst; and
2. The City Council hereby authorizes the Mayor to fill the GIS Analyst position at the salary level of a Grade 19 exempt; and
3. The attached Job Description for the position of GIS Analyst is hereby adopted and incorporated into the City of Daphne Job Classification Schedule.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this 18th day of June, 2018.

Attest:

Dane Haygood, Mayor

Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA CLASSIFICATION SPECIFICATION

CLASSIFICATION TITLE: GIS ANALYST

PURPOSE OF CLASSIFICATION

The purpose of this classification is to perform technical work functions associated with preparation, update and maintenance of computerized property maps and records in the city's geographical information system (GIS). This position is responsible to produce standardized and custom maps and perform analyses for various city departments using GIS data.

ESSENTIAL FUNCTIONS

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

Develops and maintains geographical information system (GIS) database containing the city's natural and political boundaries and the objects within; codes, digitizes and enters map feature information; matches addresses of location-based data to geographic database.

Communicates with supervisor, co-workers, users, other departments and other individuals as needed to identify GIS needs, review options and costs, discuss work in progress, exchange information, resolve problems, and provide operational support.

Researches and/or interprets geographic data; researches data conversions, property records, recorded plats, tax records, ortho-photos, topographical data, engineering plats, diagrams and maps; conducts other research as needed.

Prepares cartographic products for presentation; prepares and displays PowerPoint presentations of maps, plats, photos and other related exhibits for use at Planning Commission meetings, City Council meetings, etc.

Proficient in ESRI software suite; Adobe Suite, Excel, Access, Oracle, SQL Server or similar preferred.

Gathers geographic data and other map information through GPS data, forms, reports, correspondence, legal documents, diagrams, tabular data, photos, maps, photo images, drawings, plats, manuals, etc.

Produces spatial analysis and accurate GIS mapping products using computer aided design (CAD, drafting), GIS, and cartographic skills; prepares a variety of maps to identify features such as city zoning, land use, wetlands, streets, boundaries, aerial photos, topography, subdivisions, annexations, hydrant location, sex offender registration, crime scene area, voting districts, public works, park locations, overlays, disaster response and shelter locations and other specialized analyses as needed; updates maps to reflect changes.

Creates and maintains attribute files of map features including parcel identifications, street and subdivisions, business locations, schools and daycare centers, boundaries, public safety jurisdictions, etc.; completes Metadata files as needed for new ESRI shapefiles.

Assists with the Census related matters as directed; completes annual report using same annexation data for Baldwin EMC for tax revenue reimbursement.

Provides updated information regarding GIS related changes to various local entities including Baldwin County Planning Department, Board of Education, Riviera and Daphne Utilities, and others as needed or requested.

Enters, retrieves, reviews or modifies data in computer database; verifies accuracy of entered data; makes corrections as appropriate; utilizes computer-aided design (CAD), mapping, imaging, data transfer, database, or other software programs as directed.

Operates a variety of equipment and tools associated with mapping and department operations, which may include a computer, digitizer, CD recorder, plotter, scanner, transit, level, and scale.

Performs general maintenance of computer systems, such as installing software programs, configuring software, installing/replacing hardware, backing up data, and replacing paper, toner and ribbons; coordinates service/repair activities as needed.

Provides input and recommendations concerning future purchases of computer hardware, software programs, and mapping equipment.

Processes a variety of documentation associated with departmental operations, per established procedures and within designated timeframes; distributes documentation or retains records as appropriate; prepares or completes various forms, reports, correspondence, maps, or other documents summarizing various GIS edits/analyses/findings; prepares departmental files; maintains file system of departmental records.

Receives various forms, reports, correspondence, legal documents, diagrams, maps, photographs, drawings, plats, manuals, reference materials, or other documentation; reviews, completes, processes, forwards or retains as appropriate.

Maintains inventory of departmental tools, supplies and equipment; initiates requests for new or replacement materials.

Answers the telephone; provides information, guidance and assistance; takes and relays messages or directs calls to appropriate personnel; returns calls as necessary.

Communicates with manager, employees, other departments, officials, vendors, the public, and other individuals as needed to coordinate work activities, review status of work, exchange information, or resolve problems.

Maintains a comprehensive, current knowledge and awareness of applicable laws/regulations; maintains an awareness of new trends and advances in the profession; reads professional literature; maintains professional affiliations; attends workshops and training sessions as appropriate.

ADDITIONAL FUNCTIONS

Assists in troubleshooting computer hardware/software problems within the department.

Provides assistance to other employees or departments as needed.

Performs other related duties as required.

MINIMUM QUALIFICATIONS

Bachelor's degree with emphasis in Geographic Information Systems, Geography, Planning, Civil Engineering, Computer Sciences, or related field; three (3) to five (5) years previous experience and training that includes civil engineering, cartography, mapping, or CAD computer operations; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for this job. Must possess and maintain a valid Alabama driver's license.

PERFORMANCE APTITUDES

Data Utilization: Requires the ability to review, classify, categorize, prioritize, and/or analyze data. Includes exercising discretion in determining data classification, and in referencing such analysis to established standards for the purpose of recognizing actual or probable interactive effects and relationships.

Human Interaction: Requires the ability to provide guidance, assistance, and/or interpretation to others regarding the application of procedures and standards to specific situations.

Equipment, Machinery, Tools, and Materials Utilization: Requires the ability to operate, maneuver and/or control the actions of equipment, machinery, tools, and/or materials used in performing essential functions.

Verbal Aptitude: Requires the ability to utilize a wide variety of reference, descriptive, advisory and/or design data and information.

Mathematical Aptitude: Requires the ability to perform addition, subtraction, multiplication and division; ability to calculate decimals and percentages; may include ability to perform mathematical operations involving basic algebraic principles and formulas, and basic geometric principles and calculations.

Functional Reasoning: Requires the ability to apply principles of rational systems; to interpret instructions furnished in written, oral, diagrammatic, or schedule form; and to exercise independent judgment to adopt or modify methods and standards to meet variations in assigned objectives.

Situational Reasoning: Requires the ability to exercise judgment, decisiveness and creativity in situations involving the evaluation of information against sensory, judgmental, or subjective criteria, as opposed to that which is clearly measurable or verifiable.

ADA COMPLIANCE

Physical Ability: Tasks require the ability to exert very moderate physical effort in light work, typically involving some combination of stooping, kneeling, crouching and crawling, and which may involve some lifting, carrying, pushing and/or pulling of objects and materials of moderate weight (12-20 pounds).

Sensory Requirements: Some tasks require the ability to perceive and discriminate colors or shades of colors, depth, texture, and visual cues or signals. Some tasks require the ability to communicate orally.

Environmental Factors: Essential functions are regularly performed without exposure to adverse environmental conditions.

The City of Daphne, Alabama, is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2018-24**

**Ordinance to Re-Zone Property Located
Southeast of Van Avenue and Main Street
The Estate of Victorine Nelson**

WHEREAS, The Estate of Victorine Nelson as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as R-3, High Density Single Family Residential, to be Re-Zoned as B-3, Professional Business District; and

WHEREAS, said real property is Southeast of Van Avenue and Main Street, and more particularly described as follows:

Legal Description for Re-Zone:

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).

WHEREAS, at the regular Planning Commission meeting on April 26, 2018, no action was taken due to insufficient quorum of the Planning Commission members; therefore, the proposed zoning amendment moves forward with no recommendation to rezone the subject property; 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 June 18, 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-3, High Density Single Family Residential, to B-3, Professional 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 July, 2018.

Attest:

Dane Haygood, Mayor

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE
ORDINANCE NO. 2018-25**

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

**ARTICLE XVII, SECTION 17-4, PROCEDURES FOR SUBDIVISION REVIEW, FINAL PLAT
APPLICATION, (b) MAINTENANCE BONDS**

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

WHEREAS, at the City of Daphne Planning Commission regular meeting on April 26, 2018 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on June 18, 2018; and,

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

**SECTION I: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT
ORDINANCE TO REPEAL ARTICLE XVII, SECTION 17-4, PROCEDURES FOR
SUBDIVISION REVIEW, FINAL PLAT APPLICATION, (b) MAINTENANCE BONDS AND
REPLACE SAID SECTION AS FOLLOWS:**

(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.

SECTION II: CONFLICT WITH OTHER ORDINANCES

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF July, 2018.

AN ALABAMA MUNICIPAL CORPORATION

Attest:

Dane Haygood, Mayor

Candace G. Antinarella, City Clerk