

**CITY OF DAPHNE
CITY COUNCIL MEETING AGENDA
1705 MAIN STREET, DAPHNE, ALABAMA
OCTOBER 19, 2015
6:30 P.M.**

1. CALL TO ORDER

2. ROLL CALL

INVOCATION / Reverend Charles Jackson with Macedonia Missionary Baptist Church

PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: Council Meeting Minutes / October 5, 2015

Council Work Session Minutes / October 12, 2015

Amend Special Called Council Meeting Minutes / September 28, 2015

PUBLIC HEARINGS:

a.) Pre-zone: *John W. West*
Present zoning: RSF-4, Two Family District, Baldwin County District 16, in the extra-territorial planning jurisdiction of Daphne

Proposed zoning: B-1, Local Business, City of Daphne

Location: Southwest of Holy Cross Circle and Holy Cross Drive

Recommendation: Unanimous favorable

b.) Annexation: *John W. West*
Location: Southwest of Holy Cross Circle and Holy Cross Drive

Recommendation: Unanimous favorable

c.) Zoning Amendment *Cadence Bank*
Present zoning: R-4, High Density Multi-Family Residential District, City of Daphne

Proposed Pre-zoning: PUD, Planned Unit Development District, City of Daphne

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

Recommendation: Unanimous favorable

d.) Pre-zoning: *Cadence Bank*
Present zoning: RSF-2, Single Family District, Baldwin County District 15, in the extra-territorial planning jurisdiction

Proposed Pre-zoning: PUD, Planned Unit Development, District, City of Daphne

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

Recommendation: Unanimous favorable

e.) **Annexation:** *Cadence Bank*
 Location: One quarter mile south of the intersection of County Road 64 and Pollard Road
 Recommendation: Unanimous favorable

f.) **Revisions to the Land Use and Development Ordinance / Zoning Map**
 Recommendation: Favorable

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Fry
 Review minutes / October 12th

1.) Ordinances:

- a.) Appropriation of Funds: Lake Forest Land Acquisitions / 5 Lots / **Ordinance 2015-58**
- b.) Appropriation of Funds: Master Plan for Bayfront / Village Point Park Preserve / Amphitheater & Facility / **Ordinance 2015-59**
- c.) Appropriation of Funds: Turning Lanes at Sehay Blvd. & Longue Vue Blvd. **Ordinance 2015-60**
- d.) Appropriation of Funds: CR 13 & Hwy 64 Roundabout Lights / **Ordinance 2015-61**

2.) Resolutions:

- a.) CR 13 Sidewalk / Whispering Pines Road to Champions Way / ALDOT Agreement / **Resolution 2015-64**
- b.) Donated Property on Blakely River / By Blakely River LLC (Managed by Russell Steiner) / **Resolution 2015-65**
- c.) Setup New Bank Account / Online Credit Card Payments / **Resolution 2015-66**

3.) Financial Reports:

- Treasurers Report / September 2015
- Sales & Use Tax Collections / August 2015
- Lodging Tax Collections / August 2015

B. BUILDINGS & PROPERTY COMMITTEE - Lake
 Review minutes / October 5th

C. PUBLIC SAFETY - Rudicell

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conway

C. INDUSTRIAL DEVELOPMENT BOARD –

D. LIBRARY BOARD - Lake
Accept resignation of Andre LaPalme

Reappoint Windrela Longmire / 4 Year Term / September 30 2015 – September 30 2019

E. PLANNING COMMISSION – Scott
Review minutes / August 27th

Review Staff Report / September 24th meeting

F. RECREATION BOARD – LeJeune
Reappoint Rick Cleveland / 4 Year Term / July 2014 – July 2018

Reappoint David Dueitt / 3 Year Term / July 2015 – July 2018

Reappoint Lawrence Yelding / 1 Year Term / July 2015 – July 2016

G. UTILITY BOARD – Fry

6. MAYOR’S REPORT

MOTION: Authorize the Mayor to sign the revised Memorandum of Agreement with ALDOT detailing the responsibilities of the Alabama Department of Transportation and the City regarding the removal and disposal of storm debris from ALDOT maintained rights-of-way / roadways.

7. CITY ATTORNEY’S REPORT

- a.) Report on Attorney General’s Opinion
- b.) Report on whether Council can say what authority a position answers to

8. DEPARTMENT HEAD’S REPORT

9. CITY CLERK’S REPORT

- a.) Appoint NLC Voting Delegate

10. PUBLIC PARTICIPATION

11. RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

- a.) Resolution 2015-64 CR 13 Sidewalk / Whispering Pines Road to Champions Way / ALDOT Agreement
- b.) Resolution 2015-65. Donated Property on Blakely River / By Blakely River LLC (Managed by Russell Steiner)
- c.) Resolution 2015-66. Setup New Bank Account / Online Credit Card Payments

ORDINANCES:

IST READ

- a.) **Ordinance 2015-58.**..... Appropriation of Funds: Lake Forest Land Acquisitions / 5 Lots
- b.) **Ordinance 2015-59.**.....Appropriation of Funds: Master Plan for Bayfront / Village Point Park Preserve Amphitheater & Facility
- c.) **Ordinance 2015-60.**..... Appropriation of Funds: Turning Lanes at Sehoj Blvd. & Longue Vue Blvd.
- d.) **Ordinance 2015-61.**..... Appropriation of Funds: CR 13 & Hwy 64 Roundabout Lights
- e.) **Ordinance 2015-62.**.....Pre-Zone Property Located Southwest of Holy Cross Circle and Holy Cross Drive / John W. West / B-1, Local Business
- f.) **Ordinance 2015-63.**.....Annexation / Property Located Southwest of Holy Cross Circle and Holy Cross Drive / John W. West
- g.) **Ordinance 2015-64.**.....Rezone Property Located One Quarter Mile South of the Intersection of County Road 64 and Pollard Road / Cadence Bank / PUD, Planned Unit Development
- h.) **Ordinance 2015-65.**.....Pre-Zone Property Located One Quarter Mile South of the Intersection of County Road 64 and Pollard Road / Cadence Bank / PUD, Planned Unit Development
- i.) **Ordinance 2015-66.**.....Annexation / Property Located One Quarter Mile South of the Intersection of County Road 64 and Pollard Road / Cadence Bank
- j.) **Ordinance 2015-67.**.....Revision to the City of Daphne Land Use and Development Ordinance / Revision of the Zoning Map
- k.) **Ordinance 2015-68.**.....Adopting the FY2016 Capital & Personnel Budget

12. COUNCIL COMMENTS

13. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL**

ROLL CALL

CITY COUNCIL:

COUNCILMAN RUDICELL	PRESENT ____	ABSENT ____
COUNCILMAN LAKE	PRESENT ____	ABSENT ____
COUNCILMAN FRY	PRESENT ____	ABSENT ____
COUNCILMAN SCOTT	PRESENT ____	ABSENT ____
COUNCILMAN LEJEUNE	PRESENT ____	ABSENT ____
COUNCIL PRESIDENT CONAWAY	PRESENT ____	ABSENT ____

MAYOR:

MAYOR HAYGOOD	PRESENT ____	ABSENT ____
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CITY CLERK:

REBECCA HAYES	PRESENT ____	ABSENT ____
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CITY ATTORNEY:

JAY ROSS	PRESENT ____	ABSENT ____
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**OCTOBER 5, 2015
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 Conaway called the meeting to order at 6:30 p.m.

2. ROLL CALL

COUNCIL MEMBERS PRESENT:

Tommie Conaway; Pat Rudicell; John Lake; Randy Fry; Robin LeJeune.

ABSENT: Ron Scott.

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Jay Ross, City Attorney; Kevin Boucher, Attorney; James White, Fire Chief; David Carpenter, Police Chief; David McKelroy, Recreation Director; Kelli Kichler, Finance Director/Treasurer; Adrienne Jones, Planning Director; Ashley Campbell, Environmental Programs Manager; Vickie Hinman, HR Director; Margaret Thigpen, Civic Center Director; Michael Hoyt, Municipal Judge; Kara Wilbourn, Marketing Coordinator; Tom Walker, Firefighter; Dorothy Morrison, DRA/Beautification Committee; Willie Robison, BZA; Larry Cooke, BZA; Tomasina Werner, Beautification Committee;

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

INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Bryant Evans with the Eastern Shore Church of Christ gave the invocation.

3. APPROVE MINUTES:

September 21, 2015 Council Meeting Minutes

There being no corrections the September 21, 2015 council meeting minutes stand approved.

September 23, 2015 Council Work Session Minutes

There being no corrections the September 23, 2015 council meeting minutes stand approved.

September 28, 2015 Special Called Council Meeting Minutes

There being no corrections the September 28, 2015 Special Called council meeting minutes stand approved.

PRESENTATION: Beautification 4th Quarter Awards:

1.) **Infirmary Health – Eastern Shore / Joe Stough, CEO and Dennis Summerford, VP Facilities & Construction**
Mrs. Rebecca Trosclair presented the 4th Quarter Beautification Award to Mr. Stough and Mr. Summerford with Infirmary Health – Eastern Shore as Mayor Haygood, Council President Tommie Conaway, Mrs. Dorothy Morrison, Mrs. Tomasina Werner looked on.

2.) **Rettig’s Auto Body Shop / Fred Rettig, Owner**

Mrs. Rebecca Trosclair presented the 4th Quarter Beautification Award to Mr. Fred Rettig, owner of Rettig Auto Body Shop as Mayor Haygood, Council President Tommie Conaway, Mrs. Dorothy Morrison, Mrs. Tomasina Werner looked on.

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PROCLAMATIONS:

1.) National Domestic Violence Awareness Month

Mayor Haygood read and presented the proclamation to Ms. Joanne Sheils with the Lighthouse.

2.) National Breast Cancer Awareness Month

Council President Tommie Conaway read and presented the proclamation to Firefighters Clinton Smith and Jerry Graham as Mayor Haygood looked on.

3.) National Fire Prevention Week / October 4-10, 2015

Councilman Robin LeJeune read and presented the proclamation to Chief White, Firefighters Clinton Smith and Jerry Graham as Mayor Haygood looked on.

4.) Dyslexia Awareness Month

Councilman John Lake read the proclamation as Mayor Haygood looked on.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Fry

The next meeting will be Monday October 12th at 4:30 p.m.

B. *BUILDINGS & PROPERTY COMMITTEE* –

The committee will meet October 5th at 4:30 p.m.

C. *PUBLIC SAFETY COMMITTEE* – Rudicell

The minutes for the September 21st meeting are in the packet. The next meeting will be October 19th at 4:30 p.m.

D. *CODE ENFORCEMENT/ORDINANCE COMMITTEE* – Scott

The October 21st minutes are in the packet. The next meeting will be October 19th after the Public Safety meeting.

E. *PUBLIC WORKS COMMITTEE* – LeJeune

The committee met this evening, and the minutes will be in the next packet. The next meeting will be November 2nd at 5:30 p.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. *Board of Zoning Adjustments* – Adrienne Jones

No report.

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B. Downtown Redevelopment Authority – Conaway

The September 23rd minutes are in the packet, and the next meeting will be October 28th at 5:30 p.m. Council President Conaway mentioned that the dedication of the bike racks will be October 17th at Centennial Park.

C. Industrial Development Board – Davis

a.) Resignation of Jeffrey Ramsland.

MOTION BY Councilman Rudicell to accept the resignation of Jeffrey Ramsland from the Industrial Development Board. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

D. Library Board – Lake

The next meeting will be October 8th.

E. Planning Commission – Scott

No report.

F. Recreation Board – LeJeune

The next meeting will be October 14th. Councilman LeJeune reported that all the fall sports has started, and the Park Team will be meeting in a week or two, and they will have some drawings and new information to consider. They are moving forward with the project.

G. Utility Board – Fry

The minutes for the August 26th meeting are in the packet. The board finalized the 2016 budget at the end of September. The next meeting will be September 28th at 5:00 p.m.

6. MAYOR'S REPORT

Mayor Haygood reported that there is an added events permit for the Bayside Academy homecoming parade. This is the first one and they were not aware of the deadline for submitting the permit. He said the city needs to accommodate them in starting this new tradition. He said there is a new superintendent for the Baldwin County Board of Education, Coach Eddie Tyler. He took time out of his busy schedule to attend the Daphne/Fairhope football game, and Mayor Haygood appreciated his presence at the game, and being out in the community. Mayor Haygood reported on two separate occasions for the flag flying at half-staff, one was by presidential proclamation to honor the nation's firefighters which was on Sunday, and he recognized the 65 firefighters across the nation that lost their lives. The other instance was for Monday through the close of business on Tuesday to honor the nine people who lost their lives in the Roseburg, Oregon tragedy.

7. CITY ATTORNEY REPORT:

No report.

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8. DEPARTMENT HEAD COMMENTS:

David McKelroy – Recreation Director - reported Brown Bag by the Bay is Thursday from 11:30 a.m. to 1:30 p.m. at May Day Park where Noah Thompson, the originator of Roman Street, will be performing. He also gave the sports schedule.

Margaret Thigpen – Civic Center Director – reminded everyone that Ballroom Dance tickets are on sale for Friday.

Adrienne Jones, Planning Director - announced that the Planning Department will be closed Wednesday through Friday due to attending a training class in Orange Beach.

Michael Hoyt – Municipal Judge – thanked the council for their continued support.

Kara Wilbourn – Marketing – reported that she is working with the Police Department on their new website, and it is working well. She is working with a steering committee on city signage to increase city wide branding. She is working with Public Works on signage for disc golf at Daphne Central Park. She is also working with Habitat for Humanity who are building a house in Daphne. She is working on a Veterans Day program. She is also working on publicity for the city.

9. CITY CLERK REPORT:

a.) Facilities Use Permit / Daphne Art Center / Judged Art Show / October 10, 2015

MOTION BY Councilman Lake to approve the Facilities Use Permit for Daphne Art Center / Judged Art Show / October 10, 2015 . *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

b.) Events Permit / Daphne Art Center / Judged Art Show / October 10, 2015 (Art Scattered throughout downtown)

MOTION BY Councilman Lake to approve the Event Permit for Daphne Art Center / Judged Art Show / October 10, 2015 . *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

c.) Events Permit / Bayside Academy Charity Challenge / 2 Mile Fun Run / December 5, 2015

MOTION BY Councilman Lake to approve the Event Permit for Bayside Academy Charity Challenge / 2 Mile Fun Run / December 5, 2015. *Seconded by Councilman Rudicell.*

MOTION CARRIED UNANIMOUSLY

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d.) Events Permit / Bayside Academy Homecoming Parade / October 9, 2015

MOTION BY Councilman Lake to suspend the rules to consider an Events Permit for Bayside Academy Homecoming Parade / October 9, 2015. *Seconded by Councilman Fry.*

ROLL CALL VOTE

Rudicell	Aye	LeJeune	Aye
Lake	Aye	Conaway	Aye
Fry	Aye		

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Lake to approve the Events Permit for Bayside Academy Homecoming Parade / October 9, 2015. *Seconded by Councilman Rudicell.*

MOTION CARRIED UNANIMOUSLY

10. PUBLIC PARTICIPATION

Tomasina Werner – Brentwood Drive – asked council to vote on the budget for the Jubilee Breeze to be mailed to citizens instead of dropped off at different places. She also commented on an article in the Lagniappe that said overtime for Public Works was cut by council.

Ms. Victoria Phelps – Worchester Drive – gave kudos to the Jubilee Festival. She spoke regarding sidewalks and connectivity and the disc golf and foot golf at Daphne Central Park.

Mr. Willie Williams – spoke regarding the Martin Luther King Celebration, and his opposition to the redistricting of the voting districts.

Mr. Harry Brown – Church Street – spoke regarding the decision for the Woodmen of the World Building being grandfathered as to a business being allowed in a residential zone. He asked council to ask for an Attorney General’s Opinion.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) **Resolution 2015-62**Daphne Park Improvements

b. **Resolution 2015-63**..... I-10 Culvert and Outfall Repair at D’Olive Creek Flood Water Damage / ALDOT Project #ERPR-8980(928)

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MOTION BY Councilman Lake to waive the reading of Resolutions 2015-62 and 2015-63. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2015-62 *Seconded by Councilman Rudicell.*

AYE Rudicell, Lake, Fry, Conaway

NAY LeJeune

MOTION BY Councilman Lake to adopt Resolution 2015-63. *Seconded by Councilman Fry*

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2ND READ

- a.) Ordinance 2015-52. Lodging Tax Appropriation: Richard Scardamalia Pavilion (Bayfront Park) Flooring
- b.) Ordinance 2015-53. Additional Appropriation of Funds: Emergency Watershed Protection for: Maize Gully (Project #2)
- c.) Ordinance 2015-54. Establish a New Job Description to the City's Job Classification Plan: Senior Human Resources Specialist
- d.) Ordinance 2015-55. Adopting the Fiscal Year 2016 Operating Budget
- e.) Ordinance 2015-56. Extending the Fiscal Year 2015 Budget Authority

MOTION BY Councilman Lake to waive the reading of Ordinances 2015-52, 2014-53 and 2015-54. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2015-52, 2015-53 and 2015-54. *Seconded by Councilman Rudicell.*

MOTION CARRIED UNANIMOUSLY

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MOTION BY Councilman Fry to adopt Ordinance 2015-55. *Seconded by Councilman LeJeune.*

MOTION BY Councilman Fry to amend Ordinance 2015-55 and the Personnel Budget to approve the Facility Manager position pending an amendment to the job description that this position report to the Public Works Director. *Seconded by Councilman Lake.*

The city attorney mentioned to council that he is not sure council can, under current law, say who someone reports to.

Councilman Fry withdrew his motion and Councilman Lake withdrew his second.

MOTION BY Councilman Fry to amend Ordinance 2015-55 and the Personnel Budget to eliminate the position of Facility Manager and maintain the Building Maintenance Supervisor position pending the review of the job description amendment by the city attorney. *Seconded by Councilman Lake.*

VOTE ON AMENDMENT

AYE Rudicell, Lake, Fry, Conaway

NAY LeJeune

MOTION CARRIED

VOTE ON ORIGINAL MOTION AS AMENDED

AYE Rudicell, Lake, Fry, LeJeune, Conaway

NAY Lake

MOTION CARRIED

12. COUNCIL COMMENTS

Councilman LeJeune – said the Recreation Program is into fall sports. He said the Central Park paving was done, and invited all to come out and visit the park. He is excited about the Park Team meetings, and they may have some sponsors for the facilities. He hopes council will join him regarding having a school feasibility study done. He thinks it is important. They need to look hard at improving the schools in Daphne.

Councilman Rudicell said if anyone knows of someone who wants to serve on the council that lives in District #7 ask them to call the city clerk.

Councilman Lake said that he received a timely notice regarding the last meeting of the Park Team. He gave kudos to Tim Patton for attending the meeting while he was on vacation. He said that sidewalks are important, and they should pay attention to the size of the sidewalks. He complimented the Jubilee Festival, and the Farmers Market at the Daphne United Methodist Church in Olde Towne, and encouraged folks to come out to the market.

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Councilman Fry thanked everyone for coming out to the meeting and being involved. He said they accomplished a lot this evening. He feels they need more discussion on personnel.

Mayor Haygood mentioned that the district voting map is in the hall and on the website. He said the sooner they can get this done the people will be more comfortable. He said that mailing of the Jubilee Breeze is in the budget. He said that there is overtime in the budget for Public Works, but it is reduced as was the overtime for other departments.

Council President Conaway mentioned that the vacancy on the MPO needs to be filled.

13. ADJOURN:

MOTION BY Councilman Lake to adjourn *Seconded by Councilman Rudicell.*

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:05 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes,
City Clerk

Tommie Conaway,
Council President

**OCTOBER 12, 2015
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
5:30 P.M.**

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

ABSENT: Robin LeJeune

Also present: Rebecca Hayes, City Clerk; Jay Ross, City Attorney; Kevin, Boucher, Adams & Reese; Kelli Kichler, Finance Director; Adrienne Jones, Planning Director; James White, Fire Chief; Vickie Hinman, Human Resources Director; Don Ouellette, Environmental Advisory Committee.

Absent: Mayor Haygood.

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

1. ANNEXATION: 509+ ACRES / LOCATED: HWY. 64 ADJACENT AND EAST OF FISH RIVER / MR. RICHARD INGE

Mr. Ross stated that the property is outside the city limits, and is not contiguous with the city limits. It will take a legislative act to annex the property into the city.

Mr. Inge state that they wanted to be inside the city so that children would go to Daphne schools, otherwise, the lots will not sell. They will be open to donating land for a fire department, police department, a park and a school. Mr. Inge handed out a site plan for the property. (*Attached to the minutes*). They will be reaching out to the school board to get the property zoned for Daphne schools. They will be annexing in phases. He will need a resolution from council stating their support of the annexation.

Consensus of council is that they are open to the annexation, but would prefer annexing all of the property at one time instead of phases.

2. FY2016 PERSONNEL BUDGET

Council asked questions regarding

- The Safety Coordinator position and the Human Resources Specialist.
- The Crew Leader
- Code Enforcement position
- Senior Program / Sponsored by SARPC

3. FY2016 CAPITAL BUDGET

Council asked questions regarding:

- The audio visual request
- Fire Station #2 repairs
- Gazebo funding for Joe Louis Patrick Park

**OCTOBER 12, 2015
CITY COUNCIL WORK SESSION
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4. REQUEST FOR AN ATTORNEY GENERAL'S OPINION / Woodmen of the World Building

Mr. Ross stated that he does not think that the Attorney General will give an opinion, because it is a fact based issue, and not an interpretation of law. This would be a question for circuit court. Mr. Ross will reach out to Brenda Smith, the Attorney General's chief opinion writer, and will report back at the council meeting on Monday.

5. ANYTHING ELSE DEEMED NECESSARY

Council President Conaway mentioned there was an error in the September 28th special called council meeting minutes when council made the motion to increase the amount given to the Thomas Hospital Foundation it should read Free Standing Emergency Department instead of Birthing Center.

Mrs. Hayes mentioned to Council President Conaway that those minutes will have to be amended at Monday's council meeting.

Council President Conaway said that she was contacted by Thomas Hospital, and she asked Mrs. Jones if anyone had contacted her about a public hearing.

Mrs. Jones said that one of the engineers came in to get a copy of the file for the CVS case, but they did not mention anything about a public hearing.

Mr. Ross said that he talked with Mark Nix eight days ago and he said that they are very interested in annexing into the City of Daphne, but they were concerned about the DISC project not being approved. He told Mr. Nix that he should not consider that in part of his analysis with respect to the emergency department coming into the city that that project had its own issues, and this would be different. He suggested to Mr. Nix to bring it before the council and go through the planning process, and he thought he was pretty receptive to the idea. Mr. Nix is over all the Infirmary facilities.

Mrs. Conaway said she spoke to Mr. Nix on Friday, and his concern was that they have a time frame, and he was concerned about the public hearing and about what steps they have to take in order to get this done by the time they need this emergency department in place, and what he wanted council to know is they would come into the county first, but they do want to annex into the city. This is why she wanted to bring it back to council, because of the amendment that conditioned the \$30,000 upon their annexing into the city.

Councilman Scott said that was a non-starter for him, because the building permits for that project will fund what they are talking about. He does not want them paying permit fees to the county, and the city turn around and give them \$150,000 or \$200,000. He said they can rapidly get this annexed into the city. He said they want the city's \$150,000, but that is not how it works. Thomas Hospital needs to be upfront with the city, and go ahead and get this annexed into the city. This is a critical part of this, and the project should be under the city's building inspectors. The city can work with them to make it happen rapidly. Councilman Scott feels that they would be nowhere ready to break ground before they can get it annexed into the city.

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Council President Conaway asked Mrs. Jones if they had contacted her regarding annexation.

Mrs. Jones said they have had different firms calling about what the requirements are for various developments. She has one or two times talked to a firm asking about this property, and this was a few months ago. Although they talked with Mrs. Conaway on Friday they have been working on this for a while so, she does not think it is fair for them to call and say they need it done by a drop dead date, because they have been holding this for a while. The zoning and annexation process takes 90 days.

Mr. Ross will reach out to Mr. Nix and express the council's feelings on this issue to him.

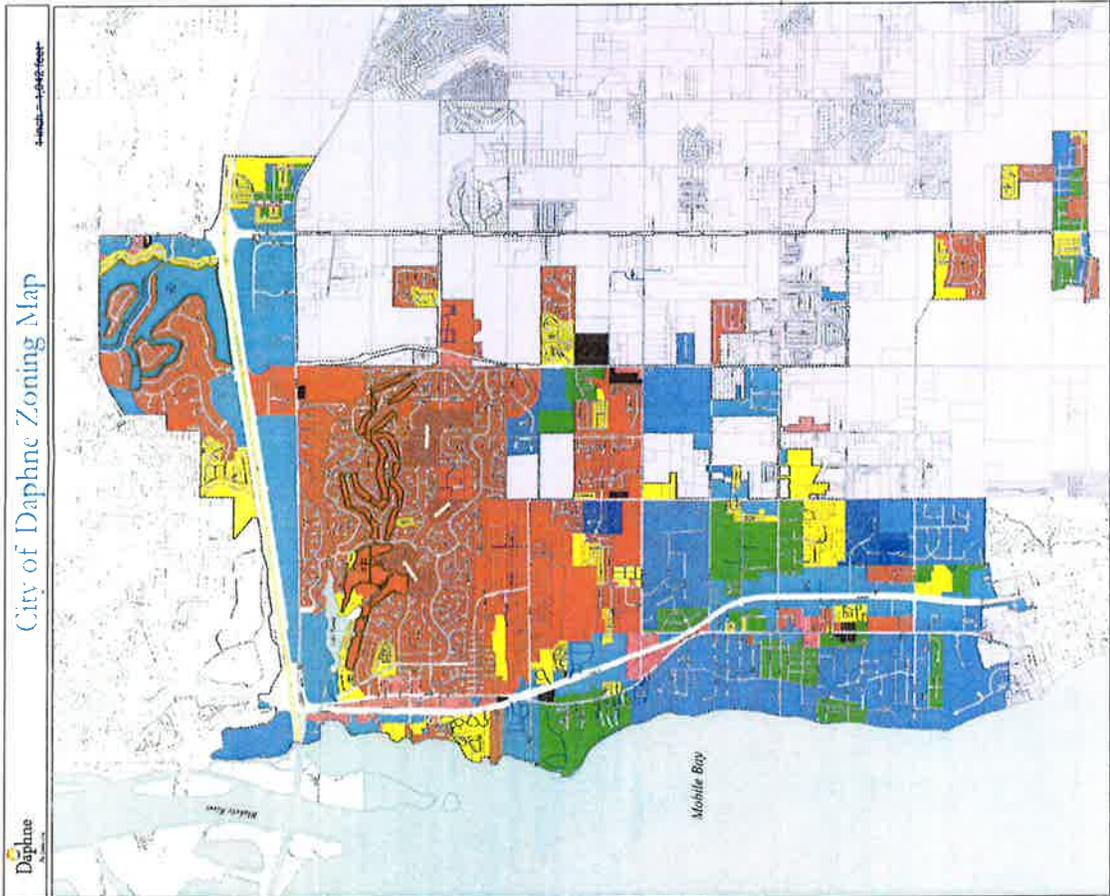
**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED
AT 7:45 P.M.**

Respectfully submitted by,

Certification of Presiding Officer:

Rebecca A. Hayes,
City Clerk

Tommie Conaway,
Council President



City of Daphne Zoning Map



Legend	
	LD-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
	LD-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
	LD-3 HIGH DENSITY SINGLE & MULTIFAMILY RESIDENTIAL
	LD-4 MEDIUM DENSITY SINGLE & MULTIFAMILY RESIDENTIAL
	LD-5 MOBILE HOME RESIDENTIAL
	LD-6 DUPLEX - TWO FAMILY
	LD-7 DUPLEX - TWO FAMILY
	LD-8 DUPLEX - TWO HOME
	LD-9 MEDIUM DENSITY CONDOMINIUM
	LD-10 TOWNHOUSE
	LD-11 LOCAL BUSINESS
	LD-12 GENERAL BUSINESS
	LD-13 COMMERCIAL/INDUSTRIAL
	LD-14 MIXED USE
	LD-15 OFFICE/INDEPENDENT
	LD-16 COMMERCIAL
	LD-17 PROFESSIONAL

DAPHNE ETJ

SITE

Bay Branch Estates



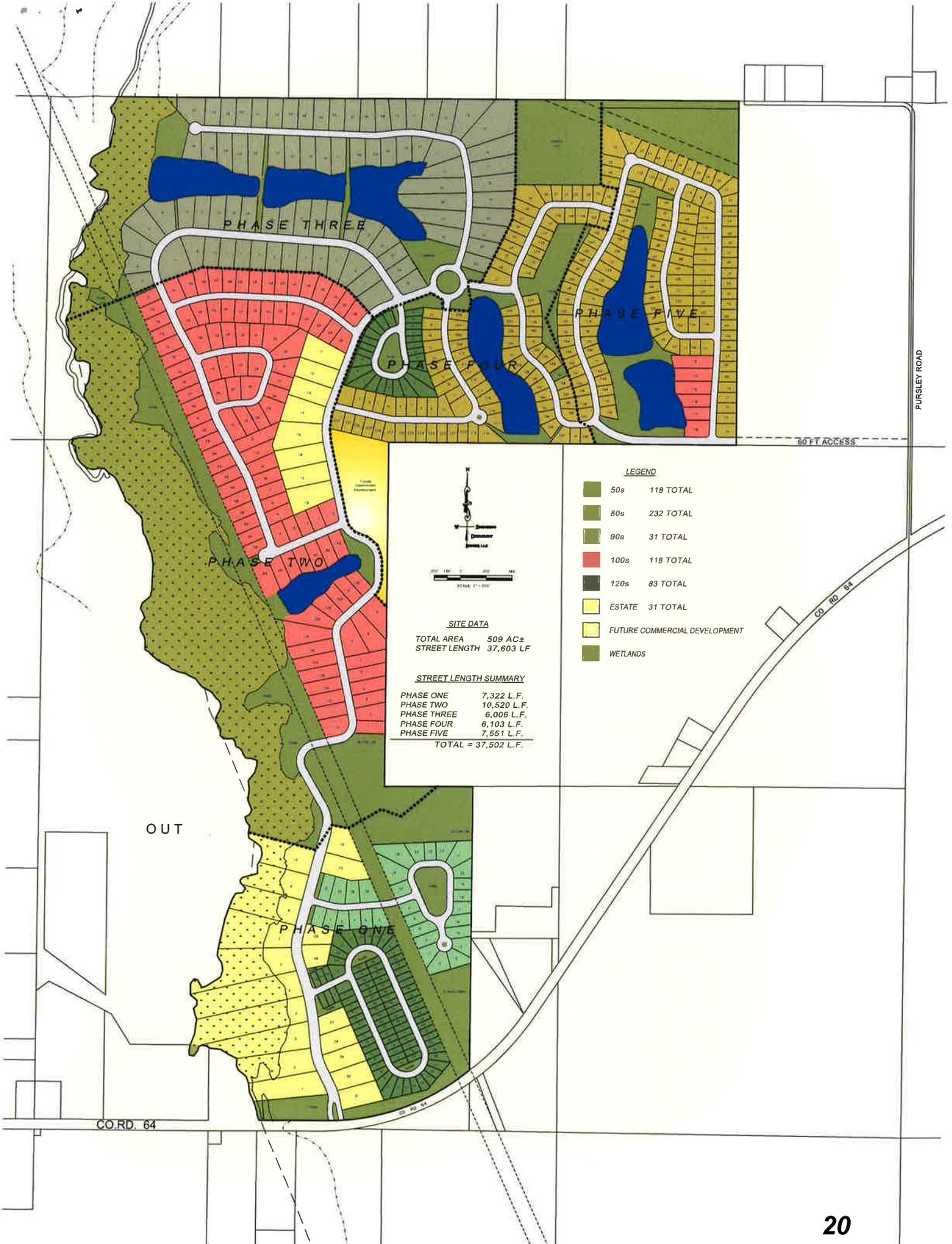
509 +/-
Acres



Fish River



County Road 54 West



LEGEND

- 50s 118 TOTAL
- 80s 232 TOTAL
- 90s 31 TOTAL
- 100s 118 TOTAL
- 120s 83 TOTAL
- ESTATE 31 TOTAL
- FUTURE COMMERCIAL DEVELOPMENT
- WETLANDS

SITE DATA

TOTAL AREA 509 AC±
STREET LENGTH 37,603 LF

STREET LENGTH SUMMARY

PHASE ONE	7,322 L.F.
PHASE TWO	10,520 L.F.
PHASE THREE	6,006 L.F.
PHASE FOUR	6,103 L.F.
PHASE FIVE	7,551 L.F.
TOTAL	= 37,502 L.F.

OUT

CO.RD. 64

PUBLIC HEARING
OCTOBER 19, 2015
TO CONSIDER:

- a.) Pre-zone:** *John W. West*
Present zoning: RSF-4, Two Family District, Baldwin County District 16, in the extra-territorial planning jurisdiction of Daphne
- Proposed zoning: B-1, Local Business, City of Daphne
- Location: Southwest of Holy Cross Circle and Holy Cross Drive
- Recommendation: Unanimous favorable
- b.) Annexation:** *John W. West*
Location: Southwest of Holy Cross Circle and Holy Cross Drive
- Recommendation: Unanimous favorable
- c.) Zoning Amendment** *Cadence Bank*
Present zoning: R-4, High Density Multi-Family Residential District, City of Daphne
- Proposed zoning: PUD, Planned Unit Development District, City of Daphne
- Location: One quarter mile south of the intersection of County Road 64 and Pollard Road
- Recommendation: Unanimous favorable
- d.) Pre-zoning:** *Cadence Bank*
Present zoning: RSF-2, Single Family District, Baldwin County District 15, in the extra-territorial planning jurisdiction
- Proposed Pre-zoning: PUD, Planned Unit Development, District, City of Daphne
- Location: One quarter mile south of the intersection of County Road 64 and Pollard Road
- Recommendation: Unanimous favorable
- e.) Annexation:** *Cadence Bank*
Location: One quarter mile south of the intersection of County Road 64 and Pollard Rd.
- Recommendation: Unanimous favorable
- f.) Revisions to the Land Use and Development Ordinance / Zoning Map**
- Recommendation: Favorable

To: Office of the City Clerk
From: Adrienne D. Jones, ~~Director of Community Development~~
Subject: John W. West
Pre-Zoning Amendment
Date: August 31, 2015

MEMORANDUM

PRESENT ZONING: RSF-4, Two Family District, Baldwin County District 16, in the extraterritorial planning jurisdiction of Daphne

PROPOSED ZONING: B-1, Local Business, City of Daphne

LOCATION: Southwest of Holy Cross Circle and Holy Cross Drive

RECOMMENDATION: At the Thursday, August 27, 2015, regular meeting of the Daphne Planning Commission, eight members were present. The motion carried for an **unanimous favorable recommendation** to the City Council of a pre-zoning amendment of the subject property for John W. West as B-1, Local Business.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Zoning Amendment Application
2. Legal Description
3. Boundary Survey
3. Adjacent property owners' list
4. Community Development Report



REZONING OR PRE-ZONING APPLICATION

Office use only	Date Submitted <u>July 14, 2015</u>
Application Number: ZA- or PZA- <u>15-04</u>	Planning Commission Public Hearing Date: <u>August 27, 2015</u>

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

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection): <u>Southwest of Holy Cross Circle + Holy Cross Drive</u>	PPIN#(s): <u>Lot 8 018238, Lot 9 018236</u>
Gross Site Area (acreage): <u>0.17 Lots 0.14 parcel</u>	Requested Zoning or Pre-Zoning: <u>B-1, Local Business</u>
Current Zoning Designation(s): <u>RPF-4, Two Family District 16</u>	Amended Request: Initials: Date:
Current Land Use: <u>unimproved</u>	Anticipated Land Use:
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": <u>attached</u>	

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).
 Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

**If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.*

Name of Current Owner: <u>John W. West</u>	Phone/Fax: <u>251-591-5650</u>
Mailing Address: <u>508 main st, Daphne</u>	E-mail:
Name of Authorized Agent: <u>at 34526</u>	
Mailing Address: <u>nl</u>	Phone/Fax: E-mail:
Name of Developer*: <u>n/a</u>	Phone/Fax: E-mail:
Other:	Phone/Fax: E-mail:

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

Applicant's Signature: <u>[Signature]</u>	Date <u>7/14/15</u>
Agent's Signature:	Date

**JOHN W. WEST
PREZONING REQUEST
LOT 5 AND 9 OF THE ISSAC AUSTIN PROPERTIES SUBDIVISION
SOUTHEAST OF MAIN STREET AND HOLY CROSS DRIVE**

EXHIBIT A

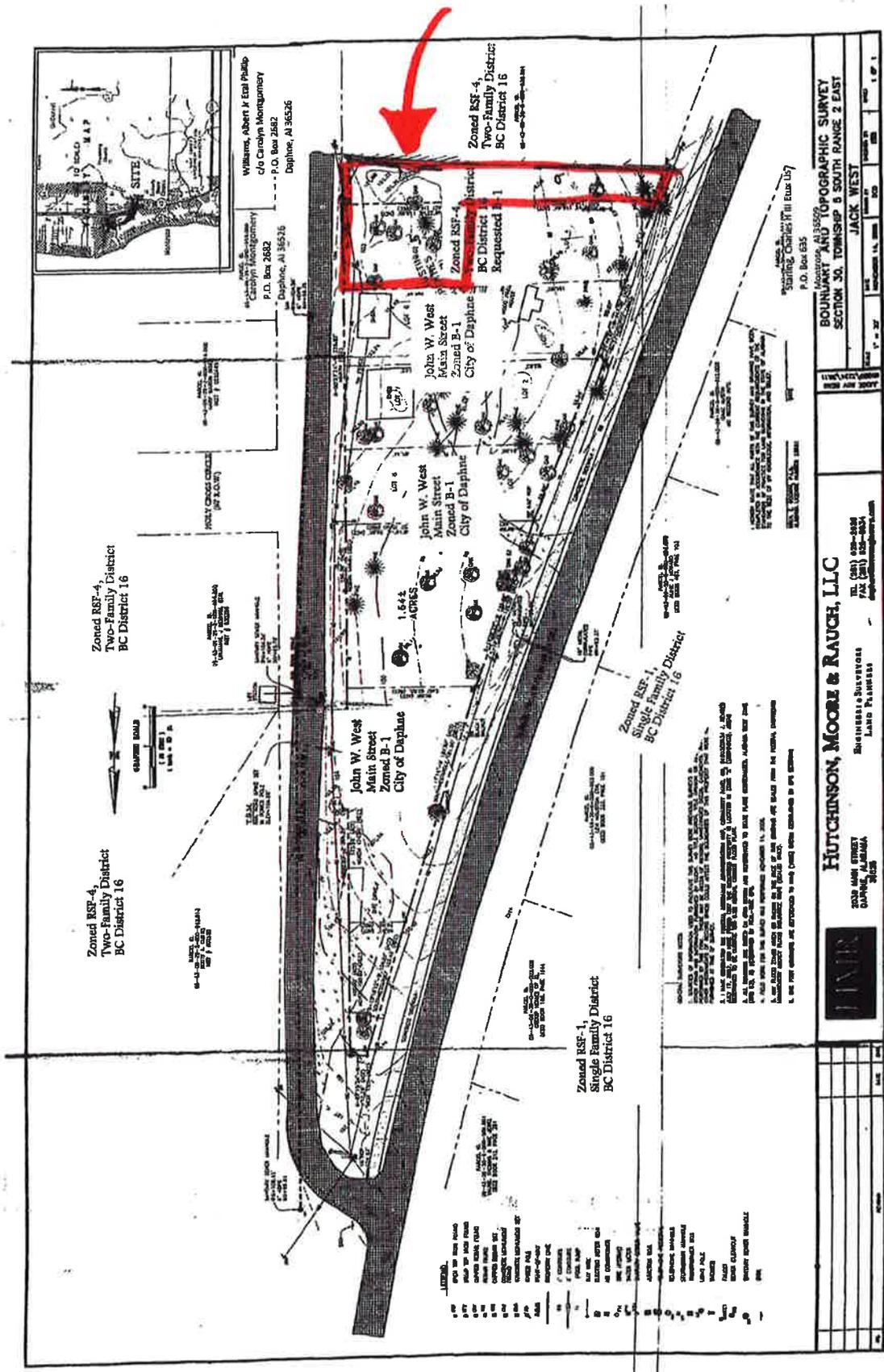
**STATE OF ALABAMA
COUNTY OF BALDWIN**

DESCRIPTIONS OF PROPERTY TO BE PRE-ZONED TO B-1, LOCAL BUSINESS:

Lot 5 of a subdivision showing part of the Issac Austin Properties as recorded in Map Book 4, page 232, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5, South, Range 2 East, containing 0.17 acres, more or less.

Lot 9, of an irregular subdivision of the Issac Austin Properties, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5 South, Range 2 East, containing 0.14 acres, more or less.

EXHIBIT "B"



HUTCHINSON, MOORE & RAUGH, LLC
 2004 MOORE STREET
 DAPHNE, ALABAMA 36526
 (904) 895-2000
 hmr@hmrllc.com

BOUNDARY AND TOPOGRAPHIC SURVEY
 SECTION 30, TOWNSHIP 5 SOUTH, RANGE 2 EAST
 JACK WEST

Scale: 1" = 20'

Surveyed: 11/11/2007

Station: Chain #11 (see list)
 P.O. Box 635

Zoning & Annexation Display
 Exhibit "A"

**JOHN W. WEST
PREZONING AND ANNEXATION REQUEST**

ADJACENT PROPERTY OWNER'S LIST

05-43-09-330-0-000-011.000
Solberg, Steven M. Etux Crispin A
P.O. Box 107
Point Clear, AL 36564

05-43-09-30-0-000-012.000
Austin, Kenneth Wayne
P.O. Box 415
Daphne, AL 36526

43-09-29-0-000-014.00
Riser, Mary Martin
1809 Yuille Lane
Daphne, Al 36526

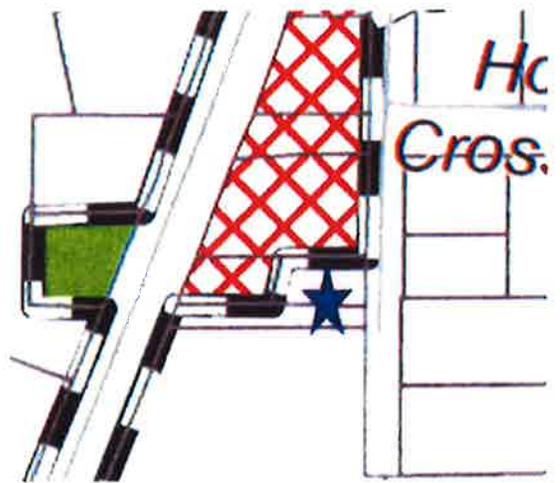
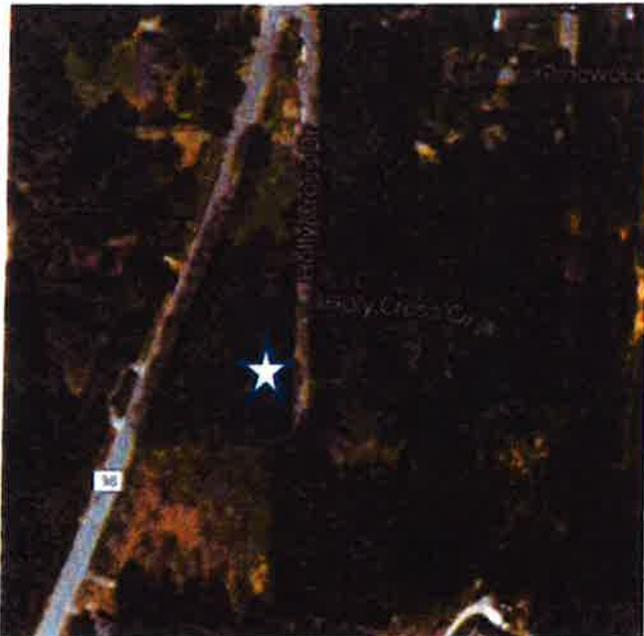
43-09-29-0-000-016.000
Williams, Albert Jr Etal Phillip
c/o Carolyn Montgomery
P.O. Box 2682
Daphne, Al 36526

43-09-29-0-000-015.000
Carolyn Montgomery
P.O. Box 2682
Daphne, Al 36526

43-09-30-0-000-035.004
Starling, Charles H III Etux Lis
P.O. Box 635
Montrose, Al 36509

43-09-30-0-000-009-000
43-09-30-0-000-035.001
West, John
508 Main Street
Daphne, Al 36526

PLANNING COMMISSION
PRE-ZONING REQUEST
JOHN W. WEST ON SCENIC 98



COMMUNITY DEVELOPMENT

Pre-zoning Request

**Southwest of the intersection of Holy Cross Circle and Holy Cross Drive
0.31 acres+/-**

Owner: John W. West

Existing Conditions: 0.31 acres+/- of undeveloped land

Existing Zoning: RSF-4 Two Family District in Baldwin County District 16

Proposed Zoning: B-1, Local Business

Surrounding Zonings/Uses:

North - B-1, Local Business

South - RSF-4 Two Family District in Baldwin County District 16

East - RSF-4 Two Family District in Baldwin County District 16

West - B-1, Local Business

Existing Utility Service Providers:

Water – Belforest Water

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

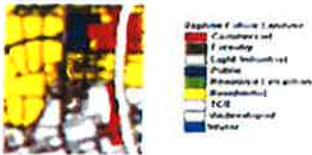
Police Protection-Police Beat 1

Public Works

Baldwin County Schools—n/a

FROM THE 2000-2020 COMPREHENSIVE PLAN (adopted on June 26, 2003):

The Comprehensive Plan designates this area as undeveloped. As previously stated, the Comprehensive Plan amendment is long overdue. Although no master plan or proposed use has been submitted with the applications, rezoning and annexing the 0.31 acre parcel B-1 would be appropriate because the zoning is consistent with the contiguous parcels to the north and west which are located in the city limits and are also owned by Mr. West.



**Related applications on August 2015 Planning Commission Agenda: 0.31 acres+/-
Annexation Request John W. West.**

Staff Recommendation: Approval. Although no master plan or proposed use has been submitted with the applications, rezoning and annexing the 0.31 acre parcel B-1 would be appropriate because the zoning is consistent with the contiguous parcels to the north and west which are located in the city limits and are also owned by Mr. West.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2015-**

**Ordinance to Pre-Zone Property Located
Southwest of Holy Cross Circle and Holy Cross Drive
John W. West**

WHEREAS, John W. West as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property be pre-zoned from RSF-4, Two Family District, Baldwin County District 16, in the extraterritorial planning jurisdiction of the City of Daphne, to B-1, Local Business District, City of Daphne; and

WHEREAS, said real property is Southwest of Holy Cross Circle and Holy Cross Drive, and more particularly described as follows:

Legal Description for Pre-zone:

Lot 5 of a subdivision showing part of the Issac Austin Properties as recorded in Map Book 4, page 232, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5, South, Range 2 East, containing 0.17 acres, more or less.

Lot 9, of an irregular subdivision of the Issac Austin Properties, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5 South, Range 2 East, containing 0.14 acres, more or less.

WHEREAS, at the regular Planning Commission meeting on August 27, 2015, the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on October 19, 2015; and,

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

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

SECTION I: ZONING

That above described real property is hereby pre-zoned from RSF-4, Two Family District, Baldwin County District 16, in the extraterritorial planning jurisdiction of the City of Daphne, to B-1, Local Business District, City of Daphne, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS day of , 2015.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

**JOHN W. WEST
PREZONING REQUEST
LOT 5 AND 9 OF THE ISSAC AUSTIN PROPERTIES SUBDIVISION
SOUTHEAST OF MAIN STREET AND HOLY CROSS DRIVE**

EXHIBIT A

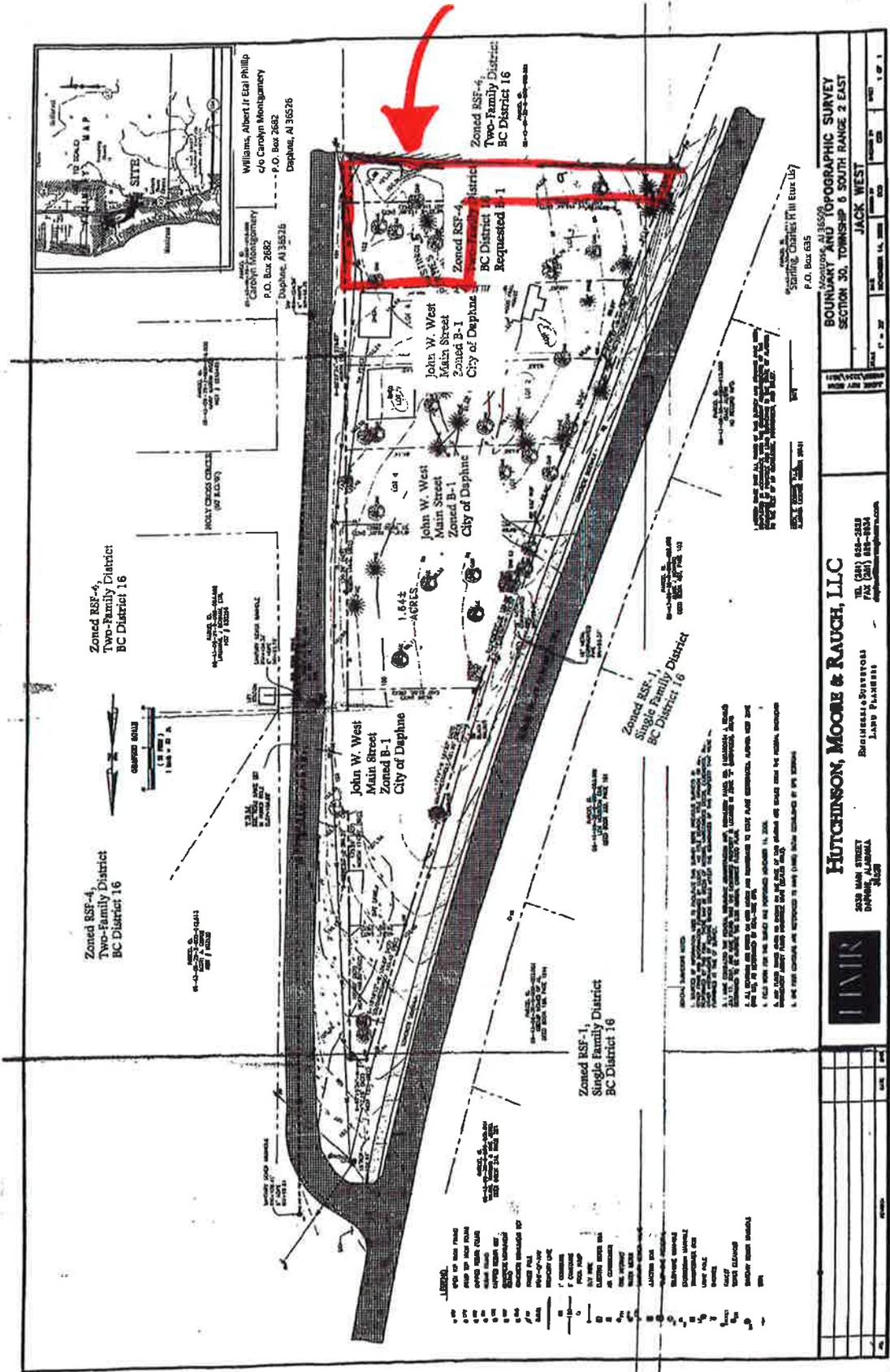
**STATE OF ALABAMA
COUNTY OF BALDWIN**

DESCRIPTIONS OF PROPERTY TO BE PRE-ZONED TO B-1, LOCAL BUSINESS:

Lot 5 of a subdivision showing part of the Issac Austin Properties as recorded in Map Book 4, page 232, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5, South, Range 2 East, containing 0.17 acres, more or less.

Lot 9, of an irregular subdivision of the Issac Austin Properties, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5 South, Range 2 East, containing 0.14 acres, more or less.

EXHIBIT "B"



To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: John W. West
Petition for Annexation
Date: August 31, 2015

MEMORANDUM

PRESENT ZONING: RSF-4, Two Family District, Baldwin County District 16, in the extraterritorial planning jurisdiction of Daphne

PROPOSED ZONING: B-1, Local Business, City of Daphne

LOCATION: Southwest of Holy Cross Circle and Holy Cross Drive

RECOMMENDATION: At the Thursday, August 27, 2015, regular meeting of the Daphne Planning Commission, eight members were present. The motion carried for an **unanimous favorable recommendation** to the City Council of the annexation of the subject property for John W. West as B-1, Local Business.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Petition for Annexation
2. Legal Description
3. Boundary Survey
4. Community Development Report

STATE OF ALABAMA

COUNTY OF BALDWIN

PETITION FOR ANNEXATION OF CERTAIN PROPERTY INTO THE CORPORATE LIMITS OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA

(John W. West)

The undersigned, John W. West, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, Lot 5 + Lot 9, Isaac Nish Properties Subdivision to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (**the "Property"**).

2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. **Owner:** The petitioner, John W. West, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall specifically include the conditions requested below upon annexing the property into the corporate limits of the City of Daphne.

Requested zoning, if other than R-1: _____

Any other conditions which may apply upon annexation: _____

B-1, Local Business

5. **Code:** This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

ADDITIONAL INFORMATION

We, the undersigned, constituting all of the owners of all of the hereinafter described real property do hereby execute and file this written petition asking and requesting that our property as described be annexed to the City of Daphne, Alabama, under the authority of Section 11-42-20 through 11-42-24, Code of Alabama 1975.

Initials: JW

We further certify that said property is contiguous to the city limits of Daphne, Alabama. A map and written legal description of said property is hereto attached.

Initials: JW

We certify that the property is a single or multiple parcels under single or multiple ownership.

Initials: JW

We certify that we fully understand that upon annexation, the subject property shall be subject to all laws and codes administered by the City of Daphne, including, but not limited to, the zoning code, the subdivision regulations and the municipal code of the City of Daphne.

Initials: JW

Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): B-1, Local Business, and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition.

Initials: JW

Or

Option# 2: We do hereby certify that we understand fully that upon annexation the subject property will be zoned R-1, Low Density Single Family Residential.

Initials: _____

We do hereby request that the Planning Commission and City Council give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the City of Daphne, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 16th day of April, 2016.

Legal Description Attached (Exhibit A)? YES Map or Survey Attached (Exhibit B)? YES
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission Attached (Exhibit C)? YES Acreage 0.30
Subdivision Name Tesco Austin Properties Lot Number(s) Lot 5 & 9

Names and Signature of ALL property owners:

Signature: John W. West #11115 Signature: _____

Printed Name: JOHN W. WEST Printed Name: _____

Mailing Address: 508 MAIN ST Mailing Address: _____

DATED this 16 day of April, 2015

Respectfully submitted by,

JOHN W. WEST
Name of Owner (Print)

John W. West
Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Rebecca Ann Hayes, the undersigned Notary Public in and for said county and state, hereby certify that John W. West has 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/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 16th day of April, 2015

Rebecca Ann Hayes
NOTARY PUBLIC

My commission expires: _____



Owner's Address

508 MAIN ST
DAPHNE AL. 36526

**JOHN W. WEST
ANNEXATION REQUEST
LOT 5 AND 9 OF THE ISSAC AUSTIN PROPERTIES SUBDIVISION
SOUTHEAST OF MAIN STREET AND HOLY CROSS DRIVE**

EXHIBIT A

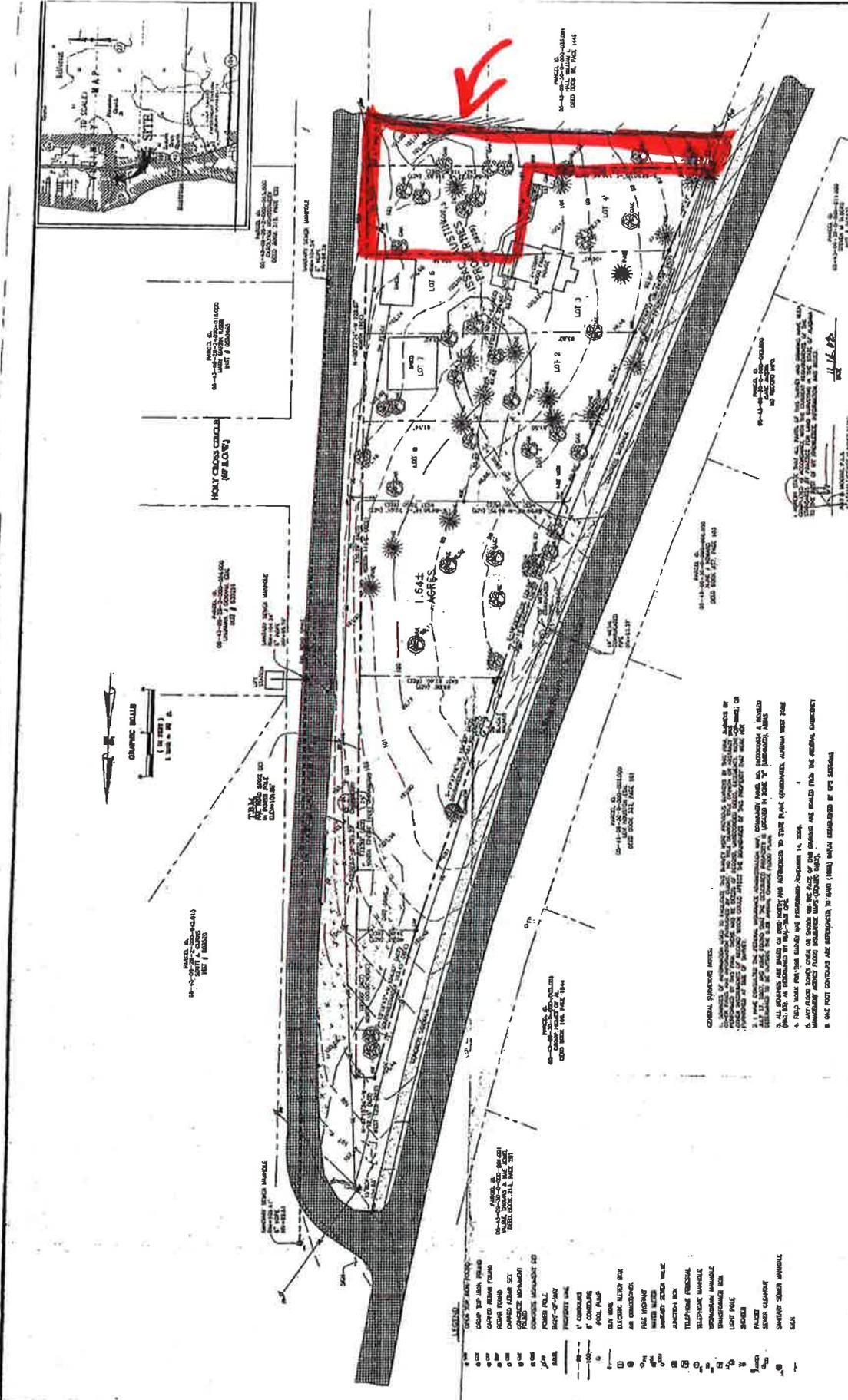
**STATE OF ALABAMA
COUNTY OF BALDWIN**

DESCRIPTIONS OF PROPERTY TO BE ANNEXED AS B-1, LOCAL BUSINESS:

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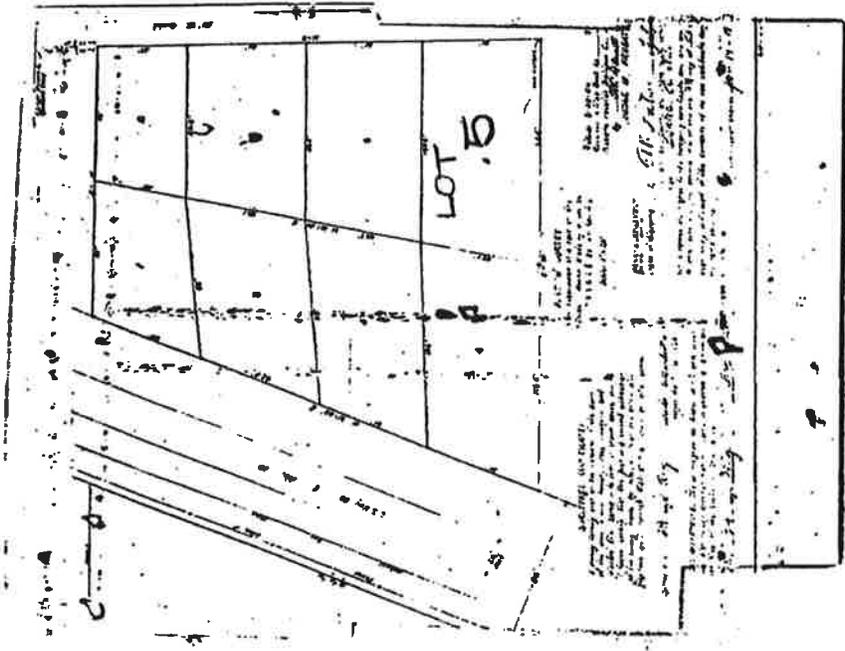
EXHIBIT "B"



- LEGEND**
- 1" = 100'
 - 1" = 200'
 - 1" = 400'
 - 1" = 800'
 - 1" = 1600'
 - 1" = 3200'
 - 1" = 6400'
 - 1" = 12800'
 - 1" = 25600'
 - 1" = 51200'
 - 1" = 102400'
 - 1" = 204800'
 - 1" = 409600'
 - 1" = 819200'
 - 1" = 1638400'
 - 1" = 3276800'
 - 1" = 6553600'
 - 1" = 13107200'
 - 1" = 26214400'
 - 1" = 52428800'
 - 1" = 104857600'
 - 1" = 209715200'
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 - 1" = 3355443200'
 - 1" = 6710886400'
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 - 1" = 107374182400'
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 - 1" = 120892581961462917470617600'
 - 1" = 241785163922925834941235200'
 - 1" = 483570327845851669882470400'
 - 1" = 967140655691703339764940800'
 - 1" = 1934281311383406679529881600'
 - 1" = 3868562622766813359059763200'
 - 1" = 7737125245533626718119526400'
 - 1" = 15474250491067253436239052800'
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 - 1" = 123794003928538027489912422400'
 - 1" = 247588007857076054979824844800'
 - 1" = 495176015714152109959649689600'
 - 1" = 990352031428304219919299379200'
 - 1" = 1980704062856608439838598758400'
 - 1" = 3961408125713216879677197516800'
 - 1" = 7922816251426433759354395033600'
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 - 1" = 32451855365842672678315602057625600'
 - 1" = 64903710731685345356631204115251200'
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 - 1" = 519229685853482802853049632922009600'
 - 1" = 1038459371706965605706099265844019200'
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 - 1" = 33230699894622899382595175107008614400'
 - 1" = 66461399789245798765190350214017228800'
 - 1" = 13292279957849159753038070042834457600'
 - 1" = 26584559915698319506076140085668915200'
 - 1" = 53169119831396639012152280171337830400'
 - 1" = 106338239662793278024304560342675660800'
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 - 1" = 1701411834604692448388872965482810572800'
 - 1" = 3402823669209384896777745930965621145600'
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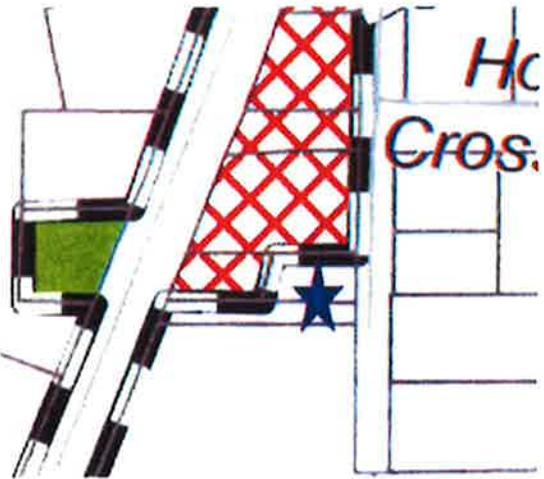
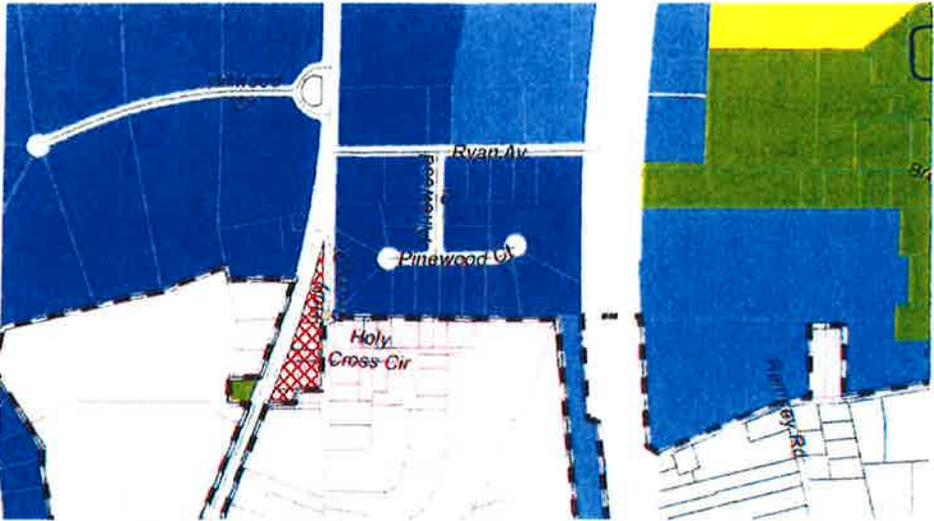
232

292 B



ISSAC AUSTIN
 PROPERTIES
 SUBDIVISION
 PLAT

PLANNING COMMISSION
ANNEXATION REQUEST
JOHN W. WEST ON SCENIC 98



**COMMUNITY DEVELOPMENT
ANNEXATION REQUEST**

**John W. West
Southwest of the intersection of Holy Cross Circle and Holy Cross Drive
0.31 acres+/-**

EXCERPT FROM ARTICLE 23-1 PROCEDURE [FOR ANNEXATION REQUESTS]

The application shall be reviewed by the Planning Commission at its next regular meeting and said Commission shall have thirty (30) calendar days from said regular meeting within which to submit a recommendation to the City Council. If the Commission fails to submit a recommendation to the City Council within the thirty (30) calendar day period, it shall be deemed to have approved the proposed amendment...Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the City Council with proper notice as required by law. Said public hearing shall be held at the earliest possible time to consider the proposed annexation, and the Council shall take action on said proposed annexation within forty-five (45) calendar days from the date of the public hearing except in the case where the tentative action is not in accordance with the Planning Commission's certified recommendation.

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

Any land annexed to the City of Daphne hereafter shall be classified as an R-1, Low Density Single Family Residential District unless otherwise recommended by the Planning Commission through the zoning amendment procedure provided in *Article 22-1, Zoning Amendment Procedures*. In such case, City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications recommended by the Planning Commission.

REQUEST

The applicant has submitted a petition to annex 0.31 acres of land into the corporate limits of Daphne. Additionally, the applicant has requested to pre-zone (see Code 11-52-85 attached) the site to B-1, Local Business District.

RECOMMENDATION

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. **Staff recommends approval of the request to annex this land into the City of Daphne because it is contiguous to and consistent with the abutting B-1 property owned by Mr. West.**

Code of Alabama Section 11-52-85

PRE-ZONING TERRITORY PROPOSED FOR ANNEXATION

Section 11-52-85 of the Code of Alabama allows “pre-zoning of property.” In this case, both requests have been submitted concurrently and are moving on the same path. The Planning Commission will make a recommendation to Council for zoning and also make a recommendation for annexation.

Code of Alabama Section 11-52-85

Pre-zoning of territory proposed for annexation by municipality. (Highlights by staff)

(a) A municipality which exercises its authority to zone territory within its corporate limits may pre-zone territory proposed for annexation into the corporate limits of the municipality prior to the effective date of the annexation by complying with this article. If all the requirements, including all notice and public hearing requirements, of this article are met, the zoning shall become effective upon the date the territory is annexed into the corporate limits, or upon the date the zoning process is completed, whichever is later.

(b) A municipality which exercises its authority to zone territory within its corporate limits shall pre-zone territory as provided in subsection (a) and issue a statement of zoning classification to an affected property owner if the individual property owner residing in the area to be annexed requests in writing that a zoning determination be made pursuant to this section prior to being annexed.

(c) Any pre-zoning established by a municipality pursuant to this section for territory proposed for annexation shall be null and void as to any portion of the territory that is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law.

(d) Nothing contained in this section shall allow a municipality to zone territory outside the corporate limits of the municipality that is not in the process of being annexed into the corporate limits of a municipality as provided by law.

(e) Section 6-5-127 shall be applicable to any property pre-zoned pursuant to this section.

(Act 2009-629, p. 1926, §1.)

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2015-**

**ORDINANCE TO ANNEX PROPERTY CONTIGUOUS
TO THE CORPORATE LIMITS OF THE CITY OF DAPHNE**

**Property Located Southwest of Holy Cross Circle and Holy Cross Drive
John W. West**

WHEREAS, on the 16th of April, 2015, being the owner of all real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, said petition did contain the signatures of all owners of the described territory, and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, after proper publication, a public hearing was held by the City Council on October 19, 2015 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on August 27, 2015, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation and said property; and

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

SECTION ONE: ANNEXATION

The City Council of the City of Daphne, Alabama finds that and declares as the legislative body of the City of Daphne, Alabama that it is in the best interest of the citizens of the City of Daphne, Alabama and the citizens of the affected area, to bring the territory described in Section Two of this Ordinance into the City of Daphne, Alabama, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, et seq., Code of Alabama, 1975; effective on publication as required by Section 11-42-21, Code of Alabama 1975, as amended.

SECTION TWO: DESCRIPTION OF TERRITORY

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described property, to-wit:

Legal Description for Annexation:

Lot 5 of a subdivision showing part of the Issac Austin Properties as recorded in Map Book 4, page 232, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5, South, Range 2 East, containing 0.17 acres, more or less.

Lot 9, of an irregular subdivision of the Issac Austin Properties, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5 South, Range 2 East, containing 0.14 acres, more or less.

SECTION THREE: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama is set forth and described in Exhibit "A" and attached hereto a map of the property (*Exhibit "B"*) showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this ordinance.

SECTION FOUR: PUBLICATION

This Ordinance shall be published as required by Section 11-42-21 Code of Alabama 1975, as amended, and the property described herein shall be annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office of the Judge of Probate of Baldwin County, Alabama as required by Section 11-42-21, Code of Alabama 1975, as amended.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE _____ DAY OF _____, 2015.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

**JOHN W. WEST
ANNEXATION REQUEST
LOT 5 AND 9 OF THE ISSAC AUSTIN PROPERTIES SUBDIVISION
SOUTHEAST OF MAIN STREET AND HOLY CROSS DRIVE**

EXHIBIT A

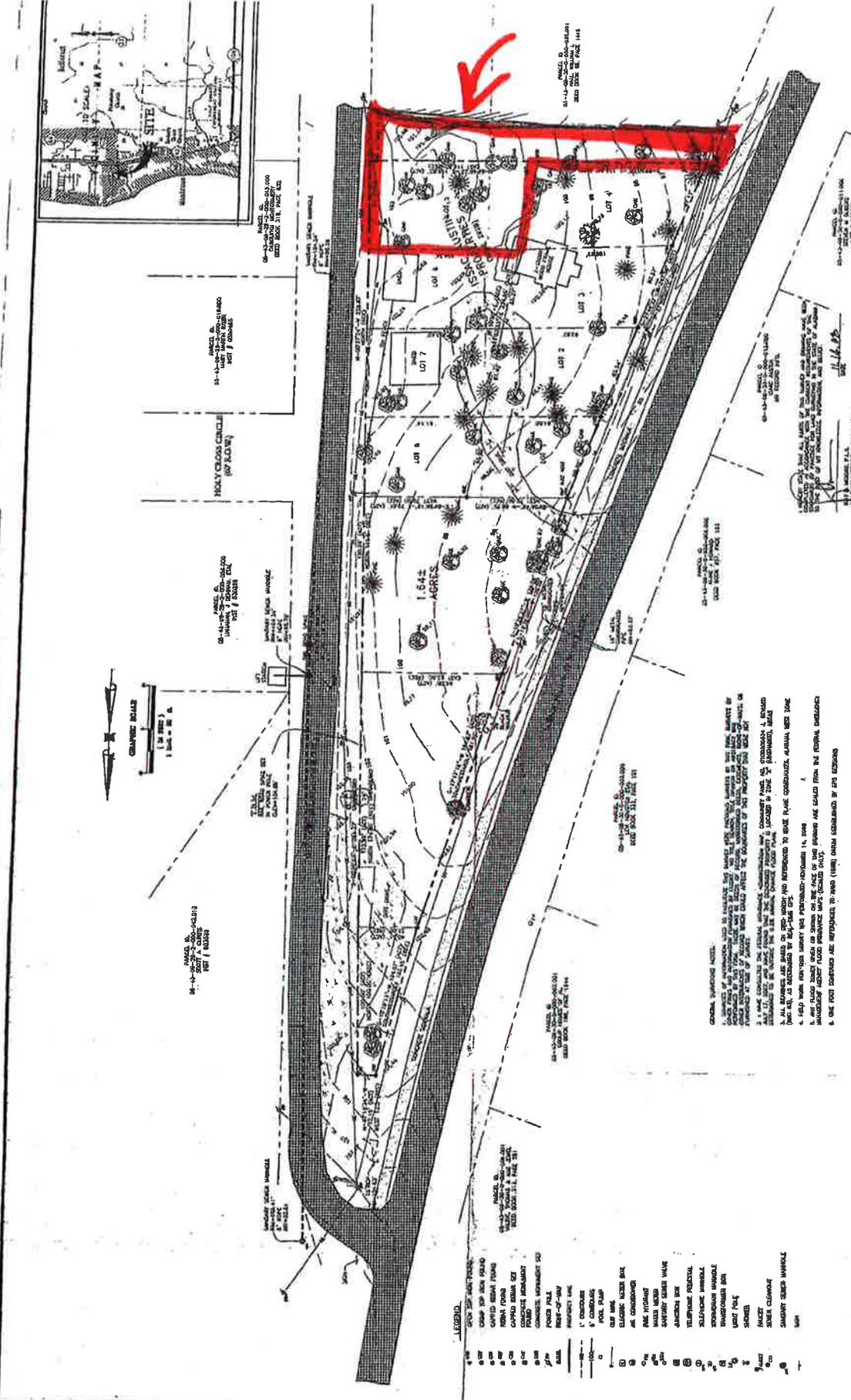
**STATE OF ALABAMA
COUNTY OF BALDWIN**

DESCRIPTIONS OF PROPERTY TO BE ANNEXED AS B-1, LOCAL BUSINESS:

Lot 5 of a subdivision showing part of the Issac Austin Properties as recorded in Map Book 4, page 232, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5, South, Range 2 East, containing 0.17 acres, more or less.

Lot 9, of an irregular subdivision of the Issac Austin Properties, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5 South, Range 2 East, containing 0.14 acres, more or less.

EXHIBIT "B"



- LEGEND**
- 1" = 100'
 - 1" = 200'
 - 1" = 300'
 - 1" = 400'
 - 1" = 500'
 - 1" = 600'
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 - 1" = 4900'
 - 1" = 5000'

GENERAL NOTES:

1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.
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10. ALL DIMENSIONS ARE TO CENTER UNLESS OTHERWISE NOTED.

HUTCHINSON, MOORE & RAUCH, LLC
 ENGINEERS-SURVEYORS
 LAND PLANNERS

2039 MAIN STREET
 DAPHNE, ALABAMA
 36520

TEL: (251) 624-8825
 FAX: (251) 624-8834
 dmr@hmr-rauch.com

BOUNDARY AND TOPOGRAPHIC SURVEY
 SECTION 30, TOWNSHIP 5 SOUTH RANGE 2 EAST
 JACK WEST

DATE: NOVEMBER 14, 2008
 SHEET NO. 1 OF 1

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Cadence Bank
Zoning Amendment
Date: August 31, 2015

MEMORANDUM

PRESENT ZONING: R-4, High Density Multi-Family Residential District, City of Daphne

PROPOSED ZONING: PUD, Planned Unit Development District, City of Daphne

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

RECOMMENDATION: At the Thursday, August 27, 2015, regular meeting of the Daphne Planning Commission, eight members were present. The motion carried for an **unanimous favorable recommendation** to the City Council of a zoning amendment of the subject property for Cadence Bank as a PUD, Planned Unit Development District.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Zoning Amendment Application
2. Legal Description
3. Boundary Survey
3. Adjacent property owners' list
4. Community Development Report



REZONING APPLICATION

Office use only _____ Date Submitted July 27, 2015
 Application _____ Planning Commission Public
 Number: ZA-15-03 Hearing Date: Aug 27, 2015

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

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection): <u>1/4-MILE SOUTH OF INTERSECTION OF COUNTY ROAD 64 AND POLLARD ROAD</u>		PPIN#(s): <u>3634</u> <u>3635</u>
Gross Site Area (acreage): <u>6.19 ACRES</u>	Requested Zoning: <u>PUD</u>	
Current Zoning Designation(s): <u>R-4</u>	Amended Zoning Request:	
	Initials:	Date:
Current Land Use: <u>UNDEVELOPED</u>	Anticipated Land Use: <u>MULTI-FAMILY RESIDENTIAL</u>	
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": <u>SEE ATTACHED</u>		

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).
Annexation **Subdivision** **Site Plan** **Special Exception** **Variance** **Specify Other**

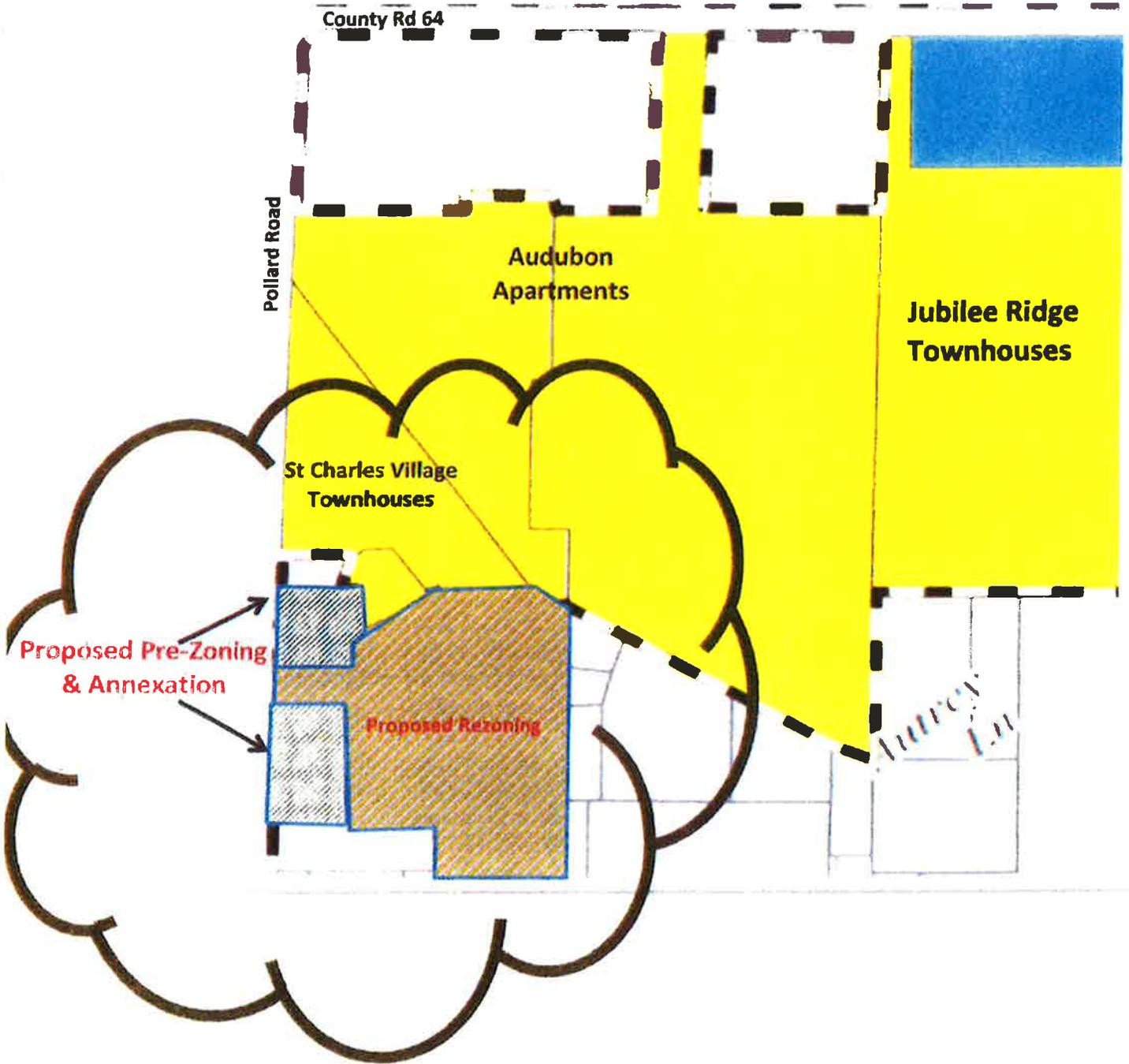
APPLICANT & AGENT INFORMATION

<i>*If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.</i>	
Name of Current Owner: <u>CADENCE BANK</u>	<u>205-488-3338</u>
Mailing Address: <u>2100 3RD AVE NORTH SUITE 1100 BIRMINGHAM, AL 35203</u>	Phone/Fax: E-mail:
Name of Authorized Agent:	
Mailing Address:	Phone/Fax: E-mail:
Name of Developer*: <u>VILLAS AT ST. CHARLES DEV. CO. 2015, LLC</u>	Phone/Fax: <u>251-625-1198</u> <u>251-650-1643</u> E-mail: <u>ncox@battleplancapital.com</u>
Other:	Phone/Fax: E-mail:

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

Applicant's Signature: <u>Charles Powell</u>	Date: <u>7/23/15</u>
Agent's Signature:	Date:

Summary: Cadence Bank PUD Request



VILLAS AT ST. CHARLES PUD STANDARDS

The Villas at St. Charles, a Planned Unit Development, is located on the east side of Pollard Road approximately a quarter of a mile south of County Road 64. This proposed development is a continuation of the existing St. Charles Village Condominium development. That development, which is known as Phase 1, consists of 36 condominium units. A pool and club house facility is also part of the development. The Declaration of Condominium documents provided development rights for 116 units for Phase 2.

The Phase 2 site consist of 7.28 acres, which includes Lots 1-3 (1.08 acres) of Bolar View Subdivision, and a 6.20 acre undeveloped tract. The developer has made application to annex the 3 lots into the City of Daphne. The 6.20 acre tract is in the City of Daphne corporate limits and is currently zoned R-4. The developer has also made applications for pre-zoning and rezoning to collective zone these properties to a PUD zone.

The proposed development will be townhomes, consisting of three 4-unit buildings, nine 6-unit buildings, and two 8-unit buildings, for a total of 82 units. The proposed density for this phase is 11.3 units per acre. The R-4 zoning of the existing 6.20 acre tract alone allows for a density of 14 units per acre which would allow for 86 units. The proposed 82 units is well below the 116 units allowed by the development rights and also less than the 86 units allowed by current zoning.

The maximum building height will not exceed those specified in the residential zoning districts of the Daphne Land Use and Development Ordinance, which is 2.5 stories or 35 ft. and building height as defined in the said Ordinance.

The proposed spacing between buildings will not be less than 20'. The minimum perimeter building setbacks will be as shown on the PUD Master Plan, Exhibit B. Generally the proposed setbacks are 40', 30', and 25'. The 30' and 25' setbacks are a proposed deviation from the 40' setback requirement for PUD developments. This development is not a highrise development and as stated above the building heights will not exceed 2.5 stories or 35'. In a residential development zoned R-4 or in the Innovative Design category of the Land Use Ordinance, the required setback is 25' from the front and rear property lines. We believe the nature of this development is such that excessive setbacks are not necessary. Given that, the majority of the setbacks are 40' from the adjacent properties.

Coverages and Open Space:

The total building coverage is 73,800 sq. ft. or 23.27% of the total site.

Total roadways, sidewalks, and driveways coverage is 81,295 sq. ft. or 25.64% of the total site.

Drainage pond coverages are 11,738 sq. ft. or 3.70% of the total site.

The total coverage is 3.83 acres or 52.61% of the total site.

The remaining area is 3.45 acres or 47.39% of open space. This will be grassed/landscaped areas which will be common property and maintained by the P.O.A.

There is an existing 0.5 acre site adjacent to this development that has a pool and clubhouse facility that was planned for the use of the existing condominium owners and for this development.

The developer proposes to make this development a part of the existing St. Charles Village Condominiums which is an existing gated community. The plan is to also gate the proposed Villas at St. Charles at its entrance off Pollard Road and connect the two sites at the terminus of the existing road inside St. Charles Village Condominiums. The residents of the new development will become members of the existing Homeowners Association and have the rights and responsibilities as defined in the Covenants and Restrictions. This will include the use and maintenance of the existing pool and club house facility. That existing facility was designed and located to serve both phases of the originally designed development.

All utilities will be constructed underground and water, sewer, electric, and telephone are all available to the site. The roadway within the development will be a private drive just as is the existing roadway in St. Charles Village Condominiums. A 50' ingress/egress and utility easement will be provided to access all of the units. Sidewalks will be located on both sides of the proposed roadway. All construction will be in accordance to the standards of the City of Daphne. The roadway system nor the gate will be maintained by the City of Daphne.

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

A decorative fence will be installed along Pollard Road to match, as close as possible, with the existing fence in St. Charles Village Condominium. Due to all areas outside of the buildings being common area, a landscape plan will be prepared for the overall site to insure landscaping is designed around all buildings and entryway.

Each unit within a building is a two story unit. There is a single car garage in each unit and additional parking outside of the garages. Each unit will have boundaries, ultimately defined on preliminary and final plats, with all areas located outside of the buildings being common areas and to be maintained by the Homeowners Association. The minimum spacing between buildings will be 20 feet and no building will be located closer than 25 feet to an exterior property line. In most cases they will be 30' to 40' from the exterior property lines.

The exterior finish of the proposed buildings will be similar in color and material type as of the existing condominium units. Landscaping will be provided around the buildings and a decorative fence installed along Pollard Road. The floor plans and elevation plans submitted with the application are a representation of what is proposed.

Finally, this proposed PUD development is in compliance with the newly adopted Planned Unit Development District regulations. The City's PUD regulations encourage flexibility in locating buildings, encourages mixtures of building types, and connectivity to adjoining developments. This development meets those conditions.

The City will have a less dense development than what is allowed in an R-4 (14 units per acre) zone. R-4 allows 3 story buildings and the proposed height in this development is 2 stories, which will also match the building heights in the existing St. Charles Village.

With PUD approval, the developer will follow up with a preliminary subdivision application whereby plats will show each building location and the division of each building into the individual units/lots. Ultimately, with final plat approval these plats will be recorded in the County Probate Office.

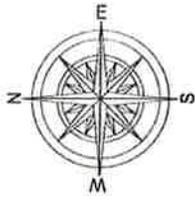
EXHIBIT A

LEGAL DESCRIPTION FOR 6.19 ACRES

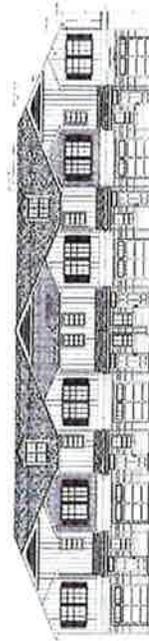
BEGINNING AT A 1/2 INCH CAPPED REBAR (LS #10675) AT THE NORTHWEST CORNER OT LOT 1 OF BOLAR VIEW SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 1532-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 01 DEGREES 04 MINUTES 08 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY OF POLLARD ROAD, A DISTANCE OF 328.91 FEET TO A 2 INCH CRIMP TOP IRON PIPE; THENCE RUN SOUTH 88 DEGREES 58 MINUTES 56 SECONDS EAST, A DISTANCE OF 163.13 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN SOUTH 00 DEGREES 49 MINUTES 24 SECONDS WEST, A DISTANCE OF 107.87 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN SOUTH 89 DEGREES 08 MINUTES 33 SECONDS EAST, A DISTANCE OF 200.79 FEET TO A 1/2 INCH CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 45 MINUTES 29 SECONDS WEST, A DISTANCE OF 119.64 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN SOUTH 88 DEGREES 52 MINUTES 30 SECONDS EAST, A DISTANCE OF 251.28 FEET TO A 1/2 INCH CAPPED REBAR (CA-0756-LS); THENCE RUN NORTH 01 DEGREES 42 MINUTES 21 SECONDS EAST, A DISTANCE OF 619.00 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS); THENCE RUN NORTH 61 DEGREES 24 MINUTES 06 SECONDS WEST, A DISTANCE OF 69.56 FEET TO A 1/2 INCH REBAR; THENCE RUN NORTH 88 DEGREES 46 MINUTES 57 SECONDS WEST, A DISTANCE OF 253.23 FEET TO 1/2 INCH CAPPED REBAR (CA-0951-LS); THENCE RUN SOUTH 36 DEGREES 03 MINUTES 26 SECONDS EAST, A DISTANCE OF 22.95 FEET TO A 1/2 INCH CAPPED REBAR (CA-0393-LS); THENCE RUN SOUTH 63 DEGREES 07 MINUTES 11 SECONDS WEST, A DISTANCE OF 167.13 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN NORTH 88 DEGREES 43 MINUTES 18 SECONDS WEST, A DISTANCE OF 174.49 FEET TO THE POINT OF BEGINNING.

LESS AND ACCEPT LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.

TRACT CONTAINS 6.19 ACRES, MORE OR LESS, AND LIES IN SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



Summary
 Total Acreage 7.3 Acres
 Total Units 82
 Density 11 / Acre



Front Elevation

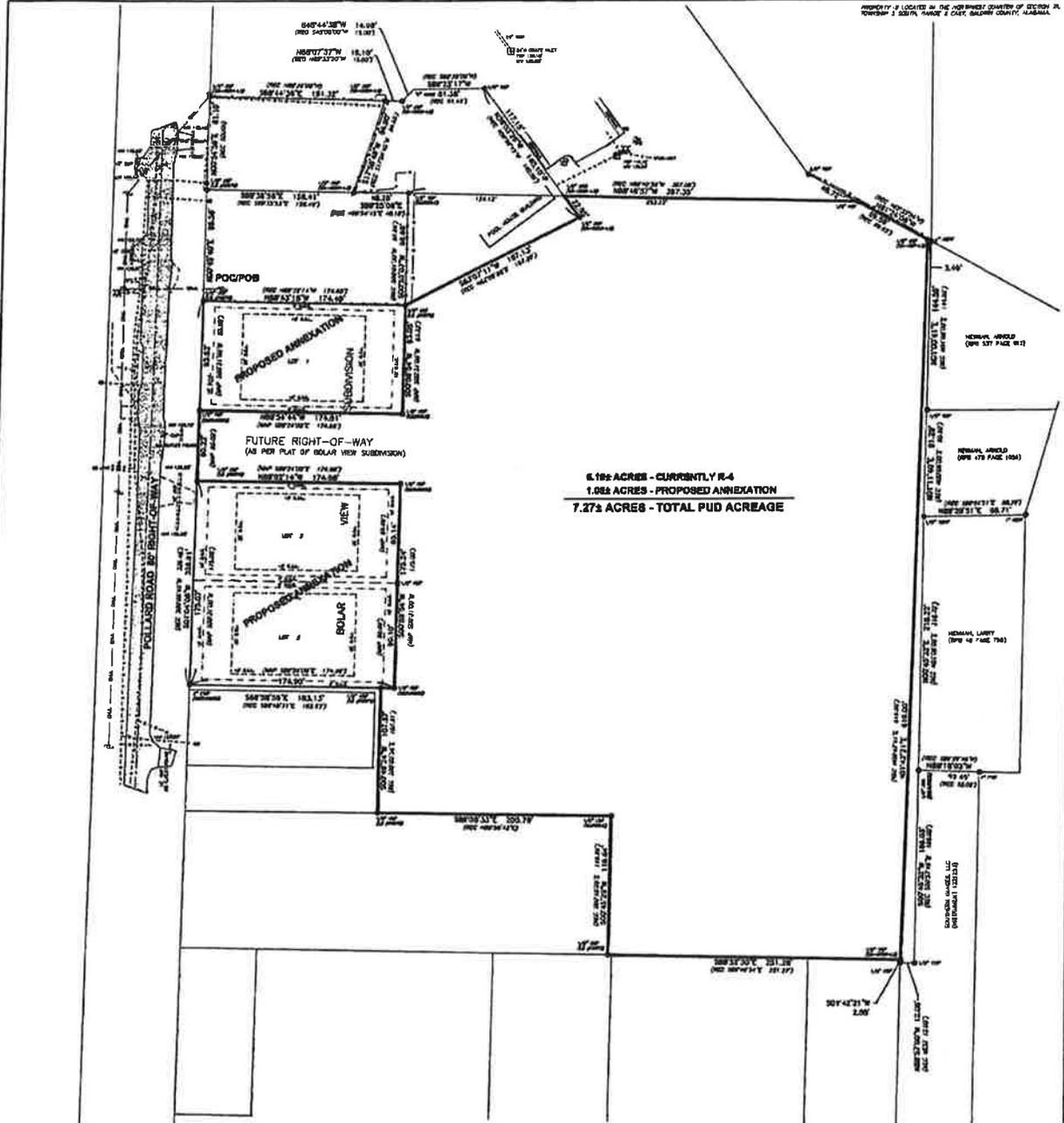
Villas at St. Charles

Daphne, Alabama

EXHIBIT "B"

REVISED PER DAPHNE PLANNING COMMISSION RECOMMENDATION





6.19± ACRES - CURRENTLY R-4
 1.08± ACRES - PROPOSED ANNEXATION
 7.27± ACRES - TOTAL PUD ACREAGE



- LEGEND:**
- = ELECTRIC BOX
 - = FIRE HYDRANT
 - = WELT
 - = TELEPHONE FOOTING
 - = GAS METER
 - = LIGHT POLE
 - = SAND ANCHOR
 - = UTILITY POLE
 - = WATER METER
 - = WATER VALVE
 - = CRAMP TOP IRON PIPE FOUND
 - = REBAR FOUND
 - = CAPTOP REBAR FOUND
 - = OPEN END IRON PIPE FOUND
 - = 1/2" CAPTOP REBAR SET (CONCRETE-LESS)
 - = 2" WELT IN CONCRETE
 - = 2" WELT IN CONCRETE
 - = CORRUGATED METAL, IRON PIPE
 - = CORRUGATED METAL, WPC
 - = CORRUGATED METAL, WPC
 - = CORRUGATED METAL, WPC
 - = REINFORCED CONCRETE, WPC
 - = REINFORCED CONCRETE, WPC
 - = REBAR FOUND WITH WPC OR PLAS REBARING AND COATING
 - = SAND LINE
 - = SHORING/CHURN LINE
 - = SEWER LINE
 - = WATER LINE
 - = CHAIN-LINK FENCE
 - = WOOD FENCE

FLOOD CERTIFICATE:
 AND PROPERTY LIES WITHIN THE "A" AS SHOWN FROM THE FEDERAL GOVERNMENT'S NATIONAL FLOOD INSURANCE MAP OF CALCAHOU PARISH, LOUISIANA, MAP NUMBER 15000-01-0001-0001, DATED JULY 17, 2007.

SURVEYOR'S NOTES:

1. ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH ALL SURVEYING PRACTICES AS APPLICABLE BY STATE OF LOUISIANA.
2. THE PROPERTY IS BOUNDARY BY SURVEY.
3. THE PROPERTY IS BOUNDARY BY SURVEY.
4. THE PROPERTY IS BOUNDARY BY SURVEY.
5. THE PROPERTY IS BOUNDARY BY SURVEY.
6. THE PROPERTY IS BOUNDARY BY SURVEY.
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8. THE PROPERTY IS BOUNDARY BY SURVEY.
9. THE PROPERTY IS BOUNDARY BY SURVEY.
10. THE PROPERTY IS BOUNDARY BY SURVEY.

SURVEYOR'S CERTIFICATE:
 STATE OF LOUISIANA
 COUNTY OF CALCAHOU

I, **DAVID S. DICK**, a duly licensed Professional Engineer in the State of Louisiana, do hereby certify that the above and foregoing plat is a true and correct copy of the original plat as filed in my office on this 11th day of July, 2015.

David S. Dick
 DAVID S. DICK, P.E.
 AL. P.E. No. 8817

EXHIBIT C

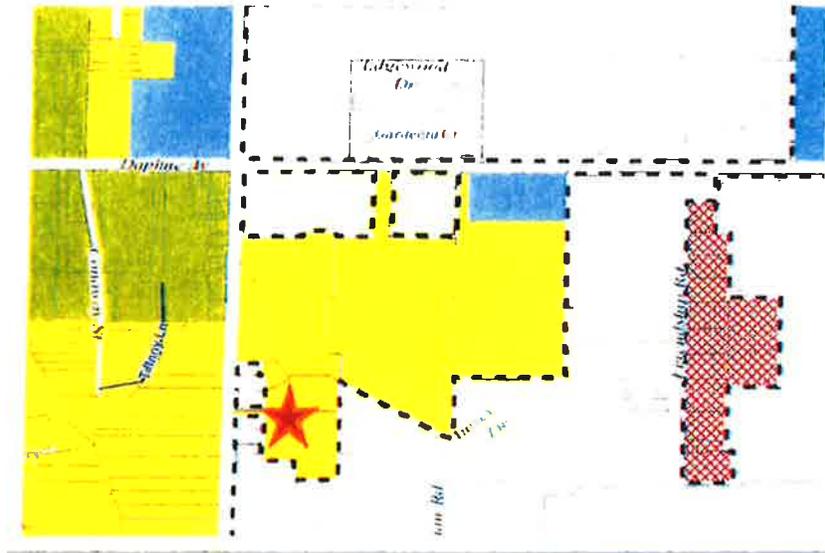
BOUNDARY SURVEY & ZONING DISPLAY
VILLAS AT ST. CHARLES VILLAGES

PREBLE-RISH L.L.C.
 CONSULTING ENGINEERS & SURVEYORS
 1000 PINEWOOD DRIVE, SUITE 100
 MONROE, LOUISIANA 70132
 PHONE: (504) 281-1111
 FAX: (504) 281-1112
 WWW.PREBLE-RISH.COM

ADJACENT PROPERTY OWNERS TO 6.2 ACRE SITE

Pid	Owner	Address	City	St	Zip
05-43-05-21-0-000-020.004	NEWMAN, ARNOLD	25719 NEWMAN RD	DAPHNE	AL	36526
05-43-04-20-1-000-072.000	KING, FRANCINE ETAL MOORE, GAYLE; HUNTER	1501 POLLARD RD	DAPHNE	AL	36526
05-43-05-21-0-000-012.000	CLAUSELL, RUTH S ETAL STALLWORTH, CALVIN	25648 POLLARD RD	DAPHNE	AL	36526
05-43-05-21-0-000-019.000	SOUTHERN IMAGES L L C	P O BOX 37	FAIRHOPE	AL	36533
05-43-04-20-1-000-073.000	HENINGBURG, PATRICIA ANITA	9180 SHADOW CK LN APT 106	CONVERSE	TX	78109
05-43-05-21-0-000-020.003	NEWMAN, LARRY	25719 NEWMAN RD	DAPHNE	AL	36526
05-43-05-21-0-000-018.000	KING, HENRY T & LUCILLE	P O BOX 23	DAPHNE	AL	36526
05-43-05-21-0-000-006.000	JBSM DEVELOPMENT COMPANY L L C	P O BOX 241402	MONTGOMERY	AL	36124
05-43-05-21-0-000-016.000	DALE, LENA MAE	P O BOX 189	MONTRORSE	AL	36559
05-43-05-21-0-000-020.000	NEWMAN, ARNOLD ETAL NEWMAN, BETTY	25719 NEWMAN RD	DAPHNE	AL	36526
05-43-05-21-0-000-006.003	AUDUBON PARK APARTMENTS L L C	PO BOX 450233	ATLANTA	GA	31145
05-43-05-21-0-000-007.000	ST CHARLES VILLAGE (MASTERCARD)	8757 RAND AVENUE SUITE C	DAPHNE	AL	36526
05-43-05-21-0-000-015.000	YOUNG, OSCAR & ORA BELL	45640 OLD CARNEY RD	BAY MINETTE	AL	36507
05-43-05-21-0-000-011.001	YOUNG, WILLIE LEE	25602 POLLARD RD	DAPHNE	AL	36526
05-43-05-21-0-000-007.001	ST CHARLES VILLAGE (MASTERCARD)	8757 RAND AVENUE SUITE C	DAPHNE	AL	36526
05-43-05-21-0-000-009.000	WHITE, VERA	25738 POLLARD RD	DAPHNE	AL	36526
05-43-05-21-0-000-011.002	CLAUSELL, RUTH S ETAL STALLWORTH, CALVIN	25648 POLLARD RD	DAPHNE	AL	36526
05-43-05-21-0-000-010.002	CADENCE BANK	2100 3RD AVE NORTH STE 1100	BIRMINGHAM	AL	35203
05-43-05-21-0-000-011.003	CADENCE BANK	2100 3RD AVE NORTH STE 1100	BIRMINGHAM	AL	35203
05-43-05-21-0-000-011.004	CADENCE BANK	2100 3RD AVE NORTH STE 1100	BIRMINGHAM	AL	35203

PLANNING COMMISSION
REZONING FOR CADENCE BANK
THE VILLAS OF
ST. CHARLES VILLAGE PUD



COMMUNITY DEVELOPMENT

**Rezoning Request
Pollard Road, south of intersection of County Road 64
(Cadence Bank)
6.19 acres**

Owner: Cadence Bank

Existing Conditions: 6.19 acres of undeveloped land

Existing Zoning: R-4, High Density Multi-Family Residential

Proposed Zoning: Planned Unit Development (PUD)

Surrounding Zonings/Uses:

North – R-4, High Density Multi-Family Residential

South - Baldwin County RSF-2, Single Family Residential

West –R-4, High Density Single Family Residential

East – Baldwin County RSF-2, Single Family Residential

Existing Utility Service Providers:

Water - Daphne Utilities

Sewer - Daphne Utilities

Gas - Daphne Utilities

Electric - Riviera Utilities

Affected City Service Providers:

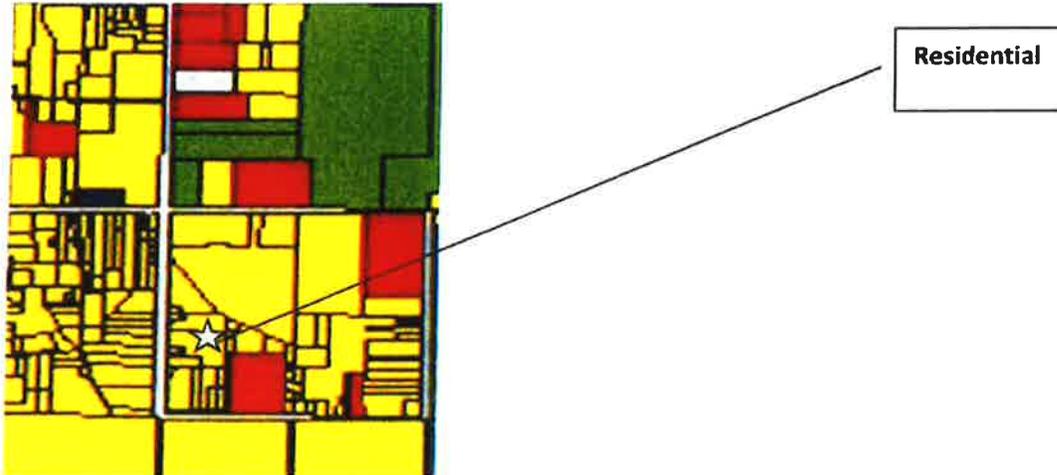
Fire Protection— Station 1

Police Protection—Police Beat 1

Public Works

Baldwin County Schools—n/a

FROM THE 2000-2020 COMPREHENSIVE PLAN (adopted on June 26, 2003):
The Comprehensive Plan designates this area as a residential use. Therefore, the requested zoning is consistent with the Future Land Use Designation.



Related applications on April 2015 Planning Commission Agenda: 1.08 acres
Pre-Zoning Request and Annexation Request by Cadence Bank.

PUD Review: Recommend approval contingent upon setback greater than 25-ft
along property boundaries that abut existing single family dwellings. See excerpt
from PUD regulations and District Requirements.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2015-**

**Ordinance to Rezone Property Located
One Quarter Mile South of the Intersection of County Road 64 and Pollard Road
Cadence Bank**

WHEREAS, Cadence Bank as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-4, High Density Multi-Family Residential District to PUD, Planned Unit Development District; and,

WHEREAS, said real property is located one quarter mile south of the intersection of County Road 64 and Pollard Road, and more particularly described as follows:

LEGAL DESCRIPTION FOR 6.19 ACRES

BEGINNING AT A 1/2 INCH CAPPED REBAR (LS #10675) AT THE NORTHWEST CORNER OF LOT 1 OF BOLAR VIEW SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 1532-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 01 DEGREES 04 MINUTES 08 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY OF POLLARD ROAD, A DISTANCE OF 328.91 FEET TO A 2 INCH CRIMP TOP IRON PIPE; THENCE RUN SOUTH 88 DEGREES 58 MINUTES 56 SECONDS EAST, A DISTANCE OF 163.13 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN SOUTH 00 DEGREES 49 MINUTES 24 SECONDS WEST, A DISTANCE OF 107.87 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN SOUTH 89 DEGREES 08 MINUTES 33 SECONDS EAST, A DISTANCE OF 200.79 FEET TO A 1/2 INCH CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 45 MINUTES 29 SECONDS WEST, A DISTANCE OF 119.64 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN SOUTH 88 DEGREES 52 MINUTES 30 SECONDS EAST, A DISTANCE OF 251.28 FEET TO A 1/2 INCH CAPPED REBAR (CA-0756-LS); THENCE RUN NORTH 01 DEGREES 42 MINUTES 21 SECONDS EAST, A DISTANCE OF 619.00 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS); THENCE RUN NORTH 61 DEGREES 24 MINUTES 06 SECONDS WEST, A DISTANCE OF 69.56 FEET TO A 1/2 INCH REBAR; THENCE RUN NORTH 88 DEGREES 46 MINUTES 57 SECONDS WEST, A DISTANCE OF 253.23 FEET TO 1/2 INCH CAPPED REBAR (CA-0951-LS); THENCE RUN SOUTH 36 DEGREES 03 MINUTES 26 SECONDS EAST, A DISTANCE OF 22.95 FEET TO A 1/2 INCH CAPPED REBAR (CA-0393-LS); THENCE RUN SOUTH 63 DEGREES 07 MINUTES 11 SECONDS WEST, A DISTANCE OF 167.13 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN NORTH 88 DEGREES 43 MINUTES 18 SECONDS WEST, A DISTANCE OF 174.49 FEET TO THE POINT OF BEGINNING.

LESS AND ACCEPT LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.

TRACT CONTAINS 6.19 ACRES, MORE OR LESS, AND LIES IN SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the City of Daphne Planning Commission meeting on August 27, 2015 the Commission considered said request and set forth a unanimous favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on October 19, 2015; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the recommendation of the Planning Commission, and the public hearing deemed that said application for rezoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama.

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

SECTION I: ZONING

That above described real property is hereby rezoned from R-4, High Density Multi-Family Residential District to PUD, Planned Unit Development District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2015.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

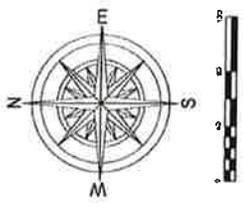
EXHIBIT A

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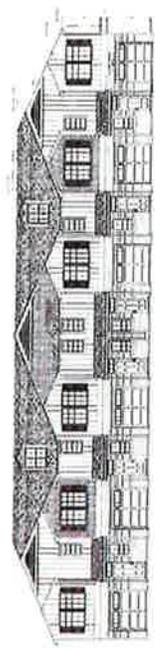
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TRACT CONTAINS 6.19 ACRES, MORE OR LESS, AND LIES IN SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



Summary
 Total Acreage 7.3 Acres
 Total Units 82
 Density 11 / Acre



Front Elevation

Villas at St. Charles

Daphne, Alabama

EXHIBIT "B"

REVISED PER DAPHNE PLANNING COMMISSION RECOMMENDATION

MEMORANDUM

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Cadence Bank
Pre-Zoning Amendment

Reference: Lots 1, 2 & 3, Bolar View
Subdivision

Date: August 31, 2015

PRESENT ZONING: RSF-2, Single Family District, Baldwin
County District 15, in the
extraterritorial planning jurisdiction
of Daphne

PROPOSED PRE-ZONING: PUD, Planned Unit Development District,
City of Daphne

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

RECOMMENDATION: At the Thursday, August 27, 2015, regular
meeting of the Daphne Planning Commission,
eight embers were present. The motion carried
for an **unanimous favorable recommendation** to
the City Council of a pre-zoning of the
subject property for Cadence Bank as a PUD,
Planned Unit Development District.

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

Upon receipt of said documentation, please prepare an
ordinance for placement on the City Council agenda to
set a public hearing.

Thank you,
ADJ/jv

cc: file

attachment(s)

- 1. Pre-zoning Application
- 2. Legal Description
- 3. Boundary Survey
- 3. Adjacent property owners' list
- 4. Community Development Report



REZONING OR PRE-ZONING APPLICATION

Office use only	Date Submitted July 27, 2015
Application Number: ZA- or PZA-15-05	Planning Commission Public Hearing Date: Aug 27, 2015

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

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection): 1/4 MILE SOUTH OF INTERSECTION OF COUNTY ROAD 64 AND POLLARD ROAD	PPIN#(s): 200460 200461 200462
Gross Site Area (acreage): 1.08 ACRES	Requested Zoning or Pre-Zoning: PUD
Current Zoning Designation(s): RSF-2 BALDWIN COUNTY DISTRICT 15 (PROPOSED ANNEXATION INTO CITY)	Amended Request: Initials: Date:
Current Land Use: UNDEVELOPED	Anticipated Land Use: MULTI-FAMILY RESIDENTIAL
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": SEE ATTACHED	

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).
Annexation Subdivision Site Plan Special Exception Variance Specify Other

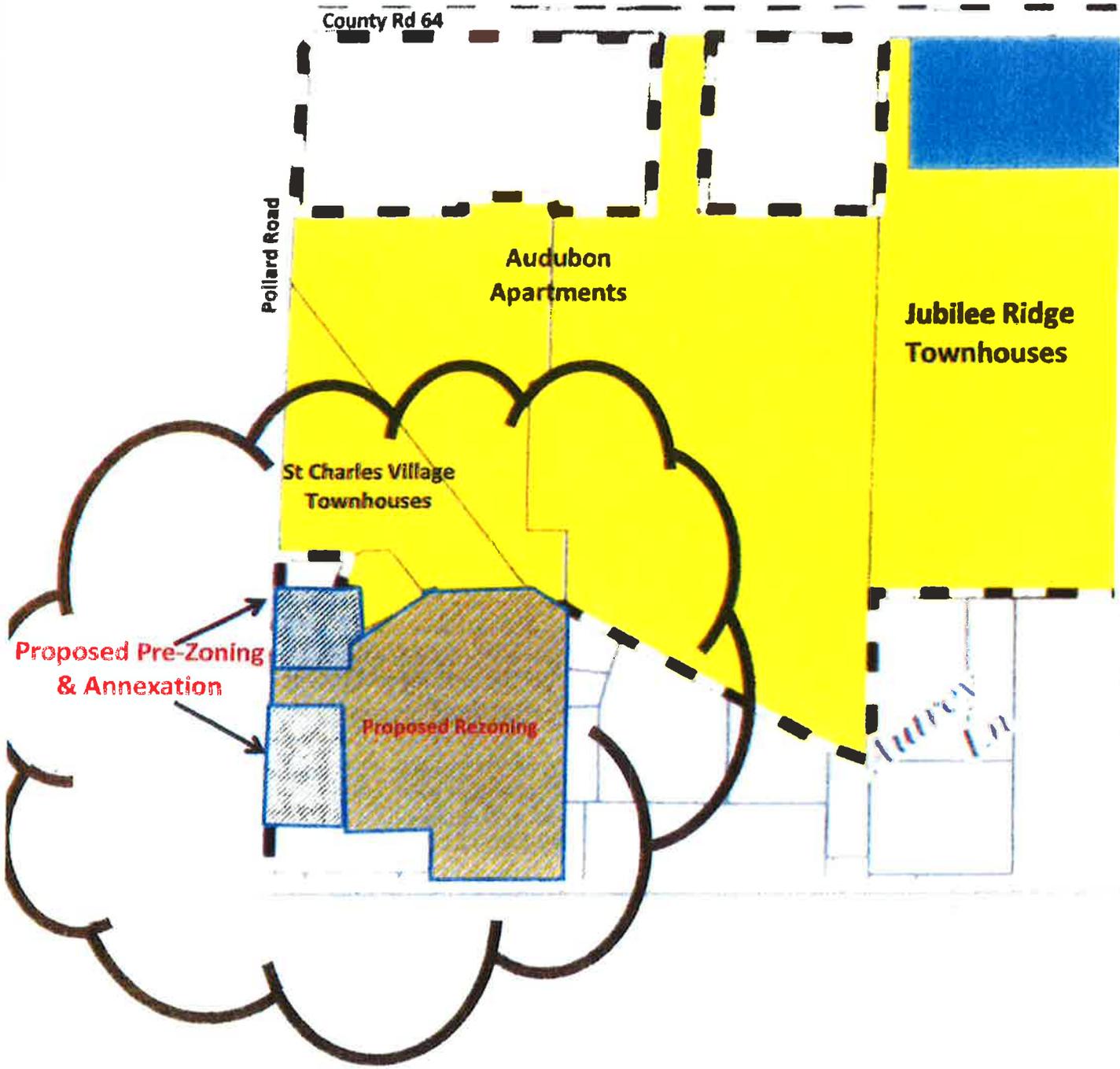
APPLICANT & AGENT INFORMATION

<i>*If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.</i>	
Name of Current Owner: CADENCE BANK	205-488-3338
Mailing Address: 2100 3RD AVE NORTH SUITE 1100 BIRMINGHAM, AL 35203	Phone/Fax: E-mail:
Name of Authorized Agent:	Phone/Fax: E-mail:
Mailing Address:	Phone/Fax: E-mail:
Name of Developer*: VILLAS AT ST. CHARLES DEV. CO. 2015, LLC	Phone/Fax: 251-625-1198 E-mail: ncox@battleplancapital.com
Other:	Phone/Fax: E-mail:

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

Applicant's Signature: Charles Powell	Date 7/23/15
Agent's Signature:	Date

Summary: Cadence Bank PUD Request



VILLAS AT ST. CHARLES PUD STANDARDS

The Villas at St. Charles, a Planned Unit Development, is located on the east side of Pollard Road approximately a quarter of a mile south of County Road 64. This proposed development is a continuation of the existing St. Charles Village Condominium development. That development, which is known as Phase 1, consists of 36 condominium units. A pool and club house facility is also part of the development. The Declaration of Condominium documents provided development rights for 116 units for Phase 2.

The Phase 2 site consist of 7.28 acres, which includes Lots 1-3 (1.08 acres) of Bolar View Subdivision, and a 6.20 acre undeveloped tract. The developer has made application to annex the 3 lots into the City of Daphne. The 6.20 acre tract is in the City of Daphne corporate limits and is currently zoned R-4. The developer has also made applications for pre-zoning and rezoning to collective zone these properties to a PUD zone.

The proposed development will be townhomes, consisting of three 4-unit buildings, nine 6-unit buildings, and two 8-unit buildings, for a total of 82 units. The proposed density for this phase is 11.3 units per acre. The R-4 zoning of the existing 6.20 acre tract alone allows for a density of 14 units per acre which would allow for 86 units. The proposed 82 units is well below the 116 units allowed by the development rights and also less than the 86 units allowed by current zoning.

The maximum building height will not exceed those specified in the residential zoning districts of the Daphne Land Use and Development Ordinance, which is 2.5 stories or 35 ft. and building height as defined in the said Ordinance.

The proposed spacing between buildings will not be less than 20'. The minimum perimeter building setbacks will be as shown on the PUD Master Plan, Exhibit B. Generally the proposed setbacks are 40', 30', and 25'. The 30' and 25' setbacks are a proposed deviation from the 40' setback requirement for PUD developments. This development is not a highrise development and as stated above the building heights will not exceed 2.5 stories or 35'. In a residential development zoned R-4 or in the Innovative Design category of the Land Use Ordinance, the required setback is 25' from the front and rear property lines. We believe the nature of this development is such that excessive setbacks are not necessary. Given that, the majority of the setbacks are 40' from the adjacent properties.

Coverages and Open Space:

The total building coverage is 73,800 sq. ft. or 23.27% of the total site.

Total roadways, sidewalks, and driveways coverage is 81,295 sq. ft. or 25.64% of the total site.

Drainage pond coverages are 11,738 sq. ft. or 3.70% of the total site.

The total coverage is 3.83 acres or 52.61% of the total site.

The remaining area is 3.45 acres or 47.39% of open space. This will be grassed/landscaped areas which will be common property and maintained by the P.O.A.

There is an existing 0.5 acre site adjacent to this development that has a pool and clubhouse facility that was planned for the use of the existing condominium owners and for this development.

The developer proposes to make this development a part of the existing St. Charles Village Condominiums which is an existing gated community. The plan is to also gate the proposed Villas at St. Charles at its entrance off Pollard Road and connect the two sites at the terminus of the existing road inside St. Charles Village Condominiums. The residents of the new development will become members of the existing Homeowners Association and have the rights and responsibilities as defined in the Covenants and Restrictions. This will include the use and maintenance of the existing pool and club house facility. That existing facility was designed and located to serve both phases of the originally designed development.

All utilities will be constructed underground and water, sewer, electric, and telephone are all available to the site. The roadway within the development will be a private drive just as is the existing roadway in St. Charles Village Condominiums. A 50' ingress/egress and utility easement will be provided to access all of the units. Sidewalks will be located on both sides of the proposed roadway. All construction will be in accordance to the standards of the City of Daphne. The roadway system nor the gate will be maintained by the City of Daphne.

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

A decorative fence will be installed along Pollard Road to match, as close as possible, with the existing fence in St. Charles Village Condominium. Due to all areas outside of the buildings being common area, a landscape plan will be prepared for the overall site to insure landscaping is designed around all buildings and entryway.

Each unit within a building is a two story unit. There is a single car garage in each unit and additional parking outside of the garages. Each unit will have boundaries, ultimately defined on preliminary and final plats, with all areas located outside of the buildings being common areas and to be maintained by the Homeowners Association. The minimum spacing between buildings will be 20 feet and no building will be located closer than 25 feet to an exterior property line. In most cases they will be 30' to 40' from the exterior property lines.

The exterior finish of the proposed buildings will be similar in color and material type as of the existing condominium units. Landscaping will be provided around the buildings and a decorative fence installed along Pollard Road. The floor plans and elevation plans submitted with the application are a representation of what is proposed.

Finally, this proposed PUD development is in compliance with the newly adopted Planned Unit Development District regulations. The City's PUD regulations encourage flexibility in locating buildings, encourages mixtures of building types, and connectivity to adjoining developments. This development meets those conditions.

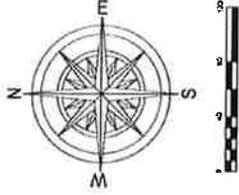
The City will have a less dense development than what is allowed in an R-4 (14 units per acre) zone. R-4 allows 3 story buildings and the proposed height in this development is 2 stories, which will also match the building heights in the existing St. Charles Village.

With PUD approval, the developer will follow up with a preliminary subdivision application whereby plats will show each building location and the division of each building into the individual units/lots. Ultimately, with final plat approval these plats will be recorded in the County Probate Office.

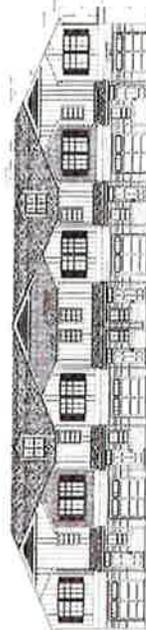
EXHIBIT A

LEGAL DESCRIPTION FOR CADENCE BANK

**LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE
PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.**



Summary
 Total Acreage 7.3 Acres
 Total Units 82
 Density 11 / Acre



Front Elevation

Villas at St. Charles

Daphne, Alabama

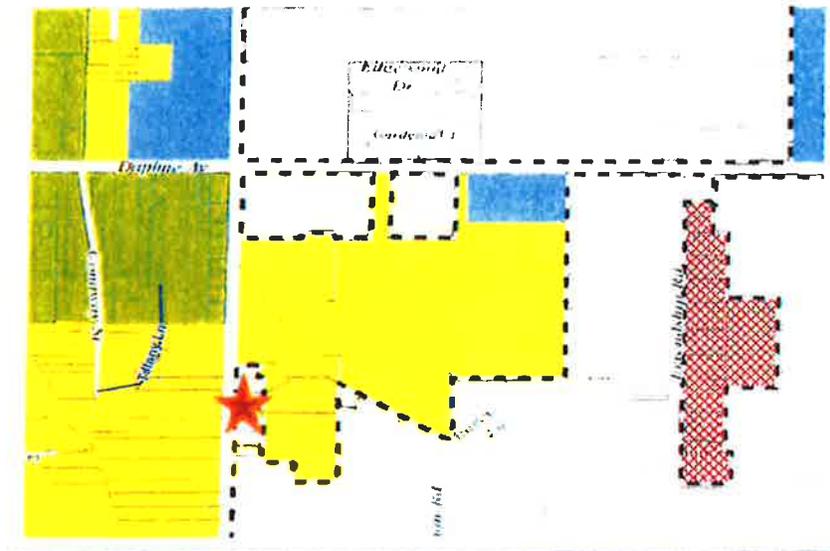
EXHIBIT "B"

REVISED PER DAPHNE PLANNING COMMISSION RECOMMENDATION

ADJACENT PROPERTY OWNERS TO LOTS 1-3 OF BOLAR VIEW SUBDIVISION

Pld	Owner	Address1	City	St	Zip
05-43-04-20-1-000-072.000	KING, FRANCINE ETAL MOORE, GAYLE; HUNTER	1501 POLLARD RD	DAPHNE	AL	36526
05-43-05-21-0-000-012.000	CLAUSELL, RUTH S ETAL STALLWORTH, CALVIN	25648 POLLARD RD	DAPHNE	AL	36526
05-43-04-20-1-000-073.001	BOLLER, BARBARA JEAN C/O JAMES ROBERTS	9794 TIMBER CIRCLE STE A	DAPHNE	AL	36526
05-43-04-20-1-000-071.000	JOHNSON, JAMES HENRY	381 BEECHWOOD DR	AKRON	OH	44320
05-43-04-20-1-000-073.000	HENINGBURG, PATRICIA ANITA	9180 SHADOW CK LN APT 106	CONVERSE	TX	78109
05-43-05-21-0-000-007.001	ST CHARLES VILLAGE (MASTERCARD)	8757 RAND AVENUE SUITE C	DAPHNE	AL	36526
05-43-05-21-0-000-009.000	WHITE, VERA	25738 POLLARD RD	DAPHNE	AL	36526
05-43-05-21-0-000-011.002	CLAUSELL, RUTH S ETAL STALLWORTH, CALVIN	25648 POLLARD RD	DAPHNE	AL	36526
05-43-05-21-0-000-010.000	CADENCE BANK	2100 3RD AVE NORTH STE 1100	BIRMINGHAM	AL	35203
05-43-05-21-0-000-011.000	CADENCE BANK	2100 3RD AVE NORTH STE 1100	BIRMINGHAM	AL	35203

PLANNING COMMISSION
PRE-ZONING FOR CADENCE BANK
THE VILLAS OF
ST. CHARLES VILLAGE PUD



COMMUNITY DEVELOPMENT

Pre-zoning Request Pollard Road, south of intersection of County Road 64 (Cadence Bank) 1.08 acres

Owner: Cadence Bank

Existing Conditions: 1.08 acres total of undeveloped land

Number of Lots: 3 lots (Bolar View Subdivision, Lot 1, Lot 2, Lot 3)

Existing Zoning: Unincorporated Baldwin County RSF-2, Single Family Residential

Proposed Zoning: Planned Unit Development (PUD)

Proposed Use: Townhouses

Surrounding Zonings/Uses:

North – R-4, High Density Multi-Family Residential

South - Baldwin County RSF-2, Single Family Residential

West – R-4, High Density Single Family Residential

East – R-4, High Density Single Family Residential

Existing Utility Service Providers:

Water - Daphne Utilities

Sewer - Daphne Utilities

Gas - Daphne Utilities

Electric - Riviera Utilities

Affected City Service Providers:

Fire Protection— Station 2

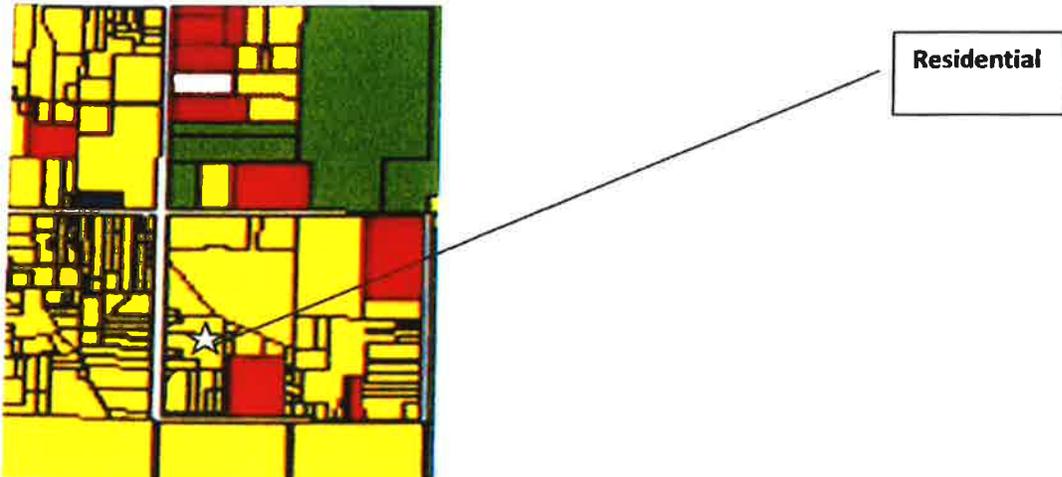
Police Protection—Police Beat 1

Public Works

Baldwin County Schools—n/a

FROM THE 2000-2020 COMPREHENSIVE PLAN (adopted on June 26, 2003):

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. The Plan designates this area as a residential use. Therefore, the requested pre-zoning is consistent with the Future Land Use Designation.



Staff recommends approval of the request to annex this land. Staff also recommends approval of the pre-zoning petition submitted by the applicant.

Related applications on August 2015 Planning Commission Agenda: 6.19 acres Zoning Request and 1.03 acre Annexation Request by Cadence Bank.

PUD Review: Recommend approval contingent upon setback greater than 25-ft along property boundaries that abut existing single family dwellings. See excerpt from PUD regulations and District Requirements.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2015-**

**Ordinance to Pre-Zone Property Located
One Quarter Mile South of the Intersection of County Road 64 and Pollard Road
Cadence Bank**

WHEREAS, Cadence Bank as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property be pre-zoned from RSF-2, Single Family District, Baldwin County District 15 , in the extraterritorial planning jurisdiction of the City of Daphne, to PUD, Planned Unit Development District, City of Daphne; and

WHEREAS, said real property is one quarter mile south of the intersection of County Road 64 and Pollard Road, and more particularly described as follows:

Legal Description for Pre-zone:

LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE
PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on August 27, 2015, the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on October 19, 2015; and,

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

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

SECTION I: ZONING

That above described real property is hereby pre-zoned from RSF-2, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to PUD, Planned Unit Development District, City of Daphne, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

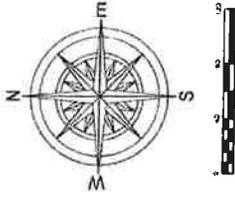
This Ordinance, and in particular the pre-zoning shall take effect after the date of its approval by the City Council of the City of Daphne and publication as required by law. Pursuant to Code of Alabama (1975) Section 11-52-85, the zoning of the property, shall become effective upon the date the territory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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS day of , 2015.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk



Summary
 Total Acreage 7.3 Acres
 Total Units 82
 Density 11 / Acre



Front Elevation

Villas at St. Charles

Daphne, Alabama

EXHIBIT "B"

REVISED PER DAPHNE PLANNING COMMISSION RECOMMENDATION



MEMORANDUM

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Cadence Bank
Petition for Annexation

Reference: Lots 1, 2 & 3, Bolar View
Subdivision

Date: August 31, 2015

PRESENT ZONING: RSF-2, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of Daphne

PROPOSED ZONING: PUD, Planned Unit Development District, City of Daphne

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

RECOMMENDATION: At the Thursday, August 27, 2015, regular meeting of the Daphne Planning Commission, eight members were present. The motion carried for an **unanimous favorable recommendation** to the City Council of the annexation of the subject property for Cadence Bank as a PUD, Planned Unit Development District.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Petition for Annexation
2. Legal Description
3. Boundary Survey
4. Community Development Report

**PETITION FOR ANNEXATION OF CERTAIN PROPERTY
INTO THE CORPORATE LIMITS OF THE MUNICIPALITY
OF THE CITY OF DAPHNE, ALABAMA**

(_____)

The undersigned corporation, CADENCE BANK, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, BOLAR VIEW SUBDIVISION, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of the petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in Exhibit "A" attached hereto and made a part of this petition as fully set out herein (the "Property").

2. **Map of Property:** Attached hereto as Exhibit "B" and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. **Owner:** The petitioner, CADENCE BANK, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said property into the corporate limits of the City of Daphne.

Requested zoning, if other than R-1: PUD

Any other conditions which may apply upon annexation:

5. Code: This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

DATED this 23rd day of July, 2015

Respectfully submitted,

CADENCE BANK
Name of Corporation

By: Charles Powell
Its: Vice President

STATE OF ALABAMA
COUNTY OF ~~BALDWIN~~ Jefferson

I, Kiki S. Rider, the undersigned Notary Public in and for said county and state, hereby certify that Charles Powell whose name as VP of Cadence Bank, an Alabama corporation, 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/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 23rd day of July, 2015.

Kiki S. Rider
NOTARY PUBLIC

My commission expires: 6-9-18

Corporation's Address

2100 3rd Avenue N, Ste 1100
B'Ham AL 35203

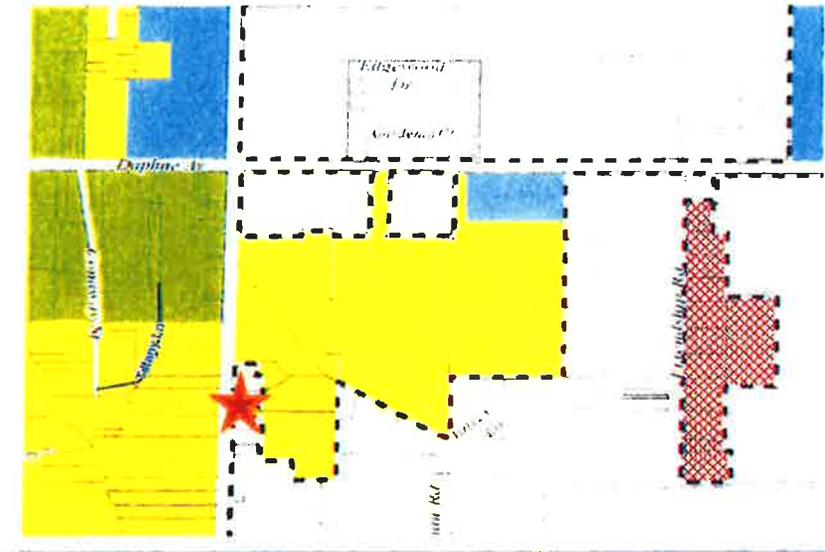


EXHIBIT A

Legal Description for Annexation:

**LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE
PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.**

PLANNING COMMISSION
ANNEXATION FOR CADENCE BANK
THE VILLAS AT
ST. CHARLES VILLAGE PUD



**COMMUNITY DEVELOPMENT
ANNEXATION REQUEST**

**Annexation of Cadence Bank Properties
1.08 acres
Pollard Road, south of intersection of County Road 64**

EXCERPT FROM ARTICLE 23-1 PROCEDURE [FOR ANNEXATION REQUESTS]

The application shall be reviewed by the Planning Commission at its next regular meeting and said Commission shall have thirty (30) calendar days from said regular meeting within which to submit a recommendation to the City Council. If the Commission fails to submit a recommendation to the City Council within the thirty (30) calendar day period, it shall be deemed to have approved the proposed amendment...Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the City Council with proper notice as required by law. Said public hearing shall be held at the earliest possible time to consider the proposed annexation, and the Council shall take action on said proposed annexation within forty-five (45) calendar days from the date of the public hearing except in the case where the tentative action is not in accordance with the Planning Commission's certified recommendation.

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

Any land annexed to the City of Daphne hereafter shall be classified as an R-1, Low Density Single Family Residential District unless otherwise recommended by the Planning Commission through the zoning amendment procedure provided in *Article 22-1, Zoning Amendment Procedures*. In such case, City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications recommended by the Planning Commission.

REQUEST

The applicant has submitted a petition to annex 1.08 acres of land into the corporate limits of Daphne. Additionally, the applicant has requested to pre-zone (see Code 11-52-85 attached) the site to Planned Unit Development District.

RECOMMENDATION

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. **Staff recommends approval of the request to annex this land into the City of Daphne.**

Code of Alabama Section 11-52-85

PRE-ZONING TERRITORY PROPOSED FOR ANNEXATION

Section 11-52-85 of the Code of Alabama allows “pre-zoning of property.” In this case, both requests have been submitted concurrently and are moving on the same path. The Planning Commission will make a recommendation to Council for zoning and also make a recommendation for annexation.

Code of Alabama Section 11-52-85

Pre-zoning of territory proposed for annexation by municipality. (Highlights by staff)

(b) A municipality which exercises its authority to zone territory within its corporate limits may pre-zone territory proposed for annexation into the corporate limits of the municipality prior to the effective date of the annexation by complying with this article. If all the requirements, including all notice and public hearing requirements, of this article are met, **the zoning shall become effective upon the date the territory is annexed into the corporate limits, or upon the date the zoning process is completed, whichever is later.**

(b) A municipality which exercises its authority to zone territory within its corporate limits shall pre-zone territory as provided in subsection (a) and issue a statement of zoning classification to an affected property owner if the individual property owner residing in the area to be annexed requests in writing that a zoning determination be made pursuant to this section prior to being annexed.

(c) Any pre-zoning established by a municipality pursuant to this section for territory proposed for annexation shall be null and void as to any portion of the territory that is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law.

(d) Nothing contained in this section shall allow a municipality to zone territory outside the corporate limits of the municipality that is not in the process of being annexed into the corporate limits of a municipality as provided by law.

(e) Section 6-5-127 shall be applicable to any property pre-zoned pursuant to this section.

(Act 2009-629, p. 1926, §1.)

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2015-**

**ORDINANCE TO ANNEX PROPERTY CONTIGUOUS
TO THE CORPORATE LIMITS OF THE CITY OF DAPHNE**

**Property Located One Quarter Mile South of the Intersection of County Road 64 and
Pollard Road
Cadence Bank**

WHEREAS, on the 23rd day of July, 2015, being the owner of all real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, said petition did contain the signatures of all owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, after proper publication, a public hearing was held by the City Council on October 19, 2015 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on August 27, 2015, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation and said property; and

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

SECTION ONE: ANNEXATION

The City Council of the City of Daphne, Alabama finds that and declares as the legislative body of the City of Daphne, Alabama that it is in the best interest of the citizens of the City of Daphne, Alabama and the citizens of the affected area, to bring the territory described in Section Two of this Ordinance into the City of Daphne, Alabama, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, et seq., Code of Alabama, 1975; effective on publication as required by Section 11-42-21, Code of Alabama 1975, as amended.

SECTION TWO: DESCRIPTION OF TERRITORY

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described property, to-wit:

Legal Description for Annexation:

LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE
1532A IN THE PROBATE RECORDS OF BALDWIN COUNTY,
ALABAMA.

SECTION THREE: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama is set forth and described in Exhibit "A" and attached hereto a map of the property (*Exhibit "B"*) showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this ordinance.

SECTION FOUR: PUBLICATION

This Ordinance shall be published as required by Section 11-42-21 Code of Alabama 1975, as amended, and the property described herein shall be annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office of the Judge of Probate of Baldwin County, Alabama as required by Section 11-42-21, Code of Alabama 1975, as amended.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE _____ DAY OF _____, 2015.

Dane Haygood,
Mayor

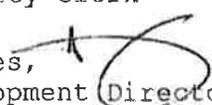
ATTEST:

Rebecca A. Hayes,
City Clerk

EXHIBIT A

Legal Description for Annexation:

**LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE
PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.**

To: Office of the City Clerk
From: Adrienne D. Jones, 
Community Development Director
Subject: Revised City of Daphne Zoning Map
Date: August 5, 2015

MEMORANDUM

At the July 30, 2015, special meeting of the City of Daphne Planning Commission, seven members were present. The motion to set forth a **favorable recommendation** carried unanimously of the above-mentioned revision to the zoning map.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, August 17, to set the public hearing for Monday, September 21, 2015.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Zoning Map Planning Report (Copy Attached)
2. Zoning Map (Display - Posted in Council Chambers)

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2015-**

**Zoning District Map
Revision to the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on July 30, 2015 favorably recommended to the City Council of the City of Daphne certain amendments to the Daphne Land Use and Development Ordinance / Zoning District Map approved and adopted by No. 2011-54 and 2014-38; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of 2014-38; and

WHEREAS, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on October 19, 2015; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2011-54 and its amendments.

SECTION II: REPEALER

Ordinance No. 2011-54, Appendix H "Exhibit A", and Ordinance No. 2014-38 are hereby repealed, and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE _____ DAY OF _____, 2015.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Zoning & Street Map Updates

July 1, 2014 through June 31, 2015

Typically, every six months the Department of Community Development creates new official city zoning and street maps for the Council's adoption. In this case, it has been one year since these official maps have been amended. All modifications shown on these two maps have been approved by the Planning Commission (recorded preliminary/final and/or final subdivision plat) and/or the City Council (annexation, zoning and/or street acceptance resolution). The following provides a summary of the growth and development of the City for the past year.

- **ANNEXATION:** During this period the corporate boundaries have expanded, annexing 53.99 acres which equates to 0.08435938 square miles. *The City limits increased from 16.62 sq. miles to 16.704 sq. miles. 1 acre = 0.0015625 sq. miles.*
- **ZONING:** During this period the City has rezoned 2.66 acres to B-2, General Business and 51.33 acres to R-1, Single Family Residential.
- **INFRASTRUCTURE:** During this period the city has *accepted a total of 7520.74 linear feet* of additional roads or rights of way for maintenance in Phase 11 of Timbercreek, Unit 2, Part B of Brookhaven Subdivision, and Ray's Lane.
- **DEVELOPMENT:** During this period the Planning Commission has *approved subdivisions with 20 new single family residential lots* in the City and *92 new residential lots in our Extra-Territorial Jurisdiction.*

Instrument	Council Approval	Action	Size
Annexation			
Ordinance 2014-34 White Spinner KIDCO-SIDNO #1473861	August 18, 2014	Approved annexation	0.63 acres
Ordinance 2014-59, Provision Investment, LLC #1495090	January 5, 2015	Approved annexation (with R-1 zoning)	51.33 ac
Ordinance 2015-16, Jubilee Properties, LLC #1509952	April 6, 2015	Approved annexation	2.03 acres
Rezoning			
Ordinance 2014-33, White Spinner KIDCO-SIDNO (NW Intersection of CR 64 & 13) #1473862	August 18, 2014	Approved B-2 zoning	0.63 acres
Ordinance 2014-59, Provision Investment, LLC #1495090	January 5, 2015	Approved R-1 zoning	51.33 ac
Ordinance 2015-15, Jubilee Properties, LLC #1509953	April 6, 2015	Approved B-2 zoning	2.03 acres
Street Acceptances			
Timber Creek Phase 11	August 04, 2014	Council Resolution 2014-43 Accepted Dedication	6,570 total linear feet
Brookhaven Subdivision	November 17, 2014	Council Resolution 2014-55 Accepted Dedication	633.74 total linear feet
Rays Lane	July 6, 2015	Council Resolution 2015-44 Private to Public Road	317 total linear feet

**CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
OCTOBER 12, 2015
4:30 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:30 p.m. Present were Chairman Randy Fry, Councilman Ron Scott, Councilman Pat Rudicell, Councilman John Lake, Finance Director Kelli Kichler, Senior Accountant Suzanne Henson, Human Resource Director Vickie Hinman, Revenue Officer Jamie Smith, and City Attorney Kevin Boucher, and City attorney Britton Bonner.

Councilwoman Mrs. Conaway arrived at 4:52. Mayor Haygood and Councilman Robin LeJeune were absent.

Also in attendance were, Environmental Program Manager Mrs. Ashley Campbell, City Clerk Mrs. Rebecca Hayes, and Mr. Larry Cooke, BZA.

I. PUBLIC PARTICIPATION

II. BUSINESS LICENSE REPORT

1. Report: New Business Licenses – September, 2015

Mrs. Smith reviewed the Business Licenses Reports that were included in the packet. Mrs. Smith noted that total business license issued YTD is 4,452 - up 299 from last year.

134 - Total Business License issued in September - down 10 from 2014 (144 licenses issued).

36 - Renewals

64 - New businesses with 6 *of those having a physical location in Daphne* and

34 - Prior year licenses.

Mrs. Smith reviewed the updated Delinquencies Report and the work her and the Code Enforcement Officer had been doing to reduce the number of delinquencies. Mrs. Smith stated the Code Enforcement Officer had issued 32 warnings resulting in businesses becoming compliant and revenues received in the amount of \$8,454.

III. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Vickie Hinman reviewed the Human Resource Report including open position status.

Positions

PT IT Tech

SWW Sr.

PSW Grounds

PSW Mowing

Police Dispatcher

Public Works Supervisor (Grounds)

PSW Sr. (Recreation)

Planner (Community Development)

Executive Assistant

Status

DOH: 10/01/2015

Interviewing

Interviewing

Interviewing

Testing scheduled

Posting closes: 10/20/15

Internal: 10/6-10/13

Open until filled

Open

Safety Committee

Notes: The Safety Committee met last on September 30. All accidents and injuries were reviewed for the month of September.

Next Safety committee meeting is October 28 @ 10:00 a.m.

HR projects/meetings:

- Corrections Officer oral board – September 29
- LT. fire fighter oral board – September 30
- Munis representative in HR for assessment on September 22 – September 24
- EEO-4 report submitted on September 30
- Written test for Dispatchers October 13
- Oral Board for Dispatchers October 27

IV. CURRENT BUSINESS

A. Approve previous months minutes

The previous minutes were approved.

B. Financial Reports

1. Treasurer's Report: September, 2015

Mrs. Henson reviewed the Treasurer's Report and noted:

- Total Unrestricted Funds - \$10,664,208
- Increase from Last Year's Unrestricted Funds - \$1,112,768
- Total Restricted Funds - \$7,910,566
- Total City Funds - \$18,574,773
- # of months of Unrestricted cash to cover monthly operating Expenses & Debt Service – 4.8 months compared to the previous year - 4.3 months

Included in the packet are graphs that show that activity is on track with the previous year.

The Treasurer's Report as of August, 2015 Total Unrestricted Funds - \$10,664,208 and Total City Funds - \$18,574,773 was presented to be filed for audit.

2. Sales and Use Taxes: August, 2015

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,148,891 was collected for August 2015:

- YTD Variance over Budget – (\$1,994)
- YTD Percent change from last year's collections + 2.8 %

3. Lodging Tax Collections, August, 2015

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for August 2015 were \$90,758 which is down (\$2,975) from August's 2014's collections of \$93,733 .

- YTD Variance over Budget: \$ 51,453
- YTD Percentage change from last year's collections: 19.1 %

4. Lodging Tax Fund : Statement of Rev over Exp, September ,2015 (year-end preliminary)

Mrs. Henson reviewed the Lodging Tax Statement of Revenues over Expenditure report for September, 2015.

Mrs. Henson noted the following balances:

- Unreserved balance for Bayfront related purchases - \$ 2,068,373
- Recreation related purchases - \$ 770,621

5. Correction/Court Fund Report, August, 2015

Mrs. Henson reviewed the Correction/ Court Fund Report and reported that \$18,332 has been transferred to date from the court portion of the fund to the corrections for the purchase of inmate meals. No transfers have been required the last three months.

- Court balance - \$183,576
- Corrections balance - \$2,028

6. General Fund Budgetary Comparison Schedule, July 2015

7. General Fund Balance Sheet, July 2015

8. General Fund Statement of Rev Over Exp, July 2015

9. Debt Service Fund Statement of Rev Over Exp, August 2015

10. Debt Service Summary Activity for General Fund through August 2015

11. Debt Service Summary Activity for Enterprise Funds through August 2015

12. Agency Funds Combining Statement of Assets and Liabilities, August 2015

13. Special Revenue Funds Balance Sheet, August, 2015

14. Special Revenue Funds Stmt Rev,Exp,&Changes in Fund Balance, August 2015

15. Capital Projects Funds Balance Sheet, August 2015

16. Capital Projects Funds Statement of Rev Over Exp, August 2015

17. Enterprise Funds Statement of Net Position, July, 2015

18. Enterprise Funds Stmt of Rev, Exp, & Changes in Net Position, July 2015

General Fund

Ms. Kichler reviewed the financial reports for all funds. Ms. Kichler noted the net change in the General Fund balance was \$76,031. Ms. Kichler noted there would be several accruals back to FY15 including PILOT fees from Riviera (approximately \$1.9 million) and property taxes.

Debt Service Fund

Discussion was made on debt service payments and debt maturity dates. Ms. Kichler stated that \$2,349,578 (*principal*) and \$1,196,902 (*interest*) was paid in debt payments in FY2015 and the balance of debt is \$36,043,000 (excluding Capital Leases - \$581,574).

Agency Funds

Ms. Kichler reviewed the Special Revenue fund balances and discussion continued on the BP Oil Spill fund balance and the FEMA projects costs. Ms. Kichler noted that the BP Oil Spill fund had \$426,768 balance and the city's out of pocket cost for the FEMA Rain Event projects was \$1,029,001.

Capital Projects Funds

Ms. Kichler reviewed the Capital projects funds and noted that \$327,171 was due from ALDOT for the Lake Forest Phase II project. Discussion continued on sewer assessments payments due.

Enterprise Funds

Ms. Kichler reviewed the Enterprise fund reports with losses as follows:

- Solid Waste (*Garbage & Recycling*) – (\$482,847)
- Civic Center – (\$192,749)
- Bayfront – (\$120,812)

Ms. Kichler reviewed the Taste of the Eastern Shore summary and noted that a check in the amount of \$15,462.96 {net of the Band Loan – (\$5,000) and City's contribution +\$5,000}.

Ms. Kichler stated that the FY2015 annual audit will begin November 28, 2015 and the audit firm will be Hartman, Blackmon, and Kilgore. Ms. Kichler noted that RFP's went out for audit firms and Hartman, Blackmon, and Kilgore submitted the lowest quote. Ms. Kichler noted that this firm also does the City of Fairhope and Spanish Fort audits.

19. Bills Paid Reports – September, 2015

The Bills Paid Report was presented in the packet.

C. Appropriation Request: (Ordinance)

GENERAL FUND:

1. Lake Forest land acquisitions: 5 Lots: Friday Construction & James Ward - \$27,000

Mrs. Campbell reviewed the information on the five lots requesting to be purchased. Mrs. Campbell noted that Lot #38 and #39 on Greenwood Drive has drainage culverts/access on them and lot #154 has a road on it that will be accepted by the City once the property is purchased by the City. Mrs. Campbell noted that cost of the five lots is \$22,000 with the total acquisition cost of \$27,000 (including closing costs). Discussion continued that these lots should be exempt from all Lake Forest Property Owner's fees.

MOTION BY Mr. Scott to recommend to Council to adopt the Ordinance amending the budget to appropriate \$27,000 from the General Fund for the purchase of the five Lake Forest Lots:

- 1). Lot 105, Unit 12-PPIN 66568, 101 Creekside Drive, Lake Forest-
- 2). Lot 154, Unit 10-PPIN 66601, 203 Bradbury Circle, Lake Forest.
- 3). Lot 5, Unit 18-PPIN 66896, 263 Rolling Hill Circle, Lake Forest.
- 4). Lot 38 Unit 12, PPIN 66563, 128 Greenwood Drive, Lake Forest
- 5). Lot 39 Unit 12-PPIN 48716, 130 Greenwood Drive, Lake Forest

Seconded by Mr. Lake. Motion carried.

2. Donated Property (**Resolution**)

- Property at Blakely River, LLC (*managed by Russell Steiner*)

Mrs. Campbell discussed the property at Blakely River being donated.

MOTION BY Mr. Lake to recommend to Council to approve the donation of the property at Blakely River and authorize the Mayor to execute all necessary agreements. Seconded by Mr. Scott. Motion carried.

LODGING TAX:

3. Mayday Park Boat Ramp & Sand Management - \$10,500 (*low quote*)

Mrs. Campbell discussed the issues with the sand with the properties by the Mayday Park and noted that the Mayor had asked her to present the information. The project is to move the sand that has shifted. Mrs. Campbell noted this would most likely only be a one year fix and that Mr. Richard Johnson, PW Director wanted Council to be aware that if a storm comes the sand could move back and create the same problems. Mr. Boucher, City attorney discussed the legal hearing and process that is ongoing with this issue. Mr. Boucher discussed possible agreements that could be done to include releases from property owners. Discussion continued that this will be a recurring problem since the sand will shift with time. Mr. Rudicell expressed concerns that the process would be required to be done every year. Mrs. Campbell stated she would check with the state to see if there was any financial assistance available for this project.

Mr. Scott made a motion to appropriate the monies then later withdrew the motion until further research can be done on the matter.

4. Engineering & Design Bayfront Amphitheater & Facility - \$6,000

Mr. Fry discussed the Bayfront Amphitheater & Facility project and that \$6,000 need to be appropriated for the engineering and design. Mr. Fry stated this was discussed and a motion made at the Buildings and Property Committee (*to move forward with the project with monies coming from the Lodging Tax Fund and to form a five (5) member committee which would include one or two representative from the Village Point Foundation*). Discussion was made that the engineering firms Preble-Rish and Goodwyn Mills were selected from the rotation cycle of City approved engineers.

MOTION BY Lake to recommend to Council to adopt the Ordinance amending the budget to appropriate \$6,000 from the Lodging Tax Fund to have Preble-Rish and Goodwyn Mills to prepare a preliminary master plan and cost of the upgrade of the property so research for grants can be done, and to form a five (5) member committee which would include one or two representative from the Village Point Foundation. Seconded by Mr. Rudicell. Motion carried.

SEVEN CENT GAS TAX:

5. Turning Lanes at Sehoy Blvd & Longue Vue Blvd - Intersection Improvements - \$67,754 (CR13 Intersection Improvement Project – ALDOT & Eastern Shore Metropolitan Planning Organization (MPO) funded project / City's match: engineering- \$5,170 + Construction - \$62,584)

Mr. Johnson submitted a memo stating the ALDOT agreement has been fully executed and the project is ready to begin. Resolution 2015-46 was approved on July 20, 2015 authorizing the Mayor to execute all agreements and contracts and noting a \$67,765 City match would be required.

MOTION BY Mrs. Conaway to recommend to Council to adopt the Ordinance amending the budget to appropriate \$67,754 from the Seven Cent Gas Tax fund for the Turning Lanes at Sehoy Blvd & Longue Vue Blvd and Intersection Improvements. Seconded by Mr. Lake . Motion carried.

6. CR13 & HWY64 Roundabout Lights - \$14,350

Mr. Fry reviewed the discussion at the Public Works Committee meeting. Mr. Lake noted the plan is to install LED lights (life cycle 10-15 years) now and consider decorative lighting in the future. Mr. Lake noted the type of lighting currently being used is being phased out. The discussion at the PW Committee meeting was for the monies to come out of the Seven Cent Gas Tax Fund.

MOTION BY Mr. Lake to recommend to Council to adopt the Ordinance amending the budget to appropriate \$14,350 from the Seven Cent Gas Tax Fund for CR13 & HWY64 Roundabout Lights. Seconded by Mr. Rudicell . Motion carried.

- D. CR13 Sidewalk: Whispering Pines to Champions Way–ALDOT Agreement (*Resolution*)...
(Funds for the sidewalk project are included in the FY16 Capital Budget proposal)

Mr. Fry reviewed the CR13 Sidewalk project. Ms. Kichler included information that \$105,000 funding was included in the FY2016 Budget from Capital Reserve Fund to cover the match.

MOTION BY Mr. Scott to recommend to Council to authorize the Mayor to execute all necessary agreements for the CR13 Sidewalk project and for funding to be included in the FY16 Capital Budget. Seconded by Mrs. Conaway . Motion carried.

- E. Setup new bank account: Online Credit Card Payments (Resolution)

Ms. Kichler stated that the need for the account setup is due to Recreation needing to set up an online payment for sports registration. Ms. Kichler noted that this same account will be used for all credit card activity once City credit cards are set up.

MOTION BY Mr. Scott to recommend to Council to authorize setting up a new bank account for online credit card payments for proper routing controls. Seconded by Mr. Lake . Motion carried.

F. BP Grant Agreement / Funds

Mr. Britton Bonner discussed the status on the BP Grants. Mr. Bonner stated that according to his discussion with the Governor and his legal advisor the state is only considering approving grant agreements for economic development projects. Mr. Bonner stated the current status is the City has \$426,768 in the BP Oil Spill Fund and the Industrial Development Board has received a check for approximately \$426,768 (for the DISC project), each subject to two different grant agreements. Discussion continued on the two agreements and if this is not a duplicate payment what other projects the City's BP Grant monies can be spent on. Discussion continued on the Bayfront Amphitheater/Coaster Art projects being an economic development that would increase tourism and possibly be considered for the use of these grant monies. Mr. Bonner stated he would like himself or Jay Ross to contact the Governor's office to further discuss these two different grant agreements and what projects the Governor might approve. Mr. Fry requested the BP Oil Spill Ordinance be reviewed at the next Ordinance Committee meeting.

V. OLD BUSINESS

A. Sewer projects

Mrs. Conaway asked Mr. Bonner to follow up with the Mayor to see what the status is on the CDBG (Community Development Block Grant) Sewer Grant that the City applied for.

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

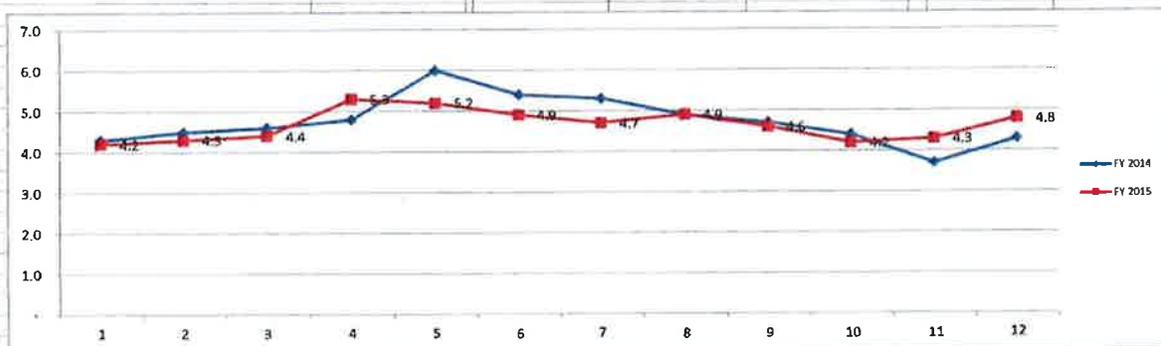
TREASURER'S REPORT

As of Sept 30, 2015

Account Type/Title	Bank / Brokerage	9/30/2015	8/31/2015	Increase (Decrease) from last Month	Balance Last Year 9/30/2014	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	Compass Bank1	\$ 5,275,651	\$ 4,165,201	\$ 1,110,450	\$ 4,282,585	\$ 993,066
INVESTMENT FUND	Raymond James	5,305,255	5,305,255	(0)	\$ 5,186,737	\$ 118,518
MUNICIPAL COURT	Compass Bank2	83,302	80,984	2,318	\$ 78,507	\$ 4,795
Total Unrestricted Funds		10,664,208	9,551,440	1,112,768	\$ 9,547,829	\$ 1,116,379
SPECIAL REVENUE FUNDS						
MUNICIPAL COURT	Compass Bank1	21,720	19,033	2,687	29,457	(7,737)
SELF INSURANCE	Compass Bank1	85,353	82,165	3,188	59,941	25,412
FLEX SPENDING	Compass Bank1	14,369	8,530	5,839	12,183	2,186
4 CENT GAS TAX	PNC Bank1	154,468	149,282	5,186	100,760	53,708
7 CENT GAS TAX	PNC Bank2	457,160	450,659	6,501	386,508	70,652
TREE & FLOWER	Compass Bank1	16,666	16,666	0	17,200	(534)
SAIL SITE	PNC3/Compass1	666	(234)	900	3,220	(2,554)
NON-MAJOR STORMS	Compass Bank1	(860,187)	(1,255,423)	395,236	(178,591)	(681,596)
BP OIL SPILL	Compass Bank1	426,768	426,768	0	426,768	0
FEDERAL DRUG FORFEITURES	Compass Bank1	290,561	301,494	(10,933)	37,654	252,907
LOCAL DRUG FORFEITURES	Compass Bank1	22,920	20,628	2,292	21,822	1,098
LIBRARY	Compass Bank1	4,461	6,685	(2,224)	(11,856)	16,317
CONCESSION STAND	Compass Bank1	(3,654)	(3,826)	172	(3,710)	56
COURT TRAINING & EQUIPMENT	Compass Bank2	33,044	32,632	412	27,385	5,659
COURT JUDICIAL ADMINISTRATIVE	Compass Bank2	131,163	128,597	2,566	86,334	44,829
COURT CORRECTION	Compass Bank2	187,756	185,513	2,243	189,229	(1,473)
LODGING TAX	Compass Bank1	2,802,128	2,764,902	37,226	2,126,556	675,572
		3,785,362	3,334,071	451,291	3,330,860	454,502
CAPITAL PROJECT FUNDS						
CAPITAL RESERVE	Wells Fargo Bank1	1,350,886	1,409,903	(59,017)	1,024,741	326,145
2012 CONSTRUCTION	Regions Bank	-	-	-	504,272	(504,272)
2014 CAPITAL IMPROVEMENTS	Compass Bank	782,256	782,238	18	-	782,256
		2,133,142	2,192,141	(58,999)	1,529,013	604,129
DEBT SERVICE FUNDS						
DEBT SERVICE	Wells Fargo Bank2	1,992,063	2,362,542	(370,479)	2,125,245	(133,182)
Total Restricted Funds		7,910,566	7,888,754	21,812	6,985,118	925,448
Total City Funds		\$ 18,574,773	\$ 17,440,194	\$ 1,134,579	\$ 16,532,947	\$ 2,041,826

of Months of UNRESTRICTED Cash to cover monthly Operating Expenses & Debt Service

4.8 4.2 4.3



Encumbrances FY 05 - FY 14: \$73,702 (as of 9/30/15)

R:\Courtney\Treasurer's Reports\FY15\Treasurers Report 15

SALES & USE TAXES

*Adjusted to accrued collections

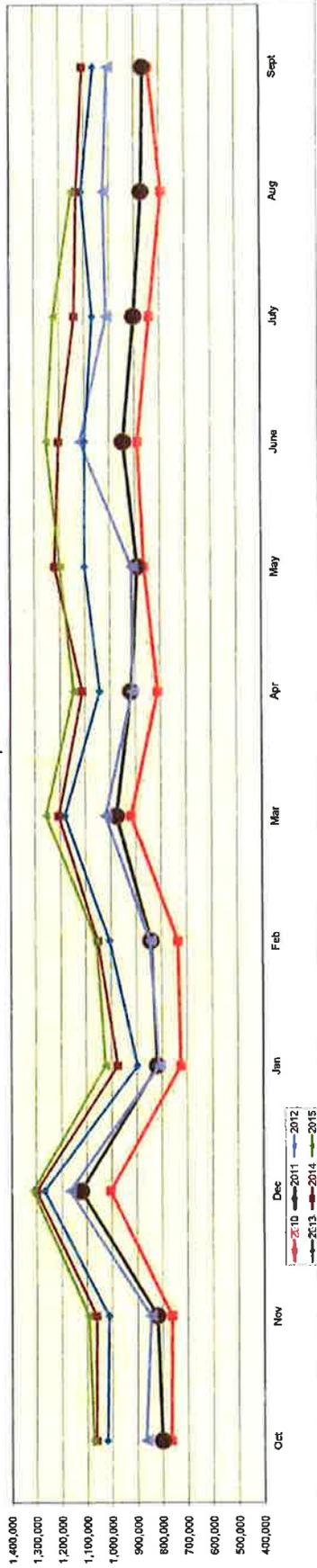
FY 2015 BUDGET vs ACTUAL																						
ACTUAL COLLECTIONS																						
	7/8 Year																					
	2010	2011	2012	2013	2014	2015	Sparklines					% of Budget										
							October	November	December	January	February	March	April	May	June	July	August	September	Totals	Monthly Variance	YTD Variance	
October	764,641.13	800,512.03	864,727.27	1,019,065.37	1,062,881.14	1,073,290.88	1,072,524	1,069,932	1,388,651	1,000,908	1,070,994	1,254,014	1,138,545	1,179,034	1,247,928	44,619.53	31,877.64	(1,963.62)	13,937,617	767.37	767.37	0.1%
November	761,955.37	819,834.09	845,342.45	1,011,813.96	1,061,121.86	1,092,861.86	1,092,861.86	1,092,861.86	1,298,075.20	1,023,171.34	1,056,996.02	1,256,397.38	1,144,698.61	1,218,956.40	1,198,226.99	44,619.53	31,877.64	(1,963.62)	13,937,617	23,029.75	23,797.12	2.2%
December	1,004,037.20	1,121,383.45	1,165,135.62	1,266,051.50	1,298,075.20	1,312,012.89	1,388,651	1,388,651	1,298,075.20	1,023,171.34	1,056,996.02	1,256,397.38	1,144,698.61	1,218,956.40	1,198,226.99	44,619.53	31,877.64	(1,963.62)	13,937,617	(76,637.74)	(52,840.62)	-5.5%
January	723,504.28	817,230.14	809,785.59	895,717.19	974,224.69	1,023,171.34	1,000,908	1,000,908	974,224.69	1,023,171.34	1,056,996.02	1,256,397.38	1,144,698.61	1,218,956.40	1,198,226.99	44,619.53	31,877.64	(1,963.62)	13,937,617	22,263.07	(30,577.55)	2.2%
February	733,335.60	840,768.01	845,101.34	1,004,349.50	1,051,602.29	1,056,996.02	1,070,994	1,070,994	1,051,602.29	1,056,996.02	1,056,996.02	1,256,397.38	1,144,698.61	1,218,956.40	1,198,226.99	44,619.53	31,877.64	(1,963.62)	13,937,617	(13,997.73)	(44,575.28)	-1.3%
March	916,657.55	976,181.39	1,018,721.43	1,191,007.55	1,205,342.67	1,256,397.38	1,254,014	1,254,014	1,205,342.67	1,205,342.67	1,256,397.38	1,256,397.38	1,144,698.61	1,218,956.40	1,198,226.99	44,619.53	31,877.64	(1,963.62)	13,937,617	6,153.77	(36,037.73)	0.5%
April	809,588.73	816,536.59	911,438.60	1,039,769.87	1,110,085.05	1,144,698.61	1,138,545	1,138,545	911,438.60	1,110,085.05	1,144,698.61	1,256,397.38	1,144,698.61	1,218,956.40	1,198,226.99	44,619.53	31,877.64	(1,963.62)	13,937,617	19,193.39	(16,844.34)	1.6%
May	862,254.54	889,945.33	911,839.30	1,098,548.05	1,202,126.66	1,252,030.17	1,179,034	1,179,034	889,945.33	1,098,548.05	1,144,698.61	1,256,397.38	1,144,698.61	1,218,956.40	1,198,226.99	44,619.53	31,877.64	(1,963.62)	13,937,617	4,102.45	(12,741.89)	0.3%
June	837,262.68	946,206.78	1,114,149.53	1,097,507.32	1,202,126.66	1,252,030.17	1,179,034	1,179,034	946,206.78	1,114,149.53	1,144,698.61	1,256,397.38	1,144,698.61	1,218,956.40	1,198,226.99	44,619.53	31,877.64	(1,963.62)	13,937,617	44,619.53	(12,741.89)	3.8%
July	839,192.33	902,457.24	1,010,193.08	1,065,215.02	1,139,120.72	1,222,893.95	1,182,762	1,182,762	902,457.24	1,010,193.08	1,110,126.44	1,148,890.48	1,182,762	1,178,374	1,178,374	44,619.53	31,877.64	(1,963.62)	13,937,617	44,619.53	(12,741.89)	3.8%
August	790,713.80	871,437.04	1,021,267.76	1,110,126.44	1,129,483.17	1,148,890.48	1,153,953	1,153,953	871,437.04	1,021,267.76	1,110,126.44	1,148,890.48	1,153,953	1,178,374	1,178,374	44,619.53	31,877.64	(1,963.62)	13,937,617	(33,871.26)	(1,963.62)	-2.9%
September	841,035.40	863,630.36	1,004,661.04	1,058,958.43	1,104,411.74	1,148,890.48	1,153,953	1,153,953	841,035.40	1,004,661.04	1,058,958.43	1,148,890.48	1,153,953	1,178,374	1,178,374	44,619.53	31,877.64	(1,963.62)	13,937,617	(33,871.26)	(1,963.62)	-2.9%
Totals	9,934,178.61	10,766,122.45	11,522,363.01	12,848,130.20	13,558,411.59	12,781,670.87	13,937,617	13,937,617	9,934,178.61	11,522,363.01	12,848,130.20	13,558,411.59	12,781,670.87	13,937,617	13,937,617	44,619.53	31,877.64	(1,963.62)	13,937,617	(1,993.62)	(1,993.62)	0.0%

Budgeted Dollar Increase FY14 vs FY15	379,205
Budgeted Percent Increase FY14 vs FY15	2.8%

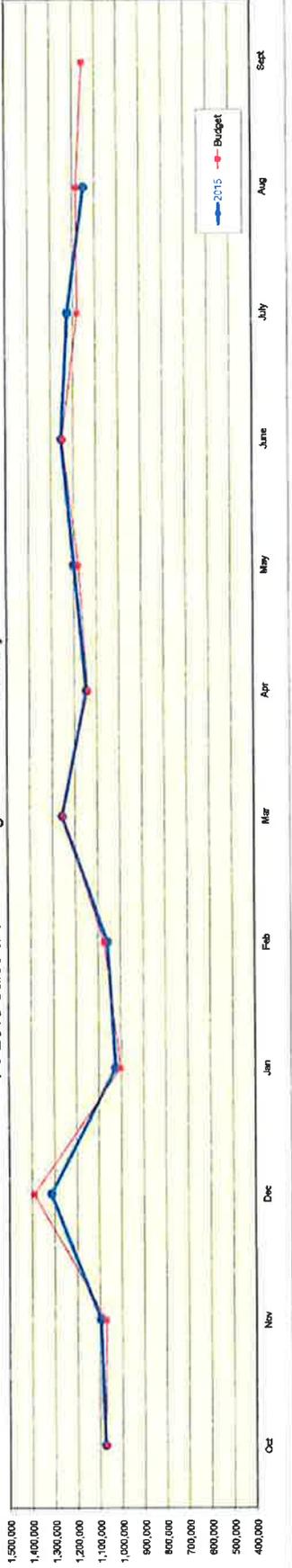
Fiscal Year Changes Year Over Year

	\$ Change											Percent Change			
	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	67 Year Sparklines	67 Year Sparklines	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2012-2013	2013-2014	2014-2015
October	35,870.90	64,215.24	154,338.10	10,429.74	10,429.74	67 Year Sparklines	67 Year Sparklines	4.7%	84.7%	17.8%	17.8%	17.8%	17.8%	17.8%	1.0%
November	57,878.72	25,508.36	166,471.51	31,840.10	31,840.10	67 Year Sparklines	67 Year Sparklines	7.6%	43.9%	19.7%	19.7%	19.7%	19.7%	19.7%	3.0%
December	117,345.25	43,752.17	100,915.88	12,937.69	12,937.69	67 Year Sparklines	67 Year Sparklines	11.7%	37.3%	8.7%	8.7%	8.7%	8.7%	8.7%	1.0%
January	93,725.86	(7,444.55)	85,931.60	48,946.65	48,946.65	67 Year Sparklines	67 Year Sparklines	13.0%	-8.0%	10.6%	10.6%	10.6%	10.6%	10.6%	5.0%
February	107,432.41	4,333.33	159,248.16	5,393.73	5,393.73	67 Year Sparklines	67 Year Sparklines	14.6%	4.0%	18.8%	18.8%	18.8%	18.8%	18.8%	0.5%
March	59,523.84	42,540.04	162,296.12	51,054.71	51,054.71	67 Year Sparklines	67 Year Sparklines	6.5%	8.4%	14.6%	14.6%	14.6%	14.6%	14.6%	4.2%
April	106,947.85	(5,067.96)	128,331.27	34,613.56	34,613.56	67 Year Sparklines	67 Year Sparklines	13.2%	-4.7%	14.1%	14.1%	14.1%	14.1%	14.1%	3.1%
May	27,690.79	21,863.97	186,708.75	(20,729.41)	(20,729.41)	67 Year Sparklines	67 Year Sparklines	3.2%	79.2%	2.5%	2.5%	2.5%	2.5%	2.5%	-1.7%
June	56,944.10	167,942.75	(16,642.21)	49,903.51	49,903.51	67 Year Sparklines	67 Year Sparklines	6.6%	293.5%	-1.5%	-1.5%	-1.5%	-1.5%	-1.5%	4.2%
July	63,264.91	107,735.84	55,021.94	83,873.23	83,873.23	67 Year Sparklines	67 Year Sparklines	7.5%	169.0%	5.4%	5.4%	5.4%	5.4%	5.4%	7.4%
August	80,723.94	149,830.72	88,858.68	19,407.31	19,407.31	67 Year Sparklines	67 Year Sparklines	10.2%	185.8%	6.7%	6.7%	6.7%	6.7%	6.7%	1.7%
September	22,594.96	141,030.68	54,297.39	327,670.82	327,670.82	67 Year Sparklines	67 Year Sparklines	2.7%	624.8%	5.4%	5.4%	5.4%	5.4%	5.4%	0.0%
Annual \$ Change	831,943.84	756,240.56	1,325,767.19	327,670.82	327,670.82	67 Year Sparklines	67 Year Sparklines	8.4%	90.9%	7.0%	7.0%	7.0%	7.0%	7.0%	2.8%

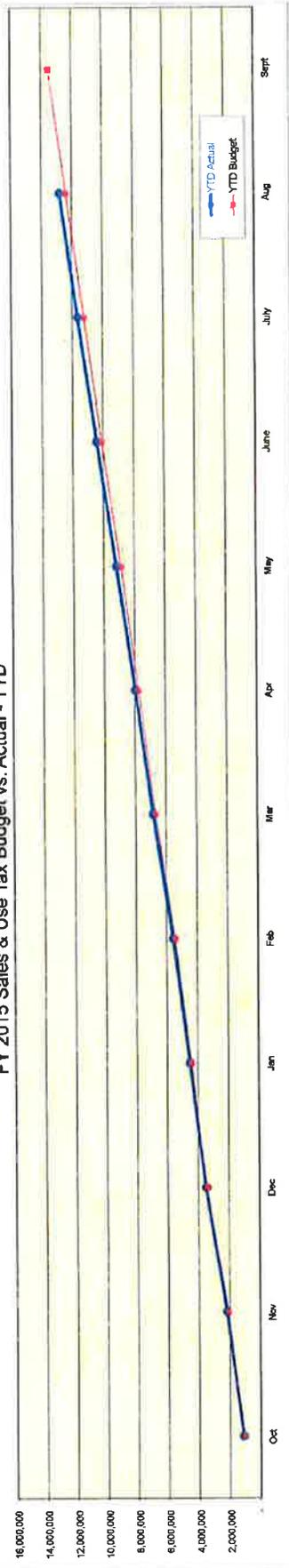
Sales & Use Tax Comparisons



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



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



MONTHLY LODGING TAX COLLECTIONS

*Based on Accrued Collections

ACTUAL COLLECTIONS

	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15	10 Year Spark Line
October	39,405.56	56,001.39	52,002.53	51,578.40	48,382.05	74,581.63	
November	33,763.37	48,329.73	47,568.08	43,459.48	43,912.92	77,289.64	
December	31,571.38	47,210.56	42,279.22	40,495.14	39,122.53	69,585.61	
January	42,883.70	49,006.12	41,917.34	47,548.01	43,198.04	72,323.09	
February	46,986.32	43,052.68	47,346.50	54,207.03	49,784.71	92,153.01	
March	52,771.52	67,422.43	70,058.33	64,325.47	71,954.97	112,752.43	
April	41,531.05	48,487.83	51,939.06	47,434.55	96,245.34	101,195.07	
May	66,820.96	57,880.48	54,740.45	68,448.49	107,155.55	108,715.74	
June	79,822.84	67,544.77	69,822.91	71,090.69	127,920.37	111,337.21	
July	91,906.47	76,631.86	79,417.80	94,310.47	139,397.37	140,897.70	
August	63,323.58	52,820.33	50,417.73	52,427.99	93,733.35	90,758.34	
September	52,682.79	45,216.75	46,968.89	45,148.35	71,790.24		
Total	643,461.54	659,604.93	654,478.84	680,474.07	922,597.44	1,051,590.47	

Ord 1987-28 adopted December 8, 1997 incr levy from 3% to 4%.

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

CHANGE IN DOLLARS

	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	9 Year Spark Line
October	(7,137.64)	16,595.83	(3,988.86)	(424.13)	(3,620.48)	26,199.58	
November	(6,415.32)	14,566.36	(781.65)	(4,108.60)	(3,655.16)	33,376.72	
December	(6,573.31)	15,639.18	(4,931.34)	(1,784.08)	(3,156.69)	30,463.08	
January	3,177.66	6,122.42	(7,088.78)	5,630.67	1,280.70	29,125.05	
February	299.31	(3,945.64)	4,293.82	6,860.53	2,438.21	42,388.30	
March	(459.33)	14,650.91	2,635.90	(5,732.86)	1,898.64	40,797.46	
April	(2,748.70)	8,956.78	3,451.23	(4,504.51)	34,308.28	14,950.73	
May	23,527.22	(8,940.48)	(3,140.03)	13,708.04	52,415.10	1,560.19	
June	23,328.73	(12,278.07)	2,278.14	1,267.78	58,097.46	(16,583.16)	
July	31,286.69	(15,274.61)	2,785.94	14,892.67	59,979.57	1,500.33	
August	18,686.76	(10,503.25)	(2,402.60)	2,010.26	43,315.62	(2,875.01)	
September	17,232.17	(7,446.04)	1,752.14	(1,820.54)	24,821.35		
Total	94,206.24	16,143.39	(5,128.09)	25,995.23	268,118.60	200,783.27	

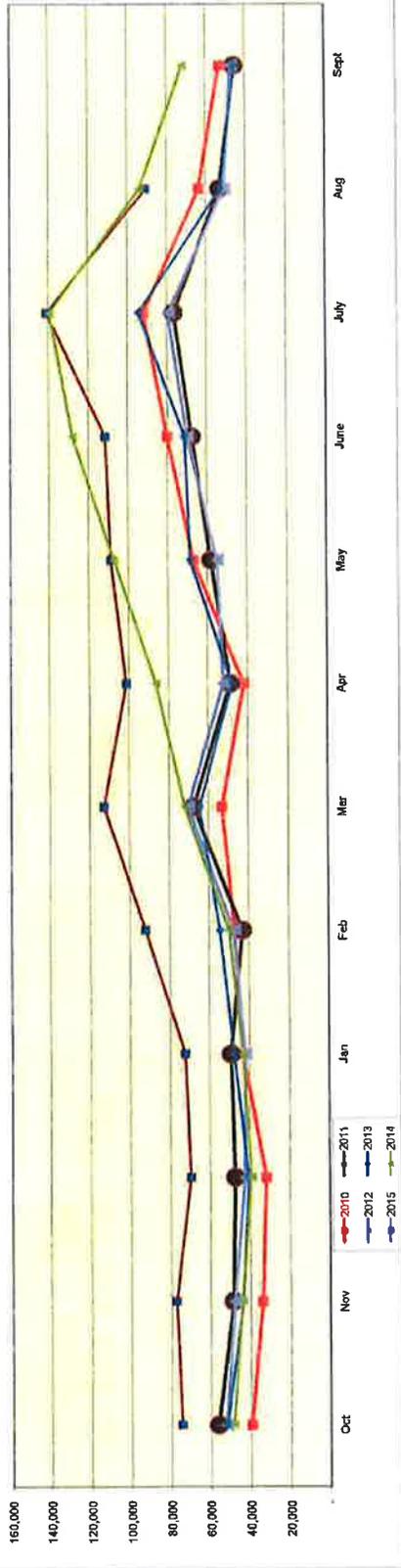
FY 2015 BUDGET vs. ACTUAL

	Monthly		
	Budget	Variance	YTD Variance
October	80,009.54	(5,427.91)	(5,427.91)
November	70,478.07	6,811.57	1,383.66
December	64,883.32	4,702.29	6,085.95
January	72,491.46	(168.37)	5,917.58
February	78,568.01	13,585.00	19,502.58
March	107,184.01	5,588.42	25,091.00
April	78,823.33	22,372.74	47,463.74
May	101,531.42	7,184.32	54,648.06
June	119,019.92	(7,682.71)	48,965.35
July	137,740.01	3,157.69	50,123.04
August	89,428.46	1,328.88	51,452.82
September	74,862.45		
Total	1,075,000.00	51,452.92	4.8%

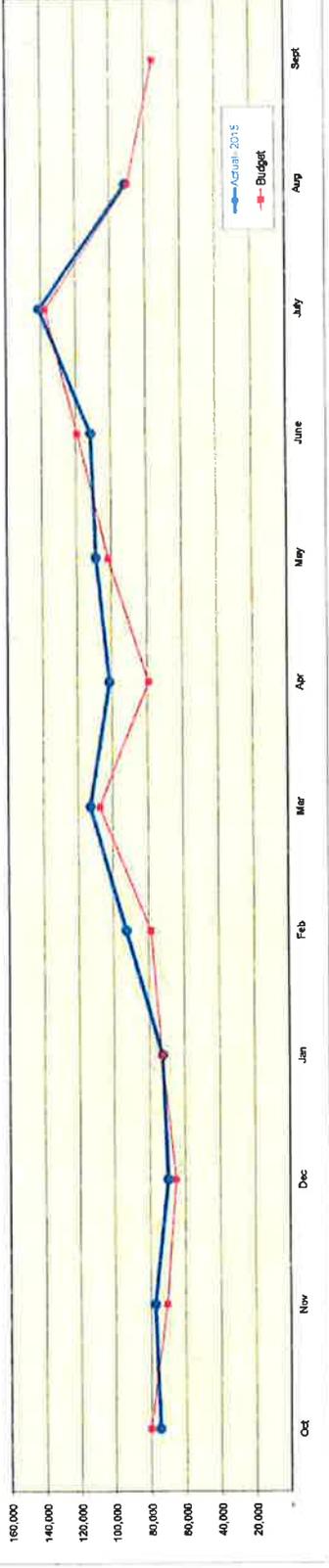
CHANGE IN PERCENTAGE

	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	9 Year Spark Line
October	29.8%	-7.7%	-0.8%	-7.5%	35.1%	
November	30.1%	-1.6%	-8.5%	-8.3%	43.2%	
December	33.1%	-11.7%	-4.4%	-8.1%	43.8%	
January	12.5%	-16.9%	11.8%	3.0%	40.3%	
February	-9.2%	8.1%	12.7%	4.9%	46.0%	
March	21.7%	3.8%	-8.9%	2.6%	36.2%	
April	14.3%	6.6%	-9.5%	39.8%	14.8%	
May	-15.4%	-5.7%	20.0%	48.9%	1.4%	
June	-18.2%	3.3%	1.8%	43.0%	-14.9%	
July	-19.9%	3.5%	15.8%	43.0%	1.1%	
August	-19.9%	-4.8%	3.8%	46.2%	-3.3%	
September	-16.5%	3.7%	-4.0%	34.5%		
% Change	2.4%	-0.8%	3.8%	29.1%	18.1%	

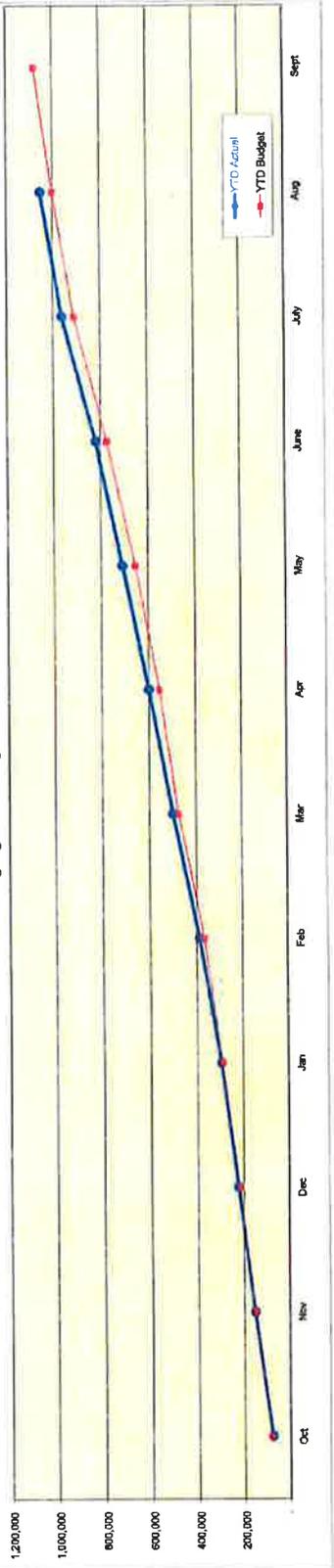
Lodging Tax Comparisons Year over Year



FY 2015 Lodging Tax Budget vs. Actual - Monthly



FY 2015 Lodging Tax Budget vs. Actual - YTD



Buildings & Property Committee Meeting

Tuesday, October 5, 2015

4:30 PM

Daphne City Hall- Executive Conference Room

Committee Minutes

Present: Councilman John Lake; Councilman Randy Fry; Councilwoman Tommie Conaway; Councilman Pat Rudicell; Councilman Robin LeJeune; Mayor Haygood (arrived at 5:05 p.m.); Rebecca Hayes, recording secretary; BJ Eringman, Deputy Director Public Works; Margaret Thigpen, Civic Center Director; Ashley Campbell, Environmental Programs Manager; Al Guarisco, Village Point Foundation; Victoria Phelps, Lake Forest Property Owners Association

Absent: Councilman Ron Scott.

The meeting was brought to order at 4:31 pm by Councilwoman Conaway.

1. Appoint a Chairman

MOTION BY Councilman Rudicell to appoint Councilman Lake Chairman of the Buildings and Property Committee. Seconded by Councilwoman Conaway.

AYE Fry, Conaway, Rudicell, LeJeune

ABSTAIN Lake

MOTION CARRIED

2. Public Participation

Victoria Phelps from the Lake Forest Property Owners Association reported that Ashley Campbell approached the Lake Forest Property Owners Association (LFPOA) regarding drainage easements for five (5) lots, and that the LFPOA will be considering the request at their next work session and regular meeting.

3. Approval of Minutes: September 8, 2015

There were no corrections to the September 8, 2015 minutes, and the minutes stand approved as written.

4. Daphne Central Park Report: B.J. Eringman

The work is going great. The pavers did a great job on paving the walkway, and the baskets are on the way, and will take a short time to install. This will be joint disc golf and foot golf.

5. Surplus Property: Suzanne Henson

No surplus property

6. Civic Center, Bayfront Pavilion, and CVB report (September): Margaret Thigpen

Margaret Thigpen distributed and discussed her September report. September 2015 revenue for the Civic Center totaled \$8,664.50 a decrease from September 2014 levels. Year-end revenues stood at \$156,672.00 below figures listed for FY2014. As she has previously mentioned, general business is down for this year; however, looking to exceed figures next year based on activity.

CVB Report

Mrs. Thigpen reported that Centennial Motors decided to go back to Fairhope due to their relationship with the airport.

The committee discussed putting the digital sign where Kentucky Fried Chicken used to be. Mrs. Thigpen will bring back more information at the next meeting.

7. Building Inspection Monthly Reports (September): Ashley Campbell

Mrs. Campbell gave the total permits for September:

90 Permits were issued / Value \$2,137,594.26

14 Certificates of Occupancy

6 New Construction / 2 R-3 and 4 R-2

8. Village Point Bayfront Properties (Follow up/Next Steps: AL Guarisco

The committee discussed the two (2) lots above the Marino property, and construction of an Amphitheatre at Bay Front Park.

MOTION BY Councilman Fry to take \$6,000 from the Lodging Tax Bay Front fund to have Prebble-Rish and Goodwyn – Mills to prepare a preliminary master plan and cost for the upgrade of the property so research for grants can be done, and to form a five (5) member committee which would include two (2) council members and one or two (1 or 2) representative from the Village Point Foundation as part of the five (5). Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

9. Gibbs Property (155 Bay View Drive)

Mrs. Campbell said she is continuing to dig into this issue, and once the reports come back she will come back and ask for funding.

10. Steiner Land Donation: Ashley Campbell

Mrs. Campbell reported that she is drafting a resolution for acceptance of the donation of property by Mr. Steiner. It will be annexed as R-1 which requires no fees. Everything has to be closed out by December 27th.

Mrs. Campbell mentioned that there are five (5) parcels that she wants to buy for storm water drainage improvements from Friday Construction. She has asked the LFPOA to waive the transfer fees and they have agreed for lot 38 unit 12.

11. Chiller Control System HVAC City Hall & Civic Center: BJ Eringman

BJ Eringman mentioned that they have gotten a proposal from the company who originally installed the system for City Hall, and they have submitted proposals which would be cheaper than putting in new controls. He recommends going with the proposals from Walters Controls, Inc. He said that it will only cost \$240 to reset the software at the Civic Center.

Councilman Rudicell asked about the sand at May Day Park, and Mayor Haygood said he is working toward a solution with the property owners.

12. Any Other Business to Discuss

There was no other business to discuss.

Next meeting will be held Monday, November 2, 2015 at 4:30pm.

13. Adjourn

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

MOTION CARRIED UNANIMOUSLY

**THERE BEING NOT FURTHER BUSINESS TO DISCUSS THE MEETING ADJOURNED
AT 5:25 P.M.**

Rebecca A. Hayes

From: Tonja Young
Sent: Friday, October 16, 2015 3:02 PM
To: Rebecca A. Hayes
Subject: RE: Reappoint members
Attachments: scan A. LaPalme Resig Lib Brd ltr Oct 20150001.pdf

Becky,

The Board Chair actually brought the bylaws to my attention and asked me to speak with Andre about resigning. It was my responsibility in acting for the Board to ask Andre to resign; however, it was with great sorrow that I fulfilled that duty. Andre was a great addition to the Library Board and I feel he should be allowed to serve again in the future, if he so chooses, after he has become more settled into his new position at the college.

Please find the letter attached.

Thanks,

Tonja

Dear Daphne Public Library Board:

October 15, 2015

As per the request of Tonja Young, Director, I am resigning my position on the Daphne Public Library Board, effective immediately.

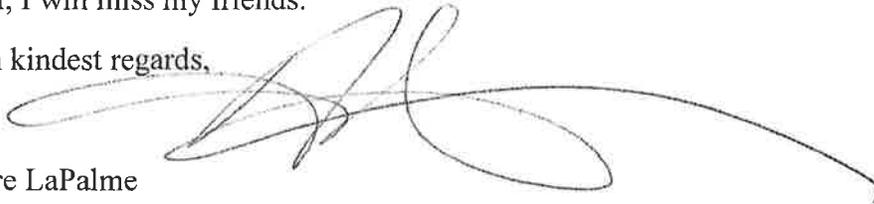
Since I have missed three (3) meetings in a row, I have clearly violated the established by-laws. I am very sorry for this oversight; I can assure you that this was quite by accident. During June, 2015, I was in Louisville, Kentucky and therefore missed that meeting; evidently, I also missed the next two meetings, another oversight on my part.

It has always my goal to serve the library and the community to the best of my ability. However, given my busy schedule and new career at Faulkner State Community College, it is clear that this is no longer possible.

Therefore, please accept my resignation with regrets. I will certainly miss the comradery and spirit of the board; I will miss the idea that I can make a difference in the community; but most of all, I will miss my friends.

With kindest regards,

Andre LaPalme

A handwritten signature in black ink, appearing to read 'Andre LaPalme', with a long, sweeping horizontal line extending to the right.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of August 27, 2015
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

The regular meeting of the City of Daphne Planning Commission was called to order at 5:01 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Monty Montgomery, Secretary
Dwayne Smith
Charles Smith, Vice Chairman
Larry Chason, Chairman
Tyrone Fenderson
Ron Scott, Councilman
Hudson Sandefur
Marybeth Bergin

Staff Present:

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

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

Chairman asked for questions, comments or corrections to the minutes ***of the special meeting of July 30, 2015. There being none, the minutes are approved as submitted.***

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

An introductory presentation was given by Ms. Randi Evans, representative for my son-in-law, Prescott Parker and his siblings, in the matter of subdividing three point six-nine acres into two-lots located in the extraterritorial planning jurisdiction north of County Road 64 the intersection of Conway Lane and Rigsby Road. They have acquired the approval of Baldwin County and submitted the required documentation to the City of Daphne.

Chairman asked for Commission questions or comments and opened the floor to public participation. No one came forth. He closed public participation and asked for a motion for approval.

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

**The City of Daphne
Planning Commission Minutes
Regular Meeting of August 27, 2015
Council Chamber, City Hall - 5:00 P.M.**

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

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately six point six seven acres located northwest of Hall's Lane and U.S. Highway 98.

Chairman asked for Commission questions or comments and does the fifty feet shown extend to the west property line. Mr. Pumphrey stated the fifty feet is a part of Lot 2 to be used as access. It is not a right-of-way.

Chairman asked for Commission questions or comments and opened the floor to public participation. No one came forth. He closed public participation and asked for a motion for approval.

A Motion was made by Mr. Sandefur and Seconded by Mr. Scott to grant approval of the preliminary/final plat for Shore Oaks Subdivision. There was no discussion on the motion. The Motion carried unanimously.

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

An introductory presentation was given by Mr. Andy Bobe, representative of Preble-Rish, requesting site plan review of a multi-tenant retail strip center combined with food service and retail uses with associated access, parking, and landscaping located northwest of Hall's Lane and U.S. Highway 98.

Chairman asked for Commission questions or comments and asked about the location of the trash dumpster. Mr. Bobe stated the dumpster located there for the connection to the grease trap.

Chairman asked if the issue of the fire hydrant and other comments have been addressed. Mr. Bobe stated I have received notice that all staff comments have been satisfied.

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

A Motion was made by Mr. Ron Scott and Seconded by Mr. Charles Smith to grant site plan approval to Shore Oaks Center. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is site plan review for Daphne Commercial Center, Malbis Lot 2.

An introductory presentation was given by Mr. Trey Jinright, representative of Jade Consulting, requesting site plan review of a potential multi-tenant retail and restaurant facility in Malbis.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of August 27, 2015
Council Chamber, City Hall - 5:00 P.M.**

Mr. Jinright stated the developer plans the continuation of the eight-foot brick wall at the east property line similarly constructed to the Zaxby's and Eastern Shore Urgent Care. With the development of this and the project to the south, there will be an extension of the service road north. The next phase of development will extend the service road to Papa George and improve the traffic circulation in this area.

Chairman asked for Commission questions or comments.

Mr. Jinright described traffic flow and signalization at the service road and Alabama Highway 181 and stated this intersection & short stacking lane is similar to Santa Rosa Avenue and U.S. Highway 98.

Commissioners expressed concerns about the traffic flow south to the traffic signal and would like the connection to Papa George Street.

Chairman asked the Public Works Director to comment. Mr. Johnson stated the intersection is not problematic. Mr. Sandefur commented that traffic flow at this intersection works well. Mr. Johnson stated the service road shown is an easement approved on the master plan of Historic Malbis Subdivision and is a part of the respective lots, not a right-of-way, of which a connection could be required by the Commission.

Chairman asked the owner of the lot north of this site and has the site been submitted for architectural review. Ms. Jones stated the property owner is Malbis Plantation, Inc. Mr. Jinright stated the plans have received the approval of Malbis ARB.

Ms. Jones asked Mr. Johnson to comment on the responsive program proposed for Alabama Highway 181. Mr. Johnson stated the first phase of the MPO project is on U.S. Highway 98 which is funded and in progress. The next phase is Highway 31 to County Road 64. It is approximately one year from funding, and the MPO, Baldwin County and the City are insistent that ALDOT address the exchange at Alabama Highway 181.

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

A Motion was made by Mr. Ron Scott and Seconded by Mr. Charles Smith to grant site plan approval to Daphne Commercial Center, Malbis Lot 2. There was no discussion on the motion. The Motion carried unanimously.

Mr. Montgomery recused himself from discussion or action on the agenda item.

The next order of business is site plan review for Spec. 2, Lot 14 & 15.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of August 27, 2015
Council Chamber, City Hall - 5:00 P.M.**

An introductory presentation was given by Mr. Trey Jinright, representative of Jade Consulting, requesting site plan review of an office and warehouse facility located northwest of Rand Avenue and Public Works Road with cross easements for access to the sites and the detention facility.

Chairman asked for Commission questions or comments and the motion should include Planning Commission approval of a commercial warehouse in B-2, and a waiver of the installation of sidewalks.

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

A Motion was made by Mr. Ron Scott and Seconded by Mr. Charles Smith to grant Planning Commission approval of a commercial warehouse in a B-2 zone, site plan approval of Spec. 2, Lot 14 and 15, and a waiver of the installation of sidewalks.

Mr. Scott asked the Commission to not waive the sidewalk requirement for in the future because a sidewalk is imperative for pedestrian traffic in a development.

The Motion carried. Mr. Montgomery abstained.

The next order of business is a pre-zoning amendment for John W. West.

An introductory presentation was given by Mr. John W. West, owner, requesting pre-zoning of a zero point three one acre parcel, Lots 5 & 9, Issac Austin Properties, located southwest of Holy Cross Circle and Holy Cross Drive as B-1, Local Business, which are adjacent to Lots 1-4 & 6-8, that I presently own.

Chairman asked for Commission questions or comments. He commented that this is a matter of housekeeping. It is only logical to reclassify it to a zoning consistent with the surrounding property.

Chairman asked for Commission questions or comments and opened the floor to public participation. No one came forth. He closed public participation and asked for a motion for recommending acceptance.

A Motion was made by Mr. Scott and Seconded by Mr. Sandefur of an unanimous affirmative recommendation by the Planning Commission to the City Council of Daphne of the pre-zoning of a zero point three one acre parcel, Lots 5 & 9, Issac Austin Properties, located southwest of Holy Cross Circle and Holy Cross Drive from an RSF-4, Two Family District, Baldwin County District 16, to B-1, Local Business, for John W. West. There was no discussion on the motion. The Motion carried unanimously.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of August 27, 2015
Council Chamber, City Hall - 5:00 P.M.**

The next order of business is annexation review for John W. West.

An introductory presentation was given by Mr. John W. West, owner, of a request for annexation of a zero point three one acre parcel, Lots 5 & 9 of Issac Austin Properties, located southwest of Holy Cross Circle and Holy Cross Drive.

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

A Motion was made by Mr. Scott and Seconded by Mr. Sandefur of an unanimous affirmative recommendation by the Planning Commission to the City Council of Daphne of the annexation of a zero point three one acre parcel, Lots 5 & 9, Issac Austin Properties, located southwest of Holy Cross Circle and Holy Cross Drive as B-1, Local Business. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a zoning amendment for Cadence Bank.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, requesting rezoning of a six point zero two-acre parcel located one quarter mile south of the intersection of County Road 64 and Pollard Road from an R-4, High Density Multi-Family Residential, to a PUD, Planned Unit Development. The previously proposal consisted of an existing parcel zoned R-4 and the three lots of Bolar View Subdivision in Baldwin County, and a request to rezone, pre-zone and annex the property as a PUD. In consideration of the comments at the work session, the narrative and exhibit have been revised to adhere to the forty-foot setback for a PUD.

Chairman asked for Commission questions or comments.

Mr. Sandefur asked Mr. Pumphrey to explain the benefit of rezoning the property to a PUD rather than R-4. Mr. Pumphrey stated the development cannot meet the setbacks of R-4 zoning.

Chairman asked the number of units and the density. Mr. Pumphrey stated eighty-two townhome units, eleven point three units per acre.

Chairman asked how the density compares to R-4. Ms. Jones stated that the density is less than which is permissible in R-4. R-4 would allow fourteen units per acre. The new district for apartments and/or townhomes would allow ten units per acres so this is a good compromise.

Chairman opened the floor to public participation.

Mr. Willie Young, 25602 Pollard Road, expressed concern about storm water drainage, the need for the placement of a stop sign onto Pollard, and asked how the development will affect my dogs.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of August 27, 2015
Council Chamber, City Hall - 5:00 P.M.**

Chairman commented that you are in the county and are not affected by the Daphne Noise Ordinance and asked Mr. Pumphrey and Mr. Johnson to address Mr. Young's concerns. Mr. Pumphrey stated that he will meet on site with him once we are in the design phase. Mr. Johnson commented that a vehicle entering into a right-of-way to a private drive should yield. Prior to the approval of a new subdivision, the developer must have the concurrence of the utility board prior to construction.

Chairman closed public participation and asked if the narrative met the intent of a PUD. Ms. Jones stated yes.

Mr. Pumphrey outlined the key points of the narrative: revised setbacks, coverage and open space; private roadways in a gated community; decorative fencing on Pollard Road; two-story units architecturally similar to phase one, and less intense than the previous proposal. Chairman asked to revise the narrative to include the description of the type of units and square footage.

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

A Motion was made by Mr. Ron Scott and Seconded by Mr. Charles Smith of an unanimous affirmative recommendation by the Planning Commission to the City Council of Daphne of the rezoning of a six point zero two acre parcel located one quarter mile south of the intersection of County Road 64 and Pollard Road from an R-4, High Density Multi-Family residential, to a PUD, Planned Unit Development, for Cadence Bank. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a pre-zoning amendment for Cadence Bank.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, requesting pre-zoning of a one point zero eight acre parcel, Lots 1, 2 & 3 of Bolar View Subdivision, located one quarter mile south of the intersection of County Road 64 and Pollard Road from an RSF-2, Single Family District, Baldwin County District 15 to a PUD, Planned Unit Development.

Chairman opened the floor to public participation. No one came forth. He closed public participation and asked for Commission questions or comments and a motion recommending acceptance.

A Motion was made by Mr. Ron Scott and Seconded by Charles Smith of an unanimous affirmative recommendation by the Planning Commission to the City Council of Daphne of the pre-zoning of a one point zero eight acre parcel, Lots 1, 2 & 3 of Bolar View Subdivision, located one quarter mile south of the intersection of County Road 64 and Pollard Road from an RSF-2, Single Family District, Baldwin County District 15, to a PUD, Planned Unit Development for Cadence Bank.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of August 27, 2015
Council Chamber, City Hall - 5:00 P.M.**

There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a petition for annexation review for Cadence Bank.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, requesting annexation of a one point zero eight acre parcel, Lots 1, 2 & 3 of Bolar View Subdivision, located one quarter mile south of the intersection of County Road 64 and Pollard Road as from an RSF-2, Single Family District, Baldwin County District 15 as a PUD, Planned Unit Development.

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

A Motion was made by Mr. Scott and Seconded by Mr. Sandefur of an unanimous affirmative recommendation by the Planning Commission to the City Council of Daphne of the annexation of one point zero eight acre parcel, Lots 1, 2 & 3 of Bolar View Subdivision, located one quarter mile south of the intersection on County Road 64 and Pollard Road as a PUD, Planned Unit Development. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a zoning amendment for Sweetwater Properties, L.L.C. & Robert Deneefe IV.

An introductory presentation was given by Mr. Ercil Godwin, representative of Sawgrass Consulting, of the rezoning of a one point nine four acre site consisting of four adjacent parcels at the southwest intersection of Van Avenue and Main Street from R-2, Medium Density Single Family Residential, and B-3, Professional Business, to R-6 (G), Garden/Patio Homes. The developer is proposing a single family residential development with the maximum density of thirteen-lots with one access and a hammerhead. The rezoning follows the intent of the Olde Towne Daphne District as laid out in the zoning regulations to improve aesthetics, increase land values, improve human values, and the design standards of the city.

Chairman clarified there will be a privacy fence along Van Avenue. Mr. Godwin stated the fence will encompass the property and prohibit access to Van Avenue.

Chairman stated the Commission was given a petition from forty-six residents in opposition to the rezoning.

Chairman asked for Commission questions or comments.

Mr. Charles Smith commented on the density and asked about the preservation of trees. Mr. Godwin stated that the homes will be strategically on the lots to maintain as many trees as possible.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of August 27, 2015
Council Chamber, City Hall - 5:00 P.M.**

Chairman clarified that the Commission is discussing the appropriateness of the rezoning and not the subdivision of property.

Mr. Charles Smith asked is the density in compliance with our Ordinance. Chairman stated if it is rezoned. Ms. Jones stated it would be in compliance, but this is not a judgement of a subdivision design and/or review.

Chairman asked the maximum density of the property zoned R-6(G). Mr. Scott asked the current density of the property. Mr. Godwin stated eleven units. Ms. Jones stated fifteen units per acre.

Chairman opened the floor to public participation.

Mr. Kit Smith, 608 Van Avenue and prior member of the Downtown Redevelopment Authority, spoke in opposition and stated that the proposal is not consistent with the Olde Towne Daphne District and expressed concern regarding drainage.

Mr. McKinney, 702 Van Avenue, spoke in opposition and presented the petition presented to the Commission by the residents opposed to the rezoning of property on the west side to a zone other than R-1 or R-2. It was my understanding at the time of the renovation of my home that this property would revert back to R-2.

Ms. Claire DeVarga, 1426 5th Street, spoke in opposition and stated the development plan is not in keeping with the design of old town Daphne and asked the Commission to not set a precedent by approving the rezoning.

Mr. Derek Norman, 611 Van Avenue, spoke in opposition and commented on flooding and stated the rezoning would change the character of old town Daphne.

Ms. Cathy Barnette, 612 Van Avenue, spoke in opposition and stated the density proposed does not preserve the charm, history, or character of the neighborhood, but this request could forever change the possibilities of what old town Daphne could be.

Mr. David Wetzal, 406 Belrose Avenue, expressed spoke in opposition and commented on traffic and water pollution.

Ms. Katherine Pearl, 601 McAdams, spoke in opposition and commented on the storm water drainage and traffic issues in this area.

Ms. Diane McMahan, College & Sixth Street, spoke in opposition and commented on the width of the street, absence of sidewalk and traffic.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of August 27, 2015
Council Chamber, City Hall - 5:00 P.M.**

Ms. Demaris Anderson, 1401 Main Street, spoke in opposition and commented on the traffic, storm water drainage and the width of Van Avenue.

Ms. Laura Vick, Van Avenue, spoke in opposition and asked the Commission to deny the rezoning.

Chairman closed public participation. and asked for a motion recommending acceptance.

Mr. Godwin commented that the request is for rezoning and a subdivision will have to meet the requirements and standards of Daphne. The development of the subdivision would provide detention in this area, provide walkability, and access is denied to Van Avenue due to its width.

Ms. Jones commented that the Olde Towne Daphne District map is not a reference for future land use, but rather a map of the boundary of the district. Mr. Fenderson asked does one exist. Ms. Jones commented that a favorable recommendation was presented because the proposal is in accordance with the Olde Towne Daphne District, and the future land use map indicated that this property should be residential.

Chairman asked questions or comments and a motion recommending acceptance.

A Motion was made by Mr. Ron Scott and Seconded by Mr. Charles Smith of an unanimous negative recommendation by the Planning Commission to the City Council of Daphne of the rezoning of a one point nine four acre parcel located southwest of the intersection of Van Avenue and Main Street from R-2, Medium Density Single Family Residential, and B-3, Professional Business, to R-6 (G), Garden/Patio Homes for Sweetwater Properties, L.L.C. & Robert Deneefe, IV.

Mr. Boucher asked Commissioners to state their concerns on record and reason for denial. Mr. Montgomery stated the plan is in not harmonious with the neighborhood. Mr. Dwayne Smith stated he is not in opposition and concerned with density. Mr. Charles Smith is concerned with density. Mr. Chason concerned with uniqueness and character of the neighborhood. Mr. Fenderson opposed. Mr. Scott commented the development is not in character for area and opposed to a development of this density on the west side of Main Street. Mr. Sandefur is concerned with density. Ms. Bergin stated this is not a suitable development for this site.

The Motion carried unanimously.

The next order of business is master plan review, pre-zoning amendment and annexation review for Red Barn, L.L.C.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of August 27, 2015
Council Chamber, City Hall - 5:00 P.M.**

Chairman stated that the owner, Red Barn, L.L.C., has requested to table the applications until the next regular meeting.

A **Motion** was made by Mr. Monty Montgomery and **Seconded** by Mr. Dwayne Smith **to table master plan review, pre-zoning amendment and annexation review for Red Barn, L.L.C. until the regular meeting of September 24, 2015. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is public participation.

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

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

Mr. Boucher stated no report.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

Ms. Jones presented that the Alabama & Mississippi Chapters of the Planning Association Conference will be held on October 7-9, 2015 in Orange Beach.

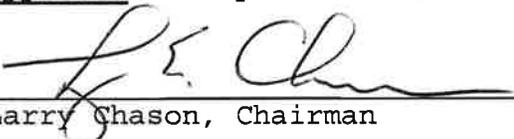
There being no further business, the meeting was adjourned at 7:25 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: September 24, 2015



Larry Chason, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF SEPTEMBER 24, 2015 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.



1. **CALL TO ORDER**

2. **CALL OF ROLL: LARRY CHASON, CHARLES SMITH, TYRONE FENDERSON, RON SCOTT, HUDSON SANDEFUR, MARYBETH BERGIN, AND CHIEF WHITE**

3. **APPROVAL OF MINUTES:**

Review of minutes for the regular meeting of August 27, 2015. (**APPROVED AS SUBMITTED**)

4. **OLD BUSINESS:**

A. **PETITIONS:**

1. **RED BARN, L.L.C.:**

(a) **MASTER PLAN:**

File MPR15-02: (TABLED AT THE REQUEST OF THE ENGINEER TO THE MEETING OF OCTOBER 22, 2015)

Presentation to be given by Mr. Steve Pumphrey, representing Preble-Rish, requesting revised master plan review for Oldfield.

(b) **PRE-ZONING AMENDMENT: PUBLIC HEARING**

File PZ15-06: (WITHDRAWN BY THE ENGINEER)

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

Proposed Zoning(s): B-1, Local Business, R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-6 (G), Garden/Patio Homes

Location: South and west of Oldfield Subdivision, Phase One
Area: 110.5 Acres ±
Owner(s): Red Barn, L.L.C. - Julio Corte, Jr.
Engineer: Preble-Rish - Steve Pumphrey

(c) **ANNEXATION REVIEW:**

File ANX15-06: (WITHDRAWN BY THE ENGINEER)

Presentation to be given by Mr. Steve Pumphrey, representing Preble-Rish, requesting annexation of a one hundred ten point five acres into the City of Daphne located south and west of Oldfield Subdivision, Phase One as B-1, Local Business, R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-6 (G), Garden/Patio Homes. The subject property is currently zoned RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne. Red Barn, L.L.C. - Julio Corte, Jr.

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF SEPTEMBER 24, 2015 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

5. NEW BUSINESS:

A. ELECTION OF OFFICERS: (TABLED TO THE MEETING OF OCTOBER 22, 2015 MEETING)

B. SITE PLAN REVIEW:

1. File SP15-12: (APPROVED)

Site: **Christ the King Athletic Complex Phase I**

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

Location: Southeast corner of Main Street and Trione Avenue

Area: 10.83 ± Acres

Owner: Christ the King Church Catholic Church

Agent: Christ the King Church

Engineer: Cowles, Murphy & Glover - Gary Cowles or Jared Landry

C. ADMINISTRATIVE PRESENTATION:

1. File AP15-01: (NO ACTION TAKEN)

Presentation to be given by Doug Bailey, representative of Hutchinson, Moore & Rauch, of an administrative presentation for Sunrise Marine located west of U.S. Highway 98.

6. PUBLIC PARTICIPATION

7. ATTORNEY'S REPORT

8. COMMISSIONER'S COMMENTS

9. DIRECTOR'S COMMENTS:

a. Alabama\Mississippi Chapters of the Planning Association Conference, October 7-9, 2015, Orange Beach

b. Meeting dates: Site preview, October 14, and regular meeting, October 22, 2015

10. ADJOURNMENT



Robert Bentley
GOVERNOR

ALABAMA DEPARTMENT OF TRANSPORTATION

SOUTHWEST REGION
OFFICE OF REGION ENGINEER
1701 I-65 WEST SERVICE ROAD NORTH
MOBILE, ALABAMA 36618-1109
TELEPHONE: (251) 470-8200
FAX: (251) 473-3624



John R. Cooper
TRANSPORTATION DIRECTOR

October 5, 2015

The Honorable Dane Haygood
Mayor of Daphne
PO Box 400
Daphne, AL 36526

Dear Mayor Haygood:

Re: MOA for Removal and Disposal of Storm Debris

Attached, please find a revised Memorandum of Agreement (MOA) detailing the responsibilities of the Alabama Department of Transportation and the City regarding the removal and disposal of storm debris from ALDOT maintained rights-of-way/roadways. The previous MOAs were reviewed by ALDOT's Legal Bureau and it was determined that additional language should be added; therefore, please destroy the previously signed MOA and have the attached new one executed and returned to this office by December 1, 2015.

ALDOT is responsible for the first pass to remove the debris placed on the rights-of-way by storm events. After ALDOT completes the first pass, it will be the City's responsibility to remove any debris placed on the right-of-way. Should you have any questions, please contact Mr. Don Powell, P.E., Operations Engineer, at (251) 470-8230.

Sincerely,

Vincent E. Calametti, P.E.
Region Engineer

VEC/DP/bja
Attachment
c: File

MEMORANDUM OF AGREEMENT
BETWEEN THE STATE OF ALABAMA AND
THE _____ (MUNICIPALITY)
REGARDING REMOVAL AND DISPOSAL OF DEBRIS

This Memorandum of Agreement is made and entered into by and between the State of Alabama, acting by and through the Alabama Department of Transportation, hereinafter referred to as ALDOT; and the _____ (Municipality), hereinafter referred to as CITY; and

WHEREAS, ALDOT has control of and responsibility for maintenance and upkeep of the right of way on state roads and US routes; and

WHEREAS, a significant disaster event which the President of the United States declares a state of emergency and/or a disaster (EVENT) that authorizes the removal of any disaster generated debris from the right-of-way on state roads and US routes could occur at any time; and

WHEREAS, after a first pass by ALDOT to remove storm debris from the right of way on state roads and US routes there is storm debris from private property that has been placed on state right of way; and

WHEREAS, ALDOT finds it to be in its best interest to have a Memorandum of Agreement with the CITY to perform debris removal operations on right of way on state roads and US routes in which debris was placed thereon by owners of private property; and

NOW, THEREFORE, the parties hereto agree as follows:

1. ALDOT authorizes the CITY, its agent or its contractor to enter upon the state right of way at its discretion in order to arrange, order, gather, or otherwise marshal debris caused by or related to the debris resulting from an event or disaster and remove and dispose of the debris placed thereon by owners of private property.
2. This Agreement shall commence when executed by both parties and shall continue until terminated as provided herein, amended, or replaced with a new agreement. Except for as provided herein, this Agreement may be terminated with or without cause by either party upon ninety (90) days written notice. During a declared local, state, or federal state of emergency neither party shall be allowed to terminate this Agreement until the declared state of emergency has expired. If the CITY has

authorized a contractor to remove debris in response to a disaster, the terms of this Agreement shall survive the termination of Agreement for those areas which have been responded to prior to the termination until final payment and reimbursement is made for such debris removal.

3. Subject to the limitations on damages applicable to municipal corporations under Ala. Code § 11-47-190 (1975), the CITY shall indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, its officers, officials, agents, servants, and employees from and against (1) claims, damages, losses, and expenses, including but not limited to attorneys' fees arising out of, connected with, resulting from or related to the work performed by the CITY, or its officers, employees, contracts, agents or assigns (2) the provision of any services or expenditure of funds required, authorized, or undertaken by the CITY pursuant to the terms of this Agreement, or (3) any damage, loss, expense, bodily injury, or death, or injury or destruction of tangible property (other than the work itself), including loss of use therefrom, and including but not limited to attorneys' fees , caused by the negligent, careless or unskillful acts of the CITY its agents, servants, representatives or employees, or the misuse, misappropriation, misapplication, or misexpenditure of any source of funding, compensation or reimbursement by the CITY, its agents, servants, representatives or employees, or anyone for whose acts the CITY may be liable.
4. By entering into this agreement, the CITY is not an agent of the State, its officers, employees, agents or assigns. The CITY is an independent entity from the State and nothing in this agreement creates an agency relationship between the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date indicated below, and, each of the undersigned personally represent and warrant that they have the full right, power and authority to execute this Agreement on behalf of the respective parties.

ATTEST:

ALABAMA

_____ (CITY),

As Clerk (Signature)

As Chairman (Signature)

Type Name of Clerk

Type Name of Chairman

Date: _____

Date: _____

APPROVED AS TO FORM:

Jim R. Ippolito, Jr.
Chief Counsel
Alabama Department of Transportation

RECOMMENDED FOR APPROVAL:

John E. Lorentson, Deputy Director - Operations
Alabama Department of Transportation

APPROVED:

John R. Cooper, Director
Alabama Department of Transportation

Date: _____

NATIONAL LEAGUE of CITIES

2015 Officers

President

Ralph E. Becker
Mayor
Salt Lake City, Utah

First Vice President

Melodee Colbert-Kean
Councilmember
Joplin, Missouri

Second Vice President

Matt Zone
Councilmember
Cleveland, Ohio

Past President

Christopher B. Coleman
Mayor
Saint Paul, Minnesota

Chief Executive Officer/
Executive Director

Clarence E. Anthony

Deputy Executive
Director

Antoinette A. Samuel

September 22, 2015

Rebecca Hayes
City Clerk
City of Daphne
PO Box 400
Daphne, AL 36526-0400

Dear City Clerk Hayes:

The National League of Cities' (NLC) Annual Business Meeting will be held on Saturday, November 7, 2015, at the conclusion of the Congress of Cities and Exposition in Nashville, Tennessee. As a direct member city, your city is entitled to vote at this meeting. Based on population as of the 2010 Census, each member city casts between one and twenty votes. The number of votes for each population range can be found below.

POPULATION	VOTES	POPULATION	VOTES
Under 50,000	1 vote	500,000 – 599,999	12 votes
50,000 – 99,999	2 votes	600,000 – 699,999	14 votes
100,000 – 199,999	4 votes	700,000 – 799,999	16 votes
200,000 – 299,999	6 votes	800,000 – 899,999	18 votes
300,000 – 399,999	8 votes	900,000 and above	20 votes
400,000 – 499,999	10 votes		

To be eligible to cast a city's vote, a voting delegate and/or alternate(s) must be officially designated by the city using the enclosed credentials form and the city's membership in NLC must be up to date. NLC bylaws expressly prohibit voting by proxy.

At the Congress of Cities, the voting delegate must pick up and sign for the city's voting card at the Ask NLC Booth before the Annual Business Meeting and must be present at the Annual Business Meeting to cast the city's vote. The Ask NLC Booth will be open during scheduled times throughout the Congress of Cities and Exposition.

Please return the completed form to NLC by mail, fax (202-626-3109) or email membership@nlc.org before October 30, 2015, and keep a copy for your files. If you have any questions, please contact Mae Davis, at mdavis@nlc.org or 202-626-3150; or contact Gail Remy, Director of Member Relations at remy@nlc.org, or 202-626-3026.

Thank you,



Clarence E. Anthony
Executive Director

Enclosure



CREDENTIALS FORM

NATIONAL LEAGUE OF CITIES · 2015 CONGRESS OF CITIES AND EXPOSITION · NASHVILLE, TENNESSEE

At the Annual Business Meeting on Saturday, November 7, 2015, from 2:30 p.m. to 4:30 p.m., each direct member city of the National League of Cities (NLC) is entitled to cast from one to 20 votes based upon the city's population per the 2010 census, through its designated voting delegate. Please indicate below your city and state, your voting delegate and alternate(s), and sign and date the form. The form should be returned by October 30, 2015.

The official voting delegate and alternate(s) from:

City of Daphne Daphne, AL

VOTING DELEGATE:

1. NAME: _____

TITLE: _____

ALTERNATE VOTING DELEGATE(S):

2. NAME: _____

TITLE: _____

3. NAME: _____

TITLE: _____

FOR OFFICE USE ONLY
 (DO NOT WRITE IN THIS SPACE)

Voting card issued to:

(signature)

Votes: 1

PLEASE SIGN AND RETURN THIS FORM TO NLC BY OCTOBER 30, 2015
 ATTENTION: MAE DAVIS, NATIONAL LEAGUE OF CITIES, 1301 PENNSYLVANIA AVE., NW, SUITE 550, WASHINGTON, DC 20004
 EMAIL: MEMBERSHIP@NLC.ORG; FAX: 202-626-3109

Signature (city representative): _____

Title: _____ Date: _____

RESOLUTION NUMBER 2015-64
PROJECT NO: TAPAA-TA15(940) – COUNTY ROAD 13 SIDEWALKS:
(WHISPERING PINES ROAD TO CHAMPIONS WAY)

WHEREAS, funds are available from the State of Alabama through the Alabama Department of Transportation (ALDOT) / Transportation Alternatives Program (TAP) for the County Road 13 Sidewalk project; and

WHEREAS, the project estimate is \$499,958 with the estimated Federal funds \$399,966.40 and a City match of \$99,991.60 which is included in the FY2016 Capital Reserve Fund Budget; and

BE IT RESOLVED, by the City of Daphne as follows:

1. That the City of Daphne enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a Transportation Alternatives project with partial funding by the Federal Highway Administration, which agreement is before this Council;
2. That the agreement be executed in the name of the City, for and on behalf of the City, by its Mayor.
3. That it be attested by the Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Council.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF _____, 2015.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

I, the undersigned qualified and acting City Clerk of the City of Daphne, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council named therein, at a regular meeting of such Council held on the ____ day of _____, 2015 and that such resolution is on file in the City Clerk's Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this _____ day of _____, 2015.

Rebecca A. Hayes, City Clerk

Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

Memorandum

To: Councilman Randy Fry - Chairman, Finance Committee
Thru: Kelli Kichler, Finance Director
From: Richard D. Johnson, P.E.; Public Works Director
CC: Volkert Engineers; Mayor Dane Haygood; Finance; File
Date: October 6, 2015
Re: *Project No. TAPAA-TA15(940) – County Road 13 – Sidewalk (Whispering Pines to Champions Way), City of Daphne*

Mr. Chairman:

I am requesting that the attached resolution (within the ALDOT Agreement) concerning the above reference project be recommended to the full Council for consideration.

I further recommend the following appropriations be made:

- Project Survey, Engineering, Design & Letting Fees \$ 42,500.00*
Volkert, Inc.

Appropriation Required: \$ 42,500.00*

**Based on the established Professional Engineering Service Agreement for Grade, Drainage, Base & Pave (GDBP) projects between \$250k-\$500k (project estimate \$500k) 8.5% of construction cost.*



Robert Bentley
GOVERNOR

ALABAMA DEPARTMENT OF TRANSPORTATION

SOUTHWEST REGION
OFFICE OF REGION ENGINEER
1701 I-65 WEST SERVICE ROAD NORTH
MOBILE, ALABAMA 36618-1109
TELEPHONE: (251) 470-8200
FAX: (251) 473-3624



John R. Cooper
TRANSPORTATION DIRECTOR

October 2, 2015

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

Dear Mayor Haygood:

**RE: Project No. TAPAA-TA15(940)
County Road 13 Sidewalks
City of Daphne
Baldwin County**

Attached please find the original agreement between the City and the State on the above-referenced project. Please review the agreement. If it is acceptable to you, execute and return to this office.

A resolution is also enclosed which will need to be certified in order to authorize you to sign the agreement. **The city's seal must be affixed to both the resolution and the signed agreement.**

If you have any questions regarding this matter, please contact Mr. Dewayne A. Hood at (251) 470-8253.

Sincerely,

Vincent E. Calametti, P.E.
Region Engineer

By:

Dewayne A. Hood
Transportation Administrator
Special Projects

VEC/DAH/dah
Attachment
c: File

**AGREEMENT
FOR A TRANSPORTATION ALTERNATIVES PROJECT**

**BETWEEN THE STATE OF ALABAMA AND
THE CITY OF DAPHNE**

Baldwin County

County Road 13 Sidewalks

Project No. TAPAA-TA15(940)

PART ONE (1): INTRODUCTION

This Agreement is made and entered into by and between the State of Alabama (acting by and through the Alabama Department of Transportation), hereinafter referred to as STATE; and the City of Daphne, Alabama, hereinafter referred to as SPONSOR, in cooperation with the U. S. Department of Transportation, Federal Highway Administration, hereinafter referred to as FHWA, and

WHEREAS, legislation enacted by the U. S. Congress authorizing the establishment of a Transportation Alternatives Program, and

WHEREAS, said legislation requires that two percent of the “Moving Ahead for Progress in the 21st Century Act” or the “MAP-21” funds be available for transportation alternatives activities, and

WHEREAS, transportation alternatives activities are defined as...

1. Construction of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian lighting, downtown streetscape (combination of sidewalks, pedestrian lighting and landscaping), and other transportation projects to achieve compliance with the Americans with Disabilities Act of 1990.
2. Construction of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.

3. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users.
4. Construction of turnouts, overlooks, and viewing areas.
5. Community improvement activities, including-
 - i. inventory, control, or removal of outdoor advertising;
 - ii. historic preservation and rehabilitation of historic transportation facilities;
 - iii. vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
 - iv. archaeological activities relating to impacts from implementation of a transportation project eligible under Title 23.
6. Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to-
 - i. address storm water management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff.
 - ii. reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

WHEREAS, the SPONSOR developed a project application, including the document relating thereto, which was subsequently submitted to the STATE and approved, and

WHEREAS, it is in the public interest for the STATE and the SPONSOR to participate in a transportation alternatives program, as reflected by such project application.

NOW, THEREFORE, the parties hereto do hereby agree as follows:

PART TWO (2): PROJECT PROVISIONS

- A. Project Description:** The SPONSOR will undertake a transportation alternatives project in accordance with this Agreement, plans approved by the STATE and the requirements, provisions, terms, and conditions of the project application, including the documents relating thereto, developed by the SPONSOR and approved by the STATE. This application, including the documents relating thereto, is of record in the Alabama Department of Transportation and is hereby incorporated in and made a part of this Agreement by reference. It is understood by the SPONSOR that failure to carry out the project in accordance with the Agreement, approved plans and the project application,

including documents related thereto, may result in the loss of federal funding for the project.

B. Time Limit: This project will commence upon execution of this Agreement and upon written authorization to proceed from the STATE directed to the SPONSOR. The SPONSOR shall have no more than two (2) years from the date of execution of this agreement to have the project authorized for construction, or to begin right-of-way acquisition, or to commence other eligible activities in accordance with the scope of work approved by the STATE. If this stipulation is not met, the STATE will notify the SPONSOR in writing that the project is terminated.

C. Project Funding: It is expressly understood that federal funds for this project will be provided from Transportation Alternatives Program funds as authorized under MAP-21 and the STATE will not be liable for any funding. It is further understood that this is a cost reimbursement program and no federal funds will be provided to the SPONSOR prior to accomplishment of work for which reimbursement is requested. Cost for the project will be financed, when eligible for federal participation, on the basis of 80 percent federal transportation alternatives funds and 20 percent SPONSOR funds, not to exceed a maximum sum of \$399,966.40 in federal funds. The estimated cost and participation by the various parties is as follows:

	Total Estimated Cost	Estimated Federal Funds	Estimated Sponsor Funds	Estimated State Funds
Construction (Including Professional Fees For Construction Engineering and Inspection)	\$499,958.00	\$399,966.40	\$99,991.60	\$0
Total	\$499,958.00	\$399,966.40	\$99,991.60	\$0

Plans for constructing improvements under this project will be developed by or for the SPONSOR at no expense to the STATE or FHWA. Construction of improvements under this agreement will be by contract in keeping with applicable competitive bid laws.

Necessary engineering and inspection during construction will be performed by or for the SPONSOR and will be paid for with project funds. Any cost incurred by the SPONSOR relating to this project which is determined to be ineligible for reimbursement by the FHWA or in excess of the limiting amount previously stated will be borne and paid by the SPONSOR with no liability of the STATE for any such cost.

D. Project Budget: The SPONSOR will develop and submit to the STATE for approval a project budget. This budget will be in such form and detail as may be required by the STATE. As a minimum, all major work activities will be described and an estimated cost and source of funds will be indicated for each activity. Space will be provided for approval by the Region Engineer and date of such approval. All cost for which the SPONSOR seeks reimbursement must be included in a budget approved by the STATE in order to be considered for reimbursement. Budget adjustments may be necessary and may be allowed, subject to the approval of the STATE in writing, in order to successfully carry out the project. However, under no circumstances will the SPONSOR be reimbursed for expenditures over and beyond the amount approved by the STATE.

E. Ownership of Property: All work accomplished under the provisions of this agreement will be accomplished on property owned by or which will be acquired by the SPONSOR (in accordance with the provisions of 23 CFR Part 635 and 49 CFR Part 24) at no expense to the STATE. This should be shown on the "City and Other Local Public Agency Certification for Physical Construction" form (ROW Certification). Any exceptions to this requirement must be approved by the STATE in writing prior to incurring costs for which reimbursement is requested by the SPONSOR. In cases where

property is leased, the terms of the lease will not be less than the expected life of the improvements.

- F. Acquisition of Property:** Acquisition of real property by the SPONSOR as a part of this project will conform to and be in accordance with the provisions of the Federal Uniform Relocation Assistance & Real Property Acquisition Policies Act (49 CFR 24, Subpart B), all federal environmental laws, and all other applicable state and federal laws.
- G. Relocation of Utilities:** The SPONSOR will relocate any utilities in conflict with the project improvements without cost to the STATE or FHWA.
- H. Protection of Interest:** No change in use or ownership of real property acquired or improved with funds provided under the terms of this agreement will be permitted without prior written approval from the STATE and FHWA. The STATE and FHWA will be credited on a prorata share any revenues received by the SPONSOR from the sale or lease of property, which is the site of the federally funded project.
- I. Purchase of Project Equipment and/or Services:** The purchase of project equipment and/or services financed in whole or in part pursuant to this Agreement will be in accordance with applicable state and federal laws, rules, regulations, and procedures, including state competitive bidding requirements applicable to counties and municipalities in the State of Alabama when the purchase is made by any such entity. The SPONSOR will, when authorized by the STATE, solicit bids and make awards for construction and/or services pursuant to this agreement. The SPONSOR will not solicit bids until the entire bid package (plans, specifications, estimates, etc.) has been reviewed and approved by the STATE. Following receipt of bids, the SPONSOR will provide all bids to the STATE with a recommendation for award. The SPONSOR will not award the contract until it has received written approval from the STATE.

- J. Invoicing:** The SPONSOR will, when appropriate, submit invoices to the STATE for reimbursement for work performed by or for the SPONSOR in carrying out the terms of this agreement. Requests for reimbursement will be made on forms provided by the STATE and will be submitted through the Region Engineer for payment. The SPONSOR may bill the STATE not more often than once per month for the funds due for work performed under this Agreement. Invoices for payment will be submitted in accordance with state law and will indicate that the payment is due, true, correct, unpaid, and the invoice will be notarized. The cost allowable is the cost defined in 41 CFR Subpart 1-15.7 of the Federal Procurement Regulations and will include direct and indirect cost incurred in carrying out the project as shown in the approved application and the documents related thereto. Invoices for any work performed by the SPONSOR under the terms of this agreement will be submitted within twelve (12) months after the completion and acceptance by the STATE for the work. Any invoices submitted after this twelve-month period will not be eligible for payment.
- K. Maintenance:** Upon completion and acceptance of the work by the STATE, the SPONSOR will assume full responsibility for the project work and will maintain the project work for a reasonable life expectancy.
- L. Contracts under this Agreement:** The SPONSOR will not assign any portion of the work to be performed under this Agreement or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement, without the prior written approval of the STATE.
- M. Records and Reports:**
1. Establishment and Maintenance of Accounting Records: The SPONSOR will establish and maintain, in accordance with requirements established by the

STATE, separate accounts for the project, either independently or separately within its existing system, to be known as the Project Account. The cost accounting system must be adequate and acceptable to the STATE as determined by the auditor of the Alabama Department of Transportation.

2. Documentation of Project Cost: All charges to the Project Account will be supported by properly executed invoices, contracts, or vouchers, as applicable, evidencing in proper detail the nature and propriety of the charges, in accordance with the requirements of the STATE.
3. Checks, Orders and Vouchers: All checks, invoices, contracts, vouchers, orders or other accounting documents pertaining in whole or in part to the project will be clearly identified, readily accessible and to the maximum extent feasible, kept separate and apart from all other such documents.
4. Reports: The SPONSOR will report to the STATE the progress of the project in such manner as the STATE may require. The SPONSOR will also provide the STATE any information requested by the STATE regarding the project.
5. Financial Statements: The SPONSOR will submit to the STATE, at such time as the STATE may require, such financial statements, data, records, contracts and other documents and items of any respect related to the project as may be requested by the STATE.
6. Right of Access to Records: The STATE will have full access to and right to examine all project records at all times, and all records of any nature which in any manner relate to the project or to this Agreement in any way.

N. Regulations: The STATE hereby obligates the SPONSOR to comply with all state and federal laws, rules, regulations, and procedures applicable to this Agreement. The

STATE, upon request, will furnish to the SPONSOR a copy of any and all applicable state and federal laws, rules, regulations, and procedures.

- (1) Any user fee or charge to the public for access to any property or services provided through the funds made available under this agreement, if not prohibited by a federal, state or local law, must be applied for the maintenance and long term upkeep of the transportation alternatives project authorized by this agreement.
- (2) The SPONSOR agrees that in the event it is determined the user fees have not been applied to long term upkeep of the transportation alternatives project, that federal funds expended on this project must be refunded to the FHWA and the SPONSOR will reimburse and pay to the STATE a sum of money equal to the total amount of federal funds expended under this agreement.

- O. Point of Contact:** The applicable or appropriate region office of the Alabama Department of Transportation will be the lead agency for the STATE relative to the work under this agreement and will be the point of contact for the SPONSOR.

PART THREE (3): MISCELLANEOUS PROVISIONS

- A. SPONSOR to Indemnify:** The SPONSOR will be responsible at all times for this project and all of the work performed under this Agreement and especially the SPONSOR will protect, defend, indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation, the officials, officers, employees, in both their official and individual capacities, and agents of each, from and against any and all claims, actions, damages, loss, liabilities, including attorney's fees and expenses whatsoever or any amount paid in compromise thereof arising out of or in connection with the performance of the work under this Agreement and this project and from and against these at any time arising out of or in connection with the performed work and project. By entering into this agreement, the SPONSOR is not an agent of the State, its officers,

employees, agents or assigns. The SPONSOR is an independent entity from the State and nothing in this agreement creates an agency relationship between the parties.

- B. Federal Immigration Law:** By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.
- C. Audit and Inspection:** The SPONSOR will permit the STATE, the Comptroller General of the United States, and the Secretary of the USDOT, or either of them or their respective authorized representatives, to inspect, at any time, any and all vehicles and equipment utilized or used in performance of the project; records of all transportation services rendered by the SPONSOR in the use of such vehicles and equipment; and any and all data and records which in any way relate to the project or to the accomplishment of the project. The SPONSOR will also permit the above noted persons to audit the books, records and accounts of the SPONSOR pertaining to the project at any and all times, and the SPONSOR will give its full cooperation to those persons or their authorized representatives, as applicable.
- D. Audit Requirements:** The SPONSOR will comply with all audit requirements set forth in the Federal Office of Management and Budget (OMB) circular A-128 or A-133 whichever is applicable.
- E. Termination:** In the event the SPONSOR fails at any time, in any manner, to comply with any provision, requirement, term or condition of this Agreement, such failure will constitute a default by the SPONSOR under this Agreement. Any such default or defaults not corrected by the SPONSOR within thirty (30) days following receipt of

written notice from the STATE by certified or registered mail of such default or defaults, will be deemed a breach by the SPONSOR of this Agreement, and the right on the part of the STATE to terminate the Agreement by giving ten (10) days written notice of termination. A waiver by the STATE of a default or defaults by the SPONSOR will not constitute a waiver of subsequent default or defaults by the SPONSOR. In addition, if funding for this project is terminated by FHWA, the STATE will have the right to terminate this Agreement by giving ten (10) days written notice of termination. Said notice will be mailed by certified or registered mail.

- F. Retention of Records:** The SPONSOR will retain all books, records, and other documents relative to this Agreement for a minimum of three (3) years after project termination, expiration of federal interest, or close out, and the STATE, the Comptroller General of the United States, and the Secretary of the USDOT, or either of them or their respective authorized representatives, will have full access to, and right to examine any of said materials at all reasonable times during said period.
- G. Performance:** The SPONSOR will commence, carry on, and complete the project with all practical dispatch, in a sound, economical, and efficient manner.
- H. Equal Employment Opportunity:** The SPONSOR will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin. The SPONSOR will take affirmative action to insure that applicants for employment are employed, and that employees are treated during their employment, without regard to their race, religion, color, sex, or national origin. Such actions will include, but not be limited to the following: employment; upgrading; demotion; transfer; recruitment; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Furthermore, the STATE and the Secretary of the USDOT, or either of them or their respective authorized representatives,

will have full access to, and right to examine any and all SPONSOR materials for the purpose of monitoring the SPONSOR'S compliance with the provisions of this section.

- I. Title VI – Civil Rights Act of 1964:** The SPONSOR will comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000(d.)et seq.), the regulations of USDOT issued thereunder (49 CFR, Subtitle A, Part 21), and the assurance by the SPONSOR pursuant thereto. Furthermore, the STATE and the Secretary of the USDOT, or either of them or their respective authorized representatives, will have full access to, and right to examine any and all SPONSOR materials which will permit them to monitor the SPONSOR for compliance with the provisions of this section.
- J. Prohibited Interest:** No member, officer, or employee of the SPONSOR during their tenure of employment, and for one year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds, profits, or benefits therefrom.
- K. Americans with Disabilities Act:** The SPONSOR will comply with all requirements of The Americans with Disabilities Act of 1990 (ADA).
- L. Arbitration:** Following the utilization of voluntary alternative dispute resolution, if any dispute should remain, then the decision of the Transportation Director regarding the matter in issue or dispute shall be final and conclusive of all parties.
- M. Permission to Start Work:** The SPONSOR will not proceed with the project work until the STATE gives written authorization for the SPONSOR to proceed.
- N. Restrictions on Lobbying:** The prospective participant/recipient, by causing the execution of and the submission of this Federal contract, grant, loan, cooperative agreement, or other instrument as might be applicable under 31 U. S. C. §1352 and the person signing same for and on behalf of the prospective participant/recipient that:

 - (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient as mentioned above, to any person for

influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under 31 U.S.C. § 1352, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under 31 U.S.C. § 1352, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, and that all such subrecipients shall certify and disclose accordingly.

O. Other Applicable Regulations: The SPONSOR will comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act, 42 U.S.C. § 1857(h) as amended by 42 U.S.C. § 7401, et seq., Section 508 of the Federal

Water Pollution Control Act, 33 U.S.C. § 1368, Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15).

- P. Subcontracts:** The SPONSOR will not enter into any subcontract without prior written consent of the STATE and will include in all subcontracts entered into pursuant to this Agreement all of the above clauses as required by the STATE.
- Q. Exhibits M and N** are hereby attached to and made a part of this Agreement.
- R. Agreement Change:** The terms of this Agreement may be modified by supplemental agreement duly executed by the parties hereto.
- S. Drug Free Workplace Act of 1988:** The SPONSOR assures the STATE that it publishes a statement notifying employees of the policies in support of a drug free workplace; and establishes an ongoing drug-free awareness program.
- T. 7/24th Law:** Nothing shall be construed under the terms of this Agreement by the SPONSOR or the STATE that shall cause any conflict with Section 23-1-63, Code of Alabama, 1975.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by those officers, officials and persons duly authorized to execute same, and the Agreement is deemed to be dated and to be effective on the date hereinafter stated as the date of its approval by the Governor of Alabama.

ATTEST:

City of Daphne, Alabama

By: _____
City Clerk (Signature)

By: _____
As Mayor (Signature)

Type Name of Clerk

Type Name of Mayor

This agreement has been legally reviewed and approved as to form and content.

By: _____
Jim R. Ippolito, Jr.
Chief Counsel
Alabama Department of Transportation

RECOMMENDED FOR APPROVAL:

Vincent E. Calametti, P. E., Region Engineer

Robert J. Jilla
Multimodal Transportation Engineer

Ronald L. Baldwin, P. E.
Chief Engineer

STATE OF ALABAMA, ACTING BY AND THROUGH
THE ALABAMA DEPARTMENT OF TRANSPORTATION

John R. Cooper, Transportation Director

The foregoing Agreement is hereby executed in the name of the State of Alabama and signed by the Governor on this _____ day of _____, 20__.

Robert Bentley
Governor, State of Alabama

RESOLUTION NUMBER _____

BE IT RESOLVED, by the City of Daphne as follows:

1. That the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a Transportation Alternatives project with partial funding by the Federal Highway Administration, which agreement is before this Council;
2. That the agreement be executed in the name of the City, for and on behalf of the City, by its Mayor.
3. That it be attested by the Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Council.

I, the undersigned qualified and acting City Clerk of the City of Daphne, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council named therein, at a regular meeting of such Council held on the _____ day of _____, 20__ , and that such resolution is on file in the City Clerk's Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this _____ day of _____, 20__ .

City Clerk

CERTIFICATION FOR FEDERAL-AID CONTRACTS: LOBBYING

This certification is applicable to the instrument to which it is attached whether attached directly or indirectly with other attachments to such instrument.

The prospective participant/recipient, by causing the signing of and the submission of this Federal contract, grant, loan, cooperative AGREEMENT, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, and the person signing same for and on behalf of the prospective participant/recipient each respectively certify that to the best of the knowledge and belief of the prospective participant or recipient and of the person signing for and on behalf of the prospective participant/recipient, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the prospective participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

REVISED 6/16/11

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this AGREEMENT shall contravene any statute or Constitutional provision of amendment, either now in effect or which may, during the course of this AGREEMENT, be enacted, then the conflicting provision in the AGREEMENT shall be deemed null and void.

In any controversy concerning contract terms, or on a question of fact in connection with the work covered by this project, including compensation for such work, the decision of the Transportation Director regarding the matter in issue or dispute shall be final and conclusive on all parties.

For any and all disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such disputes, to consider using appropriate forms of non-binding alternative dispute resolution.

TERMINATION DUE TO INSUFFICIENT FUNDS

- a. If the agreement term is to exceed more than one fiscal year, then said agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the agreement in subsequent fiscal years.
- b. In the event of proration of the fund from which payment under this AGREEMENT is to be made, agreement will be subject to termination.

NO GOVERNMENT OBLIGATION TO THIRD PARTY CONTRACTORS

The STATE and CONSULTANT acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations of or liabilities to the STATE, CONSULTANT, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

The CONSULTANT agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided to FHWA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

RESOLUTION 2015-65

DONATION OF REAL PROPERTY TO THE CITY OF DAPHNE BY The Property at Blakely River, LLC

WHEREAS, The Property at Blakely River, L.L.C. (“Grantor”) has offered to donate to the City of Daphne (“Grantee”) that certain real property described as 67 AC THE N2350’(S) LYING SOUTH OF I-10 & E OF BLAKELY RIVER SECT 36-T4S-R1E (QCD) (“the Property”) (PPIN:46012) in the records of the Office of the Judge of Probate of Baldwin County, Alabama, and shown on attachment B;

WHEREAS, the City, after review and inspection, is satisfied with the title of the Property, any environmental issues, and the Property’s value according to a recent appraisal and the Baldwin County Revenue Department records;

WHEREAS, the City Council has determined that it is in the best interest of the City to accept the donation;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the

- 1) Mayor is authorized and directed to accept on the City’s behalf, via receipt of a statutory warranty deed in form approved by the City attorney,
- 2) Grantor’s donation of the Property in its AS IS condition, to a reservation of any oil, gas, or other mineral interests in favor of Grantor; to any and all easements, rights-of-way or restrictive covenants recorded in the Office of the Judge of Probate of Baldwin County, Alabama; to any matters as would be apparent from an inspection of the Property; to any matters as would be shown on an accurate survey; and
- 3) to the lien for current ad valorem taxes, though Grantor shall be responsible for the property taxes due October 1, 2015.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE __ DAY OF _____, 2015.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Steiner Land Donation CR to R-1



Blakely River Property

Legend

- Streets
- Stream Network

Donated Land

- To Daphne
- To Spanish Fort

Baldwin County Zones

- B1
- B2
- B3
- B4
- CR
- M1
- M2
- MR
- OR
- RA
- RFS-2
- RMF-2
- RMF-6
- RMH
- RR
- RSF-1
- RSF-2
- RSF-3
- RSF-4
- RSF-6
- RSF-E
- RTF-4
- RTF-6
- TR

Daphne City limit Zones

- B-1
- B-2
- B-3
- C/I
- ET JURISDICTION
- M/U
- MU
- Q
- R-1
- R-2
- R-3
- R-4
- R-6
- WILDERNESS AREA
- Wetlands
- Forever Wild Parcels
- Parcels

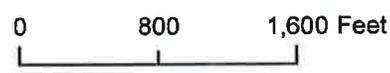
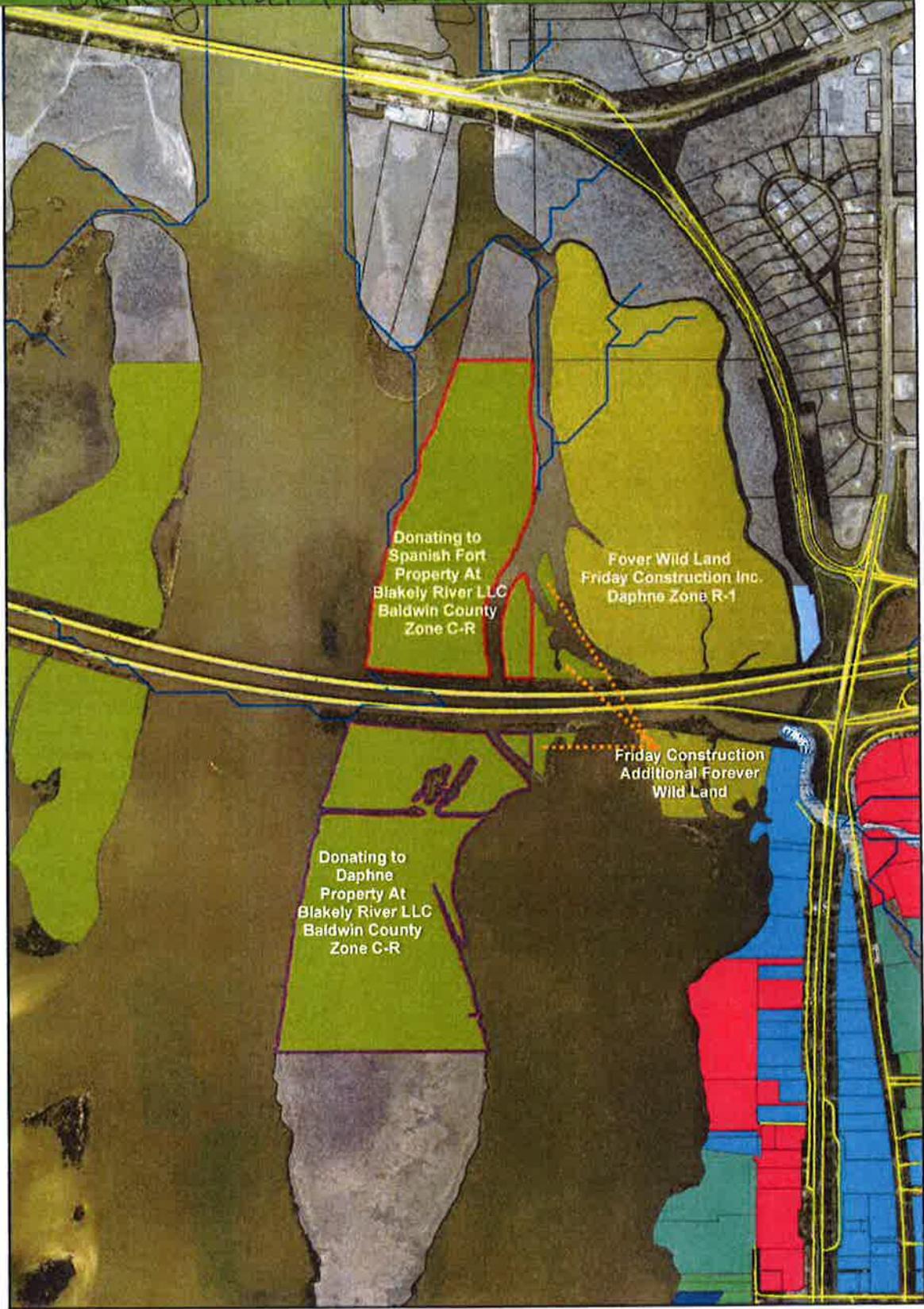


EXHIBIT "B"

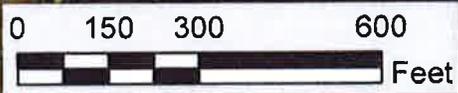


INTERSTATE 10

Steiner
SUBJECT
PROPERTY

BLAKELEY
RIVER

D'OLIVE
BAY



RESOLUTION 2015-66

**SETUP OF NEW BANK ACCOUNT: WEBSITE INTEGRATION TO RECEIVE
ONLINE CREDIT CARD PAYMENTS**

WHEREAS, the City of Daphne process of receiving payments can be made more efficient by allowing online credit card payments; and

WHEREAS, in order to have the capability of accepting online credit card payments website integration is required; and

WHEREAS, establishing on online payment process will require the setup of a new bank account for proper routing controls; and

WHEREAS, the City Council has determined it to be in the best interest of the City to accept credit card account; and

NOW, THEREFORE, BE IT ORDAINED by the City Council (the "Council") of Daphne, Alabama (the "City"), that funds in the amount of \$500 from the General Fund will hereby be transferred to the new Credit Card Account to meet setup requirements. Furthermore, the Finance Department is hereby authorized to open a separate bank account for the receipting and processing of such online transactions.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2015.

Dane Haygood , Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

ORDINANCE 2015-58
Lake Forest Property Acquisition: Five (5) Lots

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

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

WHEREAS, the City in an effort to be a good steward of the natural resources attempts to protect and/or restore impacted areas in D'Olive Watershed ; and

WHEREAS, the purchase of the parcels listed below will assist the City in these efforts;

- 1). **Lot 105, Unit 12-PPIN 66568, 101 Creekside Drive, Lake Forest**-Owner: Friday Construction- The Greenwood Drive culvert was built on the lot after a hurricane. The lot is adjacent to the creek
- 2). **Lot 154, Unit 10-PPIN 66601, 203 Bradbury Circle, Lake Forest**- Owner: Friday Construction- This lot has a road (created by adjacent lot owners) through the middle of it to an accepted City Street.
- 3). **Lot 5, Unit 18-PPIN 66896, 263 Rolling Hill Circle, Lake Forest**- Owner: Friday Construction – This parcel is adjacent to the City's current FEMA road project and is a drainage conveyance to Tiawasee Creek.
- 4). **Lot 38 Unit 12, PPIN 66563, 128 Greenwood Drive, Lake Forest**- Owner: Friday Construction- This lot has the southwest half of the Greenwood Drive culvert on it which would give the City northern access to Park Drive property and is included in the City's CIAPNFWF ~\$1,200,000.00 stream restoration project.
- 5). **Lot 39 Unit 12-PPIN 48716, 130 Greenwood Drive, Lake Forest**- Owner: James Ward- This lot includes a portion of the greenwood culvert and would create a northern access to the Park Drive property. This parcel is included in the City's CIAPNFWF ~\$1,200,000.00 stream restoration project.

WHEREAS, the acquisition and subsequent protection and/or restoration of these properties will assist in protecting and restoring the water quality and habitat of D'Olive Creek and Mobile Bay;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2016 Budget is hereby amended to include an appropriation in the amount of **\$27,000** from the General Fund, and;

- 1). **The acquisition of the above for mentioned parcels for \$22,000 and title search, appraisal, taxes, legal and associated cost with closing (\$5,000).**
- 2). **The Voting rights for this lot for all matters associated with business and/or covenant matters of the Lake Forest Property Owners Association shall be given by proxy to the Board of Directors of the Lake Forest Property Owners Association.**
- 3). **All associated fees from the Property Owner's Association for these lots shall be waived and the City will remain exempt from these fees.**
- 4). **Authorize the Mayor and/or the City Attorney to negotiate the purchase of said property for the City and the Mayor to execute all related agreements.**

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2015.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Friday Construction-Owner of Lots-

1. Lot 105 Unit 12-PPIN 66568, 101 Creekside Drive, Lake Forest –A huge culvert was built on the lot after Danny. It is not buildable.

2. Lot 154 Unit 10-203-PPIN 66601, 203 Bradbury Circle, Lake Forest- This lot has a road through the middle of the lot to a City Road. The road was created by adjacent lot owners about 20 years ago.

3. Lot 5 Unit 18- PPIN 66896, 263 Rolling Hill Circle, Lake Forest- FEMA Project improvement are adjacent to lot. The lot is very wet. City water does drain into lot. Lot heavily impacted by stormwater.

4. Lot 38 Unit 12, PPIN 66563, 128 Greenwood Drive, Lake Forest-This lot has half of the Greenwood culvert on it. This is the lot that I would like to purchase that will connect the City's property from Park Drive to Lake Forest. This lot is included in the CIAPNFWF \$1,000,000.00 grant project. **LFPOA Approved waiver of transfer fee this summer...**

Total for 4 Lots	\$17,500.00
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James Ward- Owner-

1. Lot 39 Unit 12-PPIN 48716, 130 Greenwood Drive- James Ward 251-626-7025. This lot has half of the greenwood culvert on it. This is the lot that I would like to purchase that will connect the City's property from Park Drive to Lake Forest. This lot is included in the CIAPNFWF \$1,000,000.00 grant project.

Total for lot 39	\$4500.00
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Total Appropriation	\$22,000.00
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ORDINANCE 2015-59

BAYFRONT FACILITY & AMPHITHEATER: MASTER PLANNING & PRE-DESIGN APPROPRIATION

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

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

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

WHEREAS, the Bayfront Facility & Amphitheater project meets such recreational grounds capital criteria; and

WHEREAS, the engineers Preble-Rish and Goodwyn Mills have been selected by Council to provide services and oversee the following segments of the project:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2016 Budget is hereby amended to include an appropriation from the Lodging Tax Fund for the Master Planning and Pre-Design Daphne of the Bayfront Facilities and Amphitheater in the amount of \$6,000.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this ___ day of _____, 2015.

Dane Haygood, Mayor

Attest:

Rebecca A. Hayes, City Clerk

ORDINANCE 2015-60

Project: STPOA-0215 Ref#100064573-Intersection Improvements: Turning Lanes at Sehoy Boulevard and Longue Vue Drive

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

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

WHEREAS, the City of Daphne is a member Government of the Eastern Shore Metropolitan Planning Organization (MPO); and

WHEREAS, the Eastern Shore MPO was formed in June 2012 and has three years to allocate MPO Surface Transportation Project funds through the adoption of the 2040 Long Range Transportation Plan and FY16-19 Transportation Improvement Program (TIP); and

WHEREAS, the City of Daphne submitted and was approved for a project to install Intersection Improvements on County Road 13 at Sehoy Blvd. and Longue Vue Drive (CR 13 Intersection Improvement Project) for inclusion in the FY 2016-2019 Transportation Improvement Program; and

WHEREAS, the estimated project cost is \$338,770 and requires a 20% local match of \$67,754.

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

- 1). funds in the amount of **\$67,754 from the Seven Cent Gas Tax Fund** are appropriated and made a part of the Fiscal Year 2016 budget for the City's 20% match for the project herein described.
- 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 Mayor and City Council of the City of Daphne, Alabama, this ____ day of _____, 2015.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

Memorandum

To: Councilman Randy Fry - Chairman, Finance Committee
Thru: Kelli Kichler, Finance Director
From: Richard D. Johnson, P.E.; Public Works Director
CC: Volkert Engineers; Mayor Dane Haygood; Finance, File
Date: October 6, 2015
Re: *Project No. TAPAA-TA15(940) – County Road 13 – Sidewalk (Whispering Pines to Champions Way), City of Daphne*

Richard D. Johnson, PE

Digitally signed by Richard D. Johnson, PE
DN: cn=Richard D. Johnson, PE, o=City of Daphne, ou=Division of Public Works, email=rjohnson@daphneal.com, c=US
Date: 2015.10.06 14:15:56 -0500

Mr. Chairman:

I am requesting that the attached resolution (within the ALDOT Agreement) concerning the above reference project be recommended to the full Council for consideration.

I further recommend the following appropriations be made:

- Project Survey, Engineering, Design & Letting Fees \$ 42,500.00*
Volkert, Inc.

Appropriation Required: \$ 42,500.00*

**Based on the established Professional Engineering Service Agreement for Grade, Drainage, Base & Pave (GDBP) projects between \$250k-\$500k (project estimate \$500k) 8.5% of construction cost.*

Public Works Department
26435 Public Works Road P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-3182 Fax: (251) 621-3189



Robert Bentley
GOVERNOR

ALABAMA DEPARTMENT OF TRANSPORTATION

SOUTHWEST REGION
OFFICE OF REGION ENGINEER
1701 I-65 WEST SERVICE ROAD NORTH
MOBILE, ALABAMA 36618-1109
TELEPHONE: (251) 470-8200
FAX: (251) 473-3624



John R. Cooper
TRANSPORTATION DIRECTOR

October 2, 2015

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

Dear Mayor Haygood:

**RE: Project No. TAPAA-TA15(940)
County Road 13 Sidewalks
City of Daphne
Baldwin County**

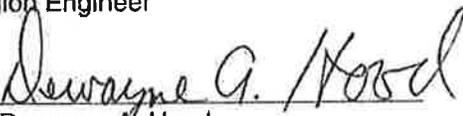
Attached please find the original agreement between the City and the State on the above-referenced project. Please review the agreement. If it is acceptable to you, execute and return to this office.

A resolution is also enclosed which will need to be certified in order to authorize you to sign the agreement. The city's seal must be affixed to both the resolution and the signed agreement.

If you have any questions regarding this matter, please contact Mr. Dewayne A. Hood at (251) 470-8253.

Sincerely,

Vincent E. Calametti, P.E.
Region Engineer

By: 
Dewayne A. Hood
Transportation Administrator
Special Projects

VEC/DAH/dah
Attachment
c: File

**AGREEMENT
FOR A TRANSPORTATION ALTERNATIVES PROJECT
BETWEEN THE STATE OF ALABAMA AND
THE CITY OF DAPHNE**

Baldwin County

County Road 13 Sidewalks

Project No. TAPAA-TA15(940)

PART ONE (1): INTRODUCTION

This Agreement is made and entered into by and between the State of Alabama (acting by and through the Alabama Department of Transportation), hereinafter referred to as STATE; and the City of Daphne, Alabama, hereinafter referred to as SPONSOR, in cooperation with the U. S. Department of Transportation, Federal Highway Administration, hereinafter referred to as FHWA, and

WHEREAS, legislation enacted by the U. S. Congress authorizing the establishment of a Transportation Alternatives Program, and

WHEREAS, said legislation requires that two percent of the “Moving Ahead for Progress in the 21st Century Act” or the “MAP-21” funds be available for transportation alternatives activities, and

WHEREAS, transportation alternatives activities are defined as...

1. Construction of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian lighting, downtown streetscape (combination of sidewalks, pedestrian lighting and landscaping), and other transportation projects to achieve compliance with the Americans with Disabilities Act of 1990.
2. Construction of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.

3. Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users.
4. Construction of turnouts, overlooks, and viewing areas.
5. Community improvement activities, including-
 - i. inventory, control, or removal of outdoor advertising;
 - ii. historic preservation and rehabilitation of historic transportation facilities;
 - iii. vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and
 - iv. archaeological activities relating to impacts from implementation of a transportation project eligible under Title 23.
6. Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to-
 - i. address storm water management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff.
 - ii. reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.

WHEREAS, the SPONSOR developed a project application, including the document relating thereto, which was subsequently submitted to the STATE and approved, and

WHEREAS, it is in the public interest for the STATE and the SPONSOR to participate in a transportation alternatives program, as reflected by such project application.

NOW, THEREFORE, the parties hereto do hereby agree as follows:

PART TWO (2): PROJECT PROVISIONS

- A. Project Description:** The SPONSOR will undertake a transportation alternatives project in accordance with this Agreement, plans approved by the STATE and the requirements, provisions, terms, and conditions of the project application, including the documents relating thereto, developed by the SPONSOR and approved by the STATE. This application, including the documents relating thereto, is of record in the Alabama Department of Transportation and is hereby incorporated in and made a part of this Agreement by reference. It is understood by the SPONSOR that failure to carry out the project in accordance with the Agreement, approved plans and the project application,

including documents related thereto, may result in the loss of federal funding for the project.

- B. Time Limit:** This project will commence upon execution of this Agreement and upon written authorization to proceed from the STATE directed to the SPONSOR. The SPONSOR shall have no more than two (2) years from the date of execution of this agreement to have the project authorized for construction, or to begin right-of-way acquisition, or to commence other eligible activities in accordance with the scope of work approved by the STATE. If this stipulation is not met, the STATE will notify the SPONSOR in writing that the project is terminated.

- C. Project Funding:** It is expressly understood that federal funds for this project will be provided from Transportation Alternatives Program funds as authorized under MAP-21 and the STATE will not be liable for any funding. It is further understood that this is a cost reimbursement program and no federal funds will be provided to the SPONSOR prior to accomplishment of work for which reimbursement is requested. Cost for the project will be financed, when eligible for federal participation, on the basis of 80 percent federal transportation alternatives funds and 20 percent SPONSOR funds, not to exceed a maximum sum of \$399,966.40 in federal funds. The estimated cost and participation by the various parties is as follows:

	<u>Total Estimated Cost</u>	<u>Estimated Federal Funds</u>	<u>Estimated Sponsor Funds</u>	<u>Estimated State Funds</u>
Construction (Including Professional Fees For Construction Engineering and Inspection)	\$499,958.00	\$399,966.40	\$99,991.60	\$0
Total	\$499,958.00	\$399,966.40	\$99,991.60	\$0

Plans for constructing improvements under this project will be developed by or for the SPONSOR at no expense to the STATE or FHWA. Construction of improvements under this agreement will be by contract in keeping with applicable competitive bid laws.

Necessary engineering and inspection during construction will be performed by or for the SPONSOR and will be paid for with project funds. Any cost incurred by the SPONSOR relating to this project which is determined to be ineligible for reimbursement by the FHWA or in excess of the limiting amount previously stated will be borne and paid by the SPONSOR with no liability of the STATE for any such cost.

D. Project Budget: The SPONSOR will develop and submit to the STATE for approval a project budget. This budget will be in such form and detail as may be required by the STATE. As a minimum, all major work activities will be described and an estimated cost and source of funds will be indicated for each activity. Space will be provided for approval by the Region Engineer and date of such approval. All cost for which the SPONSOR seeks reimbursement must be included in a budget approved by the STATE in order to be considered for reimbursement. Budget adjustments may be necessary and may be allowed, subject to the approval of the STATE in writing, in order to successfully carry out the project. However, under no circumstances will the SPONSOR be reimbursed for expenditures over and beyond the amount approved by the STATE.

E. Ownership of Property: All work accomplished under the provisions of this agreement will be accomplished on property owned by or which will be acquired by the SPONSOR (in accordance with the provisions of 23 CFR Part 635 and 49 CFR Part 24) at no expense to the STATE. This should be shown on the "City and Other Local Public Agency Certification for Physical Construction" form (ROW Certification). Any exceptions to this requirement must be approved by the STATE in writing prior to incurring costs for which reimbursement is requested by the SPONSOR. In cases where

property is leased, the terms of the lease will not be less than the expected life of the improvements.

- F. Acquisition of Property:** Acquisition of real property by the SPONSOR as a part of this project will conform to and be in accordance with the provisions of the Federal Uniform Relocation Assistance & Real Property Acquisition Policies Act (49 CFR 24, Subpart B), all federal environmental laws, and all other applicable state and federal laws.
- G. Relocation of Utilities:** The SPONSOR will relocate any utilities in conflict with the project improvements without cost to the STATE or FHWA.
- H. Protection of Interest:** No change in use or ownership of real property acquired or improved with funds provided under the terms of this agreement will be permitted without prior written approval from the STATE and FHWA. The STATE and FHWA will be credited on a prorata share any revenues received by the SPONSOR from the sale or lease of property, which is the site of the federally funded project.
- I. Purchase of Project Equipment and/or Services:** The purchase of project equipment and/or services financed in whole or in part pursuant to this Agreement will be in accordance with applicable state and federal laws, rules, regulations, and procedures, including state competitive bidding requirements applicable to counties and municipalities in the State of Alabama when the purchase is made by any such entity. The SPONSOR will, when authorized by the STATE, solicit bids and make awards for construction and/or services pursuant to this agreement. The SPONSOR will not solicit bids until the entire bid package (plans, specifications, estimates, etc.) has been reviewed and approved by the STATE. Following receipt of bids, the SPONSOR will provide all bids to the STATE with a recommendation for award. The SPONSOR will not award the contract until it has received written approval from the STATE.

- J. Invoicing:** The SPONSOR will, when appropriate, submit invoices to the STATE for reimbursement for work performed by or for the SPONSOR in carrying out the terms of this agreement. Requests for reimbursement will be made on forms provided by the STATE and will be submitted through the Region Engineer for payment. The SPONSOR may bill the STATE not more often than once per month for the funds due for work performed under this Agreement. Invoices for payment will be submitted in accordance with state law and will indicate that the payment is due, true, correct, unpaid, and the invoice will be notarized. The cost allowable is the cost defined in 41 CFR Subpart 1-15.7 of the Federal Procurement Regulations and will include direct and indirect cost incurred in carrying out the project as shown in the approved application and the documents related thereto. Invoices for any work performed by the SPONSOR under the terms of this agreement will be submitted within twelve (12) months after the completion and acceptance by the STATE for the work. Any invoices submitted after this twelve-month period will not be eligible for payment.
- K. Maintenance:** Upon completion and acceptance of the work by the STATE, the SPONSOR will assume full responsibility for the project work and will maintain the project work for a reasonable life expectancy.
- L. Contracts under this Agreement:** The SPONSOR will not assign any portion of the work to be performed under this Agreement or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement, without the prior written approval of the STATE.
- M. Records and Reports:**
1. Establishment and Maintenance of Accounting Records: The SPONSOR will establish and maintain, in accordance with requirements established by the

STATE, separate accounts for the project, either independently or separately within its existing system, to be known as the Project Account. The cost accounting system must be adequate and acceptable to the STATE as determined by the auditor of the Alabama Department of Transportation.

2. Documentation of Project Cost: All charges to the Project Account will be supported by properly executed invoices, contracts, or vouchers, as applicable, evidencing in proper detail the nature and propriety of the charges, in accordance with the requirements of the STATE.
3. Checks, Orders and Vouchers: All checks, invoices, contracts, vouchers, orders or other accounting documents pertaining in whole or in part to the project will be clearly identified, readily accessible and to the maximum extent feasible, kept separate and apart from all other such documents.
4. Reports: The SPONSOR will report to the STATE the progress of the project in such manner as the STATE may require. The SPONSOR will also provide the STATE any information requested by the STATE regarding the project.
5. Financial Statements: The SPONSOR will submit to the STATE, at such time as the STATE may require, such financial statements, data, records, contracts and other documents and items of any respect related to the project as may be requested by the STATE.
6. Right of Access to Records: The STATE will have full access to and right to examine all project records at all times, and all records of any nature which in any manner relate to the project or to this Agreement in any way.

N. **Regulations**: The STATE hereby obligates the SPONSOR to comply with all state and federal laws, rules, regulations, and procedures applicable to this Agreement. The

STATE, upon request, will furnish to the SPONSOR a copy of any and all applicable state and federal laws, rules, regulations, and procedures.

- (1) Any user fee or charge to the public for access to any property or services provided through the funds made available under this agreement, if not prohibited by a federal, state or local law, must be applied for the maintenance and long term upkeep of the transportation alternatives project authorized by this agreement.
- (2) The SPONSOR agrees that in the event it is determined the user fees have not been applied to long term upkeep of the transportation alternatives project, that federal funds expended on this project must be refunded to the FHWA and the SPONSOR will reimburse and pay to the STATE a sum of money equal to the total amount of federal funds expended under this agreement.

- O. Point of Contact:** The applicable or appropriate region office of the Alabama Department of Transportation will be the lead agency for the STATE relative to the work under this agreement and will be the point of contact for the SPONSOR.

PART THREE (3): MISCELLANEOUS PROVISIONS

- A. SPONSOR to Indemnify:** The SPONSOR will be responsible at all times for this project and all of the work performed under this Agreement and especially the SPONSOR will protect, defend, indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation, the officials, officers, employees, in both their official and individual capacities, and agents of each, from and against any and all claims, actions, damages, loss, liabilities, including attorney's fees and expenses whatsoever or any amount paid in compromise thereof arising out of or in connection with the performance of the work under this Agreement and this project and from and against these at any time arising out of or in connection with the performed work and project. By entering into this agreement, the SPONSOR is not an agent of the State, its officers,

employees, agents or assigns. The SPONSOR is an independent entity from the State and nothing in this agreement creates an agency relationship between the parties.

- B. Federal Immigration Law:** By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.
- C. Audit and Inspection:** The SPONSOR will permit the STATE, the Comptroller General of the United States, and the Secretary of the USDOT, or either of them or their respective authorized representatives, to inspect, at any time, any and all vehicles and equipment utilized or used in performance of the project; records of all transportation services rendered by the SPONSOR in the use of such vehicles and equipment; and any and all data and records which in any way relate to the project or to the accomplishment of the project. The SPONSOR will also permit the above noted persons to audit the books, records and accounts of the SPONSOR pertaining to the project at any and all times, and the SPONSOR will give its full cooperation to those persons or their authorized representatives, as applicable.
- D. Audit Requirements:** The SPONSOR will comply with all audit requirements set forth in the Federal Office of Management and Budget (OMB) circular A-128 or A-133 whichever is applicable.
- E. Termination:** In the event the SPONSOR fails at any time, in any manner, to comply with any provision, requirement, term or condition of this Agreement, such failure will constitute a default by the SPONSOR under this Agreement. Any such default or defaults not corrected by the SPONSOR within thirty (30) days following receipt of

written notice from the STATE by certified or registered mail of such default or defaults, will be deemed a breach by the SPONSOR of this Agreement, and the right on the part of the STATE to terminate the Agreement by giving ten (10) days written notice of termination. A waiver by the STATE of a default or defaults by the SPONSOR will not constitute a waiver of subsequent default or defaults by the SPONSOR. In addition, if funding for this project is terminated by FHWA, the STATE will have the right to terminate this Agreement by giving ten (10) days written notice of termination. Said notice will be mailed by certified or registered mail.

- F. Retention of Records:** The SPONSOR will retain all books, records, and other documents relative to this Agreement for a minimum of three (3) years after project termination, expiration of federal interest, or close out, and the STATE, the Comptroller General of the United States, and the Secretary of the USDOT, or either of them or their respective authorized representatives, will have full access to, and right to examine any of said materials at all reasonable times during said period.
- G. Performance:** The SPONSOR will commence, carry on, and complete the project with all practical dispatch, in a sound, economical, and efficient manner.
- H. Equal Employment Opportunity:** The SPONSOR will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin. The SPONSOR will take affirmative action to insure that applicants for employment are employed, and that employees are treated during their employment, without regard to their race, religion, color, sex, or national origin. Such actions will include, but not be limited to the following: employment; upgrading; demotion; transfer; recruitment; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Furthermore, the STATE and the Secretary of the USDOT, or either of them or their respective authorized representatives,

will have full access to, and right to examine any and all SPONSOR materials for the purpose of monitoring the SPONSOR'S compliance with the provisions of this section.

- I. **Title VI – Civil Rights Act of 1964:** The SPONSOR will comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000(d.)et seq.), the regulations of USDOT issued thereunder (49 CFR, Subtitle A, Part 21), and the assurance by the SPONSOR pursuant thereto. Furthermore, the STATE and the Secretary of the USDOT, or either of them or their respective authorized representatives, will have full access to, and right to examine any and all SPONSOR materials which will permit them to monitor the SPONSOR for compliance with the provisions of this section.
- J. **Prohibited Interest:** No member, officer, or employee of the SPONSOR during their tenure of employment, and for one year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds, profits, or benefits therefrom.
- K. **Americans with Disabilities Act:** The SPONSOR will comply with all requirements of The Americans with Disabilities Act of 1990 (ADA).
- L. **Arbitration:** Following the utilization of voluntary alternative dispute resolution, if any dispute should remain, then the decision of the Transportation Director regarding the matter in issue or dispute shall be final and conclusive of all parties.
- M. **Permission to Start Work:** The SPONSOR will not proceed with the project work until the STATE gives written authorization for the SPONSOR to proceed.
- N. **Restrictions on Lobbying:** The prospective participant/recipient, by causing the execution of and the submission of this Federal contract, grant, loan, cooperative agreement, or other instrument as might be applicable under 31 U. S. C. §1352 and the person signing same for and on behalf of the prospective participant/recipient that:
 - (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient as mentioned above, to any person for

influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under 31 U.S.C. § 1352, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under 31 U.S.C. § 1352, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, and that all such subrecipients shall certify and disclose accordingly.

O. Other Applicable Regulations: The SPONSOR will comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act, 42 U.S.C. § 1857(h) as amended by 42 U.S.C. § 7401, et seq., Section 508 of the Federal

Water Pollution Control Act, 33 U.S.C. § 1368, Executive Order 11738, and Environmental Protection Agency regulations (40 CFR Part 15).

- P. **Subcontracts:** The SPONSOR will not enter into any subcontract without prior written consent of the STATE and will include in all subcontracts entered into pursuant to this Agreement all of the above clauses as required by the STATE.
- Q. **Exhibits M and N** are hereby attached to and made a part of this Agreement.
- R. **Agreement Change:** The terms of this Agreement may be modified by supplemental agreement duly executed by the parties hereto.
- S. **Drug Free Workplace Act of 1988:** The SPONSOR assures the STATE that it publishes a statement notifying employees of the policies in support of a drug free workplace; and establishes an ongoing drug-free awareness program.
- T. **7/24th Law:** Nothing shall be construed under the terms of this Agreement by the SPONSOR or the STATE that shall cause any conflict with Section 23-1-63, Code of Alabama, 1975.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by those officers, officials and persons duly authorized to execute same, and the Agreement is deemed to be dated and to be effective on the date hereinafter stated as the date of its approval by the Governor of Alabama.

ATTEST:

City of Daphne, Alabama

By: _____
City Clerk (Signature)

By: _____
As Mayor (Signature)

Type Name of Clerk

Type Name of Mayor

This agreement has been legally reviewed and approved as to form and content.

By: _____
Jim R. Ippolito, Jr.
Chief Counsel
Alabama Department of Transportation

RECOMMENDED FOR APPROVAL:

Vincent E. Calametti, P. E., Region Engineer

Robert J. Jilla
Multimodal Transportation Engineer

Ronald L. Baldwin, P. E.
Chief Engineer

STATE OF ALABAMA, ACTING BY AND THROUGH
THE ALABAMA DEPARTMENT OF TRANSPORTATION

John R. Cooper, Transportation Director

The foregoing Agreement is hereby executed in the name of the State of Alabama and signed by the Governor on this _____ day of _____, 20__.

Robert Bentley
Governor, State of Alabama

CONSULTANT 3/19/90
REVISED 7/18/90
REVISED 6/16/11

EXHIBIT M

CERTIFICATION FOR FEDERAL-AID CONTRACTS: LOBBYING

This certification is applicable to the instrument to which it is attached whether attached directly or indirectly with other attachments to such instrument.

The prospective participant/recipient, by causing the signing of and the submission of this Federal contract, grant, loan, cooperative AGREEMENT, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, and the person signing same for and on behalf of the prospective participant/recipient each respectively certify that to the best of the knowledge and belief of the prospective participant or recipient and of the person signing for and on behalf of the prospective participant/recipient, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the prospective participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

CONSULTANT 2/15/95
REVISED 5/30/02

EXHIBIT N

REVISED 6/16/11

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this AGREEMENT shall contravene any statute or Constitutional provision of amendment, either now in effect or which may, during the course of this AGREEMENT, be enacted, then the conflicting provision in the AGREEMENT shall be deemed null and void.

In any controversy concerning contract terms, or on a question of fact in connection with the work covered by this project, including compensation for such work, the decision of the Transportation Director regarding the matter in issue or dispute shall be final and conclusive on all parties.

For any and all disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such disputes, to consider using appropriate forms of non-binding alternative dispute resolution.

TERMINATION DUE TO INSUFFICIENT FUNDS

- a. If the agreement term is to exceed more than one fiscal year, then said agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the agreement in subsequent fiscal years.
- b. In the event of proration of the fund from which payment under this AGREEMENT is to be made, agreement will be subject to termination.

NO GOVERNMENT OBLIGATION TO THIRD PARTY CONTRACTORS

The STATE and CONSULTANT acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations of or liabilities to the STATE, CONSULTANT, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

The CONSULTANT agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided to FHWA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

Memorandum

To: Councilman Randy Fry - Chairman, Finance Committee
Thru: Kelli Kichler, Finance Director
From: Richard D. Johnson, P.E.; Public Works Director
CC: Preble-Rish Engineers; Mayor Dane Haygood; Finance; File
Date: October 6, 2015
Re: *Project No. STPOA-0215 Project Ref Number 100064573 - Intersection Improvements – Turning Lanes at Sehoy Blvd and Longue Vue Blvd in the City of Daphne*

Richard D. Johnson, PE

Digitally signed by Richard D. Johnson, PE
DN: cn=Richard D. Johnson, PE, o=City of Daphne, ou=Division of Public Works, email=rjohnson@daphneal.com, c=US
Date: 2015.10.06 14:56:20 -05'00'

Mr. Chairman:

The required ALDOT Agreements have been fully executed and returned to the City for the above referenced project. We have permission to begin the design phase of the project. I recommend the following appropriations be made:

- Project Survey, Engineering, Design & Letting Fees \$ 25,850.00*
Preble-Rish Engineers

Engineering Total:	\$ 25,850.00
City Match (20%):	\$ 5,170.00
MPO Match (80%):	(\$ 20,680.00)
Appropriation Required:	\$ 5,170.00

+ 62,584.00

67,754.00 20%

**Based on the established Professional Engineering Service Agreement for Grade, Drainage, Base & Pave (GDBP) projects (project estimate \$272k) 9.5% of construction cost.*

Public Works Department
26435 Public Works Road P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-3182 Fax: (251) 621-3189

CONSTRUCTION COST ESTIMATE

Project: *County Road 13 Turn Lanes @ Sehay & French Settlement*



ITEM #	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
1	CONCRETE REMOVAL (206-A)	LS	1	\$ 1,500.00	\$ 1,500.00
2	ASPHALT SAW CUTTING (E.P.)	LF	500	\$ 5.00	\$ 2,500.00
3	UNCLASSIFIED EXCAVATION (210-A)	CY	720	\$ 6.50	\$ 4,680.00
4	GRANULAR SOIL BASE COURSE, TYPE A, ROAD MIXED, MIN 4" COMPACTED THICKNESS (FROM STOCKPILES) (301-A)	SY	2,362	\$ 2.20	\$ 5,196.40
5	CRUSHED AGGREGATE BASE, TYPE B, PLANT MIXED, 6" COMPACTED THICKNESS (301-A)	SY	2,600	\$ 22.00	\$ 57,200.00
6	TACK COAT (0.05 GALLONS PER SY) (405-A)	GAL	120	\$ 5.00	\$ 600.00
7	MILLING/PLANING EXISTING PAVEMENT (1.5" DEEP - MAX) (408-A)	SY	116	\$ 7.50	\$ 870.00
8	BITUMINOUS CONCRETE WEARING SURFACE LAYER, 3/4" MAX AGGREGATE SIZE, ESAL RANGE B, (165#/SY) (429-A)	TON	391	\$ 88.00	\$ 34,408.00
9	BITUMINOUS CONCRETE BINDER LAYER, 3/4" MAX AGGREGATE SIZE, ESAL RANGE B, (220#/SY) (429-B)	TON	286	\$ 90.00	\$ 25,740.00
10	TOPSOIL, 4" COMPACTED THICKNESS (650-A)	CY	223	\$ 13.25	\$ 2,954.75
11	SOLID SODDING (654-A)	SY	1,338	\$ 5.00	\$ 6,690.00
12	SOLID WHITE, CLASS 2, TYPE A, TRAFFIC STRIPE, 5" WIDE (701-A)	MILE	0.72	\$ 5,000.00	\$ 3,600.00
13	DOTTED WHITE, CLASS 2, TYPE A, TRAFFIC STRIPE, 5" WIDE (701-B)	MILE	0.04	\$ 5,000.00	\$ 200.00
14	SOLID YELLOW (DOUBLE), CLASS 2, TYPE A, TRAFFIC STRIPE, 5" WIDE (701-A)	MILE	0.34	\$ 5,000.00	\$ 1,700.00
15	TRAFFIC CONTROL MARKINGS (CHEVRONS), YELLOW, CLASS 2, TYPE A (703-A)	SF	700.00	\$ 7.50	\$ 5,250.00
16	TRAFFIC CONTROL MARKINGS (STOP BAR), WHITE, CLASS 2, TYPE A (703-A)	SF	48.00	\$ 7.50	\$ 360.00
17	TRAFFIC CONTROL MARKINGS (CHANNEL LINE), WHITE, CLASS 2, TYPE A (703-A)	SF	267.00	\$ 7.50	\$ 2,002.50
18	TRAFFIC CONTROL LEGENDS (ARROW), WHITE, CLASS 2, TYPE A (703-B)	SF	102	\$ 7.50	\$ 765.00
19	TRAFFIC CONTROL LEGENDS (ONLY), WHITE, CLASS 2, TYPE A, (703-B)	SF	100	\$ 7.50	\$ 750.00
20	REFLECTIVE PAVEMENT MARKERS, CLASS A-H, TYPE 1-B (705-A)	EA	430	\$ 5.00	\$ 2,150.00
21	REFLECTIVE PAVEMENT MARKERS, CLASS A-H, TYPE 2-E (705-A)	EA	300	\$ 5.00	\$ 1,500.00
22	REFLECTIVE PAVEMENT MARKERS, CLASS A-H, TYPE 2-E (705-A)	EA	287	\$ 6.00	\$ 1,722.00
23	CONCRETE CURB, TYPE M-2 (623-B)	LF	250	\$ 17.50	\$ 4,375.00
24	CONCRETE CURB, TYPE M-3 (623-B)	LF	250	\$ 17.50	\$ 4,375.00
25	22"x13" RCAP (DOUBLE) (531-A)	LF	800	\$ 60.00	\$ 48,000.00
26	GRATE TOP INLET (621-C)	EA	2	\$ 4,000.00	\$ 8,000.00
27	JUNCTION BOX (621-A)	EA	2	\$ 3,500.00	\$ 7,000.00
28	CONCRETE SLOPE PAVED HEADWALLS (22"x13")	EA	2	\$ 750.00	\$ 1,500.00
29	MOBILIZATION (600-A) (7.0% of Const.)	LS	1	\$ 16,491.21	\$ 16,491.21
29	EROSION CONTROL (2.5% of Const.)	LS	1	\$ 5,889.72	\$ 5,889.72
30	TRAFFIC CONTROL (740-A) (6.0% of Const.)	LS	1	\$ 14,135.32	\$ 14,135.32
TOTAL CONSTRUCTION COST:					\$ 272,104.89

Professional Services Calculations					
Item #	Description	Unit	Quantity	Unit Price	Amount
1	Engineering Survey & Design (9.5% of Const.)	Each	1	\$25,849.96	\$25,849.96
2	Material Testing (2.5% of Construction)	Each	1	\$6,802.62	\$6,802.62
3	Engineering - CE&I (12.5% of Construction)	Each	1	\$34,013.11	\$34,013.11
Estimated Professional Service Cost					\$66,665.70

Estimated Total Cost	\$312,920.62
Estimated Total Cost to the City (20%)	\$62,584.12
Estimated Total Cost to the ESMPO (80%)	\$250,336.50

★ \$5,170.96 = 67,754

Resolution 2015-46

Support of MPO Surface Transportation Funds to Install Intersection Improvements on County Road 13 at Sehoj Boulevard and Longue Vue Drive

WHEREAS, the City of Daphne is a member Government of the Eastern Shore Metropolitan Planning Organization (MPO) which is the organization designated by the Governor of the State of Alabama as being responsible, together with the State of Alabama, for implementing the applicable provisions of 23 USC 134 and 135 (amended by MAP-21 Sections 1201 and 1202, July 2012); 42 USC 2000d-1, 7401; 23 CFR 450 and 500; 40 CFR 51 and 93; and

WHEREAS, the Eastern Shore MPO was formed in June 2012 and has three years to allocate MPO Surface Transportation Project funds through the adoption of the 2040 Long Range Transportation Plan and FY16-19 Transportation Improvement Program (TIP); and

WHEREAS, the City of Daphne has submitted a project to install Intersection Improvements on County Road 13 at Sehoj Blvd. and Longue Vue Dr. (**CR 13 Intersection Improvement Project**) for inclusion in the FY 2016-2019 Transportation Improvement Program; and

WHEREAS, the CR 13 Intersection Improvement Project has been submitted for funding through MPO Surface Transportation Funds which require a twenty percent (20%) local match; and

WHEREAS, the CR 13 Intersection Improvement Project has an estimated cost of \$338,770 with an estimated local match of \$67,765 (20%) to be provided by the City of Daphne; and

*x.20 = \$67,754
20%*

WHEREAS, the Eastern Shore Metropolitan Planning Organization Policy Board will consider approving the use of MPO Surface Transportation Funds to fund CR 13 Intersection Improvement Project at their July 22, 2015 Board Meeting;

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

- 1.) The City of Daphne supports the funding of the CR 13 Intersection Improvement Project through MPO Surface Transportation Funds; and
- 2.) The Mayor and the Director of Public Works are hereby authorized to execute all agreements, contracts and documents for CR 13 Intersection Improvement Project funded through MPO Surface Transportation Funds; and
- 3.) If approved and awarded MPO Surface Transportation Funds for the CR 13 Intersection Improvement Project, the City will appropriate funds for the project equal to 20% of the survey, design, construction and CE&I (Total Project) cost in addition to 100% of all related utility relocations, and Right of Way acquisition costs, if any.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 20TH DAY OF JULY 2015.



DANE HAYGOOD, MAYOR

ATTEST:



Rebecca A. Hayes, City Clerk

Sehoy Property Owners Association

P.O. Box 2631

Daphne, AL 36526

sehoypoa@yahoo.com

To Whom It May Concern:

The Sehoy POA and Neighborhood would like to request turn lanes on Hwy. 13 into the entrance of our neighborhood. Sehoy was built in 2000/ 2001 and is currently has 254 homes. Our neighborhood is located on Hwy. 13 between Daphne Middle School and Daphne High School. Hwy. 13 is one of the busiest roads in Daphne due to school, home, business and connection traffic from Hwy. 90 and Interstate 10. Due to the projected rise of business and home developments in our city in the next few years, traffic will continue to be a problem.

We currently have one Elementary school bus that serves only our neighborhood and one Middle/ High school bus. This does not account for the car traffic each morning and afternoon as people head to and from work.

In the past year, there have been several automobile wrecks due to the traffic that "backs up" from the middle school and continues past our neighborhood entrance. The traffic also backs up coming from North while one is waiting to turn left into the neighborhood.

Tiawasse Trace neighborhood has had a northbound turn lane for several years and recently received a southbound turning lane. Our neighborhood is larger and serves more homeowners. Our neighborhood is also closer to the middle school and causes traffic to back up in front of the Assisted Living Home, Brennity.

Please let us know how we need to address and correct this problem. It is our understanding that the discussion of turn lanes on Hwy. 13 has been ongoing for several years. We feel this is a need and discussion that needs to be addressed considering the potential growth of our city and for the safety of the citizens.

Thank you for this consideration.

Sehoy POA
Phillip Wilbourn
Per Kurt R. Myer
Vice President

President: Phillip Wilbourn
850-485-2233



EASTERN SHORE MPO PROJECT SUBMITTAL FORM

FOR SUBMITTING A PROPOSED PROJECT FOR INCLUSION IN THE LONG RANGE TRANSPORTATION PLAN (LRTP)
OR TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

Date: 06-03-2015 **Point of Contact:** Richard D. Johnson

Address: City of Daphne; P.O. Box 400; Daphne, AL 36526

Phone: 251-621-3182 **Email:** rjohnson@daphneal.com

This Project was Recommended by (check one): Citizen Working or Living within MPO Area
 Advisory Committee Member Public Official Other _____

Please provide the following information about the proposed project:

Project Description and Location (include termini description, if road improvement)

County Road 13 - Intersection Improvements at the entrances of Sehoy (Sehoy Blvd) and French Settlement (Longue Vue Blvd)

Subdivisions. Project consists of widening the roadbed to accomodate left turn and right turn deceleration lanes. Work will entail piping of open ditches, drainage, curbing, shoulder/base/pavement build up, asphalt overlayment, striping/markings, topsoil and sod.

The project lies within Sections 9 and 10, Township 5 South, Range 2 East, in the City of Daphne, Baldwin County, Alabama.

Reason for Proposed Project (Purpose and Need):

County Road 13 (Urban Collector) is a major north south link for students and work commuters. The lack of turn lanes at the entrances of these subdivisions creates stacking during peak hrs. Turn lanes will decrease travel times and improve roadway capacity & safety.

Project Length (if applicable):

1550 linear feet or 0.3 Miles

Bicycle and Pedestrian or ADA Upgrades:

Subject roadway is currently under consideration for FY2015 TAP Grant for multi-use pathway - full ADA compliance.

Roadway Classification (if applicable):
Urban Collector

Project Sponsor (i.e. Responsible Local Government):
City of Daphne

Percent (%) Local Match:
20%

Match Source:
Capital Reserves and/or General Fund

Environmental Justice Issues or Concerns:

None

For Internal (MPO or Project Sponsor) Use Only

Scope of Work:	Cost Estimate:
Preliminary Engineering: (Survey & Design) plus Geo-Technical Investigation (9.5%)	\$25,849.96
Right-of-Way: None Required	\$0.00
Utilities: No conflicts anticipated	\$0.00
Construction: Construction: \$272,104.89 Testing & CE&I (15%) \$ 40,815.73	\$312,920.62
TOTAL COST:	\$338,770.58

Project Map:

See Attached

For Internal (MPO or Project Sponsor Use Only)

Potential Funding Sources:

- | | |
|----------|----------|
| 1. _____ | 2. _____ |
| 3. _____ | 4. _____ |
| 5. _____ | 6. _____ |
| 7. _____ | 8. _____ |

Bicycle and Pedestrian Advisory Committee Recommendation:

- | | |
|--|---|
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Visionary List of the LRTP | <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Financially Constrained List of the LRTP |
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the TIP _____ | <input type="checkbox"/> Recommend the Policy Board not approve the project |
| <input type="checkbox"/> Recommend the Policy Board postpone taking any action on the proposed project to give time for further review or to change the project scope: _____ | Votes: _____ |
| _____ | Chair or Vice Chair Signature _____ Date _____ |

Citizens Advisory Committee Recommendation:

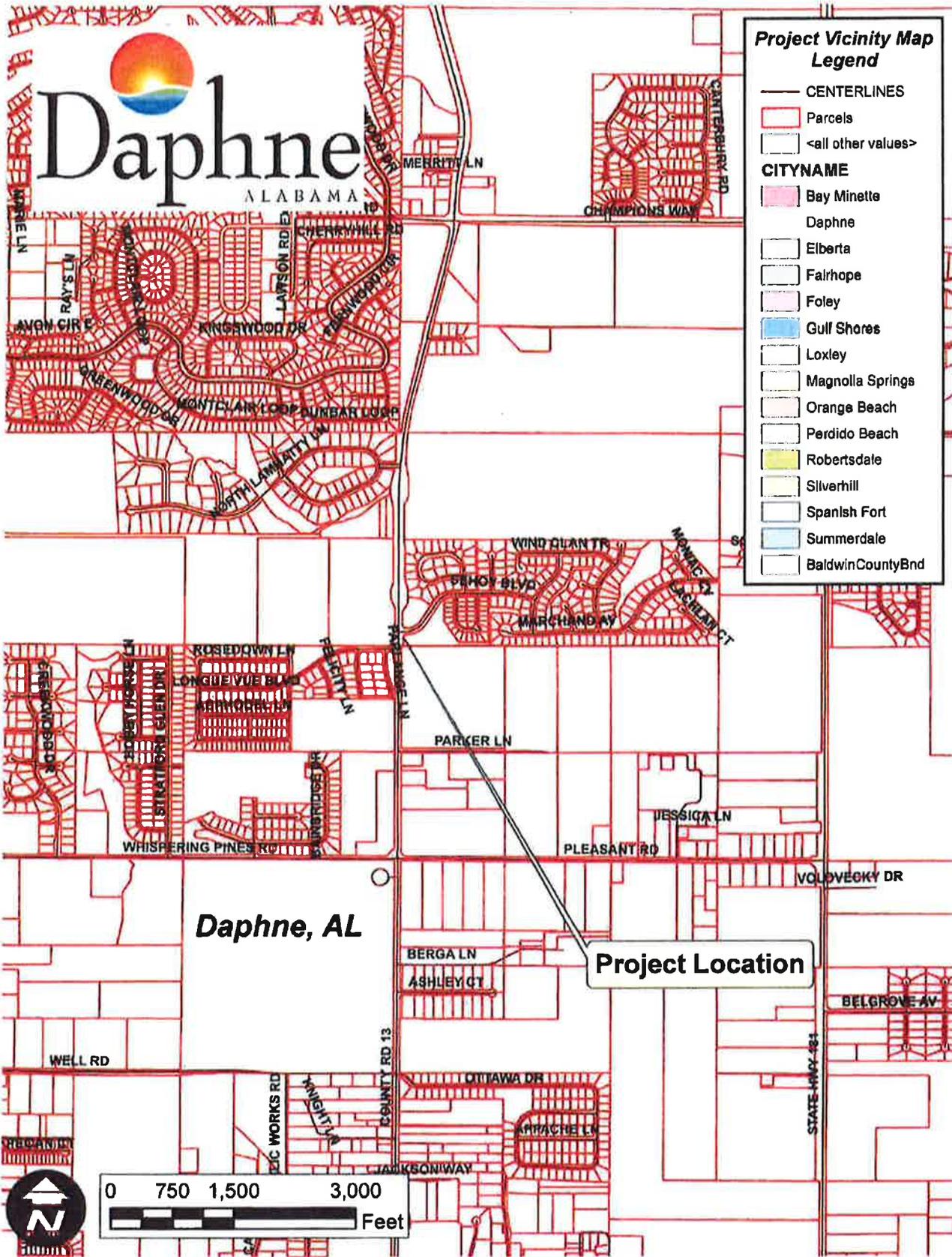
- | | |
|--|---|
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Visionary List of the LRTP | <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Financially Constrained List of the LRTP |
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the TIP _____ | <input type="checkbox"/> Recommend the Policy Board not approve the project |
| <input type="checkbox"/> Recommend the Policy Board postpone taking any action on the proposed project to give time for further review or to change the project scope: _____ | Votes: _____ |
| _____ | Chair or Vice Chair Signature _____ Date _____ |

Technical Advisory Committee Recommendation:

- | | |
|--|---|
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Visionary List of the LRTP | <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Financially Constrained List of the LRTP |
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the TIP _____ | <input type="checkbox"/> Recommend the Policy Board not approve the project |
| <input type="checkbox"/> Recommend the Policy Board postpone taking any action on the proposed project to give time for further review or to change the project scope: _____ | Votes: _____ |
| _____ | Chair or Vice Chair Signature _____ Date _____ |

Policy Board Action:

- | | |
|---|---|
| <input type="checkbox"/> Approve the project as submitted for inclusion in the Visionary List of the LRTP | <input type="checkbox"/> Approve the project as submitted for inclusion in the Financially Constrained List of the LRTP |
| <input type="checkbox"/> Approve the project as submitted for inclusion in the TIP _____ | <input type="checkbox"/> Choose not to approve the project |
| <input type="checkbox"/> Postpone taking any action on the proposed project to give time for further review or to change the project scope: _____ | Votes: _____ |
| _____ | Resolution Number: _____ |
| _____ | |



ORDINANCE 2015-61

Project: County Road 13 and Highway 64 Roundabout Lights

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

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

WHEREAS, lighting is needed for safe passage on the roundabout at CR13 and HWY 64; and

WHEREAS, the cost of the lights are \$14,350.

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

- 1). funds in the amount of **\$14,350 from the Seven Cent Gas Tax Fund** are appropriated and made a part of the Fiscal Year 2016 budget for the Roundabout lights at County Road 13 and Highway 64.
- 2). the Mayor and Public Works Director are hereby authorized to execute any and all documents required in order for the City of Daphne to complete such project.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this ____ day of _____, 2015.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Richard D. Johnson, P.E.

From: Stephen Tirador <stirador@rivierautilities.com>
Sent: Thursday, October 01, 2015 1:03 PM
To: Richard D. Johnson, P.E.
Cc: William Eringman; Kelli Kichler, CPA
Subject: RE: CR 13/64 Roundabout Lights

Yes. We actually just got some LED "Cobra head" lights that are the equivalent of a 250W that we already offer. The price for these would be \$1300 per pole and \$16/Month. So you would be saving \$4/month per fixture. Let me know if you want to go ahead with those. Thanks

LED - INCREASE IN COST 11 x \$300.00
 = \$3,300.00

COST SAVINGS 11 x \$4.00 = \$44.00/MO
 OR \$528.00/YR

Stephen Tirador
 Electrical Engineer
 Riviera Utilities
 Office: (251) 626-5000 Ext: 3412
 Cell: (251) 424-0002

RETURN ON INVESTMENT $\frac{\$3,300.00}{\$528.00/YR}$
 = 6 YRS 3 MO



LIFE CYCLE OF LIGHTS 10-15 YRS

RECOMMEND LED - \$14,350.00

From: Richard D. Johnson, P.E. [<mailto:rjohnson@daphneal.com>]
Sent: Thursday, October 01, 2015 7:32 AM
To: Stephen Tirador
Cc: William Eringman; Kelli Kichler, CPA
Subject: RE: CR 13/64 Roundabout Lights

Stephen:

Thank you I got it. It will go before Council for appropriation starting this month. I should be able to issue you authorization the first Tuesday in November.

On the lamp fixture themselves is there a LED option? I would rather pay more up front for the fixture for overall lifecycle electrical savings. Everything I read says LED use half or less electricity than traditional ballast & bulbs. \$10 a month forever is a lot more economical than \$20 a month forever. Can you offer any alternative fixture and electrical/maintenance cost options?

Please let me know.

Richard D. Johnson, P.E.

From: Stephen Tirador <stirador@rivierautilities.com>
Sent: Wednesday, September 30, 2015 3:03 PM
To: Richard D. Johnson, P.E.
Subject: CR 13/64 Roundabout Lights
Attachments: 20150930_144135.jpg; SELEC-EDBiz15093015160.pdf

Richard,

Attached is a picture of the fixture for the lights around the roundabout. The pole is a satin finish aluminum with a frangible base. There are 11 of these poles we have to set. They will be \$1,000 per pole to install. The monthly fee for these 11 lights will be \$20/month. There is also one light going on the existing concrete pole. This light will \$50 to install and will be \$13/month. I've attached the invoice for this. Let me know if you have any questions. Thanks

Stephen Tirador

Electrical Engineer
Riviera Utilities
Office: (251) 626-5000 Ext: 3412
Cell: (251) 424-0002





Riviera Utilities

Western Division Electric
700 Whispering Pines Road
Daphne, Alabama 36526

PHONE (251) 626-5000
FAX (251) 626-5993

File Copy

SOLD TO: CITY OF DAPHNE

PO BOX 400
DAPHNE AL 36526

COMMENTS: ROUNDABOUT LIGHTS AT CR13/64

INVOICE DATE: 9/30/2015

INVOICE NUMBER: WDELEC -2015-0004416

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
11 EA	DECORATIVE LIGHTING	1,000.00	11,000.00
1 EA	DECORATIVE LIGHTING	50.00	50.00
TOTAL			11,050.00

QUESTIONS CONCERNING THIS INVOICE?
CALL: STEPHEN TIRADOR
Ext: 0000



**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2015-62**

**Ordinance to Pre-Zone Property Located
Southwest of Holy Cross Circle and Holy Cross Drive
John W. West**

WHEREAS, John W. West as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property be pre-zoned from RSF-4, Two Family District, Baldwin County District 16, in the extraterritorial planning jurisdiction of the City of Daphne, to B-1, Local Business District, City of Daphne; and

WHEREAS, said real property is Southwest of Holy Cross Circle and Holy Cross Drive, and more particularly described as follows:

Legal Description for Pre-zone:

Lot 5 of a subdivision showing part of the Issac Austin Properties as recorded in Map Book 4, page 232, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5, South, Range 2 East, containing 0.17 acres, more or less.

Lot 9, of an irregular subdivision of the Issac Austin Properties, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5 South, Range 2 East, containing 0.14 acres, more or less.

WHEREAS, at the regular Planning Commission meeting on August 27, 2015, the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on October 19, 2015; and,

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

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

SECTION I: ZONING

That above described real property is hereby pre-zoned from RSF-4, Two Family District, Baldwin County District 16, in the extraterritorial planning jurisdiction of the City of Daphne, to B-1, Local Business District, City of Daphne, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS day of , 2015.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

**JOHN W. WEST
PREZONING REQUEST
LOT 5 AND 9 OF THE ISSAC AUSTIN PROPERTIES SUBDIVISION
SOUTHEAST OF MAIN STREET AND HOLY CROSS DRIVE**

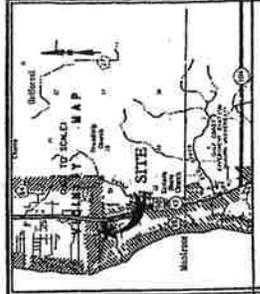
EXHIBIT A

**STATE OF ALABAMA
COUNTY OF BALDWIN**

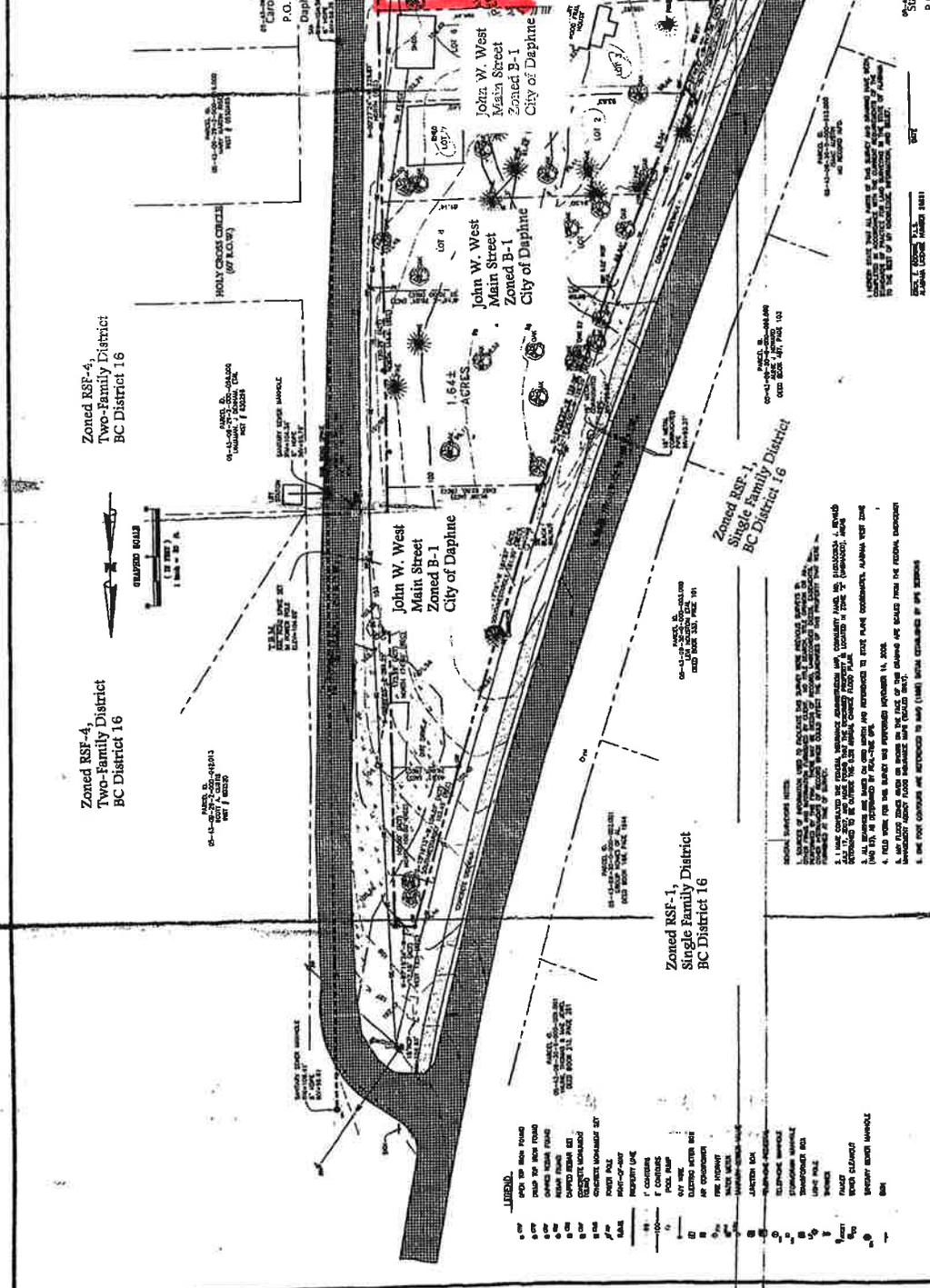
DESCRIPTIONS OF PROPERTY TO BE PRE-ZONED TO B-1, LOCAL BUSINESS:

Lot 5 of a subdivision showing part of the Issac Austin Properties as recorded in Map Book 4, page 232, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5, South, Range 2 East, containing 0.17 acres, more or less.

Lot 9, of an irregular subdivision of the Issac Austin Properties, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5 South, Range 2 East, containing 0.14 acres, more or less.



Williams, Albert Jr Etal Phillip
 c/o Carolyn Montgomery
 P.O. Box 2682
 Daphne, AL 36526



ANNEX 2
 Starting Charles H In Euxa 157
 P.O. Box 635
 AL 36509

ANNEX 3
 JACK WEST
 JACK WEST SURVEYING
 1-1-20

ANNEX 4
 JACK WEST SURVEYING
 1-1-20

ANNEX 5
 JACK WEST SURVEYING
 1-1-20

ANNEX 6
 JACK WEST SURVEYING
 1-1-20

ANNEX 7
 JACK WEST SURVEYING
 1-1-20

ANNEX 8
 JACK WEST SURVEYING
 1-1-20

ANNEX 9
 JACK WEST SURVEYING
 1-1-20

ANNEX 10
 JACK WEST SURVEYING
 1-1-20

- LEGEND**
- 1.00' - 1.00' - 1.00' - 1.00'
 - 2.00' - 2.00' - 2.00' - 2.00'
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HUTCHINSON, MOORE & RAUGH, LLC
 ENGINEERS/SURVEYORS
 LAND PLANNERS
 2639 MAIN STREET
 DAPHNE, ALABAMA
 36526
 TEL: (205) 824-2834
 dph@hmcraugh.com

Zoning & Annexation Display
 Exhibit "A"

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2015-63**

**ORDINANCE TO ANNEX PROPERTY CONTIGUOUS
TO THE CORPORATE LIMITS OF THE CITY OF DAPHNE**

**Property Located Southwest of Holy Cross Circle and Holy Cross Drive
John W. West**

WHEREAS, on the 16th of April, 2015, being the owner of all real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, said petition did contain the signatures of all owners of the described territory, and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, after proper publication, a public hearing was held by the City Council on October 19, 2015 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on August 27, 2015, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation and said property; and

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

SECTION ONE: ANNEXATION

The City Council of the City of Daphne, Alabama finds that and declares as the legislative body of the City of Daphne, Alabama that it is in the best interest of the citizens of the City of Daphne, Alabama and the citizens of the affected area, to bring the territory described in Section Two of this Ordinance into the City of Daphne, Alabama, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, et seq., Code of Alabama, 1975; effective on publication as required by Section 11-42-21, Code of Alabama 1975, as amended.

SECTION TWO: DESCRIPTION OF TERRITORY

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described property, to-wit:

Legal Description for Annexation:

Lot 5 of a subdivision showing part of the Issac Austin Properties as recorded in Map Book 4, page 232, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5, South, Range 2 East, containing 0.17 acres, more or less.

Lot 9, of an irregular subdivision of the Issac Austin Properties, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5 South, Range 2 East, containing 0.14 acres, more or less.

SECTION THREE: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama is set forth and described in Exhibit "A" and attached hereto a map of the property (*Exhibit "B"*) showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this ordinance.

SECTION FOUR: PUBLICATION

This Ordinance shall be published as required by Section 11-42-21 Code of Alabama 1975, as amended, and the property described herein shall be annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office of the Judge of Probate of Baldwin County, Alabama as required by Section 11-42-21, Code of Alabama 1975, as amended.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE _____ DAY OF _____, 2015.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

**JOHN W. WEST
ANNEXATION REQUEST
LOT 5 AND 9 OF THE ISSAC AUSTIN PROPERTIES SUBDIVISION
SOUTHEAST OF MAIN STREET AND HOLY CROSS DRIVE**

EXHIBIT A

**STATE OF ALABAMA
COUNTY OF BALDWIN**

DESCRIPTIONS OF PROPERTY TO BE ANNEXED AS B-1, LOCAL BUSINESS:

Lot 5 of a subdivision showing part of the Issac Austin Properties as recorded in Map Book 4, page 232, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5, South, Range 2 East, containing 0.17 acres, more or less.

Lot 9, of an irregular subdivision of the Issac Austin Properties, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5 South, Range 2 East, containing 0.14 acres, more or less.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2015-64**

**Ordinance to Rezone Property Located
One Quarter Mile South of the Intersection of County Road 64 and Pollard Road
Cadence Bank**

WHEREAS, Cadence Bank as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-4, High Density Multi-Family Residential District to PUD, Planned Unit Development District; and,

WHEREAS, said real property is located one quarter mile south of the intersection of County Road 64 and Pollard Road, and more particularly described as follows:

LEGAL DESCRIPTION FOR 6.19 ACRES

BEGINNING AT A 1/2 INCH CAPPED REBAR (LS #10675) AT THE NORTHWEST CORNER OF LOT 1 OF BOLAR VIEW SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 1532-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 01 DEGREES 04 MINUTES 08 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY OF POLLARD ROAD, A DISTANCE OF 328.91 FEET TO A 2 INCH CRIMP TOP IRON PIPE; THENCE RUN SOUTH 88 DEGREES 58 MINUTES 56 SECONDS EAST, A DISTANCE OF 163.13 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN SOUTH 00 DEGREES 49 MINUTES 24 SECONDS WEST, A DISTANCE OF 107.87 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN SOUTH 89 DEGREES 08 MINUTES 33 SECONDS EAST, A DISTANCE OF 200.79 FEET TO A 1/2 INCH CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 45 MINUTES 29 SECONDS WEST, A DISTANCE OF 119.64 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN SOUTH 88 DEGREES 52 MINUTES 30 SECONDS EAST, A DISTANCE OF 251.28 FEET TO A 1/2 INCH CAPPED REBAR (CA-0756-LS); THENCE RUN NORTH 01 DEGREES 42 MINUTES 21 SECONDS EAST, A DISTANCE OF 619.00 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS); THENCE RUN NORTH 61 DEGREES 24 MINUTES 06 SECONDS WEST, A DISTANCE OF 69.56 FEET TO A 1/2 INCH REBAR; THENCE RUN NORTH 88 DEGREES 46 MINUTES 57 SECONDS WEST, A DISTANCE OF 253.23 FEET TO 1/2 INCH CAPPED REBAR (CA-0951-LS); THENCE RUN SOUTH 36 DEGREES 03 MINUTES 26 SECONDS EAST, A DISTANCE OF 22.95 FEET TO A 1/2 INCH CAPPED REBAR (CA-0393-LS); THENCE RUN SOUTH 63 DEGREES 07 MINUTES 11 SECONDS WEST, A DISTANCE OF 167.13 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN NORTH 88 DEGREES 43 MINUTES 18 SECONDS WEST, A DISTANCE OF 174.49 FEET TO THE POINT OF BEGINNING.

LESS AND ACCEPT LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.

TRACT CONTAINS 6.19 ACRES, MORE OR LESS, AND LIES IN SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the City of Daphne Planning Commission meeting on August 27, 2015 the Commission considered said request and set forth a unanimous favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on October 19, 2015; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the recommendation of the Planning Commission, and the public hearing deemed that said application for rezoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama.

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

SECTION I: ZONING

That above described real property is hereby rezoned from R-4, High Density Multi-Family Residential District to PUD, Planned Unit Development District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2015.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

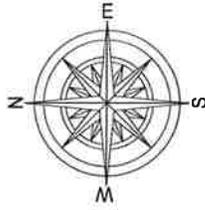
EXHIBIT A

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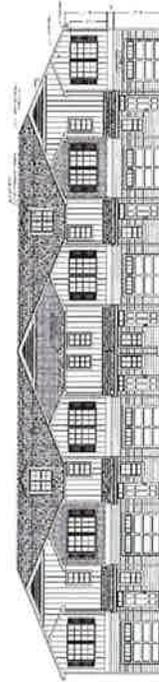
LESS AND ACCEPT LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.

TRACT CONTAINS 6.19 ACRES, MORE OR LESS, AND LIES IN SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



Summary

Total Acreage 7.3 Acres
 Total Units 82
 Density 11 / Acre



Front Elevation

Villas at St. Charles

Daphne, Alabama

EXHIBIT "B"

REVISED PER DAPHNE PLANNING COMMISSION RECOMMENDATION



VILLAS AT ST. CHARLES PUD STANDARDS

The Villas at St. Charles, a Planned Unit Development, is located on the east side of Pollard Road approximately a quarter of a mile south of County Road 64. This proposed development is a continuation of the existing St. Charles Village Condominium development. That development, which is known as Phase 1, consists of 36 condominium units. A pool and club house facility is also part of the development. The Declaration of Condominium documents provided development rights for 116 units for Phase 2.

The Phase 2 site consist of 7.28 acres, which includes Lots 1-3 (1.08 acres) of Bolar View Subdivision, and a 6.20 acre undeveloped tract. The developer has made application to annex the 3 lots into the City of Daphne. The 6.20 acre tract is in the City of Daphne corporate limits and is currently zoned R-4. The developer has also made applications for pre-zoning and rezoning to collective zone these properties to a PUD zone.

The proposed development will be townhomes, consisting of three 4-unit buildings, nine 6-unit buildings, and two 8-unit buildings, for a total of 82 units. The proposed density for this phase is 11.3 units per acre. The R-4 zoning of the existing 6.20 acre tract alone allows for a density of 14 units per acre which would allow for 86 units. The proposed 82 units is well below the 116 units allowed by the development rights and also less than the 86 units allowed by current zoning.

The maximum building height will not exceed those specified in the residential zoning districts of the Daphne Land Use and Development Ordinance, which is 2.5 stories or 35 ft. and building height as defined in the said Ordinance.

The proposed spacing between buildings will not be less than 20'. The minimum perimeter building setbacks will be as shown on the PUD Master Plan, Exhibit B. Generally the proposed setbacks are 40', 30', and 25'. The 30' and 25' setbacks are a proposed deviation from the 40' setback requirement for PUD developments. This development is not a highrise development and as stated above the building heights will not exceed 2.5 stories or 35'. In a residential development zoned R-4 or in the Innovative Design category of the Land Use Ordinance, the required setback is 25' from the front and rear property lines. We believe the nature of this development is such that excessive setbacks are not necessary. Given that, the majority of the setbacks are 40' from the adjacent properties.

Coverages and Open Space:

The total building coverage is 73,800 sq. ft. or 23.27% of the total site.

Total roadways, sidewalks, and driveways coverage is 81,295 sq. ft. or 25.64% of the total site.

Drainage pond coverages are 11,738 sq. ft. or 3.70% of the total site.

The total coverage is 3.83 acres or 52.61% of the total site.

The remaining area is 3.45 acres or 47.39% of open space. This will be grassed/landscaped areas which will be common property and maintained by the P.O.A.

There is an existing 0.5 acre site adjacent to this development that has a pool and clubhouse facility that was planned for the use of the existing condominium owners and for this development.

The developer proposes to make this development a part of the existing St. Charles Village Condominiums which is an existing gated community. The plan is to also gate the proposed Villas at St. Charles at its entrance off Pollard Road and connect the two sites at the terminus of the existing road inside St. Charles Village Condominiums. The residents of the new development will become members of the existing Homeowners Association and have the rights and responsibilities as defined in the Covenants and Restrictions. This will include the use and maintenance of the existing pool and club house facility. That existing facility was designed and located to serve both phases of the originally designed development.

All utilities will be constructed underground and water, sewer, electric, and telephone are all available to the site. The roadway within the development will be a private drive just as is the existing roadway in St. Charles Village Condominiums. A 50' ingress/egress and utility easement will be provided to access all of the units. Sidewalks will be located on both sides of the proposed roadway. All construction will be in accordance to the standards of the City of Daphne. The roadway system nor the gate will be maintained by the City of Daphne.

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

A decorative fence will be installed along Pollard Road to match, as close as possible, with the existing fence in St. Charles Village Condominium. Due to all areas outside of the buildings being common area, a landscape plan will be prepared for the overall site to insure landscaping is designed around all buildings and entryway.

Each unit within a building is a two story unit. There is a single car garage in each unit and additional parking outside of the garages. Each unit will have boundaries, ultimately defined on preliminary and final plats, with all areas located outside of the buildings being common areas and to be maintained by the Homeowners Association. The minimum spacing between buildings will be 20 feet and no building will be located closer than 25 feet to an exterior property line. In most cases they will be 30' to 40' from the exterior property lines.

The exterior finish of the proposed buildings will be similar in color and material type as of the existing condominium units. Landscaping will be provided around the buildings and a decorative fence installed along Pollard Road. The floor plans and elevation plans submitted with the application are a representation of what is proposed.

Finally, this proposed PUD development is in compliance with the newly adopted Planned Unit Development District regulations. The City's PUD regulations encourage flexibility in locating buildings, encourages mixtures of building types, and connectivity to adjoining developments. This development meets those conditions.

The City will have a less dense development than what is allowed in an R-4 (14 units per acre) zone. R-4 allows 3 story buildings and the proposed height in this development is 2 stories, which will also match the building heights in the existing St. Charles Village.

With PUD approval, the developer will follow up with a preliminary subdivision application whereby plats will show each building location and the division of each building into the individual units/lots. Ultimately, with final plat approval these plats will be recorded in the County Probate Office.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2015-65**

**Ordinance to Pre-Zone Property Located
One Quarter Mile South of the Intersection of County Road 64 and Pollard Road
Cadence Bank**

WHEREAS, Cadence Bank as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property be pre-zoned from RSF-2, Single Family District, Baldwin County District 15 , in the extraterritorial planning jurisdiction of the City of Daphne, to PUD, Planned Unit Development District, City of Daphne; and

WHEREAS, said real property is one quarter mile south of the intersection of County Road 64 and Pollard Road, and more particularly described as follows:

Legal Description for Pre-zone:

LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE
PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on August 27, 2015, the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on October 19, 2015; and,

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

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

SECTION I: ZONING

That above described real property is hereby pre-zoned from RSF-2, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to PUD, Planned Unit Development District, City of Daphne, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS day of , 2015.

Dane Haygood,
Mayor

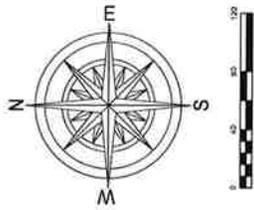
ATTEST:

Rebecca A. Hayes,
City Clerk

EXHIBIT A

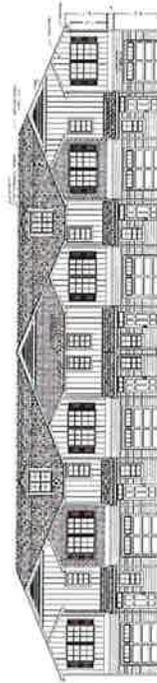
LEGAL DESCRIPTION FOR CADENCE BANK

**LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE
PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.**



Summary

Total Acreage 7.3 Acres
 Total Units 82
 Density 11 / Acre



Front Elevation

Villas at St. Charles

Daphne, Alabama

EXHIBIT "B"

REVISED PER DAPHNE PLANNING COMMISSION RECOMMENDATION



VILLAS AT ST. CHARLES PUD STANDARDS

The Villas at St. Charles, a Planned Unit Development, is located on the east side of Pollard Road approximately a quarter of a mile south of County Road 64. This proposed development is a continuation of the existing St. Charles Village Condominium development. That development, which is known as Phase 1, consists of 36 condominium units. A pool and club house facility is also part of the development. The Declaration of Condominium documents provided development rights for 116 units for Phase 2.

The Phase 2 site consist of 7.28 acres, which includes Lots 1-3 (1.08 acres) of Bolar View Subdivision, and a 6.20 acre undeveloped tract. The developer has made application to annex the 3 lots into the City of Daphne. The 6.20 acre tract is in the City of Daphne corporate limits and is currently zoned R-4. The developer has also made applications for pre-zoning and rezoning to collective zone these properties to a PUD zone.

The proposed development will be townhomes, consisting of three 4-unit buildings, nine 6-unit buildings, and two 8-unit buildings, for a total of 82 units. The proposed density for this phase is 11.3 units per acre. The R-4 zoning of the existing 6.20 acre tract alone allows for a density of 14 units per acre which would allow for 86 units. The proposed 82 units is well below the 116 units allowed by the development rights and also less than the 86 units allowed by current zoning.

The maximum building height will not exceed those specified in the residential zoning districts of the Daphne Land Use and Development Ordinance, which is 2.5 stories or 35 ft. and building height as defined in the said Ordinance.

The proposed spacing between buildings will not be less than 20'. The minimum perimeter building setbacks will be as shown on the PUD Master Plan, Exhibit B. Generally the proposed setbacks are 40', 30', and 25'. The 30' and 25' setbacks are a proposed deviation from the 40' setback requirement for PUD developments. This development is not a highrise development and as stated above the building heights will not exceed 2.5 stories or 35'. In a residential development zoned R-4 or in the Innovative Design category of the Land Use Ordinance, the required setback is 25' from the front and rear property lines. We believe the nature of this development is such that excessive setbacks are not necessary. Given that, the majority of the setbacks are 40' from the adjacent properties.

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The total building coverage is 73,800 sq. ft. or 23.27% of the total site.

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The remaining area is 3.45 acres or 47.39% of open space. This will be grassed/landscaped areas which will be common property and maintained by the P.O.A.

There is an existing 0.5 acre site adjacent to this development that has a pool and clubhouse facility that was planned for the use of the existing condominium owners and for this development.

The developer proposes to make this development a part of the existing St. Charles Village Condominiums which is an existing gated community. The plan is to also gate the proposed Villas at St. Charles at its entrance off Pollard Road and connect the two sites at the terminus of the existing road inside St. Charles Village Condominiums. The residents of the new development will become members of the existing Homeowners Association and have the rights and responsibilities as defined in the Covenants and Restrictions. This will include the use and maintenance of the existing pool and club house facility. That existing facility was designed and located to serve both phases of the originally designed development.

All utilities will be constructed underground and water, sewer, electric, and telephone are all available to the site. The roadway within the development will be a private drive just as is the existing roadway in St. Charles Village Condominiums. A 50' ingress/egress and utility easement will be provided to access all of the units. Sidewalks will be located on both sides of the proposed roadway. All construction will be in accordance to the standards of the City of Daphne. The roadway system nor the gate will be maintained by the City of Daphne.

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

A decorative fence will be installed along Pollard Road to match, as close as possible, with the existing fence in St. Charles Village Condominium. Due to all areas outside of the buildings being common area, a landscape plan will be prepared for the overall site to insure landscaping is designed around all buildings and entryway.

Each unit within a building is a two story unit. There is a single car garage in each unit and additional parking outside of the garages. Each unit will have boundaries, ultimately defined on preliminary and final plats, with all areas located outside of the buildings being common areas and to be maintained by the Homeowners Association. The minimum spacing between buildings will be 20 feet and no building will be located closer than 25 feet to an exterior property line. In most cases they will be 30' to 40' from the exterior property lines.

The exterior finish of the proposed buildings will be similar in color and material type as of the existing condominium units. Landscaping will be provided around the buildings and a decorative fence installed along Pollard Road. The floor plans and elevation plans submitted with the application are a representation of what is proposed.

Finally, this proposed PUD development is in compliance with the newly adopted Planned Unit Development District regulations. The City's PUD regulations encourage flexibility in locating buildings, encourages mixtures of building types, and connectivity to adjoining developments. This development meets those conditions.

The City will have a less dense development than what is allowed in an R-4 (14 units per acre) zone. R-4 allows 3 story buildings and the proposed height in this development is 2 stories, which will also match the building heights in the existing St. Charles Village.

With PUD approval, the developer will follow up with a preliminary subdivision application whereby plats will show each building location and the division of each building into the individual units/lots. Ultimately, with final plat approval these plats will be recorded in the County Probate Office.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2015-66**

**ORDINANCE TO ANNEX PROPERTY CONTIGUOUS
TO THE CORPORATE LIMITS OF THE CITY OF DAPHNE**

**Property Located One Quarter Mile South of the Intersection of County Road 64 and
Pollard Road
Cadence Bank**

WHEREAS, on the 23rd day of July, 2015, being the owner of all real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, said petition did contain the signatures of all owners of the described territory and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, after proper publication, a public hearing was held by the City Council on October 19, 2015 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on August 27, 2015, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation and said property; and

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

SECTION ONE: ANNEXATION

The City Council of the City of Daphne, Alabama finds that and declares as the legislative body of the City of Daphne, Alabama that it is in the best interest of the citizens of the City of Daphne, Alabama and the citizens of the affected area, to bring the territory described in Section Two of this Ordinance into the City of Daphne, Alabama, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, et seq., Code of Alabama, 1975; effective on publication as required by Section 11-42-21, Code of Alabama 1975, as amended.

SECTION TWO: DESCRIPTION OF TERRITORY

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described property, to-wit:

Legal Description for Annexation:

LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE
1532A IN THE PROBATE RECORDS OF BALDWIN COUNTY,
ALABAMA.

SECTION THREE: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama is set forth and described in Exhibit “A” and attached hereto a map of the property (*Exhibit “B”*) showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this ordinance.

SECTION FOUR: PUBLICATION

This Ordinance shall be published as required by Section 11-42-21 Code of Alabama 1975, as amended, and the property described herein shall be annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office of the Judge of Probate of Baldwin County, Alabama as required by Section 11-42-21, Code of Alabama 1975, as amended.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE _____ DAY OF _____, 2015.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

EXHIBIT A

Legal Description for Annexation:

**LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE
PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.**

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2015-67**

**Zoning District Map
Revision to the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on July 30, 2015 favorably recommended to the City Council of the City of Daphne certain amendments to the Daphne Land Use and Development Ordinance / Zoning District Map approved and adopted by No. 2011-54 and 2014-38; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of 2014-38; and

WHEREAS, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on October 19, 2015; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2011-54 and its amendments.

SECTION II: REPEALER

Ordinance No. 2011-54, Appendix H "Exhibit A", and Ordinance No. 2014-38 are hereby repealed, and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE _____ DAY OF _____, 2015.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Zoning & Street Map Updates

July 1, 2014 through June 31, 2015

Typically, every six months the Department of Community Development creates new official city zoning and street maps for the Council's adoption. In this case, it has been one year since these official maps have been amended. All modifications shown on these two maps have been approved by the Planning Commission (recorded preliminary/final and/or final subdivision plat) and/or the City Council (annexation, zoning and/or street acceptance resolution). The following provides a summary of the growth and development of the City for the past year.

- **ANNEXATION:** During this period the corporate boundaries have expanded, annexing 53.99 acres which equates to 0.08435938 square miles. The *City limits increased from 16.62 sq. miles to 16.704 sq. miles.* 1 acre = 0.0015625 sq. miles.
- **ZONING:** During this period the City has *rezoned 2.66 acres to B-2, General Business and 51.33 acres to R-1, Single Family Residential.*
- **INFRASTRUCTURE:** During this period the city has *accepted a total of 7520.74 linear feet of additional roads or rights of way for maintenance in Phase 11 of Timbercreek, Unit 2, Part B of Brookhaven Subdivision, and Ray's Lane.*
- **DEVELOPMENT:** During this period the Planning Commission has *approved subdivisions with 20 new single family residential lots in the City and 92 new residential lots in our Extra-Territorial Jurisdiction.*

Instrument	Council Approval	Action	Size
Annexation			
Ordinance 2014-34 White Spinner KIDCO-SIDNO #1473861	August 18, 2014	Approved annexation	0.63 acres
Ordinance 2014-59, Provision Investment, LLC #1495090	January 5, 2015	Approved annexation (with R-1 zoning)	51.33 ac
Ordinance 2015-16, Jubilee Properties, LLC #1509952	April 6, 2015	Approved annexation	2.03 acres
Rezoning			
Ordinance 2014-33, White Spinner KIDCO-SIDNO (NW Intersection of CR 64 & 13) #1473862	August 18, 2014	Approved B-2 zoning	0.63 acres
Ordinance 2014-59, Provision Investment, LLC #1495090	January 5, 2015	Approved R-1 zoning	51.33 ac
Ordinance 2015-15, Jubilee Properties, LLC #1509953	April 6, 2015	Approved B-2 zoning	2.03 acres
Street Acceptances			
Timber Creek Phase 11	August 04, 2014	Council Resolution 2014-43 Accepted Dedication	6,570 total linear feet
Brookhaven Subdivision	November 17, 2014	Council Resolution 2014-55 Accepted Dedication	633.74 total linear feet
Rays Lanc	July 6, 2015	Council Resolution 2015-44 Private to Public Road	317 total linear feet

ORDINANCE 2015-68

ADOPTING THE FISCAL YEAR 2016 CAPITAL/NEW PERSONNEL BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council capital and personnel requests for Fiscal Year 2016 which begins October 1, 2015 and ends September 30, 2016 (the "FY16 Capital/New Personnel Budget"); and

WHEREAS, the City Council has reviewed and considered such proposed capital and personnel requests; and

WHEREAS, the City Council has determined that funds are available for certain Fiscal 2016 appropriations and such appropriations should be considered, approved and made a part of the Fiscal Year 2016 budget; and

WHEREAS, City Departments have submitted new Personnel & Capital requirements; and

WHEREAS, the Mayor and City Council have reviewed such requests and prioritized them according to needs and available funds and has incorporated them into the FY16 Capital Budget;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2016 Capital and New Personnel Budget is hereby appropriated in the amount \$870,820 (\$746,229 for capital equipment and \$124,591 for personnel requests) from the General Fund. In addition, \$782,238 is to be appropriated from the 2014 Construction Fund, \$600,000 from the Capital Reserve Fund, \$200,000 from the Lodging Tax Fund, and \$21,500 from the Drug Forfeiture Special Revenue Fund for the Fiscal Year 2016 Capital and New Personnel Budget. Such appropriations are itemized in the attached list and made a part hereof.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2015.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Summary of Mayor Approved Capital Requests

Department	Description	FY 2016 Budget		Fund
		Total Cost	Effect	
Human Resources	Munis - Employee Self Service Module	8,775.00	8,775.00	GENERAL FUND
Finance	Paperless / Electronic Filing Module	19,825.00	19,825.00	GENERAL FUND
Legislative	Audio / Visual Improvements in Council Chamber & Executive Conference Room	25,000.00	25,000.00	GENERAL FUND
Building Maint	2015 Ford Transit 350 Van	33,000.00	10,000.00	GENERAL FUND
Fire	Fire Station #2 Remodel to fix mold issues	242,036.00	330,000.00	GENERAL FUND
Fire	Fire Station #4 Driveway replacement (in-house by PW)	8,754.00	8,754.00	GENERAL FUND
PD - S.W.A.T.	Tactical Radio Headsets	\$13,500	\$13,500	CONFISCATED FUNDS
PD - S.W.A.T.	Modular Intergrateds Combat Helmets	\$8,000	\$8,000	CONFISCATED FUNDS
PD - Patrol	6 Replacement Vehicles & Vehicle Equipment - LEASED Quarter 3	300,000.00	33,000.00	GENERAL FUND
Code Enforcement	Vehicle for new Code Enforcement officer (\$36K) & operating expenses (\$3,250)	39,250.00	33,625.00	GENERAL FUND
Building Inspection	Vehicle for new Building Inspector (\$25K Vehicle, \$1,250 Vehicle Insurance)	26,250.00	26,250.00	GENERAL FUND
PW - Grounds	Ford F 150 Regular Cab - LEASED Quarter 1	23,000.00	10,000.00	GENERAL FUND
PW - Mowing	6 - Outfront Mowers - LEASED Quarter 2	210,000.00	37,000.00	GENERAL FUND
PW - Mech Shop	Oil / Grit Seperator (Top Priority for MS-4 Audit Compliance)	20,000.00	20,000.00	GENERAL FUND
Recreation	Drag Machine	\$18,000	18,000.00	LODGING TAX - Recreation
Recreation	John Deere Gator Utility Vehicle	\$7,500	7,500.00	LODGING TAX - Recreation
Recreation	Chemical Sprayer	\$20,000	20,000.00	LODGING TAX - Recreation
Recreation	John Deere 72" Z Trac Mower	\$12,000	12,000.00	LODGING TAX - Recreation
Recreation	New Fencing & Backstops at Trione Sports Complex	\$100,000	100,000.00	LODGING TAX - Recreation
Recreation	2016 Dodge R1500 Crew Cab Pick-Up Truck	25,000.00	25,000.00	GENERAL FUND
Recreation	Reseal / Coat Trione Parking Lot	\$15,000	15,000.00	LODGING TAX - Recreation
Recreation	Widen Eastern Entrance / Exit to Trione Park	\$20,000	20,000.00	LODGING TAX - Recreation
Recreation	Additional funds to refurbish the Trione Restrooms	\$7,500	7,500.00	LODGING TAX - Recreation
Civic Center	Gutter System Clean out, replace & repair	20,000.00	20,000.00	GENERAL FUND
Civic Center	Arena Floors	55,000.00	55,000.00	GENERAL FUND

Summary of Mayor Approved Capital Requests

Department	Description	Total Cost	FY 2016 Budget Effect	Fund
Recycling	Protainer Compactor - LEASE Quarter 3	50,000.00	9,000.00	GENERAL FUND
PROJECTS	Sewer Projects			
PROJECTS	Sewer Project Funding (1 of 2)	782,238.40	782,238.40	2014 CONSTRUCTION FUND
PROJECTS	Sewer Project Funding (2 of 2)	600,000.00	600,000.00	CAPITAL RESERVE
PROJECTS	Fire Department Ladder Truck Lease Payments	75,000.00	75,000.00	GENERAL FUND
PROJECTS	CR13 Sidewalk Match - Included in Capital Reserve Budget		<u>2,349,967.40</u>	
			746,229.00	GENERAL FUND
			782,238.40	2014 CONSTRUCTION FUND
			600,000.00	CAPITAL RESERVE
			200,000.00	LODGING TAX - Recreation
			21,500.00	CONFISCATED FUNDS
			<u>2,349,967.40</u>	

FY 2016 NEW PERSONNEL REQUESTS

Fire (FF Upgrade to Medic)		Wage	Payroll Related	Other Payroll	Total		
Medic	PF21:4	\$40,911	\$6,161	\$7,477	\$54,549		
FF	PF20:1	\$36,689	\$6,063	\$7,450	\$50,202		
Increase:					\$4,347	APPROVE	\$4,347

Fire		Wage	Payroll Related	Other Payroll	Total		
New FF#1	PF20:1	\$36,689	\$6,063	\$7,450	\$50,202	APPROVE	\$50,202
New FF#2	PF20:1	\$36,689	\$6,063	\$7,450	\$50,202		
New FF#3	PF20:1	\$36,689	\$6,063	\$7,450	\$50,202		
Total:					\$150,605		

Building Inspection		Wage	Payroll Related	Other Payroll	Total		
Building Inspector	PF17:4	\$36,270	\$5,462	\$6,251	\$47,983	APPROVE	\$47,983

Recreation & Library to share position		Wage	Payroll Related	Other Payroll	Total
Custodian	4:4	\$21,607	\$3,254	\$6,049	\$30,910

P.D.		Wage	Payroll Related	Other Payroll	Total		
Code Enforcement	PS12:1	\$28,602	\$4,308	\$6,340	\$39,250	APPROVE	\$39,250
2nd Code Enforcement Position included in budget. GL 146500 / 50700 & Associated Benefits Reduced					(\$39,250)	APPROVE	(\$39,250)
Net Budget Affect:					\$0		

PD (Pending Grant Approval)		Wage	Payroll Related	Other Payroll	Total		
Police Officer #1	PS20:1	\$38,533	\$5,803	\$6,986	\$51,322	If COPS Grant Funded	
Police Officer #2	PS20:1	\$38,533	\$5,803	\$6,986	\$51,322	If COPS Grant Funded	
Total:					\$102,644		
Cops Grant Pays 75%:					\$76,983		
City Portion 25%:					\$25,661		

Communications		Wage	Payroll Related	Other Payroll	Total
PT Call-In Dispatcher (28 hrs/wk)	11:1	\$19,056	\$2,870	\$508	\$22,434
PT Call-In Dispatcher (28 hrs/wk)	11:1	\$19,056	\$2,870	\$508	\$22,434
Total:					\$44,868

Building Maintenance		Wage	Payroll Related	Other Payroll	Total
Facility Manager	22:4	\$43,131	\$6,496	\$7,173	\$56,800
Eliminate Building Maintenance Supervisor Position	18:4	(\$38,083)	(\$5,446)	(\$7,009)	(\$50,538)
Bldg. Main. Tech Sr.	13:1	\$29,291	\$4,411	\$6,833	\$40,535
Buld. Main. Tech	11:1	\$27,222	\$4,100	\$6,783	\$38,105
Total:					\$84,902

Public Works Administration		Wage	Payroll Related	Other Payroll	Total
Administrative Secretary	10:1	\$26,176	\$3,942	\$5,895	\$36,013
Superintendent	27:1	\$43,825	\$6,600	\$5,980	\$56,405
Yard Manager	16:1	\$32,405	\$4,880	\$5,931	\$43,216
Total:					\$135,634

Streets		Wage	Payroll Related	Other Payroll	Total
Public Service Worker Sr.	11:1	\$27,222	\$4,100	\$7,458	\$38,780

Grounds (PT Upgrade to FT)		Wage	Payroll Related	Other Payroll	Total
FT Public Service Worker	6:4	\$23,857	\$3,593	\$6,895	\$34,345
PT Public Service Worker	6:4	\$14,314	\$1,095	\$629	\$16,038
Increase:					\$18,307

Grounds (PSW SR. Upgrade to Crew Leader)		Wage	Payroll Related	Other Payroll	Total
Crew Leader	14:3	\$32,019	\$4,822	\$12,810	\$49,651
Public Services Worker SR	11:3	\$28,745	\$4,329	\$12,653	\$45,727
Increase:					\$3,924

Solid Waste		Wage	Payroll Related	Other Payroll	Total
Public Service Worker Sr.	11:1	\$27,222	\$4,100	\$7,458	\$38,780

Mowing		Wage	Payroll Related	Other Payroll	Total		
Crew Leader	14:1	\$32,019	\$4,569	\$7,141	\$43,729	APPROVE	\$43,729
New hire to start April 1, 2016. FY16 Savings					(\$21,865)	APPROVE	(\$21,865)
Overtime reduction from hiring. Associated GL# 165200-51178 Reduction.						APPROVE	

Human Resources		Wage	Payroll Related	Other Payroll	Total		
Senior Human Resource Specialist	18:12	\$46,017	\$6,580	\$6,015	\$58,612	APPROVE	\$58,612
Eliminate Safety Coordinator Position	27:1	(\$57,836)	(\$8,271)	(\$6,039)	(\$72,146)	APPROVE	(\$72,146)
Increase:					(\$13,534)		

Executive		Wage	Payroll Related	Other Payroll	Total
General Government Director	29:1	\$51,525	\$7,760	\$7,194	\$66,479
Eliminate Executive Assistant Position	14:5	(\$35,863)	(\$5,128)	(\$6,029)	(\$47,020)
Increase:					\$19,459

Seniors Program		Wage	Payroll Related	Other Payroll	Total		
Volunteer Coordinator	14:1	\$32,019	\$4,569	\$7,141	\$43,729	APPROVE	\$43,729
SARPC Reimbursement contracted services for 20-25 hours a week employee & office space					(\$30,000)	APPROVE	(\$30,000)
Increase:					\$13,729		

TOTAL FY 2016 NEW PERSONNEL REQUESTS: \$727,334 TOTAL APPROVED: \$124,591