

**CITY OF DAPHNE**  
**CITY COUNCIL BUSINESS MEETING AGENDA**  
**May 13, 2019 at 6:25 P.M.**

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

**PRESENTATION:** Proclamation: National Police Week

**PRESENTATION:** Proclamation: Municipal Clerk's Week

3. **APPROVE MINUTES:** Council Meeting – April 15, 2019

4. **REPORTS OF STANDING COMMITTEES**

- A. **FINANCE COMMITTEE** – Conaway  
Review minutes from the April 15, 2019 meeting.
  - a. **Lodging Tax** – February 2019 - \$88,819
  - b. **Sales Tax** – February 2019 - \$1,311,553
  - c. **Unrestricted Fund Balance** – March 2019 - \$14, 943, 687
  - d. **Total Cash Balance** – \$24,734,563
- B. **BUILDINGS & PROPERTY COMMITTEE** – Goodlin  
Review the April 2019 Building Report.
- C. **PUBLIC SAFETY COMMITTEE** – Scott
- D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE** – Phillips
- E. **PUBLIC WORKS COMMITTEE** – Coleman  
Review the Museum minutes from the April 8, 2019 Meeting.

5. **REPORTS OF SPECIAL BOARDS & COMMISSIONS**

- A. **BOARD OF ZONING ADJUSTMENTS** – Adrienne Jones  
Review the minutes from the March 2019 meeting.  
**MOTION** to appoint Thomas Warner to the Board of Zoning Adjustments for a three year term ending May 2022.  
  
**MOTION** to appoint Carolyn Courson to the Board of Zoning Adjustments for a three year term ending May 2022.  
  
**MOTION** to appoint Derek Wolstenhome to the Board of Zoning Adjustments for a three year term ending May 2022.
- B. **DOWNTOWN REDEVELOPMENT AUTHORITY** – Conaway
- C. **INDUSTRIAL DEVELOPMENT BOARD** - Rudicell
- D. **LIBRARY BOARD** –Phillips
- E. **PLANNING COMMISSION** – Scott  
Review the minutes from the March 28, 2019 and April 25, 2019 regular meetings as well as the special called April 9, 2019 meeting.
- F. **RECREATION BOARD** – LeJeune
- G. **UTILITY BOARD** – LeJeune

## **City Council Agenda – May 13, 2019**

### **6. MAYOR’S REPORT**

### **7. CITY ATTORNEY REPORT**

### **8. DEPARTMENT HEAD REPORTS**

### **9. CITY CLERK’S REPORT**

**MOTION** to approve the issuance of the 050 – Retail Beer (Off Premises Only) and 070 – Retail Table Wine (Off Premises Only) to Rouses Enterprises LLC dba Rouses Market 78 located at 3075 US Highway 98, Daphne, Alabama.

**MOTION** to approve the Eastern Shore Out of the Darkness Walk on October 20, 2019 from 1:00 – 4:00pm (no street closure requested).

### **10. PUBLIC PARTICIPATION**

### **11. RESOLUTIONS & ORDINANCES**

#### **A. RESOLUTIONS:**

**2019 -34** - Concession Services Bid - Greek Catering and Events

**2019 -35** - Acceptance of Roads and Rights of Way – Pollard Park

**2019 -36** - Acceptance of Roads and Rights of Way – HSC Johnson Road LLC Subdivision

**2019-37** – RFQ-MBNEP/ADEM 319: Tiawasee Creek Sub-Watershed Management and Restoration

**2019-38** – Montclair Loop Ditch Stabilization – NRCS Emergency Watershed Protection Program

#### **B. 2<sup>ND</sup> READ ORDINANCES:**

#### **C. 1<sup>ST</sup> READ ORDINANCES:**

**2019-21** – Flood Damage Prevention

**2019-22** - Additional Appropriation: Poles and Signal Upgrade Johnson Road/Hwy 98 & US 98/CR64 Intersection - \$30,127

**2019-23** – Additional Appropriation: Daphne Sports Complex - \$37,450

**2019-24** – Appropriation: Daphne Sports Complex 120 Day Contract Extension - \$11,978

**2019-25** – ICC Building Code – Repeal and Replace 2012-40

### **12. COUNCIL COMMENTS**

### **13. ADJOURN**

CITY OF  
DAPHNE, ALABAMA

*Proclamation*

WHEREAS; there are more than 670,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Daphne Police Department; and

WHEREAS; there were 60,211 assaults against law enforcement officers (according to 2017 statistics), resulting in approximately 17,000 injuries; and

WHEREAS; since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

WHEREAS; the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C., and 360 new names of fallen heroes were added to the Memorial in the spring of 2018; and

WHEREAS; the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 31<sup>st</sup> Annual Candlelight Vigil, at eight o'clock in the evening of May 13, 2019; and

WHEREAS; May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half staff.

NOW,  
THEREFORE; I, Dane Haygood, as the Mayor of the City of Daphne, along with the Daphne City Council, do hereby proclaim May 12 - 18, 2019 as

*National Police Week*

in the City of Daphne, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

ATTEST:

  
Dane Haygood, Mayor

  
Candace G. Antinarella, City Clerk



# CITY OF DAPHNE, ALABAMA

# *Proclamation*

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

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

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

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

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

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

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

NOW,  
THEREFORE; I, Dane Haygood, as the Mayor of the City of Daphne, along with the Daphne City Council, do hereby proclaim May 5 - 11, 2019 as

## *Municipal Clerk's Week*

in the City of Daphne, and further extend appreciation to our City Clerk, Candace G. Antinarella, and join other communities in recognizing this 50<sup>th</sup> anniversary of honoring all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.



Dane Haygood, Mayor

**April 15, 2019  
CITY COUNCIL MEETING  
REGULAR BUSINESS MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

**1. CALL TO ORDER:**

There being a quorum present Council President Rudicell called the meeting to order at 6:32 p.m.

**2. ROLL CALL:**

**COUNCIL MEMBERS PRESENT:** Pat Rudicell, Tommie Conaway, Joel Coleman, Doug Goodlin, Ron Scott, Robin LeJeune and Angie Phillips

**Also Present:** Jay Ross, City Attorney; Candace Antinarella, City Clerk; Kelli Reid, Finance Director/Treasurer; Joey Wehrman, Facilities Director; Betsy Schneider, Operations Director; Adrienne Jones, Planning Director; Troy Strunk, Executive Director of Community Development; James White, Fire Department; David Carpenter, Police Department, Jeremy Sasser, Public Works Director; Tonja Young, Library Director; and Jessica Linne, Assistant City Clerk

**INVOCATION/PLEDGE OF ALLEGIANCE:**

Invocation was given by Pastor Rife Stewart, Destiny Church International.

**PRESENTATION:** Mayor Haygood presented Daphne Police Department Communication Employees with the National Public Safety Telecommunicators Week Proclamation.

**PRESENTATION:** Mayor Haygood presented Andrea Smith from the Baldwin Child Advocacy Center with the National Child Abuse Prevention Month Proclamation.

**PRESENTATION:** Mayor Haygood recognized the Daphne Youth Baseball 12U All-Star team. Mr. Lavelle shared about the team. He said it is the first time Daphne has won state.

**3. APPROVE MINUTES:**

The minutes of the April 1, 2019 regular meeting were approved.

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE**

Councilwoman Conaway said the committee met that afternoon. The report from that meeting will be in the next packet.

**B. BUILDINGS & PROPERTY COMMITTEE**

Councilman Goodlin said the next meeting will be May 13<sup>th</sup> at 5:15pm.

**C. PUBLIC SAFETY COMMITTEE**

Councilman Scott said the minutes from the March meeting are in the packet. The next meeting is May 13<sup>th</sup> at 4:30pm.

**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE**

Councilwoman Phillips said the next meeting is May 6<sup>th</sup> at 4:30pm.

**MOTION by Councilman Coleman to request that the Daphne Planning Commission consider proposing an ordinance amending the boundaries of the Olde Towne Daphne District to include those parcels which are west of Main Street and east of 6<sup>th</sup> Street, excluding, however, all parcels which are contiguous to 6<sup>th</sup> Street. Further that upon passage by the Council of this motion, the City Clerk is requested to present a copy of said motion to the Chairman of the Daphne Planning Commission.**  
**MOTION CARRIED UNANIMOUSLY.**

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**E. PUBLIC WORKS COMMITTEE**

Councilman Coleman said the minutes from the March Beautification Meeting, March Museum Meeting and April Public Works meeting are in the packet. The next meeting will be May 6<sup>th</sup> at 5:30pm.

**5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:**

**A. Board of Zoning Adjustments**

The next meeting is May 2<sup>nd</sup> at 6:00pm. There is one application to review.

**B. Downtown Redevelopment Authority**

Councilwoman Conaway said the next meeting will be April 30<sup>th</sup> at 5:30pm.

**C. Industrial Development Board**

Councilman Rudicell said the next meeting will be April 16<sup>th</sup> at 4:30pm. Councilman Scott asked if the DISC Project had any updates and timelines for completion. Mayor Haygood said that parcels are being offered now.

**D. Library Board**

Councilwoman Phillips said the next meeting is Thursday, May 9<sup>th</sup> at 4:00pm at the Library.

**E. Planning Commission**

Councilman Scott said the minutes from the January meeting and the March report are in the packet. The next meeting is April 25<sup>th</sup> at 5:00pm. There will be discussion of the site plan review for Fire Station #5.

**F. Recreation Board**

Councilman LeJeune said there was no report.

**G. Utility Board**

Councilman LeJeune said the Utility Board will meet on April 24<sup>th</sup> at 5pm. Councilman LeJeune asked if the City Attorney had reviewed the document provided to him. Attorney Ross said he reviewed the document and there was nothing with which he disagreed.

**6. MAYOR'S REPORT:**

Mayor Haygood said all the parks are continuing to make progress.

**7. CITY ATTORNEY REPORT:**

City Attorney asked that after the regular meeting that Council could enter in an Executive Session.

**8. DEPARTMENT HEAD COMMENTS:**

David McKelroy shared that Brown Bag by the Bay will continue and that the Easter Egg Hunt was well attended. He said the Sunset Series will continue on April 21<sup>st</sup> at 6pm.

City Clerk reported on the Daphne Civic Center. She said there were two upcoming shows.

**9. CITY CLERK'S REPORT:**

**MOTION by Councilman Scott to approve the issuance of the 140 – Special Events Retail for Southern Napa LLC located at 2304 North Main Street, Daphne, Alabama. Seconded by Councilman LeJeune.  
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to approve the Camp Rap-A-Hope Leprechaun Ride on March 15, 2020 from 5:30 – 6:30pm. Seconded by Councilwoman Conaway.  
MOTION CARRIED UNANIMOUSLY.**

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**MOTION by Councilman Scott to approve the Scott Ward Memorial Fit for Duty 5k and Family Fun Run on November 2, 2019 from 7:00-10:30am. Seconded by Councilwoman Phillips.  
MOTION CARRIED UNANIMOUSLY.**

**10. PUBLIC PARTICIPATION:**

Public Participation opened at 7:02pm. Public Participation closed at 7:02pm.

**11. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

**2019-30** – Resolution Declaring Certain Property Surplus and Authorizing the Mayor to Dispose – 2004 Ford F250

**2019-31** - Resolution Declaring Certain Property Surplus and Authorizing the Mayor to Dispose – iPhones and Projectors

**2019-32** – Old Field Subdivision Street Acceptance

**2019-33** – General Obligation Warrants

**MOTION by Councilwoman Phillips to waive the reading of Resolution 2019-30, 2019-31, 2019-32, 2019-33 and 2019-34. Seconded by Councilman Goodlin.  
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Resolution 2019-30. Seconded by Councilwoman Phillips.  
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Resolution 2019-31. Seconded by Councilwoman Phillips.  
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Resolution 2019-32. Seconded by Councilman Goodlin.  
Councilman Coleman ABSTAINED.  
MOTION CARRIED.**

**MOTION by Councilwoman Phillips to adopt Resolution 2019-33. Seconded by Councilman Goodlin.  
MOTION CARRIED UNANIMOUSLY.**

**ORDINANCES:**

**2nd READ:**

**2019-17** – Lott Park – Additional Appropriation - \$53,425.73

**2019-18** – Lodging Tax – Joe Louis Patrick Park Additional Appropriation - \$42,465

**2019-19** – Revisions to Zoning Map

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**MOTION by Councilman Coleman to waive the reading of Ordinance 2019-17, 2019-18 and 2019-19.  
Seconded by Councilwoman Conaway.  
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Ordinance 2019-17. Seconded by Councilman Coleman.  
Councilwoman Phillips said that these additional funds are coming from the lodging tax fund.  
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Conaway to adopt Ordinance 2019-18. Seconded by Councilman Coleman.  
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Coleman to adopt Ordinance 2019-19. Seconded by Councilman Goodlin.  
Mayor Haygood clarified that these revisions are capturing all that have been updated/accepted within  
the last year.  
MOTION CARRIED UNANIMOUSLY.**

**Councilman Scott brought up discussion about Resolution 2019-33. He questioned subsection a under  
section one that read “amount not to exceed \$10,000”. Mayor Haygood confirmed that this amount  
should be \$10,000,000.**

**MOTION by Councilman Scott to approve Resolution 2019-33 showing the corrected amount in an  
aggregate principal amount not to exceed \$10,000,000. Seconded by Councilman Goodlin.  
Mayor Haygood explained the reason for the resolution.  
MOTION CARRIED UNANIMOUSLY.**

**1st READ:**

**12. COUNCIL COMMENTS:**

Councilman Goodlin reminded everyone to watch out for students as they were on spring break this week.

Councilman Rudicell said that the next two months in work session the Council will be discussing the budget and recreation plans.

City Attorney said as an attorney licensed and in good standing to practice law in the state of Alabama he certified that there was a valid reason to enter in to Executive Session in compliance with the Alabama Open Meetings Act specifically to discuss the buying and selling of real property. He asked for a roll call vote and a motion to state the purpose. He asked if Council President would state if the Council would reconvene and the approximate time they would return. He said that the Council should not have to take any action and that it should take about 15-20 minutes.

**MOTION by Councilman Scott to enter into Executive Session and they will not reconvene. Seconded  
by Councilman LeJeune.  
MOTION CARRIED UNANIMOUSLY.**

**April 15, 2019  
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6:30 P.M.**

City Clerk called roll.

|                                    |            |
|------------------------------------|------------|
| <b>Councilwoman Conaway</b>        | <b>Aye</b> |
| <b>Councilman Coleman</b>          | <b>Aye</b> |
| <b>Councilman Goodlin</b>          | <b>Aye</b> |
| <b>Councilman Scott</b>            | <b>Aye</b> |
| <b>Councilman LeJeune</b>          | <b>Aye</b> |
| <b>Councilwoman Phillips</b>       | <b>Aye</b> |
| <b>Council President Rudicell</b>  | <b>Aye</b> |
| <b>MOTION CARRIED UNANIMOUSLY.</b> |            |

**13. ADJOURN:**

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:11 P.M.

Respectfully submitted by,

Certification of Presiding Officer

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Candace G. Antinarella, City Clerk

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Pat Rudicell, Council President

**CITY OF DAPHNE**  
**FINANCE COMMITTEE MINUTES**  
**APRIL 15, 2019**  
**4:30 P.M.**

**I. CALL TO ORDER/ROLL CALL**

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

**Present were:**

Chairman Mr. Pat Rudicell

Councilwoman Mrs. Tommie Conaway

Councilman Mr. Joel Coleman

Councilman Mr. Doug Goodlin

Councilman Mr. Ron Scott

Councilman Mr. Robin LeJeune

Councilman Mrs. Angie Phillips

**Also Present:** Mayor Dane Haygood, Finance Director Mrs. Kelli Reid, Senior Accountant Mrs. Suzânn Henson, Human Resource Director Vickie Hinman, Revenue Officer Courtney Coleman, Public Works Director Mr. Jeremy Sasser, Library Director Tonja Young, Operations Manager Mrs. Betsy Schneider, City Clerk Mrs. Candace Antinarella, Executive Director of City Development Troy Strunk, City Attorney Mr. Jay Ross and Engineer-Scott Hutchinson, HMR.

**II. PUBLIC PARTICIPATION**

**A. Daphne High School (DHS) Athletics – Dr. Meredith Foster, DHS Principal, Ms. Andrea Lindsey, Board Member, District #2, and Coach Kenny King**

Dr. Meredith Foster stated that her and Coach Kenny King have come to discuss two main issues they need the City's support on: 1). Resurface DHS track-soft surface - \$145,000 (*the County is contributing to this project*) and 2). Turf football field - \$436,000 +/- \$50,000 (according to soil sample received). Dr. Foster stated that DHS is facing two issues which are age of the facilities and the growth in Daphne. Discussion continued on comparison of other High Schools in Baldwin County and that DHS is the oldest high School in Baldwin County. Dr. Foster also discussed internal fund raising that currently provide support for maintenance of facilities/school activities. Coach King discussed the condition of the current field/track and discussed the improvements needed to the current track so that DHS can train and host competitions. Mrs. Andrea Lindsey, Baldwin County Board Member for Daphne, District 2 discussed limited funding for maintenance of school facilities and gave a comparison of how other surrounding municipalities contribute to their local schools.

Mrs. Phillips stated that not a lot of funding is available from the County for maintenance of facilities and that most maintenance is internally funded and discussed the importance of the athletic programs. Mayor Haygood discussed the stadium, track needs, and the benefits of turf fields. Mr. Rudicell discussed discussing the budget request at a Council Work session for the next fiscal year. Mayor Haygood discussed current amount DHS maintenance cost the City currently pays annually and checking with the county on financing options like the City had when the stadium was constructed.

**III. APPROVE MINUTES FOR THE PREVIOUS MEETING**

The previous meeting minutes were approved.

**IV. HUMAN RESOURCES BUSINESS**

**A. Update on Human Resources Department Activity**

Mrs. Vickie Hinman reviewed the Human Resource Report:

- Posted positions – 1 (Internal)
- Reviewing/Testing/Interviewing/Background check - 5
- Promotion/Internal Transfer - 0
- New Hires – 3
- Open positions - 1

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

**Safety Committee:** Next Safety Committee meeting is April 24, 2019. AED's in all departments were inspected with batteries and pads replaced. Discussed 24/7 Triage concerns (they have been addressed).

**Other HR projects/meetings/events:**

- RSA Employer Self-Service: 04/01/2019
- Applicant Tracking System training in departments
- Munis Training Conference– April 8-10
- April 17 Job Fair @ Coastal Alabama Community College
- Planning Employee Family picnic – May 2 from 5-7 p.m. @ May Day Park

Mrs. Hinman handed out an information brochure to council for the new Employee Self Service (ESS) provided to City employees/Council to monitor and maintain their personal information, pay and tax information through the new convenient system/portal.

**B. Overtime Report and Special Events Overtime Recap Report**

Mrs. Reid noted that there was only one special event – Keep Daphne Beautiful with fourteen employees involved for a total of 84 hours overtime.

**V. BUSINESS LICENSE REPORT****A. Report: New Business Licenses – March, 2019**

Mrs. Coleman reviewed the following reports and information:

- Code enforcement issued 104 warnings resulting in businesses becoming compliant and \$68,287.86 in revenue.
- New Businesses with a physical location in Daphne - 8.
- Simplified Sellers Use Tax collections - \$26,980.91 and YTD collections - \$62,181.28.

| <b>BUSINESS LICENSE COUNT through 03/31/2019</b>     |              |
|------------------------------------------------------|--------------|
| NEW Licenses                                         | <b>61</b>    |
| RENEWAL Licenses <b>(2019)</b>                       | <b>357</b>   |
| PRIOR YEAR Licenses <b>(2018 and Prior)</b>          | 17           |
| <b>Total Issued THIS MONTH</b>                       | <b>435</b>   |
| Total Issued THIS MONTH - PREVIOUS YEAR              | 377          |
| <b>Net Gain/-Loss Current VS Previous Yr MONTH +</b> | <b>58</b>    |
| <b>Total Issued YTD 2019</b>                         | <b>4,074</b> |
| <b>Total Issued YTD - PREVIOUS YEAR</b>              | 3,893        |
| <b>Net Gain/-Loss Current VS Previous Yr YTD +</b>   | <b>181</b>   |

| <b>Business License Fee Historical Comparison 2018 / 2019</b> |                |                |                              |                                      |
|---------------------------------------------------------------|----------------|----------------|------------------------------|--------------------------------------|
|                                                               | <b>FY 18</b>   | <b>FY 19</b>   | <b>+/-<br/>Previous Year</b> | <b>Budget 2018 *<br/>\$2,215,000</b> |
| <b>October</b>                                                | \$5,258.84     | \$7,486.91     | \$2,228.07                   | (\$2,207,513.09)                     |
| <b>November</b>                                               | \$8,566.59     | \$3,983.03     | (\$4,583.56)                 | (\$2,203,530.06)                     |
| <b>December</b>                                               | \$41,564.84    | \$2,614.81     | (\$38,950.03)                | (\$2,200,915.25)                     |
| <b>January</b>                                                | \$1,420,279.64 | \$1,409,468.98 | (\$10,810.66)                | (\$791,446.27)                       |
| <b>February</b>                                               | \$603,134.76   | \$698,411.44   | \$95,276.68                  | (\$93,034.83)                        |
| <b>March</b>                                                  | \$183,259.10   | \$169,548.90   | (\$13,710.20)                | \$76,514.07                          |
| <b>Year to Date</b>                                           | \$2,262,063.77 | \$2,291,514.07 | <b>\$29,450.30</b>           | <b>\$141,514.07</b>                  |
| <b>* Amounts include penalty and interest.</b>                |                |                |                              |                                      |

## **VI. SALES & LODGING TAX REPORT**

### **A. Sales and Use Taxes: February, 2019**

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,311,553.57 was collected for February, 2019 which was up \$4,767.28 from February 2018's collections:

- YTD Variance over Budget - \$ 2,408.55

### **B. Lodging Tax Collections, February, 2019**

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for February, 2019 were \$88,819.04 which is up \$2,935.24 from February 2018's collections .

- YTD Variance over Budget: \$30,352.92

### **C. Lodging Tax Fund : Statement of Rev over Exp, March, 2019**

Mrs. Henson reviewed the Lodging Tax Statement of Revenues over Expenditure report for **March**, 2019.

- Unreserved balance for Bayfront related purchases - \$1,403,270.95
- Recreation related purchases - \$ 794,880..80

Mrs. Henson noted that recent expenditures for Bay Front Park, MBNEP contribution, Village Point Boardwalk, Trione Sports Park, and Lott Park *are* reflected in the report. Discussion continued on updating the report to only show 5 years of information.

## **VII. FINANCIAL SCHEDULES & REPORTS**

### **A. Financial Reports**

#### **1. Treasurer's Report: March, 2019**

Mrs. Reid reviewed the Treasurer's Report:

| <b>TREASURER'S REPORT</b>              |                         |                      |                      |                                                    |                      |                                                   |
|----------------------------------------|-------------------------|----------------------|----------------------|----------------------------------------------------|----------------------|---------------------------------------------------|
| <b>As of March 31, 2019</b>            |                         |                      |                      |                                                    |                      |                                                   |
| <b>Account Type/Title</b>              | <b>Bank / Brokerage</b> | <b>3/31/2019</b>     | <b>2/28/2019</b>     | <b>Increase<br/>(Decrease) from<br/>last Month</b> | <b>3/31/2018</b>     | <b>Increase<br/>(Decrease) from<br/>Last Year</b> |
| GENERAL FUND & ENTERPRISE FUNDS        | Compass Bank1           | \$ 9,491,115         | \$ 9,645,512         | \$ (154,397)                                       | \$ 10,884,116        | \$ (1,393,001)                                    |
| CERTIFICATE OF DEPOSIT                 | Trustmark Bank          | -                    | 506,407              | (506,407)                                          | 500,000.00           | (500,000)                                         |
| INVESTMENT FUND                        | Raymond James           | 5,437,989            | 5,432,725            | 5,264                                              | 5,270,085            | 167,904                                           |
| CREDIT CARD ACCOUNT                    | Compass Bank3           | 14,583               | 22,349               | (7,766)                                            | 14,949               | (366)                                             |
| <b>Total Unrestricted Cash Balance</b> |                         | <b>14,943,687</b>    | <b>15,606,993</b>    | <b>(663,306)</b>                                   | <b>16,669,150</b>    | <b>(1,725,463)</b>                                |
| <b>Total Restricted Cash Balance</b>   |                         | <b>9,790,876</b>     | <b>10,792,369</b>    | <b>(1,001,493)</b>                                 | <b>15,903,781</b>    | <b>(6,112,906)</b>                                |
| <b>Total City Cash Balance</b>         |                         | <b>\$ 24,734,563</b> | <b>\$ 26,399,362</b> | <b>\$ (1,664,799)</b>                              | <b>\$ 32,572,931</b> | <b>\$ (7,838,369)</b>                             |
| <b>Encumbrance Total as of</b>         |                         |                      |                      | <b>3/31/2019</b>                                   | <b>\$ 656,724.86</b> |                                                   |

Mrs. Reid noted that next month the Certificate of Deposit with Compass would be reflected on the report.

***The Treasurer's Report as of MARCH, 2019 Total Unrestricted Cash Balance - \$ 14,943,687 and Total City Cash Balance - \$24,734,563 was presented to be filed for audit.***

#### **2. Encumbrance Report**

- Encumbrance balance is - \$656,724.86 as of **March**, 2019.

Mrs. Reid reviewed the Encumbrance Report.

#### **3. Outstanding Appropriations**

Mrs. Reid stated that the ADEM 319 Grant project should close out the end of April.

#### **4. Financial Overview: Debt Summaries & Monthly Financial Statements, February, 2019**

Mrs. Reid reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), **March**, 2019
  - o Jubilee Square: Debt payments are currently fully paid through December 2017 thus 15 months in arrears. Arrearage includes \$807,128 in principal and \$195,947 in interest

## Monthly Financial Statements – February 2019 YTD Financial Highlights

### General Fund:

|                                                                                                                                                                                                            | <u>FY 2019</u> | <u>FY 2018</u> | <u>Change</u>  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|----------------|
| • YTD Budgetary Net Income:                                                                                                                                                                                | \$2,631,616    | \$ 4,798,205   | \$ (2,166,589) |
| • Total sales, use, and luxury tax collected for the year is approximately \$206,000 over prior year and \$2,409 over budgeted income. Monthly collections were approximately \$34,000 <b>under</b> budget |                |                |                |
| • Investment and interest earnings are approximately \$228,000 over prior year to date collections                                                                                                         |                |                |                |
| • Ad Valorem Tax collections are approximately \$451,000 over prior year.                                                                                                                                  |                |                |                |
| • Unassigned Fund Balance: \$15,831,561                                                                                                                                                                    |                |                |                |
| • Outstanding Encumbrances: \$743,557                                                                                                                                                                      |                |                |                |

### Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of February 28, 2019: \$36,271,248
- Outstanding Note Payable Balance as of February 28, 2019: \$779,102
- Outstanding Capital Lease Balance as of February 28, 2019:
  - o General Fund: \$1,105,647
  - o Enterprise Funds: \$408,342

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

- YTD Park Improvements Expenditures: \$56,217,729
- YTD Corte Road Paving Expenditures: \$105,492
- The 2016 Construction was closed in February with all of the bond refunding proceeds being expended on Lott Park

### Special Revenue Funds (11 separate funds):

- Lodging Tax Fund –
  - o Bayfront Unreserved Fund Balance: \$1,397,879.69
  - o Recreation Unreserved Fund Balance: \$804,090.31
  - o Total lodging tax collected was \$30,000 over budgeted income and prior year to date income.

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

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

|                    | <u>FY 2019</u> | <u>FY 2018</u> | <u>Change</u> |
|--------------------|----------------|----------------|---------------|
| Solid Waste Fund   | \$ 47,626      | \$ 85,271      | \$ (37,645)   |
| Civic Center Fund  | \$ 10,785      | \$ 85,143      | \$ (74,358)   |
| Bayfront Park Fund | \$ 61,856      | \$ 59,709      | \$ 2,147      |

- Year to date revenue for Church of the Highlands (\$4,000 per week) recognized by the Civic Center is \$84,000

### 5. Unfunded Future Projects Expenditure Summary

Mrs. Reid reviewed the Unfunded Future Projects Expenditure Summary. Discussion continued that the report would be updated after the upcoming Budget Work Session. Updating information for Fire Station #5 was discussed.

### 8. Summary of Budgetary Amendments

Mrs. Reid reviewed the General Fund budgetary amendments made to the FY2019 Budget.

- Total Appropriations Year to Date – (\$2,738,989)
- Adjusted Expenses over Revenue – (\$2,677,589)

### B. Bills Paid Reports – March, 2019

The Bills Paid Report was presented in the packet.

## **VIII. BIDS (Resolution)**

### **A. 2019-J-Concession Services**

Mrs. Reid reviewed the concession services bid submittal from Greek Catering and Events, Inc and noted they would pay the City 10% gross sales collected. The Mayor discussed the Trione Sports Complex concession stands would continue to be operated by the City League organizations. Discussion continued that the bid contract would be for the two new concession stands at Daphne Sports Complex. *(Later discussions resulted in potentially needing a motion to start the concession services contract upon award – this will be addressed at the 5-13-19 Council Meeting).*

***MOTION BY Mrs. Phillips to recommend to Council to award the 2019-J-Concession Services bid to Greek Catering and Events, Inc. for the rate of 10% of gross sales paid monthly as a bid. Seconded by Mr. Goodlin.***

***MOTION CARRIED UNANIMOUSLY***

## **IX. APPROPRIATION REQUESTS: (Ordinance)**

### **A. Daphne Sports Complex-Additional billing-extra services for February, 2019-HMR-\$11,978**

Mrs. Reid reviewed HMR's request for additional funds for extra services related to the Daphne Sports Complex project. The total amount requested from February invoice is \$11,978. Mr. Scott Hutchinson, HMR discussed the project and explained that once the City extended the project 120 days for the contractor HMR should have come forward then to request the monies for the additional services provided for this timeframe. Mr. Hutchinson stated that the February bill included in the packet includes an hourly rate for services provided and that a bill would be provided for March and April at next month's Finance Committee meeting. Mayor Haygood discussed the approval process needed for the engineering fees.

***MOTION BY Mr. Scott to recommend to Council to adopt the Ordinance amending the budget to make an additional appropriation in the amount of \$11,978 from the General Fund and transferred to the Capital Reserve Fund for extra services related to the Daphne Sports Complex project. Seconded by Mrs. Phillips.***

***MOTION CARRIED UNANIMOUSLY***

### **B. Daphne Sports Complex – Additional cost from change order from Cunningham Delaney Construction, LLC - \$37,450**

Mrs. Reid reviewed the additional appropriation request from a change order from Cunningham Delaney construction, LLC. in the amount of \$37,450 related to the Daphne Sports Complex project. Mr. Sasser discussed that funding is needed for work done between Phase II and III. Mrs. Reid continued discussing the project and reviewed the list of change orders.

***MOTION BY Mrs. Phillips to recommend to Council to adopt the Ordinance amending the budget to make an additional appropriation in the amount of \$37,450 from the General Fund and transferred to the Capital Reserve Fund for a change order from Cunningham Delaney related to the Daphne Sports Complex project. Seconded by Mr. Ron Scott.***

***MOTION CARRIED UNANIMOUSLY***

### **C. ALDOT Final Settlement Invoice of Project ST-002-042-020 and ST-002-042-024- \$30,127**

Mrs. Reid reviewed the ALDOT final settlement invoice and recent checks received for ALDOT projects that were several years old. Mrs. Reid noted that a spreadsheet has been requested listing all open ALDOT projects that the City will receive checks/payments or invoices for. Mayor Haygood stated he would provide the ALDOT project list. Discussion continued on ALDOT /City projects.

***MOTION BY Goodlin to adopt an ordinance appropriating \$30,127 out of the Capital Reserve Fund for the ALDOT final settlement for Project ST-002-042-020 and ST-002-042-024. Seconded by Rudicell.***

**MOTION CARRIED UNANIMOUSLY**

**X. NEW BUSINESS**

**A. Municipal Securities Post Issuance disclosure Policy Revisions**

Mrs. Reid reviewed that there are updates concerning two new event notices #15 and #16 recently adopted by the Securities and Exchange Commission (SEC). Mrs. Reid noted a motion is needed for the City to adopt DAC's new Policies and Procedures Manual and for it to be posted to the DAC website as related bond disclosure postings for City's bond issues.

***MOTION BY Mr. Coleman to approve DAC's new Policy and Procedure manual including event notices recently adopted by the SEC. Seconded by Mr. Goodlin.***

**MOTION CARRIED UNANIMOUSLY**

**B. Resolution-Authorization to prepare and distribute Preliminary Official Statements & Execution of Warrant Purchase Agreement**

Mrs. Reid noted the resolution was prepared by Mr. Preston Bolt, bond counsel. The resolution is to authorize the distribution of a Preliminary Official Statement and the execution and delivery of a Warrant Purchase Agreement for the 2019 Warrant.

***MOTION BY Mrs. Phillips to recommend to Council to adopt an resolution authorizing Mayor to sign all documents related to the distribution of a Preliminary Official Statement and the execution and delivery of a Warrant Purchase Agreement for the 2019 Warrant. Seconded by Mr. Scott.***

**MOTION CARRIED UNANIMOUSLY**

**C. Determination of Use for Bond Proceeds**

Mrs. Reid stated that there needs to be a list of use for the bond proceeds. Mr. Scott discussed using the funds for Fire Station #5 since that project would need funding.

***MOTION BY Mr. Scott to designate the bond proceeds from the 2019 Warrant for the Fire Station #5. Seconded by Mr. Goodlin.***

**MOTION CARRIED UNANIMOUSLY**

**XI. OLD BUSINESS**

There was no old business discussed.

**XII. ADJOURN**

The meeting adjourned at 6:22 p.m.

April 2019

# Permit Activity Report

Wednesday, May 1, 2019

Permit Code From: BL To: BL  
Issued Date From: 4/1/2019 To: 4/30/2019  
Improvement Type: NEW

## Permit Code: BL BUILDING PERMIT

### Residential - NEW - R1 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                 | 19-647           |                 | 8751 ROSEDOWN LANE   | Yes           | A                 | 04/05/2019 | 04/05/2019 | \$183,330.00   | \$935.00   |
|                                           | TRULAND HOMES                 |                  |                 | Daphne, AL 36526     | Sub Division: | French Settlement |            |            | SQ. FT         | Lot: 28    |
| Total Residential - NEW - R1 BL Permit(s) |                               |                  |                 |                      |               |                   |            | 1          | \$183,330.00   | \$935.00   |

### 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                 | 19-648           |                 | 8845 LONGUE VUE BLVD   | Yes           | A                 | 04/05/2019 | 04/05/2019 | \$167,190.00   | \$855.00   |
|                                           | TRULAND HOMES                 |                  |                 | Daphne, AL 36526       | Sub Division: | French Settlement |            |            | SQ. FT         | Lot: 64    |
| 5754-1                                    | TRULAND HOMES                 | 19-650           |                 | 24890 SLATER MILL ROAD | Yes           | A                 | 04/05/2019 | 04/05/2019 | \$189,480.00   | \$965.00   |
|                                           | TRULAND HOMES                 |                  |                 | Daphne, AL 36526       | Sub Division: | BLACKSTONE LAKES  |            |            | SQ. FT         | Lot: 75    |
| 5754-1                                    | TRULAND HOMES                 | 19-649           |                 | 9442 VOLTERRA AVE      | Yes           | A                 | 04/05/2019 | 04/05/2019 | \$192,690.00   | \$980.00   |
|                                           | TRULAND HOMES                 |                  |                 | Daphne, AL 36526       | Sub Division: | BLACKSTONE LAKES  |            |            | SQ. FT         | Lot: 116   |
| Total Residential - NEW - R3 BL Permit(s) |                               |                  |                 |                        |               |                   |            | 3          | \$549,360.00   | \$2,800.00 |

### 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                 | 19-743           |                 | 27661 RHONE DRIVE    | Yes           | A                   | 04/17/2019 | 04/17/2019 | \$213,120.00   | \$1,085.00 |
|                                           | TRULAND HOMES                 |                  |                 | Daphne, AL 36526     | Sub Division: | RETREAT AT TIAWASEE |            |            | SQ. FT         | Lot: 35    |
| 5754-1                                    | TRULAND HOMES                 | 19-742           |                 | 27633 RHONE DRIVE    | Yes           | A                   | 04/17/2019 | 04/17/2019 | \$223,710.00   | \$1,135.00 |
|                                           | TRULAND HOMES                 |                  |                 | Daphne, AL 36526     | Sub Division: | RETREAT AT TIAWASEE |            |            | SQ. FT         | Lot: 33    |
| Total Residential - NEW - R2 BL Permit(s) |                               |                  |                 |                      |               |                     |            | 2          | \$436,830.00   | \$2,220.00 |

### Residential - NEW - R-6G BL Permits

| ConID/Loc#                                  | Contractor Name/Location Name | Permit #/Project | Master Permit # | Job Location Address  | Paid          | Status    | Issue Date | App Date   | Job Value/Cost | Permit Fee |
|---------------------------------------------|-------------------------------|------------------|-----------------|-----------------------|---------------|-----------|------------|------------|----------------|------------|
| 6311-1                                      | DSL D HOMES, LLC              | 19-661           |                 | 23625 DEVONFIELD LANE | Yes           | A         | 04/08/2019 | 04/08/2019 | \$133,680.00   | \$685.00   |
|                                             | DSL D HOMES, LLC              |                  |                 | Daphne, AL 36526      | Sub Division: | Old Field |            |            | SQ. FT         | Lot: 63    |
| 6311-1                                      | DSL D HOMES, LLC              | 19-660           |                 | 23637 DEVONFIELD LANE | Yes           | A         | 04/08/2019 | 04/08/2019 | \$107,280.00   | \$555.00   |
|                                             | DSL D HOMES, LLC              |                  |                 | Daphne, AL 36526      | Sub Division: | Old Field |            |            | SQ. FT         | Lot: 62    |
| 6311-1                                      | DSL D HOMES, LLC              | 19-796           |                 | 23621 BLYTHEWOOD LANE | Yes           | A         | 04/24/2019 | 04/24/2019 | \$117,240.00   | \$605.00   |
|                                             | DSL D HOMES, LLC              |                  |                 | Daphne, AL 36526      | Sub Division: | Old Field |            |            | SQ. FT         | Lot: 44    |
| Total Residential - NEW - R-6G BL Permit(s) |                               |                  |                 |                       |               |           |            | 3          | \$358,200.00   | \$1,845.00 |

### 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   | 19-838           |                 | 8154 IRWIN LOOP      | Yes           | A           | 04/30/2019 | 04/30/2019 | \$113,910.00   | \$585.00   |
|            | D R HORTON INC - BIRMINGHAM   |                  |                 | Daphne, AL 36526     | Sub Division: | WINGED FOOT |            |            | SQ. FT         | Lot: 40    |
| 5278-1     | D R HORTON INC - BIRMINGHAM   | 19-830           |                 | 8184 IRWIN LOOP      | Yes           | A           | 04/30/2019 | 04/30/2019 | \$139,350.00   | \$715.00   |
|            | D R HORTON INC - BIRMINGHAM   |                  |                 | Daphne, AL 36526     | Sub Division: | WINGED FOOT |            |            | SQ. FT         | Lot: 37    |
| 5278-1     | D R HORTON INC - BIRMINGHAM   | 19-831           |                 | 8468 MACKIE LANE     | Yes           | A           | 04/30/2019 | 04/30/2019 | \$139,920.00   | \$715.00   |
|            | D R HORTON INC - BIRMINGHAM   |                  |                 | Daphne, AL 36526     | Sub Division: | WINGED FOOT |            |            | SQ. FT         | Lot: 93    |
| 5278-1     | D R HORTON INC - BIRMINGHAM   | 19-837           |                 | 8432 MACKIE LANE     | Yes           | A           | 04/30/2019 | 04/30/2019 | \$139,920.00   | \$715.00   |
|            | D R HORTON INC - BIRMINGHAM   |                  |                 | Daphne, AL 36526     | Sub Division: | WINGED FOOT |            |            | SQ. FT         | Lot: 87    |
| 5278-1     | D R HORTON INC - BIRMINGHAM   | 19-832           |                 | 8462 MACKIE LANE     | Yes           | A           | 04/30/2019 | 04/30/2019 | \$130,740.00   | \$670.00   |
|            | D R HORTON INC - BIRMINGHAM   |                  |                 | Daphne, AL 36526     | Sub Division: | WINGED FOOT |            |            | SQ. FT         | Lot: 92    |
| 5278-1     | D R HORTON INC - BIRMINGHAM   | 19-829           |                 | 8198 IRWIN LOOP      | Yes           | A           | 04/30/2019 | 04/30/2019 | \$113,910.00   | \$585.00   |
|            | D R HORTON INC - BIRMINGHAM   |                  |                 | Daphne, AL 36526     | Sub Division: | WINGED FOOT |            |            | SQ. FT         | Lot: 35    |

| 5278-1                                         | D R HORTON INC - BIRMINGHAM<br>D R HORTON INC - BIRMINGHAM | 19-839           |                 | 8493 MACKIE LANE<br>Daphne, AL 36526       | Yes<br>Sub Division: | A      | 04/30/2019<br>WINGED FOOT      | 04/30/2019 | \$139,920.00<br>SQ. FT | \$715.00<br>Lot: 98    |
|------------------------------------------------|------------------------------------------------------------|------------------|-----------------|--------------------------------------------|----------------------|--------|--------------------------------|------------|------------------------|------------------------|
| Total Residential - NEW - PUD R-3 BL Permit(s) |                                                            |                  |                 |                                            |                      |        |                                | 7          | \$917,670.00           | \$4,700.00             |
| <b>Residential - NEW - PUD BL Permits</b>      |                                                            |                  |                 |                                            |                      |        |                                |            |                        |                        |
| 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<br>D R HORTON INC - BIRMINGHAM | 19-811           |                 | 24770 SLATER MILL ROAD<br>Daphne, AL 36526 | Yes<br>Sub Division: | A      | 04/29/2019<br>BLACKSTONE LAKES | 04/29/2019 | \$117,210.00<br>SQ. FT | \$605.00<br>Lot: 64    |
| 5278-1                                         | D R HORTON INC - BIRMINGHAM<br>D R HORTON INC - BIRMINGHAM | 19-688           |                 | 24786 SLATER MILL<br>Daphne, AL 36526      | Yes<br>Sub Division: | A      | 04/11/2019<br>BLACKSTONE LAKES | 04/11/2019 | \$144,330.00<br>SQ. FT | \$740.00<br>Lot:       |
| 5278-1                                         | D R HORTON INC - BIRMINGHAM<br>D R HORTON INC - BIRMINGHAM | 19-687           |                 | 10207 DUNLEITH LOOP<br>Daphne, AL 36526    | Yes<br>Sub Division: | A      | 04/11/2019<br>Old Field        | 04/11/2019 | \$205,740.00<br>SQ. FT | \$1,045.00<br>Lot: 144 |
| 5278-1                                         | D R HORTON INC - BIRMINGHAM<br>D R HORTON INC - BIRMINGHAM | 19-684           |                 | 24750 SLATER MILL RD<br>Daphne, AL 36526   | Yes<br>Sub Division: | A      | 04/11/2019<br>BLACKSTONE LAKES | 04/11/2019 | \$144,330.00<br>SQ. FT | \$745.00<br>Lot: 62    |
| 5278-1                                         | D R HORTON INC - BIRMINGHAM<br>D R HORTON INC - BIRMINGHAM | 19-703           |                 | 9424 SWAN POINT RD<br>Daphne, AL 36526     | Yes<br>Sub Division: | A      | 04/11/2019<br>BLACKSTONE LAKES | 04/11/2019 | \$130,050.00<br>SQ. FT | \$670.00<br>Lot: 165   |
| 5278-1                                         | D R HORTON INC - BIRMINGHAM<br>D R HORTON INC - BIRMINGHAM | 19-751           |                 | 9376 SWAN POINT ROAD<br>Daphne, AL 36526   | Yes<br>Sub Division: | A      | 04/17/2019<br>BLACKSTONE LAKES | 04/17/2019 | \$121,950.00<br>SQ. FT | \$625.00<br>Lot: 160   |
| 5278-1                                         | D R HORTON INC - BIRMINGHAM<br>D R HORTON INC - BIRMINGHAM | 19-812           |                 | 9577 VOLTERRA AVE<br>Daphne, AL 36526      | Yes<br>Sub Division: | A      | 04/29/2019<br>BLACKSTONE LAKES | 04/29/2019 | \$117,210.00<br>SQ. FT | \$605.00<br>Lot: 45    |
| 5278-1                                         | D R HORTON INC - BIRMINGHAM<br>D R HORTON INC - BIRMINGHAM | 19-685           |                 | 10196 DUNLEITH LOOP<br>Daphne, AL 36526    | Yes<br>Sub Division: | A      | 04/11/2019<br>Old Field        | 04/11/2019 | \$204,660.00<br>SQ. FT | \$1,040.00<br>Lot: 114 |
| 5754-1                                         | TRULAND HOMES<br>TRULAND HOMES                             | 19-744           |                 | 9460 VOLTERRA DRIVE<br>Daphne, AL 36526    | Yes<br>Sub Division: | A      | 04/17/2019<br>BLACKSTONE LAKES | 04/17/2019 | \$194,970.00<br>SQ. FT | \$990.00<br>Lot: 119   |

|        |                             |        |                        |               |   |                  |            |              |          |
|--------|-----------------------------|--------|------------------------|---------------|---|------------------|------------|--------------|----------|
| 5278-1 | D R HORTON INC - BIRMINGHAM | 19-750 | 9404 SWAN POINT ROAD   | Yes           | A | 04/17/2019       | 04/17/2019 | \$121,950.00 | \$625.00 |
|        | D R HORTON INC - BIRMINGHAM |        | Daphne, AL 36526       | Sub Division: |   | BLACKSTONE LAKES | SQ. FT     |              | Lot: 163 |
| 5278-1 | D R HORTON INC - BIRMINGHAM | 19-752 | 24812 SLATER MILL ROAD | Yes           | A | 04/17/2019       | 04/17/2019 | \$125,040.00 | \$645.00 |
|        | D R HORTON INC - BIRMINGHAM |        | Daphne, AL 36526       | Sub Division: |   | BLACKSTONE LAKES | SQ. FT     |              | Lot: 67  |
| 5278-1 | D R HORTON INC - BIRMINGHAM | 19-753 | 24740 SLATER MILL ROAD | Yes           | A | 04/17/2019       | 04/17/2019 | \$125,040.00 | \$645.00 |
|        | D R HORTON INC - BIRMINGHAM |        | Daphne, AL 36526       | Sub Division: |   | BLACKSTONE LAKES | SQ. FT     |              | Lot: 61  |
| 5278-1 | D R HORTON INC - BIRMINGHAM | 19-754 | 9439 SWAN POINT ROAD   | Yes           | A | 04/17/2019       | 04/17/2019 | \$130,050.00 | \$670.00 |
|        | D R HORTON INC - BIRMINGHAM |        | Daphne, AL 36526       | Sub Division: |   | BLACKSTONE LAKES | SQ. FT     |              | Lot: 170 |
| 5278-1 | D R HORTON INC - BIRMINGHAM | 19-756 | 24749 SLATER MILL ROAD | Yes           | A | 04/17/2019       | 04/17/2019 | \$115,680.00 | \$595.00 |
|        | D R HORTON INC - BIRMINGHAM |        | Daphne, AL 36526       | Sub Division: |   | BLACKSTONE LAKES | SQ. FT     |              | Lot: 84  |
| 5278-1 | D R HORTON INC - BIRMINGHAM | 19-813 | 8492 MACKIE LANE       | Yes           | A | 04/29/2019       | 04/29/2019 | \$130,740.00 | \$670.00 |
|        | D R HORTON INC - BIRMINGHAM |        | Daphne, AL 36526       | Sub Division: |   | WINGED FOOT      | SQ. FT     |              | Lot: 97  |
| 5278-1 | D R HORTON INC - BIRMINGHAM | 19-814 | 8438 MACKIE LANE       | Yes           | A | 04/29/2019       | 04/29/2019 | \$130,560.00 | \$670.00 |
|        | D R HORTON INC - BIRMINGHAM |        | Daphne, AL 36526       | Sub Division: |   | WINGED FOOT      | SQ. FT     |              | Lot: 88  |
| 5278-1 | D R HORTON INC - BIRMINGHAM | 19-816 | 8481 MACKIE LANE       | Yes           | A | 04/29/2019       | 04/29/2019 | \$130,740.00 | \$670.00 |
|        | D R HORTON INC - BIRMINGHAM |        | Daphne, AL 36526       | Sub Division: |   | WINGED FOOT      | SQ. FT     |              | Lot: 100 |
| 5278-1 | D R HORTON INC - BIRMINGHAM | 19-817 | 8474 MACKIE LANE       | Yes           | A | 04/29/2019       | 04/29/2019 | \$130,560.00 | \$670.00 |
|        | D R HORTON INC - BIRMINGHAM |        | Daphne, AL 36526       | Sub Division: |   | WINGED FOOT      | SQ. FT     |              | Lot: 94  |
| 5278-1 | D R HORTON INC - BIRMINGHAM | 19-834 | 9377 DIAMANTE BLVD     | Yes           | A | 04/30/2019       | 04/30/2019 | \$192,900.00 | \$980.00 |
|        | D R HORTON INC - BIRMINGHAM |        | Daphne, AL 36526       | Sub Division: |   | DIAMANTE         | SQ. FT     |              | Lot: 28  |
| 5278-1 | D R HORTON INC - BIRMINGHAM | 19-836 | 9407 DIAMANTE BLVD     | Yes           | A | 04/30/2019       | 04/30/2019 | \$192,900.00 | \$980.00 |
|        | D R HORTON INC - BIRMINGHAM |        | Daphne, AL 36526       | Sub Division: |   | DIAMANTE         | SQ. FT     |              | Lot: 30  |

|                                                           |                               |                  |                 |                      |               |                  |            |            |                       |                    |
|-----------------------------------------------------------|-------------------------------|------------------|-----------------|----------------------|---------------|------------------|------------|------------|-----------------------|--------------------|
| 5278-1                                                    | D R HORTON INC - BIRMINGHAM   | 19-749           |                 | 9442 SWAN POINT ROAD | Yes           | A                | 04/17/2019 | 04/17/2019 | \$121,950.00          | \$625.00           |
|                                                           | D R HORTON INC - BIRMINGHAM   |                  |                 | Daphne, AL 36526     | Sub Division: | BLACKSTONE LAKES |            | SQ. FT     |                       | Lot: 168           |
| Total Residential - NEW - PUD BL Permit(s)                |                               |                  |                 |                      |               |                  |            | 21         | \$3,028,560.00        | \$15,510.00        |
| Total Residential - NEW BL Permit(s)                      |                               |                  |                 |                      |               |                  |            | 37         | \$5,473,950.00        | \$28,010.00        |
| Total Residential BL Permit(s)                            |                               |                  |                 |                      |               |                  |            | 37         | \$5,473,950.00        | \$28,010.00        |
| <b>Non Residential - NEW - MU - MULTI-USE BL Permits</b>  |                               |                  |                 |                      |               |                  |            |            |                       |                    |
| 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                 | 19-739           |                 | 26051 PREDAZZER LANE | Yes           | A                | 04/16/2019 | 04/16/2019 | \$628,000.00          | \$3,768.00         |
|                                                           | TRULAND HOMES                 |                  |                 | Daphne, AL 36526     | Sub Division: |                  |            | SQ. FT     |                       | Lot:               |
| Total Non Residential - NEW - MU - MULTI-USE BL Permit(s) |                               |                  |                 |                      |               |                  |            | 1          | \$628,000.00          | \$3,768.00         |
| Total Non Residential - NEW BL Permit(s)                  |                               |                  |                 |                      |               |                  |            | 1          | \$628,000.00          | \$3,768.00         |
| Total Non Residential BL Permit(s)                        |                               |                  |                 |                      |               |                  |            | 1          | \$628,000.00          | \$3,768.00         |
| Total BL Permit(s)                                        |                               |                  |                 |                      |               |                  |            | 38         | \$6,101,950.00        | \$31,778.00        |
| <b>Grand Totals</b>                                       |                               |                  |                 |                      |               |                  |            | <b>38</b>  | <b>\$6,101,950.00</b> | <b>\$31,778.00</b> |

April 2019

# Certificate Of Occupancy Report

Printed On : 5/1/2019

CO Issued Date From: 4/1/2019 To: 4/30/2019

| Permit Number | CO Issued | Owner Name          | Address                  | Sub Division          | Status |
|---------------|-----------|---------------------|--------------------------|-----------------------|--------|
| 18-1136       | 4/1/2019  | ADAMS HOMES         | 27453 ELISE CT           | Caroline Woods        | I      |
| 18-351        | 4/1/2019  | RAY TUCKER          | 1407 6TH STREET          | OID DAPHNE            | I      |
| 18-781        | 4/5/2019  | TRULAND HOMES       | 27705 RHONE DRIVE        | RETREAT AT TIAWASEE   | I      |
| 18-492        | 4/11/2019 |                     | 6883 HWY 90 BUILDING A   | DaPHNE COMMONS        | I      |
| 18-1767       | 4/11/2019 | DAPHNE JUBILEE LLC  | 6883 HWY 90 SUITE 113    | DAPHNE JUBILEE LLC    | I      |
| 18-1769       | 4/11/2019 | DAPHNE JUBILEE LLC  | 6883 HWY 90 SUITE 103    | DAPHNE COMMONS        | I      |
| 18-1771       | 4/11/2019 | DAPHNE JUBILEE LLC  | 6883 HWY 90 SUITE 111    | DAPHNE COMMONS        | I      |
| 18-480        | 4/12/2019 | DSL D HOMES         | 9912 DUNLEITH LOOP       | Old Field             | I      |
| 18-1524       | 4/12/2019 | ANTHONY CLOPIN      | 29266 ACORN KNOLL DRIVE  | Oak Creek             | I      |
| 18-868        | 4/12/2019 | ERICA MCDONALD      | 1107 OLD COUNTY RD       |                       | I      |
| 18-926        | 4/12/2019 | TRULAND HOMES       | 27729 RHONE DRIVE        | RETREAT AT TIAWASEE   | I      |
| 18-902        | 4/15/2019 | D R HORTON          | 8308 OGILVY COURT        | WINGED FOOT           | I      |
| 18-609        | 4/15/2019 | DANIEL BUCKLEY      | 9806 TIMBER CIRCLE       | BUCKLEY DENTAL        | I      |
| 17-657        | 4/16/2019 | BAKER CLARK HOMES   | 6501 VIA DE LA ROSA      | ESTATES OF OLD DAPHNE | I      |
| 18-1519       | 4/23/2019 | CALIBER DAPHNE, LLC | 1150 U.S HWY 98          | HARBOR FREIGHT        | I      |
| 18-907        | 4/24/2019 | D R HORTON          | 8295 OGILVY COURT        | WINGED FOOT           | I      |
| 18-162        | 4/25/2019 | D R HORTON          | 8263 IRWIN LOOP          | WINGED FOOT           | I      |
| 19-509        | 4/26/2019 | HARBOR FREIGHT      | 1150 US HWY 98           | HARBOR FREIGHT        | I      |
| 19-46         | 4/26/2019 | JON PAUL BO BO      | 1501 A US HWY 98 SUITE 4 | SPIRE FITNESS         | I      |
| 18-727        | 4/29/2019 | Truland Homes       | 27597 French Settlement  | French Settlement     | I      |
| 18-906        | 4/29/2019 | D R HORTON          | 8323 OGILVY COURT        | WINGED FOOT           | I      |

April 2019

## Permit Activity Summary Report

Wednesday, May 1, 2019

Permit Code From: BL To: xSG

Issued Date From: 4/1/2019 To: 4/30/2019

| Permit Code  | Description                | # Of Permits | Job Cost/Value | Permit Fee  |
|--------------|----------------------------|--------------|----------------|-------------|
| BL           | BUILDING PERMIT            | 118          | \$7,892,061.11 | \$41,493.35 |
| EL           | ELECTRICAL PERMIT          | 19           | \$420,257.00   | \$6,183.65  |
| EL-NEW       | ELECTRICAL - NEW           | 9            | \$188,460.00   | \$990.00    |
| LD           | LAND DISTURBANCE           | 2            | \$0.00         | \$200.00    |
| ME           | MECHANICAL PERMIT          | 11           | \$91,020.00    | \$1,199.25  |
| ME-NEW       | MECHANICAL - NEW           | 19           | \$0.00         | \$2,090.00  |
| PL           | PLUMBING PERMIT            | 9            | \$19,150.00    | \$400.00    |
| PL-NEW       | PLUMBING - NEW RESIDENTIAL | 39           | \$0.00         | \$4,840.00  |
| WP           | WELL PERMIT                | 2            | \$0.00         | \$100.00    |
| Grand Totals |                            | 228          | \$8,610,948.11 | \$57,496.25 |

\$ 4,933.02  
\$ 62,429.27

April 2019

## Periodic Report of Permits Issued by Improvement

05/01/2019

Issued Date From: 4/1/2019 To: 4/30/2019

|                                |                     | Code | Count      | # Of Units  | Valuation             | Permit Fee         |
|--------------------------------|---------------------|------|------------|-------------|-----------------------|--------------------|
| <b>BUILDING PERMIT</b>         |                     |      |            |             |                       |                    |
| <b>Residential</b>             |                     |      |            |             |                       |                    |
| REINSPECTION FEE               | R1                  | BL   | 1          |             | \$220,170.00          | \$100.00           |
| NEW                            | R1                  | BL   | 1          |             | \$183,330.00          | \$935.00           |
| NEW                            | R3                  | BL   | 3          |             | \$549,360.00          | \$2,800.00         |
| NEW                            | R2                  | BL   | 2          |             | \$436,830.00          | \$2,220.00         |
| NEW                            | R-6G                | BL   | 3          |             | \$358,200.00          | \$1,845.00         |
| NEW                            | PUD R-3             | BL   | 7          |             | \$917,670.00          | \$4,700.00         |
| NEW                            | PUD                 | BL   | 21         |             | \$3,028,560.00        | \$15,510.00        |
| REPAIR                         | R1                  | BL   | 1          |             | \$4,778.00            | \$40.00            |
| REPAIR                         | R3                  | BL   | 1          |             | \$135,354.04          | \$695.00           |
| REMODEL                        | R3                  | BL   | 1          |             | \$18,600.00           | \$110.00           |
| RE-ROOF                        | R1                  | BL   | 17         |             | \$344,060.78          | \$2,025.00         |
| RE-ROOF                        | R3                  | BL   | 35         |             | \$471,473.06          | \$2,950.00         |
| RE-ROOF                        | R2                  | BL   | 1          |             | \$8,000.00            | \$55.00            |
| RE-ROOF                        | R4 - HIGH DENSITY R | BL   | 2          |             | \$14,768.07           | \$105.00           |
| ADDITION                       | R1                  | BL   | 1          |             | \$20,000.00           | \$115.00           |
| POOL                           | R1                  | BL   | 1          |             | \$82,800.00           | \$430.00           |
| POOL                           | R3                  | BL   | 1          |             | \$27,000.00           | \$150.00           |
| SUNROOM                        | R3                  | BL   | 2          |             | \$30,040.00           | \$185.00           |
| MISCELLANEOUS                  | R3                  | BL   | 4          |             | \$9,129.50            | \$115.00           |
| DEMOLITION                     | R1                  | BL   | 2          |             |                       | \$100.00           |
| <b>Non-Residential</b>         |                     |      |            |             |                       |                    |
| PLAN REVIEW                    | B2                  | BL   | 1          |             |                       | \$100.00           |
| NEW                            | MU - MULTI-USE      | BL   | 1          |             | \$628,000.00          | \$3,768.00         |
| REMODEL                        | B2                  | BL   | 1          |             | \$47,000.00           | \$282.00           |
| MISCELLANEOUS                  | B2                  | BL   | 1          |             | \$248,050.00          | \$1,488.35         |
| A/C CHANGE-OUT                 | B2                  | BL   | 1          |             | \$14,200.00           | \$90.00            |
| <b>Total - BUILDING PERMIT</b> |                     |      | <b>112</b> |             | <b>\$7,797,373.45</b> | <b>\$40,913.35</b> |
| <b>Grand Total</b>             |                     |      | <b>112</b> | <b>0.00</b> | <b>\$7,797,373.45</b> | <b>\$40,913.35</b> |

# ***Daphne History Museum***

## ***Meeting Minutes***

April 8, 2019

### **I. Call to order**

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

**II. Attendees:** Ken Balme, Rachel Burt, Helen Baroco, Lee Swetman, Stephanie Middleton, Candice Bishop, Mickey Boykin, Jeanne Nelson, Greg McRae, Lucy Cunningham, & Councilman Rudicell

**III. Approval of minutes from last meeting:** Minutes March 11, 2019 approved.

**IV. Treasures Report:** Period 2/28/19 - 3/31/19    Opening balance \$6,1773.99    Deposits: \$116 (donation, book, pillow & brick)    Checks : \$0    Ending balance \$6,289.99.    Petty Cash \$21.65

**V. Volunteer Assignments/Schedules-** Closed for Easter Sunday. Jeanne brought up that she is to work on Mother's Day. She will not be able to. Mickey & Lucy thought we were closed. Rachel will mark as closed unless someone would like to open.

### **VI. Committee Reports**

- a) Exhibits/Events:* Mickey asked about bringing in J Bornholdt to speak on the POW's in Baldwin Co. The end of May is best, but is busy. An alternate day could be on or around National POW Day which is September 20.
- b) Publicity/Social Media:* No reports
- c) Cemetery:* A relative of the Benton family requested info re: previous memorial/monument. Helen will contact them.
- d) Fund Raising & Volunteer Recruitment:* Nothing scheduled No report
- e) Special Tours :* Lucy has 58 children from CTK School coming 5/17. Helen, Rachel, Lee & Mickey committed to help.
- f) Archives, Curation:* No report

### **VII. Unfinished/Ongoing business**

- a) Part-time employee:* Mickey spoke with HR and submitted a few questions since no one from the museum is allowed to be involved with the hiring. They should start interviews soon.
- b) Building Integrity :* No update

### **VIII. New Business & Announcements**

- Harrison/Hanson ladies had their annual breakfast at the Museum on 3/16. Melissa McNichol sent a thank-you note from the group especially, thanking Helen & Mickey for their help. She enclosed some pictures.
- Ken asked how does the Museum fit with ASW plan? ASW is the architecture group hired by the City as consultants to enhance/plan Downtown Daphne. According to P

Rudicell, the final report is to be recieved today & should be published shortly thereafter. Part of the plan includes slowing traffic in town, more parking, better signage and other suggestions. Changes and/or improvements accepted would be funded via lodging taxes and any grants available.

- Greg has been helping a couple that recently purchased the Strong/Deer home at the end of Deer Ave. who had contacted him via Scenes from Old Daphne. They are researching the complete history of the home. The previous owner uncovered some info that indicates the home was built in 1830. This would pre-date the Texas, Central & Howard Hotels that were built around 1835. If this proves correct, it would make it the oldest, still occupied building in Daphne.
- Ken noted that sod or grass seed is needed in the area around the plow where the new gate was installed and the brick walkway entrance into the cemetery is still needed.

## **IX. Adjournment**

Ken Balme adjourned the meeting.

Minutes submitted by: Rachel Burt



**Next regular meeting: Monday May 13@ 10AM!**

**CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF MARCH 7, 2019 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL**

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Chairman called to order the regular meeting of the Board of Zoning Adjustment at 6:00 p.m. Roll was called thereafter and the number of members present constituted a quorum.

Members Present:

Thomas Warner, Vice Chairman, \*Arrived at 6:01 p.m.  
Herb Cole  
Billy Mayhand  
Willie Robison, Chairman  
Carolyn Courson

Members Absent:

Derek Wolstenholme

Staff Present:

Adrienne D. Jones, Director of Community Development  
Pat Johnson, Recording Secretary

Staff Absent:

BZA Attorney

Chairman called for the **Approval of Minutes** of the December 6, 2018 meeting. There were no corrections, additions or deletions.

**The Minutes were approved unanimously.**

Chairman called the next item on the agenda, **Appeal #2019-01 HSC Johnson Road, LLC**, a request for a Variance to the Daphne Land Use and Development Ordinance, filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, would allow a pylon sign with two sign faces that are each one hundred and eight square feet in area, in lieu of, the maximum allowable height of twenty-one feet as provided in Article 33, Section 10, Sign Provisions, Permitted Signs Subsection (b)(2) Name Identification Signs. The property is the southwest corner of Johnson Road and U.S. Highway 98, which is zoned B-2, General Business.

Ms. Jones displayed a Power Point Presentation of the Southwest intersection of U.S. Highway 98 & Johnson Road, displaying the standard sign rendering, noting the minimum sign area and height. She cited Planning Commission gave site plan approval for a new 19,097 square foot retail sales business called Tractor Supply Company on January 24, 2019. Ms. Jones outlined the entire surrounding area including Adams Avenue to the south and stated that the property would be forthcoming for a subdivision.

**CITY OF DAPHNE**  
**BOARD OF ZONING ADJUSTMENT MINUTES**  
**REGULAR MEETING OF MARCH 7, 2019 - 6:00 P.M.**  
**COUNCIL CHAMBERS, CITY HALL**

---

Ms. Jones provided the Board's criteria for consideration per Section 33-4 Non-conforming Signs (g) Variance: Citing the Board of Zoning Adjustment may, in special cases and for good reason, and where owing to conditions peculiar to the property and not the result of the actions of the applicant, permit the erection of a sign not in conformance with the requirements of the Article, and displayed a standard sign rendering noting the minimum sign area and height. She cited that the applicant's petition for a variance to the Sign provisions was for a pylon sign with two sign faces that are each 108 square feet in area, in lieu of the maximum allowable area of fifty square feet; and, thirty feet in height, in lieu of the maximum allowable height of twenty one feet. She showed the site tree survey, site grading and drainage plan, proposed HSC Johnson Road Subdivision, which is on the March 2019 Planning Commission agenda and presented the proposed Tractor Supply Company sign rendering and noted that it says "this drawing is for conception purposes only. Due to construction constraints size or layout may change and the location is for Various, USA, not the Daphne location". She reviewed the four justifications presented by the applicant and found there was no evidence for items 5, 11, and with regard to justification #12, she displayed the proposed subdivision plat for HSC Johnson Road, which shows two lots, which meant that the same topography would be present on both lots and the circumstances are not unique to this topography, and the justification noted as #13, she indicated that the internet and mapping technology now make it convenient for a customer to locate any business. She displayed a Google search for Tractor Supply Company and showed an image of the webpage that listed each local store, their address and directions to each. She listed her five findings from Staff Review as presented in the BZA report and reiterated the requirements listed in the LUDO for the BZA to consider while reviewing an application for a sign variance noting that this criteria has not been presented. Was this a special case? No, it is a new construction site, with a relatively clean slate. If the difference in grade were a potential barrier, then the design engineers should design a site grading plan (cut/fill as needed) to ensure that the sign would be visible. Tree canopies along Highway 98 can be limbed or raised (remove lower limbs to create visual clearance). Monument signs are typically used where mature tree canopies are present. Is there good reason? No, there is no proof that an alleged problem truly exists. The site is currently wooded and the land is subject to cut and fill, and grading. What conditions are peculiar to this property that are not the result or actions of the applicant? The pylon sign will not be placed on raw undeveloped land. The proposed hardship is being based upon the existing conditions of raw undeveloped land. The property will be developed and the topography will be significantly altered. Based on those findings, Ms. Jones recommended denial.

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF MARCH 7, 2019 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

---

Chairman opened the floor for public participation.

Mr. Dearing stated his name as Max Dearing, representative for HSC Johnson Road, LLC. He cited that Ms. Jones had given a thorough synopsis and asked if the Board had any questions.

Adams Avenue residents Henry and Richardean Crawford came forward and stated that they were not against the site plan, however they expressed opposition to the business having access to Adams Avenue.

Ms. Jones stated they would not access Adams Avenue.

As no one else came forward in support or opposition to the appeal, the Chairman closed public participation.

The Board discussed the Planning Commission excluding the sign because of none compliance.

A **Motion** was made by **Mr. Mayhand** and **Seconded** by **Mr. Cole** to **approve Appeal #2019-01, HSC Johnson Road, LLC, request for a Variance to the Daphne Land Use and Development Ordinance. The request, if granted, proposes to allow a pylon sign with two sign faces that are each one hundred and eighty square feet in area, in lieu of, the maximum allowable height of twenty-one feet at provided in Article 33, Section 10, Sign Provisions, Permitted Signs Subsection (b)(2) Name Identification Signs. The property is the southwest corner of Johnson Road and U.S. Highway 98, which is zoned, B-2, General Business.**

Upon roll call vote, **the Motion failed.**

|                    |            |
|--------------------|------------|
| <b>Mr. Warner</b>  | <b>Nay</b> |
| <b>Mr. Mayhand</b> | <b>Nay</b> |
| <b>Mr. Cole</b>    | <b>Nay</b> |
| <b>Mr. Robison</b> | <b>Nay</b> |
| <b>Ms. Courson</b> | <b>Nay</b> |

The Chairman stated the request for a Variance is denied and he instructed Mr. Dearing to pick up the paperwork from Community Development in the morning. He also cited that they had fifteen days from today to inform Community Development in writing if they planned to appeal this decision with the Circuit Court of Baldwin County.

There being no other business the Chairman called for a **Motion to Adjourn.**

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF MARCH 7, 2019 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

---

A Motion was made by Mr. Mayhand and Seconded by Mr. Cole to adjourn. There was no discussion of the motion.

The Motion carried unanimously.

The meeting was adjourned at 6:19 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: May 6, 2019



Willie Robison, Chairman



## MEMORANDUM

To: Council President, Rudicell and the Daphne City Council  
From: Adrienne Jones, Community Development Director   
Date: 04/23/19  
Subject: Board of Zoning Adjustment Appointments/Re-appointments

As you know, the Board of Zoning Adjustment is composed of five regular members and two supernumerary members. Two of the regular board members and one of the alternate's terms are close to ending. Thomas Warner, Carolyn Courson and Derek Wolstenhome are interested in continuing to serve on the Board. Each would have a three-year term.

If Council accepts these recommendations, one supernumerary position remains and needs to be filled.

I appreciate your attention to this matter and will be glad to answer any questions you may have.

Adrienne

**To:** Office of the City Clerk  
**From:** Adrienne D. Jones,   
Community Development Director  
**Subject:** Planning Commission Minutes and Report  
**Date:** April 29, 2019

# MEMORANDUM

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of March 28, 2019, the report of the special called meeting of April 9, 2019, and the report of the regular meeting of April 25, 2019 for placement on the Monday, May 13, 2019 City Council agenda for review.

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

ADJ/jv

**From the Office of .....**

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

**FILE**  
10:43 am  
JV

The City of Daphne  
Planning Commission Minutes  
Regular Meeting of March 28, 2019  
Council Chamber, City Hall - 5:00 P.M.

---

Call to Order:

Chairman called the regular meeting of the City of Daphne Planning Commission to order at 5:12 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Bolton Tucker  
Marybeth Bergin, Chairman  
Andrew Prescott, Secretary  
Ron Scott  
Hudson Sandefur

Staff Present:

Adrienne Jones, Director of Community Development  
Jan Vallecillo, Planning Coordinator  
Patrick Dungan, Attorney  
Troy Strunk, Executive Director, City Development

Chairman explained that the agenda items for preliminary/final plats for Tanglewood, J Cattle and HSC Johnson Road, L.L.C. Subdivision cannot be heard tonight because there is not a super majority present to take action on those items; however, the Commission will still hold a public hearing. The agenda items will be heard at a special Planning Commission prior to April 25, 2019; once the date is set, it will be posted on the city's website.

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

Chairman asked for questions, comments or corrections to the minutes ***of the regular meeting of January 24, 2019. There being none, minutes are approved as submitted.***

Chairman stated the next order of business is a request for Planning Commission approval of an outdoor amusement facility, Tropics Volleyball, Bar and Grill, located northwest of U.S. Highway 98 and Walmart Drive. She stated the Commission will hold a public hearing because right in a B-2 zone does not allow an outdoor amusement facility. Depending on how the vote transpires, the next agenda item will be site plan review.

An introductory presentation was given by Chris Lieb, representative of Lieb Engineering, and Weston Hawkins, representative of Tropics Volleyball, requesting consideration of Planning Commission approval of an outdoor amusement facility in a B-2 zone for Tropics Volleyball, Bar and Grill. This business will consist of nine volleyball courts and a concession stand.

**The City of Daphne**  
**Planning Commission Minutes**  
**Regular Meeting of March 28, 2019**  
**Council Chamber, City Hall - 5:00 P.M.**

---

Chairman clarified that the property lies between Main Street and U.S. Highway 98 and has a zoning designation of R-2, Medium Density Single Family Residential, and B-2, General Business, but the use that you are proposing would be limited to the parcel zoned B-2. Mr. Lieb concurred.

Chairman asked if the use can encroach into the property zoned R-2. Ms. Jones stated no.

Chairman stated the proposed use is an outdoor volleyball facility, and the Table of Permitted Uses and Conditions does not define a zoning district in which this use is appropriate; a comparable use is outdoor amusement uses, which require Planning Commission approval. She also stated that this is a volleyball facility with a bar and grill. Mr. Hawkins responded the prior location was a bar & grill, and we provide volleyball courts to allow players to play beach volleyball at any level. This will be a volleyball complex with a concession stand to serve the players.

Chairman asked for Commission questions or comments for the applicant.

Chairman stated Chief White expressed concern about this facility being next to a funeral home. Mr. Hawkins stated a shared access agreement has been executed with the funeral home, and the development will enhance their visibility from U.S. Highway 98. The property owner has a good relationship with the adjacent property owners.

Mr. Sandefur spoke in support of the project and asked Mr. Hawkins to describe the nature of his operation with regard to noise, lighting and the location. Mr. Hawkins outlined his hours of operation, level and direction of lighting, and noise level.

Chairman stated the director shared the easement agreement that confirms that the funeral home is in agreement with the use, does not believe that it will be a detriment, and has stipulations associated with development.

Chairman asked if the access agreement will be recorded and run with the land. Mr. Broughton, owner, responded it does.

Ms. Jones responded that the easement agreement should be recorded in probate records and stated that she had an issue with the construction entrance because access for clearing and/or construction is not be permitted onto Main Street. She also stated this is a stipulation in the agreement; stating that no construction access through the shared drive; however, there are other options. Mr. Lieb responded one option is to place a temporary construction entrance between the driveways on the north side.

Chairman asked about the approval of ALDOT. Mr. Lieb stated conceptual approval has been given.

Mr. Prescott asked about the "no build area" specified in the agreement and the parking area shown in that area. Mr. Lieb responded the intent is a building cannot be constructed in that area.

**The City of Daphne**  
**Planning Commission Minutes**  
**Regular Meeting of March 28, 2019**  
**Council Chamber, City Hall - 5:00 P.M.**

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Mr. Sandefur asked how many players are on the premises when the site is at full capacity. Mr. Hawkins stated the Junior Event Day in late May is the busiest day of the year, and there will be approximately eighty-two players registered.

Chairman commented that it is hard to differentiate concession stand from a bar and grill. Mr. Hawkins responded the grill serves Mediterranean food and alcohol.

Chairman asked if it would be a staged development. Mr. Hawkins stated no.

Chairman stated the Commission will hold a public hearing on this matter to address concerns about the use of the property, not issues relative to the site plan. She noted that they have received correspondence from citizens expressing concerns about the development.

Chairman opened the floor to public participation.

Paul Soutullo, Haley's Lane, spoke in opposition and expressed concerns about shelter during inclement weather and lack of ALDOT approval.

Chairman responded the site does not have a large area for congregating, except for the concession area, indoor seating, and a couple of containers and will receive clarity on that during site plan review. She noted that the site plan does have conceptual approval from ALDOT. Mr. Scott commented that ALDOT has not given approval for the construction entrance on U.S. Highway 98.

Mel Brandon, 6453 Cardinal Lane, spoke in opposition and expressed concerns about the effect of storm water drainage on his and neighboring properties.

Tess Keller, 27795 Oakachoy Loop, spoke in opposition and expressed concerns about lighting and noise complaints at the previous location.

Tom Morgan, 6301 Thompson Lane, spoke in opposition and expressed concerns about noise.

Craig Savage, Pine Court, spoke in support of the facility and stated that Mr. Hawkins is a top engineer and architect in this region, and that he has one hundred percent confidence in his ability to address all of the local and community issues from architectural and design standpoint.

Collette Waite, 6498 Jackson Oaks Drive, agreed that this is fabulous for the city and stated she is in favor of having this facility in the community, but expressed concerns about the location. In the past, there has been consideration given to a residential area abutting a business zone and only certain local businesses were allowed. She noted this would not be an appropriate use adjacent to the counseling center and asked the Commission to preserve the residential neighborhoods along Main Street.

**The City of Daphne  
Planning Commission Minutes  
Regular Meeting of March 28, 2019  
Council Chamber, City Hall - 5:00 P.M.**

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Brenda Gates, representative of Crossway Counseling, stated that she is the property owner to the north and had previously provided correspondence to the Commission in opposition, and expressed concerns about access, drainage, erosion, noise, and the hours of operation. She also commented that she would rather see a professional development on this site.

Holly Morgan, 6301 Thompson Lane, spoke in opposition and expressed concern that a residential neighborhood is not the appropriate location for a bar, grill and athletic facility.

Roy Hall, 6378 Jackson Oaks Drive, spoke in opposition and expressed concerns about flooding, drainage and noise.

Sherry Jones, spoke in support of the facility and its benefit to the children in the community.

Connie Whitaker, Jackson Oaks Drive, spoke in opposition and expressed concerns about flooding and drainage.

Chairman closed public participation and asked for Commission questions or comments and a motion.

During discussion, Commissioners endorsed the sport and concept, but could not support the location.

**A Motion was made by Mr. Scott and Seconded by Ms. Bergin to deny the use as an outdoor amusement facility for volleyball courts in a B-2, General Business district. The Motion failed due to lack of verbal/audible votes.**

After discussion, a motion was made and a vote was taken by roll call.

**A Motion was made by Mr. Scott and Seconded by Ms. Bergin to deny the use as an outdoor amusement facility for volleyball courts in a B-2, General Business district. There was no further discussion on the motion.**

Upon roll call vote, the Motion carried.

|              |     |
|--------------|-----|
| Mr. Tucker   | Aye |
| Ms. Bergin   | Nay |
| Mr. Scott    | Aye |
| Mr. Prescott | Aye |
| Mr. Sandefur | Aye |

**Ms. Bergin dissented.**

The next order of business is site plan review for Tropics Volleyball, Bar and Grill.

**No action taken by the Planning Commission.**

The next order of business is preliminary/final plat review for Tanglewood Subdivision.

The City of Daphne  
Planning Commission Minutes  
Regular Meeting of March 28, 2019  
Council Chamber, City Hall - 5:00 P.M.

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An introductory presentation was given by Casey Hill, representative of Dewberry, requesting preliminary/final plat review of a subdivision located southwest of Whispering Pines Road and Pollard Road, recently rezoned by the City Council to R-2, Medium Density Single Family Residential, for the purpose of the creation of a three-lot subdivision.

Chairman asked for Commission questions or comments.

Chairman opened the floor to public participation. No one came forth. She closed public participation and asked for a motion.

**A Motion was made by Ms. Bergin and Seconded by Mr. Scott to table Tanglewood Subdivision preliminary/final plat until the next meeting either on or before April 25, 2019. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for J Cattle Subdivision.

An introductory presentation was given by David Shumer, representative of Barton Shumer Engineering, requesting preliminary/final plat review of a five-lot subdivision located northwest of Sedona Drive and County Road 54, east of Avalon Subdivision. He noted that the subdivision consists of four three-acre lots and a remnant parcel retained by the applicant. He also noted that approval by Baldwin County is pending subject to the vacation of twenty-feet of a forty-foot right-of-way north of Sedona Subdivision.

Chairman asked for Commission questions or comments.

Chairman opened the floor to public participation.

Pat Hider, President of the Avalon Subdivision POA, spoke on behalf of the POA and expressed his support for approval of the subdivision.

Chairman closed public participation and asked for a motion.

**A Motion was made by Ms. Bergin and Seconded by Mr. Scott to table J Cattle Subdivision preliminary/final plat until the next meeting either on or before April 25, 2019. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for HSC Johnson Road, L.L.C. Subdivision and request for street acceptance.

An introductory presentation was given by Trey Jinright, representative of Jade Consulting, requesting preliminary/final plat review of a two-lot subdivision located southwest of Johnson Road and U.S. Highway 98. He noted that the owner is dedicating a twenty-five foot right-of-way to the city for access to Adams Avenue and stated that the easement document will be recorded separately.

Chairman asked for Commission questions or comments.

The City of Daphne  
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Mr. Prescott asked about the location of access to Lot 1. Mr. Jinright responded that lot will be accessed from Johnson Road through an ingress and egress easement maintained by the developer.

Chairman opened the floor to public participation. No one came forth. She closed public participation and asked for a motion.

**A Motion was made by Ms. Bergin and Seconded by Mr. Sandefur to table HSC Johnson Road, L.L.C. Subdivision preliminary/final plat until the next meeting either on or before April 25, 2019. There was no discussion on the motion. The Motion carried unanimously.**

**A Motion was made by Ms. Bergin and Seconded by Mr. Sandefur to table the street acceptance request until the next meeting either on or before April 25, 2019. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation of a modification to the PUD requirements of Jubilee Farms Subdivision.

An introductory presentation was given by Casey Hill, representative of Dewberry, requesting a modification to the PUD requirements of Jubilee Farms Subdivision to separate the amenities development from infrastructure improvements required for Jubilee Farms Subdivision, Phase One. She stated the design of the amenities is underway; however, the timeline of construction is July 2019 through May 2020; however, the infrastructure construction of phase one is seventy-five percent complete, and the developer wishes to move forward with final plat review for phase one.

Chairman asked for Commission questions or comments and about mailboxes. Ms. Jones responded an individual mailbox is not permitted in this residential subdivision; Ms. Hill responded due to fact that the amenities will not be constructed at the time that some of the homes are occupied; the developer will construct a temporary kiosk in the common area adjacent to the amenity area.

**A Motion was made by Mr. Prescott and Seconded by Mr. Sandefur to modify Phase One of Jubilee Farms to separate the amenity improvements from infrastructure development contingent upon submission of an amenity area site plan for staff review and approval. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation of a request for a waiver to the sidewalk requirement for Jubilee Farms Subdivision, Phase One.

An introductory presentation was given by Casey Hill, representative of Dewberry, requesting a waiver to the sidewalk requirement for Jubilee Farms Subdivision, Phase One. Ms. Hill stated the developer has agreed to install a sidewalk on the north side of the right-of-way, add a crosswalk connection at the median, and install a portion of a sidewalk on the south side of Secretariat Boulevard.

The City of Daphne  
Planning Commission Minutes  
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Council Chamber, City Hall - 5:00 P.M.

---

Chairman asked for Commission questions or comments.

A **Motion** was made by Mr. Scott and **Seconded** by Ms. Bergin **to grant a waiver of a segment of the sidewalk along Secretariat Blvd as presented at this meeting. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation of street acceptance for Oldfield Subdivision, Phase 4.

An introductory presentation was given by Adrienne Jones, Director of Community Development, requesting a recommendation of acceptance for the right-of-ways in Oldfield Subdivision, Phase 4. She stated all appropriate documentation has been presented.

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

A **Motion** was made by Ms. Bergin and **Seconded** by Mr. Scott **to set forth a favorable recommendation to Council to accept the streets in Oldfield Subdivision, Phase 4. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is public participation.

Chairman asked for public participation.

Weston Hawkins, representative of Tropics Volleyball, expressed his disappointment regarding the denial of Planning Commission approval for Tropics Volleyball.

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

Mr. Dungan stated no report.

The next order of business is commissioner's comments.

Hudson Sandefur commented although the request was denied, he hoped that Tropics Volleyball still considers a development in Daphne. Andrew Prescott thanked the Chairman for her professional management of the meeting.

The next order of business is director's comments.

Ms. Jones presented the following:

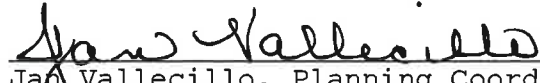
- a. City Council Meeting:
  1. Architects Southwest presentation of development strategies for Olde Towne Daphne, March 19 & 20, 2019; thanked members for coming; and,
- b. The upcoming meeting dates are site preview, April 17 & regular meeting, April 25, 2019. Special called meeting date to be announced.

The City of Daphne  
Planning Commission Minutes  
Regular Meeting of March 28, 2019  
Council Chamber, City Hall - 5:00 P.M.

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*There being no further business, the meeting was adjourned at 6:40 p.m.*

*Respectfully submitted by:*

  
Jan Vallecillo, Planning Coordinator

Approved: April 25, 2019

  
Marybeth Bergin, Chairman

**CITY OF DAPHNE**  
**PLANNING COMMISSION AGENDA**  
**SPECIAL CALLED MEETING OF APRIL 9, 2019**  
**COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

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AG Report

1. **CALL TO ORDER:** 8:36 a.m.
2. **CALL OF ROLL:** Marybeth Bergin, Hudson Sandefur, Andrew Prescott, Phillip Hodgson, Chief White and Bolton Tucker
3. **OLD BUSINESS:**

**A. PRELIMINARY/FINAL PLAT REVIEW:**

**1. File SDPF19-01:**

**(Approved)**

**Subdivision:** Tanglewood

***Present Zoning:*** *R-2, Medium Density Single Family Residential*

**Location:** Southwest of Whispering Pines and Pollard Road

**Area:** 4.71 acres  $\pm$ , (3) lots

**Owner:** T H Tanglewood 2018, L.L.C. - Drew Dolan

**Surveyor:** Dewberry - George Gibson

**Agent:** Dewberry - Mark Pumphrey

**2. File SDPF19-02:**

**Subdivision:** J Cattle

**(Approved)**

***Present Zoning:*** *RA, Rural Agricultural, Single Family Residential, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne*

**Location:** Northwest of Sedona Drive and County Road 54, east of Avalon Subdivision

**Area:** 115.78  $\pm$  Acres  $\pm$ , (5) lots

**Owner(s):** Ruth Lazzari

**Surveyor:** Geo Surveying - Matt Kountz

**Engineer:** Barton & Shumer Engineering - David Shumer

**B. PRELIMINARY/FINAL PLAT REVIEW:**

**1. HSC JOHNSON ROAD, L.L.C. SUBDIVISION:**

**a. File SDPF19-03:**

**(Approved)**

**Subdivision:** HSC Johnson Road, L.L.C.

***Present Zoning:*** *B-2, General Business*

**Location:** Southwest of the intersection of U.S. Highway 98 and Johnson Road

**Area:** 8.61  $\pm$  Acres  $\pm$ , (2) lots

**Owner(s):** HSC Johnson Road, L.L.C. - Haymes Snedeker

**Surveyor:** Smith, Clark & Associates - Daniel Clark

**Engineer:** Jade Consulting - Trey Jinright or Max Dearing

**CITY OF DAPHNE**  
**PLANNING COMMISSION AGENDA**  
**SPECIAL CALLED MEETING OF APRIL 9, 2019**  
**COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

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- b. **File AP19-06: Street Acceptance-Presentation by Jade Consulting (Set forth a favorable recommendation to City Council)**

4. **PUBLIC PARTICIPATION:** None presented
5. **ATTORNEY'S REPORT:** Mr. Dungan reported that an application was submitted to the Board of Zoning Adjustment by the representative of Tropics Volleyball to appeal the interpretation of the Table of Permitted Uses by the Director of Community Development to classify the use as volleyball courts as an outdoor amusement facility (see minutes for details).
6. **COMMISSIONER'S COMMENTS:** Hudson Sandefur commented based on information provided after the regular meeting to Commission members and the community, he wished that he had requested to table the action by the Planning Commission for approval of the outdoor amusement facility for Tropics Volleyball to a meeting where more members were present.
7. **DIRECTOR'S COMMENTS:** None presented
8. **ADJOURNMENT:** 8:46 a.m.

**CITY OF DAPHNE**  
**PLANNING COMMISSION AGENDA**  
**REGULAR MEETING OF APRIL 25, 2019**  
**COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**



Report

1. **CALL TO ORDER:** 5:06 p.m.
2. **CALL OF ROLL:** Marybeth Bergin, Phillip Hodgson, Andrew Prescott, Ron Scott, Ed Kirby, Chief White and Bolton Tucker
3. **APPROVAL OF MINUTES:**  
  
Review of minutes for the regular meeting of March 28, 2019. **(Approved)**
4. **NEW BUSINESS:**
  - A. **SITE PLAN REVIEW:**
    1. **File SP19-04:** **(Approved)**  
  

|                  |                                                               |
|------------------|---------------------------------------------------------------|
| <b>Site:</b>     | <b>Fire Station Five-Milton Jones Road</b>                    |
| <b>Zoning:</b>   | <b><i>B-3, Professional Business</i></b>                      |
| <b>Location:</b> | Northwest corner of Alabama Highway 181 and Milton Jones Road |
| <b>Area:</b>     | 1.52 $\pm$ Acres                                              |
| <b>Owner(s):</b> | City of Daphne - Mayor Dane Haygood                           |
| <b>Agent:</b>    | Hutchinson, Moore & Rauch - Scott Hutchinson                  |
| <b>Engineer:</b> | Hutchinson, Moore & Rauch - Amanda Thompson                   |
  - B. **PRELIMINARY PLAT REVIEW:**
    1. **File SDP19-01:** **(Approved)**  
  

|                        |                                                                                                                                        |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Subdivision:</b>    | <b>County Road 13 Business Park</b>                                                                                                    |
| <b>Present Zoning:</b> | <b><i>B-1, Professional Business District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne</i></b> |
| <b>Location:</b>       | Northeast of County Road 64 and County Road 13, southeast of Rand Avenue and County Road 13                                            |
| <b>Area:</b>           | 8.74 $\pm$ Acres $\pm$ , (6) lots                                                                                                      |
| <b>Owner(s):</b>       | C Hill Properties, L.L.C. - Charles Hill                                                                                               |
| <b>Surveyor:</b>       | Hutchinson, Moore & Rauch - Stuart Smith                                                                                               |
| <b>Engineer:</b>       | Hutchinson, Moore & Rauch - Tim Lawley                                                                                                 |
  - C. **POLLARD PARK SUBDIVISION STREET ACCEPTANCE PETITION:**
    1. **File AP19-01:** **(Set forth a favorable recommendation to City Council)**  
  
Presentation to be given by Adrienne Jones, Director of Community Development, recommending acceptance of all right-of-ways contained within Pollard Park Subdivision. Said right-of-way being Kettig Square (403 linear feet).
5. **PUBLIC PARTICIPATION:** None presented
6. **ATTORNEY'S REPORT:** No report

**CITY OF DAPHNE**  
**PLANNING COMMISSION AGENDA**  
**REGULAR MEETING OF APRIL 25, 2019**  
**COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

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**Report**

7. **COMMISSIONER'S COMMENTS:** Mr. Scott congratulated Chief White on the approval of Fire Station Five - Milton Jones Road and commented that the Olde Towne Daphne Visioning report is published and available online.
8. **DIRECTOR'S COMMENTS:**  
Ms. Jones commented on the Volunteer Appreciation Breakfast and stated we do appreciate all of your time, efforts and service toward the city, and the upcoming meeting dates are site preview, May 15 & regular meeting, May 23, 2019.
9. **ADJOURNMENT:** 5:11 p.m.



**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20190502090450462**

**Type License:** 050 - RETAIL BEER (OFF PREMISES ONLY)      **State:** \$150.00 **County:** \$50.00

**Type License:** 070 - RETAIL TABLE WINE (OFF PREMISES ONLY)      **State:** \$150.00 **County:** \$75.00

**Trade Name:** ROUSES MARKET 78

**Filing Fee:** \$100.00

**Applicant:** ROUSES ENTERPRISES LLC

**Transfer Fee:**

**Location Address:** 3075 US HIGHWAY 98      DAPHNE, AL 36526

**Mailing Address:** PO BOX 5358      THIBODAU, LA 70302

**County:** BALDWIN      **Tobacco sales:** YES

**Tobacco Vending Machines:** 0

**Type Ownership:** LLC

**Book, Page, or Document info:** LOUISIANA CORP

**Date Incorporated:** 06/26/2002      **State incorporated:** LA

**County Incorporated:** LOUISIANA

**Date of Authority:** 09/26/2013

**Alabama State Sales Tax ID:** R008687950

**Federal Tax ID:** 72-0799611

| <b>Name:</b>                            | <b>Title:</b>   | <b>Date and Place of Birth:</b> | <b>Residence Address:</b>                 |
|-----------------------------------------|-----------------|---------------------------------|-------------------------------------------|
| DONALD JAMES ROUSE SR<br>003766194 - LA | MANAGING MEMBER | 09/01/1956<br>THIBODAU, LA      | 215 OUISKI BAYOU DR<br>HOUMA, LA 70364    |
| THOMAS BRIAN ROUSE<br>004187313 - LA    | MANAGING MEMBER | 01/24/1959<br>THIBODAU, LA      | 308 CEDAR TREE DR<br>THIBODAU, LA 70301   |
| ALLISON ROUSE ROYSTER<br>007368945 - LA | MEMBER          | 12/01/1982<br>THIBODAU, LA      | 118 ACADIA POINT DR<br>THIBODAU, LA 70301 |

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

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

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

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

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

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

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

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

**Contact Person:** ALLISON ROUSE ROYSTER

**Home Phone:** 985-447-5998

**Business Phone:** 985-447-5998

**Cell Phone:** 985-209-0703

**Fax:** 985-447-5563

**E-mail:** allisonrouse@rouses.com

**PREVIOUS LICENSE INFORMATION:**

**Previous License Number(s)**

**Trade Name:**

**License 1:**

**Applicant:**

**License 2:**



**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20190502090450462**

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**

Name of Property owner/lessor and phone number: **FRO LLC VIII 202-857-6170**

What is lessors primary business? **REAL ESTATE**

Is lessor involved in any way with the alcoholic beverage business? **NO**

Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**

Is the business used to habitually and principally provide food to the public? **NO**

Does the establishment have restroom facilities? **YES**

Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **NO**

Will the business be operated primarily as a package store? **NO**

Building Dimensions Square Footage: **50969** Display Square Footage:

Building seating capacity: **38**

Does Licensed premises include a patio area? **YES**

License Structure: **ONE STORY**

License covers: **ENTIRE STRUCTURE**

Location is within: **CITY LIMITS**

Police protection: **CITY**

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

| <b>Name:</b>       | <b>Violation &amp; Date:</b>                       | <b>Arresting Agency:</b>        | <b>Disposition:</b>   |
|--------------------|----------------------------------------------------|---------------------------------|-----------------------|
| CHRISTOPHER ACOSTA | POSS OF ALCOHOLIC BEV - 10/11/2009                 | LSP TROOP A                     | 5 YEARS SERVICE HOURS |
| CHRISTOPHER ACOSTA | POSSESION OF SCHEDULE IV CDS - 10 /11/2009         | BATON ROUGE, LA                 | 5 YEARS SERVICE HOURS |
| CHRISTOPHER ACOSTA | OPERATING A VEHICLE WHILE INTOXICATED - 10/11/2009 | LOUISIANNA STATE POLICE TROOP A | 5 YEARS SERVICE HOURS |



# STATE OF ALABAMA

## ALCOHOLIC BEVERAGE CONTROL BOARD

### ALCOHOL LICENSE APPLICATION



**Confirmation Number: 20190502090450462**

**Initial each**

**Signature page**

☐ *KJ*

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

☐ *KJ*

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

☐ *KJ*

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

☐ *N/A*

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

☐ *N/A*

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

☐ *N/A*

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

☐ *KJ*

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

☐ *KJ*

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

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

☐ *KJ*

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

Applicant Name (print): *Kenneth Jones*

Signature of Applicant:

*Kenneth Jones POA*

Notary Name (print): *Betty G. Dean*

Notary Signature:

*Betty G. Dean*

Commission expires:

*1/14/2023*

Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20190502090450462**

**Private Clubs / Special Retail / or Special Events licenses ONLY**

**Private Club**

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

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

Has Agent verified membership applications for each member listed?

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

Agent's Initials:

For what purpose is the club organized?

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

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

**Special Retail**

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

**Special Events / Special Retail (7 days or less)**

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

**Other Explanations**

Additional Violations:

Name: ANTHONY J ROUSE JR | Violation & Date: AGGRAVATED ASSAULT - 03/12/1974

Arresting Agency: THIBODAUX, LA PD | Disposition: REDUCED TO DISTURBING THE PEACE

Name: CHRISTOPHER ACOSTA | Violation & Date: UNAUTHORIZED ENTRY OF A CRITICAL INFRASTRUCTURE - 07/04/2011

Arresting Agency: GOLDEN MEADOW, LA PD | Disposition: PROBATION FOR 2 YEARS

Receipt Confirmation Page

Receipt Confirmation Number: **20190502090450462**  
Application Payment Confirmation Number: **44437800**

| Payment Summary                                 |          |
|-------------------------------------------------|----------|
| Payment Item                                    | Fee      |
| Application Fee for License 050 and License 070 | \$100.00 |
| Total Amount to be Charged                      | \$100.00 |

License Payment Confirmation Number:

| Payment Summary                             |            |           |           |
|---------------------------------------------|------------|-----------|-----------|
| Payment Item                                | County Fee | State Fee | Total Fee |
| 050 - RETAIL BEER (OFF PREMISES ONLY)       | \$50.00    | \$150.00  | \$200.00  |
| 070 - RETAIL TABLE WINE (OFF PREMISES ONLY) | \$75.00    | \$150.00  | \$225.00  |
| Total Amount to be Charged                  | \$125.00   | \$300.00  | \$425.00  |

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 050 - RETAIL BEER (OFF PREMISES ONLY)  
License Type 2: 070 - RETAIL TABLE WINE (OFF PREMISES ONLY)  
License County: BALDWIN  
Business Type: LLC

Trade Name: **ROUSES MARKET 78**  
Applicant Name: **ROUSES ENTERPRISES LLC**  
Location Address: 3075 US HIGHWAY 98  
DAPHNE, AL 36526

Mailing Address: PO BOX 5358  
THIBODAUX, LA 70302

Contact Person: ALLISON ROUSE ROYSTER  
Contact Home Phone: 985-447-5998  
Contact Business Phone: 985-447-5998  
Contact Fax: 985-447-5563  
Contact Cell Phone: 985-209-0703  
Contact Email Address:  
Contact Web Address:

CASE NO. 2019-3

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 5/2/19 (initial) CAC  
DATE FORWARDED TO POLICE DEPT. 5/2/19 CAC  
DATE RECEIVED BY POLICE DEPT. 5/2/19 Ad  
DATE: APPROVED ☒ DISAPPROVED ☐  
POLICE DEPT SIGNATURE Jaen Vany  
DATE RETURNED TO REVENUE DIV. 5/2/19 Ad  
DATE FORWARDED TO CITY CLERK \_\_\_\_\_  
DATE RECEIVED BY CITY CLERK \_\_\_\_\_  
SCHEDULED DATE ON AGENDA \_\_\_\_\_

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: \_\_\_\_\_

Rescheduled for Council Agenda Date: \_\_\_\_\_

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: \_\_\_\_\_

DATE RETURNED TO REVENUE DIV.: \_\_\_\_\_

DATE RETURNED TO TAXPAYER \_\_\_\_\_  
OR TO ABC FIELD OFFICE \_\_\_\_\_ (per taxpayer request)



# City of Daphne Event Permit Application

Date of Application: 4/30/2019 Permit Requested: ☐ Event/Fundraiser ☒ Parade/Run ☐ Band

## Contact Information

Organization Name: American Foundation for Suicide Prevention

Contact Name: Lydia Barber E-mail Address: j1barber5@bellsouth.net

Address: 606 Oak Ridge West, Daphne, AL 36526

Primary Phone Number: 251-626-6099 Secondary: 251-455-6453

## Event Information

Event Name: Eastern Shore Out of the Darkness Walk Event Date: October 20, 2019

Event Location: Olde Towne Daphne # Participants/Vehicles: 500/200

Start Time: 1:00pm Stop Time: 4:00pm Assembly Time: 10:00am setup

Special Requests: Assembly in front of City Hall - walk on sidewalks only Main Street to Santa Rosa through DES parking lot and back

Road Closures Requested: ☐ Yes ☒ No

## Special Instructions

## Approval: Internal Use Only

Date Routed: 5/1/19

Fire Dept: [Signature]

Police Dept: [Signature]

Public Works: [Signature]

Parks & Recreation: [Signature]

Only required if event interrupts traffic near Daphne parks

### **For Special Event/Band Permits:**

City Clerk: [Signature]

### **For Parade/Run Permits & Use of City Grounds:**

City Council: [Signature]

Date of Approval

☐ Use of Alcohol

### **Parade/Run Permits ONLY**

☐ Fee Paid: \$                      ☒ N/A ☐ Waived

☐ Insurance Filed ☒ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4

**CITY OF DAPHNE  
RESOLUTION 2019-34**

**2019-J-CONCESSION SERVICES**

**WHEREAS**, services are needed to manage and operate the two new concession stands at the Daphne Sports Complex; and

**WHEREAS**, The City of Daphne advertised for bids for the CONCESSION SERVICES and received one bid; and

**WHEREAS**, Staff has reviewed the sole bid for the CONCESSION SERVICES and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff has recommended to award to the sole bidder Greek Catering & Events, Inc. for the rate of 10% of gross sales to be submitted monthly; and

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** that the City hereby accept the bid of Greek Catering & Events, Inc. at the rate of 10% of gross sales to be submitted monthly as specified in BID SPECIFICATION NO. 2019-J-CONCESSION SERVICES.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Candace G. Antinarella, City Clerk**

**CITY OF DAPHNE  
RESOLUTION 2019-35**

**Acceptance of Roads and Rights-of-Way Pollard Park**

**WHEREAS**, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Pollard Park Commercial Subdivision on April 25, 2019, and the City of Daphne hereby recommends acceptance of said street(s) located at Northwest of Pollard Road and County Road 64, and

**WHEREAS**, an inspection was made by the Director of Community Development, and all reports, as well as, all other related documents have been provided stating that said streets and storm water drainage have been installed in conformity with city standards; and,

**WHEREAS**, an inspection was made by the Director of the Division of Public Works, and said director has recommended acceptance said roads and storm water drainage of Pollard Park Commercial Subdivision, and

**WHEREAS**, the developer has provided to the City a two-year maintenance bond in the amount of \$45,514.56 as required and now requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled the Procedures for Subdivision Review of the City of Daphne Land Use and Development Ordinance, and

**WHEREAS**, the developer has caused the plat to be recorded on slides 2675-C and 2675-D of the records in the Baldwin County Judge of Probate Office, and

**WHEREAS**, the City Council of the City of Daphne believes it is in the best interest of the citizens of the City for the City to accept said right-of-way.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS**, that Pollard Park Commercial Subdivision, a portion of Kettig Square (346.8 linear feet) a 50-ft right of way according to the plat presented by Hutchinson, Moore and Rauch, LLC as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, are hereby accepted by the City of Daphne, Alabama as city streets for maintenance.

**ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Candace Antinarella, City Clerk**

To: Office of the City Clerk  
From: Adrienne D. Jones, *AS*  
Director of Community Development  
Subject: Pollard Park Commercial Subdivision  
Acceptance of Roads and Rights-of-Ways  
Date: April 29, 2019

## MEMORANDUM

**LOCATION:** Northwest of Pollard Road and County Road 64

**RECOMMENDATION:** At the, April 25, 2019, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a ***favorable recommendation*** for the acceptance of Kettig Square.

Attached please find said documentation for placement on the Monday, May 13, 2019 City Council agenda.

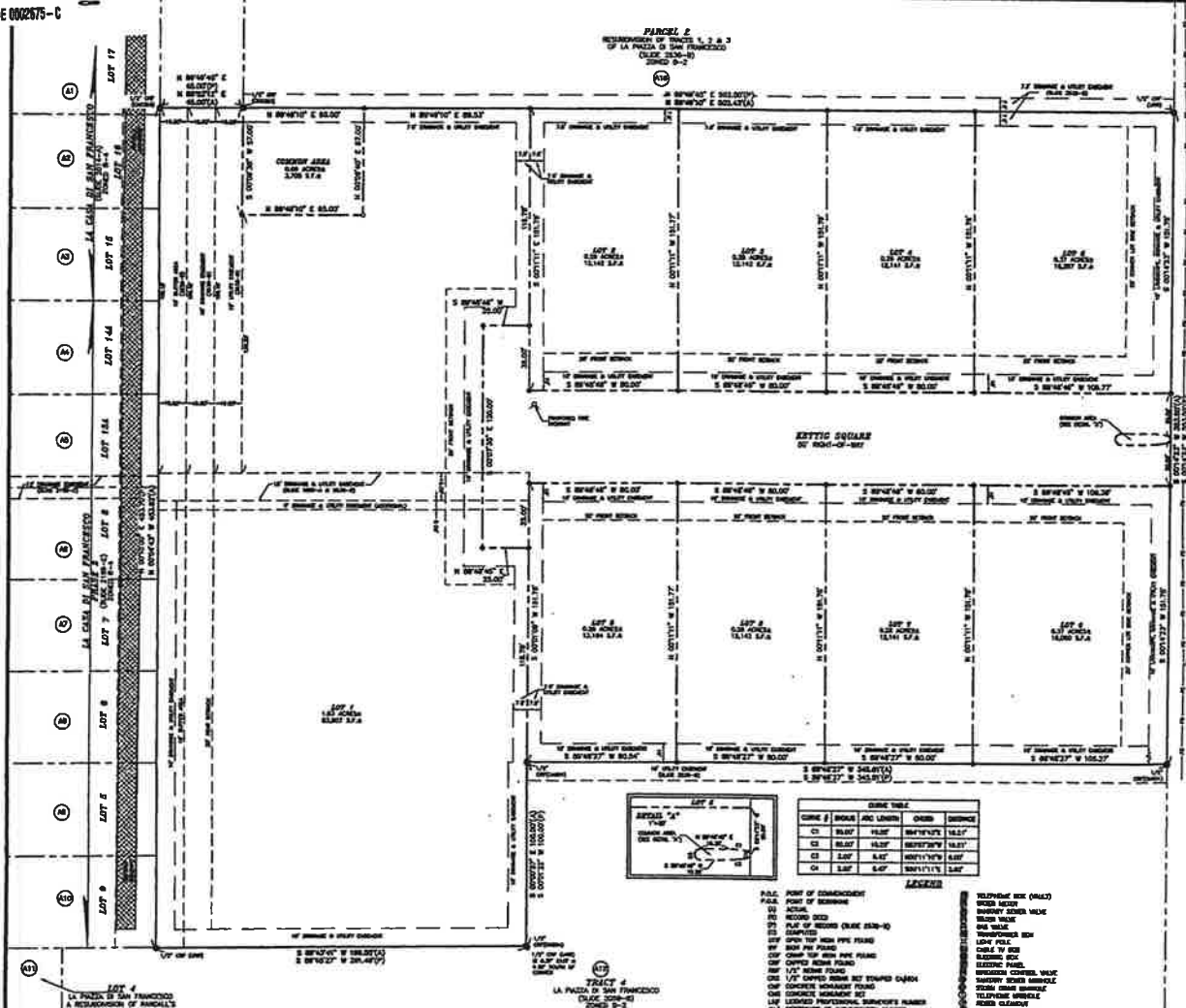
Thank you,  
ADJ/jv

cc: file  
Jeremy Sasser, Public Works Director

attachment(s)

1. Correspondence from project engineer requesting acceptance
2. Record plat
3. Petition of Acceptance of Roads and Rights-of-Ways

**FILE**  
*10:43am*  
*JV*



# POLLARD PARK

**OWNER/DEVELOPER**  
IRVINE CO. INC.  
DAPHNE, AL 36528

**CONSULTANT**  
STANLEY L. RAUCH, PLS.  
AL. LICENSE NO. 27463

**REGISTERED PROFESSIONAL ENGINEER**  
AL. LICENSE NO. 28878

**DATE**  
3/10/2019

**PROJECT NO.**  
43-04-17-000-021.041

**TOTAL SITE AREA** = 4.88 ACRES (213,028 SF)  
**TOTAL NUMBER OF LOTS** = 17  
**SMALLEST LOT** = 0.28 ACRES (12,141 SF)  
**LARGEST LOT** = 1.40 ACRES (60,507 SF)  
**TOTAL COMMON AREA** = 0.58 ACRES (25,244 SF)  
**TOTAL LOT AREA** = 4.30 ACRES (187,784 SF)  
**PROPOSED PAVED FLOOR ELEVATION** = 101.00'

**TRAFFIC SIGNAL (EXISTING)**  
CITY OF DAPHNE, CITY LIGHTS

**REMARKS:**  
1. ROAD RIGHT-OF-WAY (R.O.W.) SHOWN UNLESS OTHERWISE NOTED.  
2. ROAD RIGHT-OF-WAY (R.O.W.) SHOWN UNLESS OTHERWISE NOTED.  
3. ROAD RIGHT-OF-WAY (R.O.W.) SHOWN UNLESS OTHERWISE NOTED.  
4. ROAD RIGHT-OF-WAY (R.O.W.) SHOWN UNLESS OTHERWISE NOTED.  
5. ROAD RIGHT-OF-WAY (R.O.W.) SHOWN UNLESS OTHERWISE NOTED.

**LEGEND:**  
1. ROAD  
2. CITY OF DAPHNE  
3. CITY OF DAPHNE  
4. CITY OF DAPHNE  
5. ADJ.

## GENERAL SURVEY NOTES

1. SOURCES OF INFORMATION USED TO FACILITATE THIS SURVEY WERE PREVIOUS SURVEYS BY THIS AND OTHER FIRMS, THE RECORDED SURVEY MAP, AND/OR OTHER RECORDED DOCUMENTS SHOWN HEREON.
2. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS PERFORMED BY THIS FIRM. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS OF RECORD WHICH COULD AFFECT THE BOUNDARIES OF THIS PROPERTY THAT WERE NOT FURNISHED AT TIME OF SURVEY.
3. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
4. FIELD WORK FOR THIS SURVEY WAS COMPLETED ON 04/05/2018.
5. ALL BOUNDARIES AND AREAS AND NOTES ON THE WEST B.L.M. BEING 3 SURVEYED BY AS SHOWN ON PLAT RECORDED ON SLIDE 2008-8 IN THE OFFICE OF THE ASSESSOR, BALDWIN COUNTY, ALABAMA. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. SURVEYING FEET.
6. ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988. CORNERS ARE SHOWN AT ONE FOOT INTERVALS.
7. ALABAMA LAW CALLS FOR CORNERS TO HAVE THE UNDERGROUND UTILITIES MARKED FOR LOCATION ON 03/10/2018 (TODAY) FURNISHED. AND EXISTING UNDERGROUND UTILITIES NOT SHOWN HEREON WERE NOT MARKED AT THE TIME OF THIS SURVEY.
8. THE SURVEYED PROPERTY LIES WITHIN SECTION 17, TOWNSHIP 3 SOUTH, RANGE 5 EAST.

## SPECIAL NOTES

1. ALL UTILITIES SHALL BE CONSTRUCTED UNDERGROUND.
2. RECORDED 1/2" UTILITY EASEMENT ON ALL LOT LINES ADJACENT TO A RIGHT-OF-WAY, AND 10' (7.5' ON BOTH SIDES) ALONG INTERIOR LOT LINES WHERE SHOWN.
3. 10' LANDSCAPE EASEMENT ALONG POLLARD ROAD.
4. 10' LANDSCAPE EASEMENT ALONG THE SOUTH HALF OF THE WEST LINE AND ALONG THE SOUTH LINE OF THE SUBDIVISION.
5. ON CORNER LOTS, THE BUILDING EASEMENT WILL SECURE THE LOCATION OF FRONT, REAR, INTERIOR SIDE AND CORNER YARD SETBACKS AND WILL BE SHOWN WITHIN THE BUILDING FOOTPRINT.
6. ALL LOTS WILL BE ACCESSIBLE FROM THE FRONT LOT LINE, ALONG THE RIGHT-OF-WAY WITHIN POLLARD PROFESSIONAL PARK.
7. THE CITY OF DAPHNE SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF COMMON AREAS.
8. EASEMENTS, EJECTA AND NOTES ON THE WEST B.L.M. BEING 3 SURVEYED BY AS SHOWN ON PLAT RECORDED ON SLIDE 2008-8 IN THE OFFICE OF THE ASSESSOR, BALDWIN COUNTY, ALABAMA. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. SURVEYING FEET.
9. POTENTIAL FLOODING AND/OR CLIMATE PUBLIC HEALTH AND SAFETY ISSUES OR HAZARDS CAUSED BY SOIL CHANGES FACILITIES.
10. ALL FUTURE DEVELOPED LOTS ARE ASSUMED TO HAVE A MINIMUM METHOD "D" VALUE OF 5.0. ANY LOTS EXCEEDING THIS SHALL BE FURNISHED WITHIN THE POLLARD PARK DETENTION POND. ALL LOTS ARE TO DRAIN THEIR CONTRIBUTION TO THE DETENTION POND.
11. PLATTED EASEMENTS BETWEEN LOTS 1 & 3 AND NORTH OF LOT 1 SHALL REMAIN OPEN FOR ACCESS TO THE DETENTION POND.

## SURVEYOR'S CERTIFICATE AND DESCRIPTION OF PROPERTY

I, STANLEY L. RAUCH, A LICENSED SURVEYOR OF BALDWIN COUNTY, ALABAMA, HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY REPAIRED HEREON, SITUATED IN BALDWIN COUNTY, ALABAMA, AND IS DESCRIBED AS FOLLOWS:

POLLARD PARK, A SUBDIVISION OF TRACTS 1, 2 & 3 OF LA PALMA DE SAN FRANCISCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2008-8 IN THE OFFICE OF THE ASSESSOR, BALDWIN COUNTY, ALABAMA, AND DESCRIBED HEREON, CONTAINING LAND ACRES.

AND THAT THE PLAT ON MAP CONVEYED HEREON IS A TRUE AND CORRECT MAP SHOWING THE SUBDIVISION INTO WHICH THE PROPERTY IS DIVIDED, SHOWING THE LENGTH AND BEARINGS OF THE BOUNDARIES OF EACH LOT AND CORNER AND ITS BEARINGS AND SHOWING THE LOCATIONS, ALIQUOTS AND PUBLIC ORGANIZATIONS AND OTHERS, THE BEARINGS, LENGTHS, WIDTHS AND ANGLES OF THE BOUNDARIES OF THE LAND SO PLATTED TO THE COUNTRYSIDE SURVEY, AND THE PERMANENT MONUMENTS HAVE BEEN PLACED AT POINTS MARKED THEREON AS AN EVIDENCE THEREOF AND FOR EVIDENCE THEREOF.

THE PROPERTY SHOWN AND DESCRIBED HEREON IS LOCATED IN ZONE X, AS RULED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD HAZARD MAP, MAP PANEL NO. 1700000000, DATED APRIL 17, 2007.

I FURTHER CERTIFY THAT ALL WORK OF THIS SURVEY AND CONSTRUCTION HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE BOUNDARIES OF THE PROPERTY FOR LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

WITNESSED AND DATED THIS 10th DAY OF MARCH 2019.

STANLEY L. RAUCH  
ALABAMA LICENSE NO. 27463

**ADJACENT PROPERTY OWNER LIST**

| LOT NO. | OWNER NAME                | ADDRESS                    | CITY   | STATE | ZIP   |
|---------|---------------------------|----------------------------|--------|-------|-------|
| A1      | LA PALMA DE SAN FRANCISCO | 29180 VA DEL SAN FRANCISCO | DAPHNE | AL    | 36528 |
| A2      | LA PALMA DE SAN FRANCISCO | 30201 WILLOW CT            | DAPHNE | AL    | 36528 |
| A3      | LA PALMA DE SAN FRANCISCO | 31480 WILLOW CT            | DAPHNE | AL    | 36528 |
| A4      | LA PALMA DE SAN FRANCISCO | 29180 VA DEL SAN FRANCISCO | DAPHNE | AL    | 36528 |
| A5      | LA PALMA DE SAN FRANCISCO | 30201 WILLOW CT            | DAPHNE | AL    | 36528 |
| A6      | LA PALMA DE SAN FRANCISCO | 31480 WILLOW CT            | DAPHNE | AL    | 36528 |
| A7      | LA PALMA DE SAN FRANCISCO | 29180 VA DEL SAN FRANCISCO | DAPHNE | AL    | 36528 |
| A8      | LA PALMA DE SAN FRANCISCO | 30201 WILLOW CT            | DAPHNE | AL    | 36528 |
| A9      | LA PALMA DE SAN FRANCISCO | 31480 WILLOW CT            | DAPHNE | AL    | 36528 |
| A10     | LA PALMA DE SAN FRANCISCO | 29180 VA DEL SAN FRANCISCO | DAPHNE | AL    | 36528 |
| A11     | LA PALMA DE SAN FRANCISCO | 30201 WILLOW CT            | DAPHNE | AL    | 36528 |
| A12     | LA PALMA DE SAN FRANCISCO | 31480 WILLOW CT            | DAPHNE | AL    | 36528 |
| A13     | LA PALMA DE SAN FRANCISCO | 29180 VA DEL SAN FRANCISCO | DAPHNE | AL    | 36528 |
| A14     | LA PALMA DE SAN FRANCISCO | 30201 WILLOW CT            | DAPHNE | AL    | 36528 |
| A15     | LA PALMA DE SAN FRANCISCO | 31480 WILLOW CT            | DAPHNE | AL    | 36528 |
| A16     | LA PALMA DE SAN FRANCISCO | 29180 VA DEL SAN FRANCISCO | DAPHNE | AL    | 36528 |
| A17     | LA PALMA DE SAN FRANCISCO | 30201 WILLOW CT            | DAPHNE | AL    | 36528 |
| A18     | LA PALMA DE SAN FRANCISCO | 31480 WILLOW CT            | DAPHNE | AL    | 36528 |

**DATE TABLE**

| CORNER | BEARING         | DISTANCE | DATE       |
|--------|-----------------|----------|------------|
| C1     | S 89° 45' 00" E | 10.00'   | 03/10/2019 |
| C2     | S 89° 45' 00" E | 10.00'   | 03/10/2019 |
| C3     | S 89° 45' 00" E | 10.00'   | 03/10/2019 |
| C4     | S 89° 45' 00" E | 10.00'   | 03/10/2019 |

**LEGEND**

| SYMBOL | DESCRIPTION        |
|--------|--------------------|
| 1      | POINT OF BEGINNING |
| 2      | BOUNDARY LINE      |
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**HUTCHINSON, MOORE & RAUCH, LLC**  
2039 MAIN STREET  
DAPHNE, ALABAMA 36528  
ENGINEERS • SURVEYORS  
LAND PLANNERS

TEL (251) 628-2626  
FAX (251) 628-5934  
daphne@hmr-engineers.com

**POLLARD PARK COMMERCIAL SUBDIVISION**  
**IRVINE COMPANY, INC.**

SCALE: 1"=30'  
DATE: 3/10/2019  
DRAWN BY: SLS  
CHECKED BY: SLS  
SHEET: 1 OF 2

55



# HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127  
Daphne, Alabama 36526

Telephone: (251) 626-2626  
Fax: (251) 626-6934

December 18, 2018

Mrs. Adrienne Jones  
Director of Planning  
City of Daphne  
Post Office Box 400  
Daphne, Alabama 36526

RE: Request for Acceptance of Streets  
Pollard Park Commercial Subdivision

Dear Mrs. Jones,

We have visited the referenced site and reviewed all test reports and hereby verify that the site work has been completed in substantial conformance with the subdivision plats, engineering plans and specifications as approved by the Planning Commission.

On behalf of the developer, we request that the City of Daphne accept the streets and drainage for maintenance. We present for acceptance the streets as shown on the plat to be recorded in the records of the Judge of Probate, Baldwin County, Alabama:

Should you have any questions or need any additional information, please call our office.

Sincerely,

Hutchinson, Moore & Rauch, LLC

Robert A. Cummings, P.E.  
Project Manager

14500/4302/18.107

/jml

**CITY OF DAPHNE  
PETITION FOR ACCEPTANCE  
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

**SUBDIVISION NAME:** Pollard Park

**THIS PETITION FOR ACCEPTANCE OF ROADS AND/OR RIGHTS-OF-WAY** is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Olde Towne Daphne Developmente, hereinafter called "the subdivider," owner of certain property located in the City of Daphne, Alabama known as Pollard Park to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

**WHEREAS**, the subdivider has agreed to the dedication of the roads and rights-of-way located in said subdivision to the City of Daphne, and further warrants that said roads and rights-of-way are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled Procedures for Subdivision Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments. The subdivider further warrants that the same are free from defects from any cause and are free and clear of any liens and encumbrances; and,

**WHEREAS**, a bond is required by the City as a condition of the acceptance of any new roads or rights-of-way as outlined in Article XVII in an amount equal to twenty percent (20%) of all street and drainage improvements in the subdivision as a warranty for such improvements to last for a period of two (2) years after the date of dedication and upon acceptance by the City Council, the subdivider has provided a \$ 45,514.56 maintenance bond; and,

**WHEREAS**, the project engineer, HMR Attn: Robert Cummings, acting on behalf of the subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards for construction as outlined in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Procedures for Subdivision Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments, and further warrants that the same are free from defects from any cause; and,

**CITY OF DAPHNE  
PETITION FOR ACCEPTANCE  
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

**NOW, THEREFORE**, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the favorable recommendation of the City of Daphne Planning Commission voted upon at its meeting held on \_\_\_\_\_. Said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named as follows:

| <b>Name of Right of Way</b> | <b>Length (linear feet)</b> | <b>Width (feet)</b> |
|-----------------------------|-----------------------------|---------------------|
| Kettig Square               | 346.8                       | 50                  |
|                             |                             |                     |
|                             |                             |                     |
|                             |                             |                     |
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|                             |                             |                     |
|                             |                             |                     |

**Are each hereby dedicated to the City of Daphne, Alabama as a city street.**

**CITY OF DAPHNE**  
**PETITION FOR ACCEPTANCE**  
**OF ROAD(S) AND/OR RIGHTS-OF-WAY**

**NOW, THEREFORE**, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the recommendation of the City of Daphne Planning Commission at their regular meeting of \_\_\_\_\_. That said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named KETTIG SQUARE OF THE POLLARD PARK SUBDIVISION

are hereby accepted for maintenance by the City of Daphne, Alabama as a city street.

**IN WITNESS WHEREOF**, the Subdivider has caused the execution of this dedication as of the date set forth above.

Respectfully submitted,

Olde Towne Daphne Development, Inc.  
Name of Individual or Corporation

By: Stark Irvine

Its: President

**STATE OF ALABAMA     )**  
**COUNTY OF BALDWIN    )**

I, the undersigned Notary Public in and for said State and County, hereby certify that whose name as Stark Irvine, Pres of Olde Towne Daphne an Alabama corporation or as owner of \_\_\_\_\_ 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 the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 24<sup>th</sup> day of October, 2018.



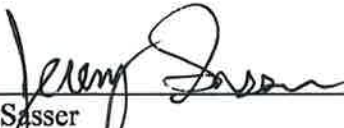
Barbara Legault Garner (NOTARY SEAL)

Commission expires:



**CITY OF DAPHNE  
PETITION FOR ACCEPTANCE  
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

Favorable recommendation on behalf of Daphne Public Works:

  
\_\_\_\_\_  
Jeremy Sasser  
Public Works Director  
City of Daphne

Favorable recommendation on behalf of Daphne Planning Commission:

  
\_\_\_\_\_  
Marybeth Bergin  
Planning Commission Chairman  
City of Daphne

**CITY OF DAPHNE  
RESOLUTION 2019-36**

**Acceptance of Roads and Rights-of-Way HSC Johnson Road L.L.C. Subdivision**

**WHEREAS**, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to HSC Johnson Road L.L.C. Subdivision on April 9, 2019, and the City of Daphne hereby recommends acceptance of said street(s) located at Southwest of Johnson Road and U.S. Highway 98, and

**WHEREAS**, an inspection was made by the Director of Community Development, and all reports, as well as, all other related documents have been provided stating that said streets and storm water drainage have been installed in conformity with city standards; and,

**WHEREAS**, an inspection was made by the Director of the Division of Public Works, and said director has recommended acceptance said roads and storm water drainage of HSC Johnson Road L.L.C. Subdivision, and

**WHEREAS**, the developer has not provided to the City a two-year maintenance bond as required as it is not applicable for this acceptance, and

**WHEREAS**, the developer has caused the plat to be recorded on slide 2676-B of the records in the Baldwin County Judge of Probate Office, and

**WHEREAS**, the City Council of the City of Daphne believes it is in the best interest of the citizens of the City for the City to accept said right-of-way.

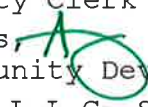
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS**, that HSC Johnson Road L.L.C. Subdivision, a portion of Adams Avenue (about 470 linear feet) a 25-ft right of way according to the plat presented by Smith Clark and Associates, LLC as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, are hereby accepted by the City of Daphne, Alabama as city streets for maintenance.

**ADOPTED AND APPROVED BY THE MAYOR AND THE CITY COUNCIL OF  
THE CITY OF DAPHNE, ALABAMA ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Candace Antinarella, City Clerk**

To: Office of the City Clerk  
From: Adrienne D. Jones,   
Director of Community Development  
Subject: HSC Johnson Road L.L.C. Subdivision  
Acceptance of Roads and Rights-of-Ways  
Date: April 29, 2019

## MEMORANDUM

**LOCATION:** Southwest of Johnson Road and U.S. Highway 98

**RECOMMENDATION:** At the, April 9, 2019, special called meeting of the City of Daphne Planning Commission, six members were present. The motion carried unanimously for a **favorable recommendation** for the acceptance of Adams Avenue.

Attached please find said documentation for placement on the Monday, May 13, 2019 City Council agenda.

Thank you,  
ADJ/jv

cc: file  
Jeremy Sasser, Public Works Director

attachment(s)

1. Correspondence from project engineer requesting acceptance
2. Record plat
3. Petition of Acceptance of Roads and Rights-of-Ways

**FILE**  
10:43 am  
JV 62



**CITY OF DAPHNE  
PETITION FOR ACCEPTANCE  
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

**SUBDIVISION NAME:**     **HSC Johnson Road, LLC**

**THIS PETITION FOR ACCEPTANCE OF ROADS AND/OR RIGHTS-OF-WAY** is made this 28th day of February, 20 2019 by HSC Johnson Road, LLC, hereinafter called "the subdivider," owner of certain property located in the City of Daphne, Alabama known as HSC Johnson Road, LLC to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

**WHEREAS**, the subdivider has agreed to the dedication of the roads and rights-of-way located in said subdivision to the City of Daphne, and further warrants that said roads and rights-of-way are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance; Article XVII, entitled Procedures for Subdivision Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments. The subdivider further warrants that the same are free from defects from any cause and are free and clear of any liens and encumbrances; and,

**WHEREAS**, a bond is required by the City as a condition of the acceptance of any new roads or rights-of-way as outlined in Article XVII in an amount equal to twenty percent (20%) of all street and drainage improvements in the subdivision as a warranty for such improvements to last for a period of two (2) years after the date of dedication and upon acceptance by the City Council, the subdivider has provided a \$ NA maintenance bond; and,

**WHEREAS**, the project engineer, Perry C. "Trey" Jinright, III, PE, acting on behalf of the subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards for construction as outlined in the City of Daphne ~~Land Use and Development Ordinance, Article XVII, entitled, Procedures for Subdivision~~ Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments, and further warrants that the same are free from defects from any cause; and,

**CITY OF DAPHNE  
PETITION FOR ACCEPTANCE  
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

**NOW, THEREFORE,** in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the favorable recommendation of the City of Daphne Planning Commission voted upon at its meeting held on March 28, 2019. Said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named as follows:

| <b>Name of Right of Way</b> | <b>Length (linear feet)</b> | <b>Width (feet)</b> |
|-----------------------------|-----------------------------|---------------------|
| Adams Ave.                  | ≈470'                       | 25'                 |
|                             |                             |                     |
|                             |                             |                     |
|                             |                             |                     |
|                             |                             |                     |
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|                             |                             |                     |
|                             |                             |                     |

**Are each hereby dedicated to the City of Daphne, Alabama as a city street.**

**CITY OF DAPHNE  
PETITION FOR ACCEPTANCE  
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

**IN WITNESS WHEREOF**, the subdivider has caused the execution of this dedication as of the date set forth above.

Respectfully submitted,

HSC Johnson Road, LLC  
Name of Individual or Corporation (Printed)

By: Haymes S. Snedeker  
Haymes S. Snedeker (Print Legibly and Sign)

Its: Managing Member  
(Print Legibly)

**STATE OF ALABAMA)  
COUNTY OF BALDWIN)**

I, the undersigned Notary Public in and for said State and County, hereby certify that Haymes S. Snedeker whose name as member of HSC Johnson Road LLC an Alabama corporation or as owner of HSC Johnson Road LLC 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 the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 28 day of Feb. 2019.



Candy Lambeth (NOTARY SEAL)  
NOTARY PUBLIC  
My commission expires: 6/29/20

**CITY OF DAPHNE  
PETITION FOR ACCEPTANCE  
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

Favorable recommendation on behalf of Daphne Public Works:

  
\_\_\_\_\_  
Jeremy Sasser  
Public Works Director  
City of Daphne

Favorable recommendation on behalf of Daphne Planning Commission:

  
\_\_\_\_\_  
Marybeth Bergin  
Planning Commission Chairman  
City of Daphne

**CITY OF DAPHNE  
RESOLUTION 2019-37**

**2019 RFQ-MBNEP/ADEM 319: Tiawasee Creek Sub-Watershed Management and Restoration Project**

**WHEREAS**, the City of Daphne plans to implement a watershed management and restoration project in the headwaters of Tiawasee Creek; and

**WHEREAS**, the City is was seeking a qualified consultant to provide engineering services for the implementation of the ADEM 319 Grant (through the Mobile Bay National Estuary Program) opportunities that includes the retrofit/restoration design of two stormwater facilities in the headwaters of Tiawasee Creek; and

**WHEREAS**, RFQ's were solicited seeking a qualified Consultant to provide professional engineering services to develop bid specifications and oversee construction, and

**WHEREAS**, the City of Daphne developed and advertised a request for Qualifications (RFQ) for such engineering work and proposals; and

**WHEREAS**, an interdisciplinary team of professionals reviewed the submitted proposal based on the qualifications and found the recommended proposal meets the requirements of the RFQ; and

**WHEREAS**, staff recommends the RFQ be awarded to Jade Consulting LLC.

**NOW, THEREFORE IT BE RESOLVED, by the Mayor and the City Council of the City of Daphne, Alabama, that:**

1. The Request For Qualifications (RFQ) for Engineering Services for the Tiawasee Creek Sub-Watershed Management and Restoration Project be awarded to Jade Consulting LLC.
2. The Mayor is hereby authorized to enter into a contract with Jade Consulting LLC for project engineering services and sign all grant related documents.

**APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this \_\_\_\_ day of \_\_\_\_\_, 2019.**

\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Candace G. Antinarella, City Clerk**

**CITY OF DAPHNE  
RESOLUTION 2019-38**

**2019– N-MONTCLAIR LOOP DITCH STABILIZATION-NRCS EMERGENCY WATERSHED  
PROTECTION PROGRAM**

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

**WHEREAS**, the City of Daphne acknowledges that the Montclair Loop Ditch Stabilization-NRCS Emergency Watershed Protection will exceed \$50,000; and

**WHEREAS**, bids were solicited for the Montclair Loop Ditch Stabilization-NRCS Emergency Watershed Protection; and

**WHEREAS**, staff recommends the award of the bid for the Montclair Loop Ditch Stabilization-NRCS Emergency Watershed Protection project to Streamline Environmental, LLC; and

**NOW, THEREFORE IT BE RESOLVED, by the Mayor and the City Council of the City of Daphne, Alabama, that** hereby accept and award the contract from Streamline Environmental, LLC in the amount of \$210,629.75 for Bid Document: 2019-N-Montclair Loop Ditch Stabilization-NRCS Emergency Watershed Protection Program and authorize the Mayor to enter into any agreements, on behalf of the City of Daphne, associated with the project.

**APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this \_\_\_\_ day of \_\_\_\_\_, 2019.**

\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Candace G. Antinarella, City Clerk**

**CITY OF DAPHNE  
ORDINANCE 2019-21**

**Repealing and Replacing Ordinance 2019-10 Flood Damage Prevention Ordinance**

WHEREAS, on March 4, 2019, the City Council adopted Ordinance 2019-10, repealing and replacing Ordinance 2009-01; and

WHEREAS, the City Council has determined that there were minor, non-substantive errors in Ordinance 2019-10 which require correction to meet requirements of the Alabama Department of Economic and Community Affairs.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THAT ORDINANCE 2019-10 IS HEREBY REPEALED AND REPLACED AS FOLLOWS:**

**ARTICLE 1.        STATUTORY AUTHORIZATION, FINDINGS OF FACT,  
PURPOSE AND OBJECTIVES**

**Section A.     Statutory Authorization.** The legislature of the State of Alabama has in Title 11, Chapter 19, Sections 1-24, Chapter 52, Sections 1-84, and Title 41, Chapter 9, Section 166 of the Code of Alabama, 1975, authorized local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Counsel of Daphne, Alabama, does ordain as follows:

**Section B.     Findings of Fact.** The flood hazard areas of Daphne, Alabama are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

**Section C.     Statement of Purpose.** It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood condition in specific areas by provisions designed to:

- (1)     Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2)     Restrict or prohibit uses which are dangerous to health safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion
- (3)     Control filling, grading, dredging and other development which may increase flood damage or erosion, and ;

- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- (5) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

**Section D. Objectives.** The objectives of this ordinance are:

- (1) To protect human life and health;
- (2) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,
- (4) To minimize expenditure of public money for costly flood control projects;
- (5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) To minimize prolonged business interruptions, and;
- (7) To insure that potential home buyers are notified that property is in a flood area.

**ARTICLE 2. GENERAL PROVISIONS**

**Section A. Lands to which this Ordinance Applies.** This ordinance shall apply to all Areas of Special Flood hazard within the jurisdiction of Daphne, Alabama.

**Section B. Basis for Area of Special Flood Hazard.** The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its DFIRM and Flood Insurance Study (FIS), dated April 19, 2019, with accompanying maps and other supporting data and revision thereto, are adopted by reference and declared a part of this ordinance. For those land areas acquired by a municipality through annexation, the current effective FIS and data for Baldwin County are hereby adopted by reference. Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

Upon the issuance of a Letter of Final Determination (LFD) by FEMA, the revised flood hazard data shall be used and replace all previously effective flood hazard data provided by FEMA for the purposes of administering these regulations. Where adopted regulatory standards conflict, the more stringent base flood elevation shall prevail. Preliminary FIS data may be subject to change by a valid appeal.

**Section C. Establishment of Development Permit.** A development permit shall be required in conformance with the provisions of this ordinance PRIOR to the commencement of

any development activities in identified areas of special flood hazard and community flood hazard areas within the community.

**Section D. Compliance.** No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this ordinance and other applicable regulations.

**Section E. Abrogation and Greater Restrictions.** This ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**Section F. Interpretation.** In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

**Section G. Warning and Disclaimer of Liability.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Daphne or by any officer or employee thereof for any flood damage that result from reliance on this ordinance or any administrative decision lawfully made there under.

**Section H. Penalties for violation.**

- (1) Notice of Violation. If the community determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, or the provisions of this ordinance, it shall issue a written notice of violation, by certified return receipt mail, to such applicant or other responsible person. Where the person is engaged in activity covered by this ordinance without having first secured a permit, the notice shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

- (a) The name and address of the owner or the applicant or the responsible person;
- (b) The address or other description of the site upon which the violation is occurring;
- (c) A statement specifying the nature of the violation;

- (d) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit or this ordinance and the date for the completion of such remedial action;
  - (e) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed, and;
  - (f) A statement that the determination of violation may be appealed to the community by filing a written notice of appeal within thirty days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient).
- (2) Additional Enforcement Actions. If the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any one or more of the following enforcement actions may be enacted against the person to whom the Notice of Violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City of Daphne shall first notify the applicant or other responsible person in writing of its intended action. The City of Daphne shall provide reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City of Daphne may take or impose any one or more of the following enforcement actions or penalties:
- (a) Stop Work Order: The community may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect -until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
  - (b) Termination of water service and/or withhold or revoke Certificate of Occupancy: The community may terminate utilities and/or refuse to issue and/or revoke a certificate of occupancy for the building or other improvements and/or repairs conducted or being conducted on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein.

- (c) Suspension, revocation, or modifications of permit: The community may suspend, revoke, or modify the permit authorizing the development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the community may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (d) Civil penalties: Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case: Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Daphne from taking such other lawful actions as is necessary to prevent or remedy any violation.
- (e) Section 1316 Declaration: Section 1316 of the National Flood Insurance Act authorizes FEMA to deny flood insurance to a property declared by the State, County, or Municipal government to be in violation of the local floodplain management ordinance. A Section 1316 declaration shall be used when all other legal means to remedy a violation have been exhausted and the structure is noncompliant. Once invoked, the property's flood insurance coverage will be terminated and no new or renewal policy can be issued; no flood insurance claim can be paid on any policy on the property, and disaster assistance will be denied.

The declaration must be in writing (letter or citation), from the community to the property owner and the applicable FEMA Regional Office, and must contain the following items:

- i. The name(s) of the property owner(s) and address or legal description of the property sufficient to confirm its identity and location;
- ii. A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation or ordinance;

- iii. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
- iv. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and
- v. A clear statement that the declaration is being submitted pursuant to section 1316 of the National Flood Insurance Act of 1968, as amended.

If a structure that has received a Section 1316 declaration is made compliant with the community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by the community and flood insurance eligibility restored.

- (3) Administrative appeal; judicial review. Any person receiving a Notice of Violation may appeal the determination of the community, including but not limited to the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification, or grant with condition of a permit by the community upon finding that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the community's rules and regulations, or the issuance of a notice of bond forfeiture. The Notice of Appeal must be in writing and must be received within ten days from the date of the Notice of Violation. A hearing on the appeal shall take place within thirty days from the date of receipt of the Notice of Appeal by the Floodplain Administrator.
- (4) All appeals shall be heard and decided by the community's designated Appeal Board, which shall be the Board of Zoning Adjustments, or their designees. The Appeal Board shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the community's flood damage prevention ordinance, and any other applicable local, state, or federal requirements. The decision of the Appeal Board shall be final.
- (5) A judicial review can be requested by any person aggrieved by a decision or order of the community, after exhausting his/her administrative remedies. They shall have the right to appeal de novo to the Baldwin County Circuit Court.

**Section I. Savings Clause.** If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be noncompliant with 44 Code of Federal Regulation 59-78, such decision shall not affect the validity of the remaining portions of this ordinance.

### **ARTICLE 3.        ADMINISTRATION**

**Section A.     Designation of Floodplain administrator.** The Mayor of the City of Daphne shall designate and appoint a Floodplain Administrator to administer and implement the provisions of this ordinance.

**Section B.     Permit Procedures.** Applications for a Development Permit shall be made to the Floodplain Administrator on forms furnished by the community PRIOR to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions of existing or proposed structures, fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following procedures and information are required for all projects in the Special Flood Hazard Areas within the jurisdiction of the City of Daphne:

- (1)    Application Stage. Plot plans shall include:
  - (a)    The Base Flood Elevation (BFE) where provided as set forth in Article 2, Section B; Article 4, Section C; or Article 5, Section D;
  - (b)    Boundary of the Special Flood Hazard Area and floodway(s) as delineated on the FIRM or other flood map as determined in Article 2, Section B;
  - (c)    Flood zone designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 2, Section B;
  - (d)    Elevation in relation to mean sea level (or highest adjacent grade) of the regulatory lowest floor level, including basement, of all proposed structures;
  - (e)    Elevation in relation to mean sea level to which any non-residential structure will be flood proofed;
  - (f)    Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Article 4, Sections B(2) and E(2);
  - (g)    A Foundation Plan, drawn to scale, that shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include, but are not limited to, the proposed method of elevation (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls) and description of any flood openings required in accordance with Article 4, Sections B(1), B(3), D(7), and E(1) when solid foundation perimeter walls are used.

- (h) Usage details of any enclosed areas below the lowest floor shall be described.
  - (i) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
  - (j) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development including current and proposed locations of the watercourse. An engineering report shall be provided on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream. The affected properties shall be depicted on a map or on the plot plan.
  - (k) Certification of the plot plan by a licensed professional engineer or surveyor in the State of Alabama is required.
- (2) Construction Stage. For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or flood proofing level using appropriate FEMA elevation or flood proofing certificate immediately after the lowest floor or flood-proofing is completed.
- (a) When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
  - (b) Any work undertake prior to submission of these certifications shall be at the permit holder's risk.
  - (c) The Floodplain Administrator shall review the above referenced certification data submitted. Deficiencies detected by such a review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.
  - (d) The Floodplain Administrator shall make periodic inspections of projects during construction throughout the Special Flood Hazard Areas within the jurisdiction of the community to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. Members of his or her inspections/engineering department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any

reasonable hour for the purposes of inspection or other enforcement action.

- (e) The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
  - (f) In any lot or lots/areas that will be or have been removed from the special flood hazard area utilizing a Letter of Map Revision Based on Fill (LOMR-F), the top of fill level must meet the community's freeboard elevation at that location. If the top of fill level is below the freeboard elevation, all new structures, additions to existing buildings or substantial improvement must meet the required community freeboard elevation.
- (3) Finished Construction. Upon completion of construction, a FEMA elevation certificate (FEMA Form 81-31), which depicts all finished construction elevations, is required to be submitted to the Floodplain Administrator prior to issuance of a Certificate of Occupancy.
- (a) If the project includes a floodproofing measure, a FEMA floodproofing certificate is required to be submitted by the permit holder to the Floodplain Administrator.
  - (b) The Floodplain Administrator shall review the certificate(s) data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance.
  - (c) In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
  - (d) Documentation regarding completion and compliance with the requirements stated in the permit application and with Article 3, Section B(1) of this ordinance shall be provided to the local Floodplain Administrator at the completion of construction or records shall be maintained throughout the Construction Stage by inspectors for the Floodplain Administrator. Failure to provide the required documentation

shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- (e) All records that pertain to the administration of this ordinance shall be maintained and made available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

**Section C. Duties and responsibilities of the administrator.** Duties of the Floodplain Administrator shall include, but shall not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied and that the site is reasonable safe from flooding.
- (2) Review copies of all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334. Maintain such permits permanently with floodplain development permit file.
- (3) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 2, Section B, then the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from the federal, state or other sources in order to administer the provisions of Article 4.
- (4) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the regulatory floor level, including basement, of all new construction or substantially improved structures in accordance with Article 3, Section B (2).
- (5) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article 4, Sections B (2) and D (2).
- (6) When flood-proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 3, Section B (1) (c) and Article 4, Section B (2) or D (2).
- (7) Notify adjacent communities and The Alabama Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA), and the Alabama Department of Economic and Community of Affairs (ADECA) and the Office of Water Resources (OWR).
- (8) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA and ADECA/OWR to ensure accuracy of community

flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.

- (9) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance.
- (10) All records pertaining to the provision of this ordinance shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.
- (11) In addition, the Floodplain Administrator and his or her designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The Administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.
- (12) Right of Entry
  - (a) Whenever necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever the Administrator has reasonable cause to believe that there exists in any building or upon any premises any condition or ordinance violation which makes such building, structure or premises unsafe, dangerous or hazardous, the Administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the Administrator by this ordinance.
  - (b) If such building or premises are occupied, the Administrator shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such building or premises.
  - (c) If entry is refused, the Administrator shall have recourse to every remedy provided by law to secure entry.
  - (d) When the Administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Administrator for the purpose of inspection and examination pursuant to this ordinance.

(13) Stop Work Orders

- (a) Upon notice from the Administrator, work on any building, structure or premises that is being performed contrary to the provisions of this ordinance shall immediately cease.
- (b) Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(14) Revocation of Permits

- (a) The Administrator may revoke a permit or approval, issued under the provisions of this ordinance, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
- (b) The Administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

**ARTICLE 4. PROVISIONS FOR FLOOD HAZARD REDUCTION**

**Section A. General Standards.** In all areas of special flood hazard the following provisions are required:

- (1) Require copies of all necessary permits from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Maintain such permits be on file.
- (2) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (3) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction and substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
  - (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
  - (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
- (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood water into the system;
- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood water into the systems and discharges from the systems into flood water;
- (9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;
- (10) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.
- (11) Proposed new construction and substantial improvements that are partially located in an area of special flood hazard shall have the entire structure meet the standards for new construction.
- (12) Proposed new construction and substantial improvements that are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations shall have the entire structure meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

**Section B. Specific Standards.** In ALL Areas of Special Flood Hazard designated as A1-30, AE, AH, A (with estimated BFE), the following provisions are required;

- (1) Residential and Non-residential Structures. Where base flood elevation data are available, new construction or substantial improvement of any structure or manufactured home shall have the lowest floor, including the basement, elevated not lower than one foot above the base flood elevation. Should the solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section A (4), “elevated Building”.

- (2) Non-Residential Structures. New construction or the substantial improvement of any non-residential structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standard of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 3, Section C (6).

Dry floodproofing is allowed only where flood velocities are less than or equal to five feet per second. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A Flood Emergency Operation Plan and an Inspection and Maintenance Plan must be provided by the design professional for the building. Such certification shall be provided to the Floodplain Administrator.

- (3) Enclosures for Elevated Buildings. All new construction and substantial improvements of existing structures that include ANY fully enclosed area below the base flood elevation, located below the lowest floor formed by the foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of flood waters.

- (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
- i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding (if a structure has more than one enclosed area below the base flood elevation, each shall have openings on exterior walls);
  - ii. The bottom of all openings shall be no higher than one foot above grade; and
  - iii. Openings may be equipped with screens, louvers, valves and other coverings and devices provided they permit the automatic flow of floodwater in both directions.
- (b) So as not to violate the “Lowest Floor” criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of

vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area.

- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms. All interior walls, ceilings and floors below the base flood elevation shall be unfinished and/or constructed of flood resistant materials.
  - (d) Mechanical, electrical or plumbing devices shall not be installed below the Base Flood Elevation. The interior portion of such enclosed area(s) shall be void of utilities except for essential lighting and power as required.
- (4) Standards for manufactured homes and recreational vehicles. Where base flood elevation data are available:
- (a) All manufactured homes placed or substantially improved on:
    - i. Individual lots or parcels
    - ii. In new or substantially improved manufactured home parks or subdivisions
    - iii. In expansions to existing manufactured home parks or subdivisions,
    - iv. On a site in an existing manufactured home park or subdivision where a manufactured home has incurred substantial damages as the result of a flood, must have the lowest floor including basement elevated no lower than one foot above the base flood elevation.
  - (b) Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
    - i. The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or
    - ii. The manufactured home chassis is elevated and supported by reinforced piers or other foundation elements of at least an equivalent strength of no less than 36 inches in height above grade.
    - iii. Where no Base Flood Elevation exists, the manufactured home chassis and supporting equipment is supported by reinforced piers or other foundation elements of at least equivalent strength and is elevated to a maximum of 60 inches (five feet) above grade.
  - (c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (refer to Article 4, Section A, above)

- (d) All recreational vehicles placed on sites must either:
  - i. Be on the site for fewer than 180 consecutive days, fully licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions; or
  - ii. The recreational vehicle must meet all the requirements for “New Construction”, including the anchoring and elevation requirements of Article 4, Section B (3) (a) (c).
- (5) Require, until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City of Daphne FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (6) Accessory Structures (also referred to as appurtenant structures) – This provision generally applies to new and substantially improved accessory structures. When an accessory structure complies with all other provisions of this ordinance (including floodway encroachment), represents a minimal investment (less than \$1,000), and meets the requirements outlined below, these structures may be wet-floodproofed and do not have to be elevated or dry floodproofed.

Accessory structures include, but are not limited to, residential structures such as detached garages, storage sheds for garden tools or woodworking, gazebos, picnic pavilions, boathouses, small pole barns, and similar buildings. The following provisions apply to accessory structures built below the base flood elevation:

  - (a) A permit shall be required prior to construction or installation.
  - (b) Must be low value (less than \$1,000) and not be used for human habitation.
  - (c) Use must be restricted to parking of personal vehicles or limited storage (low-cost items that cannot be conveniently stored in the principal structure).
  - (d) Must be designed with an unfinished interior and constructed with flood damage-resistant materials below the BFE.
  - (e) Must be adequately anchored to prevent flotation, collapse, or lateral movement.

- (f) Must have adequate flood openings as described in Article 4, Section A (5) and be designed to otherwise have low flood damage potential.
- (g) Shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (h) Any mechanical and other utility equipment in the structure must be elevated to or above the BFE or must be floodproofed.
- (i) Under limited circumstances communities may issue variances to permit construction of wet-floodproofed accessory structures. Communities should not grant variances to entire subdivisions for accessory structures, especially detached garages. Variances should only be reviewed and issued on an individual or case-by-case basis and be based on the unique characteristics of the site.

**Section C. Floodways.** Located within Areas of Special Flood Hazard established in Article 2, Section B, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (1) The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;
- (2) Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
- (3) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;
- (4) 44 CFR 60.3: "Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other

existing and anticipated development, will not increase the water surface elevation of the base flood more than on foot at any point within the City.”

- (5) ONLY if Article 4, Section C, provisions (1) through (3) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article 4.

**Section D. Building standard for streams without established base flood elevation and/or floodway (a-zones).** Located within the Areas of Special Flood Hazard established in Article 2, Section B, where streams exist but no base flood data have been provided (a-zones), the following provisions apply:

- (1) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser.
- (2) All development in Zone A must meet the requirements of Article 4, Section A and Section B(1) through B(4).
- (3) When base flood elevation data or floodway data have not been provided in accordance with Article 2, Section B, then the Floodplain Administrator shall obtain, review and reasonably utilize any scientific or historic Base Flood Elevation and floodway data available from a Federal, State, or other source, in order to administer the provision of Article 4. ONLY if data are not available from these sources, then the following provisions shall apply:
  - a. No encroachments, including structures or fill material shall be located within an area equal to the width of the stream or twenty-five (25) feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
  - b. In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed areas (including basement) elevated no less than three (3) feet above the highest adjacent grade.
  - c. In the absence of a base flood elevation, a manufactured home must also meet the elevation requirements of Article 4, Section B(4)(b)(ii) in that the structure must be elevated to a maximum of 60 inches (5 feet).
  - d. Openings sufficient to facilitate automatic equalization of flood water hydrostatic forces on exterior walls shall be provided in accordance with standards of Article 4, Section B(3)(a). The Floodplain Administrator

shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- e. Fill within the area of special flood hazard shall result in no net loss of natural floodplain storage. The volume of loss of floodwater storage due to filling in the special flood hazard area shall be offset by providing an equal volume of flood storage by excavation or other compensatory measures at or adjacent to the development site. Any excavation or other measures taken for compensatory storage shall be properly designed to provide protection against erosion or overgrowth of vegetation in order to preserve the storage volume. Proper maintenance measures shall also be undertaken to ensure the intended storage volume remains in perpetuity.

**Section E. Standards for areas of shallow flooding (A-O Zones).** Areas of Special Flood Hazard established in Article 2, Section B, may include designated “AO” shallow flooding areas. These areas have base flood depths of one to three feet (1’ to 3’) above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM) plus one foot of freeboard. If no flood depth number is specified, the lowest floor, including the basement, shall be elevated at least three feet (3) above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section B(3), “Elevated Buildings.” The Floodplain Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.
- (2) New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus two (2) feet, above highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Article 3 (B), 1 (C) and 3 (B) (2).
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

**Section F. Coastal high hazard areas (V-Zones).** Located within the areas of special flood hazard established in Article 2, Section B, are areas designated as Coastal High Hazard Areas (V-Zones). These areas have special flood hazards associated with wave action and storm surge; therefore, the following provisions shall apply, in addition to the standards of Article 4:

- (1) All new construction and substantial improvements of existing structures shall be located landward of the reach of the mean high tide;
- (2) All new construction and substantial improvements of existing structures shall be elevated on piles, columns, or shear walls parallel to the flow of water so that:
  - (a) The bottom of the lowest supporting horizontal structural member (excluding pilings or columns) is located no lower than one foot above the base flood elevation level. All space below the lowest supporting member shall remain free of obstruction.
  - (b) Open lattice work, break away walls, or decorative screening may be permitted for aesthetic purposes only and built in accordance with Article 4, Section F (5) below.
  - (c) All pile and column foundations and the structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the combined effects of wind and water loads acting simultaneously on ALL building components, both (non-structural and structural). Water loading values shall equal or exceed those of the base flood. Wind loading values shall be in accordance with the most current edition of the INTERNATIONAL BUILDING CODES.
- (3) All new construction and substantial improvements of existing structures shall be securely anchored on pilings, columns, or shear walls.
- (4) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in full compliance with the provisions contained in Article 4 Sections F (2), (3), and (4) herein.
- (5) All space below the lowest horizontal supporting member must remain free of obstruction. Open lattice work or decorative screening may be permitted for aesthetic purposes. For all new construction and substantial improvements in VE Zones and Coastal AE Zones, the space below the lowest horizontal-supporting member must remain free of obstruction. As an alternative, the space may be constructed with non-supporting breakaway walls, open wood or vinyl latticework, or insect screening which must be designed to break away or collapse under wind and water loads without causing collapse, displacement, or other

structural damage to the elevated portion of the building or supporting foundation system. The following design specifications are required:

- (a) No solid walls shall be allowed, and;
- (b) Material shall consist of lattice or mesh screening only.
- (c) If aesthetic lattice work or screening is utilized, any enclosed space shall not be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
- (d) For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Breakaway wall enclosures shall not exceed 299 square feet. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
  - i. Breakaway wall collapse shall result from water load less than that which would occur during the base flood, and;
  - ii. The effects of wind and water loads acting simultaneously on all building components (structural and nonstructural) must be taken into account. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those requirements by state or local building codes.
  - iii. The lowest horizontal structural member should be oriented perpendicular to the expected wave crest.
- (6) Enclosures below elevated buildings shall be useable solely for storage, parking of vehicles, or building access. Such space will not be used for human habitation and not finished or partitioned into separate rooms.
- (7) Prior to construction, plans for any structure using lattice, breakaway walls, or Decorative screening must be submitted to the Floodplain Administrator for approval;
- (8) Any alteration, repair, reconstruction or improvement to any structure shall not enclose the space below the lowest floor except with lattice work or decorative screening, as provided in this Section.
- (9) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new

and substantially improved structures in VE Zones and Coastal AE Zones. The Floodplain Administrator shall maintain a record of all such information.

- (10) There shall be no fill material used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The Floodplain Administrator shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:
  - (a) Particle composition of fill material does not have a tendency for excessive natural compaction;
  - (b) Volume and distribution of fill will not cause wave deflection to adjacent properties; and
  - (c) Slope of fill will not cause wave run-up or ramping.
- (11) Under the buildings or structures, no fill may be used except for minor site grading for drainage purposes. Nonstructural fill may be used on coastal building sites for minor landscaping and site grading for drainage purposes to the extent that the fill does not interfere with the free passage of floodwaters and debris underneath the building or cause changes in flow direction during coastal storms. Changes to site grades, other than those prescribed, must be avoided as they can cause additional damage to buildings on the site or to adjacent buildings.

Fill placed in coastal zones should be similar (compatible) to the natural soils in the area and not contain large rocks or debris, organic materials, or clay. Minor site grading is to be limited to the addition of one to two feet of coastal zone compatible soils. If additional fill (greater than two feet) or non-compatible soils are to be added to the site, certification by a professional engineer or architect shall be submitted along with design calculations demonstrating that no adverse impacts will result to the building. (For guidance, see FEMA Technical Bulletin #5 "Free of Obstruction Requirements").
- (12) Prohibit man-made alteration of sand dunes or mangrove stands which would increase which would increase potential flood damage.
- (13) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of Article 4, Section B (4) are met.

- (14) Permit recreational vehicles in VE Zones and Coastal AE Zones if they meet all of the requirements of Article 4, Section B (4) (d).

**Section G. Standards for Subdivisions.**

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivisions proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is less.
- (5) All preliminary plans for platted subdivisions shall identify the flood hazard area and the elevation of the base flood.
- (6) All final subdivision plats will provide the boundary of the special flood hazard area, the floodway boundary, and the base flood elevations.
- (7) In platted subdivisions, all proposed lots or parcels that will be future building sites shall have a minimum buildable area outside the natural (non-filled) 1% chance annual floodplain. The buildable area shall be, at a minimum, large enough to accommodate any primary structure and associated structures such as sheds, barns, swimming pools, detached garages, on-site sewage disposal systems, and water supply wells, where applicable.

**Section H. Critical Facilities.** Construction of new and substantially improved critical facilities shall be located outside the limits of the special flood hazard area (one percent annual chance floodplain). Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available and access to the facilities remains available during a 0.2 percent chance flood.

- (1) Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above the base flood elevation at the site (or to the 0.2 percent chance flood elevation whichever is greater).
- (2) Floodproofing and sealing measures must be implemented to ensure that any and all on-site toxic substances will not be displaced by or released into floodwaters.
- (3) Multiple access routes, elevated to or above the 0.2 percent flood elevation, shall be provided to all critical facilities to the maximum extent possible.

- (4) Critical facilities must be protected to or above the 0.2 percent chance flood and must remain operable during such an event.
  - a. The community's flood response plan must list facilities considered critical in a flood.
  - b. Other facilities in low risk flood zones that may also be needed to support flood response efforts must be included on the critical facility list.
- (5) The use of any structure shall not be changed to a critical facility, where such a change in use will render the new critical facility out of conformance with this section.

## **ARTICLE 5. VARIANCE PROCEDURES**

**Section A. Designation of Variance and Appeals Board.** The Board of Zoning Adjustments as established by the City Council shall hear and decide requests for appeals or variance from the requirements of this ordinance.

**Section B. Duties of Board.** The Board of Zoning Adjustments shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the Board of Zoning Adjustments may appeal such decision to the Baldwin County Circuit Court, as provided in Code of Alabama 1975.

**Section C. Variance Procedures.** In reviewing requests for variance, the Board of Zoning Adjustments shall consider all technical evaluations, relevant factors, and standards specified in other sections of this ordinance, and:

- (1) Variance may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of the Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (2) Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.
- (3) In reviewing such request, the Board of Zoning Adjustments shall consider all technical evaluation, relevant factors, and all standards specified in this and other sections of this ordinance.
- (4) The evaluation must be based on the characteristics unique to that property and not be shared by adjacent parcels. The characteristics must pertain to the land itself, not to the structure, its inhabitants, or its owners.
- (5) Variances should never be granted for multiple lots, phases of subdivisions, or entire subdivisions.

- (6) The danger of life and property due to flooding or erosion damage including materials that may be swept onto other lands to the injury of others.
- (7) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and the community.
- (8) The safety of access to the property during flood conditions for daily traffic and emergency vehicles.
- (9) The importance of the services provided by the proposed facility to the community.
- (10) The necessity of the facility to be at a waterfront location, where applicable.
- (11) The compatibility of the proposed use with existing and anticipated development based on the community's comprehensive plan for that area.
- (12) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
- (13) The costs associated with providing governmental services to the development during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and community infrastructure such as streets, bridges, and culverts.

Upon consideration of factors listed above, and the purpose of this ordinance, the Board of Zoning Adjustments may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

**Section D. Variances for Historic Structures.** Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.

**Section E. Conditions for Variances.** The provisions of this Ordinance are minimum standards for flood loss reductions, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (1) A variance may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of Sections E(3), E(4), F(1) and F(2) of this Article.
- (2) In the instance of a Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

- (3) A Variance shall be issued ONLY when there is:
  - a. A finding of good and sufficient cause,
  - b. A determination that failure to grant the variance would result in exceptional hardship, and;
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (4) A variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall not be issued “after the fact.”

**Section F. Variance Notification AND Records.**

- (1) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that specifies the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the issuance of such a variance could:
  - a. result in rate increases in the hundreds and possibly thousands of dollars annually depending on structure and site-specific conditions; and
  - b. increase the risk to life and property resulting from construction below the base flood level.
- (2) The Floodplain Administrator shall maintain a record of all variance actions and appeal actions, including justification for their issuance. Report any variances to the Federal Emergency Management Agency Region 4 and the Alabama Department of Economic and Community Affairs/Office of Water Resources upon request.
- (3) A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the City Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

**ARTICLE 6      DEFINITIONS**

For the purpose of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, the words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely derivative.

*A Zone* means the Area of Special Flood Hazard without base flood elevations determined.

*Accessory Structure* means a structure which is located on the same parcel of property as a principal structure to be insured and the use of which is incidental to the use of the principal structure. They should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. These structures are used solely for parking (two-car detached garages or smaller) or limited storage (small, low cost storage sheds). They are included under the general definition of structure and are consequently subject to all floodplain management regulations pertaining to structures. “*Appurtenant structure*” shall have the same meaning as accessory structure.

*Addition* (to an existing building) means any improvement that increases the square footage of a structure. These include lateral additions added to the front, side, or rear of a structure, vertical additions added on top of a structure, and enclosures added underneath a structure. NFIP regulations for new construction apply to any addition that is considered a perimeter expansion or enclosure beneath a structure. If it is considered to be a substantial improvement (more than 50% of market value) to a structure, the existing structure will also need to be treated as new construction. Depending on the flood zone and details of the project, the existing building may not have to be elevated. The determining factors are the common wall and what improvements are made to the existing structure. If the common wall is demolished as part of the project, then the entire structure must be elevated. If only a doorway is knocked through it and only minimal finishing is done, then only the addition has to be elevated.

*AE Zone* means the Area of Special Flood Hazard with base flood elevations determined.

*AH Zone* means an area of one percent chance of shallow flooding where depths are between one to three feet (usually shallow ponding), with base flood elevations shown.

*AO Zone* means an area of one percent chance of shallow flooding where depths are between one to three feet (usually sheet flow on sloping terrain), with depth numbers shown.

*Appeal* means a request for a review of the Building Official’s interpretation of any provision of this ordinance

*AR/AE, AR/AH, AR/AO, and AR/A Zones* means a flood zone that results from the decertification of a previously accredited flood protection system or levee that is in the process of being restored to provide a one percent chance or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.

*A99 Zone* means that part of the special flood hazard area inundated by the one percent annual chance flood to be protected from the one percent chance flood by a Federal flood protection system or levee under construction, no base flood elevations are determined.

*Area of shallow flooding* means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

*Area of special flood hazard* is the land the floodplain within a community subject to one percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be those designated by the local community and referenced in Article 2, Section B.

*Base flood* means the flood having one (1) percent chance of being equaled or exceeded in any given year.

*Base flood elevation* means the computed elevation to which floodwater is anticipated to rise during the base flood. It is also the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. Base Flood Elevations are shown in the FIS and on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO, V1–V30 and VE.

*Basement* means that portion of a building having its floor sub-grade (below ground level) on all sides.

*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or the supporting foundation system.

*Building* means any structure built for support, shelter or enclosure for any occupancy or storage. (See *Structure*)

*Building* (also see *Structure*) means (1) A structure with 2 or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; or (2) a manufactured home (a “manufactured home,” also known as a mobile home, is a structure built on a permanent chassis, transported to its site in 1 or more sections, and affixed to a permanent foundation); or (3) a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

*Coastal High Hazard Area* means the area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone V1-30, VE or V.

*Community* means a political entity and/or its authorized agents or representatives that have the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

*Community Rating System (CRS)* means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have

gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

*Critical facility* (aka, *critical action*) means facilities for which the effects of even a slight chance of flooding would be too great. The minimum floodplain of concern for critical facilities is the 0.2 percent chance flood level. Critical facilities include, but are not limited to facilities critical to the health and safety of the public such as: emergency operations centers, designated public shelters, schools, nursing homes, hospitals, police, fire and emergency response installations, vital data storage centers, power generation and water and other utilities (including related infrastructure such as principal points of utility systems) and installations which produce, use or store hazardous materials or hazardous waste (as defined under the Clean Water Act and other Federal statutes and regulations).

*D Zone* means an area in which the flood hazard is undetermined.

*Dam* means any artificial barrier, including appurtenant works, constructed to impound or divert water, waste water, liquid borne materials, or solids that may flow if saturated. All structures necessary to maintain the water level in an impoundment or to divert a stream from its course will be considered a dam.

*Development* means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, and storage of equipment or material.

*Dry Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damages to real estate or improved real estate property, water, and sanitary facilities, structures, and their contents. Structures shall be floodproofed with a minimum of 12 inches above the base flood elevation (more is recommended). Dry floodproofing of a pre-FIRM residential structure that has not been substantially damaged or improved is allowed. Dry floodproofing of a post-FIRM residential building is not allowed. Non-residential structures may be dry floodproofed in all flood zones with the exception of the Coastal High Hazard Area or the Coastal AE Zone.

*Elevated Building* means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

*Elevation Certificate* means a FEMA form used as a certified statement that verifies a building's elevation information.

*Encroachment* means the advance or infringement of uses, plant growth, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

*Existing Construction* – Any structure for which the start of construction commenced before January 5, 1981 (i.e., the effective date of Ordinance 1981-1, the first floodplain management code or ordinance adopted by the City of Daphne as a basis for that community's participation in the National Flood Insurance Program (NFIP)), or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before January 5, 1981 (i.e., the effective date of the FIRST floodplain management regulations adopted by a community).

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

*Flood or Flooding* means a general and temporary condition partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.
- (c) Mudslides which are proximately caused by flooding as described in part "b." of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (d) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually highwater level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in part "a." of this definition.

*Flood Hazard Boundary Map (FHBM)* means an official map of the community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been designated a Zone A.

*Flood Insurance Rate Map (FIRM)* means an official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

*Flood Insurance Study* means the official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

*Floodplain* means any land area susceptible to flooding.

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

*Floodplain management regulations* means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

*Floodproofing* means any combination of structural and nonstructural additions, changes or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities or structures with their contents.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. “*Regulatory Floodway*” shall have the same meaning.

*Floodway fringe* means that area of the special flood hazard area on either side of the regulatory floodway.

*Flood Protection Elevation* means the base flood elevation plus the community freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations or base flood elevations determined and/or approved by the floodplain administrator plus freeboard.

*Functionally dependent facility* means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

*Hardship* (as related to variances of this ordinance) means the exceptional difficulty that would result from a failure to grant the requested variance. The Board of Zoning Adjustments requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be

resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

*Highest adjacent grade* means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

*Historic Structure* means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance for a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
  - (i) By an approved state program as determined by the Secretary of the Interior, or
  - (ii) Directly by the Secretary of the Interior in states without approved programs.

*Letter of Map Change* (LOMC) is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMC's are broken down into the following categories:

- (a) Letter of Map Amendment (LOMA): an amendment based on technical data showing that a property was incorrectly included in a designated SFHA, was not elevated by fill (only by a natural grade elevation), and will not be inundated by the one percent chance flood. A LOMA amends the current effective FIRM and establishes that a specific property is not located in a SFHA.
- (b) Letter of Map Revision (LOMR): a revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the BFE and is, therefore, excluded from the SFHA.

(c) Conditional Letter of Map Revision (CLOMR): a formal review and comment by FEMA as to whether a proposed project complies with the minimum NFIP floodplain management criteria. A CLOMR does not revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

*Lowest adjacent grade* means the point of the ground level immediately next to a building. This may be the sidewalk, patio, deck support, or basement entryway immediately next to the structure after the completion of construction. It does not include earth that is placed for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a building's foundation system.

*Levee* means a man-made structure; usually an earthen embankment designed and constructed, in accordance with sound engineering practices to contain, control, or diverts the flow of water so as to provide protection from temporary flooding.

*Levee System* means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*Lowest Floor* means the lowest floor of the lowest enclosed area (including Basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in areas other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provision of this code.

*Manufactured Home* means a building, transportable in one or more sections built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes park trailer, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

*Market value* means the property value (as agreed between a willing buyer and seller), excluding the value of land as established by what the local real estate market will bear. Market value can be established by independent certified appraisal; replacement cost depreciated by age of building (Actual Cash Value); or adjusted assessed values.

*Mean Sea Level* means the average height of the sea for all stages of the tide. It is used as a reference for the base flood elevations shown on a community's Flood Insurance Rate Map (FIRM). For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum.

*National Geodetic Vertical Datum (NGVD)* as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

*New Construction* means ANY structure (see definition) for which the “start of construction” commenced after January 5, 1981, and includes any subsequent improvements to the structure (i.e., the effective date of the FIRST floodplain management ordinance adopted by the community as a basis for community participation in the (NFIP)) and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after January 5, 1981 (i.e., the effective date of the first floodplain management regulations adopted by a community).

*Non-Residential* means, but is not limited to; small business concerns, churches, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels and motels with normal room rentals for less than 6 months duration.

*North American Vertical Datum (NAVD)* of 1988 means a vertical control, corrected in 1988, used as a reference for establishing varying elevations within the floodplain.

*Obstruction* means, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channel construction, bridge, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

*One Percent Flood (aka 100-Year Flood)* is the flood that has a one percent chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A or V is subject to inundation by the one percent chance flood. Over the life of a 30-year loan, there is a 26-percent chance of experiencing such a flood within the SFHA.

*Participating Community* is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

*Post-FIRM Construction* means new construction and substantial improvements for which start of construction occurred after December 31, 1974, or on or after the effective date of the initial FIRM of the community, whichever is later.

*Pre-FIRM Construction* means new construction and substantial improvements for which start of construction occurred on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

*Probation* means an action taken by FEMA to formally notify participating communities of the first of the two NFIP sanctions due to their failure to correct violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

*Public safety and nuisance* means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

*Recreational vehicle* means a vehicle which is:

- (a) Licensed and titled as a recreational vehicle or park model;
- (b) Built on a single chassis;
- (c) 400 square feet or less when measured at the largest horizontal projection;
- (d) Has no attached deck, porch, or shed;
- (e) Has quick-disconnect sewage, water, and electrical connectors;
- (f) Designed to be self-propelled or permanently towable by a light duty truck; and
- (g) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Regular Program* means the second phase of the community's participation in the NFIP in which second layer coverage is available based upon risk premium rates only after FEMA has completed a flood risk study for the community.

*Remedy a violation* means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

*Repetitive Loss* means flood related damages sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

*Repetitive Loss Property* means any insurable structure for which two or more claims of more than \$1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling 10-year period, since 1978. At least two of the claims must be more than ten days apart but, within ten years of each other. A repetitive loss property may or may not be currently insured by the NFIP.

*Section 1316* means no new flood insurance policy or federal disaster assistance shall be provided for any property which the Administrator finds has been declared by a duly constituted State or local zoning authority or other authorized public body, to be in violation of State or local laws, regulations or ordinances which are intended to discourage or otherwise restrict land development or occupancy in floodprone areas. If the structure is made compliant with the applicable community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by the community and flood insurance and disaster assistance eligibility restored.

*Severe Repetitive Loss Structure* means any insured property that has met at least one of the following paid flood loss criteria since 1978, regardless of ownership:

- (a) Four or more separate claim payments of more than \$5,000 each (including building and contents payments); or
- (b) Two or more separate claim payments (building payments only) where the total of the payments exceeds the current market value of the property.

In either case, two of the claim payments must have occurred within ten years of each other. Multiple losses at the same location within ten days of each other are counted as one loss, with the payment amounts added together.

*Special flood hazard area (SFHA)* means that portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zones A, AE, AH, AO, AR, AR/AE, AR/AO, AR/AH, AR/A, A99, or VE.

*Sand Dunes* means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

*Start of construction* means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers or foundation or the erection of temporary forms; note does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure* means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

*Substantial Damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average equals or exceeds 25 percent of the market value of the structure before the damages occurred.

*Substantial Improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “repetitive Loss” or “substantial damage”, regardless of the actual repair work performed. The market value of the building should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred “substantial damage”, regardless of the actual amount of repair work performed.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or; (2) any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

*Substantially improved existing manufactured home parks or subdivisions* is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

*Variance* is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

*Violation* means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulation. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in the Code of Federal Regulations (CFR, 44, Sec 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(4), or (e)(5) and corresponding parts of this ordinance is presumed to be in violation until such time as that documentation is provided.

*Watercourse* means any flowing body of water including a river, creek, stream, or a branch.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

*Wet floodproofing* means a method of construction which allows water to enter a structure in such a way that will minimize damage to the structure and its contents. Wet floodproofing is appropriate for functionally dependent use and uses that facilitate open space use by variance only, structures utilized for parking or limited storage, or when all other techniques are not technically feasible. Wet floodproofing shall not be utilized as a method to satisfy the requirements of this ordinance for bringing substantially damaged or improved structures into compliance. Wet floodproofing is not allowed in lieu of complying with the lowest floor elevation requirements for new residential buildings.

*X Zones (shaded)* are areas of 0.2 percent chance flood that are outside of the SFHA subject to the one percent chance flood with average depths of less than one foot, or with contributing drainage area less than one square mile, and areas protected by certified levees from the base flood.

*X Zones (unshaded)* are areas determined to be outside the 0.2 percent chance floodplain.

*Zone* means a geographical area shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

#### **ARTICLE 7. SEVERABILITY.**

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

#### **ARTICLE 8. REPEALER**

Ordinance 2019-10 is hereby repealed and replaced by this Ordinance. Any other Ordinance of parts of Ordinances conflicting with the provisions of this Ordinance is hereby repealed insofar as they conflict. This Repealer shall not, however, effect, terminate, or preclude any rights, duties, requirements or terms which arose or existed while said Ordinance was in effect, all of which are specifically preserved.

#### **ARTICLE 9. EFFECTIVE DATE**

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF DAPHNE,  
ALABAMA, ON THE 1<sup>st</sup> DAY OF April, 2019.**

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**Dane Haygood, Mayor**

**ATTEST:**

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**Candace G. Antinarella, City Clerk**

**CITY OF DAPHNE, ALABAMA  
ORDINANCE 2019-22**

**ADDITIONAL APPROPRIATION: MAST ARM POLES & SIGNAL UPGRADE: JOHNSON  
ROAD / US HWY 98 & US 98/CR64 INTERSECTION IMPROVEMENTS**

**WHEREAS**, Ordinance 2018-35 approved and adopted the Fiscal Year 2019 Budget on October 1, 2018; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2019 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2019 budget; and

**WHEREAS**, ALDOT is closing out various projects from the last 15 years; and

**WHEREAS**, two of the projects were to systematically upgrade signals throughout the City as needed for enhanced traffic flow and to allow the use of an Intelligent Traffic Signal System and Mast Arm Poles & Signal Upgrades were installed; and

**WHEREAS**, Alabama Department of Transportation (ALDOT) has completed the reconfiguring of intersection of U.S. 98 and Johnson Road (ST-002-042-024) by shifting and adding turn lanes and making improvements for the intersection of U. S. 98 and County Road 64 (ST-002-042-020); and

**WHEREAS**, Ordinance 2014-32 appropriated \$75,000, 50% of the estimated \$150,000 project cost, for the Mast Arm Poles installation and Signal Upgrades for U. S. 98 and Johnson Road; and

**WHEREAS**, ALDOT has invoiced the City for the final amount due for the two projects (ST-002-042-020 & ST-002-042-024) in the amount of \$30,127.

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

1. Funds in the amount of \$30,127 from Capital Reserve Fund and made a part of the Fiscal Year 2019 budget for the Mast Arm Poles & Signal Upgrade at Johnson Road / US Highway 98 and Improvements at the intersection of U. S. 98 / County Road 64 (ALDOT Project No. ST-002-042-024 & ST-002-042-020).
2. the Mayor is hereby authorized to execute any documents required in order for the City of Daphne related to such ALDOT projects.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE ALABAMA this \_\_\_\_ day of \_\_\_\_\_, 2019.**

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**Dane Haygood, Mayor**

**Attest:**

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**Candace G. Antinarella, City Clerk**

**CITY OF DAPHNE, ALABAMA  
ORDINANCE 2019-23**

**Additional Appropriation: Daphne Sports Complex**

**WHEREAS**, Ordinance 2018-35 approved and adopted the Fiscal Year 2019 Budget on October 1, 2018; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2019 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2019 budget; and

**WHEREAS**, construction of the Daphne Sports Complex Phase 2 and Phase 3 have been bid and awarded; and

**WHEREAS**, Ordinance 2018-31 and 2019-01 was adopted to approve additional changes to the Daphne Sports Complex Phase III project and appropriate additional funds for a maintenance building, pond liner, batting cages, hardscape enhancements, sod in lieu of sprigging, and other miscellaneous changes; and

**WHEREAS**, further additional changes and appropriations are needed for the Daphne Sports Complex and have been requested through the change order process as required; and

**WHEREAS**, an additional appropriation of \$37,450 is immediately needed for said work to progress on improvements to the park; and

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

1) The following additions will be needed to complete the Daphne Sports Complex:

- Quazite boxes and footers for scorer stands - \$9,350
- Sod at original batting cage location - \$3,767
- Additional concrete and coloring – \$14,063
- Waste receptacles and benches - \$4,961
- Miscellaneous - \$5,309

2) Funds in the amount of **\$37,450 from the General Fund and transferred to the Capital Reserve Fund** are appropriated and made a part of the Fiscal Year 2019 budget for additional improvements for the Daphne Sports Complex project.

3) The Mayor is hereby authorized to execute any and all documents required for these additions.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Candace G. Antinarella, City Clerk**

**CITY OF DAPHNE, ALABAMA  
ORDINANCE 2019-24**

**Appropriation: Daphne Sports Complex Phase: Excess Engineering Fees for 120 Day  
Contract Extension – Hutchinson Moore & Rauch LLC.**

**WHEREAS**, Ordinance 2018-35 approved and adopted the Fiscal Year 2019 Budget on October 1, 2018; and

**WHEREAS**, subsequent to the adoption of the Fiscal Year 2019 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2019 budget; and

**WHEREAS**, initial engineering fees were previously appropriated in Ordinance 2017-18 and 2018-19; and

**WHEREAS**, excess engineering services were performed for the Daphne Sports Complex Phase 2 & 3 to improve the plans and accommodate changes; and

**WHEREAS**, additional monies in the amount of \$106,622 were appropriated in Ord 2018-26 and additional appropriation in the amount of \$11,978 is needed for February 2019 engineering services performed during the 120 day contract extension timeframe: February, March, April, and May 2019 ; and

**WHEREAS**, Hutchinson Moore and Rauch LLC will submit March, April, and May 2019 invoices for engineering services provided at a later date.

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

- 1). Funds in the amount of **\$11,978 from the General Fund and transferred to the Capital Reserve Fund** are appropriated and made a part of the Fiscal Year 2019 budget for the additional cost for engineering services that were performed for the Daphne Sports Complex Phase 3 during the 120 day contract extension timeframe to accommodate changes and completion of the project.
- 2). The Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in such project.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Candace G. Antinarella, City Clerk**

**CITY OF DAPHNE  
ORDINANCE 2019-25**

**An Ordinance Providing for the Repeal of Ordinance 2012-40 Providing for the Adoption of Certain Technical Codes by Reference and Relating to Building Permit and Re-inspection Fees**

**WHEREAS**, the City Council of the City of Daphne (the “City”) desires to promote the health, safety, and welfare of the citizens of the City by establishing uniform rules and regulations for the building, constructing, and all other related activities within the City of Daphne; and

**WHEREAS**, the City Council recognizes that the procedures set forth hereafter will protect both the City and its citizens and the owners of properties coming under the jurisdiction of this ordinance and made the subject of these procedures; and

**WHEREAS**, the City Council has determined that it is wise and prudent that certain sections of the City’s Building Permit and Re-Inspection Fee Table be tied to square foot construction costs as established from time-to-time by the International Code Council (“ICC”).

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

Ordinance No. 2012-40 is hereby repealed in its entirety and replaced as follows:

**SECTION 1: TECHNICAL CODES ADOPTED BY REFERENCE**

- (a) For the purposes of establishing uniform rules and regulations, the Council hereby adopts by reference the following codes and subsequent amendments issued thereto, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling in the construction, alteration, or repair of all buildings and other structures therein contained within the corporate limits of the City of Daphne:

- 1.) International Building Code, 2018 edition;
- 2.) International Fuel Gas Code, 2018 edition;
- 3.) International Plumbing Code, 2018 edition;
- 4.) International Mechanical Code 2018 edition;
- 5.) International Residential Code 2018 edition;
- 6.) National Electrical Code, 2017 edition,  
Copyrights 2010 by the National Fire Prevention Association Incorporated;
- 7.) Alabama Energy Code for one and two family dwellings, 2015 International Energy Conservation Code with Alabama amendments;
- 8.) Commercial Energy Code, 2015 International Energy Conservation Code or ASHRAE 90.1, 2013;
- 9.) International Swimming Pool and Spa Code, 2018 edition
- 10.) City of Daphne supplemental Code for Residential Structures in addition to the International Residential Code 2018. (attached hereto as Appendix A)

- (b) The following section of the International Residential Code, 2018 Edition, is hereby revised in its entirety to read as follows:

**R.106.1 Submittal documents.** Construction documents, special inspection, and structural observation programs and other data shall be submitted in two sets with each application for a permit prepared by a registered design professional for all new

residential homes and for additions exceeding 750 sq ft. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

**EXCEPTION:** The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

- (c) Section 105.2 of the International Building Code, 2018 Edition, is hereby amended to delete the following permit exemption in its entirety:

[Building]

“7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.”

## **SECTION II: BUILDING PERMIT FEE SCHEDULE & RE-INSPECTION FEES**

### **(a) New Residential**

Valuation per square foot shall be calculated in accordance with the ICC Building Valuation Data (“BVD”) as published by the ICC as follows:

- i. Heated and Cooled Spaces: 85% of the Square Foot Construction Costs
- ii. Unheated/Uncooled Spaces: 100 % of the Square Foot Construction Costs

The initial ICC BVD in effect as of the effective date of this Ordinance is the February, 2019, edition attached hereto as Appendix B. Said BVD shall remain in effect for purposes of this Ordinance through and until March 1, 2020, on which date the most recently published February edition of ICC BVD valuation rates shall take effect through and until March 1<sup>st</sup> of the following year. Valuation rates shall renew each year thereafter on March 1<sup>st</sup> of each year using the most recently published February edition of ICC BVD valuation rates as of March 1<sup>st</sup> of each said year.

Permits will be \$30.00 for the 1st \$1,000.00 of the contract amount and \$5.00 for each additional \$1,000.00 thereafter. Permit holder will also be charged a plan review and Land Disturbance Permit fee.

|                  |                   |
|------------------|-------------------|
| Plan Review      | \$25.00           |
| Land Disturbance | \$100.00          |
| Mechanical       | \$110.00 flat fee |
| Plumbing         | \$110.00 flat fee |
| Electrical       | \$110.00 flat fee |

### **(b) Miscellaneous Permits**

(Additions, Remodels, Repairs, Carports, Garages, Pools, Decks, Fences, Sunrooms, etc.)

|             |                                                                                        |
|-------------|----------------------------------------------------------------------------------------|
| Building    | \$30.00 for 1st \$1,000 of contract amount, \$5 for each additional \$1,000 thereafter |
| Electrical  | \$30.00 for 1st \$1,000 of contract amount, \$5 for each additional \$1,000 thereafter |
| Mechanical  | \$30.00 for 1st \$1,000 of contract amount, \$5 for each additional \$1,000 thereafter |
| Plumbing    | \$30.00 for 1st \$1,000 of contract amount, \$5 for each additional \$1,000 thereafter |
| Well Permit | \$50.00 flat fee                                                                       |

(\$30.00 minimum fee for all permits)

### **(c) Commercial Permits**

Building \$6.00 per \$1,000.00 of total contract amount. Permit holder will also be charged a Plan Review Fee and must provide proof of site fee payment from City of Daphne Community Development office.

|             |                                              |
|-------------|----------------------------------------------|
| Plan Review | \$100.00                                     |
| Mechanical  | 1.5% of subcontractors total contract amount |
| Plumbing    | 1.5% of subcontractors total contract amount |
| Electrical  | 1.5% of subcontractors total contract amount |
| Well Permit | \$50.00 flat fee                             |

(Commercial Building, Mechanical, Plumbing, and/or Electrical Permits will have a minimum fee of \$50.00)

### **(d) Re-Inspection Fees**

Fees will only be applied to items on original list. Any new items will not be considered a re-inspection at the time of the next inspection. All re-inspection fees must be paid prior to the re-inspection.

|                   |           |
|-------------------|-----------|
| 1st Re-inspection | No Charge |
| 2nd Re-inspection | \$50.00   |
| 3rd Re-inspection | \$100.00  |
| 4th Re-inspection | \$200.00  |

### **(e) Stop Work Fee**

Any Stop Work Order issued will be charged \$100.00 for a re-inspection.

## **SECTION III: ADOPTION BY REFERENCE**

The above referenced technical codes are hereby adopted as the Building Code of the City of Daphne. Copies of the above referenced codes are on file in the office of the City Clerk.

## **SECTION IV: REPEALER**

Any Ordinance heretofore adopted by the Council, which is in conflict with this Ordinance is hereby repealed to the extent of such conflict.

## **SECTION V: EFFECT OF REPEAL**

- (a) The repeal of Ordinance No. 2012-40 does not revive any previously repealed ordinance.
- (b) The repeal of Ordinance No. 2012-40 does not affect any punishment or penalty incurred before the repeal took effect, nor does such repeal effect any suit, prosecution, or proceeding pending at the time of the repeal.

## **SECTION VI: 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 VII: EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon its adoption by the City Council of the City of Daphne and publication as required by law.

**APPROVED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.**

\_\_\_\_\_  
**Dane Haygood, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Candace G. Antinarella, City Clerk**

**APPENDIX A TO ORDINANCE 2019-24  
CITY OF DAPHNE SUPPLEMENTAL CODE IN ADDITION TO THE 2018  
INTERNATIONAL RESIDENTIAL CODE**

The requirements specified in this Code Supplement apply to detached One and Two family dwellings not more than three stories above grade plane in height. The provisions of this supplement are intended to complement the locally adopted codes. The elements of design not addressed by the provisions of this supplement shall be in accordance with the locally adopted code. In the event a conflict between this document and the adopted code, the more stringent shall apply.

**FOUNDATIONS**

1. Compaction test shall be submitted to the Building Department prior to foundation inspection.

**STRUCTURAL**

1. Garage doors shall be rated to or above the applicable wind design load.
2. Wood frame chimney chases shall be structurally connected to rafters and/or ceiling joists. The attachment must be detailed in the plans or must meet the following minimum requirements:
  - a) Each corner of the chimney structure must have a tension strap fastened to the corner stud and continues downward to the roof and/or ceiling support members below. The tension strap must have a minimum tension capacity of 700 lbs. at each end.
  - b) Chimney framing shall be sheathed with minimum 7/16 inch structural panel on exterior four sides.
  - c) The base perimeters of chimney framing must be continuously supported by minimum 2 x 4 blocking fastened to roof framing members with joist hangers.
3. Exterior and Interior Shear walls and/or braced wall panel locations shall be indicated on the plans and shall be nailed in accordance with the engineered drawings but no less than 6 inches OC maximum intermediate and edge using 8d irregular shank (i.e., ring shank or spiral) nails with full round heads. All exterior walls and gable ends shall be fully sheathed with structural sheathing.

**ROOF COVERINGS**

**ASPHALT SHINGLES – REQUIREMENTS**

| <b>Wind Speed</b> | <b>Shingle Testing Standard/Classification</b> |
|-------------------|------------------------------------------------|
|                   |                                                |
| 130 mph           | ASTM D3161 Class F                             |
| 130 mph           | ASTM D7158 Class H                             |

1. Asphalt shingles shall be installed according to the manufacturer recommended listed installation instructions for High Wind areas with minimum 6 nails.

2. All Asphalt shingle roof covering underlayment shall be of a synthetic tear resistant Polypropylene, polyester or fiberglass fabric certified by an approved testing Agency or ICC-ES report. The Building Official may approve an equal or higher performing product. Asphalt felt roofing underlayment shall not be installed as a roof covering underlayment.
  - a. Roof underlayment shall be installed and fastened in accordance with the Manufacturer's installation instructions. NOTE – Most Manufacturers' do not allow staples as an approved fastener or staple button caps.
3. **All Aluminum/Vinyl Soffit covering shall be attached to minimum 7/16 OSB or plywood or minimum 2 x 2 wood supports 8 inches OC maximum.**
4. Metal roof covering shall be fastened to roof assembly with a maximum 2 foot OC spacing of fasteners in the length dimensions of the panels. Minimum Number of fasteners in width dimension of the panel shall be no less than 4.
5. 1x4 or 2 x 4 wood purlins for attachment of metal roof coverings shall be a maximum 2 feet OC. Wood purlins shall be nailed with a maximum two deformed (spiral, ring shank) #16D nails at maximum of 24 inches OC.
6. Roof decks shall be nailed in accordance with the engineered drawings but no less than 6 inches OC maximum intermediate and edge, with minimum 8d irregular shank (i.e., ring shank or spiral) nails with full round heads. Staples are not permitted for fastening of the roof decking.
7. All new One and Two Family dwellings shall have a sealed roof deck. Roof deck seams shall be taped with a minimum 4" Peel and Stick tape meeting ASTM D-1970 to achieve a sealed roof deck or closed cell foam meeting ASTM D-1622 may be applied underneath to each side of framing member and sheathing seams.

## ENERGY

1. Attic: minimum insulation R-38 Wall: minimum insulation R-13 floor: minimum insulation R-13
2. Batt insulation shall be cut neatly to fit around pipes and wires or be placed behind piping & wiring
  - a) Staple insulation to face of stud
3. Air permeable insulation shall not be used as a sealing material
4. Space between windows & door jams to be sealed
5. Corners, headers & sill plates shall be sealed
6. Rim joists are to be insulated
7. A continuous air barrier shall be installed in the building envelope
8. Break or joints in the air barrier shall be sealed (taped)
9. Access openings to un-air-conditioned spaces shall be sealed (weather stripping)
10. Building cavities shall not be used as ducts or plenums
11. Programmable thermostat shall be used
12. A minimum of 75% of lights used shall be of high efficacy

13. Recessed light fixtures shall be sealed to be airtight.
14. U factor of 40 must be used and also SHGC of .25 for windows.
15. At the time of rough-in inspection Peel and Stick aluminum backed tape or other approved material shall be applied to all edges of all windows to prevent air exchange.
16. All holes interior and exterior wall top plates shall be sealed with caulking or expandable foam.
17. Space around plumbing pipes penetrating interior or exterior wall top plates shall be sealed with caulking or expandable foam.

**The City of Daphne Building Inspection Department may at any time inspect for compliance for items above.**

### **PLUMBING**

1. Pex supply piping shall be inspected at a minimum Pressure of 75 lbs.
2. Potable water supply at street pressure shall be connected to copper supply piping at time of inspection. Copper piping will be inspected at street pressure.
3. CPVC shall be tested at street pressure.
4. The Contractor responsible for construction shall call in for all 4-way inspections.
5. All Bathtubs and showers shall be connected to the drain waste and vent system at the time of top out inspection. **Exception: Whirlpool and Garden tubs may be installed after top out inspection. The trap servicing the whirlpool and garden tub shall be installed at the time of inspection.**

### **ELECTRICAL**

1. All receptacles shall be supplied by a minimum #12 AWG protected by a 20 Amp Circuit Breaker.
2. General Lighting, Smoke/carbon monoxide Alarms shall be allowed to be supplied by a minimum #14 AWG protected by a 15 Amp Circuit Breaker.

### **FUEL GAS**

1. Gas Supply Piping shall be galvanized piping from the point of connection at the meter to a point of transition at an accessible Union.

### **HVAC**

1. Air Handler's return air filters shall have a minimum one square inch of filter for every 2 CFM of air the HVAC moves. This equals 200 CFM per ton of AC capacity. **Example: A 3 ton system will require a minimum of 600 square inch of return air filter area.**

### **MODULAR HOMES**

1. Submit AMHC (Alabama Manufactured Home Commission) stamped plans.
2. Modular Homes shall be certified by an Alabama Registered Engineer to meet adopted wind loads.
3. Submit foundation plans and anchorage to foundation plan. Shall equal or exceed local adopted codes.
4. And other on-site construction shall require a separate permit by the Building Inspection Department.
5. Modular Homes shall be required to have a Final Inspection after exterior of structure and any on-site construction are complete.
6. Modular Homes shall be installed as per the engineered installation instructions.
7. Modular Homes shall be inspected for compliance with engineered instructions and any applicable current local adopted codes.
8. In factory construction and components are not the responsibility of the City of Daphne Building Inspection Department.
9. Existing houses that are moved from one site to another shall comply with Items 3, 4 & 5 and require a Final Inspection. Any new construction shall be in compliance with current adopted codes.

**APPENDIX B**  
**INTERNATIONAL CODE COUNCIL – BUILDING VALUATION DATA,**  
**FEBRUARY 2019 EDITION**

(attached)

\* The February, 2019, edition of the ICC BVD shall be in effect for purposes of this Ordinance through March 1, 2020. On March 1<sup>st</sup> of each year, the most recently published February edition of the ICC BVD shall replace this edition. A copy of the BVD table in effect may be obtained by contacting the City of Daphne Building Official.