

**CITY OF DAPHNE  
CITY COUNCIL MEETING AGENDA  
1705 MAIN STREET, DAPHNE, ALABAMA  
FEBRUARY 15,, 2016  
6:30 P.M.**

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

INVOCATION /

PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Special Called Council Meeting Minutes / January 25, 2016  
Council Meeting Minutes / February 1, 2016  
Council Work Session Minutes / February 8, 2016

**4. REPORTS OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Fry**  
Review minutes / February 8<sup>th</sup>

**1.) Ordinances:**

**Appropriation of Funds:**

- a.) Traffic Impact Study: Hwy 98 Access (between Van Ave. and CR 64) / **Ordinance 2016-14**
- b.) Engineering for Gully project at Lovett Lane / **Ordinance 2016-15**
- c.) Establishing the Salary for the Mayor / **Ordinance 2016-06**
- d.) Establishing the Salary for Councilmembers / **Ordinance 2016-07**

**2. Resolutions:**

- a.) Traffic Impact Study: Support of ALDOT Conceptual Plan and Request for Financial Support / **Resolution 2016-08**
- b.) Bid Award: Fuel / Davison Fuels, Inc. / **Resolution 2016-11**
- c.) Sewer Project: Pre-Qualification of Contractors / **Resolution 2016-09:**
  - Asphalt Services, Inc.
  - Construction Labor Services, Inc.
  - Double Diamond Construction Company
  - Brunson Nichols Construction Company, Inc.
  - W.R. Mitchell Contractor, Inc.
- d.) Authorizing Resolution: FY2016 Capital Equipment Leases (Hancock Bank) / **Resolution 2016-12**
- e.) Authorizing Issuance of 2016 Warrant For Purpose of Refunding 2006 Warrant / **Resolution 2016-10**

**3. Financial Reports:**

- Treasurers Report / January 2016
- Sales & Use Tax Collections / December 2015
- Lodging Tax Collections / December 2015

**B. BUILDINGS & PROPERTY COMMITTEE - Lake**

Review minutes / February 1<sup>st</sup>

**Surplus Items / Resolution 2016-06**

- a.) Mechanic Shop / Hofman Tire Balancer
- b.) Mechanic Shop / Snap On MT2400
- c.) Mechanic Shop / Plasma Cutter

- d.) Mechanic Shop / Robin A/C Recycle Machine
- e.) Grounds / 1998 Ford Bucket Truck
- f.) Recreation / 1994 Ford E350 Van

***Surplus Items / Resolution 2016-07***

- a.) Emergency Management / Oil Boom 8” x 10’ Poly Filled / 5,000 Linear Feet
- b.) Emergency Management / Oil Boom 8” x 15’ Poly Filler w/Skirt / 3,000 Linear Feet

**C. PUBLIC SAFETY - Conaway**

**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 – Conaway**

**C. INDUSTRIAL DEVELOPMENT BOARD – Phillips**

**D. LIBRARY BOARD – Lake**

**E. PLANNING COMMISSION – Scott**

Review minutes / December 17, 2015 / Review Staff Report / January 28, 2016 meeting

**F. RECREATION BOARD / LeJeune**

**G. UTILITY BOARD – Fry**

**6. MAYOR’S REPORT**

**7. CITY ATTORNEY’S REPORT**

**8. DEPARTMENT HEAD’S REPORT**

**9. CITY CLERK’S REPORT**

**10. PUBLIC PARTICIPATION**

**11. RESOLUTIONS AND ORDINANCES:**

**RESOLUTIONS:**

- a) **Resolution 2016-06.** .....Declaring Certain Property Surplus & Authorize Mayor to Sell
- b) **Resolution 2016-07.** ..... Declaring Certain Property Surplus & Authorize Mayor to Sell
- c) **Resolution 2016-08.** ..... Support of Access Improvements / U.S. Hwy 98 between CR 64 and Vann Avenue
- d) **Resolution 2016-09.** .....Pre-Qualification for City of Daphne Sanitary Sewer Projects

- e.) **Resolution 2016-10.** . . . . . Authorizing the Issuance of Series 2016 Warrant for the Purpose of Refunding the 2006 Warrant Issue
- f.) **Resolution 2016-11.** . . . . . Bid Award: Fuel
- g.) **Resolution 2016-12.** . . . . . Capital Equipment Leases (Hancock Bank)

**ORDINANCES:**

**2<sup>ND</sup> READ**

- a.) **Ordinance 2016-05.** . . . . . Amended Ordinance Removing Contingency Regarding Funds to Thomas Hospital Foundation
- b.) **Ordinance 2016-06.** . . . . . Establishing Salary for the Mayor
- c.) **Ordinance 2016-07.** . . . . . Establishing Salary for Councilmembers
- d.) **Ordinance 2016-08.** . . . . . Amending the Land Use and Development Ordinance 2011-54 Revision to Appendix I of the City of Daphne Olde Towne District
- e.) **Ordinance 2016-09.** . . . . . Pre-Zone Property Located South and West of Oldfield Subdivision, Phase One / Red Barn, LLC
- f.) **Ordinance 2016-10.** . . . . . Annexation / Red Barn, LLC / Property Located South and West of Oldfield Subdivision, Phase One
- g.) **Ordinance 2016-11.** . . . . . Repeal Ordinance and Establish the Use of Electronic Vote Counting Devices for Use in All Municipal Elections

**1<sup>ST</sup> READ**

- a.) **Ordinance 2016-12.** . . . . . May Day Boat Ramp
- b.) **Ordinance 2016-13.** . . . . . Right-of-Way Ordinance
- c.) **Ordinance 2016-14.** . . . . . Appropriation of Seven Cent Gas Tax Funds: Preliminary Survey and Engineering for ALDOT to Make Improvements through Signalization on U.S. Hwy 98 between CR 64 and Vann Avenue
- d.) **Ordinance 2016-15.** . . . . . Appropriation of General Funds: Engineering: Gully Project at Lovett Lane

- 12. COUNCIL COMMENTS
- 13. ADJOURN

**CITY OF DAPHNE  
CITY COUNCIL**

**ROLL CALL**

**CITY COUNCIL:**

<b>COUNCILWOMAN CONAWAY</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
<b>COUNCILMAN LAKE</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
<b>COUNCILMAN FRY</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
<b>COUNCILMAN SCOTT</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
<b>COUNCILMAN LEJEUNE</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
<b>COUNCILWOMAN PHILLIPS</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
<b>COUNCIL PRESIDENT RUDICELL</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____

**MAYOR:**

<b>MAYOR HAYGOOD</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
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**CITY CLERK:**

<b>REBECCA HAYES</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
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**CITY ATTORNEY:**

<b>JAY ROSS</b>	<b>PRESENT</b> ____	<b>ABSENT</b> ____
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**JANUARY 25, 2016  
SPECIAL CALLED  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
5:30 P.M.**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

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

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Jay Ross, Attorney; Kevin Boucher, City Attorney; Kelli Kichler, Finance Director/Treasurer; David McKelroy, Recreation Director; Margaret Thigpen, Civic Center Director; Richard Johnson, Public Works Director; Charlie McDavid, Recreation Department; Tomasina Werner, Beautification Committee; David Dueitt, Recreation Board; Al Guarisco, Village Point Foundation; Don Ouellette, BZA; Phil Hunt, Harbor Financial Services; Dr. Meredith Foster, Daphne High School Principal; David Tarwater, Baldwin County Board of Education.

**1. PRESENTATIONS:**

Mr. James Adams offered the services of his company to lead the large capital project from start to finish. His company has worked with Airbus on a project, 18 capital projects with the Mobile school system, and is working with another municipality on a sports and tourism project. They can help with funding for the project, and maximize funds. He would like to come to a work session with another professional on their team to talk more regarding this project, and he welcomes the opportunity to work with the city.

Mr. Tim Newsome has a background in athletic training. He brought forward information regarding improve the high school stadium. They are going from a grass field to a synthetic turf field. The purpose of the field is: to allow championship soccer, can stripe for two (2) soccer fields, youth football and lacrosse. They would like to partner with the city on the improvements. It would save money and allow other fields at Trione and Tallent Lane.

**2. DISCUSSION OF PARK IMPROVEMENTS / TIM PATTON / JOE SAWYER**

**a.) Plans for the Facilities**

Mr. Patton and Mr. Sawyer reviewed the designs for the improvements.

Council discussed the pros and cons of the two options.

Councilman Scott said that he is interested in an outside project management, and asked that a proposal be made at the Buildings and Property Committee.

Mayor Haygood mentioned there was 10.2 acres for sale by Starke Irvine for \$258,000. It is level property off Well Road behind the Daphne Utility building, contiguous to the Utility property.

**b.) Financial Presentation:**

Lee Webb / Compass Bank BBVA / Pfil Hunt / Harbor Financial Services

The bank can do 10-15 years debt service. They cannot do bonds for 30 years. They are proposing a joint venture between Compass and Harbor Financial. The bank will do 1-10 years of the debt service and Harbor Financial will do the last 11-15 years of the debt service.

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Council discussed the interest rates and the savings which amount to \$35,000 - \$50,000.

Mr. Hunt said that for municipal bonds for 30 years the interest rate is 3<sup>1/2</sup> - 4%.

**3.) Resolution 2016—04 / Daphne Recreational Facilities: Park Selection**

**MOTION BY Councilman Lake to waive the reading of Resolution 2-16-04. *Seconded by Councilwoman Conaway.***

**MOTION CARRIED**

**MOTION BY Councilman Lake to adopt Resolution 2016-04 / First Option - (Trione Sports Complex, Lott Park and Park Drive Park (*Tallent Lane*). *Seconded by Councilwoman Conaway.***

**Council discussed the motion. Councilman Lake called for the question.**

**ROLL CALL VOTE**

<b>Conaway</b>	<b>Aye</b>	<b>LeJeune</b>	<b>Aye</b>
<b>Lake</b>	<b>Aye</b>	<b>Phillips</b>	<b>Aye</b>
<b>Fry</b>	<b>Aye</b>	<b>Rudicell</b>	<b>Aye</b>
<b>Scott</b>	<b>Aye</b>		

**MOTION CARRIED UNANIMOUSLY**

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

**MOTION CARRIED UNANIMOUSLY**

**There being no further business to discuss the meeting adjourned at 8:30 p.m.**

Respectfully submitted by,

**Certification of Presiding Officer:**

\_\_\_\_\_  
Rebecca A. Hayes, City Clerk

\_\_\_\_\_  
Pat Rudicell, Council President

**FEBRUARY 1, 2016  
CITY COUNCIL MEETING  
REGULAR BUSINESS MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

**1. CALL TO ORDER:**

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

**2. ROLL CALL**

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

Also Present: Mayor Haygood; Rebecca Hayes, City Clerk; Jay Ross, City Attorney; Kevin Boucher, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Tonja Young, Library Director; Richard Merchant, Building Official; Adrienne Jones, Planning Director; Suzanne Henson, Senior Accountant; Captain Judd Beedy, Police Department; Don Ouellette, Environmental Advisory Committee; Al Guarisco, Village Point Foundation; Victoria Phelps, Beautification Committee; Tomasina Werner, Beautification Committee; Victoria Phelps, Beautification Committee; Larry Cooke, BZA; Dorothy Morrison, Beautification Committee.

Absent: David Carpenter, Police Chief; Vickie Hinman, HR Director; Kelli Kichler, Finance Director/Treasurer.

**INVOCATION/PLEDGE OF ALLEGIANCE:**

Councilman John Lake gave the invocation.

**3. APPROVE MINUTES:**

**January 19, 2016 Council Meeting Minutes:**

There being no corrections, the minutes for the January 19, 2016 council meeting stand approved as written.

**PROCLAMATION: Arbor Day**

Mayor Haygood read and presented the proclamation to the Public Works Director Richard Johnson. Mr. Johnson gave the details of the tree give-a-way at the Civic Center Complex.

**PUBLIC HEARINGS:**

**1. Revisions to the Land Use and Development Ordinance / Revisions to the Olde Towne District Map**

**Recommendation: Favorable**

Mrs. Adrienne Jones gave the presentation.

Council President Rudicell opened the Public Hearing at 6:38 p.m.

No one spoke for or against the revision to the Olde Towne District Map

Council President Rudicell closed the Public Hearing at 6:39 p.m.

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CITY COUNCIL MEETING  
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- 2. Pre-zone: Red Barn, LLC**  
**Location: South and West of Oldfield Subdivision, Phase One**  
**Present Zoning: RA, Rural Agricultural, Baldwin County, District 15**  
**Proposed Zoning: R-2, Medium Density Single Family Residential District; R-3, High Density Single Family Residential District and R-6, Garden/Patio Homes**  
**Recommendation: Unanimous Favorable**

Mr. Steve Pumphrey, Prebble-Risch, gave the presentation.

Councilman Scott asked the Mayor to reach out to the property owners about donating land for a fire station in the area.

Council President Rudicell opened the Public Hearing at 6:49 p.m.

*Mrs. Sarah Toulson – Oldfield Subdivision* - spoke regarding concerns of the citizens in Oldfield Subdivision which were increase of traffic and construction traffic causing damage to property.

*Mrs. Gigi (couldn't hear her last name) – Oldfield Subdivision* - spoke concerning the dust from traffic on the dirt road behind the subdivision. She also spoke of the concern about school bus pick-up and traffic concern with residents.

*Mr. Travis Toulson – Oldfield Subdivision* – spoke regarding drainage, and his mailbox has been damaged by two contractors, damage to his car and running over nails and getting flat tires.

Council President Rudicell closed the Public Hearing at 7:00 p.m.

- 3. Annexation: Red Barn, LLC**  
**Location: South and West of Oldfield Subdivision, Phase One**  
**Recommendation: Unanimous Favorable**

Mr. Pumphrey, Prebble-Risch, was available for questions, but council did not have any other questions

Council President Rudicell opened the Public Hearing at 7:02 p.m.

No one spoke for or against the annexation.

Council President Rudicell closed the Public Hearing at 7:03p.m.

**4. REPORT OF STANDING COMMITTEES:**

**A. *FINANCE COMMITTEE* – Fry**

The next meeting will be February 8<sup>th</sup> at 4:30 p.m.

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**B. BUILDINGS & PROPERTY COMMITTEE** – Lake

The committee met today, and there is a surplus item on the agenda tonight, a fire truck.

**C. PUBLIC SAFETY COMMITTEE** – Conaway

The minutes from the January 19<sup>th</sup> meeting are in the packet. The next meeting will be February 15<sup>th</sup> at 4:30 p.m.

**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE** – Scott

The January 19<sup>th</sup> minutes are in the packet. The next meeting will be February 15<sup>th</sup> after the Public Safety meeting at approximately 5:30 p.m.

**E. PUBLIC WORKS COMMITTEE** – LeJeune

The committee met today, and the next meeting will be March 7<sup>th</sup>.

**MOTION BY Councilman LeJeune to appoint Amy Gohres to the Environmental Advisory Committee. Seconded by Councilman Scott.**

**MOTION CARRIED UNANIMOUSLY**

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

**A. Board of Zoning Adjustments** – Adrienne Jones

The next meeting will be February 4<sup>th</sup> 6:00 P.M.

**B. Downtown Redevelopment Authority** – Conaway

The Authority had a retreat on Saturday which was very productive. She thanked Dorothy Morrison and Mrs. Adrienne Jones. The December 22, 2015 minutes are in the packet.

**MOTION BY Councilman Lake to reappoint Danya Oldham to the Downtown Redevelopment Authority. Term: October – October 7, 2019. Seconded by Councilman Fry.**

**MOTION CARRIED UNANIMOUSLY**

**C. Industrial Development Board** – Phillips

Councilwoman Phillips reported that the DISC project was considered at the Planning Commission meeting and unanimously passed with a B-3 zoning.

**D. Library Board** – Lake

There were 168 that attended the history series, 1,580 that used the meeting room and 23,580 used the library in January.

**MOTION BY Councilman Lake to appoint Mr. John Beyer to the Library Board. Term: October 1, 2015 – September 30, 2019. (replace Andre LePalme). Seconded by Councilman LeJeune.**

**MOTION CARRIED UNANIMOUSLY**

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*E. Planning Commission – Scott*

**MOTION BY Councilman Scott to set a Public Hearing date for March 7, 2016 and approve advertising to consider:**

**Amending the Land Use and Development Ordinance / Jubilee Overlay / Article 39, Section 39-2 (b) District Requirements / Setbacks**

**Recommendation: Unanimous Favorable**

*Seconded by Councilman Fry.*

**MOTION CARRIED UNANIMOUSLY**

**MOTION BY Councilman Scott to set a Public Hearing date for March 7, 2016 and approve advertising to consider:**

**Pre-zone: The Bill's No. 2, LLC  
Location: Southwest corner of the intersection of Champions Way and AL Hwy 181  
Pre-Zone Request: B-3, Professional Business District  
Recommendation: Unanimous Favorable**

*Seconded by Councilwoman Phillips.*

**MOTION CARRIED UNANIMOUSLY**

**F. Recreation Board – LeJeune**

Councilman LeJeune reported that at the January 25<sup>th</sup> special called council meeting they passed a resolution choosing the parks that they will improve, and the project will move forward. The Board will meet February 10<sup>th</sup> at 6:30 p.m. They will be working on issues with the board members terms.

**G. Utility Board – Fry**

The minutes for the December 2, 2015 minutes are in the packet. The next meeting will be January 24<sup>th</sup> at 5:00 p.m.

**6. MAYOR'S REPORT**

Mayor Haygood reported that reported that ALDOT will be repaving the stretch of highway at Johnson Road due to inferior paving at that spot. It will begin after rush time. Regarding the oak trees that were cut down he spoke with the developers and reached out to ALDOT to replace the trees, but it will take some time. He asked ALDOT that the city receive notice on permits when historical oaks are to be removed. Mr. Calmetti said that they will change to procedures.

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**7. CITY ATTORNEY REPORT:**

Mr. Ross said council needs to go into Executive Session to discuss the buying and selling of real property. Council may want to come out and make a motion after the session.

**8. DEPARTMENT HEAD COMMENTS:**

*James White – Fire Chief* – thanked Victoria Phelps for the article in the Lake Forest Magazine.

*Richard Johnson – Public Works Director* – reported that there is one more Mardi Gras parade to come, Shadow Barons on Saturday February 6th 6:45 p.m., and the Loyal Order of the Fire Truck (*LOFT*) parade on Sunday February 7<sup>th</sup> at 2:29 p.m.

**9. CITY CLERK REPORT:**

a.) **Events Permit / Loyal Order of the Fire Truck parade (*LOFT*) Mardi Gras Parade / February 7, 2016.**

**MOTION BY Councilman Scott to approve the Events Permit the Loyal Order of the Fire Truck Mardi Gras Parade / February 7, 2016. Seconded by Councilman LeJeune.**

**MOTION CARRIED UNANIMOUSLY**

b.) **Events Permit / Prodissee Pantry Turkey Trot / October 22, 2016**

**MOTION BY Councilman Scott to approve the Events Permit for Prodissee Pantry Turkey Trot / October 22, 2016. Seconded by Councilman LeJeune.**

**MOTION CARRIED UNANIMOUSLY**

**10. PUBLIC PARTICIPATION**

*Mr. Shawn Herman – Business Owner in Daphne* – invited council to visit his art gallery on Main Street which tell historical stories with art.

*Mrs. Dorothy Morrison – 26197 Via Del San Franseco* – spoke regarding the devastation of the oak trees saying that council needs to be careful and protect the trees.

*Mr. Willie Williams – 1513 Pollard Road* – thanked Mrs. Conaway and John Lake for attending the Martin Luther King celebration. He mentioned the reply from Dr. McBride and a community meeting being held Saturday, February 13<sup>th</sup> at city hall, and asked council to attend the meeting.

*Mr. Roy Hall – Jackson Oak Drive* – spoke regarding flooding from Yancey Branch washing out property.

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*Ms. Victoria Phelps – Lake Forest Property Owners Association* – thanked council for attending the ribbon cutting and the investment in Daphne Central Park, and the future investment of trails, sidewalks and connectivity. She said that at pre-construction meetings they can be more sensitive of the trees. She also spoke regarding the DISC project and the height of the buildings.

**11. RESOLUTIONS & ORDINANCES:**

- a) **Resolution 2016-05.** . . . . . Declaring Certain Property Surplus & Authorize Mayor to Sell  
1989 E-One Fire Truck

**Resolution 2016-05.** . . . . . Declaring Certain Property Surplus & Authorize Mayor to Sell 1989  
E-One Fire Truck

**MOTION BY Councilman Scott to waive the reading of Resolutions 2016-05. *Seconded by Councilwoman Phillips.***

**MOTION CARRIED UNANIMOUSLY**

**MOTION BY Councilman Scott to adopt Resolutions 2016-03. *Seconded by Councilwoman Phillips.***

**MOTION CARRIED UNANIMOUSLY**

**ORDINANCES:**

- a) **Ordinance 2016-02.** . . . . . Appropriation of Funds: Lott Park Fence / Little Bethel Baptist Church Graveyard
- b) **Ordinance 2016-03.** . . . . . Appropriation of Funds: Recreation Equipment
- c) **Ordinance 2016-04.** . . . . . Appropriation of Funds: Sidewalk/Boardwalk Improvements

**Ordinance 2016-02.** . . . . . Appropriation of Funds: Lott Park Fence / Little Bethel Baptist Church Graveyard  
**Ordinance 2016-03.** . . . . . Appropriation of Funds: Recreation Equipment  
**Ordinance 2016-04.** . . . . . Appropriation of Funds: Sidewalk/Boardwalk Improvements

**MOTION BY Councilwoman Conaway to waive the reading of Ordinance 2016-02, Ordinance 2016-03 and 2016-04. *Seconded by Councilwoman Phillips.***

**MOTION CARRIED UNANIMOUSLY**



**FEBRUARY 1, 2016  
CITY COUNCIL MEETING  
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**12. COUNCIL COMMENTS**

*Councilman Lake* – spoke regarding the apartments on Highway 98 saying that the entrance was never supposed to be on Highway 98 it was supposed to be on Johnson Road. He said they did not need to cut the trees down for the exit lane. He will make it an issue, and he is tired of the trees being poisoned and cut down.

*Councilman Fry* – thanked everyone for coming out and voicing their concerns on issues. They need feedback. He thanked the department heads and staff and said they appreciate them. He also thanked the Public Safety staff, and he appreciated them. He said Daphne is one of the top 10 safest towns in Alabama and asked that councils thanks be relayed to the staff.

*Councilman Scott* – mentioned that city hall would be closed on February 9<sup>th</sup> for Mardi Gras. Work on the Gator Alley project will start before February 15<sup>th</sup>. He said that the sidewalk project on County Road 13 from the middle school to the high school will be going on for the next few months.

*Councilman LeJeune* – thanked Shawn Herman for coming out. He said that the city is fortunate to have him in the city, and that he is a great tattoo artist. He reported that the recreational facilities are going forward, and he is excited. He said it would take four months for the design process, and then will go out for bidding, and then work out the funds. He appreciates the sidewalks in Lake Forest and he is excited to see people using them.

*Councilwoman Phillips* –said that she is honored to serve with the council, the mayor and city clerk. The people of Daphne are the greatest asset. She thanked Victoria Phelps for the copy of the Forester magazine, and help with the sidewalk. She said she can't wait to go to Mr. Herman's art gallery. She thanked the mayor for his contacting ALDOT regarding the trees. She encouraged citizens to come out and keep voicing their concerns.

*Council President Rudicell* – gave the items on the upcoming work session agendas: February / May Day Park Boar Ramp & Redistricting; March / Employee and Retiree Health Insurance; April / Recreation; June / Budget.

**MOTION BY Councilman Scott to go into Executive Session to discuss the purchase and selling of real property. *Seconded by Councilwoman Phillips.***

**The City Attorney certified that the stated reason is appropriate according to the Open Meetings Act. The meeting will take about 20 minutes.**

**ROLL CALL VOTE**

<b>Conaway</b>	<b>Aye</b>	<b>LeJeune</b>	<b>Aye</b>
<b>Lake</b>	<b>Aye</b>	<b>Phillips</b>	<b>Aye</b>
<b>Fry</b>	<b>Aye</b>	<b>Rudicell</b>	<b>Aye</b>
<b>Scott</b>	<b>Aye</b>		

**MOTION CARRIED UNANIMOUSLY**

**FEBRUARY 1, 2016  
CITY COUNCIL MEETING  
REGULAR BUSINESS MEETING  
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6:30 P.M.**

*Council entered into Executive Session at 8:00 p.m.*

*Council returned from Executive Session at 8:20 p.m.*

**13. ADJOURN:**

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

**MOTION CARRIED UNANIMOUSLY**

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:20 P.M.**

Respectfully submitted by,

Certification of Presiding Officer

\_\_\_\_\_  
Rebecca A. Hayes,  
City Clerk

\_\_\_\_\_  
Pat Rudicell,  
Council President

**FEBRUARY 8, 2016  
CITY COUNCIL WORK SESSION  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

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

Also present: Rebecca Hayes, City Clerk; Kevin, Boucher, City Attorney; Kelli Kichler, Finance Director; Don Ouellette, Environmental Advisory Committee.

Absent: Mayor Haygood; Jay Ross, City Attorney.

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

**1. DISCUSS MAY DAY BOAT RAMP**

Mr. Don Olds – 1505 Captain O’Neal Drive – spoke for the citizens that live north of May Day Park boat ramp saying that they would like the following:

- 1.) Move all the existing sand accumulation around the ramp. Redistribute the sand to restore the severely eroded beach front of Mrs. Lamberts property and distribute the balance to the adjoining property owners. This movement of sand can be done with the permit now in hand. If additional sand is required to complete restoring the beach, please obtain a quantity of sand sufficient to fully restore the beach to its original condition
- 2.) Remove all structures associated with constructing the existing boat ramp and do not rebuild
- 3.) Investigate the feasibility and justification of constructing a new ramp in another location that could serve Daphne residents

Mr. Olds said as a side issue concerning the current lawsuit with the Engineering Company that designed and supervised construction of the boat ramp there could be some additional facts gleaned concerning the statutes of limitations by looking at AL Code §6-5-225

Mr. Olds handed out a letter stating the resident’s requests (*letter attached to these minutes*).

Richard Johnson, Public Works Director, discussed the options with council. He said that option #1 you would have to keep status quo at a cost to the city. Option #2 has an ending point, and he recommends option #2. He said that the exposure is for 100% of the grant, but the State may give the city a reduction since it has been completed for a while.

Consensus for council was in favor of Option #1.

Council President asked that the ordinance be on the agenda for a 1<sup>st</sup> read for the March 7<sup>th</sup> council meeting, and be on the Buildings and Property Committee agenda. Council requested that the ordinance should state that funding will come from the lodging tax fund.

**2. REDISTRICTING OF THE VOTING DISTRICTS**

Council discussed a map for discussion from Dr. McBride verses the proposed map from the city.

Mr. Willie Williams mentioned the reason for the community meeting is to discuss the redistricting and get input from the Park City community regarding the plans.

Council wants to include the community, and do what they want.

**FEBRUARY 8, 2016  
CITY COUNCIL WORK SESSION  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

**3. FIRE DEPARTMENT EXPANSION**

Council President reported that he and Chief White have had a discussion with Mr. Corte, and he is willing to donate some property on County Highway 181 north of Oldfield for a fire station. He said council should consider if they need a fifth fire station or wait a while before considering one. Chief White is in favor of a fifth fire station.

Council President Rudicell referred this to the Public Safety Committee for consideration, and asked that Chief White have something prepared for the Public Safety meeting. Council will continue this discussion.

Council requested that Mrs. Jones supply them with the number of existing homes in the area, and how many lots have been approved.

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:15 P.M.**

Respectfully submitted by,

Certification of Presiding Officer:

\_\_\_\_\_  
Rebecca A. Hayes,  
City Clerk

\_\_\_\_\_  
Pat Rudicell,  
Council President

Handed out at the February 8, 2016  
Work Session

February 8, 2016

To: City of Daphne, AL, Council Work Session Members

Subject: May Day Boat Ramp

We, the property owners located North of the boat ramp on Captain O'Neal Drive would like to suggest the following to resolve the issue of the boat ramp not performing as originally intended, designed and constructed and at the same time, returning our beach front to the condition existing prior to the construction of the boat ramp.

1. Move all the existing sand accumulation around the ramp. Redistribute this sand to restore the severely eroded beach front of Mrs. Lambert and distribute the balance to the adjoining property owners. This movement of sand can be done with the permit now in hand. If additional sand is required to complete restoring the beach, please obtain a quantity of sand sufficient to fully restore the beach to it's original condition.
2. Remove ALL structures associated with constructing the existing boat ramp and not replace them.
3. Investigate the feasibility and justification of constructing a new ramp in another location that could serve Daphne residents.

As a side issue concerning the current law suit with the Engineering Company that designed and supervised construction of the boat ramp, there could be some additional facts gleaned concerning the statutes of limitations by looking at:

ALA CODE § 6-5-225 : Alabama Code - Section 6-5-225:  
TIME FOR COMMENCEMENT OF ACTION AGAINST ARCHITECTS, ENGINEERS,  
AND BUILDERS.

In addition, it would be good to review:

Board of Licensure for Professional Engineers and Professional Land Surveyors

Alabama Law Regulating Practice of Engineering and Land Surveying

Thank you for this opportunity to speak on this subject,

Don and Cathy Olds  
Cathy Lambert  
Rebecca and Paul Canale  
Jason and Penny Goffinet  
Bruce and Michelle Bigler  
Dr. Jim Boles  
Ms. Jean Boles



**CITY OF DAPHNE  
FINANCE COMMITTEE MINUTES  
FEBRUARY 8, 2016  
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, Councilwoman Mrs. Conaway, Councilwoman Angie Phillips, Councilman Ron Scott, Councilman Pat Rudicell, Councilman John Lake, Finance Director Kelli Kichler, Senior Accountant Suzanne Henson, Payroll & Benefits Coordinator Sherree Hilburn, and City Attorney Kevin Boucher.

Councilman Robin LeJeune and Revenue Officer Jamie Smith were absent.

Also in attendance were, Public Works Director Richard Johnson, Recreation Director David McKelroy, City Clerk Rebecca Hayes, Mr. Ray Moore, Hutchinson, Moore, & Rauch Engineers, and Mr. Larry Cooke, BZA.

**I. PUBLIC PARTICIPATION**

- A.** FY2015 Annual Audit review –Ms. LeeAnn May, Mr. Earl Blackmon, and Mr. Dennis Sherrin, Hartman, Blackmon & Kilgore PC

Ms. LeeAnn May reviewed the Fiscal Year 2015 Audit. Ms. May noted a draft of the Auditor’s report is in the packet. Ms. May stated they were issuing an unmodified opinion or commonly called a “clean report” and noted there were no findings or deficiencies reported. Ms. May noted she had full cooperation from the Finance department during the audit and that Ms. Kichler had done a fabulous job getting the financials prepared for the audit. Ms. May continued reviewing the audit. Discussion continued on the audit, cash collection policies, city credit cards, and purchasing cards. Ms. Kichler noted she had sent a draft copy of the audit to the Council and would send the final audit once the report was received from the auditors. Ms. Kichler stated that the auditors had just received the attorney’s letter and the management representation letter needs to be signed. Ms. Kichler stated once the Mayor is back in the office next week this letter can be signed.

**II. BUSINESS LICENSE REPORT**

**A. Report: New Business Licenses – xxx, 2016**

The Business Licenses Report was included in the packet. Note: Annual Business License are renewed in January each year. Total business license issued YTD is 2,233 - up 375 from last year

**2,233 - Total Business License issued** - up 375 from January 2015 (1,858 licenses issued).

2,111 - Renewals

100 - New businesses with 41 *of those having a physical location in Daphne* and

22 - Prior year licenses.

Code Enforcement issued warnings resulting in 6 businesses becoming compliant and \$690 in Business License Fees.

**III. HUMAN RESOURCES BUSINESS**

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

Mrs. Sherree Hilburn reviewed the Human Resource Report including open position status.

**Positions**

Planner (Community Development)

**Status**

Posting: Until Filled

School Crossing Guard  
SAIL Site Driver  
PT Library Aide  
Municipal Magistrate  
Planting Coordinator  
Executive Assistant  
Sr. HR Specialist  
Asst. City Clerk  
Volunteer Coordinator

Posting: Until Filled  
Posting: 2/1 - 2/8  
Posting: 2/2 – 2/16  
Posting: 2/1 – 2/15  
Interviewing  
Interviewing  
2<sup>nd</sup> interviews in Feb.  
2<sup>nd/3<sup>rd</sup></sup> interviews in Feb.  
Reviewing/scheduling applicants

### **Safety Committee**

Next Safety committee meeting is February 24 @ 10:00 a.m. Will be discussing online safety training that is available free of charge through the League of Municipalities and the importance of departments conducting monthly safety meetings.

### **Other HR projects/meetings:**

Processing of W-2's – mailed January 27  
Manual input Affordable Care Act required documentation  
Interviews for Asst. City Clerk, Executive Asst. to Mayor, & Sr. HR Specialist positions  
Scheduling New Employee Orientation during Spring  
Scheduling Employee Recognition Luncheon in March  
Audit by Loss Control Division of AMIC – Concerned Human Resources department has only one means of egress – recommends another exit from department.  
City Recreation Consultant, Glenn Vickery retires from BCBE

Discussion was made on the City's insurance company's recommendation for a second exit point for the Human Resources department. Mr. Fry recommended this item be discussed at the March Buildings and Property Committee meeting.

Mrs. Hilburn discussed the information presented in the packet on Mr. Glenn Vickery's retirement and noted his retirement terminates him from the City of Daphne's payroll as well. Discussion continued on re-evaluating the contract terms for the City of Daphne Recreation Consultant position before a new Daphne High School Athletic Director is hired since a new contract will be required. Discussion continued on the Recreation Coaches contract and fees charged to attendees for the clinics. Mr. Fry ask for these two contracts to be included in the March Finance Committee for discussion.

Ms. Kichler reviewed the Overtime report for FY2016 through January 2016. Discussion continued on the effect of City events, employees out sick or on vacation, and vacancies on departmental overtime.

## **IV. CURRENT BUSINESS**

### **A. Approve previous months minutes**

The previous minutes were approved.

### **B. Financial Reports**

#### **1. Treasurer's Report: January, 2016**

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

- Total Unrestricted Funds - \$ 12,019,334
- Increase from Last Year's Unrestricted Funds - \$388,753
- Total Restricted Funds - \$9,125,728
- Total City Funds - \$21,145,062
- # of months of Unrestricted cash to cover monthly operating Expenses & Debt Service – 5.4 months compared to the previous year - 5.3 months

Included in the Treasurer's report is a graph comparing the last two years # of months of unrestricted cash to cover monthly operating expenses and Debt Service.

***The Treasurer's Report as of January, 2016 Total Unrestricted Funds - \$12,019,334 and Total City Funds - \$21,145,062 was presented to be filed for audit.***

## **2. Sales and Use Taxes: December, 2015**

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,411,946.31 was collected for December 2015:

- YTD Variance over Budget - \$188,791.11
- Percent change from last year's collections +5.9%

## **3. Lodging Tax Collections, December, 2015**

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for December 2015 were \$67,742.93 which is down \$ 1,842.68 from December's 2014's collections of \$69,585.61.

- YTD Variance over Budget: \$15,802.47
- Percentage change YTD from last year's collections: -2.7%

## **4. Lodging Tax Fund : Statement of Revenues over Expenditures, January, 2016**

Mrs. Henson reviewed the Lodging Tax Statement of Revenues over Expenditure report for January, 2016.

Mrs. Henson noted the following balances:

- Unreserved balance for Bayfront related purchases - \$ 1,982,127
- Recreation related purchases - \$ 847,069

## **5. Correction/Court Fund Report, December, 2015**

Mrs. Henson reviewed the Correction/ Court Fund Report and reported that no transfers were made from the court portion of the fund to the corrections for the purchase of inmate meals for the month of December 2015. . No transfers have been required for this fiscal year.

- Court balance - \$194,221
- Corrections balance - \$1,844

## **6. Surplus Asset Sold Report**

Mrs. Henson reviewed the Sold Asset report through January 2016. Surplus sale revenues to date are \$72,413.68. Discussion continued that these revenues are being used to fund specified sidewalk projects. Mrs. Henson stated that there will be a couple Resolutions on the next Council meeting agenda and after they are approved those items will be sold as well.

## **7. Debt Service Fund Statement of Rev Over Exp, January 2016**

## **8. Debt Service Summary Activity for General Fund through January 2016**

## **9. Agency Funds Combining Statement of Assets & Liabilities, November 2015**

## **10. Special Revenue Funds Balance Sheet, November, 2015**

## **15. Special Revenue Funds Rev, Exp&Changes in Fund Balance, November 2015**

## **16. Capital Projects Funds Balance Sheet, November 2015**

## **17. Capital Projects Funds Statement of Rev Over Exp, November 2015**

## **18. Enterprise Funds Statement of Net Position, November, 2015**

## **19. Enterprise Funds Stmt of Rev, Exp, & Changes in Net Position, November 2015**

### **Debt Service Fund**

Ms. Kichler reviewed the Debt Service reports as of January 2016, payments and debt maturity dates: \$744,795 (*principle*) and \$198,079 (*interest*) was paid in debt payments in FY2016 and the balance of debt is \$35,293,268 (excluding Capital Leases - \$1,222,160). Ms. Kichler stated that approximately \$2 million will be paid on debt payments that are due in April. Ms. Kichler noted that the 2010 Warrant will mature in 2017. Remaining Debt payments for FY2016 Warrants and Leases (*including the payment due in April*) is \$3,196,054.

### **Agency Funds & Special Revenue Funds**

Reports as of November 2015 were presented in the packet

Finance Minutes

**Capital Projects Funds**

Capital Reserve Fund balance as of November 2015 - \$1,665,028

**Enterprise Funds**

Enterprise Fund balances/ (transfers from General Fund) as of November 2015 as follows:

- Solid Waste (*Garbage & Recycling*) – \$31,507
- Civic Center – (\$25,462)
- Bayfront – (\$12,680)

Ms. Kichler noted that next month the full first quarter for FY2016 will be reported at the next Finance Committee Meeting in March.

**20. Bills Paid Reports – January, 2016**

The Bills Paid Report was presented in the packet.

**C. Appropriation Request: (*Ordinance*)**

**1. Appropriation: Engineering for Gully project at Lovett Lane (*referred to as Fannon property*)**

Mrs. Henson stated that the two motions passed by Council at the January 19, 2016 meeting were included in the packet. A motion was made by Council to engage HMR Engineering to begin the engineering work for the project involving the gully at the end of Lovett Lane. Mr. Johnson stated that the initial engineering cost for survey, design and letting of bid is \$14,750. Discussion continued on appropriating the \$14,750. Mr. Boucher noted he had spoken with a property owner and noted there may be some co-designing. Mr. Ray Moore, HMR stated he was familiar with the property owner’s engineer and had no problems working with them. Discussion continued that the preliminary engineering had been approved by the Council. Mrs. Henson stated she had prepared an ordinance for Council to approve to appropriate the funds (\$14,750).

***MOTION BY Mr. Lake to recommend to Council to adopt an Ordinance amending the budget to appropriate \$14,750 from the General Tax Fund for preliminary engineering for the Gully project at Lovett Lane (referred to as Fannon property). Seconded by Mrs. Conaway. Motion carried.***

**2. Appropriation: Traffic Impact Study: US Hwy98 Access (between Vann Ave & CR64)–**

Mr. Johnson reviewed the US98 Access project and stated that Transportation Impact Study required by ALDOT for consideration of adding a new signalized intersection will be done by Traffic Solutions through Preble-Rish Engineers and Preble-Rish will be the engineers for this project. Mr. Johnson stated the traffic study cost is \$14,950 and Preliminary Survey and Engineering cost is \$28,500. Therefore an appropriation of \$43,450 is needed for this stage of the project. Mr. Johnson discussed the strong commitment from Chick Filet and adjoining developer of other property on North side and East side and favorable feedback from ALDOT on the signalization which should all reduce the City’s cost.

***MOTION BY Mr. Lake to recommend to Council to adopt an Ordinance amending the budget to appropriate \$43,450 from the Seven Cent Gas Tax Fund for the U.S. Highway 98 access improvements between County Road 64 and Vann Avenue. Seconded by Mrs. Phillips . Motion carried.***

***MOTION BY Mr. Lake to recommend to Council to adopt a Resolution supporting ALDOT’s conceptual plan for the U.S. Highway 98 access improvements between County Road 64 and Vann Avenue and to request financial assistance from ALDOT. Seconded by Mrs. Phillips. Motion carried.***

**D. Bids: (Resolution)**

**1. 2016-G-FUEL**

Mr. Johnson reviewed the fuel bids recommendation to award the bid to Davison Fuels, Inc. the low bidder. Mr. Johnson noted that fuel is purchased at cost + Margin and the margin for the low bid is \$.034 up from last year's contract margin \$.024.

**MOTION BY Mrs. Conaway to recommend to Council to award the 2016-G-FUEL for the margin of \$.034/gal for 89 Octane Non-Ethanol Unleaded and Diesel fuel. Seconded by Mrs. Phillips . Motion carried.**

**E. Pre-Qualification for Sewer Projects: Whispering Pines**

Mr. Ray Moore, HMR discussed the pre-qualification applications received from bidders and his recommendation to accept them all as qualified bidders. Also included in the packet was a recommendation from Mr. Johnson to approve the bidders be accepted as qualified bidders. Mr. Moore discussed that there was one bidder that had mailed the bid but it was not received in time. The bidder had communicated with the City to verify if their submittal had been received and when they found out it was not received they sent someone from their office in Mobile to deliver their submittal but were late arriving. Mr. Fry asked Mr. Boucher to research and see if the late submittal can be accepted.

*Motion made pending City attorneys review:  
Motion to recommend to Council to adopt a Resolution approving all six contractors pending legal review that the late submittal can be accepted.  
AYE-Fry / Rudicell / Phillips / Lake / Conaway. NAY-Scott  
(Mr. Boucher researched and advised that legally the late bidder's submittal could not be considered).*

**FINAL MOTION**

**MOTION BY Mrs. Phillips to recommend to Council to adopt a Resolution approving the following contractors:**

1. **Asphalt Services, Inc.**
2. **Construction Labor Services, Inc.**
3. **Double diamond construction Company**
4. **Brunson Nichols Construction Company, Inc.**
5. **W. R. Mitchell contractor, Inc.**

**as qualified bidders for City of Daphne Sewer projects and to include the late submittal only upon . Seconded by Mrs. Conaway. Motion carried.**

**F. Refunding Proposal for 2006 Bonds, Mr. Pfil Hunt, Harbor Financial Services, LLC**

Mr. Fry presented Mr. Pfil Hunt's refinancing proposal. Discussion was made that the proposal shows a saving of \$723,552 that can be used to reduce the current debt or used to fund approved capital improvements. Ms. Kichler noted that the savings from the last bond issued were specified to be used for Sewer improvements. Mr. Fry stated that Pfil Hunt would be back in town and attending the February 15, 2016 Council meeting and he could answer any questions at that time. Mrs. Henson noted a resolution will be needed to authorize the issuance of the new warrant (*secure the bond underwriter and bond counsel*).

**MOTION BY Mr. Scott to recommend to Council to adopt a Resolution authorizing the issuance of Series 2016 Warrant for the purpose of refunding the 2006 Bonds and secure the services of Harbor Financial Services, LLC as Bond Underwriter. Seconded by Mr. Lake. Motion carried.**

**G. Authorizing Resolution: FY2016 Capital Equipment Leases (Hancock Bank)**

Ms. Henson discussed the two resolutions in the packet to enter into lease agreements for equipment approved for purchase in the Fy2016 Budget. One resolution was for a Bank Qualified rate of 1.91% and one for Non-Bank Qualified rate of 2.05%. Discussion continued that between the City and the Daphne Utility Board new debt issues would exceed \$10 million for 2016 so the City would not qualify for the Non-Bank Qualified rate.

**MOTION BY Mr. Scott to recommend to Council to adopt a Resolution authorizing that lease agreement (non-bank qualified) with Hancock Bank to purchase the following equipment approved in the FY2016 Budget:**

- Six (6) New Mowers**
- One (1) New 2015 Ford Transit 350 Van**
- One (1) New Ford F 150**
- One (1) New Compactor**
- Six (6) New Chevy Tahoes**

**Seconded by Mrs. Phillips. Motion carried.**

## **V. OLD BUSINESS**

### **A. Establishing the Salary of the Mayor (Ordinance)**

### **B. Establishing the Salary of the City Council Members (Ordinance)**

Discussion was made that the two ordinances included in the packet had been discussed at the Council Work Session and recommended to be forwarded to the February Finance Committee meeting for further discussion. The two ordinances were a first read on the February 1, 2016 Council meeting. The Mayor's salary will be \$75,000 annually and will be entitled to all health care benefits which are may be provided to full-time employees. Discussion continued on the \$1,000 increase annually for Council, the option to purchase City health insurance, and changing the pay cycle to 26 pay periods/year to be on the same pay cycle as City employees. Mr. Scott stated this will be the first increase for Council in eight years. This change would take effect the first Monday of November, 2016.

**MOTION BY Mr. Scott to recommend to Council to adopt an Ordinance to establish Salary for Mayor. Seconded by Mrs. Conaway. Motion carried.**

**MOTION BY Mr. Scott to recommend to Council to adopt an Ordinance to establish Salary for Councilmembers: President-\$17,000 / Vice-President-\$14,200 / & Council-\$13,000 (including the option for Council to purchase City health insurance and change the pay cycle to the same as City employees).**

**Seconded by Mrs. Conaway. Aye: Scott / Conaway / Phillips / Lake / Rudicell. Nay: Fry. Motion carried.**

### **C. Upcoming Council Work Session topics**

Mr. Rudicell asked if anyone had any suggestions concerning the employee's health insurance premium, deductible or copays to submit them to the HR Director or Finance Director so they can be discussed at the March 2016 Council Work Session. Mr. Johnson asked Ms. Kichler if she had any idea what the insurance increase would be. Ms. Kichler answered she did not know what the increase would be but noted that last year's increase was 15%. Ms. Kichler stated she had heard there were rumors going around the city that the City was canceling some employee Retirement benefits but that is not the case. Mr. Rudicell discussed setting a percentage or index that the employee cost would increase instead of evaluating every year. Discussion continued on current insurance cost to the City and the employee (Premium for Single coverage-\$430/month and employees pay \$25/month & Family coverage premium - \$1,030/month and employees pay \$175/month. Mrs. Hilburn stated that there are approximately 243 employees on the current health insurance plan. Mr. Scott asked that all the cost information be discussed at the March Work Session.

**VI. ADJOURN** The meeting adjourned at 6:10 p.m.

**TREASURER'S REPORT**

As of January 31, 2015

Account Type/Title	Bank / Brokerage	1/31/2016	12/31/2015	increase (Decrease) from last Month	1/31/2015	increase (Decrease) from Last Year
<b>GENERAL FUND &amp; ENTERPRISE FUNDS</b>	Compass Bank1	\$ 6,654,066	\$ 5,827,561	\$ 826,505	\$ 6,322,733	\$ 331,333
<b>INVESTMENT FUND</b>	Raymond James	5,284,531	5,302,482	(17,951)	\$ 5,209,431	\$ 75,100
<b>CREDIT CARD ACCOUNT</b>	Compass Bank3	581	12,771	(12,190)	\$ -	\$ 581
<b>MUNICIPAL COURT</b>	Compass Bank2	80,156	89,826	(9,670)	\$ 98,417	\$ (18,261)
<b>Total Unrestricted Funds</b>		<b>12,019,334</b>	<b>11,232,640</b>	<b>786,694</b>	<b>\$ 11,630,581</b>	<b>\$ 388,753</b>
<b>SPECIAL REVENUE FUNDS</b>						
MUNICIPAL COURT	Compass Bank1	23,851	19,750	4,101	13,189	10,662
SELF INSURANCE	Compass Bank1	109,848	94,728	15,120	70,031	39,817
FLEX SPENDING	Compass Bank1	1,245	6,482	(5,237)	7,133	(5,888)
4 CENT GAS TAX	PNC Bank1	173,561	168,907	4,654	119,098	54,463
7 CENT GAS TAX	PNC Bank2	467,069	461,051	6,018	409,800	57,269
TREE & FLOWER	Compass Bank1	16,666	16,666	0	17,200	(534)
SAIL SITE	PNC3/Compass1	(510)	(831)	321	1,455	(1,965)
NON-MAJOR STORMS	Compass Bank1	(691,419)	(629,825)	(61,594)	(612,601)	(78,818)
BP OIL SPILL	Compass Bank1	426,768	426,768	0	426,768	0
FEDERAL DRUG FORFEITURES	Compass Bank1	240,059	240,059	(0)	14,044	226,015
LOCAL DRUG FORFEITURES	Compass Bank1	25,772	23,547	2,225	20,860	4,912
LIBRARY	Compass Bank1	12,708	11,824	884	(1,847)	14,555
CONCESSION STAND	Compass Bank1	-	-	-	(3,434)	3,434
COURT TRAINING & EQUIPMENT	Compass Bank2	34,979	34,541	438	29,039	5,940
COURT JUDICIAL ADMINISTRATIVE	Compass Bank2	145,311	141,638	3,673	99,386	45,925
COURT CORRECTION	Compass Bank2	197,739	195,376	2,363	168,980	28,759
LODGING TAX	Compass Bank1	2,760,983	2,877,957	(116,974)	2,333,036	427,947
		<b>3,944,630</b>	<b>4,088,638</b>	<b>(144,008)</b>	<b>3,112,137</b>	<b>832,493</b>
<b>CAPITAL PROJECT FUNDS</b>						
CAPITAL RESERVE	Wells Fargo Bank1	1,839,770	1,839,762	8	1,184,300	655,470
2012 CONSTRUCTION	Regions Bank	-	-	-	374,135	(374,135)
2014 CAPITAL IMPROVEMENTS	Compass Bank	782,325	782,307	18	782,136	189
		<b>2,622,095</b>	<b>2,622,069</b>	<b>26</b>	<b>2,340,571</b>	<b>281,524</b>
<b>DEBT SERVICE FUNDS</b>						
DEBT SERVICE	Wells Fargo Bank2	2,559,003	2,305,588	253,415	3,147,239	(588,236)
<b>Total Restricted Funds</b>		<b>9,125,728</b>	<b>9,016,295</b>	<b>109,433</b>	<b>8,599,947</b>	<b>525,781</b>
<b>Total City Funds</b>		<b>\$ 21,145,062</b>	<b>\$ 20,248,935</b>	<b>\$ 896,127</b>	<b>\$ 20,230,528</b>	<b>\$ 914,534</b>
<b># of Months of UNRESTRICTED Cash to cover monthly Operating Expenses &amp; Debt Service</b>						
		<b>5.4</b>	<b>4.9</b>		<b>5.3</b>	

Month	Months of Cash Coverage
1	4.6
2	4.3
3	4.4
4	5.3
5	5.2
6	4.9
7	4.7
8	4.9
9	4.6
10	4.2
11	4.3
12	4.8

<b>Encumbrances FY 05 - FY 14:</b>	<b>\$175,073</b>	(as of 12/31/15)
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# SALES & USE TAXES

\*Adjusted to accrued collections

## ACTUAL COLLECTIONS

## FY 2016 BUDGET vs ACTUAL

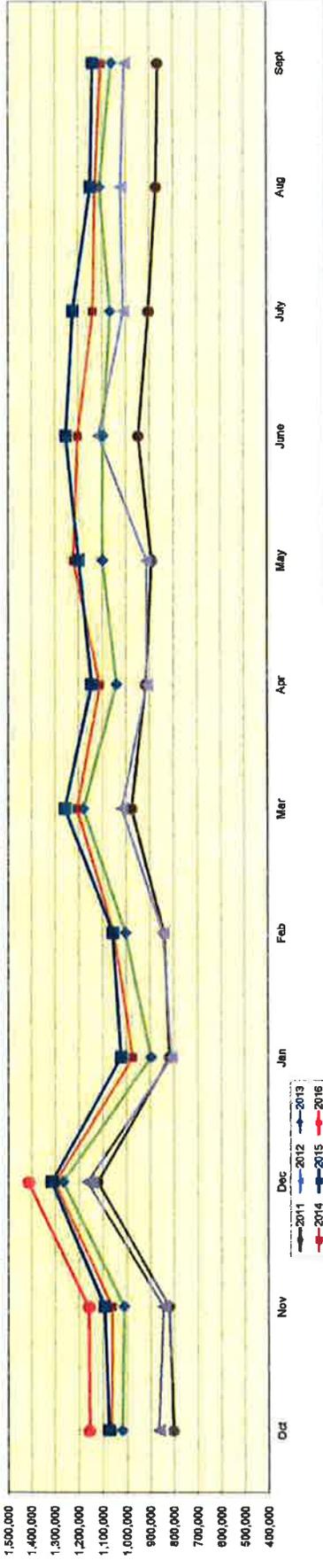
	7/8 Year													
	2012	2013	2014	2015	2016	Sparklines						Budget	Monthly Variance	YTD Variance
October	864,727.27	1,019,065.37	1,062,861.14	1,073,290.88	1,154,933.34		October	1,091,054	63,879.34	63,879.34	5.9%			
November	845,342.45	1,011,813.96	1,061,121.86	1,092,961.96	1,157,742.46		November	1,111,050	46,692.46	110,571.80	4.2%			
December	1,165,135.62	1,266,051.50	1,299,075.20	1,312,012.89	1,411,946.31		December	1,333,727	78,219.31	188,791.11	5.9%			
January	809,785.59	895,717.19	974,224.69	1,023,171.34			January	1,040,105						
February	845,101.34	1,004,349.50	1,051,602.29	1,056,996.02			February	1,074,489						
March	1,018,721.43	1,181,007.55	1,205,342.67	1,256,397.38			March	1,277,191						
April	911,438.60	1,039,769.87	1,110,085.05	1,144,698.61			April	1,163,643						
May	911,839.30	1,098,548.05	1,218,956.40	1,198,226.99			May	1,218,058						
June	1,114,149.53	1,097,507.32	1,202,126.66	1,252,030.17			June	1,272,751						
July	1,010,193.08	1,065,215.02	1,139,120.72	1,222,993.95			July	1,160,473						
August	1,021,267.76	1,110,126.44	1,129,483.17	1,148,890.48			August	1,148,176						
September	1,004,661.04	1,058,958.43	1,104,411.74	1,138,473.73			September	1,122,690						
<b>Totals</b>	<b>11,522,363.01</b>	<b>12,848,130.20</b>	<b>13,558,411.59</b>	<b>13,920,144.40</b>	<b>3,724,622.11</b>			<b>14,013,407</b>		<b>188,791.11</b>				

Budgeted Dollar Increase (Actual) FY15 vs (Budgeted) FY16:	93,263
Budgeted Percent Increase FY15 vs FY16:	0.7%

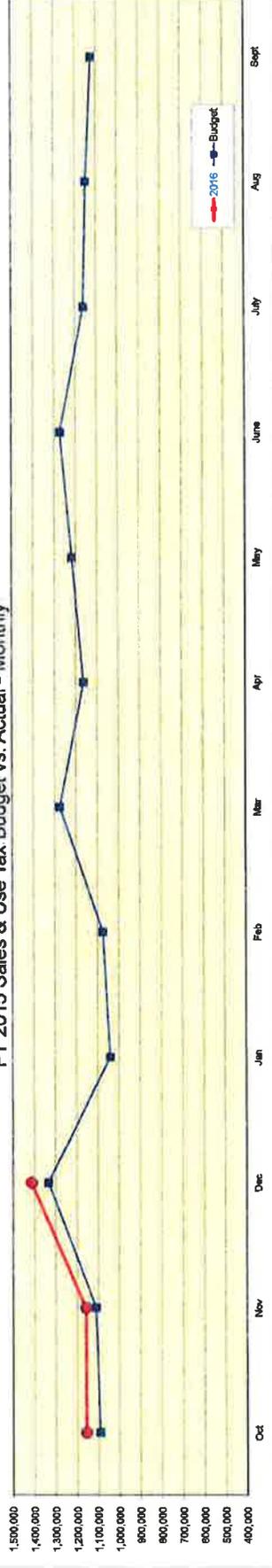
## Fiscal Year Changes Year Over Year

	\$ Change												Percent Change
	2012-2013	2013-2014	2014-2015	2015-2016	2012-2013	2013-2014	2014-2015	2015-2016	2012-2013	2013-2014	2014-2015	2015-2016	
October	154,338.10	43,795.77	10,429.74	81,642.46	17.8%	4.3%	1.0%	7.6%	17.8%	4.3%	1.0%	7.6%	
November	166,471.51	49,307.90	31,840.10	64,780.50	19.7%	4.9%	3.0%	5.9%	19.7%	4.9%	3.0%	5.9%	
December	100,915.88	33,023.70	12,937.69	99,933.42	8.7%	2.8%	1.0%	7.6%	8.7%	2.8%	1.0%	7.6%	
January	85,931.60	78,507.50	48,946.65		10.6%	8.8%	5.0%	#VALUE!	10.6%	8.8%	5.0%	#VALUE!	
February	159,248.16	47,252.79	5,393.73		18.8%	4.7%	0.5%		18.8%	4.7%	0.5%		
March	162,286.12	24,335.12	51,054.71		15.9%	2.1%	4.2%		15.9%	2.1%	4.2%		
April	128,331.27	70,315.18	34,613.56		14.1%	6.8%	3.1%		14.1%	6.8%	3.1%		
May	186,708.75	120,408.35	(20,729.41)		20.5%	11.0%	-1.7%		20.5%	11.0%	-1.7%		
June	(16,642.21)	104,619.34	49,903.51		-1.5%	9.5%	4.2%		-1.5%	9.5%	4.2%		
July	55,021.94	73,905.70	83,873.23		5.4%	6.9%	7.4%		5.4%	6.9%	7.4%		
August	88,858.68	19,356.73	19,407.31		8.7%	1.7%	1.7%		8.7%	1.7%	1.7%		
September	54,297.39	45,453.31	34,061.99		5.4%	4.3%	3.1%		5.4%	4.3%	3.1%		
<b>Annual \$ Cha</b>	<b>1,325,767.19</b>	<b>710,281.39</b>	<b>361,732.81</b>	<b>246,356.38</b>	<b>11.5%</b>	<b>5.5%</b>	<b>2.7%</b>	<b>Annual % Change</b>	<b>11.5%</b>	<b>5.5%</b>	<b>2.7%</b>		

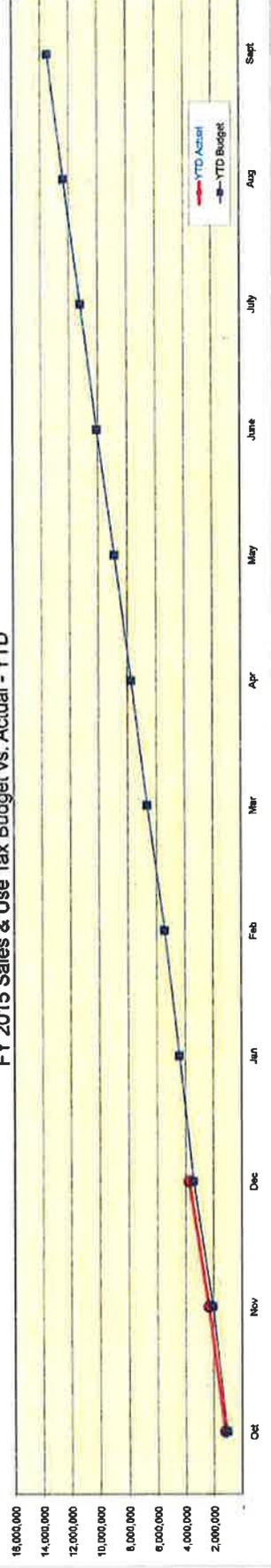
Sales & Use Tax Comparisons



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



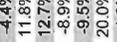
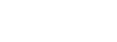
FY 2015 Sales & Use Tax Budget vs. Actual - YTD



## MONTHLY LODGING TAX COLLECTIONS

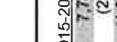
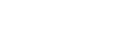
\*Based on Accrued Collections

### ACTUAL COLLECTIONS

	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16	10 Year Spark Line
October	56,001.39	52,002.53	51,578.40	48,382.05	74,581.63	82,326.38	
November	48,329.73	47,568.08	43,459.48	43,912.92	77,289.64	77,075.08	
December	47,210.56	42,279.22	40,495.14	39,122.53	89,585.61	67,742.93	
January	49,006.12	41,917.34	47,548.01	43,198.04	72,323.09		
February	43,052.68	47,346.50	54,207.03	49,784.71	92,153.01		
March	67,422.43	70,058.33	64,325.47	71,954.97	112,752.43		
April	48,487.83	51,939.06	47,434.55	86,245.34	101,196.07		
May	57,860.48	54,740.45	68,448.49	107,155.55	108,715.74		
June	67,544.77	69,822.91	71,090.69	127,920.37	111,337.21		
July	76,631.86	79,417.80	94,310.47	139,397.37	140,897.70		
August	52,820.33	50,417.73	52,427.99	93,733.35	90,758.34		
September	45,216.75	46,968.89	45,148.35	71,790.24	84,931.51		
<b>Total</b>	<b>659,604.93</b>	<b>654,476.84</b>	<b>680,474.07</b>	<b>922,597.44</b>	<b>1,136,821.98</b>	<b>227,144.39</b>	

Ord 1997-28 adopted December 8, 1997 incl levy from 3% to 4%.  
Ord 2014-06 adopted February 17, 2014 incl levy from 4% to 6% - effective for Collections for April 2014 reflected in May 2014.

### CHANGE IN DOLLARS

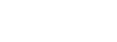
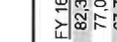
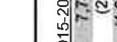
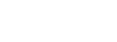
	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	9 Year Spark Line
October	16,595.83	(3,998.86)	(424.13)	(3,196.35)	26,199.58	7,744.75	
November	14,566.36	(761.65)	(4,108.60)	453.44	33,376.72	(214.56)	
December	15,639.18	(4,931.34)	(1,784.08)	(1,372.81)	30,463.08	(1,842.68)	
January	6,122.42	(7,088.78)	5,630.67	(4,349.97)	29,125.05		
February	(3,945.64)	4,293.82	6,860.53	(4,422.32)	42,368.30		
March	14,650.91	2,635.90	(5,732.86)	7,629.50	40,797.46		
April	6,956.78	3,451.23	(4,504.51)	38,810.79	14,950.73		
May	(8,940.48)	(3,140.03)	13,708.04	38,707.06	1,560.19		
June	(12,278.07)	2,278.14	1,267.78	56,829.68	(16,583.16)		
July	(15,274.61)	2,785.94	14,892.67	45,086.90	1,500.33		
August	(10,503.25)	(2,402.60)	2,010.26	41,305.36	(2,975.01)		
September	(7,446.04)	1,752.14	(1,820.54)	26,641.89	13,141.27		
<b>Total</b>	<b>16,143.39</b>	<b>(5,126.09)</b>	<b>25,995.23</b>	<b>242,123.37</b>	<b>213,924.54</b>	<b>5,687.51</b>	

### FY 2016 BUDGET vs. ACTUAL

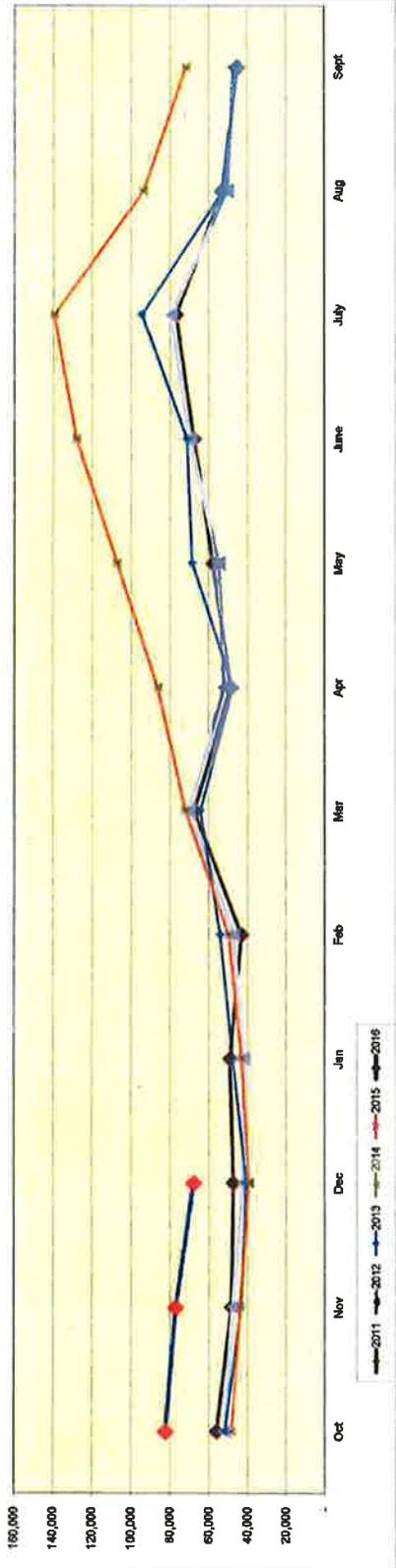
	Monthly		
	Budget	Variance	YTD Variance
October	76,494.98	5,831.40	5,831.40
November	70,694.40	6,360.68	12,212.08
December	64,152.54	3,590.39	15,802.47
January	70,905.79		
February	84,192.65		
March	107,795.78		
April	84,458.03		
May	104,577.65		
June	113,382.33		
July	138,661.90		
August	86,164.99		
September	73,518.97		
<b>Total</b>	<b>1,075,000.01</b>	<b>15,802.47</b>	

Ord 1997-28 adopted December 8, 1997 incl levy from 3% to 4%.  
Ord 2014-06 adopted February 17, 2014 incl levy from 4% to 6% - effective for Collections for April 2014 reflected in May 2014.

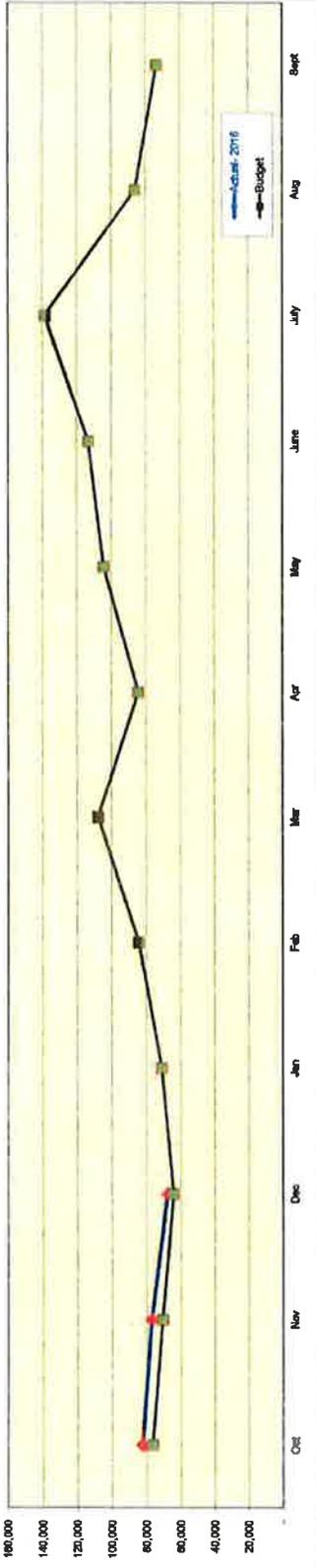
### CHANGE IN PERCENTAGE

	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	9 Year Spark Line
October	-7.7%	-0.8%	-6.6%	35.1%	9.4%	
November	-1.6%	-9.5%	1.0%	43.2%	-0.3%	
December	-11.7%	-4.4%	-3.5%	43.8%	-2.7%	
January	-16.9%	11.8%	-10.1%	40.3%		
February	9.1%	12.7%	-8.9%	46.0%		
March	3.8%	-8.9%	10.6%	36.2%		
April	6.6%	-9.5%	45.0%	14.8%		
May	-5.7%	20.0%	36.1%	1.4%		
June	3.3%	1.8%	44.4%	-14.9%		
July	3.5%	15.8%	32.3%	3.3%		
August	-4.8%	3.8%	44.1%	-3.3%		
September	3.7%	-4.0%	37.1%	15.5%		
<b>% Change</b>	<b>2.4%</b>	<b>-0.8%</b>	<b>3.8%</b>	<b>18.8%</b>	<b>2.5%</b>	

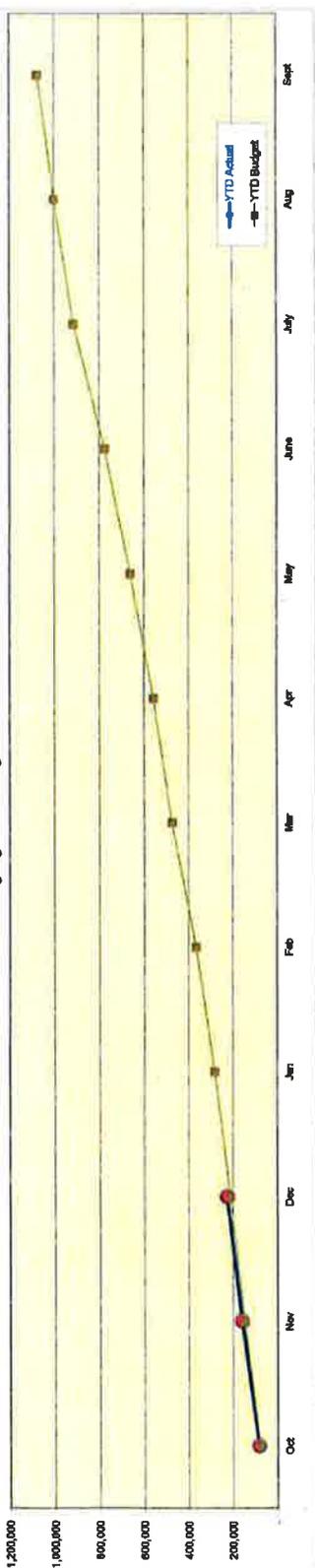
Lodging Tax Comparisons Year over Year



FY 2016 Lodging Tax Budget vs. Actual - Monthly



FY 2016 Lodging Tax Budget vs. Actual - YTD



**Lodging Tax Fund  
Statement of Revenues Over(Under)Expenditures**

	ACTUAL FY 1995-2004	ACTUAL FY 2005-2010	ACTUAL FY 2011-2013	ACTUAL FY 2014	ACTUAL FY 2015	DRAFT 1/31/2016	Total
<b>Revenues</b>							
Lodging Taxes	1,596,764.95	3,506,472.72	1,994,557.84	922,597.94	1,136,521.48	312,075.90	9,468,990.83
Settlement	30,000.00	-	-	-	-	-	30,000.00
Donations	240,300.00	10,000.00	-	-	-	-	250,300.00
Grants	498,100.00	1,390,048.13	172,458.01	-	80,961.99	-	2,141,568.13
<b>Total Revenues</b>	<b>2,365,164.95</b>	<b>4,906,520.85</b>	<b>2,167,015.85</b>	<b>922,597.94</b>	<b>1,217,483.47</b>	<b>312,075.90</b>	<b>11,890,858.96</b>
<b>Expenditures</b>							
Industrial Development Board	45,002.65	175,428.43	99,727.89	92,652.93	146,039.48	40,569.87	599,421.25
Downtown Redevelopment Authority	-	-	131,900.98	42,540.38	56,169.03	15,603.79	246,214.18
Cost of Debt Issuance	112,241.61	-	-	-	-	-	112,241.61
	157,244.26	175,428.43	231,628.87	135,193.31	202,208.51	56,173.66	957,877.04
<b>BayFront Property Related Exp</b>							
Bay Front Property	4,684,723.62	666,067.18	-	-	-	-	5,350,790.80
Bay Front Parking Lot	-	105,793.06	-	24,028.11	-	-	129,821.17
Bay Front Swing Bench	-	3,896.87	-	-	-	-	3,896.87
Bay Front Floors ('15), Windows ('16)	-	-	-	-	23,758.35	18,766.41	42,524.76
Bay Front Park Improvements	-	2,358.75	500.00	-	-	-	2,858.75
Bay Front Park Deck	-	-	20,000.00	-	-	-	20,000.00
Bay Front Restrooms	-	44,139.11	1,947.28	-	-	-	46,086.39
Bay Front/VP Invasive Species Grant	-	-	82,839.32	3,181.25	999.00	-	87,019.57
Boardwalk Parking Lot - Gator Alley	-	-	-	17,459.00	124,367.97	572.59	142,399.56
Boardwalks & Walking Trails	-	-	2,535.00	-	-	-	2,535.00
Building Improvements	48,956.54	56,000.97	44,158.00	-	-	-	149,115.51
Captain O'Neal Sidewalk	-	25,413.49	-	-	-	-	25,413.49
D'Olive Creek Pedestrian Bridge	-	85,279.08	106,592.66	2,043.73	-	-	193,915.47
Gator Alley Bridge	-	-	8,174.90	1,097.45	-	4,377.00	13,650.34
May Day Playground Eqpt	-	30,792.49	-	-	-	-	30,792.49
May Day Boat Ramp	-	414,655.63	18,247.24	-	-	-	432,902.87
May Day Parking Lot	-	271,248.90	-	-	-	-	271,248.90
May Day Drainage	-	5,000.00	-	-	-	-	5,000.00
May Day Sand Movement Study	-	12,273.50	50,507.50	-	-	-	62,781.00
May Day Grounds & Landscaping	-	-	5,000.00	-	-	-	5,000.00
Mobile Bay NEP Contribution	-	-	7,000.00	-	-	15,000.00	22,000.00
Property Improvements	1,712.30	2,244.00	2,629.57	-	-	-	6,585.87
Village Point Grant - Brdwlk - ADECA	-	-	-	-	9,705.54	113,614.13	123,219.67
Williams Property (1/2) Brdwlk Prkg Lot	-	-	-	47,138.87	-	-	47,138.87
<b>Total Bay Front Related Exp</b>	<b>4,735,392.46</b>	<b>1,725,163.03</b>	<b>350,131.47</b>	<b>94,948.41</b>	<b>158,830.86</b>	<b>152,231.12</b>	<b>7,216,897.35</b>
<b>Recreation Exp</b>							
<i>(Rec Loan from GF-\$843,644 Forgiven 6/1/14)</i>							
Sports Complex Entrance Rd (FY12-14)	-	-	831,091.68	48,517.98	-	-	879,609.66
Daphne Parks Master Plan-Survey	-	-	-	-	38,518.07	53,779.00	92,297.07
Turf & Concrete-Batting Cages/HP Mats	-	-	-	-	9,605.03	2,860.00	12,465.03
Softball/Football Lighting (FY11)	-	-	449,084.04	-	-	-	449,084.04
Bathroom/Concessions (2) (FY10-11)	-	1,152.00	273,593.93	-	-	-	274,745.93
Bleachers (4) (FY11)	-	-	50,000.00	-	-	-	50,000.00
Fence/Net Replacmnt-net of ins (FY11)	-	-	2,062.50	-	-	-	2,062.50
Repair-Blchr/Conces Roof-net of ins(FY11)	-	-	23,197.52	-	-	-	23,197.52
<b>Total Recreation Exp</b>	<b>-</b>	<b>1,152.00</b>	<b>1,629,029.67</b>	<b>48,517.98</b>	<b>48,123.10</b>	<b>56,639.00</b>	<b>1,783,461.75</b>
<b>Other Financing Sources (Uses)</b>							
Debt Proceeds	5,177,983.00	-	-	-	-	-	5,177,983.00
Transfers from General Fund	353,433.00	(353,433.00)	-	643,643.56	-	-	643,643.56
Transfers to Debt Service (Debt pd 9/20)	(3,042,540.12)	(1,080,638.30)	(436,283.22)	(137,838.00)	(151,628.00)	(51,478.32)	(4,900,405.96)
Transfers to Gen Fund	(20,322.18)	-	-	-	-	-	(20,322.18)
<b>Other Financing Sources (Uses)</b>	<b>2,468,553.70</b>	<b>(1,434,071.30)</b>	<b>(436,283.22)</b>	<b>505,805.56</b>	<b>(151,628.00)</b>	<b>(51,478.32)</b>	<b>900,898.42</b>
<b>Rev &amp; Financing Sources Over</b>							
<b>(Under) Expend &amp; Financing Uses</b>	<b>(58,918.07)</b>	<b>1,570,706.09</b>	<b>(480,057.38)</b>	<b>1,149,743.80</b>	<b>656,693.00</b>	<b>(4,446.20)</b>	<b>2,833,721.24</b>

Reserve: In-Progress BdWalk Repairs: as of 9/15

(4,524.56)

Reserve for Recreation

(847,069.55)

Unreserved

1,982,127.13

Lodging Taxes were levied 9/95 @ 3%  
12/97 increase to 4% (Ord 1997-28) / 4/14 increase to 6% (Ord 2014-06)  
FY 01 IDB Contributions started / DTR Authority added FY 10  
DTR: FY 10-\$32,173.09/ FY 11-\$32,980.25/FY 12-\$32,723.95=\$97,877.29  
Current Allocations: 13% IDB  
5% Downtown Redevelopment  
32% Debt Service & Bay Front Property Uses:  
Acq, Dev, & Maint  
50% Recreation Related Capital

As of June 1, 2014:

Original Recreation Loan	\$1,678,700
Repaid from Collections	\$ (1,035,056)
Loan Balance 6/1/14	\$643,644
Ord 2014-27 Debt Forgiven	\$ (643,644)
Recreation Balance Owed	\$0

Prior Mo Unreserved  
2,101,833.10

Prior Mo Res for Rec  
(842,657.30)

## **Buildings & Property Committee Meeting**

**Monday, February 1, 2016**

**4:30 PM**

**1705 Main Street, Daphne, AL**

### **Committee Minutes**

**Present:** Councilman John Lake (Chairman); Councilman Randy Fry; Councilwoman Tommie Conaway; Councilman Pat Rudicell; Councilman Ron Scott; Councilman Robin LeJeune (*arrived at 5:15 p.m.*); Councilwoman Angie Phillips

Also Present: Rebecca Hayes, City Clerk (*recording secretary*); Mayor Haygood; Richard Johnson, Public Works Director; BJ Eringman, Deputy Director Public Works; Margaret Thigpen, Civic Center Director; Ashley Campbell, Environmental Programs Manager; Tonja Young, Library Director; David McKelroy, Director Recreation; Suzanne Henson, Senior Accountant; Selena Vaughn, Village Point Foundation; Al Guarisco, Village Point Foundation; Dorothy Morrison, DRA & Beautification Committee; Victoria Phelps, Beautification Committee; & Lake Forest representative; John Peterson, Hatch, Mott MacDonald; Rebecca Canale, Jason Goffinet, Penny Goffinet, Don Olds, Kathy Lambert.

**Absent:** Rick Whitehead, IT Coordinator; Kevin Boucher, City Attorney.

**There being a quorum present Councilman Lake called the meeting to order at 4:30 pm.**

#### **1. Public Participation**

Will be considered later under New Business / May Day Boat Ramp

#### **2. Approval of Minutes:** January 4, 2016

There were no amendments to the January 4, 2016 minutes, the minutes stand as written.

#### **3. Daphne Central Park Report:** Richard Johnson

No report.

#### **4. Surplus Property:** Suzanne Henson, Senior Accountant

1. 1989 Ford D80 PU C8000 E-One Fire Truck
2. Mechanic Shop / Hofman Tire Balancer
3. Mechanic Shop / Snap On MT2400
4. Mechanic Shop / Plasma Cutter
5. Mechanic Shop / Robin A/C Recycle Machine
6. Grounds / 1998 Ford Bucket Truck
7. Recreation / 1994 Ford E350 Van

Councilman Scott noted that the funds from the surplus sales will be used for sidewalk projects up to \$82,000.

**MOTION BY Councilman Scott to recommend declaring the noted items as surplus and to authorize disposition of such items. Seconded by Councilman Rudicell.**

**MOTION CARRIED UNANIMOUSLY**

The committee discussed the boom that was left over from the BP oil spill.

**MOTION BY Councilman Scott to add the surplus boom to the surplus property resolution.  
Seconded by Councilman Rudicell.**

**MOTION CARRIED UNANIMLOUSLY**

**8. Building Inspection Monthly Reports (December):** Ashley Campbell

- Total Building Permits / 36
- Total Permit Building Permit Fees / \$37,728.45
- New Home Permits / 3
- Total Improvement Fees / \$16,358.12

**9. Civic Center, Bayfront, and CVB report (January) /** Margaret Thigpen

Margaret Thigpen distributed and discussed the January report:

Civic Center Report:

- January 2016 revenue for the Civic Center totaled \$17,780 / Increase from January 2015
- FY 2016 YTD Projected Year End Revenue / \$123,137.50
- January 2016 Deposits / \$20,148
- FY 2015-2016 YTD Deposits / \$48,141

Bayfront Park Pavilion Report:

- January 2016 Revenue / \$1,511 / Down from 2015
- FY 2014-2015 Year End Revenue / \$67,842
- December 2015 Deposits / \$4,846
- 2015-2016 YTD Deposits / \$15,647

Mrs. Thigpen mentioned that Johnson Controls was purchased off the State Bid List for a three (3) year service agreement. The contract is headed to the mayor for signing.

**Digital Sign**

The previous design was in violation of the city's sign ordinance. The new sign falls within the Land Use Ordinance. The header will not say Daphne Civic Center. She is waiting on the State's reply to the sign on I-10. Those signs are for gas, food and hotels, and are paid for by the businesses that are on the sign. Councilman Scott checked with Adrienne Jones regarding the location of the sign, and the KFC location is not city property, and would be in violation of the sign ordinance. Margaret reported on a brochure she had on the opening of 16 recreational fields in Foley on Memorial Day.

**Recreation Report**

David McKelroy handed out a list of tournament events. He said the building the Strike Team wants to build at Trione could not be on the property for more than a year, and they have exceeded the allowable space. Mayor Haygood handed out a picture of what they wanted to build.

The committee will consult with Mrs. Jones regarding the requirements and come back to the next meeting.

**Library Report**

Tonja Young reported that the basement is still dry thanks to public works, and there were no more issues.

Public Works replaced a \$600 piece of electrical lighting equipment that was melting in the electrical room – the part controls the outdoor lights and parking lot lights. She stayed late to work on Friday night and heard the box buzzing, and called the after-hours list and Public Works sent maintenance right away. She also reported that 1,580 patrons used the conference room, and there were 23,580 patrons that visited the Library.

**OLD BUSINESS**

**10. Village Point Foundation – Bayfront Properties:** Selena Vaughn

Mayor Haygood reported on the 1<sup>st</sup> Tuskegee Bank proposal for the property behind Top of The Bay. When legal signs off, he will get with the bank to discuss the \$200,000 offer on the 12 acres.

**NEW BUSINESS**

**1) May Day Boat Ramp / Ashley Campbell**

Ashley Campbell discussed how much has been spent on the boat ramp, and several options to solve the problems with the boat ramp:

**2011- 2015 Attorney’s Fees**

2011	\$ 1,740.00
2012	\$ 4,568.67
2013	\$33,274.84
2014	\$ 9,492.41
2015	<u>\$41,500.03</u>
Total	\$90,575.95

**2013-2015 Public Works Annual Maintenance Costs**

2013-2015-Total Costs	=\$34,647.57
2011 Maintenance and Large Scale Move - Costs	=\$26,867.10
2012 Weekly Maintenance	=\$4,035.04
2013 Weekly Maintenance	=\$2,034.85
2014 Weekly Maintenance	=1,710.58
Average Annual cost to Maintain	
3 Year (2012-2014) Total	=\$7780.47/3yrs=\$2593.49
Estimated Future Cost Per Year-	=\$2,593.49

**Option 1-Keep Boat Ramp and Continue to Maintain for 20 Years -Estimated 20yr Total ~\$88,640.80**

1. 20 Years Remaining on Agreement 20 times (\$2,593.49-Annual Public Works Maintenance Cost) =\$51,869.80
2. 2016 White Beach Quality Sand (from offsite) & Sand Placement -Low Bidder-\$19,875.00- (USACE & ADCNR Permit Applied For)
3. Ongoing civil issue with northern property owners.
4. Permit compliance issue with the US Corps of Engineers & ADEM. If allowed to continue dredging. Estimated ADEM Coastal Permit Cost for 20years ~\$2660.00 to \$16,896.00

**Option 2-Remove the ramp-Estimated Lump Sum Payment \$189,279.14 + Demolition-Sand Movement= Total =\$207,279.14**

1. Reimburse Department of Conservation & Natural Resources =\$189,279.14 (20 years left of a 25 year lease). Reimbursement will have to be a lump sum payment.
2. Demolition Cost and sand movement (sand from south side of ramp) along beach after demolition:

Demolition	\$ 7500.00
Sand Movement	<u>\$10,500.00</u>
Total	\$18,000.00
3. No additional sand management costs.
4. No additional attorney’s fees.
5. US Corp of Engineers & ADEM Compliance issues addressed.

6. The Department of Conservation and Natural Resources –Marine Resource Division-will consider a new Boat Access Grant for a new boat ramp. The ADCNR provides 75% of the project cost and the City would provide 25%. The grant would require another 25 year lease type agreement.

Mayor Haygood said that even if there is no boat ramp they will still have to maintain the sand.

Richard Johnson said even if they build back what was there they will still have problems with sand.

## **Public Participation**

### **Comments regarding the problem with May Day Park Boat Ramp:**

*Mrs. Rebecca Canale – 1503-A Captain O’Neal Drive* - spoke regarding the beaches being eroded by the boat ramp locking the flow of sand. She said that there was an issue with the design by Thompson Engineering, and the city promised to repair their beaches. The city started the process but stopped. She asked that the city come through with their promises.

*Mr. Don Olds - 1505 Captain O’Neal Drive* - spoke regarding finding a solution to the problem . He asked does Daphne need a boat ramp since they have fishing piers. He said that the sand is causing lots of erosion, and he suggested taking the boat ramp out and not rebuilding one.

Richard Johnson said that they have received a quote to remove the ramp at a cost of \$2,700 contingent upon the company getting all of the concrete. He said that they can continue to provide sand for a kayak launch.

*Ms. Victoria Phelps – Lake Forest Property Owners Association (LFPOA)* – mentioned that the LFPOA is willing to partner with the city with any boat ramp discussion, and help with the solution.

*Mr. Jason Goffinet – 1503 Captain O’Neal Drive* – said that the access does not have to be eliminated.

### **2) Security Camera’s at all City Buildings / Mayor Haygood**

Mayor Haygood said that due to break-ins at city parks and city buildings he had a discussion with Chief Carpenter regarding upgrading security, and installing cameras was discussed. He will follow up with cost of the cameras. He said they could do one or two buildings a year according to the budget.

### **3) Lake Forest Marina**

Did not have time to discuss. Will be on the next agenda.

### **4) 10 Acres for Sale by Starke Irvine**

Did not have time to discuss. Will be on the next agenda.

### **8. Any Other Business**

No other business to discuss.

### **9) Next Meeting**

The next meeting will be March 7, 2016.

**The meeting was adjourned at 5:30 p.m.**

**The City of Daphne  
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Council Chamber, City Hall - 5:00 P.M.**

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**Call to Order:**

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

**Call of Roll:**

**Members Present:**

William Scully  
Marybeth Bergin  
Dwayne Smith  
Charles Smith, Vice Chairman  
Larry Chason, Chairman  
Tyrone Fenderson  
Ron Scott, Councilman  
Hudson Sandefur

**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 November 5 and regular meeting of November 19, 2015. There being none, the minutes are approved as submitted.***

The next order of business is site plan review for Delta Fitness Center.

An introductory presentation was given by Mr. Frank Dagley, representative of Frank Dagley & Associates, requesting revised site plan review of the construction an additional thirteen parking spaces located northwest of the intersection of Equity Drive and County Road 64.

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

A **Motion** was made by Mr. Fenderson and **Seconded** by Mr. Charles Smith **to grant approval of the site plan for Delta Life Fitness.**

Chairman asked if the motion should include the waiver of the sidewalk requirement.

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The **Motion** was amended by Mr. Fenderson and **Seconded** by Mr. Charles Smith **to grant approval of the revised site plan for Delta Life Fitness and waived the sidewalk requirement. There was no further discussion on the motion. The Motion carried. Mr. Scott dissented.**

The next order of business is preliminary plat review for the Villas at St. Charles Subdivision.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, of a preliminary plat review of an eighty-two lot subdivision consisting of approximately seven point two seven acres located one quarter mile south of the intersection of County Road 64 and Pollard Road, and stated we have addressed all staff comments, met the conditions of the PUD requirements, and the subdivision is consistent with the master plan.

Chairman asked for Commission questions or comments and commented that the Fire Marshal presented International Building/Fire Code documentation at site preview to serve as an explanation why a sprinkler system is not required for this 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 for approval.

**A Motion** was made by Mr. Scott and **Seconded** by Mr. Fenderson **to grant approval of the preliminary plat for the Villas at St. Charles. There was no discussion on the motion. The Motion carried unanimously.**

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

An introductory presentation was given by Mr. Daryl Russell, representative of McCrory & Williams, of a six-lot subdivision consisting of approximately three point seven-three acres located at the northwest corner of Gabel and 3<sup>rd</sup> Street, and commented that a drainage plan is required by Baldwin County.

Chairman asked for Commission questions or comments.

Mr. Fenderson asked if the sidewalk easements had changed. Mr. Russell stated the plat has been revised to reflect the location of the easements.

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 for approval.

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A **Motion** was made by Mr. Fenderson and **Seconded** by Mr. Charles Smith **to grant approval of the preliminary/final plat for Montrose Oaks Subdivision.**

Chairman asked if the motion should include the approval of Baldwin County.

The **Motion** was amended by Mr. Fenderson and **Seconded** by Mr. Charles Smith **to grant approval of the preliminary/final plat for Montrose Oaks Subdivision, contingent upon the approval of Baldwin County. There was no further discussion on the motion. The Motion carried unanimously.**

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

An introductory presentation was given by Mr. Seth Moore, representative of Moore Surveying, of a two-lot subdivision consisting of approximately two point seven-six acres located on County Road 54 east, and stated the issuance of an address is pending the approval of Baldwin County.

Chairman asked for Commission questions or comments.

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 for approval.

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

The next order of business is preliminary/final plat review for C. R. Lazzari Subdivision.

An introductory presentation was given by Mr. David Shumer, representative of Barton & Shumer Engineering, of a two-lot subdivision consisting of approximately forty point one nine acres located on County Road 54 west, southeast of the intersection of Belforest Cemetery Road.

Chairman asked for Commission questions or comments and the approval of the Baldwin County Health Department. Mr. Shumer stated a family subdivision is exempt.

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 for approval.

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

The next order of business is a master plan revision for Oldfield Subdivision.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, of a master plan revision consisting of the lots previously developed in phase one, the one hundred and ten proposed to be annexed, the remaining one hundred and eight acres to the west with the removal of approximately seven acres to provide for an additional buffer area, the addition of smaller lots, and renamed the commercial element as potential future business.

Chairman asked for Commission questions or comments and the zoning designations shown on the future land use map. Ms. Jones stated there are none indicated.

Mr. Scott asked if a master plan is filed in the probate records. Ms. Jones responded no.

Mr. Scott commented on the designation of an acre or an acre and one half for a fire station. Mr. Pumphrey stated that needs to be addressed at the time of the development of the property with access to County Road 13.

Mr. Scott asked if there is a secondary access proposed. Mr. Pumphrey stated that portion is slated to be placed on the southern boundary of the property and is designated as a right in/right out only and is designed so based on the density of the property to be annexed and the number of units to access Alabama Highway 181.

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

Ms. Jones commented if the master plan revision is not approved, there is an approved master plan in place, and any approval of zoning must be consistent with an approved master plan.

**A Motion** was made by Mr. Scully and **Seconded** by Ms. Bergin **for conditional approval of the master plan revision of Oldfield Subdivision that includes the note which states the following or similar language: modifications to this master plan will be made as deemed appropriate by the Daphne Planning Commission; the master plan is a conceptual drawing which shows potential development; however, all subdivisions development is subject to applicable city, county, state and federal regulations, as well as, the Comprehensive Plan.**

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Chairman asked if the motion should include the secondary access.

The **Motion** was amended by Mr. Scully and **Seconded** by Ms. Bergin *for conditional approval of the master plan revision of Oldfield Subdivision that includes the note which states the following or similar language: modifications to this master plan will be made as deemed appropriate by the Daphne Planning Commission; the master plan is a conceptual drawing which shows potential development; however, all subdivisions development is subject to applicable city, county, state and federal regulations, as well as, the Comprehensive Plan, and a note shall be added stating that a secondary access will be constructed concurrent with the development of the new phases. There was no discussion on the motion. The Motion carried unanimously.*

Mr. Ron Scott was excused at 7:10 p.m.

The next order of business is a pre-zoning amendment for Redbarn, L.L.C.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, of the pre-zoning of a one hundred ten point five acres into the City of Daphne located south and west of Oldfield Subdivision, Phase One as 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 in Baldwin County District 15 in the Extraterritorial Planning Jurisdiction of Daphne.

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

Mr. Scott Hunter, 24199 Weatherbee Drive, spoke in opposition and outlined the concerns to be discussed by the residents of Oldfield about the proposed development.

Chairman stated that this body does not regulate architectural design or the type of green space or amenities.

Mr. Daniel White, 9972 Camberwell Drive, spoke in opposition and stated that the development does not adhere to Article 11 of the Land Use and Development Ordinance with regard to buffers and common, recreation or detention areas.

Ms. Rachael White, 9972 Camberwell Drive, spoke in opposition and expressed her concern regarding drainage and the provision for an adequate buffer between the smaller lots of this development abutting the larger lots in phase one.

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Chairman asked Mr. Pumphrey if he wished to address any of the issues presented. Mr. Pumphrey stated that he wished to address all of the comments at once.

Sarah Toulson, 9501 Cobham Park Drive, spoke in opposition and expressed her concern for the provision of a construction entrance due to additional traffic and the danger for buses and children. Chairman concurred that a construction entrance should be required.

Ms. Joy Hunter, 24199 Weatherbee Drive, spoke in opposition and expressed her concern regarding the amenities provided in phase one to include the use of the pool and commented that the residents have been in communication with the developer in this regard.

Mr. Pumphrey stated the covenants of this phase will not be included in the covenants of phase one. Ms. White stated the management company for D.R. Horton told the POA that this would be a continuation of the development.

Mr. Chris Haas, 9720 Camberwell Drive, spoke in opposition and expressed his concern regarding the open ditch and drainage are in the northern portion of this development, a provision for a secondary access, the development of R-6 (G), Garden/Patio Homes, on Alabama Highway 181, the safety and the security of the neighborhood and the children, and traffic on Alabama Highway 181 with the construction of the Catholic High School.

Mr. Kirk Toth, 23959 Weatherbee Drive, spoke in opposition and expressed his concern regarding interference of construction with neighborhood activities.

Mr. Jimmy Walker, 10067 Camberwell Drive, spoke in opposition and expressed his concern regarding the development.

Mr. Daniel White, 9972 Camberwell Drive, reiterated that the development was not in compliance with the regulations with regard to the requirements of a master plan outlined in the ordinance.

Chairman asked Mr. Pumphrey to address the issues presented.

Mr. Pumphrey stated there are alley ways which provide a buffer between zones, but a buffer is not required by the ordinance between abutting residential zones. The recreation and open space provisions discussed by Mr. White are contained in previous version of the ordinance. The master plan provided for the development of phases 2A, 2B and 3A. A storm water drainage plan and the provision of a secondary access will be presented at the time of the review of the plans for the construction of the phases of the subdivision. At this point, there are no new amenities planned at this time, but the developer is looking into that.

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Mr. Avent, representative of Preble-Rish and former engineer of phase one, stated the plan meets the master plan requirements. The drainage concerns discussed are issues which exist in the initial phase of the development and are issues caused by the builders re-grading a lot and/or damaged drainage structures during residential construction.

Chairman commented the ordinance prohibits an open ditch as a method of detention. Mr. Avent stated the open ditch was the outfall from phase one to the lake.

Mr. Avent also commented that a traffic study was conducted for phase one.

Chairman asked if the phases can stand alone without additional property being annexed. Mr. Avent stated yes.

Mr. Avent stated D.R. Horton is the owner of phase one, and this phase will not be a part of Oldfield.

Chairman asked for Commission questions or comments. He closed public participation.

Ms. Ashley Campbell, the Environmental Programs Manager, commented that the elevation at which a residential home is constructed is a drainage issue that the City does not address. There is a similar issue in Oldfield, Phase One and Bellaton Subdivision.

Mr. Scully asked if there is a site plan requirement for pre-zoning and annexation. Ms. Jones stated no.

Mr. Dwayne Smith asked if green space meets the requirements. Ms. Jones asked Mr. Pumphrey to address Mr. Smith's question. Mr. Pumphrey stated the common and recreation area meets and exceeds the requirements.

Mr. Sandefur asked is there a requirement to review the drainage plan at this stage of the development. Ms. Jones stated no, that it will be submitted with the preliminary plat.

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

**A Motion was made by Mr. Sandefur and Seconded by Mr. Charles Smith of an unanimous affirmative recommendation by the Planning Commission to the City Council of Daphne of the pre-zoning of one hundred ten point five acre parcel, located south and west of Oldfield Subdivision, Phase One from a RA, Rural Agricultural in Baldwin County District 15 to an R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-6 (G), Garden/Patio Homes for Red Barn, L.L.C.**

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

The next order of business is a petition for annexation review for Redbarn, L.L.C.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, of the annexation of one hundred ten point five acre parcel, located south and west of Oldfield Subdivision, Phase One from a RA, Rural Agricultural in Baldwin County District 15 to an R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-6 (G), Garden/Patio Homes.

Chairman asked for Commission questions or comments and stated for the record that the master plan is consistent with the zoning, asked for Commission questions or comments and a motion recommending acceptance.

**A Motion was made by Mr. Sandefur and Seconded by Mr. Charles Smith of an unanimous affirmative recommendation by the Planning Commission to the City Council of Daphne of the annexation of one hundred ten point five acre parcel, located south and west of Oldfield Subdivision, Phase One from a RA, Rural Agricultural in Baldwin County District 15 to an R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-6 (G), Garden/Patio Homes for Red Barn, L.L.C. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation for street acceptance for the Retreat of Tiawasee.

An introductory presentation was given by Ms. Adrienne Jones, Director of Community Development, recommending acceptance of all right-of-ways contained within the Retreat of Tiawasee Subdivision for maintenance as the plat has been approved by the Planning Commission, recorded in the probate records, and the two-year maintenance bond has been provided.

Chairman asked for Commission questions or comments and a motion for recommendation of acceptance of the right-of-ways.

**A Motion was made by Mr. Fenderson and Seconded by Mr. Charles Smith for an affirmative recommendation by the Planning Commission to the City Council of the acceptance of the right-of-ways of the Retreat of Tiawasee for maintenance. There was no discussion on the motion. The Motion carried. Ms. Bergin abstained.**

The next order of business is an administrative presentation for a street acceptance request by the Lakeview Townhomes Phase II and III Property Owners Association.

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An introductory presentation was given by Ms. Jackie Kearney, President of the Lakeview Townhomes Phase II and III Property Owners Association, presented a resolution to request acceptance of the right-of-way of Lake Shore Drive contained in of Lakeview Townhomes Phase II and III for maintenance and provided title documentation and a court order for proof of ownership.

Chairman asked Mr. Boucher for a legal interpretation of the documentation presented. Mr. Boucher stated if it has been six months since the court issued the order, the property owners association would have clear title.

Chairman asked for Commission questions or comments and a motion for recommendation of acceptance of the right-of-ways.

**A Motion was made by Mr. Fenderson and Seconded by Mr. Sandefur for an affirmative recommendation by the Planning Commission to the City Council of the acceptance of the right-of-ways of Lake Shore Drive for maintenance, conditioned the documentation provided is clear of encumbrances. There was no discussion on the motion. The Motion carried. Mr. Scully abstained.**

The next order of business is an administrative presentation for Tiawasee Creek Stream Restoration Project.

An introductory presentation was given by Ashley Campbell, Environmental Programs Manager, of the proposed Tiawasee Creek Stream Restoration Project.

Chairman asked for Commission questions or comments.

No action taken.

The next order of business is an administrative presentation of NRCS projects.

An introductory presentation was given by Ashley Campbell, Environmental Programs Manager, of the proposed NRCS projects for Canterbury & Old Pump Plant Areas, Mazie's Gulch, Daphne Judicial Center and Wacky Shrimp Drainage Improvement, and Palmetto Court Drainage Improvement. These are four drainage issues caused by a rain event on April 9, 2014.

Chairman asked for Commission questions or comments.

Mr. Sandefur asked the status of Gator Alley. Ms. Campbell stated that the project is going for appropriation in February.

No action taken.

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The next order of business is final plat review of Canaan Place Subdivision, Phase Two A.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, requesting final plat approval of Phase Two A of Canaan Place Subdivision, a sixty-lot subdivision consisting of approximately twenty-three point three five acres located northwest of the intersection of County Road 54 and County Road 54 East, contingent upon the approval of Baldwin County. The developer has presented a performance bond for the completion of landscaping.

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

**A Motion was made by Ms. Bergin and Seconded by Mr. C. Smith to grant approval of the final plat for Canaan Place Subdivision, Phase Two A, contingent upon the approval of Baldwin County. There was no discussion on the motion. The Motion carried unanimously.**

Mr. Dwayne Smith was excused at 7:32 p.m.

The next order of business is planning commission discussion regarding the election of officers.

Chairman opened the floor for nominations. Commissioners elected to retain Mr. Larry Chason, as Chairman, and Mr. Charles Smith, as Vice Chairman.

Chairman opened the nominations for Secretary. Mr. Fenderson nominated Ms. Marybeth Bergin as secretary. The nominations were closed. With no other nominations, Ms. Marybeth is Secretary.

The next order of business is planning commission discussion of a consideration to change the time of site preview.

Commissioners reaffirmed the present meeting date and time.

The next order of business is public participation.

Chairman asked for public participation.

An introductory presentation was given by Mr. Will Hughes, 1617 5<sup>th</sup> Street, Mobile, Alabama to request consideration of a revision to the Land Use Development Ordinance to include a provision to allow a mobile food truck.

Ms. Jones stated that the ordinance does not address this type of business. Mr. Boucher stated that if the ordinance does not expressly allow it, it is not acceptable.

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An introductory presentation was given by Mr. Paul Taylor, 613 Magnolia Avenue, and Mr. Tom Hand, Gold Mine Pawn Shop, to request consideration of the approval of a six by ten foot portable building on wheels to serve as a coffee shop to be located at Gold Mine Pawn Shop on U.S. Highway 98.

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

Mr. Boucher agreed to work with Mr. Hughes, Mr. Taylor and Ms. Jones on these issues.

Chairman stated this will need to be taken under the consideration of the Commissioners and a provision added to the ordinance to allow you to provide a site plan to the Commission for review.

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

Mr. Boucher stated no report.

The next order of business is commissioner's comments.

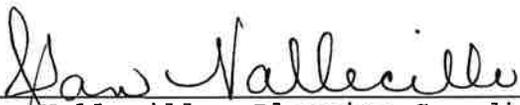
None presented.

The next order of business is director's comments.

Ms. Jones presented the following presented that the upcoming meeting dates are site preview, January 20, and regular meeting, January 28, 2015. Merry Christmas!

***There being no further business, the meeting was adjourned at 7:47 p.m.***

***Respectfully submitted by:***

  
\_\_\_\_\_  
Jan Vallecillo, Planning Coordinator

**Approved:** January 28, 2016

  
\_\_\_\_\_  
Larry Chason, Chairman

**CITY OF DAPHNE**  
**PLANNING COMMISSION AGENDA**  
**REGULAR MEETING OF JANUARY 28, 2016** *AG* **REPORT**  
**COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

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1. **CALL TO ORDER**
2. **CALL OF ROLL:** LARRY CHASON, CHARLES SMITH, TYRONE FENDERSON, RON SCOTT, MARYBETH BERGIN, WILLIAM SCULLY, AND HUDSON SANDEFUR
3. **APPROVAL OF MINUTES:** Review of minutes for the regular meeting of December 17, 2015.  
**(APPROVED WITH REVISIONS)**
4. **NEW BUSINESS:**

**A. SUBDIVISION EXEMPTION REVIEW:**

1. **File SRP16-01: (APPROVED)**

**Subdivision:** Replat for Samuel Dean

**Zoning:** *RSF-E, Residential Single Family Estate District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne*

**Location:** Northwest of the intersection of Faircloth Place and Pleasant Road

**Area:** 2.85 Acres  $\pm$ , (2) lots

**Owner:** Samuel Dean

**Agent:** Courtney & Morris - Joe Courtney

**Surveyor:** David Lowery Surveying - David Lowery

2. **File SRP16-02: (APPROVAL OF PLAT, CONTINGENT UPON SUBMISSION OF DOCUMENTATION OF PROOF OF CO-OWNERSHIP OR INDIVIDUAL OWNERSHIP)**

**Subdivision:** Replat for Stough, Replat of Lot 68 & 69, TimberCreek Subdivision, Phase Seven

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

**Location:** Southwest of Pine Run

**Area:** 1.5 Acres  $\pm$ , (1) lots

**Owner:** Joe and Ladonna Stough

**Surveyor:** Smith, Kolb & Associates - Hunter Smith

**B. FINAL PLAT REVIEW:**

1. **File SDF16-01: (APPROVAL OF PLAT, CONTINGENT UPON THE SUBMISSION OF DOCUMENTATION REGARDING APPROVAL OF BELFOREST WATER AUTHORITY)**

**Subdivision:** Brookhaven, Unit Two, Part C

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

**Location:** Northwest of the intersection of County Road 13 and Whispering Pines Road

**Area:** 4.28 Acres  $\pm$ , (12) lots

**Owner(s):** Feliciter Investment Group, L.L.C. - Nathan Cox

**Agent:** Preble-Rish - Steve Pumphrey

**Surveyor:** Preble-Rish - David Diehl

**CITY OF DAPHNE**  
**PLANNING COMMISSION AGENDA**  
**REGULAR MEETING OF JANUARY 28, 2016**      **REPORT**  
**COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

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2.      **File SDF16-02: (APPROVED)**

**Subdivision:**    **Caroline Woods, Phase Three A**

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

**Location:**      North of Madison Place Subdivision, west of Daphne Commercial Park, Phase Two

**Area:**            5.08 Acres  $\pm$ , (16) lots

**Owner(s):**      Plan B Investments, L.L.C. - Jacob Cunningham

**Agent:**          Preble-Rish - Steve Pumphrey

**Surveyor:**      Preble-Rish - David Diehl

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

1.      **File SDPF16-01: (APPROVED)      PUBLIC HEARING**

**Subdivision:**    **Crowley**

**Zoning(s):**      ***RSF-2, Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne***

**Location:**      On County Road 54

**Area:**            0.9 Acres  $\pm$ , (2) lots

**Owner:**          Patricia Crowley

**Surveyor:**      Smith, Kolb & Associates - Hunter Smith

2.      **File SDPF16-02: (APPROVED)      PUBLIC HEARING**

**Subdivision:**    **Resubdivision of Lot 2, Trott Subdivision**

**Zoning(s):**      ***RSF-2, Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne***

**Location:**      Northeast of the intersection of County Road 54 East and Trott Lane

**Area:**            3.13 Acres  $\pm$ , (2) lots

**Owner:**          David Matthes

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

**Surveyor:**      GeoSurveying - Matt Kountz

**CITY OF DAPHNE**  
**PLANNING COMMISSION AGENDA**  
**REGULAR MEETING OF JANUARY 28, 2016**     **REPORT**  
**COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

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3.     **File SDPF16-04:**            **(APPROVED)**            **PUBLIC HEARING**
- Subdivision:**     **Ionian Place**
- Zoning(s):**        ***RSF-1, Single Family District and B-2, Neighborhood Business District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne***
- Location:**         Southwest of the intersection of U.S. Highway 90 and Alabama Highway 181
- Area:**                36.18 Acres ±, (2) lots
- Owner:**              Malbis Plantation, Inc. - Willard Simmons
- Agent:**              Preble-Rish - Steve Pumphrey
- Surveyor:**         Preble-Rish - David Diehl

4.     **File SDPF16-03:**            **(APPROVED)**            **PUBLIC HEARING**
- Subdivision:**     **Daphne Commons**
- Zoning:**             ***B-2, General Business***
- Location:**         Northwest of the intersection of U. S. Highway 90 and Bayview Drive
- Area:**                4.40 ± Acres , (3) lots
- Owner(s):**            Daphne Jubilee, L.L.C. - Wayne Buras
- Agent:**              Preble-Rish - Steve Pumphrey
- Surveyor:**         Preble-Rish - David Diehl

**D.     SITE PLAN REVIEW:**

1.     **File SP16-01:**     **(APPROVAL OF SITE PLAN, CONTINGENT THAT/NO PERMITS ARE ISSUED UNTIL THE SETBACKS COMPLY WITH THE ORDINANCE; WAIVED SIDEWALK REQUIREMENT)**
- Site:**                 **Daphne Commons**
- Zoning(s):**        ***B-2, General Business***
- Location:**         Northwest of the intersection of U. S. Highway 90 and Bayview Drive
- Area:**                4.40 ± Acres
- Owner(s):**            Daphne Jubilee, L.L.C. - Wayne Buras
- Engineer:**          Preble-Rish - Andy Bobe or Jared Landry

**CITY OF DAPHNE**  
**PLANNING COMMISSION AGENDA**  
**REGULAR MEETING OF JANUARY 28, 2016**      **REPORT**  
**COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

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**E.    PETITIONS:**

**1.    ZONING AMENDMENT:    PUBLIC HEARING**

**(FAVORABLE RECOMMENDATION TO CITY COUNCIL)**

**File ZA16-01:**            **Christ the King Catholic Church**

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

***Proposed Zoning(s):    B-1, Local Business***

**Location:**            Northwest of the intersection of Main Street and Dryer Avenue  
**Area:**                0.51 Acres ±  
**Owner:**              Christ the King Catholic Church - Matthew O'Connor  
**Agent:**                Cowles, Murphy, Glover - Gary Cowles

**2.    THE BILL'S NO. 2, L.L.C.:**

**PRE-ZONING AMENDMENT:    PUBLIC HEARING**

**(FAVORABLE RECOMMENDATION TO CITY COUNCIL)**

**File PZA16-01:**            **The Bills' No. 2, L.L.C.**

***Present Zoning(s):    RSF-1, Single Family Residential, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne***

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

**Location:**            Southwest corner of the intersection of Champions Way and Alabama Highway 181  
**Area:**                76 Acres ±  
**Owner(s):**            The Bills' No. 2, L.L.C. - Michael Bill  
**Agent:**                City of Daphne Industrial Development Board Member or representative of the City of Daphne

**F.    PLANNING COMMISSION DISCUSSION:**

- 1.    Discussion regarding propose amendment Article 39, Jubilee Retail Overlay District, Section 39-2 (b), District Requirements, Setbacks (Favorable recommendation to City Council)**
- 2.    Food Trucks (Tabled until regular meeting of February 28)**
- 3.    Temporary modular structures used for operation of a permanent business (Tabled until regular meeting of February 28)**

**CITY OF DAPHNE**  
**PLANNING COMMISSION AGENDA**  
**REGULAR MEETING OF JANUARY 28, 2016**    **REPORT**  
**COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

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5.    **PUBLIC PARTICIPATION**
6.    **ATTORNEY'S REPORT**
7.    **COMMISSIONER'S COMMENTS**
8.    **DIRECTOR'S COMMENTS:**
  - a. Meeting dates: Site preview, February 17, and regular meeting, February 25, 2016
9.    **ADJOURNMENT**

## RESOLUTION 2016 - 06

### A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING THE MAYOR TO DISPOSE OF SUCH PROPERTY

**WHEREAS**, the Department Heads of the City of Daphne have determined that the items listed below are no longer required for public or municipal purposes; and

**WHEREAS**, the items listed below are recommended for disposal.

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

1- The property listed below is hereby declared to be surplus property, and

DEPT	EQ/VEH#	DESCRIPTION	VIN
Mech	2655	Hofman Tire Balancer	340-1991
Mech		Snap On MT2400 Diagnostic Tool	MT2400
Mech	2646	Plasma Cutter	MAX800
Mech	2562	Robin A/C Recycle Machine	D18533
Grounds	92	1998 FORD BUCKET TRUCK	1FDPF80C9WVA11009
Recreation	49	1994 FORD E350 VAN	1FBJS31H9RHB31550

2- The Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property, and

3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder and sign all necessary documents.

**ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

**ATTEST:**

\_\_\_\_\_  
**Rebecca A. Hayes, City Clerk**

## RESOLUTION 2016 - 07

### A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING THE MAYOR TO DISPOSE OF SUCH PROPERTY

**WHEREAS**, the Department Heads of the City of Daphne have determined that the items listed below are no longer required for public or municipal purposes; and

**WHEREAS**, the items listed below are recommended for disposal.

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

1- The property listed below is hereby declared to be surplus property, and

DEPT		DESCRIPTION	Linear Feet
Emergency Mgmt		Oil Boom 8" x 10' Poly Filled	5,000 ft
Emergency Mgmt		Oil Boom 8" x 15' Poly Filled w/Skirt	3,000 ft

2- The Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property, and

3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder and sign all necessary documents.

**ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

**ATTEST:**

\_\_\_\_\_  
**Rebecca A. Hayes, City Clerk**

**Resolution 2016-08**

**Support of Access Improvements - U.S. Highway 98 between County Road 64 and Vann Avenue**

**WHEREAS, the City of Daphne is an incorporated municipality in Baldwin County and U.S. Highway 98 is a major arterial running north to south that serves transportation needs throughout the Eastern Shore and is the key link for Daphne’s western commercial district; and**

**WHEREAS, the City of Daphne has taken an active role in transportation planning and improvements along the U.S. Highway 98 corridor and in conjunction with the Alabama Department of Transportation (ALDOT) has worked jointly to improve the intersections of U.S. Highway 98 and the north service road, Whispering Pines, County Road 64 and Johnson Road; and**

**WHEREAS, the City of Daphne and ALDOT recognizes that the key to safe, efficient and maximized roadway capacity along the U.S. Highway 98 corridor is Access Management; and**

**WHEREAS, the City of Daphne and ALDOT has been working with business leaders, developers, engineers, elected officials, city and state employees and has established a “working group” to identify and study access issues along U.S. Highway 98 between County Road 64 and Vann Avenue; and**

**WHEREAS, this working group has determined improvements are warranted along this section of U.S. Highway 98 and are working with all involved parties to conduct a Transportation Impact Study (TIS) and begin preliminary engineering to design the proposed improvements; and**

**WHEREAS, key improvements that have been identified are: signalization of Lavender Lane with U.S. Highway 98; construction of a new service road on the east side of U.S. Highway 98 north of Lavender Lane; combining the access of Halls Lane and the south end of the western service road with U.S. Highway 98; and improvements to the north access of the western service road; and**

**WHEREAS, it is the intent of City of Daphne that costs of improvements will be shared proportionally by all stakeholders: City, ALDOT and Private Businesses;**

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Daphne that:

- 1.) The City of Daphne supports Access Improvements along U.S. Highway 98 between County Road 64 and Vann Avenue; and
- 2.) The City of Daphne requests that ALDOT supports the Access Improvements along U.S. Highway 98 between County Road 64 and Vann Avenue including material support (financial, planning, design and/or construction) to the project; and
- 3.) That any proposed improvements considers and mitigates any impacts to the commercial businesses along the U.S. Highway 98 corridor between County Road 64 and Vann Avenue.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**ATTEST:**

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

\_\_\_\_\_  
**Rebecca A. Hayes, City Clerk**

**Dane Haygood**  
Mayor



**Richard D. Johnson, PE**  
Public Works Director

To: Councilman Robin LeJeune, Chairman of Public Works Committee

Cc: Mayor's Office; Finance; Highway 98 Access Working Group; File

From: Richard D. Johnson, P.E., Public Works Director

Date: January 28, 2016

**RE: City Support of Highway 98 Access (South of County Road 64)**

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Mr. Chairman:

A "working group" has been form of business leaders, developers, engineers, elected officials, city and state employees (list attached) to discuss and come to a consensus a solution to access along a corridor of U.S. Highway 98 between Vann Avenue and County Road 64. Much of this need for a manageable access plan is driven by the expansion of new development and redevelopment along this corridor. The "working group" started this process with the following objectives and contingencies:

1. A holistic approach is required – this is not a singular property or jurisdiction problem
2. Any solution should preserve access (limited to some degree) at the south end of the west service road
3. Halls Lane and the southern access of the west service road should be combined and share a limited singular point of access
4. The most favored approach is a four-way, signaled intersection aligned with Lavendar Lane
5. The northern-most access point on the west service road should be eliminated or if preserved – severely limited
6. Any improvement plan must include a eastern service road from the Target/Chick-Fil-A entrance to Lavendar Lane
7. Lane widening at Van Ave/US 98 (right and left turn) is highly desired and may be warranted
8. Any impact (loss of) on parking at the Harwood Center must be mitigated
9. Time is relatively short
10. ALDOT is hesitant about committing to any cost sharing
11. The City will be a participant in the process and any opportunity for cost sharing will be presented to the City Council for their consideration

Public Works Department  
26435 Public Works Road P.O. Box 400 Daphne, Alabama 36526  
Phone: (251) 621-3182 Fax: (251) 621-3189

12. No singular plan or concept is set in stone – however, based on the concerns and parameters discussed by the group, a preliminary working concept can start to be developed.

Attached you will find a preliminary conceptual plan that achieves most of the objectives set forth. ALDOT feels conceptually that it is workable and all the stakeholders have had a chance to review the plan and there is a consensus that it is workable.

I am requesting that the Public Works Committee consider the concept and be willing to make the following recommendations:

- Motion to the Finance Committee for an appropriation, amount to be determined prior to meeting, for:
  - Transportation Impact Study (TIS) – Required by ALDOT for consideration of adding a new signalized intersection
  - Preliminary Survey and Engineering for the proposed work exclusive to the improvements contained in the public right-of-way and land owned by the City of Daphne
- Motion to the full Council to pass a resolution (to be provided) of support of the conceptual plan and requesting of ALDOT to support and materially contribute to the project.

It is our objective that there will be cost sharing by all stakeholders in the development and implementation of this plan. A rough cost breakdown is attached. However, until more details are known through engineering investigation those cost and the sharing of those costs remain difficult to determine. Any hard cost shared by the City would be appropriately covered by 4 and 7 cent Gas Tax funds.

Yours,

RDJ

**RESOLUTION 2016-09**

**PRE-QUALIFICATION FOR: CITY OF DAPHNE SANITARY SEWER PROJECTS**

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

**WHEREAS**, the City of Daphne acknowledges that SANITARY SEWER PROJECT will exceed \$50,000; and

**WHEREAS**, due to the nature of the SAINITARY SEWER PROJECT the City engineers recommended that all bidders be Pre-Qualified before bidding.

**WHEREAS** this process requires the bidder to submit a Pre-Qualification Application and be approved by the City Council in order to be eligible to bid.

**WHEREAS**, the City of Daphne did receive and review Pre-Qualification applications for the SANITARY SEWER PROJECT; and

**WHEREAS**, Each contractor's application was reviewed for Responsibility, Competency, Experience and Financial Ability and five (5) were found to be qualified to bid on the City Hall contract.

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE**, hereby accept the contractors listed below be approved as qualified bidders for City of Daphne Sanitary Sewer projects:

1. Asphalt Services, Inc.
2. Construction Labor Services, Inc.
3. Double diamond construction Company
4. Brunson Nichols Construction Company, Inc.
5. W. R. Mitchell contractor, Inc.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_ day of \_\_\_\_\_, 2016**

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

**ATTEST:**

\_\_\_\_\_  
**Rebecca A. Hayes, City Clerk**



# HUTCHINSON, MOORE & RAUCH, LLC

One St. Louis Street, Suite 1001  
Mobile, Alabama 36602

Telephone: (251) 345-1841  
Fax: (251) 345-1843

January 26, 2016

Mayor Dane Haygood  
City of Daphne  
Post Office Box 400  
Daphne, AL 36526

RE: Bid Document #2016-F-City of Daphne  
Whispering Pines Area, Sanitary Sewer Project, Package I

Dear Mayor Haygood:

On January 20, 2016, we received pre-qualification packages from six contractors for Whispering Pines Area, Sanitary Sewer Project, Package I. Since that time Mr. Richard Johnson, Public Works Director and I have reviewed all six of the pre-qualification packages and find all six contractors are qualified to do the sanitary sewer construction. The Contractors are as follows:

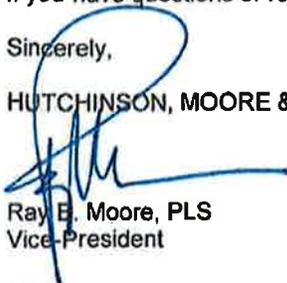
1. Asphalt Services, Inc.
2. Construction Labor Services, Inc.
3. Double Diamond Construction Company
4. Brunson Nichols Construction Company
5. W.R. Mitchell Contractor, Inc.
6. Nordan Contracting

We recommend that all six of the listed contractors are qualified to receive contract documents for the referenced project. Said project is scheduled to bid on February 24, 2016.

If you have questions or require additional information, please do not hesitate to call.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC



Ray E. Moore, PLS  
Vice-President

/djh

c: Mr. Richard Johnson, Public Works Director – City of Daphne  
Mr. Danny Lyndall, General Manager – Daphne Utilities

**RESOLUTION 2016-10**

**A Resolution Authorizing the Issuance of Series 2016 Warrant  
For the Purpose of Refunding the 2006 Warrant Issues**

**WHEREAS**, the City Council of the City of Daphne, Alabama, has determined the interest rate environment to be conducive to the refunding of the 2006 Warrant Issues; and

**WHEREAS**, by refunding, the City of Daphne will restructure the existing debt payment schedule not to extend the current maturity date; and

**WHEREAS**, restructuring will provide short-term cash flow benefits.

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

1. Mayor and Finance Director are hereby authorized to secure the services of Harbor Financial Services, LLC as Bond Underwriter, and
2. Mayor and Finance Director are hereby authorized to secure Bond Counsel for the purpose of refunding and restructuring the 2006 warrant issues.

**APPROVED AND ADOPTED BY THE** Mayor and City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

**ATTEST:**

\_\_\_\_\_  
**Rebecca A. Hayes, City Clerk**

**RESOLUTION NO. 2016-11  
2016-G-FUEL**

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

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

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

**WHEREAS**, Staff recommends the bid for the FUEL be awarded to Davison Fuels, Inc..

**NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE**, hereby accept the bid of Davison Fuels, Inc. for margin cost of:

- **Unleaded (89+ Octane / Non-Ethanol) : \$.034 margin**
  - **Diesel Fuel : \$.034 margin**
- as bid in BID SPECIFICATION NO. 2016-G-FUEL.

**ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_day of \_\_\_\_\_, 2016.**

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

**ATTEST:**

\_\_\_\_\_  
**Rebecca A. Hayes, City Clerk**

Dane Haygood  
Mayor



Richard D. Johnson, PE  
Public Works Director

*The Jubilee City*

## Memorandum

**To:** Suzanne Henson, Senior Accountant  
**From:** Richard D. Johnson, P.E.; Public Works Director  
**CC:** Randy Fry, Chairman, Finance Committee; File  
**Date:** February 5, 2016  
**Re:** City-Wide Fuel Bid Recommendation

A handwritten signature in black ink, appearing to read "Richard D. Johnson", is written over the "From:" line of the memorandum.

---

The Finance Department in cooperation with Public Works sent out requests for bids for a Fuel Supply and Delivery (unleaded gasoline and diesel) for the City's vehicles and equipment. Two (2) separate bidders submitted bids for the supply and delivery and it appears both meet the minimum specifications.

The qualifying low bidder was *Davison Fuel* at a margin of *0.034* for *89 Octane Non-Ethanol Unleaded* and *0.034* for *diesel* for contract period specified. I recommend that we accept the qualifying low bid from *Davison Fuel* at margins of *0.034 (89 Octane Non-Ethanol Unleaded)* and *0.034 (diesel)* and proceed immediately to the execution of the contract.

Please contact me should you have any questions regarding this bid award.

Thanks,

RDJ

Public Works Department  
26435 Public Works Road P.O. Box 400 Daphne, Alabama 36526  
Phone: (251) 621-3182 Fax: (251) 621-3189

**CITY OF DAPHNE**  
**BID: 2016-G-FUEL**  
 January 27, 2016  
 11:30 A.M.

Those present were as follows:

Ms. Suzanne Henson                      Sr. Accountant  
 Mr. Eric Seals                              Mechanical Supervisor

13 bid invitations were mailed/picked up , 2 sealed bids were received.

Mr. Seals opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>	<u>MARGIN UNL / DSL</u>	<u>DESCRIPTION BREAKDOWN</u>	<u>Rack cost as of 1-19-16</u>	<u>UNL 89</u>	<u>DIESEL</u>
<u>Davison Fuels, Inc.</u>	<u>.034 / .034</u>	RACK \$/GAL		1.6088	0.8893
		INSPECTION FEE		0.0200	0.0200
		TRUST FUND FEE		0.0100	0.0100
		<b>MARGIN</b>		<b>0.0340</b>	<b>0.0340</b>
				<b>1.6728</b>	<b>0.9533</b>
<u>Martin Energy Services LLC</u>	<u>.0744 / .0744</u>	RACK \$/GAL		1.6088	0.8893
		INSPECTION FEE		0.0200	0.0200
		TRUST FUND FEE		0.0100	0.0100
		<b>MARGIN</b>		<b>0.0744</b>	<b>0.0744</b>
				<b>1.7132</b>	<b>0.9937</b>

NOTE: RACK COST WILL FLUCTUATE WITH SUPPLIERS COST BUT MARGIN WILL REMAIN CONSTANT THROUGHOUT CONTRACT.



Suzanne Henson, Sr. Accountant

**CITY OF DAPNE**

**AUTHORIZING RESOLUTION 2016-12**

COUNCIL MEMBER \_\_\_\_\_ moved the adoption of the following Resolution and Order:

A RESOLUTION OF THE CITY COUNCIL, THE GOVERNING BODY (“THE COUNCIL”) OF CITY OF DAPHNE , ALABAMA (THE “LESSEE”), FINDING IT NECESSARY TO ACQUIRE EQUIPMENT FOR GOVERNMENTAL OR PROPRIETARY PURPOSES AUTHORIZED BY LAW: FINDING THAT IT WOULD BE IN THE PUBLIC INTEREST TO ACQUIRE SUCH EQUIPMENT UNDER THE TERMS OF SEVEN SEPERATE LEASE PURCHASE AGREEMENTS: FINDING THAT HANCOCK BANK (THE “LESSOR”) HAS OFFERED TO ACQUIRE SUCH EQUIPMENT, OR TO ACQUIRE FROM AND REIMBURSE THE LESSEE FOR THE COST OF SUCH EQUIPMENT IN THE EVENT THE EQUIPMENT HAS ALREADY BEEN PURCHASED BY THE LESSEE, AND TO LEASE SUCH EQUIPMENT TO LESSEE: FINDING THAT SUCH PROPOSAL IS IN THE INTEREST OF THE LESSEE AND AUTHORIZING AND DIRECTING THE AUTHORIZED OFFICERS (AS HEREINAFTER DEFINED) TO EXECUTE THE LEASE PURCHASE AGREEMENTS AND SUPPORTING SCHEDULES AND ATTACHMENTS INCLUDING, BUT NOT LIMITED TO, ASSIGNMENTS OF TITLE TO THE EQUIPMENT TO HANCOCK BANK TO THE END THAT THE EQUIPMENT SHALL BE ACQUIRED BY SUCH BANK AND LEASED TO THE LESSEE ON THE TERMS AND CONDITIONS EXPRESSED IN SUCH LEASES.

WHEREAS, the Council has determined that it is necessary to acquire certain items of Equipment (the “Equipment”) for use by the Lessee for purposes authorized by law and

- Six (6) New Mowers
- One (1) New 2015 Ford Transit 350 Van
- One (1) New Ford F 150
- One (1) New Compactor
- Six (6) New Chevy Tahoes

The equipment will be financed on five separate Lease Purchase Agreements. This resolution will give the Mayor and the City Clerk the authority to execute all five Lease Purchase Agreements

WHEREAS, the Council has by these presents determined that it would be in the public interest to acquire such Equipment through Seven Lease Purchase Agreements as provided under Section 41-16A-1 *et seq.* of the Code of Alabama, 1975, and

WHEREAS, to the best knowledge and belief of the Board, this lease qualifies as a qualified project bond within the meaning of the Tax Reform Act of 1986; and

WHEREAS, Hancock Bank has proposed to acquire the Equipment at the offered price and to lease the Equipment to the Lessee at a (non-bank qualified) rate of 2.05% (3 Year Term) and 2.47% (5 Year Term) per annum.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

SECTION 1: The Mayor and City Clerk (hereinafter the “Authorized Officers”) are hereby authorized and directed to execute the Lease Purchase Agreements (also referred to as a “Governmental Lease Purchase

Agreements”), either reference being the “Agreements”, and all attachments thereto. Such Agreement shall be in substantially the form attached hereto with such appropriate variations, omissions and insertions as are permitted or required by this Resolution and as are consented to by the Lessee’s representatives (the “Authorized Officers”) executing the Agreements, such consent being evidenced by their signatures.

SECTION 2: The Equipment to be leased pursuant to the Agreements shall be more fully described in a schedule to the Agreements titled “Exhibit D – Description of the Equipment”. Upon delivery and acceptance by the Lessee of the Equipment, the Authorized Officers are authorized and directed to execute a Certificate of Acceptance of such Equipment and, as provided in Section 4.01 of such Lease, the lease term shall commence on the date of acceptance.

SECTION 3: The Authorized Officers are further authorized and directed to execute on behalf of the Lessee a Financing Statement and all other documents as provided for under Section 7.02 of such Lease to establish and maintain the security interest of Hancock Bank in such Equipment.

SECTION 5: The Lessee and the Council understand Section 8.03 of the Agreement (“Provisions Regarding Insurance”) and agree to provide property damage and liability insurance in accordance with the terms of the Agreement.

COUNCIL MEMBER \_\_\_\_\_ seconded the motion and after a full discussion, the same was put to vote with the following results:

Randy Fry	Voted: _____
Tommie Conaway	Voted: _____
John L. Lake	Voted: _____
Pat Rudicell	Voted: _____
Ron Scott	Voted: _____
Robin LeJeune	Voted: _____
Angie Phillips	Voted: _____

The motion, having received an affirmative vote, was carried and the resolution adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**By:** \_\_\_\_\_  
**Dane Haygood, Mayor**

{Seal}

**Attest:** \_\_\_\_\_  
**Rebecca A, Hayes, City Clerk**

**ORDINANCE NO. 2016-05**

**AN AMENDED ORDINANCE REMOVING CONTINGENCY REGARDING FUNDS TO THOMAS HOSPITAL FOUNDATION**

**WHEREAS**, Ordinance 2015-55 approved and 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 amended are required and should be approved and made part of the Fiscal Year 2016 budget; and

**WHEREAS**, a policy has been established by the City Council in Ordinances 2015-16 and 2015-45 that all outside entities, providing public benefit, but not direct financial benefit to the City, that request funding from the City adhere to the tenets of appropriations for Community Grant Programs; and

**WHEREAS**, the City Council by Amendment 102 of the Fiscal Year 2016 Budget, made certain provisions for the payment of \$150,000.00, payable at the rate of \$30,000.00 each fiscal year to the Thomas Hospital Foundation for the establishment of a birthing center at Thomas Hospital's current location in Fairhope, Alabama; and

**WHEREAS**, said Amendment 102 was passed by the City Council with an expressed contingency requiring that the funding for the birthing center would be approved contingent upon Thomas Hospital annexing certain property within the City of Daphne for the development of an emergency free standing department; and

**WHEREAS**, the City Council has considered this appropriation to be an exception to the terms and conditions of the City's Community Grants Program's Ordinance based on extraordinary circumstances shown; and

**WHEREAS**, Ordinance 2015-80 was approved by the City of Daphne on the 4<sup>th</sup> day of January, 2015, which did not accurately reflect the intentions of the City Council; and

**WHEREAS**, THE City Council now desires to remove the contingency related to the funding to Thomas Hospital Foundation birthing center and to express the current intent of the City Council;

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

- a) That funds be and are hereby appropriated to Thomas Hospital Foundation in the amount of \$150,000.00 payable at the rate of \$30,000.00 per year with the initial \$30,000.00 payment to be made a part of the Fiscal Year 2016 Budget with the remaining sum of \$120,000.00 to be paid to the Thomas Hospital Foundation at the rate of \$30,000.00 for each fiscal year thereafter commencing with fiscal year

2017 budget, but subject to funding to be pre-approved by the City Council each fiscal year hereafter.

- b) That the contingency of annexation of certain parcels of real property as originally established as a condition to Amendment 102 of Fiscal Year 2016 Budget be and is hereby removed.

**REPEALER.** That Ordinance 2015-80 be and is expressly repealed.

**EFFECTIVE DATE.** This Ordinance shall be effective and operative upon execution of this Ordinance by publication by law.

**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**

**CITY OF DAPHNE**

**ORDINANCE NO. 2016-06**

**ESTABLISHING  
THE SALARY OF THE MAYOR**

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

**SECTION ONE:**

That the salary of the Mayor of the City of Daphne commencing the first Monday in November, 2016 shall be and the same is hereby fixed at Seventy-Five Thousand Dollars (\$75,000.00) annually, to be paid on the same pay cycle as city employees.

**SECTION TWO:**

That as additional compensation, the Mayor shall be entitled to reimbursement for use of his/her personal vehicle at the rate of reimbursement according to the current Internal Revenue rate.

**SECTION THREE:**

That the Mayor shall be entitled to all health care benefits, which may be provided for full-time employees of the City of Daphne, and to a cell phone and laptop/and or tablet.

**SECTION FOUR:**

That Ordinance 2008-17 and any other ordinance setting forth the salary of the Mayor is hereby repealed to the extent that the provisions of such Ordinance conflict with the provisions hereof.

**SECTION FIVE:**

That this Ordinance shall become effective upon adoption and publication as required by law, and shall continue in force and effect until repealed by action of the Council.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA** on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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**Dane Haygood,  
Mayor**

**ATTEST:**

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**Rebecca A. Hayes,  
City Clerk**

# CITY OF DAPHNE

## ORDINANCE NO. 2016-07

### AN ORDINANCE TO ESTABLISH THE SALARY OF THE CITY COUNCIL MEMBERS

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

**SECTION ONE:**

That the salary of the City Council President of the City of Daphne commencing the first Monday in November, 2016 shall be and the same is hereby fixed at \$17,000 annually to be paid on the same pay cycle as city employees.

**SECTION TWO:**

That the salary of the City Council Vice-President of the City of Daphne, commencing the first Monday in November, 2016, shall be and the same in hereby fixed at \$14,200 annually to be paid on the same pay cycle as city employees.

**SECTION THREE:**

That the salary of the City Council Members of the City of Daphne, commencing the first Monday in November, 2016 shall be and the same is hereby fixed at \$13,000 annually to be paid on the same pay cycle as city employees.

**SECTION FOUR:**

That the City Council Members shall be entitled to a cell phone, laptop/and or tablet. Council Members shall also be entitled to purchase city health insurance at the city's cost to be deducted from their council pay.

**SECTION FIVE:**

That Ordinance 2008-16 and any other ordinance setting forth the salary of the City Council Members is hereby repealed to the extent that the provisions of such Ordinance conflict with the provisions hereof.

**SECTION SIX:**

That this Ordinance shall become effective upon adoption and publication as required by law, and shall continue in force and effect until repealed by action of the Council.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

ATTEST:

\_\_\_\_\_  
Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE**

**ORDINANCE NO. 2016-08**

**Amending the Land Use and Development Ordinance 2011-54  
Revision to Appendix I of the City of Daphne  
Olde Towne District Map**

**WHEREAS**, the Planning Commission of the City of Daphne, at their regular meeting held on November 19, 2015, favorably recommended certain amendments to the Olde Towne District Map approved and adopted by Ordinance No. 2011-54 referenced in Appendix I “Exhibit B” of the Daphne Land Use & Development Ordinance; and

**WHEREAS**, said amendments are necessary due to various rezoning and annexation requests, which have been approved since the adoption of Ordinance No. 2011-54 and Ordinance No. 2003-05, 2005-12, 2008-04 and 2009-66; and

**WHEREAS**, due notice of said proposed amendments to the Olde Towne District Map 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 Olde Towne District Map amendments was held by the City Council February 1, 2016; and

**WHEREAS**, the City Council of the City of Daphne after due consideration believe the amendment to said Olde Towne District Map as requested by the Planning Commission are proper and in the best interest of the City.

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

**SECTION I. OLDE TOWNE DISTRICT MAP**

The Olde Towne District Map referenced hereto as Exhibit “A” attached to this Ordinance shall be the official boundary map for the Olde Towne District of the City of Daphne, Alabama.

**SECTION II. AMENDMENT**

Ordinances 2011-54, 2003-05, 2005-12, 2008-04 and 2009-66 and any other amendments to these Ordinances are hereby amended to the extent that the previous Olde Towne District Map referenced in Land Use Ordinance Appendix I of Exhibit “B” and any amendment thereto, conflict with the Olde Towne District Map referenced as Exhibit “A”.

**SECTION III.      REPEALER**

Any Ordinance(s) or parts of Ordinance(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

**SECTION IV.      EFFECTIVE DATE**

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, ON THE \_\_\_\_\_ DAY \_\_\_\_\_, 2016.**

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**Dane Haygood,  
Mayor**

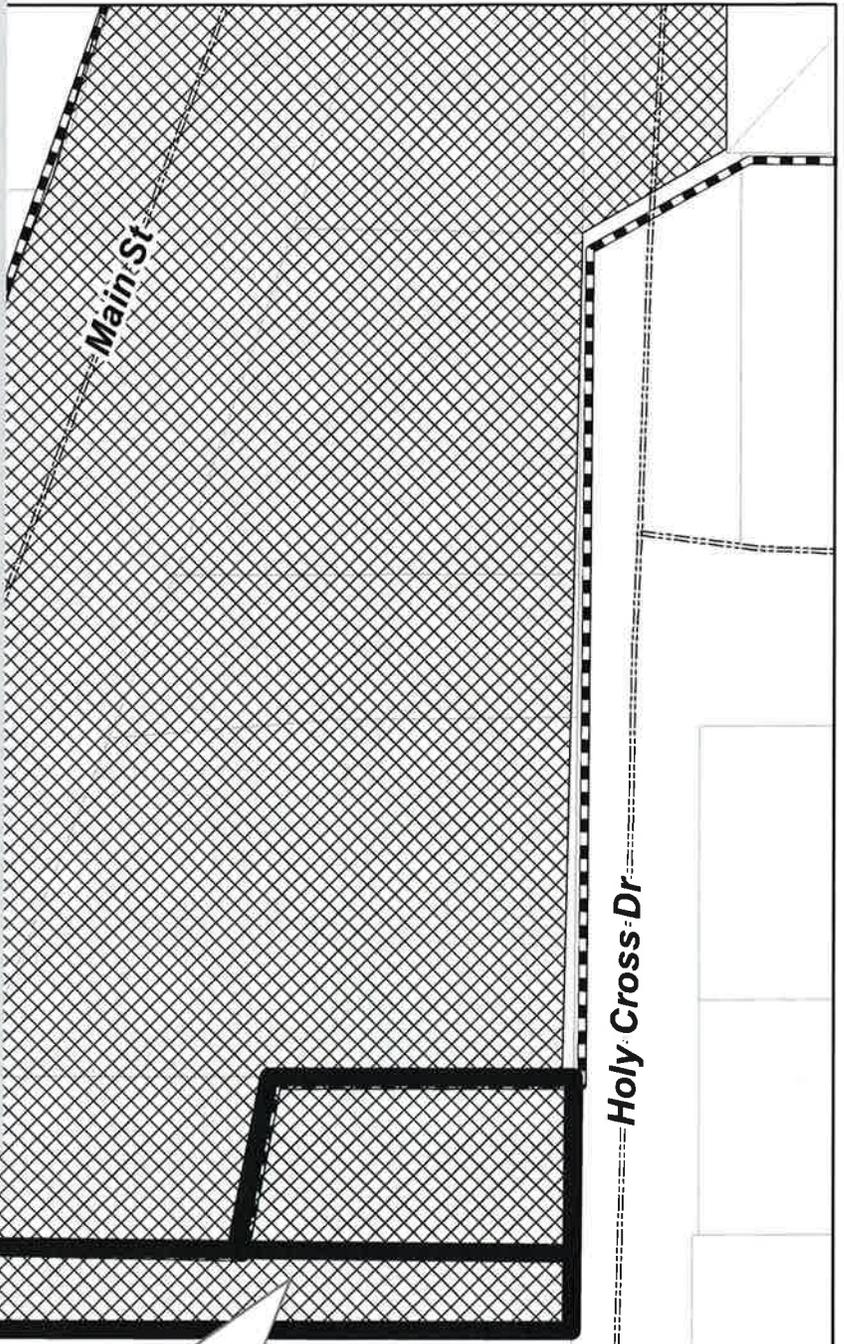
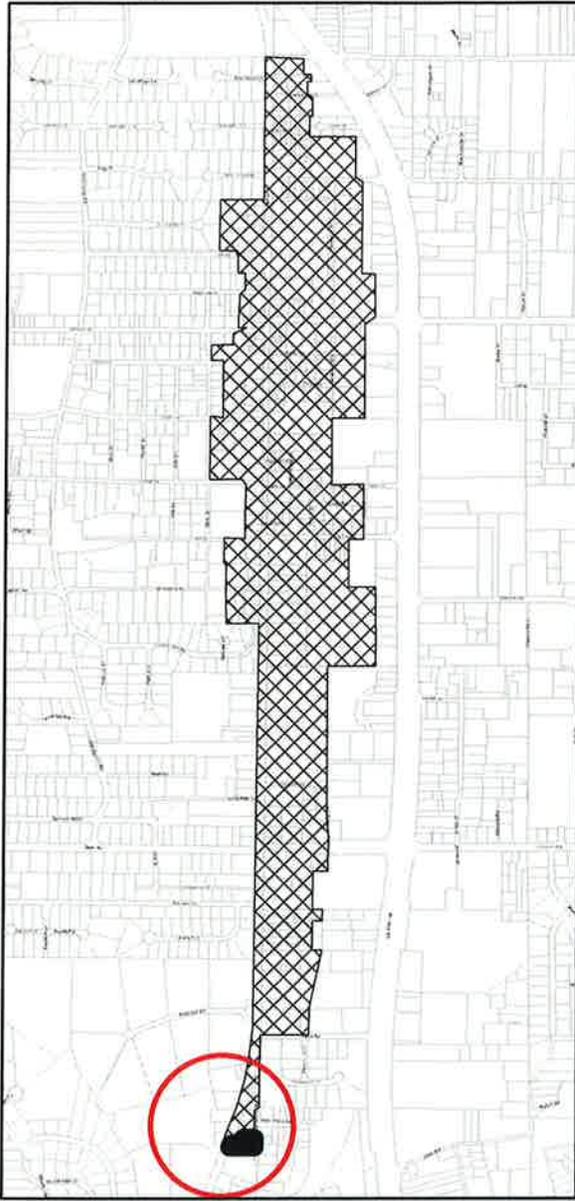
**ATTEST:**

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**Rebecca A. Hayes  
City Clerk**

# Olde Towne Overlay

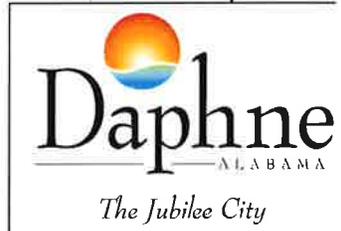
## Existing Olde Towne Overlay



**Addition to the  
Olde Towne Overlay District**

### Legend

-  Additional Parcels
-  Olde Towne Overlay
-  Daphne City Limits



The information contained in the data distributed by the City of Daphne is derived from a variety of public and private sources considered to be dependable, but the accuracy, completeness and currency thereof are not guaranteed. The City of Daphne makes no warranties, expressed or implied as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of the information or data contained in or generated from the City Geographic Information System. Additionally, the City of Daphne or any agent, servant, or employee thereof assume no liability associated with the use of the data, and assume no responsibility to maintain it in any manner or form. Any questions regarding zoning or any data should be directed to the City of Daphne Planning Department. Tel. # 251-621-31

**CITY OF DAPHNE, ALABAMA**

**ORDINANCE NO. 2016-09**

**Ordinance to Pre-Zone Property Located  
South and West of Oldfield Subdivision, Phase One  
Red Barn, L.L.C.**

**WHEREAS**, Red Barn, L.L.C. as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RA, Rural Agricultural District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as R-2, Medium Density Single Family Residential District, R-3, High Density Single Family Residential District and R-6, (G), Garden/Patio Homes, District, City of Daphne prior to annexing into the City of Daphne; and

**WHEREAS**, said real property is South and West of Oldfield Subdivision, Phase One, and more particularly described as follows:

**Legal Description for Pre-zone:**

R-2  
19.66 AC.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 91, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE RUN NORTH 88 DEGREES 22 MINUTES 28 SECONDS EAST, A DISTANCE OF 100.12 FEET; THENCE RUN SOUTH 01 DEGREES 21 MINUTES 22 SECONDS EAST, A DISTANCE OF 150.46 FEET; THENCE RUN SOUTH 29 DEGREES 45 MINUTES 31 SECONDS WEST, A DISTANCE OF 58.39 FEET; THENCE RUN SOUTH 01 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 161.38 FEET; THENCE RUN NORTH 87 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 24.80 FEET; THENCE RUN SOUTH 00 DEGREES 38 MINUTES 54 SECONDS WEST, A DISTANCE OF 170.42 FEET; THENCE RUN SOUTH 38 DEGREES 38 MINUTES 09 SECONDS WEST, A DISTANCE OF 74.94 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 47 SECONDS WEST, A DISTANCE OF 168.50 FEET; THENCE RUN NORTH 89 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 634.82 FEET; THENCE RUN NORTH 89 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 479.73 FEET; THENCE RUN SOUTH 11 DEGREES 16 MINUTES 08 SECONDS WEST, A DISTANCE OF 140.10 FEET; THENCE RUN SOUTH 40 DEGREES 21 MINUTES 48 SECONDS WEST, A DISTANCE OF 236.43 FEET; THENCE RUN SOUTH 56 DEGREES 45 MINUTES 16 SECONDS WEST, A DISTANCE OF 143.32 FEET; THENCE RUN NORTH 27 DEGREES 11 MINUTES 29 SECONDS WEST, A DISTANCE OF 193.23 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 191.79 FEET, (CHORD BEARS SOUTH 79 DEGREES 09 MINUTES 17 SECONDS WEST, A DISTANCE OF 188.97 FEET); THENCE RUN NORTH 03 DEGREES 00 MINUTES 58 SECONDS EAST, A DISTANCE OF 436.03 FEET; THENCE RUN NORTH 22 DEGREES 05 MINUTES 33 SECONDS EAST, A DISTANCE OF 215.00 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 141.91 FEET, (CHORD BEARS SOUTH 65 DEGREES 00 MINUTES 51 SECONDS EAST, A DISTANCE OF 140.77 FEET); THENCE RUN NORTH 37 DEGREES 36 MINUTES 42 SECONDS EAST, A DISTANCE OF 203.37 FEET; THENCE RUN SOUTH 48 DEGREES 09 MINUTES 04 SECONDS EAST, A DISTANCE OF 154.05 FEET; THENCE RUN NORTH 85 DEGREES 09 MINUTES 13 SECONDS EAST, A DISTANCE OF 287.00 FEET; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 883.22 FEET; THENCE RUN SOUTH 88 DEGREES 11 MINUTES 23 SECONDS EAST, A DISTANCE OF 24.61

FEET; THENCE RUN NORTH 10 DEGREES 19 MINUTES 31 SECONDS WEST, A DISTANCE OF 145.09 FEET; THENCE RUN NORTH 22 DEGREES 30 MINUTES 04

SECONDS WEST, A DISTANCE OF 50.69 FEET; THENCE RUN NORTH 21 DEGREES 57 MINUTES 36 SECONDS EAST, A DISTANCE OF 179.47 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 19.66 ACRES, MORE OR LESS.

R-3  
36.10 AC.

BEGINNING AT THE SOUTHWEST CORNER OF COMMON AREA 10, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE SOUTH 89 DEGREES 40 MINUTES 58 SECONDS EAST, A DISTANCE OF 1575.78 FEET; THENCE RUN NORTH 00 DEGREES 38 MINUTES 46 SECONDS EAST, A DISTANCE OF 141.06 FEET; THENCE RUN NORTH 48 DEGREES 24 MINUTES 59 SECONDS EAST, A DISTANCE OF 68.81 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 52.89 FEET, (CHORD BEARS NORTH 05 DEGREES 14 MINUTES 12 SECONDS EAST, A DISTANCE OF 50.46 FEET); THENCE RUN NORTH 52 DEGREES 12 MINUTES 45 SECONDS EAST, A DISTANCE OF 185.14 FEET; THENCE RUN NORTH 85 DEGREES 31 MINUTES 06 SECONDS EAST, A DISTANCE OF 20.32 FEET; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 13 SECONDS WEST, A DISTANCE OF 684.77 FEET; THENCE RUN NORTH 89 DEGREES 57 MINUTES 36 SECONDS WEST, A DISTANCE OF 44.89 FEET; THENCE RUN SOUTH 16 DEGREES 52 MINUTES 53 SECONDS WEST, A DISTANCE OF 197.60 FEET; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, A DISTANCE OF 343.64 FEET; THENCE RUN NORTH 89 DEGREES 43 MINUTES 30 SECONDS WEST, A DISTANCE OF 1709.97 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 13 SECONDS EAST, A DISTANCE OF 478.40 FEET; THENCE RUN NORTH 11 DEGREES 52 MINUTES 21 SECONDS EAST, A DISTANCE OF 50.84 FEET; THENCE RUN NORTH 01 DEGREES 25 MINUTES 52 SECONDS EAST, A DISTANCE OF 337.90 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 36.10 ACRES, MORE OR LESS.

R-6G  
16.35 AC.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 91, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE NORTH 38 DEGREES 14 MINUTES 47 SECONDS WEST, A DISTANCE OF 99.55 FEET; THENCE RUN NORTH 08 DEGREES 25 MINUTES 02 SECONDS WEST, A DISTANCE OF 397.32 FEET; THENCE RUN NORTH 89 DEGREES 27 MINUTES 32 SECONDS WEST, A DISTANCE OF 807.58 FEET; THENCE RUN SOUTH 00 DEGREES 28 MINUTES 58 SECONDS WEST, A DISTANCE OF 165.81 FEET; THENCE RUN SOUTH 25 DEGREES 30 MINUTES 37 SECONDS EAST, A DISTANCE OF 55.63 FEET; THENCE RUN SOUTH 05 DEGREES 03 MINUTES 10 SECONDS WEST, A DISTANCE OF 409.52 FEET; THENCE RUN SOUTH 14 DEGREES 34 MINUTES 32 SECONDS EAST, A DISTANCE OF 51.82 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 04 SECONDS WEST, A DISTANCE OF 150.02 FEET; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 883.22 FEET; THENCE RUN SOUTH 88 DEGREES 11 MINUTES 23 SECONDS EAST, A DISTANCE OF 24.61 FEET; THENCE RUN NORTH 10 DEGREES 19 MINUTES 31 SECONDS WEST, A DISTANCE OF 145.09 FEET; THENCE RUN NORTH 22 DEGREES 30 MINUTES 04 SECONDS WEST, A DISTANCE OF 50.69 FEET; THENCE RUN NORTH 21 DEGREES 57 MINUTES 36 SECONDS EAST, A DISTANCE OF 179.55 FEET; TO THE POINT OF BEGINNING. TRACT CONTAINS 16.35 ACRES, MORE OR LESS.

**WHEREAS**, at the regular Planning Commission meeting on December 17, 2015, the Commission considered said request and set forth a unanimous favorable recommendation to the City Council of a pre-zoning amendment of the subject property for Red Barn, L.L. C. as R-2, Medium Density Single Family Residential District, R-3, High Density Single Family Residential District and R-6 (G), Garden/Patio Homes; 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 February 1, 2016; and,

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

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

#### **SECTION I: ZONING**

That above described real property is hereby pre-zoned to R-2, Medium Density Single Family Residential District, R-3, High Density Single Family Residential District and R-6 (G),

Garden/Patio Homes, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RA, Rural Agricultural District, Baldwin County District 15.

#### **SECTION II: REPEALER.**

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

#### **SECTION III: SEVERABILITY.**

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

**SECTION IV: EFFECTIVE AND EXPIRATION DATE.**

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_\_ day of \_\_\_\_\_, 2016.**

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

**ATTEST:**

\_\_\_\_\_  
**Rebecca A. Hayes,**  
**City Clerk**

# EXHIBIT "A"

R-2

19.66 AC.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 91, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE RUN NORTH 88 DEGREES 22 MINUTES 28 SECONDS EAST, A DISTANCE OF 100.12 FEET; THENCE RUN SOUTH 01 DEGREES 21 MINUTES 22 SECONDS EAST, A DISTANCE OF 150.46 FEET; THENCE RUN SOUTH 29 DEGREES 45 MINUTES 31 SECONDS WEST, A DISTANCE OF 58.39 FEET; THENCE RUN SOUTH 01 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 161.38 FEET; THENCE RUN NORTH 87 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 24.80 FEET; THENCE RUN SOUTH 00 DEGREES 38 MINUTES 54 SECONDS WEST, A DISTANCE OF 170.42 FEET; THENCE RUN SOUTH 38 DEGREES 38 MINUTES 09 SECONDS WEST, A DISTANCE OF 74.94 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 47 SECONDS WEST, A DISTANCE OF 168.50 FEET; THENCE RUN NORTH 89 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 634.82 FEET; THENCE RUN NORTH 89 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 479.73 FEET; THENCE RUN SOUTH 11 DEGREES 16 MINUTES 08 SECONDS WEST, A DISTANCE OF 140.10 FEET; THENCE RUN SOUTH 40 DEGREES 21 MINUTES 48 SECONDS WEST, A DISTANCE OF 236.43 FEET; THENCE RUN SOUTH 56 DEGREES 45 MINUTES 16 SECONDS WEST, A DISTANCE OF 143.32 FEET; THENCE RUN NORTH 27 DEGREES 11 MINUTES 29 SECONDS WEST, A DISTANCE OF 193.23 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 191.79 FEET, (CHORD BEARS SOUTH 79 DEGREES 09 MINUTES 17 SECONDS WEST, A DISTANCE OF 188.97 FEET); THENCE RUN NORTH 03 DEGREES 00 MINUTES 58 SECONDS EAST, A DISTANCE OF 436.03 FEET; THENCE RUN NORTH 22 DEGREES 05 MINUTES 33 SECONDS EAST, A DISTANCE OF 215.00 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 141.91 FEET, (CHORD BEARS SOUTH 65 DEGREES 00 MINUTES 51 SECONDS EAST, A DISTANCE OF 140.77 FEET); THENCE RUN NORTH 37 DEGREES 36 MINUTES 42 SECONDS EAST, A DISTANCE OF 203.37 FEET; THENCE RUN SOUTH 48 DEGREES 09 MINUTES 04 SECONDS EAST, A DISTANCE OF 154.05 FEET; THENCE RUN NORTH 85 DEGREES 09 MINUTES 13 SECONDS EAST, A DISTANCE OF 287.00 FEET; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 883.22 FEET; THENCE RUN SOUTH 88 DEGREES 11 MINUTES 23 SECONDS EAST, A DISTANCE OF 24.61 FEET; THENCE RUN NORTH 10 DEGREES 19 MINUTES 31 SECONDS WEST, A DISTANCE OF 145.09 FEET; THENCE RUN NORTH 22 DEGREES 30 MINUTES 04 SECONDS WEST, A DISTANCE OF 50.69 FEET; THENCE RUN NORTH 21 DEGREES 57 MINUTES 36 SECONDS EAST, A DISTANCE OF 179.47 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 19.66 ACRES, MORE OR LESS.

# EXHIBIT "A"

R-3

36.10 AC.

BEGINNING AT THE SOUTHWEST CORNER OF COMMON AREA 10, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE SOUTH 89 DEGREES 40 MINUTES 58 SECONDS EAST, A DISTANCE OF 1575.78 FEET; THENCE RUN NORTH 00 DEGREES 38 MINUTES 46 SECONDS EAST, A DISTANCE OF 141.06 FEET; THENCE RUN NORTH 48 DEGREES 24 MINUTES 59 SECONDS EAST, A DISTANCE OF 68.81 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 52.89 FEET, (CHORD BEARS NORTH 05 DEGREES 14 MINUTES 12 SECONDS EAST, A DISTANCE OF 50.46 FEET); THENCE RUN NORTH 52 DEGREES 12 MINUTES 45 SECONDS EAST, A DISTANCE OF 185.14 FEET; THENCE RUN NORTH 85 DEGREES 31 MINUTES 06 SECONDS EAST, A DISTANCE OF 20.32 FEET; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 13 SECONDS WEST, A DISTANCE OF 684.77 FEET; THENCE RUN NORTH 89 DEGREES 57 MINUTES 36 SECONDS WEST, A DISTANCE OF 44.89 FEET; THENCE RUN SOUTH 16 DEGREES 52 MINUTES 53 SECONDS WEST, A DISTANCE OF 197.60 FEET; THENCE RUN SOUTH 00 DEGREES 41 MINUTES 56 SECONDS WEST, A DISTANCE OF 343.64 FEET; THENCE RUN NORTH 89 DEGREES 43 MINUTES 30 SECONDS WEST, A DISTANCE OF 1709.97 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 13 SECONDS EAST, A DISTANCE OF 478.40 FEET; THENCE RUN NORTH 11 DEGREES 52 MINUTES 21 SECONDS EAST, A DISTANCE OF 50.84 FEET; THENCE RUN NORTH 01 DEGREES 25 MINUTES 52 SECONDS EAST, A DISTANCE OF 337.90 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 36.10 ACRES, MORE OR LESS.

# EXHIBIT "A"

R-6G

16.35 AC.

BEGINNING AT THE SOUTHWEST CORNER OF LOT 91, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE NORTH 38 DEGREES 14 MINUTES 47 SECONDS WEST, A DISTANCE OF 99.55 FEET; THENCE RUN NORTH 08 DEGREES 25 MINUTES 02 SECONDS WEST, A DISTANCE OF 397.32 FEET; THENCE RUN NORTH 89 DEGREES 27 MINUTES 32 SECONDS WEST, A DISTANCE OF 807.58 FEET; THENCE RUN SOUTH 00 DEGREES 28 MINUTES 58 SECONDS WEST, A DISTANCE OF 165.81 FEET; THENCE RUN SOUTH 25 DEGREES 30 MINUTES 37 SECONDS EAST, A DISTANCE OF 55.63 FEET; THENCE RUN SOUTH 05 DEGREES 03 MINUTES 10 SECONDS WEST, A DISTANCE OF 409.52 FEET; THENCE RUN SOUTH 14 DEGREES 34 MINUTES 32 SECONDS EAST, A DISTANCE OF 51.82 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 04 SECONDS WEST, A DISTANCE OF 150.02 FEET; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 883.22 FEET; THENCE RUN SOUTH 88 DEGREES 11 MINUTES 23 SECONDS EAST, A DISTANCE OF 24.61 FEET; THENCE RUN NORTH 10 DEGREES 19 MINUTES 31 SECONDS WEST, A DISTANCE OF 145.09 FEET; THENCE RUN NORTH 22 DEGREES 30 MINUTES 04 SECONDS WEST, A DISTANCE OF 50.69 FEET; THENCE RUN NORTH 21 DEGREES 57 MINUTES 36 SECONDS EAST, A DISTANCE OF 179.55 FEET; TO THE POINT OF BEGINNING. TRACT CONTAINS 16.35 ACRES, MORE OR LESS.

## R-6G (CONT.)

### 25.74 AC

BEGINNING AT THE NORTHWEST CORNER OF LOT 59, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE NORTH 89 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 479.73 FEET; THENCE RUN SOUTH 11 DEGREES 16 MINUTES 08 SECONDS WEST, A DISTANCE OF 140.10 FEET; THENCE RUN SOUTH 40 DEGREES 21 MINUTES 48 SECONDS WEST, A DISTANCE OF 236.43 FEET; THENCE RUN SOUTH 56 DEGREES 45 MINUTES 16 SECONDS WEST, A DISTANCE OF 143.32 FEET; THENCE RUN SOUTH 14 DEGREES 16 MINUTES 17 SECONDS EAST, A DISTANCE OF 118.52 FEET; THENCE RUN SOUTH 08 DEGREES 21 MINUTES 07 SECONDS EAST, A DISTANCE OF 684.72 FEET; THENCE RUN SOUTH 22 DEGREES 38 MINUTES 30 SECONDS EAST, A DISTANCE OF 54.31 FEET; THENCE RUN SOUTH 00 DEGREES 20 MINUTES 07 SECONDS WEST, A DISTANCE OF 150.00 FEET; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 53 SECONDS EAST, A DISTANCE OF 761.57 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 30 SECONDS EAST, A DISTANCE OF 21.62 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 13 SECONDS EAST, A DISTANCE OF 478.40 FEET; THENCE RUN NORTH 11 DEGREES 52 MINUTES 21 SECONDS EAST, A DISTANCE OF 50.84 FEET; THENCE RUN NORTH 01 DEGREES 25 MINUTES 52 SECONDS EAST, A DISTANCE OF 337.90 FEET; THENCE RUN NORTH 01 DEGREES 23 MINUTES 03 SECONDS EAST, A DISTANCE OF 169.91 FEET; THENCE RUN NORTH 13 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 154.58 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 175.00 FEET, AN ARC LENGTH OF 67.37 FEET, (CHORD BEARS SOUTH 79 DEGREES 21 MINUTES 15 SECONDS WEST, A DISTANCE OF 66.96 FEET); THENCE RUN NORTH 20 DEGREES 21 MINUTES 27 SECONDS WEST, A DISTANCE OF 228.02 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 25.74 ACRES, MORE OR LESS.

## R-6G (CONT.)

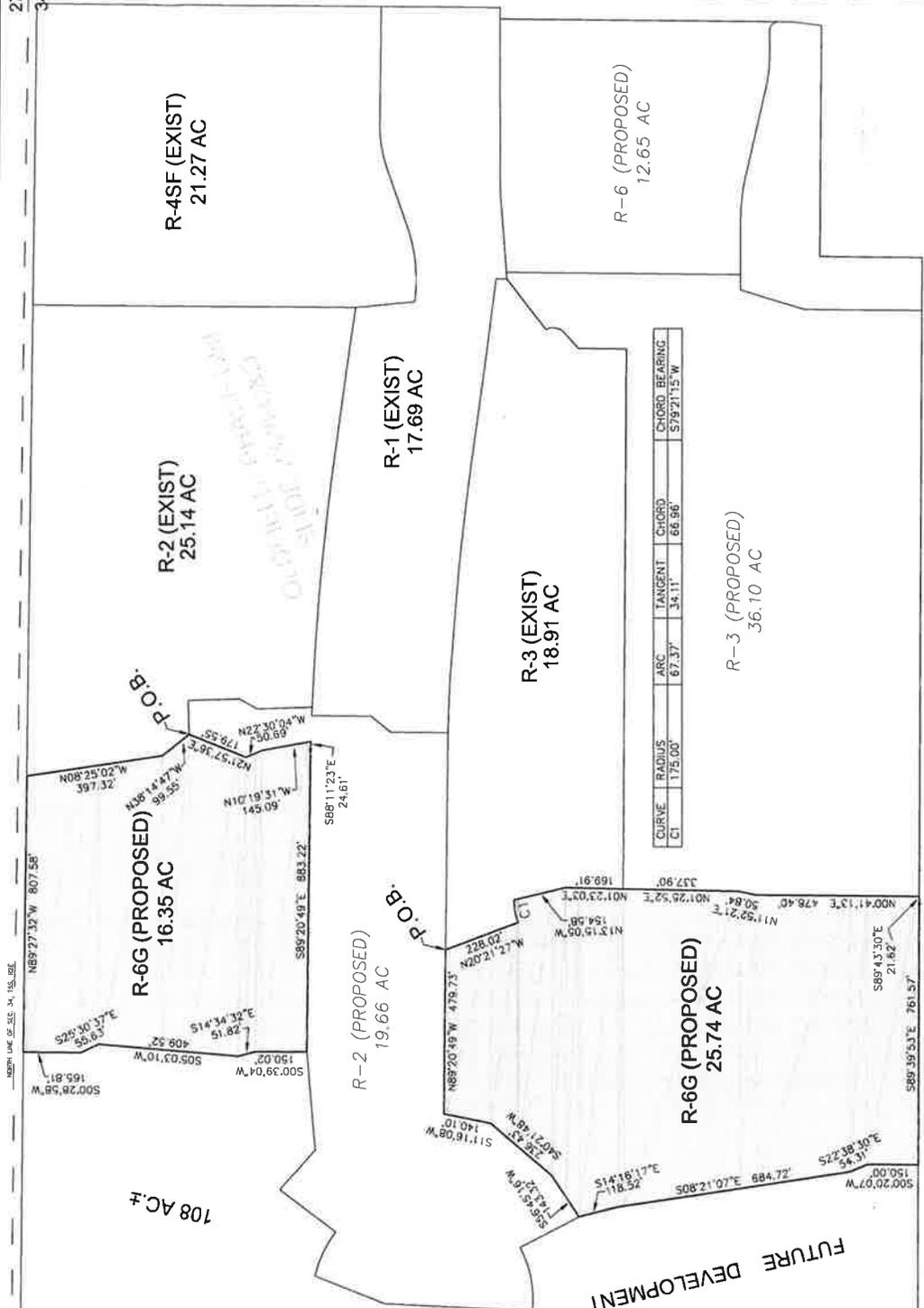
### 12.65 AC

COMMENCE AT THE SOUTHEAST CORNER OF LOT 142, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE SOUTH 02 DEGREES 11 MINUTES 15 SECONDS WEST, A DISTANCE OF 32.39 FEET; THENCE RUN NORTH 85 DEGREES 31 MINUTES 06 SECONDS EAST, A DISTANCE OF 20.32 FEET TO THE POINT OF BEGINNING.

THENCE RUN NORTH 85 DEGREES 31 MINUTES 06 SECONDS EAST, A DISTANCE OF 241.99 FEET; THENCE RUN NORTH 89 DEGREES 53 MINUTES 30 SECONDS EAST, A DISTANCE OF 503.24 FEET; THENCE RUN SOUTH 00 DEGREES 42 MINUTES 50 SECONDS WEST, A DISTANCE OF 815.88 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.10 FEET, (CHORD BEARS NORTH 45 DEGREES 11 MINUTES 47 SECONDS WEST, A DISTANCE OF 35.24 FEET); THENCE RUN SOUTH 89 DEGREES 59 MINUTES 47 SECONDS WEST, A DISTANCE OF 76.07 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 425.00 FEET, AN ARC LENGTH OF 97.06 FEET, (CHORD BEARS NORTH 83 DEGREES 27 MINUTES 41 SECONDS WEST, A DISTANCE OF 96.85 FEET); THENCE RUN NORTH 76 DEGREES 55 MINUTES 09 SECONDS WEST, A DISTANCE OF 266.67 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 578.84 FEET, AN ARC LENGTH OF 131.31 FEET, (CHORD BEARS NORTH 83 DEGREES 27 MINUTES 41 SECONDS WEST, A DISTANCE OF 131.03 FEET); THENCE RUN NORTH 89 DEGREES 57 MINUTES 36 SECONDS WEST, A DISTANCE OF 155.31 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 13 SECONDS EAST, A DISTANCE OF 684.77 FEET; TO THE POINT OF BEGINNING. TRACT CONTAINS 12.65 ACRES, MORE OR LESS.







CURVE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
	175.00'	67.37'	34.11'	66.96'	S79°21'15" W

**R-6G - 16.35 AC.**  
 BEGINNING AT THE SOUTHWEST CORNER OF LOT 61, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE NORTH 38 DEGREES 14 MINUTES 47 SECONDS WEST, A DISTANCE OF 99.55 FEET; THENCE RUN NORTH 08 DEGREES 25 MINUTES 02 SECONDS WEST, A DISTANCE OF 397.32 FEET; THENCE RUN NORTH 86 DEGREES 27 MINUTES 32 SECONDS WEST, A DISTANCE OF 165.81 FEET; THENCE RUN NORTH 86 DEGREES 27 MINUTES 32 SECONDS WEST, A DISTANCE OF 165.81 FEET; THENCE RUN SOUTH 25 DEGREES 30 MINUTES 37 SECONDS EAST, A DISTANCE OF 55.03 FEET; THENCE RUN SOUTH 05 DEGREES 03 MINUTES 10 SECONDS WEST, A DISTANCE OF 409.52 FEET; THENCE RUN SOUTH 14 DEGREES 34 MINUTES 39 SECONDS EAST, A DISTANCE OF 51.82 FEET; THENCE RUN SOUTH 00 DEGREES 30 MINUTES 04 SECONDS WEST, A DISTANCE OF 150.02 FEET; THENCE RUN SOUTH 86 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 165.81 FEET; THENCE RUN SOUTH 86 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 165.81 FEET; THENCE RUN NORTH 10 DEGREES 10 MINUTES 31 SECONDS WEST, A DISTANCE OF 145.09 FEET; THENCE RUN NORTH 22 DEGREES 30 MINUTES 04 SECONDS WEST, A DISTANCE OF 50.89 FEET; THENCE RUN NORTH 21 DEGREES 57 MINUTES 38 SECONDS EAST, A DISTANCE OF 170.55 FEET; TO THE POINT OF BEGINNING. TRACT CONTAINS 16.35 ACRES, MORE OR LESS.

**R-6G - 25.74 AC.**  
 BEGINNING AT THE NORTHWEST CORNER OF LOT 59, OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE NORTH 89 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 479.73 FEET; THENCE RUN SOUTH 11 DEGREES 48 MINUTES 10 SECONDS WEST, A DISTANCE OF 140.10 FEET; THENCE RUN SOUTH 40 DEGREES 21 MINUTES 48 SECONDS WEST, A DISTANCE OF 230.43 FEET; THENCE RUN SOUTH 56 DEGREES 45 MINUTES 16 SECONDS WEST, A DISTANCE OF 143.32 FEET; THENCE RUN SOUTH 14 DEGREES 16 MINUTES 17 SECONDS EAST, A DISTANCE OF 118.52 FEET; THENCE RUN SOUTH 08 DEGREES 21 MINUTES 07 SECONDS EAST, A DISTANCE OF 684.72 FEET; THENCE RUN SOUTH 22 DEGREES 38 MINUTES 30 SECONDS EAST, A DISTANCE OF 54.31 FEET; THENCE RUN SOUTH 06 DEGREES 07 MINUTES 52 SECONDS EAST, A DISTANCE OF 150.00 FEET; THENCE RUN SOUTH 86 DEGREES 30 MINUTES 59 SECONDS EAST, A DISTANCE OF 761.57 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 52 SECONDS EAST, A DISTANCE OF 21.62 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 13 SECONDS EAST, A DISTANCE OF 478.40 FEET; THENCE RUN NORTH 11 DEGREES 52 MINUTES 21 SECONDS EAST, A DISTANCE OF 50.84 FEET; THENCE RUN NORTH 01 DEGREES 25 MINUTES 52 SECONDS EAST, A DISTANCE OF 307.86 FEET; THENCE RUN NORTH 01 DEGREES 25 MINUTES 52 SECONDS EAST, A DISTANCE OF 307.86 FEET; THENCE RUN NORTH 13 DEGREES 15 MINUTES 06 SECONDS WEST, A DISTANCE OF 154.58 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 175.00 FEET, AN ARC LENGTH OF 67.37 FEET, (CHORD BEARS SOUTH 79 DEGREES 21 MINUTES 15 SECONDS WEST, A DISTANCE OF 66.96 FEET); THENCE RUN NORTH 20 DEGREES 21 MINUTES 27 SECONDS WEST, A DISTANCE OF 228.02 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 25.74 ACRES, MORE OR LESS.

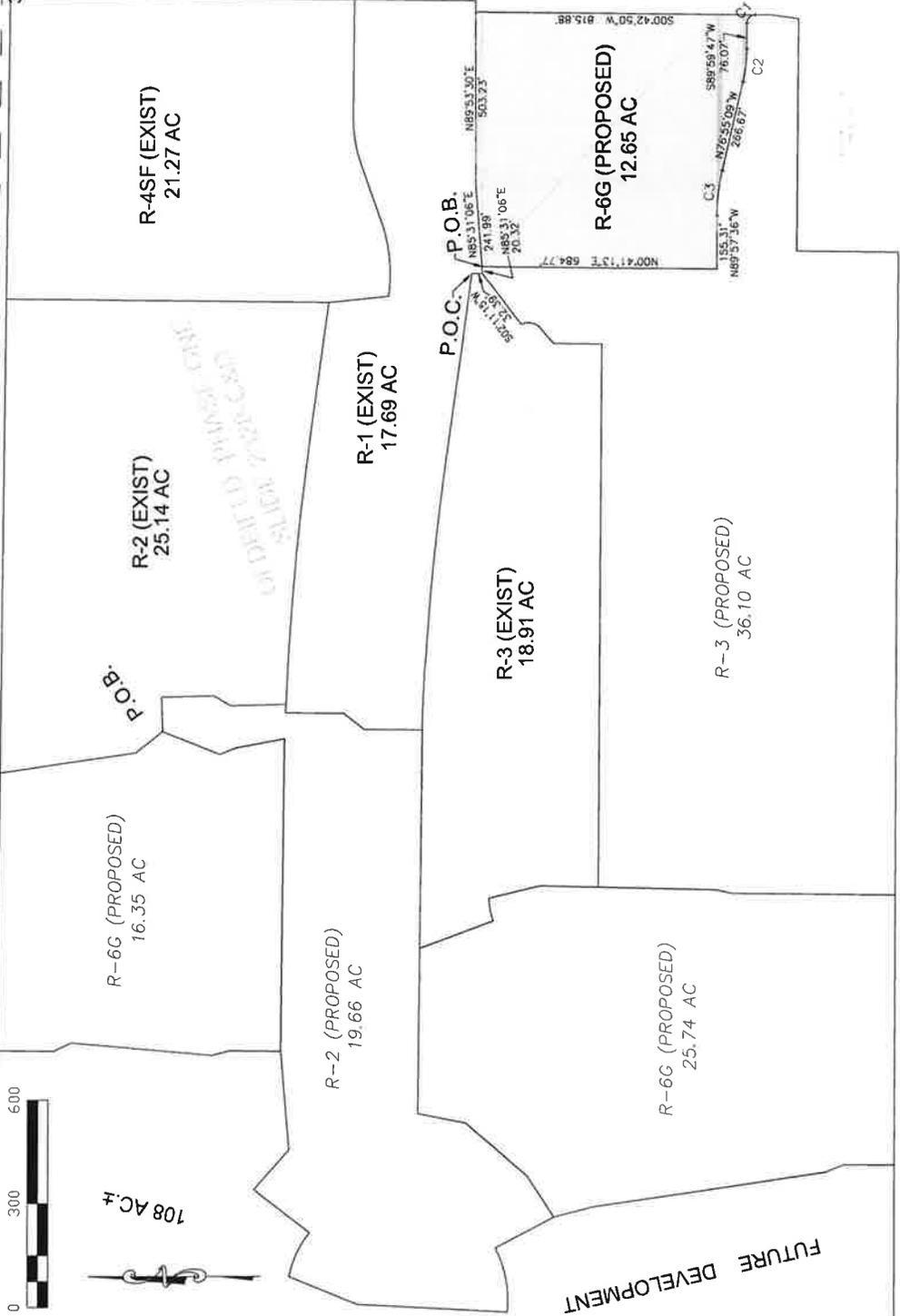
**EXHIBIT "B"**  
**PROPOSED R-6G**  
**OLDFIELD**



108 AC ±

**R-6G - 12.65 AC.**

COMMENCE AT THE SOUTHEAST CORNER OF LOT 142, OLD FIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2328-C AND D, BALDWIN COUNTY PROBATE RECORDS AND RUN THENCE SOUTH 02 DEGREES 16' SOUTH 88 DEGREES 02' WEST, A DISTANCE OF 33.39 FEET; THENCE RUN SOUTH 88 DEGREES 02' WEST, A DISTANCE OF 20.32 FEET TO THE POINT OF BEGINNING. THENCE RUN NORTH 86 DEGREES 31' MINUTES 00" SECONDS EAST, A DISTANCE OF 241.99 FEET; THENCE RUN NORTH 86 DEGREES 53' MINUTES 30" SECONDS EAST, A DISTANCE OF 503.24 FEET; THENCE RUN SOUTH 00 DEGREES 42' MINUTES 50" SECONDS WEST, A DISTANCE OF 149.67 FEET; THENCE RUN SOUTH 00 DEGREES 42' MINUTES 50" SECONDS WEST, A DISTANCE OF 39.10 FEET; CHORD BEARS NORTH 45 DEGREES 11' MINUTES 47 SECONDS WEST, A DISTANCE OF 55.24 FEET; THENCE RUN SOUTH 89 DEGREES 59' MINUTES 47 SECONDS WEST, A DISTANCE OF 79.07 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 425.00 FEET, AN ARC LENGTH OF 97.00 FEET, (CHORD BEARS NORTH 83 DEGREES 27' MINUTES 41 SECONDS WEST, A DISTANCE OF 266.97 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 578.84 FEET, AN ARC LENGTH OF 131.31 FEET, (CHORD BEARS NORTH 83 DEGREES 27' MINUTES 41 SECONDS WEST, A DISTANCE OF 131.03 FEET; THENCE RUN NORTH 89 DEGREES 57' MINUTES 00" SECONDS WEST, A DISTANCE OF 155.31 FEET; THENCE RUN NORTH 00 DEGREES 41' MINUTES 00" SECONDS WEST, A DISTANCE OF 206.67 FEET; TO THE POINT OF BEGINNING. TRACT CONTAINS 12.65 ACRES, MORE OR LESS.



**EXHIBIT "B"**  
**PROPOSED R-6G**

CURVE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	25.00'	39.10'	24.83'	35.24'	N45°11'47"W
C2	475.00'	97.06'	48.74'	96.85'	N83°27'41"W
C3	578.84'	131.31'	65.94'	131.03'	N83°27'41"W

**OLD FIELD**

**CITY OF DAPHNE, ALABAMA**

**ORDINANCE 2016-10**

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

**South and West of Oldfield Subdivision, Phase One  
Red Barn, L.L.C.**

**WHEREAS**, on the 17<sup>th</sup> day of November, 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 February 1, 2016 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 December 17, 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:**

BEGINNING AT THE NORTHWEST CORNER OF OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2328-C AND D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 27 MINUTES 32 SECONDS WEST, A DISTANCE OF 807.58 FEET; THENCE RUN SOUTH 00 DEGREES 28 MINUTES 58 SECONDS WEST, A DISTANCE OF 165.81 FEET; THENCE RUN SOUTH 25 DEGREES 30 MINUTES 37 SECONDS EAST, A DISTANCE OF 55.63 FEET; THENCE RUN SOUTH 05 DEGREES 03 MINUTES 10 SECONDS WEST, A DISTANCE OF 409.52 FEET; THENCE RUN SOUTH 14 DEGREES 34 MINUTES 32 SECONDS EAST, A DISTANCE OF 51.82 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 04

SECONDS WEST, A DISTANCE OF 150.02 FEET; THENCE RUN SOUTH 85 DEGREES 09 MINUTES 13 SECONDS WEST, A DISTANCE OF 287.00 FEET; THENCE RUN NORTH 48 DEGREES 09 MINUTES 04 SECONDS WEST, A DISTANCE OF 154.05 FEET; THENCE RUN SOUTH 37 DEGREES 36 MINUTES 42 SECONDS WEST, A DISTANCE OF 203.37 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 141.91 FEET, (CHORD BEARS NORTH 65 DEGREES 00 MINUTES 51 SECONDS WEST, A DISTANCE OF 140.77 FEET); THENCE RUN SOUTH 22 DEGREES 05 MINUTES 33 SECONDS WEST, A DISTANCE OF 215.00 FEET; THENCE RUN SOUTH 03 DEGREES 00 MINUTES 58 SECONDS WEST, A DISTANCE OF 436.03 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 191.79 FEET, (CHORD BEARS NORTH 79 DEGREES 09 MINUTES 17 SECONDS EAST, A DISTANCE OF 188.97 FEET); THENCE RUN SOUTH 27 DEGREES 11 MINUTES 29 SECONDS EAST, A DISTANCE OF 193.23 FEET; THENCE RUN SOUTH 14 DEGREES 16 MINUTES 17 SECONDS EAST, A DISTANCE OF 118.52 FEET; THENCE RUN SOUTH 08 DEGREES 21 MINUTES 07 SECONDS EAST, A DISTANCE OF 684.72 FEET; THENCE RUN SOUTH 22 DEGREES 38 MINUTES 30 SECONDS EAST, A DISTANCE OF 54.31 FEET; THENCE RUN SOUTH 00 DEGREES 20 MINUTES 07 SECONDS WEST, A DISTANCE OF 150.00 FEET; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 53 SECONDS EAST, A DISTANCE OF 761.57 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 30 SECONDS EAST, A DISTANCE OF 1731.60 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 56 SECONDS EAST, A DISTANCE OF 343.64 FEET; THENCE RUN NORTH 16 DEGREES 52 MINUTES 53 SECONDS EAST, A DISTANCE OF 197.60 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 2081.95 FEET, AN ARC LENGTH OF 25.19 FEET, (CHORD BEARS SOUTH 89 DEGREES 39 MINUTES 26 SECONDS EAST, A DISTANCE OF 25.19 FEET); THENCE RUN NORTH 89 DEGREES 59 MINUTES 47 SECONDS EAST, A DISTANCE OF 175.01 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 575.00 FEET, AN ARC LENGTH OF 131.31 FEET, (CHORD BEARS SOUTH 83 DEGREES 27 MINUTES 41 SECONDS EAST, A DISTANCE OF 131.03 FEET); THENCE RUN SOUTH 76 DEGREES 55 MINUTES 09 SECONDS EAST, A DISTANCE OF 266.67 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 425.00 FEET, AN ARC LENGTH OF 97.06 FEET, (CHORD BEARS SOUTH 83 DEGREES 27 MINUTES 41 SECONDS EAST, A DISTANCE OF 96.85 FEET); THENCE RUN NORTH 89 DEGREES 59 MINUTES 56 SECONDS EAST, A DISTANCE OF 76.35 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.57 FEET, (CHORD BEARS SOUTH 44 DEGREES 39 MINUTES 17 SECONDS EAST, A DISTANCE OF 35.57 FEET) TO A POINT ON THE WEST MARGIN OF ALABAMA HIGHWAY 181; THENCE RUN NORTH 00 DEGREES 41 MINUTES 40 SECONDS EAST, ALONG SAID WEST MARGIN, A DISTANCE OF 816.36 FEET TO A POINT ON THE SOUTH MARGIN OF THE AFOREMENTIONED OLDFIELD PHASE ONE; THENCE RUN ALONG THE SOUTH, WEST AND EAST MARGINS OF SAID OLDFIELD PHASE ONE, THE FOLLOWING DESCRIBED COURSES:  
THENCE RUN SOUTH 89 DEGREES 53 MINUTES 30 SECONDS WEST, A DISTANCE OF 503.24 FEET; THENCE RUN SOUTH 85 DEGREES 31 MINUTES 06 SECONDS WEST, A DISTANCE OF 262.31 FEET; THENCE RUN SOUTH 52 DEGREES 12 MINUTES 45 SECONDS WEST, A DISTANCE OF 185.14 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 52.89 FEET, (CHORD BEARS SOUTH 05 DEGREES 14 MINUTES 12 SECONDS WEST, A DISTANCE OF 50.46 FEET); THENCE RUN SOUTH 48 DEGREES 24 MINUTES 59 SECONDS WEST, A DISTANCE OF 68.81 FEET; THENCE RUN SOUTH 00 DEGREES 38 MINUTES 46 SECONDS WEST, A DISTANCE OF 141.06 FEET; THENCE RUN NORTH 89 DEGREES 40 MINUTES 58 SECONDS WEST, A DISTANCE OF 1575.78 FEET; THENCE RUN NORTH 01 DEGREES 23 MINUTES 03 SECONDS EAST, A DISTANCE OF 169.91 FEET; THENCE RUN NORTH 13 DEGREES 15 MINUTES 05 SECONDS WEST, A

DISTANCE OF 154.58 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 175.00 FEET, AN ARC LENGTH OF 67.37 FEET, (CHORD BEARS SOUTH 79 DEGREES 21 MINUTES 15 SECONDS WEST, A DISTANCE OF 66.96 FEET); THENCE RUN NORTH 20 DEGREES 21 MINUTES 27 SECONDS WEST, A DISTANCE OF 228.02 FEET; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 634.82 FEET; THENCE RUN NORTH 00 DEGREES 39 MINUTES 47 SECONDS EAST, A DISTANCE OF 168.50 FEET; THENCE RUN NORTH 38 DEGREES 38 MINUTES 09 SECONDS EAST, A DISTANCE OF 74.94 FEET; THENCE RUN NORTH 00 DEGREES 38 MINUTES 54 SECONDS EAST, A DISTANCE OF 170.42 FEET; THENCE RUN SOUTH 87 DEGREES 15 MINUTES 05 SECONDS EAST, A DISTANCE OF 24.80 FEET; THENCE RUN NORTH 01 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 161.38 FEET; THENCE RUN NORTH 29 DEGREES 45 MINUTES 31 SECONDS EAST, A DISTANCE OF 58.39 FEET; THENCE RUN NORTH 01 DEGREES 21 MINUTES 22 SECONDS WEST, A DISTANCE OF 150.46 FEET; THENCE RUN SOUTH 88 DEGREES 22 MINUTES 28 SECONDS WEST, A DISTANCE OF 100.04 FEET; THENCE RUN NORTH 38 DEGREES 14 MINUTES 47 SECONDS WEST, A DISTANCE OF 99.64 FEET; THENCE RUN NORTH 08 DEGREES 25 MINUTES 02 SECONDS WEST, A DISTANCE OF 397.32 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 110.50 ACRES, MORE OR LESS, AND LIES IN THE NORTH HALF OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, 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 \_\_\_\_\_, 2016.**

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

**ATTEST:**

\_\_\_\_\_  
**Rebecca A. Hayes,**  
**City Clerk**

# EXHIBIT "A"

## OLDFIELD ANNEXATION

110.50 ACRES

BEGINNING AT THE NORTHWEST CORNER OF OLDFIELD PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2328-C AND D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 27 MINUTES 32 SECONDS WEST, A DISTANCE OF 807.58 FEET; THENCE RUN SOUTH 00 DEGREES 28 MINUTES 58 SECONDS WEST, A DISTANCE OF 165.81 FEET; THENCE RUN SOUTH 25 DEGREES 30 MINUTES 37 SECONDS EAST, A DISTANCE OF 55.63 FEET; THENCE RUN SOUTH 05 DEGREES 03 MINUTES 10 SECONDS WEST, A DISTANCE OF 409.52 FEET; THENCE RUN SOUTH 14 DEGREES 34 MINUTES 32 SECONDS EAST, A DISTANCE OF 51.82 FEET; THENCE RUN SOUTH 00 DEGREES 39 MINUTES 04 SECONDS WEST, A DISTANCE OF 150.02 FEET; THENCE RUN SOUTH 85 DEGREES 09 MINUTES 13 SECONDS WEST, A DISTANCE OF 287.00 FEET; THENCE RUN NORTH 48 DEGREES 09 MINUTES 04 SECONDS WEST, A DISTANCE OF 154.05 FEET; THENCE RUN SOUTH 37 DEGREES 36 MINUTES 42 SECONDS WEST, A DISTANCE OF 203.37 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 141.91 FEET, (CHORD BEARS NORTH 65 DEGREES 00 MINUTES 51 SECONDS WEST, A DISTANCE OF 140.77 FEET); THENCE RUN SOUTH 22 DEGREES 05 MINUTES 33 SECONDS WEST, A DISTANCE OF 215.00 FEET; THENCE RUN SOUTH 03 DEGREES 00 MINUTES 58 SECONDS WEST, A DISTANCE OF 436.03 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 322.00 FEET, AN ARC LENGTH OF 191.79 FEET, (CHORD BEARS NORTH 79 DEGREES 09 MINUTES 17 SECONDS EAST, A DISTANCE OF 188.97 FEET); THENCE RUN SOUTH 27 DEGREES 11 MINUTES 29 SECONDS EAST, A DISTANCE OF 193.23 FEET; THENCE RUN SOUTH 14 DEGREES 16 MINUTES 17 SECONDS EAST, A DISTANCE OF 118.52 FEET; THENCE RUN SOUTH 08 DEGREES 21 MINUTES 07 SECONDS EAST, A DISTANCE OF 684.72 FEET; THENCE RUN SOUTH 22 DEGREES 38 MINUTES 30 SECONDS EAST, A DISTANCE OF 54.31 FEET; THENCE RUN SOUTH 00 DEGREES 20 MINUTES 07 SECONDS WEST, A DISTANCE OF 150.00 FEET; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 53 SECONDS EAST, A DISTANCE OF 761.57 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 30 SECONDS EAST, A DISTANCE OF 1731.60 FEET; THENCE RUN NORTH 00 DEGREES 41 MINUTES 56 SECONDS EAST, A DISTANCE OF 343.64 FEET; THENCE RUN NORTH 16 DEGREES 52 MINUTES 53 SECONDS EAST, A DISTANCE OF 197.60 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 2081.95 FEET, AN ARC LENGTH OF 25.19 FEET, (CHORD BEARS SOUTH 89 DEGREES 39 MINUTES 26 SECONDS EAST, A DISTANCE OF 25.19 FEET); THENCE RUN NORTH 89 DEGREES 59 MINUTES 47 SECONDS EAST, A DISTANCE OF 175.01 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 575.00 FEET, AN ARC LENGTH OF 131.31 FEET, (CHORD BEARS SOUTH 83 DEGREES 27 MINUTES 41 SECONDS EAST, A DISTANCE OF 131.03 FEET); THENCE RUN SOUTH 76 DEGREES 55 MINUTES 09 SECONDS EAST, A DISTANCE OF 266.67 FEET; THENCE ALONG A CURVE TO THE LEFT,

HAVING A RADIUS OF 425.00 FEET, AN ARC LENGTH OF 97.06 FEET, (CHORD BEARS SOUTH 83 DEGREES 27 MINUTES 41 SECONDS EAST, A DISTANCE OF 96.85 FEET); THENCE RUN NORTH 89 DEGREES 59 MINUTES 56 SECONDS EAST, A DISTANCE OF 76.35 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.57 FEET, (CHORD BEARS SOUTH 44 DEGREES 39 MINUTES 17 SECONDS EAST, A DISTANCE OF 35.57 FEET) TO A POINT ON THE WEST MARGIN OF ALABAMA HIGHWAY 181; THENCE RUN NORTH 00 DEGREES 41 MINUTES 40 SECONDS EAST, ALONG SAID WEST MARGIN, A DISTANCE OF 816.36 FEET TO A POINT ON THE SOUTH MARGIN OF THE AFOREMENTIONED OLDFIELD PHASE ONE; THENCE RUN ALONG THE SOUTH, WEST AND EAST MARGINS OF SAID OLDFIELD PHASE ONE, THE FOLLOWING DESCRIBED COURSES:

THENCE RUN SOUTH 89 DEGREES 53 MINUTES 30 SECONDS WEST, A DISTANCE OF 503.24 FEET; THENCE RUN SOUTH 85 DEGREES 31 MINUTES 06 SECONDS WEST, A DISTANCE OF 262.31 FEET; THENCE RUN SOUTH 52 DEGREES 12 MINUTES 45 SECONDS WEST, A DISTANCE OF 185.14 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 52.89 FEET, (CHORD BEARS SOUTH 05 DEGREES 14 MINUTES 12 SECONDS WEST, A DISTANCE OF 50.46 FEET); THENCE RUN SOUTH 48 DEGREES 24 MINUTES 59 SECONDS WEST, A DISTANCE OF 68.81 FEET; THENCE RUN SOUTH 00 DEGREES 38 MINUTES 46 SECONDS WEST, A DISTANCE OF 141.06 FEET; THENCE RUN NORTH 89 DEGREES 40 MINUTES 58 SECONDS WEST, A DISTANCE OF 1575.78 FEET; THENCE RUN NORTH 01 DEGREES 23 MINUTES 03 SECONDS EAST, A DISTANCE OF 169.91 FEET; THENCE RUN NORTH 13 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 154.58 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 175.00 FEET, AN ARC LENGTH OF 67.37 FEET, (CHORD BEARS SOUTH 79 DEGREES 21 MINUTES 15 SECONDS WEST, A DISTANCE OF 66.96 FEET); THENCE RUN NORTH 20 DEGREES 21 MINUTES 27 SECONDS WEST, A DISTANCE OF 228.02 FEET; THENCE RUN SOUTH 89 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 634.82 FEET; THENCE RUN NORTH 00 DEGREES 39 MINUTES 47 SECONDS EAST, A DISTANCE OF 168.50 FEET; THENCE RUN NORTH 38 DEGREES 38 MINUTES 09 SECONDS EAST, A DISTANCE OF 74.94 FEET; THENCE RUN NORTH 00 DEGREES 38 MINUTES 54 SECONDS EAST, A DISTANCE OF 170.42 FEET; THENCE RUN SOUTH 87 DEGREES 15 MINUTES 05 SECONDS EAST, A DISTANCE OF 24.80 FEET; THENCE RUN NORTH 01 DEGREES 20 MINUTES 49 SECONDS WEST, A DISTANCE OF 161.38 FEET; THENCE RUN NORTH 29 DEGREES 45 MINUTES 31 SECONDS EAST, A DISTANCE OF 58.39 FEET; THENCE RUN NORTH 01 DEGREES 21 MINUTES 22 SECONDS WEST, A DISTANCE OF 150.46 FEET; THENCE RUN SOUTH 88 DEGREES 22 MINUTES 28 SECONDS WEST, A DISTANCE OF 100.04 FEET; THENCE RUN NORTH 38 DEGREES 14 MINUTES 47 SECONDS WEST, A DISTANCE OF 99.64 FEET; THENCE RUN NORTH 08 DEGREES 25 MINUTES 02 SECONDS WEST, A DISTANCE OF 397.32 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 110.50 ACRES, MORE OR LESS, AND LIES IN THE NORTH HALF OF SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



**CITY OF DAPHNE**

**ORDINANCE 2016-11**

**AN ORDINANCE TO REPEAL ORDINANCE  
AND TO ESTABLISH THE USE  
OF ELECTRONIC VOTE COUNTING DEVICES FOR USE IN ALL MUNICIPAL  
ELECTIONS**

**WHEREAS**, Chapter 7 of Title 17 of the Alabama Code of 1975, and the regulations adopted pursuant thereto by the Alabama Electronic Voting Committee, provide for the use of Electronic Vote Counting Systems; and

**WHEREAS**, Section 17-7-21 of the Code of Alabama 1975 provides that a municipality may, in its discretion, by adoption of an appropriate ordinance, authorize, adopt, and direct the use of electronic vote counting systems for use in all elections held in such municipality; and

**WHEREAS**, any Ordinance which is in conflict with this Ordinance, is hereby repealed.

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Daphne, Alabama that for all elections held subsequent to the passage of this ordinance, that Baldwin County supplies the City of Daphne with voting devices and that the City of Daphne adopts the DS200 Electronic Vote Counting System that the County will use or any subsequent model device, which complies with Section 17-7-21 of the Code of Alabama and also adopts the AutoMARK Voter 87000 System that the County will use or any subsequent model device, which complies with Section 17-2-4 of the Code of Alabama; and any regulations adopted pursuant thereto, is hereby authorized for the reporting, counting, and tabulating of any and all election results.

**BE IT FURTHER ORDAINED**, that the Mayor of the City of Daphne is hereby directed to file a copy of this ordinance with the Secretary of State as provided in Section 17-7-21 of the Code of Alabama 1975.

**APPROVED AND ADOPTED** this the \_\_\_\_ day of \_\_\_\_\_, 2016.

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

**ATTEST:**

\_\_\_\_\_  
Rebecca A. Hayes,  
City Clerk

**CITY OF DAPHNE**

**ORDINANCE 2016-12**

**MAY DAY BOAT RAMP**

**WHEREAS**, the City Council has determined that the boat ramp located at May Day Park has become an important issue that requires a significant investment of public assets to maintain, and

**WHEREAS**, it is the intention of this Council to clarify the highest and best use of May Day Park for the benefit of all its citizens.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE THE FOLLOWING:**

The funding amounts found in this Ordinance are estimates only, and the City will not be bound to these amounts. The City will move forward with May Day Park utilizing one of the following options, to be voted on at a public meeting of the Daphne City Council:

**Option #1: Keep Boat Ramp and Continue to Maintain for 20 Years -Estimated 20 year Total: \$88,640.80 plus cost to deal with northern property owners.**

1. 20 Years Remaining on Agreement with the State of Alabama Department of Conservation & Natural Resources: 20 times (\$2,593.49-Annual Public Works Maintenance Cost) =\$51,869.80
2. 2016 White Beach Quality Sand (from offsite) & Sand Placement - Low Bidder - \$19,875.00- (USACE &ADCNR Permit Applied For)
3. Ongoing civil issue with northern property owners.
4. Permit compliance issue with the US Corps of Engineers & ADEM if allowed to continue dredging. Estimated ADEM Coastal Permit Cost for 20years \$2660.00 to \$16,896.00

**Option #2 Ramp removal - Estimated Lump Sum Payment \$189,279.14 + Demolition-Sand Movement Total: \$207,279.14**

1. Reimburse Department of Conservation & Natural Resources =\$189,279.14 (20 years left of a 25 year lease). Reimbursement will have to be a lump sum payment.
2. Demolition Cost and sand movement (sand from south side of ramp) along beach after demolition:

Demolition	\$ 7500.00
Sand Movement	<u>\$10,500.00</u>
Total	\$18,000.00
3. No additional sand management costs.
4. No additional attorney's fees.
5. US Corp of Engineers & ADEM Compliance issues addressed.
6. The Department of Conservation and Natural Resources may consider a new Boat Access Grant for a new boat ramp. The ADCNR may provide 75% of the project cost and the City would provide 25%. The grant would require another 25 year lease type agreement.

**SECTION 10. SEVERABILITY**

If any section, subsection, clause, provision or part of this Ordinance shall be held to be invalid or unconstitutional in a court of competent jurisdiction, such holding or holding shall not affect any other section, subsection, clause, provision or part of this Ordinance which is in itself and of itself valid and constitutional.

**SECTION 11. EFFECTIVE DATE**

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

**SECTION 12. REPEALER.**

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

**ADOPTED AND APPROVED OPTION** \_\_\_\_ **THIS** \_\_\_\_ day of \_\_\_\_\_, 2016.

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

**ATTEST:**

\_\_\_\_\_  
**Rebecca A. Hayes, City Clerk**

**CITY OF DAPHNE  
ORDINANCE NO. 2016-13**

**RIGHT-OF-WAY ORDINANCE**

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

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

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

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

**SECTION I. DEFINITIONS**

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

1. Applicant. Means any person or entity requesting permission to obstruct or construct in a City of Daphne right-of-way.
2. City. Means the City of Daphne, Alabama.
3. Code Enforcement Officer. Means any person authorized by the City of Daphne to enforce the Codes of the City and issue Municipal Offense Tickets for violations thereof.
4. Construct. Means to excavate, repair, rehabilitate, maintain, and install sanitary sewers, water mains, fire hydrants, valves, meters, manholes, service lines and connections, gas mains, telephone and electrical conduit and their miscellaneous service lines and connections, telecommunications Facilities cables, wires, lines, wave guides, antennas, and other equipment or Facilities, pedestals, and service cabinets, poles, guy wires, storm drains, manholes, inlets, catch basins, irrigation systems, driveways, sidewalks, pavement

extensions, curbs, walks, steps, building canopies, balconies, overhead walkways, and temporary detour pedestrian walkways on, above, or under any part of the Rights of Way provided however, that Construct shall not mean installation, repair, rehabilitation or maintenance of Facilities that do not involve excavation of any portion of the Rights of Way.

5. Construction Bond. Means a bond posted to ensure proper and complete construction and/or repair of a permitted site pursuant to a permit issued by the Public Works Department.
6. Construction Standards for miscellaneous construction, utility excavation, Right-of-way and pavement restoration. Means the compilation of provisions and requirements that provide the technical specifications and details for the construction of facilities in the right-of-way.
7. Department. Means the City of Daphne Public Works Department.
8. Department Inspector. Any person designated/authorized by the Public Works Director to carry out inspections related to the provisions of this article.
9. Emergency. A condition that poses a clear and immediate danger to life or health, or of a significant loss of property or utility service. “Emergency” also includes requests for service which the applicant deems urgent and can be classified as small project types A and B.
10. Excavation. Means any work on the surface or subsurface of the public right-of-way including but not limited to opening the right-of-way, installing, servicing, repairing, or repairing/modifying any facilities/sites in or under the surface or subsurface, and restoring the surface and subsurface of the public right-of-way.
11. Facilities. Means any tangible thing located in any right-of-way; and shall include boulevard plantings or gardens planted & maintained in the right-of-way between a person’s property and the street edge of pavement.
12. Geo-technical Engineer. Means a professional engineer experienced in soils engineering and materials testing.
13. Geo-technical Company. Means a professional engineering company that provides soils engineering and testing services, laboratory and field testing services, construction material testing, and possesses a certificate of

authorization from the state board of registration for professional engineers and land surveyors.

14. In. Means, when used in conjunction with “right-of-way”, means over, above, in, within, on or under a right-of-way.
15. Landscape or Landscaping. Means trees, shrubs and other plantings of materials that are or may grow to a height of eighteen (18) inches or more, and irrigation systems (in unpaved areas), in the right-of-way.
16. Major Project. Means construction of water, sewer, gas, telephone, fiber optic, electrical power conduit, cable and duct, TV cable, jacking, boring, pushing and tunneling, retrofitting existing facilities/sites, storm drain and any other miscellaneous major facility construction projects that involve more than one continuous block or five hundred (500) linear feet of right-of-way.
17. Minor Project. Means construction of miscellaneous utility service lines, manhole installation not associated with Major Project construction, main line point repairs and installation, miscellaneous utility service line repair, storm drain and inlet repairs, vaults, irrigation systems and other miscellaneous construction and repair projects that involve less than one (1) block or five hundred (500) linear feet of right-of-way.
18. Municipal Court. Means the part of the City of Daphne Municipal Court System designed to enforce local laws and ordinances relating to the physical appearance of the City, and the health and safety of the public.
19. Municipal Offense Ticket (M.O.T.). Means a citation issued for a violation of this ordinance. A M.O.T. may require payment of a fine as defined by the municipal offense ticket system (M.O.T.) fine schedule, as may be amended from time to time, appearance in municipal court and if determined by the judge of said court, jail or community service.
20. Notice of Violation. Means a written warning issued by the Department, or the City of Daphne Code Enforcement Officer, for a violation or possible violation of this ordinance.
21. Obstruct. Means to place any tangible object in a right-of-way so as to hinder free and open passage over, under or through that or any part of the right-of-way.
22. Permit Fee. Means money charged by the City of Daphne to cover the costs as provided in Appendix A (Schedule of fees) of this ordinance.

23. Permittee. Means any person or company to whom a permit to construct or obstruct a right-of-way has been granted by the City.
24. Person. Means any natural or corporate person, business association or other business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity which has or seeks to have facilities/sites located in any right-of-way.
25. Restoration. Means the process by which a constructed or obstructed right-of-way is restored as specified in the constructed standards.
26. Right-Of-Way. Means the surface and space above and below any real property in which the City has an interest in law or equity, whether held in fee, or other estate or interest including easements, or as a trustee for the public, including, but not limited to any public street, boulevard, road, highway, freeway, lane, alley, court, sidewalk, parkway, river, tunnel, viaduct, bridge, park, or any other place, area, or real property owned by or under the control of the City.
27. Right-Of-Way Permit. Means the permit which must be obtained before a person may construct in, or obstruct in a right-of-way as required by Section III (Right-of-way permits) of this ordinance.
28. Service or Utility Service. Means services provided by utilities.
29. Sidewalk. Means the paved pedestrian walkway between the edge of the road and the street right-of-way line.
30. Small Project (Type A). Means the installation of equipment cabinets, junction boxes, terminal boxes, splice boxes, regulator stations, meters and valves in paved areas, utility poles, guy poles and appurtenances not associated with a major or minor project.
31. Small Project (Type B). Means the installation, repair and routine maintenance of miscellaneous utility drop lines, overhead wires and cables, traffic signal poles, light poles, traffic signs, meters, valves and other miscellaneous construction, repair, routine maintenance and inspection, that requires minimal excavation or right-of-way disruption.
32. Supplementary Application. Means an application made to construct or obstruct more of the right-of-way than allowed in, or to extend, a permit that has already been issued.

33. Trenchless Technology. Means the use of directional boring, horizontal drilling and microtunneling and other techniques in the construction of underground portions of facilities which result in the least amount of disruption and damage to right-of-way as possible.
34. Underground Facilities. Means all lines, cables, conduits, posts, tanks and any other facilities owned or operated by persons other than the City which are located wholly or partially underneath right-of-way.
35. Utilities. Means any water, sewer, gas, drainage, irrigation or culvert pipe and any electric power, telecommunication, signal, communication, or cable television conduit, fiber / fiber optic, wire, cable, or operator thereof.

**SECTION II. RIGHT OF WAY ADMINISTRATION**

A. Administration. The City of Daphne Public Works Director shall be the principal City official responsible for the administration of the right-of-way, right-of-way permits, and the ordinances related thereto. The Public Works Director may amend from time to time, construction standards and other rules reasonably required to carry out the purposes of this ordinance. Any requirement not specifically covered by this ordinance or the construction standards shall be determined by the Public Works Director. The Public Works Director may delegate any or all of the duties hereunder.

B. Appeal Procedure. The Public Works Director may grant a special exception to the requirements of this ordinance if a permittee demonstrates, with written evidence, that:

1. The exception will not create any threat to public health, safety or welfare.
2. The permittee demonstrates that the increased economic burden and the potential adverse impact on the permittee's construction schedule resulting from the strict enforcement of this ordinance actually, or effectively, prohibits the ability of the permittee to provide utility services in the City.
3. The permittee demonstrates that the requirement unreasonably discriminates against the permittee in favor of another person.

C. Should any person be aggrieved by the decision of the Public Works Director, such person may appeal by filing written notice with the Public Works Department within fifteen (15) days from the date of such decision. The Department shall send a copy of the appeal and all relevant Documentation, within fifteen (15) days, to the City Clerk's Office to be considered by the City Council at a public hearing.

**SECTION III. RIGHT-OF-WAY PERMITS**

**A. Permit requirements.**

1. Except as otherwise provided in this ordinance, no person may construct or obstruct any right-of-way without first having obtained one of the following right-of-way permits from the Public Works Department.

a) Major Project;

b) Minor Project;

c) Small projects;

1) Type A;

2) Type B; or

d) Landscape

2. Right-of-way permit. A right-of-way permit is a permit which allows the holder to construct, obstruct, or landscape in that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein. A permit is valid only for the date(s) and the area(s) of right-of-way specified in the permit. No person may construct in or obstruct the right-of-way beyond the date or dates specified in the permit unless such person:

a) Makes a supplementary application for another right-of-way permit before the expiration of the initial permit; and

b) A new permit or permit extension is granted.

However, if no work is initiated within four months or if the project lies dormant for a period of thirty (30) calendar days after being started, the Permit is made invalid.

3. Emergencies. When the work must commence immediately because of an emergency, the permittee shall comply with the provisions in Section V, subsection B, 1.

4. Exemptions. No permits shall be required for the following activities:

a) Installation and repair of facilities by, or for, City of Daphne Departments; and

- b) Installation of landscaping materials which are, or may grow, to a height of not more than eighteen (18) inches.
5. Permit authorizing routine work. Applicants may be allowed, if determined by the Public Works Department, to obtain in advance, an annual, quarterly or semi-annual permit for minor projects outside roadway limits and some small projects that involve minimal excavation. Permit fees shall be calculated as an estimate of similar work conducted over the past 12 months. Bi-weekly summary submittals will be required of blanket permit applicants covering the type and extents of work, locations, durations, etc... These summary submittals will be used to verify and adjust fees based on the actual work completed under that blanket permit. A twenty-five dollar (\$25.00) application fee plus all estimated fees will be charged at the time of application.
- B. Permit applications. Application for a permit is made to the Public Works Director.
- 1. All permit applications shall contain, and will be considered complete only upon compliance with the requirements of the construction standards, as appropriate.
    - a) Tree and landscaping requirements of this article shall be administered and enforced by the Director of Community Development, in cooperation with the Director of Public Works.
- C. Issuance of permit; conditions.
- 1. If the Director of Public Works determines that the applicant has satisfied the requirements of this ordinance, he may issue a permit or issue notification and reason for denial of same.
  - 2. The Director of Public Works may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder in order to protect the public health, safety and welfare, to insure the structural integrity of the right-of-way, to protect the property of other users of the right-of-way, and to minimize the disruption and inconvenience to the traveling public, including notification to property owners.
- D. Permit fees.
- 1. Permit fees shall be established by the City Council upon recommendation by the Director of Public Works. Said fees shall be in an amount sufficient to recover the following costs:

- a) The City costs, including administration, inspection, and enforcement; and
  - b) The cost for obstructing the right-of-way, including costs associated with traffic management that results from street obstruction, lost tax revenues resulting from streets blocked and as an encouragement to minimize costs and to encourage timely, efficient use of the right-of-way.
  - c) The current schedule of permit fees is set forth in Appendix A to this article.
- 2. Payment of permit fees. No permit shall be issued without payment of such fees unless the Public Works Director authorizes payment to be made thirty (30) days following billing. All changes in fees shall be approved by the City Council.
  - 3. Nonrefundable fees. All permit fees are nonrefundable.
  - 4. Joint applications. Applicants are encouraged to make joint applications for permits to construct or obstruct the right-of-way at the same place and time.

**SECTION IV. CONSTRUCTION; RESTORATION**

A. Compliance with construction standards. All construction or maintenance of facilities shall be in accordance with this ordinance, the construction standards and such other conditions imposed on the permit by the Public Works Director under Section III, C.

B. Location of facilities. The Public Works Director shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way if there is insufficient space to accommodate all of the requests or permittees to occupy and use the right-of-way. In making such decisions, the Public Works Director shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of public interest, the public's need for the particular utility service, the condition of the right-of-way, the protection of existing facilities/sites in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.

C. Least disruptive technology. Applicants are encouraged to perform construction and maintenance of facilities in a manner resulting in the least amount of damage and disruption of the right-of-way. Applicants will be required to use trenchless technology for major and minor construction projects, within roadway limits, in arterial and other high volume streets constructed or resurfaced within the last five (5) years, unless otherwise approved by the Director of Public Works and such approval shall not be unreasonably withheld. The Director of Public Works may require trenchless technology in other locations, where extreme circumstances prevent or make open cut methods impractical. Applicants may use the open cut method or trenchless technology for major and minor projects outside roadway limits.

D. Right-of-way restoration.

1. The work to be done under the permit, and the restoration of the right-of-way as required herein, must be completed within the dates specified in the permit. In addition to its own work, the permittee must restore the general area of the work, including all disturbed landscaping materials and the permitted areas, including the paving and its foundations, per the City of Daphne construction standards.
2. The permittee shall perform the work according to the standards and with the materials specified by the City of Daphne Public Works Director including but not limited to the construction standards.
3. By restoring the right-of-way, the permittee guarantees its work for twenty-four (24) months following its completion. During this twenty-four month period, the permittee shall, upon notification from the Public Works Director, correct all restoration work to the extent necessary using the method required by the Director. Said work shall be completed within the time frame specified by the Director of Public Works.

E. Installation requirements. The excavating, backfilling, restoration, and all other work performed in the right-of-way shall be done in conformance with specifications set forth in the construction standards.

F. Inspection. Except for routine work, when the work under any permit for major and minor projects hereunder is completed, the permittee shall notify the Public Works Director.

1. Permittee shall make the work site available to the Public Works Director or his authorized representative and to all others as authorized by law for inspection at all reasonable times during the execution and upon completion of the work.
2. At the time of the inspection, the Director of Public Works or his authorized representative may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.
3. The Director of Public Works or his authorized representative may issue a notice of violation to the permittee for any work which does not conform to the applicable standards, conditions or codes. The order shall state that failure to correct the violation will be cause for issuance of a Municipal Offense Ticket (M.O.T.) and/or a stop work order. Within the time frame indicated on the notice after issuance of the order, the applicant shall present proof to the Director of Public Works that the violation has been corrected. If such proof has not been presented within the required time, the Director of Public Works may issue a stop work order and/or have a Municipal Offense Ticket (M.O.T.) issued.

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G. Other obligations. Obtaining a right-of-way permit does not relieve the permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other city, county, state, or federal rules, laws or regulations.

1. A permittee shall comply with all requirements of local, state and federal laws, including a franchise duly adopted by the City Council. Contact shall be made to the one call excavation notice system, Alabama Statutes @ 1-800-292-8525, or such other number which may be applicable.
2. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who performs the work.
3. Except in the case of an emergency, and with the approval of the Director of Public Works, no right-of-way obstruction or excavation may be performed when seasonally prohibited or when conditions are unreasonable for such work.
4. A permittee shall not so obstruct a right-of-way that the natural and free passage of water through the gutters or other waterways shall be interfered with.
5. Private vehicles not owned by or under contract to permittee may not be parked within or adjacent to a permit area.

**SECTION V. ENFORCEMENT OF PERMIT OBLIGATION**

A. Denial of permit.

1. Mandatory denial. Except in the case of emergency, no right-of-way permit will be granted:
  - a) To any person who has failed to comply with the requirements of this article;
  - b) To any person who is delinquent in paying a debt owed to the City;
  - c) If, in the discretion of the Director of Public Works, the issuance of a permit for the particular date and/or time would cause a conflict or interfere with an exhibition, celebration, festival, or any other event. The Director of Public Works, in exercising this discretion, shall be guided by the safety and convenience of ordinary travel of the public over the right-of-way, and by considerations relating to the public health, safety and welfare.
3. Permissive denial. The Director of Public Works may deny a permit in order to protect the public health, safety and welfare, to prevent interference with the safety and convenience of ordinary travel over the right-of-way, or when

necessary to protect the rights-of-way and its users. The Director of Public Works may consider one (1) or more of the following factors:

- a) The extent to which the right-of-way space where the permit is sought is available;
- b) The competing demands for the particular space in the right-of-way;
- c) The availability of other locations in the right-of-way or in other right-of-way for the facilities of the particular company;
- d) The applicability of other ordinances or other regulations of the right-of-way that affect location of facilities in the right-of-way;
- e) The degree of compliance of the applicant with the terms and conditions of its franchise, this ordinance, and other applicable ordinances and regulations; the degree of disruption to surrounding neighborhoods and businesses that will result from the use of that part of the right-of-way; and
- f) The condition and age of the right-of-way, and whether and when it is scheduled for total or partial construction; and the balancing of the costs of disruption to the public and damage to the right-of-way, against the benefits to that part of the public served by the expansion into additional parts of the right-of-way.

B. Work done without a permit.

1. Emergency situations. Each permittee shall notify the Director of Public Works (by telephone or in person) of any event regarding its facilities which it considers to be an emergency immediately upon its discovery of same. The applicant may proceed to take whatever actions are necessary in order to respond to the emergency. Within three (3) business days after the occurrence of the emergency, the applicant shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this ordinance for the actions it took in response to the emergency.
2. In the event that the Director of Public Works becomes aware of an emergency regarding a permittees' facilities/site, the Department shall attempt to contact the local representative of each permittee affected, if known, or potentially affected, by the emergency, who must comply with subsection B, 1. of this section. In any event, the Department may take whatever action deemed necessary in order to respond to the emergency.
3. Non-emergency situations. Except in the case of an emergency, any person who obstructs or excavates a right-of-way without a permit must

subsequently obtain a permit, pay double the normal fee for said permit, pay double all the other fees required by City Codes, is subject to the issuance of a notice of violation and/or a Municipal Offense Ticket (M.O.T.), deposit with the Department the fees necessary to correct any damage to the right-of-way and comply with all requirements of this article.

C. Enforcement.

1. Permittees hold permits issued pursuant to this ordinance as a privilege and not as a right.
2. If the Director of Public Works determines that the permittee has violated a material term or condition of any statute, ordinance, rule, regulation or any condition of the permit, the Director of Public Works shall issue a notice of violation to the permittee to remedy such violation. The demand shall state that continued violations may cause for the issuance of a stop work order and issuance of a Municipal Offense Ticket (M.O.T.). Further, a substantial breach, as stated above, will allow the Director of Public Works, at his or her discretion, to place additional or revised conditions on the permit.
3. A material violation by permittee shall include, but shall not be limited to, the following:
  - a) The violation of any material provision of the permit;
  - b) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens;
  - c) Any material misrepresentation of fact in the application for a permit;
  - d) The failure to maintain the required bonds and/or insurance;
  - e) The failure to complete the work within a timely manner; or
  - f) The failure to correct a condition indicated on an order issued pursuant to Section IV, F.
4. Within forty-eight (48) hours of receiving a notice of violation, permittee shall contact the Director of Public Works with a plan, acceptable to the Director of Public Works, for its correction. Permittee's failure to so contact the Director of Public Works, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved

plan, shall be cause for immediate issuance of a stop work order and issuance of a Municipal Offense Ticket (M.O.T.).

5. From time to time, the Director of Public Works may establish a list of
6. conditions of the permit that will automatically warrant the issuance of a Municipal Offense Ticket (M.O.T.) to the permittee.

**SECTION VI. INDEMNIFICATION AND LIABILITY**

A. The City does not accept liability. By reason of the grant of a right-of-way permit, the City does not assume any liability:

1. For injuries to persons, damage to property, or loss of service claims by parties other than the applicant or the City; or
2. For claims or penalties of any sort resulting from the installation, presence, maintenance, or operation of facilities by permittees or activities of permittees.

b) Applicant or permittee indemnifies the City. By accepting a permit, a permittee is required to, indemnify and hold the City whole and harmless from all costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair or operation of its facilities/site, or out of any activity undertaken in or near a right-of-way, whether any act or omission complained of is authorized, allowed, or prohibited by a right-of-way. It further agrees that it will not bring, nor cause to be brought, any action, suit or other proceeding claiming damages, or seeking any other relief against the City for any claim nor for any award arising out of the presence, installation, maintenance or operation of its facilities/site, or any activity undertaken in or near a right-of-way, whether the act or omission complained of is authorized, allowed or prohibited by a permit. The foregoing does not indemnify the City for its own negligence. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the applicant or to the City; and the applicant, in defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert on its own behalf.

c) Exceptions. The provisions of subsection (b) of this section shall not apply to a permittee that has, as effective date of this ordinance, a valid franchise duly granted by the City, and said franchise requires the permittee to hold harmless the City for damages occasioned by the presence, operations or maintenance of the permittee's facilities/site. This exemption shall not apply where said franchise does not afford the City at least the level of protection stated in section (b) of this section, unless the permittee agrees to provide the same or greater level of protection to the City.

**SECTION VII. PENALTY.**

A. Any person found guilty of violating any provision of this Ordinance shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a period not exceeding six (6) months, or both, in the discretion of the Municipal Judge.

B. This Ordinance shall also be subject to enforcement by the issuance of a summons and complaint pursuant to the provisions of Ordinance No. 1993-02, as the same may be from time to time amended.

**SECTION VIII. NON-EXCLUSIVITY**

The remedies provided in this ordinance are not exclusive or in lieu of other rights and remedies that the City may have at law or in equity. The City is hereby authorized to seek legal and equitable relief for actual or threatened injury to the public right-of-way, including damages to the right-of-way, whether caused by a violation of any of the provisions of this chapter or other provisions of this ordinance.

**SECTION IX. SEVERABILITY**

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

**SECTION X. REPEALER**

Any Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

**SECTION XI. EFFECTIVE DATE**

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF DAPHNE, ALABAMA,  
ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**CITY OF DAPHNE**

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**DANE HAYGOOD, MAYOR**

**ATTEST:**

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**REBECCA A. HAYES, CITY CLERK**

**APPENDIX A  
SCHEDULE OF FEES**

**RIGHTS-OF-WAY AND EXCAVATION PERMIT FEES**

<b><u>Description</u></b>	<b><u>Permit Fee</u></b>
Administration Fee	\$25.00 (all permits)
Aerial utility construction (new installation)	\$0.50 per L.F.
Utility poles including guy and anchor (new installation)	\$2.00 per pole
Excavation for all new projects (paved areas)	\$3.00 per L.F. (minimum fee \$100.00)
Excavation for all new projects (unpaved areas)	\$0.75 per L.F.
Excavation for point repairs - service lines, storm drains, manholes, etc. (paved areas)	\$20.00 per square yard
Excavation for point repairs - service lines, storm drains, manholes, etc. (unpaved areas)	\$6.00 per square yard
Directional boring and jacking operations, tunneling, retrofit or repair of existing utilities by bore, stitch boring, plowing, irrigation systems, etc...	\$0.40 per L.F. (minimum fee \$25.00)
Communication towers (new installation)	\$50.00 per tower
Terminal boxes, junction boxes, equipment cabinets, splice boxes, regulator stations, meters & valves in paved areas, vaults, utility pedestals	\$5.00 each
Sidewalk, driveway, curb, gutter, mitred-end sections (new construction, replacement, or repair):	
0 sq. yds. to 2 sq. yds.	\$10.00
2 sq. yds. to 25 sq. yds.	\$30.00
25 sq. yds. to 100 sq. yds	\$50.00
100 sq. yds. to 200 sq. yds.	\$100.00
200 sq. yds. or greater	\$0.50 per SY
Steps, Ramps (ADA compliant), etc...	\$50.00 per location
Monitoring wells	\$50.00 each
Temporary pedestrian walkway	\$50.00 per location
Balconies, Canopies	\$10.00 per location

**Note: Applicants may be allowed, if determined by the Department to obtain, in advance, an annual, quarterly, or semi-annual permit for minor projects outside roadway limits and some**

**small projects that involve minimal excavation as defined by the Public Works director. Permit fees shall be calculated as an estimate of similar work conducted over the past twelve (12) months. Bi-weekly summary submittals will be required of blanket permit applicants covering the type and extents of work, locations, durations, etc... These summary submittals will be used to verify and adjust fees based on the actual work completed under that blanket permit. A \$25 application fee plus all estimated fees will be charged at the time of application.**

\*No fee/permit shall be required for replacing existing poles of similar size or routine inspection.

\*\*\*\*\*Please note: all fees are non-refundable\*\*\*\*\*

### **OBSTRUCTION FEES**

The following conditions shall apply in determining obstruction fees:

1. The obstruction of commercial pedestrian walkways will be charged at the rate of five dollars (\$5.00) per calendar day for each twenty (20) linear feet of length.
2. Fees will not be charged for obstruction of less than eight (8) hours.

## APPENDIX B

### CONSTRUCTION STANDARDS FOR MISCELLANEOUS CONSTRUCTION UTILITY EXCAVATION, AND RIGHT-OF-WAY AND PAVEMENT RESTORATION

#### SECTION I. CONSTRUCTION PLAN SUBMITTAL REQUIREMENTS WITHIN PUBLIC RIGHT-OF WAYS AND EASEMENTS

A. Major projects.

1. Major projects within roadway limits:

a) Construction plan submittal. Applicants for right-of-way permits shall submit three (3) sets of construction plans and specifications, including the following information, for review and approval:

1.) The location of all topographic features affected by the project within the right-of-way.

b) Complete plan & profile sheets indicating the horizontal and vertical location of all components of the proposed project and other related information including, but not limited to, pipe and manhole flow line elevations, type and size of pipe, and other related structures, profile and other elevations necessary for roadway and right-of-way restoration, and the design details of the proposed construction and pavement and right-of-way restoration will be required for gravity flow systems including sanitary sewer, storm drain and related projects.

**Note: Complete plan & profile sheets and other information currently required for gravity flow systems will be required for projects submitted after future ordinance amendment to include provisions for implementation of GIS mapping requirements.**

c) A plan indicating the location of the proposed project with respect to the centerline, edge of road, and right-of-way, tie-in to nearest street intersection, components and material type used, and dimensions and depth of the proposed installation, will be required for non-gravity flow systems including water distribution systems, gas systems, communication, cable TV and electric power distribution systems, unless otherwise authorized by the Director of Public Works.

d) An erosion control plan and best management practices (BMP's) complying with provisions of the City Stormwater Management Ordinance.

e) A safety plan to include methods to be used to protect the general public from injury, and including the proposed use of barricades, signs, lights, fencing and other barriers.

f) A traffic control plan complying with all of the provisions of the Federal Manual on Uniform traffic Control Devices, current edition, shall be submitted to the Director of Public Works.

g) A landscape plan complying with the tree landscaping and protection ordinance; and

h) Complete as-built construction plans of the construction project shall be submitted to the Director of Public Works, after final inspection of the project. The as-built plans shall be submitted in hard copy medium as well as CAD files in DWG Format.

2. Major projects outside roadway limits:

a) Construction plan submittal. Applicants for right-of-way permits shall submit three (3) sets of construction plans & specifications, including the following information for review and approval:

1.) The location of all visible topographic features within the right-of-way that will be impacted by the proposed project.;

b. anchor;

c. Complete plan and profile sheets indicating the horizontal and vertical location of all components of the proposed project and other related information including, but not limited to, pipe and manhole flow line elevations, type and pipe size, and other related structures, profile and other elevations necessary for right-of-way restoration and the design details of the proposed construction, including the right-of-way restoration will be required for gravity flow systems including sanitary sewer, storm drain and related projects.

**Note: Complete plan & profile sheets and other information currently required for gravity flow systems will be required for projects submitted after ordinance amendment to include provisions for the implementation of GIS mapping requirements.**

d) A plan indicating the location of the proposed project with respect to the centerline, edge of road, and right-of-way, tie-in to nearest street intersection, components and type of material used, and dimensions and depth of the proposed installation, will be required for non-gravity flow systems including water distribution systems, gas systems, communication, cable TV and electric power distribution systems, unless otherwise authorized by the Director of Public Works.

e) An erosion control plan with best management practices (BMP's) complying with the City's Stormwater Management Ordinance.

- f) A safety plan to indicate methods to be used to protect the general public from injury, and including the proposed use of barricades, signs, lights, fencing and other barriers.
- g) A traffic control plan complying with all the provisions on the Manual on Uniform Traffic Control Devices, current edition, shall be submitted to the Director of Public Works, if any roadway is affected.
- h) A landscape plan complying with the tree landscaping and protection ordinance; and
- i) Complete as-built construction plans of the construction project shall be submitted to the Director of Public Works, after final inspection of the project. The as-built plans shall be submitted in hard copy form and CAD files in DXF Format.

B. Minor projects.

1. Minor projects within roadway limits.

a) Construction plan submittal. Applicants for right-of-way permits shall submit a plat of the proposed project including the following information:

1) A plat prepared at a scale acceptable to the Director of Public Works to indicate the plan view of the proposed project, location with respect to centerline, edge of roadway, and right-of-way, tie-in to nearest street subdivision lot corner or street intersection, components and type of material used for the project, and dimensions and depth of proposed installation.

2) An erosion control plan with best management practices (BMP's) complying with provisions of the City's Stormwater Management Ordinance.

3) A safety plan to indicate methods to be used to protect the general public from injury, and including the proposed use of barricades, signs, lights, fencing and other barriers.

4) A traffic control plan complying with all the provisions of the Manual on Uniform Traffic Control Devices, current edition, shall be submitted to the Director of Public Works, if any roadway traffic is affected; and

5) Complete as-built construction plans of the construction project shall be submitted to the Director of Public Works, after final inspection of the project. As-built plans shall be submitted in hard copy medium and CAD files in DWG Format.

2. Minor projects outside roadway limits.

a) Construction plan submittal. Applicants for right-of-way permits shall submit a plat of the proposed project including the following information:

- 1) A plat prepared at a scale acceptable to the Director of Public Works to indicate a plan view of the proposed project, location with respect to edge of roadway, centerline, and right-of-way, tie-in to nearest subdivision lot corner or street intersection, components and type of material used, dimensions and depth of proposed excavation.
- 2) An erosion control plan with best management practices (BMP's) complying with the City's Stormwater Management Ordinance.
- 3) A safety plan to indicate methods to be used to protect the general public from injury, and including the proposed use of barricades, signs, lights, fencing and other barriers.
- 4) A traffic control plan complying with all the provisions of the Manual on Uniform Traffic Control Devices, current edition, shall be submitted to the Director of Public Works, if any impact on traffic movement is involved.
- 5) A landscape plan complying with the tree landscaping and protection ordinance.
- 6) Complete as-built construction plans of the construction project shall be submitted to the Director of Public Works, after final inspection of the project. The as-built plans shall be submitted in hard copy medium and CAD files in DXF Format.

C. Small projects. The applicant will not be required to submit a construction plan or plat for small projects. However, a location sketch will be required for the approval of small projects (Type A). Any pavement or areas in the right-of-way that is disturbed shall be restored in conformance with sections 6 and 7 of this ordinance.

## **SECTION II. BOND REQUIREMENTS**

A. Construction bond. The applicant shall be required to provide an irrevocable, unconditional letter of credit or bond to guarantee the proper construction and completion of right-of-way restoration. The amount of the bond shall be based on the estimated cost of the right-of-way restoration provided by the permittee and approved by the Director of Public Works. A construction bond will not be required for small projects if no paved area or right-of-way is disturbed by the project. The Director of Public Works may waive the requirement for the construction bond for permittees who evidence financial ability to pay the cost of the repairs to City rights-of-way resulting from their permittee activity.

B. City Departments performing installation of facilities/sites, routine maintenance and repair, and other agencies working in the right-of-way that are not involved in the installation, repair and maintenance of utilities, are exempt from the requirements of section 2.

**SECTION III. NOTIFICATION PROCEDURES FOR MAJOR AND MINOR PROJECTS**

A. Except for emergencies, the following notification procedures will be followed for major & minor projects, prior to the commencement of any construction activities:

1. The one call line location center will be notified forty-eight (48) hours prior to any excavation. The location of all utilities shall be verified before commencing construction.
2. The Director of Public Works shall be notified twenty-four (24) hours prior to commencing any construction activity involving major and minor projects within roadway limits.
3. The Public Works Director will be notified seventy-two (72) hours prior to the closure of any roadway or interruption in traffic flow.
4. A written notice will be distributed to each occupant of premises adjacent to the project site five (5) days prior to commencing construction activity relating to major projects.

**SECTION IV. INSPECTION**

A. City engineering personnel will conduct periodic inspections of utility construction, right-of-way and pavement restoration. The contractor will schedule a final inspection for major & minor projects when construction is complete.

**SECTION V. TRENCH EXCAVATION AND GENERAL UNDERGROUND CONSTRUCTION REQUIREMENTS FOR MAJOR AND MINOR PROJECTS**

A. Excavation.

1. Trench excavating methods (trench box, shoring, etc.) shall be used to keep the width of the trench to a minimum. Extra wide excavation to accommodate equipment will not be permitted. Sheet piling, bracing, shoring, pre-fabricated steel trench boxes and other trench restraint system will be used to keep trench width to a minimum and to comply with OSHA regulations.
2. Hazardous materials. The applicant will comply with all federal, state and local laws, regarding hazardous material. For purposes of this section, hazardous material shall mean any material, substance or waste which,

because of its quantity, concentration, or physical or chemical characteristics, is deemed to pose a present or potential hazard to human health, safety or to the environment.

3. Utility construction. The construction of utilities will be in conformance with the plans which constitute a part of the permit approval process.

A. Depth requirements for underground installation:

1) Within roadway limits. The minimum clear depth for open cut installation, and jacking, boring,, and pushing operations shall be thirty-six (36) inches, unless otherwise authorized or directed by the Director of Public Works.

2) Outside roadway limits and driveways. The minimum clear depth for open cut installation and jacking, boring, and pushing operations shall be thirty (30) inches, unless otherwise authorized or directed by the Director of Public Works.

4. Housekeeping and excavated material. The permittee shall keep the area surrounding the excavation clean (including trash, loose materials or other debris).

B. Backfill material.

1. Backfill material for major projects will be select granular soil material approved by the geotechnical engineering company or the Director of Public Works. Excavated material from the trench will not be used unless approved. Material excavated from utility poles, guy wire installation, replacing existing poles and routine pole inspections may be used for backfill.

2. Backfill material for minor projects within the roadway shall be comprised of crushed stone material up to subgrade elevation, unless otherwise approved by the Director of Public Works. Backfill material for other areas will be select granular soil material approved by a geotechnical engineering company or the Director of Public Works.

3. Installation of backfill material:

a) Backfilling of the excavated area shall follow closely behind the installation project.

b) The backfill material shall be compacted at near optimum moisture content, in layers not exceeding six (6) inches compacted thickness, to a density of not less than ninety-five (95) percent, unless otherwise approved by the geotechnical company. Mechanical tampers shall be used unless

another method of compaction is approved. Jetting will not be permitted. The backfill material shall be installed uniformly and brought up evenly in layers for the full length of the trench.

4. Geotechnical testing and compaction for major & minor projects.
  - a) Major projects. A geotechnical engineering company will perform compaction tests at intervals of no more than 200 feet along the main trench line. Tests will be conducted at the installation of service lines within these limits where directed by the Director of Public Works. The geotechnical engineering company will perform tests at as many levels of backfill installation, and at lateral locations to certify that compaction requirements have been achieved. Documented test reports will be prepared and submitted to the Director of Public Works before any right-of-way restoration proceeds.
  - b) Minor projects. Compaction tests may be requested for minor projects at specific locations.
5. General public safety: Every effort will be taken by the contractor to protect the safety and welfare of the general public, and to insure compliance with the safety and traffic plans submitted with the permit application.
6. Steel plates may be required by the Director of Public Works, in congested or heavily traveled areas, to cover open trenches. Temporary patching will be required for any trench excavation in the roadway prior to opening the area to traffic. The Director of Public Works may also require the temporary covering of any excavated area that will be left open overnight, if he so deems that not covering the excavated area will present a threat to public safety or health.
7. For major projects a construction sign will be placed adjacent to the utility construction area where traffic flow is to be obstructed. The signs will be placed seventy-two (72) hours prior to construction, at least every five hundred (500) feet along the project. The name of the utility/company involved and phone numbers that may be contacted on a twenty-four hour basis to be shown on the sign(s).

## **SECTION VI. RIGHT-OF WAY RESTORATION WITHIN ROADWAYS**

A. All construction procedures and materials utilized will be in compliance with Alabama Department of Transportation Standard Specifications for Highway Construction, current edition. A geotechnical engineering company will be retained by the utility/company or permittee, to conduct field testing to document and certify that all materials and compaction efforts are in compliance with Alabama Department of Transportation Standard Specifications for Highway Construction, latest edition and procedures specified in the City engineering department's design details for right-of-way restoration.

B. Major projects.

1. Asphalt road surface.

a) Base construction.

1) Granular soil, sandy clay base. The base course of the affected lanes shall be reconstructed full width.

2) Bituminous base, stone base. The base course of the affected lanes shall be patched with equivalent base material if the structural integrity of the roadway has not been affected by the project, as determined by the geotechnical engineering company. Otherwise, the affected lanes shall be reconstructed full width.

b) Wearing surface. The full width of the roadway surface shall be resurfaced within the limits of the project. Existing traffic striping and markings will be replaced.

2. Asphalt roadway surface overlay on existing concrete pavement.

a) Base construction. The existing concrete street may be patched with concrete, if the structural integrity of the roadway has not been affected by the project, as determined by the geotechnical engineering company. Otherwise, the affected panels of the existing concrete street shall be reconstructed.

b) Wearing surface. The full width of the roadway surface shall be resurfaced within the limits of the project. Existing traffic striping and markings will be replaced.

3. Concrete roadway surface.

a) Base construction. The base course of the affected lanes shall be reconstructed full width as determined by the geotechnical engineering company.

b) Concrete pavement. The entire roadway panel sections of the affected lanes shall be reconstructed. If the structural integrity of the roadway has been significantly affected by the project, the Director of Public Works may require the entire concrete surface, within the project limits, be reconstructed full width. Existing traffic striping and markings will be replaced.

4. Unpaved roadway surface. The entire roadway shall be surfaced with six (6) inches of stone within project limits.

B. Minor projects.

1. Asphalt roadway surface sixteen (16 square) feet or greater. For transverse service lines and miscellaneous installation and repair projects within

excavated areas sixteen (16) square feet or greater, the entire width of the lane disturbed will be resurfaced from a point measured ten (10) feet from the edge of the excavation each way longitudinally along the centerline of the roadway. If more than one (1) lane is disturbed, the entire width of the disturbed lanes will be resurfaced. If the replacement pavement is more than seventy (70) feet long or more than ten (10) percent of the roadway area within a block is affected, the entire roadway will be resurfaced within the block. Existing traffic striping and markings will be replaced (See Fig. B-1).

2. Asphalt roadway surface less than sixteen (16) square feet. For miscellaneous construction involving excavated areas less than sixteen (16) square feet, the area from the edge of the excavation extending one (1) foot outside the perimeter of the cut area will be resurfaced. If more than one (1) lane is disturbed, the entire width of the disturbed lanes will be resurfaced. If the replacement pavement is more than seventy (70) feet long or more than ten (10) percent of the roadway area within a block is affected, the entire roadway will be resurfaced within the block. Existing traffic striping and markings will be replaced.
3. Concrete roadway surface. The entire affected roadway panel sections, including base course, will be reconstructed joint to joint. Existing traffic striping and markings will be replaced.
4. Unpaved roadway surface. The entire roadway width will be resurfaced with six (6) inches of stone from a point ten (10) feet measured longitudinally along the roadway from the center of the excavation each way.

C. Jacking, boring, pushing, tunneling, retrofitting, and pipe lining projects. Any pavement damage caused by these types of projects will be restored in conformance with provisions of sections 5, 6, & 7 of this ordinance. Any existing pavement damage relating to the replacement, retrofitting, or pipe lining of damaged utilities will be restored in conformance with sections 5, 6, & 7 of this ordinance.

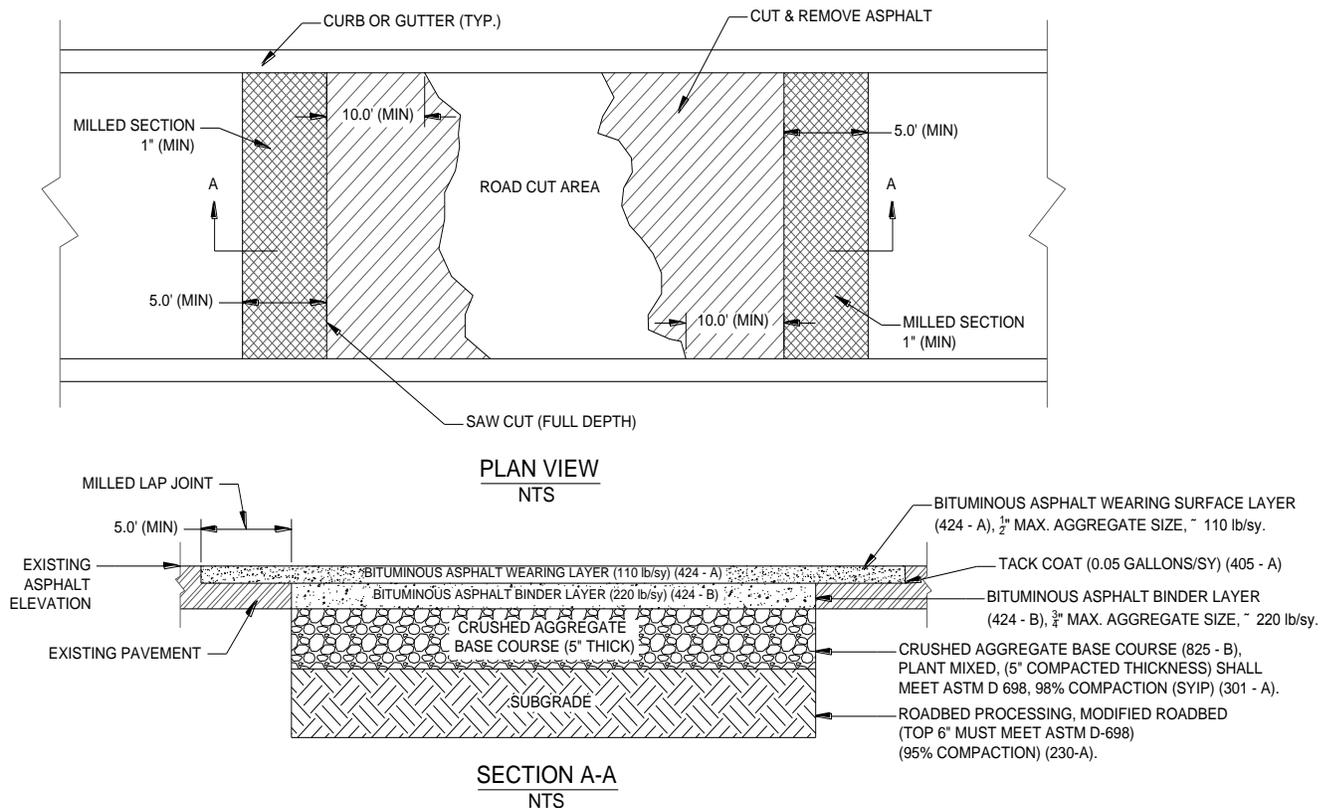
## **SECTION VII. RIGHT-OF-WAY AND EASEMENT RESTORATION OUTSIDE ROADWAY AREAS**

### **A. Driveways.**

1. Asphalt.
  - a) Asphalt driveways affected by the construction project shall be replaced from the right-of-way line to the curb or edge of road.
  - b) Construction of asphalt driveways will comply with Alabama Department of Transportation Standard Specifications for Highway Construction, current edition, section 410.

2. Concrete.
  - a) Construction of concrete driveways affected by the construction project shall be replaced to the nearest control joint.
  - b) Construction of concrete driveways will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, current edition, section 618.
- B. Concrete sidewalks.
  1. Concrete sidewalks affected by the construction project shall be replaced to the nearest control joint in the affected construction area. Joints will be sawed unless at an expansion joint.
  2. Construction of sidewalks will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, current edition, section 618.
- C. Curb and gutter.
  1. Concrete curb and gutter, affected by the construction project, will be replaced from joint to joint in the affected area.
  2. Concrete curb and gutter construction will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, current edition, section 623.
- D. Miscellaneous structures.
  1. All walls, steps, and other miscellaneous structures, affected by the construction, will be replaced as required by the Director of Public Works.
- E. Drainage systems and structures.
  1. All disturbed drainage channels, structures, and pipe systems affected by the construction will be replaced as required by the Director of Public Works.
- F. Unpaved areas.
  1. All established lawn areas, affected by the construction project, will be replaced with similar landscaping materials which were existing prior to the project construction beginning, or upgraded at the discretion of the Director of Public Works. Other areas will be restored with approved topsoil replacement, and or sodding or seeding.

## TYPICAL ASPHALT ROADWAY REPAIR



**Figure B-1**

## Ordinance 2016-14

### Appropriation for Preliminary Survey and Engineering for ALDOT to make Access Improvements through Signalization and Service Roads on U.S. Highway 98 between County Road 64 and Vann Avenue

**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 has taken an active role in transportation planning and improvements along the U.S. Highway 98 corridor and in conjunction with the Alabama Department of Transportation (ALDOT) has worked jointly to improve the intersections of U.S. Highway 98 and the north service road, Whispering Pines, County Road 64 and Johnson Road; and

**WHEREAS**, the City of Daphne and ALDOT recognizes that the key to safe, efficient and maximized roadway capacity along the U.S. Highway 98 corridor is Access Management; and

**WHEREAS**, the City of Daphne and ALDOT has been working with business leaders, developers, engineers, elected officials, city and state employees and has established a “working group” to identify and study access issues along U.S. Highway 98 between County Road 64 and Vann Avenue; and

**WHEREAS**, this working group has determined improvements are warranted along this section of U.S. Highway 98 and are working with all involved parties to conduct a Transportation Impact Study (TIS) (\$14,950) and begin preliminary engineering (\$28,500) to design the proposed improvements; and

**WHEREAS**, it is the intent of City of Daphne that costs of improvements will be shared proportionally by all stakeholders: City, ALDOT and Private Businesses;

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

1. the Fiscal Year 2016 Budget is hereby amended to include an appropriation in the amount of **\$43,450** from the **Seven Cent Gas Tax Fund** for a Transportation Impact Study and preliminary Survey and Engineering for signalization of Lavender Lane with U.S. Highway 98; construction of a new service road on the east side of U.S. Highway 98 north of Lavender Lane; combining the access of Halls Lane and the south end of the western service road with U.S. Highway 98; and improvements to the north access of the western service road, and
2. the Mayor is hereby authorized to execute any documents required in order for the City of Daphne to participate in such access improvement project.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS**  
**\_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

**ATTEST:**

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

\_\_\_\_\_  
**Rebecca A. Hayes, City Clerk**



## CONTRACT FOR PROFESSIONAL SERVICES

### SECTION 1 – GENERAL INFORMATION

This agreement including all attachments is made between Preble-Rish, LLC of 9949 Belleton Avenue, Daphne 36526 and the Client listed below to perform the professional services as described below in Section 3.

**CONTRACT DATE: FEBRUARY 2, 2016**

**PROJECT NAME: US HIGHWAY 98 IMPROVEMENTS PHASES 1 & 2**

**CLIENT: CITY OF DAPHNE**

**CONTACT PERSON: RICHARD JOHNSON**

**PHONE NUMBER: 251-621-3182**

**MAILING ADDRESS: P.O. DRAWER 400**

**CITY / STATE / ZIP: DAPHNE, AL 36526**

**EMAIL: rjohnson@daphneal.com**

### SECTION 2 – PROJECT DESCRIPTION

The scope of work consists of survey, design, letting and construction engineering inspection services for the two phase improvements to Highway 98 as follows:

1. Right turn lane and improvements to the intersection of Hall Drive and Highway 98.
2. Proposed service road from Wacky Shrimp to Lavender Lane and right turn lane along Lavender Lane.

ALDOT and the City of Daphne will be responsible for the traffic signalization design and installation of at the intersection of Lavender Lane and Highway 98.

The above items shall be improved as per Exhibit "A".

**SECTION 3 - SCOPE OF SERVICES**

**1. TASKS PERFORMED FOR A LUMP SUM FEE FOR SURVEY, DESIGN & LETTING**

**A. SURVEYING**

- 1) Provide necessary right of way vacation and topographic survey to facilitate the design of the required improvements for the two phases as outlined.
- 2) Provide any required easement description and or right of way dedication/vacation descriptions.
- 3) Prepare necessary maps to accompany descriptions listed above.

**B. DAPHNE PERMITTING**

- 1) Coordinate with the City of Daphne as necessary for any dedication/vacation to their existing right of way and design coordination for the two phase improvements to Highway 98.
- 2) Attend planning commission, Public Works and/or City Council meeting as required by the City of Daphne.

**C. DESIGN ENGINEERING AND ALDOT PERMITTING**

- 1) Sub Contract the Traffic Impact Study with Traffic Solutions to comply with the requirements of ALDOT.
- 2) Prepare preliminary engineering plans and cost estimates for the Highway 98 improvements and coordination meetings with city and adjacent property owners.
- 3) Prepare a final engineering plans and specifications and obtain an ALDOT permit application for proposed two phase of Highway 98 improvements as shown on Exhibit "A" and as required by the Traffic Impact Study.

**2. TASKS PERFORMED ON AN HOURLY BASIS**

**A. CONSTRUCTION ENGINEERING SERVICES**

Provide Construction Engineering Inspection services on a lump sum basis.

Generally, the purpose of the construction engineering inspection services is to assure that the project is being built according to the design plans, to help assure adherence to the construction schedule and to help assure the project is built within the construction budget. Full time inspection maybe necessary to achieve this but a Preble-Rish representative will visit the site during construction times. Inspection reports will be completed and filed. Itemized services may include:

- (1) Attend Pre-Construction meeting.

- (2) Review shop and manufacturer's drawings and other submissions of the contractor for compliance with the design concepts and specification requirements.
- (3) Inspect, consult and advise during construction.
- (4) Review monthly and final estimates of payment to contractors.
- (5) Make final inspection of the construction upon completion.
- (6) Revise construction drawings to show project as built based on information provided by the Contractor, and deliver to Owner within a reasonable time.

Construction Observation services to be performed on an hourly basis in accordance with the attached Hourly Rate Schedule. **(The Fee is only an estimate; and the actual fee will vary and could exceed this estimate).**

**SECTION 4 – ADDITIONAL HOURLY SERVICES**

The following hourly rate schedule will be used when performing out of scope services based on authorization from the Client.

<b><u>CLASSIFICATION</u></b>	<b><u>HOURLY BILLING RATE</u></b>
Principal .....	\$165.00
Project Manager .....	\$135.00
Project Engineer .....	\$125.00
Engineering Technician .....	\$ 85.00
Senior Designer .....	\$ 75.00
Exec. Admin. Assistant . .....	\$ 65.00
Clerical.....	\$ 45.00
Inspector .....	\$ 80.00
Professional Land Surveyor .....	\$125.00
Land Planner .....	\$125.00
Field Crew Supervisor .....	\$ 70.00
Survey Crew .....	\$150.00
Extraordinary Out of Pocket Expenses (Specific to Assignment).....	Cost Plus 5%

**SECTION 5 – FEE BREAKDOWN**

**SUMMARY OF FEES FOR LUMP SUM TASKS**

Listed below is our standard checklist of services provided. The items marked "Yes" apply to this Project and are included in the fee.

Description	Yes	No	Comments	Amount
<b>SURVEY, DESIGN &amp; LETTING</b>				
Preliminary Design of Phaes One & Two	X			\$7,500.00
Phase One: Hall Lane/Hwy 98 Intersection Impr.	X			\$10,500.00
Phase Two: Lavender Lane/Service Road lnpr.	X			\$10,500.00
<b>Sub-total</b>				<b>\$28,500.00</b>
<b>CONSTRUCTION ENGINEERING SERVICES</b>				
Phase One and Two	X			\$23,000.00
<b>Sub-total</b>				<b>\$23,000.00</b>
<b>GRAND TOTAL</b>				<b>\$51,500.00</b>



**SECTION 6 – GENERAL CONTRACT CONDITIONS**

In consideration of the engineering services provided by Preble-Rish, LLC, Client agrees to pay in addition to the invoice amount, interest at the rate of 1.5% per month (18% APR) for all balances outstanding for more than thirty (30) days from the invoice date, said interest to be calculated retroactively to the invoice date. In the event a dispute arises between Preble-Rish, LLC and Client for a lien claim or an amount claimed owed to Preble-Rish, LLC, Client agrees that the proper venue for that action will be Baldwin County, Alabama. Client acknowledges and agrees that Preble-Rish, LLC shall be considered a Laborer and Materialman with full authority to take all action with accompanying rights allowed by Code of Alabama Section 35-11-210 *et seq.* Any dispute not related to account collection by PR and which arises out of or is in connection with this agreement, negotiations, or discussions leading up to this agreement or any purported action or omission on the part of Preble-Rish, LLC, shall be resolved by an arbitrator chosen by Preble-Rish, LLC who will follow the Rules of the American Arbitration Association. The parties hereby acknowledge that the transaction made the basis of this agreement sufficiently affects interstate commerce so as to warrant the arbitration of any dispute between PR and Owner or Client. The arbitration award shall be final and binding upon all the parties, and judgment may be entered thereon in any court of competent jurisdiction. In the event Preble-Rish, LLC prevails in any such litigation or arbitration, Client agrees to pay reasonable attorney's fees and expenses of Preble-Rish, LLC associated with said litigation or arbitration. Client further agrees that any liability on the part of Preble-Rish, LLC will be limited to the amount paid by Client to Preble-Rish, LLC on the specific job made the subject of said litigation or arbitration.

No Assignment. Client shall not assign this agreement to any third party without the express written consent to an assignment. The Client/Assignor will continue to be liable and responsible for payment for all work, including work performed by PR after such assignment. The Third Party/Assignee shall also become legally obligated for payment of all work performed by PR,

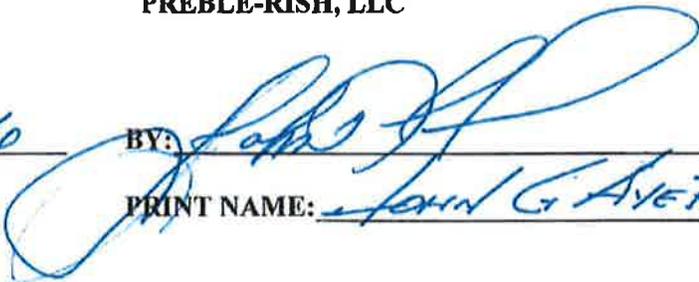
with it being the responsibility of Client/Assignor to inform the Third Party-Assignee of that legal obligation.

**SECTION 7 – OWNER’S RESPONSIBILITIES**

1. Provide all necessary property information including deeds, title information, previous surveys, and any other information that may be relevant and necessary for the survey, planning, or engineering of the project.
2. Pay all application and permit fees associated with applications or submittals required for approval.
3. Make provisions for the engineers and surveyors to legally enter the property to collect data necessary for the design of the project.
4. Furnish the Engineer with all project criteria and full information as to the Owner’s requirements for the project, including: design objectives and constraints, space, capacity and performance requirements, budget, and time constraints.
5. This agreement in no way shall be interpreted to be a warranty or guarantee that this project will be approved by the governing bodies.

**SECTION 8 – SIGNATURES**

**PREBLE-RISH, LLC**

DATE: 2/3/16 BY:   
 PRINT NAME: JOHN G. AYENT

**CLIENT**

DATE: \_\_\_\_\_ CLIENT: \_\_\_\_\_  
 BY: \_\_\_\_\_  
 PRINT NAME: \_\_\_\_\_

3000 Piper Way  
Hoover, AL 35244  
(205) 249-6314



Fax: (205) 989-8607  
John@traffic-solutions.net  
www.traffic-solutions.net

STUDIES • ANALYSIS • DESIGN • SIGNALIZATION

February 4, 2016

**Andrew N. "Andy" Bobe**  
Project Engineer  
Preble-Rish  
Consulting Engineers & Surveyors  
9949 Bellaton Avenue,  
Daphne, Alabama 36526

**Subject:** Proposal for a Traffic Impact Study: Shore Oaks Center  
**Location:** US 98 in Daphne, AL  
**Job #:** 16PRBL01

Dear Mr. Bobe:

I appreciate the opportunity to provide you with this proposal for a Traffic Impact Study (or TIS) for the subject development. This development is to be located on the west side of US 98, directly across from Lavendar Lane, and on the north side of the existing Popeye's Chicken.

This TIS will be based on the following project/site characteristics:

1. This development will be constructed in two (2) phases, and will consist of the following land uses:

Phase 1: (Anticipated Completion: summer 2016)

- Specialty Retail Shops (10,481 SF)
- 1- Fast Food without Drive-Thru (2,508 SF)
- 1- Fast Food with Drive-Thru (2,048 SF)
- 1- Coffee Shop with Drive-Thru (2,519 SF)
- 1- High Turnover Sit-Down Restaurant (4,000 SF)

Phase 2: (Anticipated Completion 2021)

- Residential Development (26 homes)

2. This development will access US 98 via the short connector/service road that runs parallel to US 98. It is proposed that the north end of the service road remain a right-in/right-out drive with direct access to US 98. It is also proposed that the southern end of the service road be restricted from allowing outbound left turns.

Currently, Halls Lane and the Service Road South Drive both have direct access to US 98. However, it is proposed that Halls Lane will be realigned to intersect the south end of the service road just west of US 98. That way, one direct access to US 98 can serve both roadways. ***For the proposed layout of area intersections (for which this TIS will be based), see the attached aerial image of the study area.***

3. The intersection of US 98 & Lavendar Lane will be signalized, which will require coordinated timing plans to be developed for Daphne Avenue, Lavendar Lane and Vann Road for AM & PM peak traffic conditions.
4. The study intersections for this TIS are as follows:
  1. US 98 @ Daphne Avenue (Highway 64),
  2. US 98 @ the Target Entrance,
  3. US 98 @ the Wacky Shrimp Right-in/Right-out Drive,
  4. US 98 @ Service Road North,
  5. US 98 @ Lavendar Lane
  6. US 98 @ Service Road South,
  7. US 98 @ Halls Lane,
  8. US 98 @ Van Avenue

The purpose of this study will be to determine what, if any, improvements are needed along US 98, or at study-area intersections, due to the additional traffic that is to be generated by both phases of the proposed development.

#### **PART 1: Proposal and Scope**

In order to perform this study, the following tasks will be completed:

1. A review of the 24-hour, bi-directional machine count (with speed study) on US 98, that was previously-performed near the proposed site;
2. AM & PM peak-hour turning movement counts (or TMCs) are to be conducted at the above study intersections 1, 2, 3 & 8;
3. A review of the AM & PM peak-hour turning movement counts (or TMCs) that were previously-collected at study intersections 4, 5, 6 & 7;
4. A field review of existing roadway operational and geometric conditions;

5. A determination of the new site traffic to be generated by the proposed development (*to be performed for both phases of construction*);
6. An estimation of the directional distribution of this new site traffic;
7. The directional assignment of the new trips to each study intersection (*to be performed for both phases of construction*);
8. Left and right turn lane warrant analyses to be conducted on US 98, at both ends of the Service Road;
9. AM and PM peak-hour capacity analyses of existing and future traffic conditions (*to be performed for both phases of construction*);

**Note that in order to properly analyze the effects (on US 98) of the proposed traffic signal at Lavendar Lane, AM & PM peak-hour coordinated (or system) timing plans will have to be developed for Daphne Avenue, Lavendar Lane and Vann Avenue due to the close proximity of these intersections.**

10. A comprehensive report of the traffic study findings and recommendations.



The above tasks will be performed for a fee of **\$14,950.**



## **PART 2: Professional Services Agreement**

This Agreement/Proposal is made by and between **Preble-Rish ("Client")**, doing business at 9949 Bellaton Avenue, Daphne, Alabama 36526, and **Traffic Solutions, LLC ("Consultant")**, doing business at 2363 Lakeside Drive, Birmingham, AL 35244.

### **Standard Terms and Conditions**

Services performed by the **Consultant** under this agreement will be conducted in a manner consistent with that level of care and skill exercised by members of the profession currently practicing under similar conditions. No other warranty, expressed or implied, is made. The **Client** shall participate with the **Consultant** by providing all information and criteria in a timely manner, review documents and make decisions on project alternatives to the extent necessary to allow the **Consultant** to perform the scope of work within any established schedules.

This agreement may be terminated by either party upon ten (10) days' written notice should the other party fail substantially to perform in accordance with its terms through no fault of the other. In the event of the termination of this agreement, due to the fault of someone other than the **Consultant**, the **Consultant** shall be paid for services performed to termination date, including reimbursements then due.

This agreement shall constitute the entire agreement between the parties, and any prior understanding or representation of any kind preceding the date of this agreement shall not be binding upon either party except to the extent incorporated in this agreement.

Any modification of this agreement or additional obligation assumed by either party in connection with this agreement shall be binding only if placed in writing and signed by each party, or an authorized representative of each party.

It is understood that this agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Alabama.

The invalidity of any portion of this agreement will not and shall not be deemed to affect the validity of any other provision. In the event that any provision of this agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect.

To the fullest extent permitted by law, the **Client** and **Consultant** agree that, except for claims of indemnification, the time period for claims under this agreement shall expire one (1) year following the completion of the project.

The **Client** shall provide the **Consultant** access to the project site, as necessary, for the **Consultant** to provide the services outlined.

Reuse of any documents or other deliverables pertaining to the project by the **Client** other than for the project for which documents or deliverables were prepared, without written verification by the **Consultant**, shall be at the **Client's** risk.

No employee or agent of the **Consultant** shall have individual liability to the **Client**.

#### **Risk Allocation**

**Client** and **Consultant** each agree to indemnify and hold the other harmless, and their respective officers, employees, agents and representatives, from and against liability for all claims, losses, damages and expenses, including attorney fees, to the extent such claims, losses, damages or expenses are caused by the indemnifying party's negligent acts, errors or omissions. In the event claims, losses, damages or expenses are caused by the joint or concurrent negligence of **Client** and **Consultant**, they shall be borne by each party in proportion to its negligence.

#### **Ownership of Documents**

All specifications, calculations, sketch plans, and any other background documents prepared by **Consultant** as instruments of service, shall remain the property of **Consultant**. However, all project reports and design plans prepared by **Consultant**, for which **Consultant** has entered into

a signed contract (or proposal) to provide to the **Client**, will become the property of the **Client**. Reproduction of documents is prohibited without **Consultant** consent. The **Client** agrees that all documents and copies of documents as described, furnished to the **Client** or his agents, which are not paid for, will be returned upon demand and will not be used by the **Client** for any purpose. The documents as described, prepared by the **Consultant** are not transferable as parts of property or other business transactions between the **Client** and any third party, without the consent of the **Consultant**.

#### **Payment(s)**

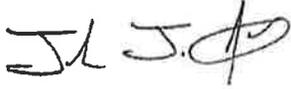
At the completion of all services, outlined in **PART 1** of this contract, the total project fee will be due upon delivery of the traffic study report. Invoices are payable upon receipt, and such payment shall not be contingent or dependent upon **Client's** ability to obtain financing, obtaining approvals from any governmental or regulatory agencies, real estate closing, and receipt of payment from other parties (such as owner(s)), or upon the **Client's** successful completion of the project.

If any unforeseen factors cause a change in the scope of work tasks, as outlined above, the **Consultant** will notify the **Client** in writing of the changes and any adjustments to the fee(s) required by such change. If the **Client** chooses to undertake tasks that are outside the proposed scope of services, the **Consultant** is prepared to amend this Agreement or submit a proposal for the additional work.

If payment for invoices due is not received within thirty (30) days from date of invoice, the amounts due shall automatically include a late charge of 5% per month, calculated from said thirtieth (30th) day. If for any reason, payment for invoices has not been received in more than fifteen (15) days past the due date, The **Consultant** reserves the right to suspend services under this agreement until such time as payment in full for all amounts due for services rendered and expenses incurred have been received. The **Consultant** will not be liable for any delays to project schedules caused for such work stoppage. Should the **Consultant** be required to take legal action including, but not limited to, suit to collect for services, the **Client** shall be responsible for all costs and attorney fees in the collection of all amounts due for services rendered under this agreement/proposal or any amendment hereto. Failure to make payment within sixty (60) days shall constitute a waiver of the right to dispute the accuracy and appropriateness of the invoice.

The **Client** may authorize the **Consultant** to proceed with services by signing in the space provided below. The persons signing this agreement are certifying that they have the authority to sign on behalf of the **Client** and **Consultant**. **Services will begin upon receiving the signed contract in its entirety.** Should you have any questions or require additional information, please contact me at your earliest convenience.

Sincerely,



**John J. Anthony, P.E., PTOE**  
*Owner/Principal Engineer*

The Terms and conditions of this proposal are accepted on this \_\_\_\_\_ day  
of \_\_\_\_\_.

\_\_\_\_\_  
*Client* *Title*

**Please print or type the following information for the individual, firm or corporation  
responsible for payment.**

\_\_\_\_\_  
*Company (Individual, Firm or Corporate Body Name)*

\_\_\_\_\_  
*Client or Client's Authorized Representative Name*

\_\_\_\_\_  
*Street Address*

\_\_\_\_\_  
*City* *State* *Zip Code*



Hwy 98 Access Plan Preliminary Estimates					
North Access Shore Oaks Option (Right in Right Out)					
Item No	Description	Unit	Quantity	Unit Price	Total
1	Asphalt Removal	SY	360	\$ 3.00	\$ 1,080.00
2	Unclassified Excavation	CY	175	\$ 5.50	\$ 962.50
3	Crushed Agg Base 6" Thick	SY	500	12	\$ 6,000.00
4	424B Lower Binder 2.5"	SY	500	13	\$ 6,500.00
5	424B Upper Binder 2.5"	SY	500	13	\$ 6,500.00
6	424B Wearing Surface 1.5"	SY	500	9	\$ 4,500.00
7	24" RCP extenaion	LF	24	35	\$ 840.00
8	24" Slope Paved Head Wall	Each	1	750	\$ 750.00
9	Concrete Island	SY	120	45	\$ 5,400.00
10	Striping	LS	1	500	\$ 500.00
11	Yeald Sign, post & Hardware	Each	1	350	\$ 350.00
12	Silt Fence	LF	40	3.5	\$ 140.00
13	Silt Fence Removal	LF	40	1	\$ 40.00
14	Solid Sod	SY	105	5.5	\$ 577.50
15	Traffic Control	LS	1	4500	\$ 4,500.00
<b>Total Estimated Value</b>					<b>\$ 38,640.00</b>

A

<del>Turn Lane at Traffic Signal Shore Oaks Side</del>					
<del>Item No</del>	<del>Description</del>	<del>Unit</del>	<del>Quantity</del>	<del>Unit Price</del>	<del>Total</del>
<del>1</del>	<del>Asphalt Removal</del>	<del>SY</del>	<del>16</del>	<del>\$ 3.00</del>	<del>\$ 48.00</del>
<del>2</del>	<del>Unclassified Excavation</del>	<del>CY</del>	<del>250</del>	<del>\$ 5.50</del>	<del>\$ 1,375.00</del>
<del>3</del>	<del>Crushed Agg Base 6" Thick</del>	<del>SY</del>	<del>670</del>	<del>12</del>	<del>\$ 8,040.00</del>
<del>4</del>	<del>Borrow Excavation</del>	<del>CY</del>	<del>300</del>	<del>15</del>	<del>\$ 4,500.00</del>
<del>5</del>	<del>424B Lower Binder 2.5"</del>	<del>SY</del>	<del>670</del>	<del>13</del>	<del>\$ 8,710.00</del>
<del>6</del>	<del>424B Upper Binder 2.5"</del>	<del>SY</del>	<del>670</del>	<del>13</del>	<del>\$ 8,710.00</del>
<del>7</del>	<del>424B Wearing Surface 1.5"</del>	<del>SY</del>	<del>670</del>	<del>9</del>	<del>\$ 6,030.00</del>
<del>8</del>	<del>24" RCP</del>	<del>LF</del>	<del>72</del>	<del>35</del>	<del>\$ 2,520.00</del>
<del>9</del>	<del>24" Slope Paved Head Wall</del>	<del>Each</del>	<del>2</del>	<del>750</del>	<del>\$ 1,500.00</del>
<del>10</del>	<del>Concrete Island</del>	<del>SY</del>	<del>45</del>	<del>45</del>	<del>\$ 2,025.00</del>
<del>11</del>	<del>Striping</del>	<del>LS</del>	<del>1</del>	<del>1500</del>	<del>\$ 1,500.00</del>
<del>12</del>	<del>Yeald Sign, post &amp; Hardware</del>	<del>Each</del>	<del>1</del>	<del>350</del>	<del>\$ 350.00</del>
<del>13</del>	<del>Silt Fence</del>	<del>LF</del>	<del>120</del>	<del>3.5</del>	<del>\$ 420.00</del>
<del>14</del>	<del>Silt Fence Removal</del>	<del>LF</del>	<del>120</del>	<del>1</del>	<del>\$ 120.00</del>
<del>15</del>	<del>Solid Sod</del>	<del>SY</del>	<del>250</del>	<del>5.5</del>	<del>\$ 1,375.00</del>
<del>16</del>	<del>Traffic Control</del>	<del>LS</del>	<del>1</del>	<del>7500</del>	<del>\$ 7,500.00</del>
<del>Total Estimated Value</del>					<del>\$ 54,723.00</del>

<b>Hall Lane /98 Intersection/Harwood Property</b>					
Item No	Description	Unit	Quantity	Unit Price	Total
1	Asphalt Removal	SY	70	\$ 3.00	\$ 210.00
2	Unclassified Excavation	CY	325	\$ 5.50	\$ 1,787.50
3	Crushed Agg Base 6" Thick	SY	1660	12	\$ 19,920.00
4	Borrow Excavation	CY	500	15	\$ 7,500.00
5	424B Lower Binder 2.5"	SY	1660	13	\$ 21,580.00
6	424B Upper Binder 2.5"	SY	770	13	\$ 10,010.00
7	424B Wearing Surface 1.5"	SY	1660	9	\$ 14,940.00
8	Concrete Island	SY	170	45	\$ 7,650.00
9	Striping	LS	1	1500	\$ 1,500.00
10	Yeald Sign, post & Hardware	Each	1	350	\$ 350.00
11	Silt Fence	LF	40	3.5	\$ 140.00
12	Silt Fence Removal	LF	40	1	\$ 40.00
13	Solid Sod	SY	500	5.5	\$ 2,750.00
14	Traffic Control	LS	1	10000	\$ 10,000.00
<b>Total Estimated Value</b>					<b>\$ 98,377.50</b>

B

<b>Traffic Signal</b>					
Item No	Description	Unit	Quantity	Unit Price	Total
1	Traffic Signalization Lavendar Lane	LS	1	\$ 150,000.00	\$ 150,000.00

C

<b>Lavendar Lane/Service Road Improvements</b>					
Item No	Description	Unit	Quantity	Unit Price	Total
1	Curb Removal	LF	250	\$ 3.00	\$ 750.00
2	Unclassified Excavation	CY	825	\$ 5.50	\$ 4,537.50
3	Crushed Agg Base 6" Thick	SY	1100	\$ 12.00	\$ 13,200.00
4	Borrow Excavation	CY	2500	\$ 15.00	\$ 37,500.00
5	424B Lower Binder 2.5"	SY	25	\$ 13.00	\$ 325.00
6	424B Upper Binder 2.5"	SY	1100	\$ 13.00	\$ 14,300.00
7	424B Wearing Surface 1.5"	SY	1100	\$ 9.00	\$ 9,900.00
8	Concrete Island	SY	20	\$ 45.00	\$ 900.00
9	Striping	LS	1	\$ 1,500.00	\$ 1,500.00
10	Yeald Sign, post & Hardware	Each	1	\$ 350.00	\$ 350.00
11	Silt Fence	LF	725	\$ 3.50	\$ 2,537.50
12	Silt Fence Removal	LF	725	\$ 1.00	\$ 725.00
13	Solid Sod	SY	1600	\$ 5.50	\$ 8,800.00
14	Traffic Control	LS	1	\$ 5,500.00	\$ 5,500.00
<b>Total Estimated Value</b>					<b>\$ 100,825.00</b>

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**Grand Total**

**\$ 442,565.50**

**ORDINANCE 2016-15**

**Engineering: Gully project at Lovett Lane**  
*(referred to as Fannon property)*

**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**, drainage repairs for the Gully at Lovett Lane are being reviewed; and

**WHEREAS**, engineering services in the amount of \$14,750 (*Survey, Design & Letting*) is required to evaluate the project for drainage improvements ; and

**WHEREAS**, the City Council has determined it to be in the best interest of the City to evaluate this project.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Daphne, Alabama, that funds from the General Fund are hereby appropriated and made a part of the Fiscal Year 2016 budget in the amount of \$14,750 for Engineering for the Gully project at Lovett Lane (referred to as Fannon property).

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

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

**ATTEST:**

\_\_\_\_\_  
**Rebecca A. Hayes, City Clerk**