

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

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

INVOCATION / Pastor Charlie Strafford of Coastal Church

PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council Meeting Minutes / May 16, 2016

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Fry

B. BUILDINGS & PROPERTY COMMITTEE - Lake
Review minutes / May 2nd

C. PUBLIC SAFETY - Conaway
Review minutes / May 16th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott
Review minutes / May 16th

a.) Favorable recommendation to council for Ordinance 2016-32 / Handbill Ordinance on agenda as 1st Read

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
Review minutes / May 25th

C. INDUSTRIAL DEVELOPMENT BOARD – Phillips

D. LIBRARY BOARD – Lake

E. PLANNING COMMISSION – Scott
Review minutes / March 24th / April 28th / May 5th Special Called meeting / Staff Report May 26th meeting

MOTION: To set Public Hearings date for July 18, 2016 and to approve advertising to consider:

a.) Rezoning: McBride & Romero
Location: Southeast of the intersection of Pollard Road and Well Road
Present Zoning: R-1, Low Density Single Family Residential District
Requested Zoning: B-2, General Business
Recommendation: Unanimous Favorable

- b.) Rezoning: ADJ Family Limited Partnership, LLC
 Location: Southeast of the intersection of County Road 64 and Friendship Road
 Present Zoning: B-1, Local Business District
 Requested Zoning: B-2, General Business District
 Recommendation: Favorable

- c.) Rezoning: Eastern Shore Associates, LLC
 Location: Northwest of the intersection of Halls Lane and U.S. Highway 98
 Present Zoning: B-2, General Business District
 Requested Zoning: R-7(T), Townhouse District
 Recommendation: Unanimous Favorable

- d.) Rezoning: Anne K. Irvine
 Location: Northwest of the intersection of County Road 64 and Pollard Road
 Present Zoning: R-4, High Density Single Family Residential District
 Requested Zoning: B-2, General Business District
 Recommendation: Unanimous Favorable

- e.) Annexation: The Bill’s No. 2, LLC
 Location: Southwest corner of the intersection of Champions Way and AL Highway 181
 Pre-Zoned as: B-3, Professional Business District
 Recommendation: Unanimous Favorable

- f.) Amend Land Use and Development Ordinance 2011-54 / Article 31-1(j) (18) (19), Home Occupations
 Recommendation: Unanimous Favorable

F. RECREATION BOARD / LeJeune

G. UTILITY BOARD – Fry
Review minutes / March 30th / April 20th

MOTION: To reappoint Councilman Randy Fry to the Utility Board / Term: June 12, 2016 – June 12, 2022 or until the end of his term which ever comes first

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 2016-38**..... Hazard Mitigation Planning Grant

ORDINANCES:

2ND READ

- a.) **Ordinance 2016-29**..... Amending Article XXXIII of the City of Daphne’s Land Use & Development Ordinance / Sign Provisions
- b.) **Ordinance 2016-30**..... Appropriation of Funds: For Appraisal, Survey and Associated Purchase Fees for Liberty Bank & Trust Bayfront Property
- c.) **Ordinance 2016-31**..... Sewer Projects: 1) Douglas Road 2) Van Buren Street
3) (Schieffelin Lane-Jordan Lane East 4) 6th Street 5) Greystone
Subdivision

1ST READ

- a.) **Ordinance 2016-32**.....Regulating the Distribution of Handbills in the City of Daphne

12. COUNCIL COMMENTS

13. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL**

ROLL CALL

CITY COUNCIL:

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

MAYOR:

MAYOR HAYGOOD	PRESENT ____	ABSENT ____
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CITY CLERK:

REBECCA HAYES	PRESENT ____	ABSENT ____
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CITY ATTORNEY:

JAY ROSS	PRESENT ____	ABSENT ____
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**MAY 16, 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: Pat Rudicell; Tommie Conaway; Randy Fry; Ron Scott; Robin LeJeune; Angie Phillips.

ABSENT: John Lake (*Attending the AL League Convention*).

Also Present: Mayor Haygood; Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; Tonja Young, Library Director; David Carpenter, Police Chief; Richard Merchant, Building Official; Ashley Campbell, Environmental Programs Manager; Don Ouellette, Environmental Advisory Committee; Dorothy Morrison, Beautification Committee; Kiki Mikkelson, Beautification Committee; Victoria Phelps, Lake Forest Property Owners Association; Al Guarisco, Village Point Foundation; Cara Stallings, City's Grant Consultant.

Absent: Vickie Hinman, HR Director.

INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Rife Stewart with Destiny Church gave the invocation.

3. APPROVE MINUTES:

May 2, 2016 Council Meeting Minutes:

Councilman Scott mentioned that Councilman LeJeune is marked absent and he was present at the meeting. There being no further corrections to the May 2, 2016 council meeting the minutes they stand approved as amended.

PRESENTATION: Certificate of Appreciation / Boy Scout Troop 82

Mrs. Dorothy Morrison introduced the troop to council saying if you are looking for a few good men you will find them in Boy Scout Troop 82. She said she worked hard cleaning up Joe Louis Patrick Park and Park City Park.

Mayor Haygood presented the certificate to the troop and had a picture taken with the troop along with council.

PRESENTATION: Eastern Shore Optimist Club Hard of Hearing Youth Speech Contest Winner / Ms. Kate Morris

Ms. Morris gave her speech on the subject of her cochlear implants. She will be going to state competition on May 24th.

PRESENTATION: Relay for Life / Ashley Campbell

Mrs. Campbell reported on the Relay for Life event held April 29th at Daphne High School football stadium. She said that the city team raised over \$5,000, and the whole Eastern Shore raised \$41,000. There were 23 teams that participated, 40 participants in the survivors walk and 80 participants for the survivor's dinner. This year they partnered with Prodiscee Pantry where they contributed canned goods. They appreciate the council's support, and invited them to be a part of the team next year.

**MAY 16, 2016
CITY COUNCIL MEETING
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6:30 P.M.**

PROCLAMATION: National Safe Boating Week / May 21-27, 2016 / **Resolution 2016-34**

MOTION BY Councilman Scott to waive the reading of Resolution 2016-34. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2016. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

Councilwoman Phillips read and presented the proclamation to Joseph Connor and Richard Geiger, Vice Flotilla Commander.

PROCLAMATION: Public Works Week / May 15021, 2016

MOTION BY Councilman Scott to waive the reading of Resolution 2016-35. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2016-35. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

Councilman LeJeune read and presented the proclamation to the Public Works Director Richard Johnson.

PUBLIC HEARING: CDBG Grant / Whispering Pines Road and Pollard Road / Hookups only for Low Income Residents

MOTION BY Councilman Scott to add the Public Hearing for the CDBG grant for Whispering Pines Road and Pollard Road / Hookups only for the low income residents. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

Ms. Cara Stallings gave the presentation saying that the grant is only for trunk line hookup to low income houses which is a much needed improvement.

Council President Rudicell opened the Public Hearing at 6:59 p.m.

No one spoke in favor or against the application for the CDBG grant.

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

**MAY 16, 2016
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4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Fry

The minutes for the May 9th meeting are in the packet.

MOTION BY Councilman Fry to transfer the \$13,441.70 from the General Fund Encumbrances to the Capital Reserve Fund to be used for wiring improvements for the Library. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

Treasurers Report / April 2016

As of April, 2016 Total Unrestricted Cash Balance - \$12,949,861 and total City Cash Balance - \$20,482,140

Sales & Use Tax Collections / March 2016

\$1,322,579 was collected for March, 2016:

- YTD Variance over Budget - \$ 459,490

Lodging Tax Collections / March 2016

Collections for March, 2016 were \$104,422 which is down \$8,329 from March's 2015's collections of \$112,752.

- YTD Variance over Budget: \$ 11,779

The report will be submitted for audit.

B. *BUILDINGS & PROPERTY COMMITTEE* – Lake

Council President Rudicell said there are two resolutions declaring property surplus on the agenda.

C. *PUBLIC SAFETY COMMITTEE* – Conaway

The committee met this afternoon and two items that was discussed was speeding issues and a new fire station.

D. *CODE ENFORCEMENT/ORDINANCE COMMITTEE* – Scott

The committee met this afternoon and recommended a couple of ordinances to the full council. One of them was a handbill ordinance that will be on the June 6th agenda.

E. *PUBLIC WORKS COMMITTEE* – LeJeune

The minutes for the April 4th meeting are in the packet. The committee set forth a favorable recommendation to council for the adoption of the ADA Transition Plan. The April 11th Museum minutes are in the packet. The next meeting will be June 6th after the Buildings and Property committee meeting. Councilman LeJeune reminded everyone that May 18th is Public Works Day.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. *Board of Zoning Adjustments* – Adrienne Jones

No report. No meeting for May.

B. *Downtown Redevelopment Authority* – Conaway

The April 27th minutes are in the packet, and the next meeting will be May 25th at 5:30 p.m..

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C. Industrial Development Board – Phillips

The May 5th special called meeting minutes are in the packet. The committee appropriated funds to pay the fees incurred for the re-plat of the DISC project. The next meeting will be the fourth Monday in June.

D. Library Board – Lake

Council President Rudicell reported the January 14th, February 11th and March 10th minutes are in the packet.

MOTION BY Councilman Scott to appoint Mr. Elliot Riser to the Library Board. Term / September 30, 2015 to September 30, 2019. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

E. Planning Commission – Scott

The staff report for the April 28th and May 5th meetings are in the packet.

MOTION BY Councilman Scott to set a Public Hearing date to for June 20, 2016 6:30 p.m. and approve advertising to consider:

Rezoning:	Daphne Rudicell Robinson
Located:	Southwest of the intersection of Guarisco Street and Mancie Avenue
Present zoning:	B-2, General Business District
Requested zoning:	MU, Mixed Use District
Recommendation:	Favorable

Seconded by Councilman LeJeune.

AYE Conaway, Fry, Scott, LeJeune, Phillips

ABSTAIN Rudicell

MOTION CARRIED

MOTION BY Councilman Scott to set a Public Hearing date to for June 20, 2016 6:30 p.m. and approve advertising to consider:

Amending the Land Use & Development Ordinance 2011-54 / B-1(a), Limited Local Business

Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

The next meeting will be May 26th at 5:00 p.m.

F. Recreation Board – LeJeune

No Report.

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G. Utility Board – Fry

The next meeting is May 25th at 5:00 p.m. in the council chambers.

6. MAYOR'S REPORT

Mayor Haygood reported on:

- **May Day Boat Launch:** They are still waiting on the DCNR for approval on the grant amendment. Ashley Campbell has received word through her contact that they have approved the language at least internally, but they are still waiting for formal approval from the DCNR to execute the grant amendment. Public Works is going ahead in expectancy of that approval coming and are submitting the PR for the contractor so they will have the PO in hand when the approval comes so they can start work on the removal of the boat launch.
- **Recreation Consultant Contract:** Legal was able to work through some issues with the interaction between the consultant agreement and the associate pay enhancement program from the Baldwin County Board of Education. There is some interplay as they were able to create some interdependency between the two contracts. The recreational consultant agreement has been submitted to the Athletic Director for his consideration. The pay enhancement program has one issue that the Board of Education is trying to work through with a concern of the city's legal team has. There is a section of that agreement that says the City of Daphne is in compliance with all applicable rules, policies and procedures, but it is unclear as to what those are, so it is a little bit open ended, and burdensome so they have asked the board for clarification to narrowly define in terms of what those things are that the city is supposed to be in compliance.

7. CITY ATTORNEY REPORT:

No report.

8. DEPARTMENT HEAD COMMENTS:

Richard Johnson – Public Works Director - gave special thanks to Boy Scout Troop 82 for their service in the parks. Each day they worked they had a truck load of debris.

9. CITY CLERK'S REPORT:

- a.) **MOTION:** Approve ABC License for Tazikis Mediteranean Café / 040 / Retail Beer (On or Off Premises) 060 – Retail Table Wine (On or Off Premises)
- b.) Event Permit / Eastern Shore Out of Darkness Walk / October 16, 2016

MOTION BY Councilwoman Phillips to approve the ABC License for Tazikis Mediteranean Café / 040 / Retail Beer (On or Off Premises) and 060 / Retail Table Wine (On or Off Premises). *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to approve the Events Permit / Eastern Shore Out of Darkness Walk / October 16, 2016. *Seconded by Councilman Fry*

MOTION CARRIED UNANIMOUSLY

**MAY 16, 2016
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10. PUBLIC PARTICIPATION

Mr. Jason Kudulis – Program Director for Mobile Bay Keepers – supports the handbill ordinance. He feels council is moving in the right directions to help improve the waterways.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Resolution 2016-32.** Declaring Certain Property Surplus & Donate to City of Prichard / 4 Crown Vics
- b.) **Resolution 2016-33.**Declaring Certain Property Surplus // 1 Mower; 1 Generator / 1 - 24 ft.
Extension Ladder / 1-10 ft. Attic Ladder
- c.) **Resolution 2016-34.**Proclaiming National Safe Boating Week / May 21-27, 2016
- d.) **Resolution 2016-35.** Proclaiming Public Works Week / May 15-21, 2016
- e.) **Resolution 2016-36.** Adoption of the Americans with Disabilities Act Transition Plan
- f.) **Resolution 2016-37.** Adopting Financial Management Policies / Investment Policy /
Unrestricted General Fund Balance Policy

Resolutions 2016-34 and 2016-35 were considered earlier in the meeting.

- a.) **Resolution 2016-32.** Declaring Certain Property Surplus & Donate to City of Prichard / 4 Crown Vics
- b.) **Resolution 2016-33.**Declaring Certain Property Surplus // 1 Mower; 1 Generator / 1 - 24 ft. Extension Ladder / 1-10 ft. Attic Ladder
- e.) **Resolution 2016-36.** Adoption of the Americans with Disabilities Act Transition Plan
- f.) **Resolution 2016-37.** Adopting Financial Management Policies / Investment Policy / Unrestricted General Fund Balance Policy

**MOTION BY Councilman Scott to wave the reading of Resolutions 2016-32, 2016-33, 2016-36 and 2016-37.
Seconded by Councilwoman Phillips.**

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2016-32. Seconded by Councilman Fry.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2016-33. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt Resolution 2016-36. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Fry to adopt Resolution 2016-37. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

**MAY 16, 2016
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12. COUNCIL COMMENTS

Mayor Haygood – gave a special thanks to Kelli Kichler and her staff who created the policies for Resolution 2016-37. He said that the Keep Daphne Beautiful Day was a great success, and he thanked Boy Scout Troop 82 for the work at the parks.

Councilman Fry – said Recycle Day had a very good turnout and he really enjoyed the event. People enjoyed the services that were offered. He thanked the boy scouts for the help in cleaning up the parks. He reported that the last Sunset Series was very enjoyable, and it was a beautiful day for the concert. He thinks it was the biggest turn out for the series. He encouraged everyone to put the series on their calendar for next year.

Councilwoman Conaway – reminded everyone that the Daphne High School graduation is tomorrow at 7:00 p.m.

Council President Rudicell – mentioned the upcoming election and said that anyone that is interested can sign up to run. He said for the June work session they will be discussing the Lake Forest boat launch and regulating ATV's in the city.

13. ADJOURN:

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:31 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes, City Clerk

Pat Rudicell, Council President

Buildings & Property Committee Meeting

Monday, May 2, 2016

4:30 PM

1705 Main Street, Daphne, AL

Committee Minutes:

Present: Councilwoman Tommie Conaway; Councilman Pat Rudicell; Councilman John Lake; Councilman Randy Fry; Councilman Ron Scott; Councilman Robin LeJeune; and Councilwoman Angie Phillips

Also Present: Jenny White, Assistant City Clerk (*Recording Secretary*); Rebecca Hayes, City Clerk; Mayor Haygood; Richard Johnson, Public Works Director; BJ Eringman, Deputy Director Public Works; Margaret Thigpen, Civic Center Director; Ashley Campbell, Environmental Programs Manager; David McKelroy, Director Recreation; Vickie Hinman, HR Director; Kelli Kichler, Finance Director/Treasurer; Suzanne Henson, Senior Accountant; Adrienne Jones, Planning Director; Kevin Boucher, City Attorney; Danny Lyndall, Daphne Utilities General Manager; Selena Vaughn, Village Point Foundation; Dorothy Morrison, DRA & Beautification Committee; Victoria Phelps, Beautification Committee; & Lake Forest Property Owners Association representative; and Braxton Comer Counts, III, Attorney, Algae Systems

Absent: Rick Whitehead, IT Coordinator

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

1. PUBLIC PARTICIPATION:

No public participation.

2. APPROVAL OF MINUTES: April 4, 2016

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

MOTION BY Councilman Robin Lejeune to approve minutes. Seconded by Councilman Ron Scott.

MOTION CARRIED UNANIMOUSLY

a) **PRESENTATION: *Update on Algae Systems / Braxton Counts, Attorney***

Braxton Counts, attorney for Algae Systems gave update. Braxton talked with Matt Atwood, CEO of Algae Systems and reported. Algae Systems has not been in operation since August of last year (2015). Braxton reported Algae Systems had separated from their principal partner IHI Corporation in Japan. Algae Systems intentions are to get Algae Systems back and going.

Braxton read email letter from Matt Attwood. Algae Systems received a DOE grant in the amount of 3.2 million from the Department of Energy. Restart operations are scheduled for May and run until the first quarter of 2017. Algae Systems plan to continue to operate main facility in Daphne on Jordan Road and warehouse facility to support operations. In addition they will continue commercializing technologies and engineering operations in Daphne as they work local contracts to build commercial technologies for market. Matt apologizes for any inconvenience they have caused to utilities or city. The 3.2 million grant will kick start the operations back up.

Councilman Ron Scott commented the city was contacted by the Baldwin County Revenue Office on past due taxes. Braxton commented the taxes have been paid.

Councilman Robin LeJeune asked Braxton if plans were to continue operations after 1st quarter of 2017 and would grant money cover. Braxton commented he wasn't able to answer. Braxton said the goal was to take down the infrastructure in the bay and have land base operations in Daphne.

Councilman John Lake asked Braxton to forward copy of Matt Atwood's email letter to Rebecca Hayes, City Clerk.

b) **PRESENTATION: 205 Bradbury Circle South (Rays Lane Annex) / Jesus Aponte**

Jesus Aponte was not present for presentation. Adrienne Jones spoke on presentation of 205 Bradbury Circle South (Rays Lane Annex). Adrienne informed committee that Jesus Aponte was interested in expanding his property over to Lot 70 from map displayed from presentation. Jesus owns Lots 71 and Lot 72. He is interested in expanding over to Lot 70 that the City of Daphne owns. Richard Johnson noted Lot 70 is Lot 154.

Councilman Ron Scott was in agreement with sale of property to Jesus Aponte.

Richard Johnson commented legal fees on property are approximately \$3,900.00.

Victoria Phelps spoke on behalf of Lake Forest Property Owners Association (LFPOA). Victoria commented if property was less than 400 square foot there would only be one set of LFPOA dues on property. Victoria didn't see a problem with request.

Committee was interested in agreement for sale of property with buyer moving forward with survey, appraisal (if required), and due diligence of acquiring property. No motion on property. Adrienne will respond back to Jesus Aponte reference committee response.

3. DAPHNE CENTRAL PARK REPORT: Richard Johnson

Richard Johnson discussed two drainage issues resolved. Contractors are mobilizing this week on paving of eastern side Southern Trail. We're finishing up our layout for approved 3rd gazebo and layout for next nine (9) holes of golf. BJ Enringman passed out 3D dimension of layout. We're going to fence off open area of northern half for recreation with gazebo and area of land east. As soon as we get the new trail will work with Lake Forest to identify route from Swim and Racquet Club. Ribbon cutting for gazebo and nine (9) holes of golf by mid-summer.

4. SURPLUS PROPERTY: Suzanne Henson, Senior Accountant

Suzanne Henson reported on two (2) proposed resolutions for surplus property.

The City of Daphne has determined the four (4) Ford Crown Vics noted as surplus property. The City of Daphne would like to donate these four (4) Ford Crown Vics to the City of Prichard for their Public Safety Department.

Dept.	EQ/VEH#	Description	VIN
PD Admin	199	1999 Ford Crown Vic	2FAFP71WXXX113652
Patrol	407	2007 Ford Crown Vic	2FAFP71W07X148832
Patrol	3080	2008 Ford Crown Vic	2FAFP71V08X161038
Patrol	1090	2009 Ford Crown Vic	2FAHP71V59X100651

MOTION BY Councilman Ron Scott to authorize the mayor to donate the four (4) Crown Vics to the City of Prichard for their public safety department. Seconded by Councilman Robin LeJeune.

MOTION CARRIED UNANIMOUSLY

The City of Daphne has determined the items listed below are no longer required for public or municipal purposes; and are recommended for disposal. The property is declared to be surplus property. The City of Daphne would like to advertise and accept bids through Govdeals.com as contracted for the sale of property. The property will sell to the highest bidder. Proceeds will be deposited and applied to the General Fund.

Dept.	EQ/VEH#	Description	VIN/SN
FD-Xfer from Mowing	1171	2006 JD 1445 Series II 4WD Mower 62" Deck	TC1445D060752
FD	7073	Dyna Pro X Generator FDGEN8401 MDL#DX4500R	65559888
FD		24' Extension Ladder	261836
FD		10' Attic Ladder	

MOTION BY Councilman Ron Scott for mayor to sell said property to highest bidder and deposit any and all proceeds to the General Fund. Seconded by Councilman Robin LeJeune.

MOTION CARRIED UNANIMOUSLY

5) CIVIC CENTER, BAYFRONT, AND CVB REPORT (APRIL): Margaret Thigpen

Civic Center Report:

- April 2016 revenue for the Civic Center totaled \$18,870.00 / Increase from April 2015
- FY 2016 YTD Projected Year End Revenue / \$147,145.00
- April 2016 Deposits / \$10,222.50
- FY 2015-2016 YTD Deposits / \$96,295.50

Bayfront Park Pavilion Report:

- April 2016 Revenue / \$9,522.00 / Increase from 2015
- FY 2016 Projected Year End Revenue / \$60,446.00
- April 2016 Deposits / \$5,533.00
- FY 2015-2016 YTD Deposits / \$40,417.00

Daphne Convention & Visitor's Bureau:

- Website: In Progress
- Visitors Guide: Quotes received, selecting vendor, collecting information

Civic Center Projects:

- Floor Completed

Customer Service Training:

- Customer Service Training - April 25 and 26, 2016

ACAE Tradeshow:

- Margaret Thigpen attended Tradeshow on May 2, 2016 in Montgomery.

Staff Promotion:

- Coley White promoted to Event Services Supervisor

Councilman Ron Scott mentioned we should inform non-profit organizations of the non-profit rates for facilities.

6) BUILDING INSPECTION MONTHLY REPORTS - APRIL 2016: *Richard Merchant*

Richard Merchant reported on Building Inspection.

- Total Building Permits / 122
- Total Permit Building Permit Fees / \$26,051.83
- New Home Permits / 13
- CO's / 12

Councilman Ron Scott asked Richard Merchant about the status of the Office Depot property. Ashley Campbell commented ADEM has property on hold.

7) RECREATION REPORT – APRIL 2016: *David McKelroy*

David McKelroy handed out flyers for the Spring Sunday Sunset Concerts, Catt's Brown Bag Concerts for May 2016, 2016 Trione Sports Complex Schedule, and Senior Newsletter and Calendar for May.

David gave report on seniors. He reported former senior Ms. Marguerite Carlisle passed away on April 3, 2016. David commented Mr. Carlisle commented prior that the Senior Center saved her life after her husband died. David reported the Senior Center is serving approximately 725 seniors weekly with meals, recreation and fitness.

David commented they had meetings this week with engineers and grant writer Cara Stallman reference writing grant for facility. Councilman LeJeune commented there was interest in pond/lake at back of facility with a lot of detail.

Councilman Ron Scott inquired about the no alcohol in parks. Are we allowed to waive the no alcohol for special events? Rebecca Hayes commented the Park Rules do not allow alcohol in city parks. Rebecca said the park rules would need amendment to allow alcohol. Councilman John Lake commented we would look at opportunities to allow alcohol in limited fashion.

8) LIBRARY REPORT – MARCH 2016: *Tonja Young*

Tonja Young apologized for missing last month's meeting. Tonja was on vacation. Tonja gave the Daphne Public Library Report for March 2016.

Library Usage

March Patron Visits: 16,607 citizens

March Circulation of Materials: 36,884 Items

March Public Organizations Meeting Room Use: 574 participants

March Library Program Attendance: 1,047 participants

Tonja commented the April numbers are not complete due to closing of month.

Applications for Grants in Progress

Tonja reported there were several grants in progress.

Library Meeting Rooms

Tonja reported the library meeting rooms are booked solid.

9) VILLAGE POINT BAYFRONT PROPERTIES: Selena Vaughn

Selena Vaughn apologized for missing the past two meetings. Selena commented the library is doing a fantastic job. She said the library has accommodated their groups and we should double the library meeting rooms.

Selena informed Mayor and Councilman Fry that she had not received a response back from the architect or engineering for the proposed secondary meeting on property. Councilman Fry and Mayor were in agreement for Selena to reach out reference arrangement of meeting.

Selena inquired about purchase of Tuskegee property to Mayor. Mayor commented the City of Daphne has contract with Liberty Bank at purchase price of \$210,000.00. Ashley Campbell has volunteered as coordinator of project. Mayor commented there is sixty days diligence with closing. Property is secured.

Selena commented that Village Point Foundation is working with Ashley and Public Works on makeup of rain days on invasive species removal.

Selena informed committee she receives calls continuously to book events at park for weddings, birthday parties, etc.

10) OLD BUSINESS

LAKE FOREST MARINA

Victoria Phelps of the Lake Forest Property Owners Association (LFPOA) reported on Lake Forest Marina. Victoria informed committee she had meeting today with Ashley Campbell reference Lake Forest Marina with arrangement for portion of dry boat storage lease to City of Daphne boat ramp. Victoria presented visual display of Lake Forest Marina access road, dry boat storage, four (4) piers, and boat ramp for committee to view. Victoria would like the City of Daphne to look at future dredging commitment with LFPOA.

Ashley Campbell commented she had found new information on potential grants. Ashley Campbell commented we will require further information on fuel tanks.

Councilman Pat Rudicell would like to discuss further at June Work Session on June 13, 2016 reference grant. Councilman Lake will add to Buildings and Property Meeting agenda for June 6, 2016.

Ashley requested sending to state for review.

MOTION BY Councilman Ron Scott to send to state for review. Seconded by Councilman Robin Lejeune.

MOTION CARRIED UNANIMOUSLY

11) NEW BUSINESS

No New business.

12) ANY OTHER BUILDINGS & PROPERTY BUSINESS

No other business.

13) NEXT MEETING

The next meeting will be June 6, 2016.

The meeting was adjourned at 5:34p.m.

Public Safety Committee

Monday, May 16, 2016

Councilman Pat Rudicell
Councilman Randy Fry
Councilman Robin LeJeune
Councilman Ron Scott
Fire Chief James White
Public Works Director, Richard Johnson

Police Chief David Carpenter
Captain Scott Taylor
Tracy Bishop - Secretary
Councilwoman Tommie Conaway
Councilman John Lake
Councilwoman Angela Phillips

Committee Members Attending:

Councilman Pat Rudicell, Councilman Robin LeJeune, Councilman Randy Fry, Councilman Ron Scott, Chief David Carpenter, Captain Scott Taylor, Chief James White, Code Enforcement Officers Matt Creel and Billy Kennedy, Public Works Director Richard Johnson

CALL TO ORDER

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

PUBLIC PARTICIPATION – Donald Lenette from 7720 Elizabeth Drive was in attendance from the POA Board in Madison Place. He wanted to know what could be done about the speeding. Chief suggested he call Lt. Hempfleng at the north precinct so that a patrol car could monitor the speed, and also to get on the list for the speed trailer. Councilman Scott advised him to let Lt. Hempfleng know that this issue was brought before the Public Safety Committee and they suggested to call and get it set up. Richard Johnson stated we could also look at a roundabout to cause the traffic to slow in that area.

Victoria Phelps from Lake Forest Property Owners Association was in attendance about an ATV driving aggressively without a helmet toward a resident walking her dog. She asked that the police department close patrol for this ATV and to possibly consider an ordinance to prohibit ATV's. She also asked to close patrol the newly renovated pool on Montclair Loop. Councilman Scott advised the ATV situation is already on the Ordinance Committee.

Herb Cole was in attendance from 8903 Bainbridge Drive about speeders in his neighborhood. He said he has noticed stepped up patrols by the police department and thanked Chief for the efforts. Mr. Cole asked if the city puts up Slow Children at Play signs. Richard Johnson stated that we do not. He asked if there was anything prohibiting the POA from purchasing them? Chief mentioned that they cannot be attached to the speed limit signs. Richard Johnson mentioned that children technically should not be playing in the street.

Councilman Scott mentioned that at Loma Alta Towers/Lake Forest Blvd entrance that it hard to see to the left. There is no stop sign coming from the left. They asked for rumble strips there. Is that appropriate?

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from April 2016 were adopted. Motion was made and passed.

POLICE DEPARTMENT

- A. New Business** – Chief Carpenter went over the stats. The Tahoe's are in. The barn is almost finished with one. Trying to get them on the road. Captain Taylor handed out the packet that Councilwoman Phillips had requested for patrol a larger space since they have outgrown the precinct. They are in 1900 square feet and Fire Station #2 is a

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little over 4,000 square feet. Chief advised that he is not asking for it now, but wanted to make everyone aware that we are running out of room. Councilman Rudicell stated that Jud did a great job putting this packet together. It's an explorable idea and all a matter of dollars. If the council wants to go this route, discussion needs to proceed and need action. Chief Carpenter stated that he knows if the fire department gets approved it will be a years out before they get going, so we know we are not going to ask for it this year. Chief White advised that a ballpark figure on Fire Station #2 came back at \$226,000 on ½ acre. Councilman Scott said even if PD doesn't need it until next year he might want to consider asking for \$100,000 - \$200,000 in capital reserve in FY17 even knowing you might have to carry it over a year or two. If we continue to grow and if we annexed acreage on County Rd 64 east of Fish River, will we need a precinct in Belforest?

Richard Johnson said he got the Timbercreek POA and POA Management the information on the chokers. The price given to them is our material cost not the landscaping. This is different than a 4 way stop, it's permanent. I'm waiting to hear back from them.

Councilman Rudicell asked about bringing up the pay for crossing guards. He has talked with Kelly and we can adjust the budget this summer to be ready when school starts. He asked to bring back a pay scale together covering Baldwin County and bring back to PSC next month. Councilman Fry asked what we are looking at going to. Captain Taylor stated \$15 per hour.

B. FIRE DEPARTMENT

- A: New Business** – Chief White went over his stats. Councilman Scott asked why Fire Department did not explore the Safer Grant. Chief White stated because Kenny Hanak was out of town. Hanak said the grant application ended in March and they will have to wait until next year. Councilman LeJeune asked why we don't apply each time. Chief White advised that the parameters for the Safer Grant have changed and that there is no matching of funds now. Councilman Rudicell made mention about the designs that Chief White has of the proposed new Fire Station. He stated that the mayor wants uniformity with this station having a coastal look like everything else in the new park. He wants it all to match.

Old Business –

OTHER BUSINESS:

ADJOURN

There being no further business to discuss, Councilman LeJeune made a motion to adjourn the meeting at 5:10 p.m. Councilman Rudicell seconded. The next meeting will be Monday, June 20, 2016 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted



Daphne Public Safety Committee

CODE ENFORCMENT/ORDINANCE COMMITTEE

*Wednesday, May 16, 2016
City Hall Executive Conference Room
1705 Main Street
Daphne, AL
5:30 P.M.*

*Councilman Ron Scott, Chairman
Councilman Randy Fry
Councilman Pat Rudicell
Councilwoman Tommie Conway*

*Councilwoman Angie Phillips
Councilman John Lake
Councilman Robin LeJeune*

I. CALL TO ORDER/ROLL CALL

The chairman declared a quorum was present and called the meeting to order at 5:25 p.m.

Members Present: Ron Scott; Pat Rudicell; Randy Fry; Robin LeJeune; Angie Phillips.

Absent: Tommie Conaway; John Lake.

Also Present: Rebecca Hayes, City Clerk / recording secretary; Jay Ross, City Attorney; Richard Johnson, Public Works Director; Code Enforcement Officers: Matt Creel and William Kennedy; David Carpenter, Police Chief; David McKelroy, Recreation Director; Victoria Phelps LFPOA; Tom Walker; Mobile Press Register representatives: Mr. Denis Welty; Mr. Mel Balch and Mr. Phil Airhart.

II. APPROVE MINUTES / April 18, 2016

There being no corrections to the April 18, 2016 minutes they stand approved as written.

III. PUBLIC PARTICIPATION

Mr. Mike Allen - Owner of Mosquito Authority – asked that the council allow professionally done signs in the city. He said that Fairhope allows his signs in the yards of his customers. He said that he has a problem with educating his workers about where boundaries are because they are here for three of four houses, in Montrose, then four or five houses in Fairhope, etc.

Victoria Phelps - FPOA - spoke regarding the use of ATV's within the city. She mentioned they are causing damage to private property. She mentioned riders on ATV's are harassing a citizens walking their dogs in Central Park.

This item will come back to the next meeting.

IV. ORDINANCE REVIEW/DISCUSSION

a.) Discuss Handbill Ordinance

Mr. Phil Airhart with the Mobile Press-Register gave the genesis of throwing the handbills starting in Louisiana, and they have never had a problem. This is the first time they have had to come before a committee like this. He said that they will do what they can to deal with this problem, and do what they can for the citizens. He said that to stop these handbills means lost money for the community.

Councilman Scott said that to stop throwing the handbills is not the issue, it is keeping them out of the right-of-ways, drainage and waterways.

Mr. Airhart said that they would rather not be restricted by legislation. He assured the city they will do everything in their power to stop this problem.

Matt Creel explained the problem, and the process he went through with Mr. Dougherty. He took Mr. Dougherty on a tour so he could see the problem firsthand, and he assured the city that he would take care of the problem.

Ashely Campbell said the city's MS-4 permit regulates discharge and drainage, and with the ADEM permit they have to have a program to get the trash off the right-of-way to keep it from entering into the streams and creeks. Under number 6 – of the MS-4 permit - Minimum Control – Housekeeping – they have to keep the trash out of the streams and creeks. The city also has an illicit discharge ordinance where they can write a ticket for illicit discharge.

Mr. Airhart said that they will never get it done 100%. He asked the committee not to pass legislation. He feels they are not the main contributor to the trash in the system.

Mr. Johnson said it would be good if they could provide information regarding how many employees will be involved with the clean sweep, how many there will be in Daphne and how often they will perform the sweep.

Mr. Airhart said there is one employee that comes every two weeks.

The committee commented that the handbills are thrown out every week and one person could not possibly get through the whole city by coming every two weeks. They would need to do a sweep every Friday.

Ashely said she would have to address this problem because of the MS-4 permit and the ADEM permit.

Mr. Airhart felt the committee hasn't given them a second chance, and asked for one and they will make sure they will be picked up.

Councilman Scott said that Mr. Dougherty assured the city nine months ago that the throw outs would be picked up by a sweep process yet the problems still persists.

MOTION BY Councilman LeJeune to send the Handbill Ordinance to the full council and recommend adoption. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY

b.) Discuss: Park Rules

The committee discussed amending the Park Rules Ordinance #19 & #22 to include allowing service dogs. They discussed does the service dog have to be on a leash. Councilman Scott requested the city attorney to research that item.

This will be on the June 20th agenda.

c.) Discuss: Regulating ATV's in Central Park

Councilman Scott wanted this discussed at the June work session.

IV OTHER BUSINESS

No other business to discuss.

V. **NEXT MEETING** / June 20, 2016.

VI. **ADJOURN**

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING ADJOURNED AT
6:25 P.M.**

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE CITY HALL
1705 MAIN STREET, DAPHNE, AL 36526
MAY 25, 2016**

COMMITTEE MINUTES

MEMBERS PRESENT: Chairman Casey Zito, Dayna Oldham, Debbie Strahley, Ken Balme, Dorothy Morrison, Daniel Dyas, Sr., Brandy Lister, Nicole Simms, and Kiki Mikkelson

ALSO PRESENT: Jenny White, Recording Secretary; Belle Laurendine, Market on Main, Annie Root, Daphne Art Center; and Andy Root, Daphne Farmers Market

MEMBERS ABSENT: Doug Bailey and Patricia Vanderpool

COUNCIL LIASON: Councilwoman Tommie Conaway and Councilman Pat Rudicell were not in attendance at meeting.

1. CALL TO ORDER

There being a quorum present Chairman Casey Zito called the meeting to order at 5.30 p.m.

2. PUBLIC PARTICIPATION

Annie Root of the Daphne Art Center and her husband Andy Root of the Daphne Farmers Market introduced themselves and would like to participate at meetings.

3. APPROVAL OF MINUTES / April 27, 2016

Motion by Dorothy Morrison to approve the minutes from April 27, 2016 meeting as written. **Seconded by Debbie Strahley.**

Motion Carried unanimously.

4. TREASURER'S REPORT

Chairman Zito reported on Treasurer's Report in absence of Doug Bailey. Chairman Zito reported on Bryant Bank account statement for April 1, 2016 thru May 1, 2016.

Statement 4/01/2016 – 5/01/2016:

April Beginning Statement Balance – \$196,084.21

Check #1034	April 1, 2016	Dorothy Morrison	\$118.00	Flowers
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Deposit	April 15,2016	City of Daphne	\$4,249.85	March Tax Collection
Service Fee	April 29, 2016	Bryant Bank	\$3.00	Service Fee

April Ending Statement Balance - \$200,213.06

Motion by Brandy Lister to move forward with Bryant Bank electronic statements to waive the \$3.00 service fee monthly. **Seconded by Dorothy Morrison.**

Motion Carried unanimously.

OLD BUSINESS

I. Welcome New Members

Chairman Zito welcomed new member Kiki Mikkelson to committee.

II. Website Design – Chairman Zito

Chairman Zito has meeting scheduled with website design representative on May 26, 2016 in Pensacola, Florida to discuss content of website. She is excited about the calendar element and will add the Farmer’s Market and current events to calendar. Chairman Zito will forward out information to the committee for review. Chairman Zito expects the website to be on line within two (2) weeks after content is finalized.

III. Brochure and Rack Card – Ken Balme

Ken Balme commented master brochure is in process. Ken commented they’re still adding new businesses to brochure. Ken expects to finalize brochure by next meeting on July 27, 2016.

Ken Balme shared rack card suggestion with committee on ***Detour to Daphne*** with sunsets. Ken noted the best sunsets in the world are seen from Daphne. Ken would like to have parks noted on rack card of where sunsets can be seen. Chairman Zito asked for consensus on the rack card ***Detour to Daphne***. Committee was in agreement with the ***Detour to Daphne*** rack card.

III. Citron Property Parking Lot – Doug Bailey

Doug Bailey was not present at meeting. Chairman Zito discussed the Citron Property parking lot that our committee is reviewing for purchase and development that is currently on table. Chairman Zito asked Doug Bailey for a proposal for development of property. Doug Bailey has produced drawing of property with 14 parking lots. Chairman Zito will have Doug forward drawing to committee for review and comment. Dayna Oldham suggested parking meters for parking lot. Dorothy Morrison expressed concerned of environmental factors. Daniel Dyas suggested we need a real estate agent for purchase of property.

Motion by Brandy Lister to engage with obtaining a real estate agent for intent to purchase property with consent of mayor and city attorney with due diligence. **Seconded by Daniel Dyas.**

Motion Carried unanimously.

NEW BUSINESS

I. Market on Main – Mini-Grant Application – Belle Laurendine

Tabled motion for Market on Main mini-grant application at last month's meeting to the May meeting of \$2,500.00. Belle Laurendine has provided copied checks for completed work at \$965.00. Belle's request for approval to complete a parking area is in the amount of \$1,400.00. Belle's request for consideration of further additions to this area as fencing and planting is estimated at \$600.00. Belle submitted a total project cost at \$2,965.00.

Motion by Dayna Oldham to approve Market on Main Mini-grant of \$2,950.00. **Seconded by Daniel Dyas. Committee will reimburse Market on Main for the receipts submitted totaling \$965.00. Additional receipts to be forwarded for payment on balance of mini-grant.**

Motion Carried Unanimously

II. Dyas Construction Mgt. LLC – Mini-Grant Application – Daniel Dyas

Daniel Dyas of Dyas Construction Mgt., LLC submitted a mini-grant application for 1615 6th Street to put overhead utility services underground, improve landscape and landscape along 6th street. Chairman Zito consulted with legal on mini-grant submitted. Location for mini-grant is outside the DRA Overlay District. DRA was not able to approve mini-grant application due to location.

III. Merchants Association

Chairman Zito suggested sponsorship to committee of a Merchants Association within downtown district.

Motion by Brandy Lister to lead startup of Merchants Association. **Seconded by Dayna Oldham.**

Motion Carried unanimously.

5. OTHER BUSINESS DEEMED NECESSARY

➤ Utilities Pilot Project Budget Presentation – Daniel Dyas

Daniel Dyas presented a Utilities Pilot Project Budget Presentation. Daniel met with Riviera Utilities to discuss uniformity of utility lines. Riviera Utilities working with Daniel

on proposal. Daniel is going to contact Cara Stallman, grant writer to see if there are any utility grants available.

➤ **Nomination of New Member: Belle Jones Laurendine**

Belle Jones Laurendine, business owner of Market on Main submitted her biography to committee for review of nomination as new member to committee.

Motion by Dayna Oldham to nominate Belle Jones Laurendine as a member. **Seconded by Daniel Dyas.** Belle's nomination of appointment will be scheduled to go before City Council at council meeting set for September 5, 2016.

Motion Carried Unanimously

➤ **Village Point Resolution of DRA Overlay District – Chairman Zito**

Chairman Vito discussed DRA's intent to extend the overlay district from Bayfront Park to Downtown District. Chairman Vito informed committee Doug Bailey is preparing drawing of proposed revised overlay. Dorothy Morrison volunteered to setup meeting with Selena Vaughn at Village Point for further discussion.

➤ **Sign Ordinance – Brandy Lister**

Brandy Lister to discuss with mayor business sign uniformity within downtown district.

➤ **Beautification Committee Update – Dorothy Morrison**

Dorothy Morrison discussed the upcoming dedication of the City of Daphne Gazebos on Wednesday, June 8, 2016. The schedule of dedication for Joe Lewis Patrick Park is at 10:00 a.m.; Park City Park at 10:30 a.m.; and 11:00 a.m. at Daphne Central Park. Refreshments will be served at the conclusion of our dedications at Daphne Central Park.

➤ **Committees – Chairman Zito**

Casey Zito suggested members to attend other committee meetings of interest.

➤ **Welcome New Business – Dorothy Morrison**

Dorothy Morrison awaiting welcome letters from the mayor and DRA.

➤ **Halloween Event – Kiki Mikkelson**

Kiki Mikkelson volunteered to organize a Halloween event this upcoming year.

6. NEXT MEETING

Next meeting scheduled for June 22, 2016 at City Hall Executive Conference Room at 5:30 p.m.

With no other business to consider, the meeting was adjourned at 6:42 p.m.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 24, 2016
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

The regular meeting of the City of Daphne Planning Commission was called to order at 5:05 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

William Scully
Marybeth Bergin, Secretary
Larry Chason, Chairman
Ron Scott, Councilman
Hudson Sandefur
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Jay Ross, Attorney

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

Chairman asked for questions, comments or corrections to the minutes ***of the regular meeting of February 25, 2016. There being none, the minutes are approved as submitted.***

The next order of business is site plan review for Malbis Station.

An introductory presentation was given by Mr. Scott Hutchinson, representative of Hutchinson, Moore & Rauch, requesting site plan review of a retail commercial facility with associated access, parking, and landscaping located northwest of the intersection of U.S. Highway 90 and Renaissance Boulevard, Lot 17A of the Resubdivision of Lots 8, 11-17, of Renaissance Center Subdivision, Phase Three.

Mr. Hutchinson stated staff comments have been addressed and a document was executed for the easement required for Lots 17 and 17A for the fire department turn around. The document will be recorded, if the site plan is approved.

Chairman asked for Commission questions and comments and commented on placement of the curb cuts approved by ALDOT. He referenced note 10 and the twenty-foot access easement shown on the plat on the north property line of Lots 15, 16, 17 and 17a. Mr. Hutchinson stated all of the lots have access to the existing curb cuts and have the right to access other lots although no easement is shown.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 24, 2016
Council Chamber, City Hall - 5:00 P.M.**

Mr. Hutchinson stated the twenty-foot easement appears to be access to the detention pond on Lot 18 and is not of sufficient width for access to those lots. However, the access easement referenced in the notes for Lots 11, 13A, 13B and 14 has a reasonable access width.

Chairman asked has the Commissioners received a copy of the site plan illustration of Lot 15 as it exists with the stub-out. Mr. Scully commented that would not grant any rights of access to those lots.

Mr. Richard Davis, Davis & Fields, the representative for H-Properties, and for full disclosure of Mayor Dane Haygood, the applicant, stated he did not create the rights to those properties. Those rights were established in the restrictive covenants of the Renaissance Center Subdivision. The owner also has an option to purchase Lot 16. Mr. Scully asked if Lot 16 was granted those rights also. Mr. Davis confirmed.

Ms. Jones commented that the Commissioners should not hold up the site plan application based on note 10. Mr. Ross stated that the site plan appears to comply with the Land Use Ordinance and should not be denied without sufficient reason because the owner may have to address the conflict in the notes and covenants relative to access in court.

Mr. Hutchinson stated as the engineer, our responsibility is to the site plan and that access is optional and also not the responsibility of the Planning Commission.

Chairman stated that the original plat and restrictive covenants appears to give those lots access to Renaissance Boulevard, as well as, U.S. Highway 90.

Chairman stated that Lot 17A can stand alone in that it has access to U.S. Highway 90. Mr. Sandefur asked if that access is optional. Chairman stated that access is dictated by the ALDOT. Mr. Davis stated the restrictive covenants gave the lots the right of ingress and egress in April 2014 prior to the addition of note 10 to the plat.

Mr. David Vaughn, representative of William Hunt, stated that BBB Industries, L.L.C., the owner of Lot 15, is opposed to a gravel drive in a tree protection zone with access to Lot 16 and the parking area of Lot 15 for vehicular traffic. The intent in accordance with the subdivision plat and note 10 was for ingress and egress to be the twenty-foot drainage, utility and access easement on the north property line.

Mr. Johnson, Public Works Director, stated this is a retail center. The radius of the median cut allows for a left turn onto Renaissance Boulevard from a functioning lot. Full access is a minimum requirement, and this lot has right-in and right-out access to U.S. Highway 90.

The City of Daphne
Planning Commission Minutes
Regular Meeting of March 24, 2016
Council Chamber, City Hall - 5:00 P.M.

Mr. Vaughn referenced Exhibit C of documents presented to the Planning Commission for the owner of Lot 15, BBB Industries, L.L.C.

Chairman stated that there is a turn out on Lot 15 at Renaissance Boulevard.

Ms. Jones asked is the primary access the curb cut onto U.S. Highway 90. Mr. Hutchinson confirmed.

Mr. Hunt, BBB Industries, L.L.C., commented that he has no desire for vehicular traffic from Lot 17A to cross the parking area of Lot 15. There are no cross easements to allow for interconnecting parking lots because the access for those lots is confined to the existing curb cuts onto U.S. Highway 90 at the existing curb cuts.

Ms. Jones stated that there has been a precedent with regard to sidewalks.

Chairman stated for the record, that acceptance of the site plan is not intended as approval of an access from Lot 17A through Lot 16 into the parking area of Lot 15.

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

A Motion was made by Mr. Scott and Seconded by Mr. Scully to grant approval of the site plan for Malbis Station. No discussion on the motion. The Motion carried unanimously.

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

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, requesting preliminary/final plat review of a three-lot subdivision with approximately two hundred twenty-eight located south and west of Oldfield Subdivision, Phase One consisting of Lot 1, Tom & Julie Bierster, Lot 2, Red Barn, L.L.C, and Lot 3, an outparcel of the remainder of the development. The expansion of Lot 2 was done by the owner to clarify what portion of that lot is in the city and to provide a buffer.

Chairman asked for Commission questions or comments and confirmed that the plat is in compliance with the Land Use Ordinance. He opened the floor to public participation. No one came forth. He closed public participation and asked for a motion for approval.

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

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 24, 2016
Council Chamber, City Hall - 5:00 P.M.**

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

An introductory presentation was given by Ms. Beverly Terry, representative for Malbis Place, L.L.C., requesting preliminary/final plat review of a three-lot subdivision consisting of approximately two point nine eight acres located northeast of the intersection of U.S. Highway 90 and Renaissance Boulevard.

Chairman asked for Commission questions or comments and staff comments have been addressed.

Mr. Johnson stated the development has a common access to U.S. Highway 90, and the storm water drainage is directed into the common detention pond.

Mr. Sandefur asked does the curb cut exist and Mr. Johnson confirmed.

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

A Motion was made by Ms. Bergin and Seconded by Mr. Sandefur to grant preliminary/final plat approval of Malbis Place Subdivision. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a zoning amendment for Elizabeth Wright.

An introductory presentation was given by Mr. Ronald Bell, representative of the owner, Elizabeth Wright, requesting re-zoning of a zero point six two acre parcel located southeast of Main Street and Van Avenue from B-3, Professional Business, to B-1, Local Business. Mr. Bell stated that he has an option to purchase the property contingent upon approval of the rezoning and site plan displayed for the construction of a frozen custard shop.

Chairman asked for Commission questions or comments and expressed his concern with the uses permitted of a B-1 zone in an overlay district.

The Commissioners also expressed their concerns of the uses permitted in B-1 which may not be compatible with the surrounding neighborhood and overlay district.

Mr. Bell stated that he could address that by deed restrictions to prohibit certain uses.

Mr. Scott asked is this type of business permitted in the present B-3 zone. Ms. Jones stated that neither the beauty shop nor the yogurt shop allowed in a B-3 zone. The beauty shop exists as a grandfathered nonconforming use.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 24, 2016
Council Chamber, City Hall - 5:00 P.M.**

Chairman suggested addressing the issue by creating a B-1a zoning district. Mr. Bell accepted the proposal, but stated that he was on a time line for approval and purchase of the property.

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

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

A Motion was made by Mr. Scott and Seconded by Mr. Sandefur of an unanimous unfavorable recommendation by the Planning Commission to the City Council of Daphne of the rezoning of a zero point six two acre parcel located southeast of Main Street and Van Avenue from B-3, Professional Business District, to B-1, Local Business for Elizabeth Wright. There was no discussion on the motion. The Planning Commission asked staff to convey to the City Council that a new zoning district of B-1(a) is forth coming. The Motion carried unanimously.

The next order of business is an administrative presentation for the proposed annexation of County Road 64 from County Road 13 to Alabama State Highway 181.

An introductory presentation was given by Mr. Richard Johnson, Public Works Director, requesting annexation of the right-of-way of County Road 64 from County Road 13 to Alabama State Highway 181. As a part of an agreement with Baldwin County for the construction of a roundabout at County Road 13 and 64 and the relocation of utilities, the City of Daphne agreed to the annexation of the right-of-way into the corporate limits of the City of Daphne for maintenance.

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

A Motion was made by Mr. Sandefur and Seconded by Ms. Bergin for an affirmative recommendation by the Planning Commission to the City Council of the acceptance of the right-of-way of County Road 64 from County Road 13 to Alabama State Highway 181 into the corporate limits of the City of Daphne for maintenance. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is an administrative presentation of the Daphne Parks Improvement Master Plan.

An introductory presentation was given by Mr. Tim Patton, Volkert, Inc., of the Daphne Parks Improvement Master Plan for the upgrade to the amenities at the park facilities: Lott Park, Trione Park and Daphne Sports Complex on Park Drive.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 24, 2016
Council Chamber, City Hall - 5:00 P.M.**

Chairman asked for Commission questions or comments.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur **to grant approval of the Daphne Parks Improvement Master Plan. The Motion carried unanimously.**

The next order of business is planning commission discussion.

An introductory presentation was given by Mr. Matt Creel, Code Enforcement Officer, of the Land Use and Development Ordinance, Article 33, Sign Provisions, Section 33-5(g)(5), Political Signs, Districts in Which Authorized, Non-Illuminated, states that "two (2) non-illuminated signs per lot or parcel may be placed on private property in any zoning district in the City and shall not exceed four (4) square feet in area or four (4) feet in height; and political signs in business, commercial and industrial districts shall not exceed sixteen (16) square feet in area or eight (8) feet in height". He indicated that there were issues raised in enforcing this provision during the recent election and needed Planning Commission and City Council to review the matter and make changes if necessary.

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

Mr. Kevin Spriggs, Spriggs Enterprises, stated that the current sign provisions allows for only two political signs per private residential property in any zoning district and restricts the size to four square feet, and sixteen square feet in a business or commercial district; however, a business may have a development sign of thirty-two square feet. This section of the ordinance should allow for one political sign per candidate and of a size comparable to other signs, but more specifically a development sign, of thirty-two square feet in area which is consistent with a recent Supreme Court ruling.

Chairman stated that the ordinance should allow one sign per candidate or issue.

Chairman asked for Commission questions or comments and a recommendation of approval.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Scully **of an affirmative recommendation by the Planning Commission to the City Council of a proposed amendment to Ordinance 2011-54, Land Use and Development Ordinance, Article 33, Sign Provisions, Section 33-5(g)(5), Political Sign Requirements, to allow two (2) political signs per lot or parcel in a residential zoning district, or one (1) non-illuminated sign may be placed on private property perpendicular to each street frontage in any business, commercial and industrial district for each candidate or each issue not to exceed thirty-two (32) square feet in area or eight (8) feet in height.**

The City of Daphne
Planning Commission Minutes
Regular Meeting of March 24, 2016
Council Chamber, City Hall - 5:00 P.M.

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

The next order of business is public participation.

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

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

Mr. Ross stated no report.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

Ms. Jones presented that the upcoming meeting dates are site preview, April 20, and regular meeting, April 28, 2016.

There being no further business, the meeting was adjourned at 7:13 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: April 28, 2016



Larry Chason, Chairman

**The City of Daphne
Planning Commission Minutes
Regular Meeting of April 28, 2016
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

The regular meeting of the City of Daphne Planning Commission was called to order at 5:34 p.m.

Call of Roll:

Members Present:

Marybeth Bergin, Secretary
Charles Smith, Vice Chairman
Larry Chason, Chairman
Ron Scott, Councilman

Staff Present:

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

Chairman stated the number of members present does not constitute a quorum and explained that Allegri Two-Lot, Resubdivision of Lot 8, Austin Commons, Agee Place, W & R, DISC, Oldfield, Phase 2A Subdivision, and Daphne Rudicell Robinson zoning amendment cannot be heard tonight because a six members are required to take action on those agenda items. A special meeting is tentatively set for Thursday, May 5, 2016 at 5:00 p.m.

Mayor Dane Haygood announced his appointment Ed Kirby to fill the unexpired term of Dwayne Smith who submitted his resignation on April 28, 2016.

The regular meeting of the City of Daphne Planning Commission was called to order again at 5:46 p.m.

Call of Roll:

Members Present:

Ed Kirby
Marybeth Bergin, Secretary
Charles Smith, Vice Chairman
Larry Chason, Chairman
Ron Scott, Councilman

Notice was given of a special meeting. The number of members present constitutes a quorum.

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

**The City of Daphne
Planning Commission Minutes
Regular Meeting of April 28, 2016
Council Chamber, City Hall - 5:00 P.M.**

Ms. Jones stated the Commissioners will see those in May.

The next order of business is a subdivision exemption review of the Replat of Lots 10 & 11, Edgemere Oaks Subdivision.

An introductory presentation was given by Mr. Daniel Calhoun, representative of Mr. & Mrs. McLaughlin, of a subdivision exemption review of a replat for a two-lot subdivision consisting of approximately two-point two acres located southwest of the intersection of Old County Road and Whiting Court.

Chairman asked for Commission questions or comments.

Mr. Calhoun stated there is an encroachment issue and the replat would remedy the issue between the adjacent property owners.

Chairman stated this is a request for an exemption to correct an error where a retaining wall was constructed across the property line, and the property owners have agreed to a replat.

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

A Motion was made by Mr. Scott and Seconded by Ms. Bergin to grant approval of the subdivision exemption of the Replat of Lots 10 & 11, Edgemere Oaks Subdivision. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is site plan review for Belrose Office Building.

An introductory presentation was given by Mr. Karl Gustafson, owner, requesting site plan review of a commercial office building at 706 Belrose Avenue of an addition to the existing structure with an associated one-way access, parking, and landscaping located southwest of the intersection of Main Street and Belrose Avenue

Chairman asked for Commission questions and comments and if sidewalk issue had been addressed. Mr. Gustafson confirmed.

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

A Motion was made by Mr. Kirby and Seconded by Mr. Smith to grant approval of the site plan for Belrose Office Building. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is site plan review for the new office building for Fulcrum.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of April 28, 2016
Council Chamber, City Hall - 5:00 P.M.**

An introductory presentation was given by Mr. Trey Jinright, representative of Jade Consulting, of a commercial office building for Fulcrum Construction on the site formerly known as Camellia Café located on Mancini Street.

Chairman asked for Commission questions and comments the location of the new building and commented on the removal of the accessory structure and carport. Mr. Jinright stated this structure will be located between the Camellia Café and the new two-story office facility.

Chairman asked about the addition of a sidewalk and fire hydrant. Mr. Jinright stated they have been added to the plans.

Chairman asked for an explanation of the detention area east of the restaurant. Mr. Jinright stated that storm water is directed into a small swale and allowed to sheet flow.

Chairman asked if the driveway will remain open. Mr. Jinright confirmed.

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

A Motion was made by Ms. Bergin and Seconded by Mr. Smith to grant approval of the site plan for the office building for Fulcrum. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is master plan review for DISC.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Dewberry/Preble-Rish, of a seven-lot subdivision with seventy-three point seventy six acres which is based on this master plan located southwest of the intersection of Champions Way and Alabama Highway 181.

Chairman asked for Commission questions or comments and stated the twenty-six acre, lot 1, on the master plan will be the initial take down, but storm water detention is located on a four-acre parcel in the southwest corner of phase one. Mr. Pumphrey stated it is offsite. There is a parcel that is set aside which will provide most of the detention for this tract. There is another detention pond that is southeast of Alabama Highway 181 which will be onsite.

Chairman commented at the work session we discussed that phase one will be in phases, and that measures will be taken to slow down the traffic within the development. Mayor Dane Haygood stated with the first phase of the development, there is a proposed roadway onto Alabama Highway 181, and there is a possibility that phase one will be sub-phased.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of April 28, 2016
Council Chamber, City Hall - 5:00 P.M.**

Mayor Haygood stated it is the preference of the IDB to construct all of this phase, but that will be dictated by budgetary constraints.

Chairman commented that the need for common area and open space. Mayor Haygood stated with the drawing at this scale there does not appear to be, but there is significant green space and elements for amenities.

Chairman asked if the width of right-of-way is sufficient for the widening of Champions Way. Mayor Haygood stated that this plan does not directly contemplate that, and that Mr. Johnson, the Public Works Director, had advised that the right-of-way is sufficient to add an additional lane.

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

A Motion was made by Mr. Scott and Seconded Mr. Smith to grant approval of the master plan for DISC. There was no discussion on the motion. The Motion carried unanimously.

Ms. Jones stated a point of clarification, to confirm receipt of all of the utility letters for the DISC Subdivision, except for Daphne Utilities.

The next order of business is planning commission discussion.

Chairman outlined work session discussion of subdivision exemptions, sidewalk waivers in residential or commercial developments, temporary vendors, and the use of a nonpermanent structure on a temporary or permanent basis for the operation of a business and shall establish a fixed period not to exceed eighteen months, and the creation of a B-1 (a) zoning district.

No action will be taken on the proposed land use amendments because it requires a super majority of members.

The next order of business is public participation.

Chairman asked for public participation.

Mr. Starke Irvine, Irvine Co., Inc., representative of McBride and Romero, commented on a rezoning request for McBride/Romero and requested a waiver of the requirement of the submission of a current certified survey with the application.

Chairman asked for Commission questions or comments and can a waiver be granted. Mr. Boucher stated the description of a recorded warranty deed guides the transaction, not a survey, so they are practically independent of each other.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of April 28, 2016
Council Chamber, City Hall - 5:00 P.M.**

Chairman stated I believe that the Commission can grant a waiver, but would like to research it to make sure that it is not the BZA. Mr. Irvine asked if the applicant could move forward without the certified survey. Ms. Jones stated yes, but one would be required prior to presentation to the City Council.

Mr. Scott asked would it be possible for the City Council to grant approval predicated of the receipt of a certified survey. Ms. Jones stated while Mr. Boucher is researching that matter that she can look into tying it into another record to give us some level of comfort.

Mayor Haygood commended the Commissioners for the job they do serving the city and commitment to the public.

Mayor Haygood asked Mr. Boucher to consider if a warranty deed provides a valid substitute if a current certified survey were not available as outlined in the ordinance, and if that deed/legal description is a valid substitute for conveyance. Acceptance may solve the issue without the Commissioners having to consider a waiver or variance.

Mayor Haygood commented that he is happy to hear that the Commission is moving forward with zoning districts which are subsets of the districts with the ten percent of the uses that are not exercised.

Chairman closed public participation.

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

Mr. Boucher stated no report.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

None presented.

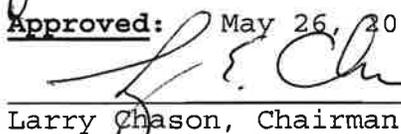
There being no further business, the meeting was adjourned at 6:33 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: May 26, 2016


Larry Chason, Chairman

The City of Daphne
Planning Commission Minutes
Special Meeting of May 5, 2016
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

The special 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:

Ed Kirby
*William Scully
**Marybeth Bergin, Secretary
Charles Smith, Vice Chairman
Larry Chason, Chairman
Tyrone Fenderson
Ron Scott, Councilman
Hudson Sandefur
Chief White

*Arrived 5:51 p.m. during Oldfield Subdivision discussion
** Excused 5:59 p.m. prior to Daphne Rudicell Robinson zoning amendment and returned during subdivision exemption discussion

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Jay Ross, Attorney

The next order of business is preliminary/final plat review for Allegri Two Lot Subdivision.

An introductory presentation was given by Mr. Craig Dyas, Dyas, L.L.C., the representative for Joseph Allegri, Jr., requesting preliminary/final plat review of a two-lot subdivision consisting of approximately nine point four acres located southwest of County Road 54 and 64.

Chairman asked for Commission questions or comments.

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

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

The next order of business is preliminary/final plat review for the Resubdivision of Lot 8, Austin Commons Subdivision.

An introductory presentation was given by Ms. Lynn Tomlinson, representative for William Easterling, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately three point two five acres located northeast corner of Austin and Belforest Cemetery Roads.

Chairman asked for Commission questions or comments and thanked Ms. Tomlinson for the revision of the plat.

Mr. Scott asked the status of the approval of Baldwin County. Ms. Tomlinson stated still pending.

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

A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur **to grant approval of the preliminary/final plat for Resubdivision of Lot 8, Austin Commons Subdivision. There was no discussion on the motion. The Motion carried unanimously.**

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

An introductory presentation was given by Mr. David Shumer, representative of Barton & Shumer Engineering, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately zero point nine-nine acres located northwest of Japonica and Park Lane and commented that he expanded the drainage easement and revised the plat to account for overlap of property.

Chairman asked for Commission questions or comments.

Mr. Bergin asked staff if utility letters have been presented. Ms. Jones confirmed.

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

A Motion was made by Ms. Bergin and **Seconded** by Mr. Smith **to grant approval of the preliminary/final plat for Agee Place Subdivision. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for W & R Subdivision.

An introductory presentation was given by Mr. Jerry Perez, representative of Bay Area Surveying, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately three point two acres located southeast of the intersection of Alabama Highway 181 and Highway 31.

Chairman asked for Commission questions or comments and if the ALDOT had approved access to Alabama Highway 181. Mr. Perez stated that ALDOT will not deny access, but could not give a permit until the business use is known.

Mr. Scott asked if a part of that area was annexed into Spanish Fort.

Mr. Chason stated there was some confusion regarding this parcel. At one point, the subdivision was reviewed and approved by Spanish Fort and then they realized it was in the exterritorial planning jurisdiction of Daphne.

Mr. Scott asked so this parcel is still in the county and was not annexed. Mr. Perez confirmed.

Chairman stated at the work session, we discussed that the existing lot is on a septic tank. Mr. Perez stated that once the new lot is sold both lots will have to connect to sanitary sewer.

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

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

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

Chairman asked for Commission questions or comments and stated the master plan was approved at the regular meeting.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Dewberry/Preble-Rish, requesting preliminary/final plat review of a seven-lot subdivision of property whereby we have carved out the pieces to be consistent with the master plan and the initial phase to be created is Lot 1. The southwest corner of that lot is a parcel or common area which will be the detention pond for most of the development. As a result of discussion at the work session, there was an easement added to the plat to provide a rear access to Lots 5 & 6, and a note stating that we will have to adhere to the Access Management Plan of ALDOT.

Mr. Pumphrey stated there is also a temporary easement to the common area along the rear of Lot 1 for access until this lot is further subdivided. As Lot 1 is developed, the proposed roadway will dissect that lot into two pieces and through the platting process, the easement may have to be relocated.

Chairman stated a point of discussion was that Lot 1 will be phased.

Ms. Jones asked Mr. Pumphrey to point out the changes on the revised plat. Mr. Pumphrey stated the only change was the easement that we discussed at the work session.

Chairman asked is there a written agreement to direct storm water into the common area. Mr. Pumphrey stated that has been a part of the negotiations and will be a part of the agreement with the IDB at the time of the purchase of the property.

Mr. Fenderson asked if the contract is between the two parties for the option on Lot 1 and that contract is not executed what happens to the agreement for common area. Mr. Pumphrey stated the city would not purchase the property without that agreement in place. Chairman stated if the Commissioners approved the subdivision plat that area is designated as detention.

Mr. Kirby stated we are subdividing this property as if it is in the extraterritorial planning jurisdiction but wasn't there a request for annexation. Ms. Jones stated on the regular meeting of May is a request for annexation of the entire property. Chairman stated the Planning Commission approved pre-zoning of B-3, Professional Business, with the anticipation of annexation.

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

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

The next order of business is preliminary plat review for the Oldfield Subdivision, Phase 2A.

An introductory presentation was given by Mr. Steve Pumphrey, representatives of Dewberry/Preble-Rish, requesting preliminary plat review of a thirty-lot subdivision, the first phase of the development, consisting of approximately eighteen point six-three acres located south and west of Oldfield Subdivision, Phase One. This is a phase that will include the extension of the main road into Oldfield Subdivision.

Mr. Pumphrey stated there was some discussion at the work session regarding the detention pond and lake, and indemnification forms were provided stating that the developer will be responsible for maintenance of that facility. As agreed, the construction entrance will be the unimproved dirt road to the north of Oldfield. There will be no access through the main entrance of the existing development during the construction of the infrastructure. Phase 2B will be accessed from Alabama Highway 181.

Chairman asked if the construction entrance runs along the north side of Oldfield and turns south to access road Phase 2A, why couldn't you continue to use it for construction traffic. Mr. Pumphrey stated it is not a public road. Mr. Estes, the engineer, stated at that point, the construction traffic would be crossing the lots in Phase 2A.

Chairman stated at the work session, we discussed the addition of a fire hydrant and a sidewalk and addressing the environmental comments. Mr. Pumphrey confirmed that all comments have been addressed.

Mr. William Scully arrived at 5:51 p.m.

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

Sarah Toulson, 9501 Cobham Park Drive, expressed her concern that the approval of the master plan was contingent upon the concurrent construction of a secondary entrance. These plans do not include that so I would like for the Commission to consider postponing this phase until you have the plans for Phase 2B that do include a secondary construction entrance to alleviate traffic coming into the neighborhood.

Chairman asked to clarify the language. Ms. Jones stated the conditional approval of the master plan revision for 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 and the motion carried unanimously. That was from the regular meeting of December 17, 2015.

Chairman asked Ms. Toulson why isn't the road to north of Oldfield Subdivision considered a secondary access. Ms. Toulson stated it is not an access and is only being used as a construction entrance for this phase.

Mr. Pumphrey stated that those phases have different access points. The construction entrance for this phase was always the unimproved dirt road to the north.

Mr. Scott asked has the access been authorized by ALDOT and what if it is not approved. Mr. Pumphrey stated that is part of the delay of Phase 2B, the coordination with ALDOT and designing a master drainage plan for the entire site. Mr. Avent, owner of Dewberry/Preble-Rish, stated the access point has designated in accordance with the ALDOT State Access Point Design Access Management Plan for a right in/right out.

Mr. Avent stated the property owner to the south, Arthur Corte, expressed his concerns regarding drainage and that is why there will be a master drainage plan. Chairman asked if the west line is the end of the portion annexed and is still in the county. Mr. Avent affirmed.

Chairman stated that the wording of the motion does not require the secondary access to be on Alabama Highway 181.

Mr. Avent stated there is a difference in bringing building supplies onto a basically rural road than construction traffic for the infrastructure.

Ms. Bergin asked if ALDOT will specify a construction entrance for Phase 2B onto Alabama Highway 181. Mr. Avent affirmed.

Mr. Scott Hunter, 24199 Weatherbee Park Drive, expressed his concerns regarding storm water drainage. The real reason that they are using the unimproved road for a construction entrance is they have to fill in the fifteen-foot culvert to construct the roads to the north which run parallel to Camberwell Drive.

Chairman asked clarification as to whether or not it is a culvert or a ditch. Mr. Estes stated a ditch which will be piped.

Mr. Daniel White, 9972 Camberwell Drive, expressed his concerns regarding storm water drainage and asked for clarification for storm water. Chairman stated the storm water for Phase 2A will be directed west to the lake. Storm water to the south will be addressed in one of the other phases of the development.

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

A Motion was made by Mr. Scully and Seconded by Mr. Fenderson to grant approval of the preliminary plat for Oldfield Subdivision, Phase 2A. There was no discussion on the motion. The Motion carried. Mr. Scott and Ms. Bergin dissented.

The next order of business is a zoning amendment for Daphne Rudicell Robinson.

Ms. Bergin was excused at 5:59 p.m. Mr. Scully recused himself from discussion or action on the agenda item.

An introductory presentation was given by Mr. Steve and Daphne Rudicell Robinson, requesting re-zoning of a zero point five acre parcel located southwest of Guarisco and Main Street from B-2, General Business, to MU, Mixed Use for the construction of an office/apartment.

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

Chairman stated for clarification that the site plan included shows the removal of the single story wood framed building and to construct a two-story building similar to the one that is there, but we are not doing anything with the site plan tonight.

A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur **of a unanimous affirmative recommendation by the Planning Commission to the City Council of Daphne of re-zoning of a zero point five acre parcel located southwest of Guarisco and Main Street from B-2, General Business, to MU, Mixed Use. There was no discussion on the motion. The Motion carried. Mr. Scully abstained.**

The next order of business is planning commission discussion.

Chairman outlined work session discussion of subdivision exemptions, sidewalk waivers in residential or commercial developments, temporary vendors, and the use of a nonpermanent structure on a temporary or permanent basis for the operation of a business and shall establish a fixed period not to exceed eighteen months, and the creation of a B-1 (a) zoning district.

Chairman stated the existing ordinance requires that the Planning Commission to hear the application and acknowledge an exemption and no action on the subdivision. The Commission grants the exception under certain requirements which will remain the same, but the applicant will not come before the Planning Commission. An application will be submitted for administrative review by the Community Development Director. Ms. Jones stated that will include plats that the county considers to be exempt.

Commissioners discussion of administrative approval of a subdivision exemption for parcels or lots, not in the city and under common ownership for the relocation of an interior lot line, and does not include the creation of additional lots.

Chairman asked for Commission questions or comments and a recommendation of approval.

A **Motion** was made by Mr. Scully to amend Article 11-5 (b), *Subdivision Exemptions and Exceptions*, to state in relevant part that the interior lot line may be exempt from these regulations and approval granted by the Community Development Director and the rest of the language of that section is to remain the same.

During discussion, Mr. Scott asked to add, "provided that no additional lots are added in a replat in the city limits", so that we will have addressed the issue of a family subdivision that we cannot turn down. Mr. Scully stated that to adequately address the issues that you have raised the Commission will have to review the family exemption regulations of Baldwin County.

Mr. Scott asked for the Commissioners to delay action on the revision to the ordinance until such time the amendment is compared to Baldwin County regulations for subdivision exemptions. Mr. Scully withdrew the motion.

Commissioners discussed and provided revisions to the B-1(a), Limited Local Business District.

Chairman asked for Commission questions or comments and a recommendation of approval.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Scully *of an affirmative recommendation by the Planning Commission to the City Council of a proposed amendment to Ordinance 2011-54, Land Use and Development Ordinance, for the creation of a the B-1(a), Limited Local Business District, as edited. There was no discussion on the motion. The Motion carried. Mr. Scully abstained.*

The next order of business is public participation.

Chairman asked for public participation.

An introductory presentation was given by Mr. Mike Allen, representative of Bugs Bite, requesting an amendment to the Land Use Ordinance, Sign Provisions, to allow professionally printed yard signs on private property in a residential district for a period of twenty-one days for advertising.

Chairman asked for Commission questions or comments.

Mr. Scott stated the issue here is that Daphne does not allow off-premise signs, but does allow a sign while a company is conducting business and/or construction on private property in a residential district.

Mr. Scully commented that you cannot discriminate between political and commercial signs. Mr. Scott stated court cases state that you can restrict commercial signs, but you cannot restrict freedom of speech on political issues.

Mr. Ross stated there is a new court case regarding this issue that states that the signage must be content neutral, and you cannot discriminate on the size. This is an issue that is evolving.
Ms. Jones stated that she invited Mr. Allen because any change to the Land Use Ordinance begins with the Planning Commission.

Mr. Scott requested Mr. Allen attend the Ordinance Committee Meeting on Monday, May 16, 2016 @ 5:30 p.m.

Chairman closed public participation.

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

Mr. Ross stated no report.

The next order of business is commissioner's comments.

None presented.

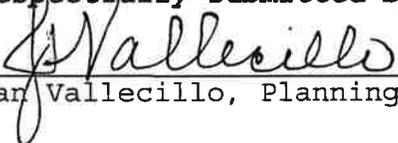
The next order of business is director's comments.

Ms. Jones presented the following:

- a. The zoning amendment for Christ the King Catholic Church was adopted by the City Council on Monday, April 18, 2016;
- b. The upcoming meeting dates are site preview, May 18, and regular meeting, May 26, 2016.

There being no further business, the meeting was adjourned at 7:05 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: May 26, 2016



Larry Chason, Chairman



1. **CALL TO ORDER:** 5:00 P.M.
2. **CALL OF ROLL:** LARRY CHASON, MARYBETH BERGIN, RON SCOTT, CHARLES SMITH, HUDSON SANDEFUR, CHIEF WHITE, WILLIAM SCULLY, ED KIRBY, AND TYRONE FENDERSON (entered @ 5:05 p.m.)
3. **APPROVAL OF MINUTES:** Review of minutes for the regular meeting of March 24, April 28, and May 5, 2016 (**APPROVED AS SUBMITTED**)
4. **NEW BUSINESS:**

A. SITE PLAN REVIEW:

1. **File SP16-06:** (**GIVEN CONDITIONAL SITE PLAN APPROVAL, TERMS OF THE CONDITIONS INCLUDE: APPLICANT'S SIDEWALK PLAN SUBMITTAL FOR PLANNING COMMISSION REVIEW WITHIN THIRTY DAYS AS OF 05/26/16; NO CO FOR THE CONCESSION STAND WILL BE GRANTED UNTIL SAID SIDEWALK PLAN IS APPROVED**)

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

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

Location: Southeast corner of Main Street and Trione Avenue

Area: 10.83 ± Acres

Owner: Christ the King Catholic Church

Agent: John Crane

Engineer: Cowles, Murphy & Glover - Bruce Smith

2. **File SP16-05:** (**APPROVAL OF SITE PLAN, WAIVED THE REQUIREMENT FOR THE INSTALLATION OF SIDEWALKS**)

Site: **Bay Pointe Dance Academy**

Zoning(s): **B-2, General Business**

Location: Northwest of Equity Drive and Rand Avenue, Lot 18, Austin Place Commercial Park, Phase Two

Area: 0.50 ± Acres

Owner(s): Brandi Pate & Rawlings Sherman

Agent: PCDA Architecture - Paul Davis

Engineer: Lieb Engineering Company - Chris Lieb

B. PRELIMINARY/FINAL PLAT REVIEW:

1. **File SDPF16-12:** (**APPROVED**)

Subdivision: **Uncle Joe PUBLIC HEARING**

Zoning(s): **R-A, Rural Agricultural, Baldwin County District 15 , in the Extraterritorial Planning Jurisdiction of Daphne**

Location: Southwest of Garrett Road and County Road 54 East

Area: 2.2 Acres ±, (2) lots

Owner: Carl & Kristen Wade

Surveyor: Smith, Kolb & Associates - Daniel Clark

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 26, 2016 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

C. PETITIONS:

ZONING AMENDMENT: PUBLIC HEARING

1. **File ZA16-04: Robert McBride, Lissa McBride, David Romero & Ellen Romero (FAVORABLE RECOMMENDATION TO CITY COUNCIL)**

Present Zoning(s): R-1, Low Density Single Family Residential

Proposed Zoning(s): B-2, General Business

Location: Southeast of the intersection of Pollard and Well Road
Area: 5.93 Acres ±
Agent: Irvine Co., Inc. - Starke Irvine
Owner: Robert McBride, Lissa McBride, David Romero & Ellen Romero

2. **File ZA16-05: Anne K. Irvine (FAVORABLE RECOMMENDATION TO CITY COUNCIL)**

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

Proposed Zoning(s): B-2, General Business

Location: Northwest of the intersection of County Road 64 and Pollard Road
Area: 1.19 Acres ±
Owner: Anne K. Irvine
Agent: Starke Irvine

3. **File ZA16-06: AJD Family Limited Partnership, L.L.C. (FAVORABLE RECOMMENDATION TO CITY COUNCIL)**

Present Zoning(s): B-1, Local Business

Proposed Zoning(s): B-2, General Business

Location: Southeast of the intersection of County Road 64 and Friendship Road
Area: 10.38 Acres ±
Owner: AJD Family Limited Partnership, L.L.C. - Patsy DeFilippi

4. **File ZA16-07: Eastern Shore Associates, L.L.C. (FAVORABLE RECOMMENDATION TO CITY COUNCIL)**

Present Zoning(s): B-2, General Business

Proposed Zoning(s): R-7 (T), Townhouse District

Location: Northwest of the intersection of Halls Lane and U.S. Highway 98
Area: 4.36 Acres ±
Owner: Eastern Shore Associates, L.L.C. - Kenneth Kleban
Agent: Dewberry/Preble-Rish - Andy Bobe

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 26, 2016 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

5. JEANETTE D. LAZZARI: PUBLIC HEARING

(a) PRE-ZONING AMENDMENT: (WITHDRAWN AT THE REQUEST OF THE ENGINEER PRIOR TO MEETING)

File PZA16-02: James V. Roberts, Jr., as conservator of Jeanette D. Lazzari, an incapacitated person

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

Proposed Zoning(s): R-3, High Density Single Family Residential, R-6 (G), Garden or Patio Home District, and B-2, General Business

Location: Northeast of Edgewood Drive and County Road 64

Area: 68.87 Acres ±

Owner(s): James V. Roberts, Jr., as conservator of Jeanette D. Lazzari, an incapacitated person

Agent: Dewberry/Preble-Rish - Steve Pumphrey

(b) ANNEXATION REVIEW: (WITHDRAWN AT THE REQUEST OF THE ENGINEER PRIOR TO MEETING)

File ANX16-03:

Presentation to be given by Steve Pumphrey, Dewberry/Preble-Rish, representative of James V. Roberts, Jr., as conservator of Jeanette D. Lazzari, an incapacitated person, requesting annexation of a sixty-eight point eight seven acre parcel into the City of Daphne located northeast of Edgewood Drive and County Road 64 as R-3, High Density Single Family Residential, R-6 (G), Garden or Patio Home District, and B-2, General Business. The subject property is currently zoned RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne.

6. THE BILL'S NO. 2, L.L.C.:

(a) ANNEXATION REVIEW: (FAVORABLE RECOMMENDATION TO CITY COUNCIL)

File ANX16-01:

Presentation to be given by City of Daphne Industrial Development Board Member or representative of the City of Daphne requesting annexation of a seventy-three point seven six acre parcel into the City of Daphne located southwest corner of the intersection of Champions Way and Alabama Highway 181 as B-3, Professional Business. The subject property is currently zoned RSF-1, Single Family Residential, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne. Owner, The Bills' No. 2, L.L.C., Michael Bill.

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 26, 2016 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

D. PLANNING COMMISSION DISCUSSION:

1. Discussion regarding a proposed amendment to Article 31-1 (j) (18) (19), Home Occupations (**FAVORABLE RECOMMENDATION TO AMEND LUDO**)

5. **PUBLIC PARTICIPATION:** None presented

6. **ATTORNEY'S REPORT:** None presented

7. **COMMISSIONER'S COMMENTS:** Discussion regarding Comprehensive Plan

8. **DIRECTOR'S COMMENTS:** Happy Memorial Day!

9. **ADJOURNMENT:** 7:16 P.M.

SET PUBLIC HEARING DATE FOR

JULY 18, 2016

TO CONSIDER:

- a.) Rezoning: McBride & Romero
Location: Southeast of the intersection of Pollard Road and Well Road
Present Zoning: R-1, Low Density Single Family Residential District
Requested Zoning: B-2, General Business
Recommendation: Unanimous Favorable
- b.) Rezoning: ADJ Family Limited Partnership, LLC
Location: Southeast of the intersection of County Road 64 and
Friendship Road
Present Zoning: B-1, Local Business District
Requested Zoning: B-2, General Business District
Recommendation: Favorable
- c.) Rezoning: Eastern Shore Associates, LLC
Location: Northwest of the intersection of Halls Lane and U.S.
Highway 98
Present Zoning: B-2, General Business District
Requested Zoning: R-7(T), Townhouse District
Recommendation: Unanimous Favorable
- d.) Rezoning: Anne K. Irvine
Location: Northwest of the intersection of County Road 64 and
Pollard Road
Present Zoning: R-4, High Density Single Family Residential District
Requested Zoning: B-2, General Business District
Recommendation: Unanimous Favorable
- e.) Annexation: The Bill's No. 2, LLC
Location: Southwest corner of the intersection of Champions Way
and AL Highway 181
Pre-Zoned as: B-3, Professional Business District
Recommendation: Unanimous Favorable
- f.) Amend Land Use and Development Ordinance 2011-54 / Article 31-1(j) (18) (19),
Home Occupations

Recommendation: Unanimous Favorable

To: Office of the City Clerk
From: Adrienne D. Jones, ^{AG}
Director of Community Development
Subject: AJD Family Limited Partnership, L.L.C.
Zoning Amendment Recommendation
Date: June 1, 2016

MEMORANDUM

PRESENT ZONING: B-1, Local Business

PROPOSED B-2, General Business

LOCATION: Southeast of the intersection of County Road 64 and Friendship Road

RECOMMENDATION: At the Thursday, May 26, 2016, regular meeting of the Daphne Planning Commission, nine members were present and the motion carried to set forth a favorable recommendation. One member dissented.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, June 6, 2016 to set the public hearing.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Zoning Application
2. Map of Property
3. Legal Description
4. Adjacent property owners' list
5. Community Development Report



REZONING OR PRE-ZONING APPLICATION

Office use only

Date Submitted April 24, 2015

Application Number:

Planning Commission Public

ZA-16-06 or PZA-

Hearing Date: May 26, 2015

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

SITE DATA

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

PPIN#(s):

South East Corner of Co Rd 64 Friendship

See Attached

Gross Site Area (acreage):

10.38

Requested Zoning or Pre-Zoning:

B2

Current Zoning Designation(s):

B1

Amended Request:

Initials:

Date:

Current Land Use:

Vacant Commercial

Anticipated Land Use:

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

attached

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

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

Name of Current Owner:

AJD Family Limited Partnership LLC

Patsy DeFilippi

Mailing Address:

P.O. Box 1472 Daphne AL 36526

Phone/Fax: 251-626-1538

E-mail: irispa@belbouth.com

Name of Authorized Agent:

CD 251-239-0615

Mailing Address:

Phone/Fax:

E-mail:

Name of Developer*:

Phone/Fax:

E-mail:

Other:

Phone/Fax:

E-mail:

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

Applicant's Signature: <u>Patsy DeFilippi</u>	Date <u>4-7-16</u>
Agent's Signature:	Date

Email or Contact Patsy DeFilippi - see above
TANIA LAZZARI - 251-232-2197
tania.lazzari@gmail.com

07/01/14

AJD FAMILY LIMITED PARTNERSHIP

SOUTHEAST OF THE INTERSECTION OF COUNTY ROAD 64
AND FRIENDSHIP ROAD

ZONING AMENDMENT

EXHIBIT A

BEGINNING AT A POINT 199.40 FEET SOUTH AND 1711.46 WEST OF THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-89°39'27"-E 170.00 FEET TO A POINT; THENCE RUN S-00°15'00"-W 198.24 FEET TO A POINT; THENCE RUN S-89°34'56"-E 90.22 FEET TO A POINT; THENCE RUN S-00°15'00"-W 1,378.08 FEET TO A POINT; THENCE RUN S-89°28'24"-E 39.78 FEET TO A POINT; THENCE RUN S-00°15'00"-W 200.00 FEET TO A POINT; THENCE RUN N-89°28'24"-W 300.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FRIENDSHIP ROAD; THENCE RUN N-00°15'00"-E ALONG SAID RIGHT-OF-WAY LINE 1,775.61 FEET TO THE POINT OF BEGINNING, CONTAINING 10.38 ACRES MORE OR LESS.

ITALIAN SETTLEMENT BUSINESS PARK - PHASE I

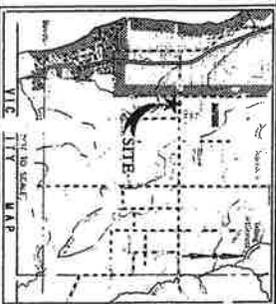


SITE DATA
 SECTION 16, T10S, R10E, S1W
 COUNTY OF ALABAMA
 TOWN OF BIRNEY

OWNER
 ADU FAMILY LIMITED PARTNERSHIP
 DAPHNE, ALABAMA 36526

DEVELOPER
 ADU FAMILY LIMITED PARTNERSHIP
 DAPHNE, ALABAMA 36526

ENGINEER
 M. D. LAMONT, P.E.
 A. LAMONT, P.E.
SUBMITTER
 D. E. GURNEY, P.E.
 A. GURNEY, P.E.
 D. GURNEY, P.E.



CERTIFICATE OF OWN, MAP AND DEDICATION
 STATE OF ALABAMA
 COUNTY OF ALABAMA

BEFORE ME, the undersigned authority, on this _____ day of _____, 2010, personally appeared _____, known to me and known to be the person whose name is subscribed to the foregoing instrument, acknowledged to me that he executed the same for the purposes and consideration therein expressed, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

WITNESSE MY HAND AND SEAL OF OFFICE this _____ day of _____, 2010.

 Notary Public for Alabama

CERTIFICATE OF APPROVAL BY THE ALABAMA COUNTY E-911
 ADDRESSING
 STATE OF ALABAMA
 COUNTY OF ALABAMA

I, _____, County E-911 Administrator, do hereby certify that the above described property is located within the E-911 service area of the County of Alabama, and that the same is properly addressed for E-911 service.

DATED this _____ day of _____, 2010.

 County E-911 Administrator

CERTIFICATE OF APPROVAL BY THE PUBLIC WORKS DIRECTOR
 STATE OF ALABAMA
 COUNTY OF ALABAMA

I, _____, Public Works Director, do hereby certify that the above described property is located within the public works jurisdiction of the County of Alabama, and that the same is properly zoned for public works purposes.

DATED this _____ day of _____, 2010.

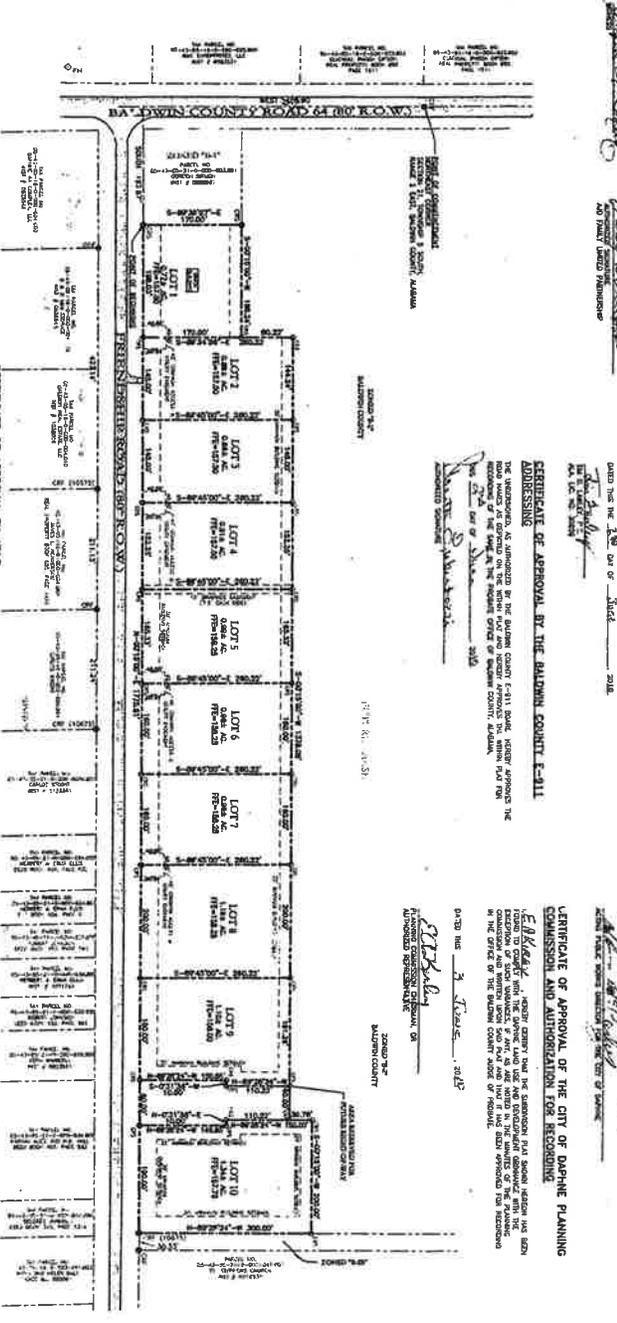
 Public Works Director

CERTIFICATE OF APPROVAL BY THE CITY OF DAPHNE PLANNING COMMISSION AND AUTHORIZATION FOR RECORDING
 STATE OF ALABAMA
 COUNTY OF ALABAMA

I, _____, Planning Commission Chairman, do hereby certify that the above described property is located within the City of Daphne, Alabama, and that the same is properly zoned for residential purposes.

DATED this _____ day of _____, 2010.

 Planning Commission Chairman



NOTES

1. ALL LOTS HAVE A 10 FOOT SETBACK AND 10 FOOT FRONT YARD SETBACK.
2. ALL LOTS HAVE A 5 FOOT SIDE SETBACK AND 5 FOOT REAR SETBACK.
3. ALL LOTS HAVE A 10 FOOT FRONT YARD SETBACK AND 10 FOOT SIDE SETBACK.
4. ALL LOTS HAVE A 5 FOOT REAR SETBACK AND 5 FOOT SIDE SETBACK.
5. ALL LOTS HAVE A 10 FOOT FRONT YARD SETBACK AND 10 FOOT REAR SETBACK.
6. ALL LOTS HAVE A 5 FOOT SIDE SETBACK AND 5 FOOT FRONT SETBACK.
7. ALL LOTS HAVE A 10 FOOT FRONT YARD SETBACK AND 10 FOOT REAR SETBACK.
8. ALL LOTS HAVE A 5 FOOT SIDE SETBACK AND 5 FOOT FRONT SETBACK.
9. ALL LOTS HAVE A 10 FOOT FRONT YARD SETBACK AND 10 FOOT REAR SETBACK.
10. ALL LOTS HAVE A 5 FOOT SIDE SETBACK AND 5 FOOT FRONT SETBACK.

COMMON DRIVEWAY DIMENSION TABLE

LOT	DRIVEWAY WIDTH	DRIVEWAY LENGTH
1-4	10.00 FT	20.00 FT
5-8	10.00 FT	20.00 FT
9-10	10.00 FT	20.00 FT



CERTIFICATION BY NOTARY PUBLIC
 STATE OF ALABAMA
 COUNTY OF ALABAMA

I, _____, Notary Public, do hereby certify that the above described property is located within the jurisdiction of the County of Alabama, and that the same is properly zoned for residential purposes.

DATED this _____ day of _____, 2010.

 Notary Public for Alabama

CERTIFICATE OF APPROVAL BY THE UTILITIES BOARD OF THE CITY OF DAPHNE
 STATE OF ALABAMA
 COUNTY OF ALABAMA

I, _____, Utilities Board Chairman, do hereby certify that the above described property is located within the City of Daphne, Alabama, and that the same is properly zoned for residential purposes.

DATED this _____ day of _____, 2010.

 Utilities Board Chairman

CERTIFICATE OF APPROVAL BY THE ENGINEER UTILITIES
 STATE OF ALABAMA
 COUNTY OF ALABAMA

I, _____, Engineer Utilities, do hereby certify that the above described property is located within the City of Daphne, Alabama, and that the same is properly zoned for residential purposes.

DATED this _____ day of _____, 2010.

 Engineer Utilities

CERTIFICATE OF APPROVAL BY THE DIRECTOR OF COMMUNITY DEVELOPMENT
 STATE OF ALABAMA
 COUNTY OF ALABAMA

I, _____, Director of Community Development, do hereby certify that the above described property is located within the City of Daphne, Alabama, and that the same is properly zoned for residential purposes.

DATED this _____ day of _____, 2010.

 Director of Community Development

GENERAL SUBMITTER NOTES

1. ALL LOTS HAVE A 10 FOOT SETBACK AND 10 FOOT FRONT YARD SETBACK.
2. ALL LOTS HAVE A 5 FOOT SIDE SETBACK AND 5 FOOT REAR SETBACK.
3. ALL LOTS HAVE A 10 FOOT FRONT YARD SETBACK AND 10 FOOT SIDE SETBACK.
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FINAL PLAT
 ITALIAN SETTLEMENT BUSINESS PARK - PHASE I
 ADU FAMILY LIMITED PARTNERSHIP

DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 SHEET 1 OF 1

58

AJD FAMILY LIMITED PARTNERSHIP
ADJACENT PROPERTY OWNERS

AJD FAMILY PARTNERSHIP
PO BOX 1472
DAPHNE, AL 36526

B&C ENTERPRISED LLC
9119-C MOSLEY RD
FAIRHOPE, AL 36532

RHONDA GIPSON GULLEDGE
8621 COUNTY RD 64
DAPHNE, AL 36526

GORDON SIRMON
25359 CO RD 54 EAST
DAPHNE, AL 36526

DAPHNE 64 COMPLEX LLC
PO BOX 1472
DAPHNE, AL 36526

D & D MINI STORAGE
PO BOX 1472
DAPHNE, AL 36526

GARY LAMBERT
25883 FRIENDHIP RD
DAPHNE, AL 36526

JAMES L HENDERSON
5840 HENDERSON LANE E
GRAND BAY, AL 36541

CARLOS LEE WRIGHT
25759 FRIENDSHIP RD
DAPHNE, AL 36526

ASHLEY ELLIS
25725 FRIENDSHIP RD
DAPHNE, AL 36526

ROBERT L JOHNSON
1960 STORY RD
SAN JOSE, CA 95122

GWENDOLYN EUGENE
25631 FRIENDSHIP RD
DAPHNE, AL 36526

HW HALL
112 THIRD ST
ITHACA, NY 14850

DELORIS E JOHNSON
25627 FRIENDSHIP RD
DAPHNE, AL 36526

HELEN YVONNE B DALE
25619 FRIENDSHIP RD
DAPHNE, AL 36526

ST STEPHEN C E C CHURCH
PO BOX 1346
FAIRHOPE, AL 36532

D BISHOP, LLC
1203 US HWY 98, STE 10
DAPHNE, AL 36526

PLANNING COMMISSION
REZONING REQUEST FOR
AJD FAMILY LIMITED PARTNERSHIP, LLC



COMMUNITY DEVELOPMENT

**Rezoning Request
AJD Family Limited Partnership, LLC
10.38 acres**

Owner: AJD Family Limited Partnership, LLC

Existing Conditions: 10.38 acres+/- undeveloped

Existing Zoning: B-1, Local Business District

Proposed Zoning: B-2, General Business District

Surrounding Zonings/Uses:

North – B-1, Professional Business District (Baldwin County ETJ)/residence

South – B-3, General Business District (Baldwin County ETJ)/church

East – B-1, Professional Business District (Baldwin County ETJ)/remaining property owned by AJD Family Limited Partnership, LLC

West – Friendship Road (a mix of commercial and residential uses on the west side of Friendship Road)

Existing Utility Service Providers:

Water – Belforest Water

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

Baldwin County Schools—n/a

City Service Providers would not be affected by rezoning the subject property.

The Comprehensive Plan

The Future Land Use map does not reflect the zoning and use changes that have taken place since the Plan's adoption, nor does it account for consequential changes that should have been made. The Plan needs to be amended to show these changes, at the least.

Staff Comments

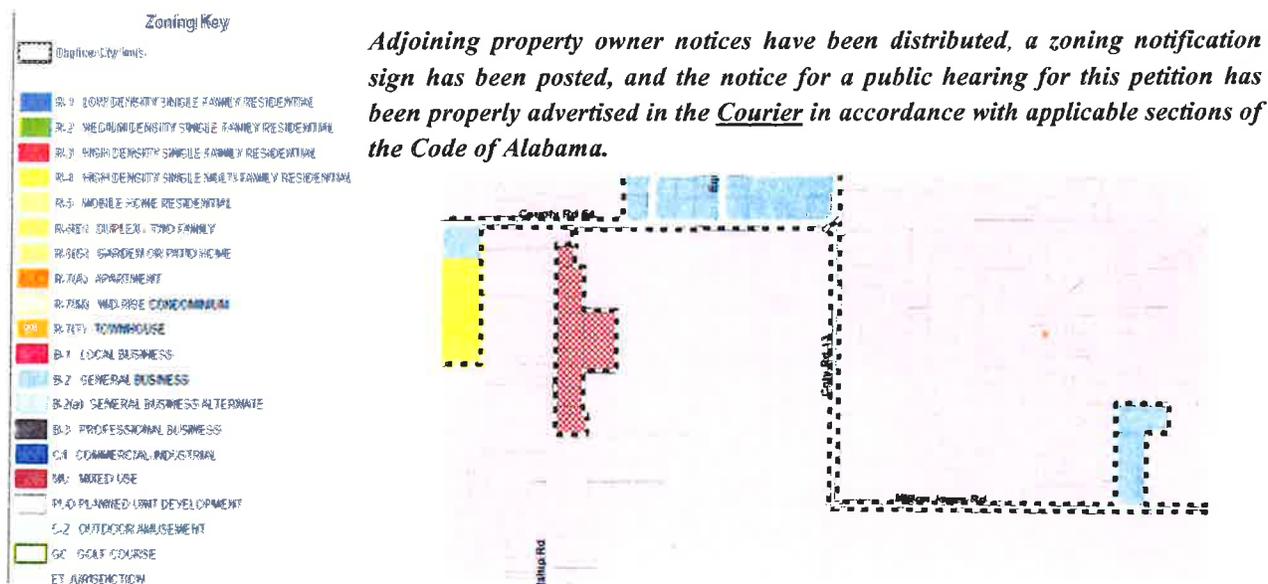
In 2009, this property was annexed into the Daphne City limits with B-1 zoning. The original zoning request was for B-2, General Business; however, after receiving an unfavorable recommendation from the Planning Commission, the applicant amended the petition requesting B-1, Local Business. One of the primary issues stated in the May 2009 hearing was the suitability of B-2 zoning at this particular location.

From 2009 until now, the property has remained undeveloped. The applicant proposes to rezone the land to B-2, General Business. The 10.38 acre site is known as the Italian Settlement Business Park, a 10 lot commercial subdivision. Each lot has direct access to Friendship Road, an 80-ft wide county maintained right of way.

No conceptual master plan has been submitted for the site, but it is already a 10-lot subdivision which was approved in 2010. The zoning change from B-1 to B-2 would allow for additional land uses which could be developed on the 10 lots. There are houses across Friendship Road, however, the subject property is not contiguous to any property zoned residential. The residence to the north along County Road 64 is zoned B-1, Professional Business District, in Baldwin County ETJ.

Rezoning the site would be consistent with commercial zoning in Austin Place Commercial Park and other undeveloped B-2 land to the west (in front of the Palladian at Jubilee Ridge).

Staff recommends approval due to the existence of Austin Place Commercial Park and the existence of mixed commercial and industrial uses along Friendship Road.



**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-**

**Ordinance to Rezone Property Located Southeast of the Intersection of County Road 64 and
Friendship Road
AJD Family Limited Partnership, L.L.C.**

WHEREAS, AJD Family Limited Partnership, L.L.C. as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from District to B-1, Local Business District to B-2, General Business District; and,

WHEREAS, said real property is located at the southeast of the intersection of County Road 64 and Friendship Road, and more particularly described as follows:

LEGAL DESCRIPTION

BEGINNING AT A POINT 199.40 FEET SOUTH AND 1711.46 WEST OF THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-89°39'27"-E 170.00 FEET TO A POINT; THENCE RUN S-00°15'00"-W 198.24 FEET TO A POINT; THENCE RUN S-89°34'56"-E 90.22 FEET TO A POINT; THENCE RUN S-00°15'00"-W 1,378.08 FEET TO A POINT; THENCE RUN S-89°28'24"-E 39.78 FEET TO A POINT; THENCE RUN S-00°15'00"-W 200.00 FEET TO A POINT; THENCE RUN N-89°28'24"-W 300.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FRIENDSHIP ROAD; THENCE RUN N-00°15'00"-E ALONG SAID RIGHT-OF-WAY LINE 1,775.61 FEET TO THE POINT OF BEGINNING, CONTAINING 10.38 ACRES MORE OR LESS.

WHEREAS, at the City of Daphne Planning Commission meeting on May 26, 2016 the Commission considered said request and set forth a favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on July 18, 2016; and,

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

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

SECTION I: ZONING

That above described real property is hereby rezoned from B-1, Local Business District to B-2, General Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

**Dane Haygood,
Mayor**

ATTEST:

Rebecca A. Hayes, City Clerk

AJD FAMILY LIMITED PARTNERSHIP

SOUTHEAST OF THE INTERSECTION OF COUNTY ROAD 64
AND FRIENDSHIP ROAD

ZONING AMENDMENT

EXHIBIT B

BEGINNING AT A POINT 199.40 FEET SOUTH AND 1711.46 WEST OF THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-89°39'27"-E 170.00 FEET TO A POINT; THENCE RUN S-00°15'00"-W 198.24 FEET TO A POINT; THENCE RUN S-89°34'56"-E 90.22 FEET TO A POINT; THENCE RUN S-00°15'00"-W 1,378.08 FEET TO A POINT; THENCE RUN S-89°28'24"-E 39.78 FEET TO A POINT; THENCE RUN S-00°15'00"-W 200.00 FEET TO A POINT; THENCE RUN N-89°28'24"-W 300.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FRIENDSHIP ROAD; THENCE RUN N-00°15'00"-E ALONG SAID RIGHT-OF-WAY LINE 1,775.61 FEET TO THE POINT OF BEGINNING, CONTAINING 10.38 ACRES MORE OR LESS.

EXHIBIT "B"

ITALIAN SETTLEMENT BUSINESS PARK - PHASE I

2437-C 2437D 1245777 1238831 SLIDE 000437-0

CERTIFICATE OF OWNERSHIP AND DEDICATION

CITY OF BALDWIN

THIS IS TO CERTIFY that the undersigned, in and to the satisfaction of the law...

Done this 15th day of August, 2010.

Signature of City Clerk

CERTIFICATE OF ENGINEER

CITY OF BALDWIN

I, the undersigned, a licensed professional engineer in the State of Alabama...

Done this 15th day of August, 2010.

Signature of Engineer

CERTIFICATE OF APPROVAL BY THE BALDWIN COUNTY ADDRESSING

The undersigned, as addressed by the Baldwin County E-311 Board, hereby approves the...

Done this 15th day of August, 2010.

Signature of Baldwin County Addressing

CERTIFICATE OF APPROVAL BY THE PUBLIC WORKS DIRECTOR

CITY OF BALDWIN

I, the undersigned, as addressed by the Baldwin County Public Works Director...

Done this 15th day of August, 2010.

Signature of Public Works Director

CERTIFICATE OF APPROVAL OF THE CITY OF DAPHNE PLANNING COMMISSION AND AUTHORIZATION FOR RECORDING

The undersigned, as addressed by the Baldwin County E-311 Board, hereby approves the...

Done this 15th day of August, 2010.

Signature of Daphne Planning Commission



- LEGEND: LOT, DRIVE, SIDEWALK, CURB, etc.

GENERAL SUBTRACTORS NOTES: 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS...

NOTES: 1. THIS PLAN IS TO BE CONSIDERED AS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION...

COMMON DRAINAGE COLLECTION TABLE: TABLE WITH 4 COLUMNS: LOT, DRAINAGE, SIZE, etc.

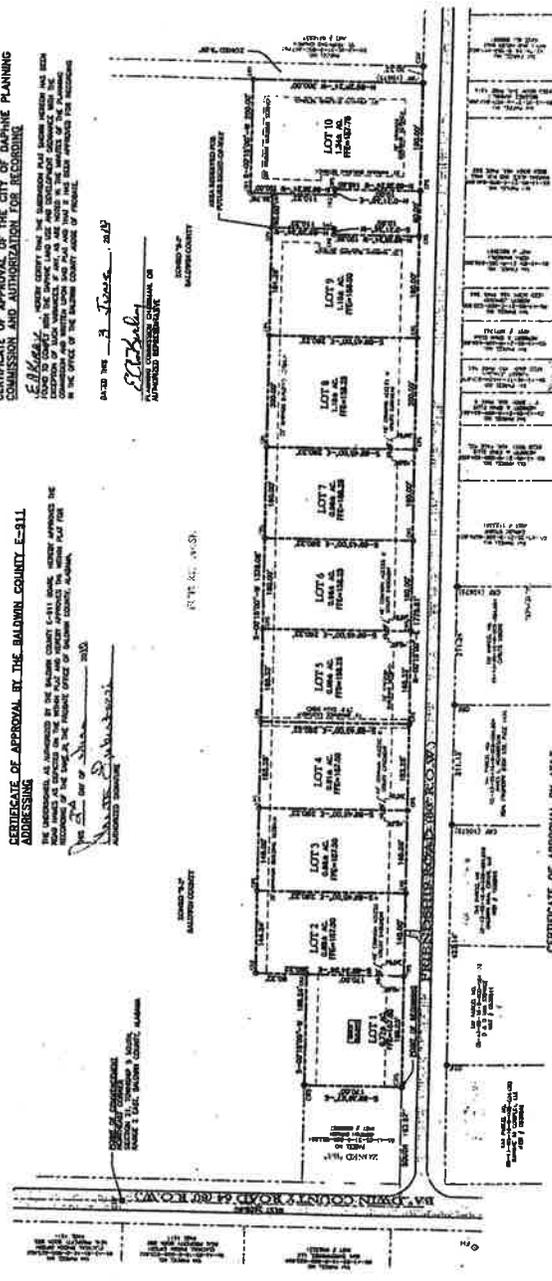
CERTIFICATE OF APPROVAL BY THE DIRECTOR OF COMMUNITY DEVELOPMENT

CITY OF BALDWIN

I, the undersigned, as addressed by the Baldwin County Director of Community Development...

Done this 15th day of August, 2010.

Signature of Director of Community Development



CERTIFICATE OF APPROVAL BY THE UTILITIES BOARD OF THE CITY OF DAPHNE

CITY OF DAPHNE

I, the undersigned, as addressed by the City of Daphne Utilities Board...

Done this 15th day of August, 2010.

Signature of Utilities Board

CERTIFICATE OF APPROVAL BY THE BELFORREST WATER SYSTEM, INC.

CITY OF BALDWIN

I, the undersigned, as addressed by the Belforrest Water System, Inc....

Done this 15th day of August, 2010.

Signature of Belforrest Water System

CERTIFICATE OF APPROVAL BY THE BELFORREST WATER SYSTEM, INC.

CITY OF BALDWIN

I, the undersigned, as addressed by the Belforrest Water System, Inc....

Done this 15th day of August, 2010.

Signature of Belforrest Water System



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

AMENDED PLAT FINAL PLAT ITALIAN SETTLEMENT BUSINESS PARK - PHASE I ADJ FAMILY LIMITED PARTNERSHIP

Table with columns: NO., DATE, BY, FOR, etc.

PLEASE Publish in the Bulletin Legal Section on Wednesday,
June 15, 2016

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on July 15, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from B-1, Local Business District to B-2, General Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-**

**Ordinance to Rezone Property Located Southeast of the Intersection of County
Road 64 and Friendship Road
AJD Family Limited Partnership, L.L.C.**

WHEREAS, AJD Family Limited Partnership, L.L.C. as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from District to B-1, Local Business District to B-2, General Business District; and,

WHEREAS, said real property is located at the southeast of the intersection of County Road 64 and Friendship Road, and more particularly described as follows:

LEGAL DESCRIPTION

BEGINNING AT A POINT 199.40 FEET SOUTH AND 1711.46 WEST OF THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN S-89°39'27"-E 170.00 FEET TO A POINT; THENCE RUN S-00°15'00"-W 198.24 FEET TO A POINT; THENCE RUN S-89°34'56"-E 90.22 FEET TO A POINT; THENCE RUN S-00°15'00"-W 1,378.08 FEET TO A POINT; THENCE RUN S-89°28'24"-E 39.78 FEET TO A POINT; THENCE RUN S-00°15'00"-W 200.00 FEET TO A POINT; THENCE RUN N-89°28'24"-W 300.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF FRIENDSHIP ROAD; THENCE RUN N-00°15'00"-E ALONG SAID RIGHT-OF-WAY LINE 1,775.61 FEET TO THE POINT OF BEGINNING, CONTAINING 10.38 ACRES MORE OR LESS.

WHEREAS, at the City of Daphne Planning Commission meeting on May 26, 2016 the Commission considered said request and set forth a favorable recommendation

PLEASE Publish in the Bulletin Legal Section on Wednesday,
June 22, 2016

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given June 15, 2016, that the City Council of the City of Daphne will hold a Public Hearing on July 18, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from B-1, Local Business District to B-2, General Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

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ORDINANCE NO. 2016-**

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Road 64 and Friendship Road
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To: Office of the City Clerk
From: Adrienne D. Jones, *ADJ*
Director of Community Development
Subject: Robert McBride, Lissa McBride, David
Romero, & Ellen Romero
Zoning Amendment Recommendation
Date: June 1, 2016

MEMORANDUM

PRESENT ZONING: R-1, Low Density Single Family Residential District

PROPOSED B-2, General Business

LOCATION: South ~~East~~ of the intersection of Pollard and Well Road

RECOMMENDATION: At the Thursday, May 26, 2016, regular meeting of the Daphne Planning Commission, nine members were present and the motion to set forth a favorable recommendation was made and carried unanimously.

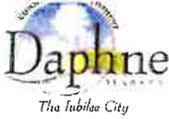
Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, June 6, 2016 to set the public hearing.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Zoning Application
2. Map of Property
3. Legal Description
4. Adjacent property owners' list
5. Community Development Report



REZONING OR PRE-ZONING APPLICATION

Office use only	Date Submitted <u>March 21, 2016</u>
Application Number: <u>ZA-16-03</u> or <u>PZA-</u>	Planning Commission Public
	Hearing Date: <u>April 28, 2016</u>

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

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection): <u>South east of the intersection of Pollard + Well Road</u>	PPIN#(s): <u>058474, 048477, 098868</u>
Gross Site Area (acreage): <u>5.93</u>	Requested Zoning or Pre-Zoning: <u>B-2, General Business</u>
Current Zoning Designation(s): <u>R-1, Low Density Family</u>	Amended Request:
	Initials: _____ Date: _____
Current Land Use: <u>Residential</u>	Anticipated Land Use:
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": <u>attached</u>	

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

APPLICANT & AGENT INFORMATION

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

Name of Current Owner: <u>Robert McBride Liesa McBride David Romero +</u>	<u>Robert McBride</u>
Mailing Address: <u>Ellen Romero</u>	Phone/Fax: <u>402-5050</u> E-mail:
Name of Authorized Agent: <u>Irvine Co., Starke Irvine</u>	<u>stark@irvine@gmail.com</u> <u>621-1337</u>
Mailing Address: <u>809 C Daphne Ave, Daphne AL</u>	Phone/Fax: E-mail:
Name of Developer*: <u>n/a</u>	Phone/Fax: E-mail:
Other:	Phone/Fax: E-mail:

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

Applicant's Signature:	Date <u>03/21/16</u>
Agent's Signature: <u>Starke Irvine</u>	Date

Exhibit A Legal Description

Romero-McBride Zoning Request

Commence at the Northwest corner of the Southwest Quarter of Section 6, Township 5, Range 2 East South, Range 2 East, and run thence South 30 feet; thence run South 89 degrees 54 minutes 39 seconds East, along the South boundary of "Well Road", a distance of 1057.04 feet to an iron pipe marker for a Point of Beginning; thence continuing South 89 degrees 54 minutes 39 seconds East, along the South margin of "Well Road", 255.61 feet to an iron pin marker; thence run South 00 degrees 02 minutes 53 seconds West, along and with an old fence, a distance of 496.74 feet to a 1/2 inch iron pipe marker; thence run North 89 degrees 5 minutes West, 255.62 feet to an iron pin marker; thence run North 00 degrees 02 minutes 53 seconds East, 496.85 feet to the Point of Beginning. Tract lies in the Northwest quarter of the southwest quarter of Section 16, Township 5 South, Range 2 East, Baldwin County, Alabama.

SUBJECT TO a twenty foot easement for ingress and egress along the West property line for ingress and egress for the following described property; Beginning at the northeast corner of the South Half of the North Half of the South Half of the Northwest quarter of the southwest quarter of Section 16, Township 5 South, Range 2 East, run West 330 feet, thence North 313.75 feet more or less to the South line of H. W. Brantley, Jr., property, thence East 330 feet, thence South 313.75 feet, more or less, to the point of beginning.

Begin at the Northeast corner of the South half of the North half of the South half of the Northwest Quarter of the Southwest Quarter of Section 16, Township 5 South, Range 2 East, run West 330 feet to the point of beginning. continue West 72 feet, run thence North 303.75 feet, more or less, to the South line of the property of Howard W. Brantley, Jr., run thence East 72 feet, run thence South 303.75 feet, more or less, to the point of beginning.

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**ROBERT MCBRIDE, LISSA MCBRIDE, DAVID ROMERO & ELLEN ROMERO
ZONING AMENDMENT
ADJACENT PROPERTY OWNERS**

PARCEL 28.005:

MONTGOMERY, CAROLYN W
P.O. BOX 2682
DAPHNE, AL 36526

PARCEL 28.006:

BRANTLEY, HOWARD W., JR ETUX JANNIE
8188 WELL ROAD
DAPHNE, AL 36526

PARCEL 026.000:

LAZARRI, ARTHUR H.
26370 COUNTY ROAD 54
DAPHNE, AL 36526

PARCEL 006.003:

BUSBY, BONNIE T.
8365 WELL ROAD
DAPHNE, AL 36526

PARCEL 005.001:

CITY OF DAPHNE UTILITIES BOARD
P.O. BOX 2550
DAPHNE, AL 36526

PARCEL 005.000:

MILSTEAD, STEPHEN
26682 POLLARD ROAD
DAPHNE, AL 36526

PARCEL 11:

MINTER CHRISTOPHER C., ETAL
3110 N STUDEBAKER ROAD
LONG BEACH, CA 90808

PARCEL 028.036:

PENSCO TRUST COMPANY
CUSTODIAN FBO MARTIN
3852 PALMWOOD DRIVE
CONCORD CA 94521

PARCEL 028.037:

BROWN, KOREY, ETAL BROWN, DANA
8249 PECAN CT
DAPHNE, AL 36526

PARCEL 028.038:
SCIACCA, MICHAEL
26935 FALLING LEAF DR
LAGUNA HILLS CA 92653

PARCEL 028.039:
PRESCOTT, TYLER MONTANA
4420 OLD HIGHWAY 5 N
THOMASVILLE, AL 36784

PARCEL 028.040:
SNOWDEN, ANGIE JONES
8223 PECAN COURT
DAPHNE, AL 36526

PARCEL 028.007, 028.009, & 028.012:
MCBRIDE, ROBERT L. ETAL
3701 CALDERWOOD DRIVE
MOBILE, AL 36608

AUTHORIZED AGENT:
IRVINE CO., INC.
STARKE IRVINE
809-C DAPHNE AVENUE
DAPHNE, AL 36526

PLANNING COMMISSION
REZONING REQUEST FOR
THE MCBRIDES & ROMEROS



The Jubilee City



COMMUNITY DEVELOPMENT

Rezoning Request McBrides & Romeros 5.93 acres

Owner: McBrides & Romeros

Existing Conditions: 5.93 acres+/- residential and vacant or wooded

Existing Zoning: R-1, Low Density Single-family Residential District

Proposed Zoning: B-2, General Business District

Surrounding Zonings/Uses:

North – B-2, General Business District, Daphne Utilities Well Road treatment facility

South – R-4, High Density Single-family Residential District, Residential dwelling (Pecan Trace Subdivision)

East – RA, Rural Agricultural, Baldwin County District 15-ETJ (*subject to pre-zoning and annexation requests (on this same meeting agenda) as R-3, High Density Single-family Residential District along Well Road, R-6(G) Garden or Patio Home District east of Pecan Trace, and B-2, General Business along County Road 64.*)

West – RSF-3, Residential, Baldwin County District 15-ETJ

Existing Utility Service Providers:

Water – Daphne Utilities

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

Baldwin County Schools—n/a

City Service Providers would not be affected by rezoning the subject property.

The Comprehensive Plan

The Future Land Use map does not reflect the zoning and use changes that have taken place since the Plan's adoption, nor does it account for consequential changes that should have been made. The Plan needs to be amended to show these changes, at the least.

Staff Comments

Well Road has developed as a hodge-podge of zoning, uses, both inside and outside the city limits. The southeast intersection of Well Road and Pollard Road is a commercial node of office uses. The southwest intersection of Well Road and Public Works Road is a commercial/industrial node, anchored by the Daphne Public Works facility, and a new commercial gymnastic studio is under construction due west of Public Works. Daphne Utilities has two facilities along the north side of Well Road, both of which are zoned B-2, General Business. Trione Park, the City's sports complex for soccer, baseball, softball and football, is located east of Daphne Utilities Central Services Facility. In March, the Planning Commission approved a master plan for new additions to Trione Park (volleyball court, basketball court, skated park, etc.). The park is zoned R-1, Low Density Single Family Residential. Daphne East Elementary School and land owned by Baldwin County Board of Education is located at the northwest intersection of County Road 13 and Pollard Road (zoned R-1). In 2014 Terri Subdivision (a three lot residential subdivision) was approved northeast of the subject property. There are several tracts of undeveloped land along Well Road, most of which are in unincorporated Baldwin County, outside of the city limits.

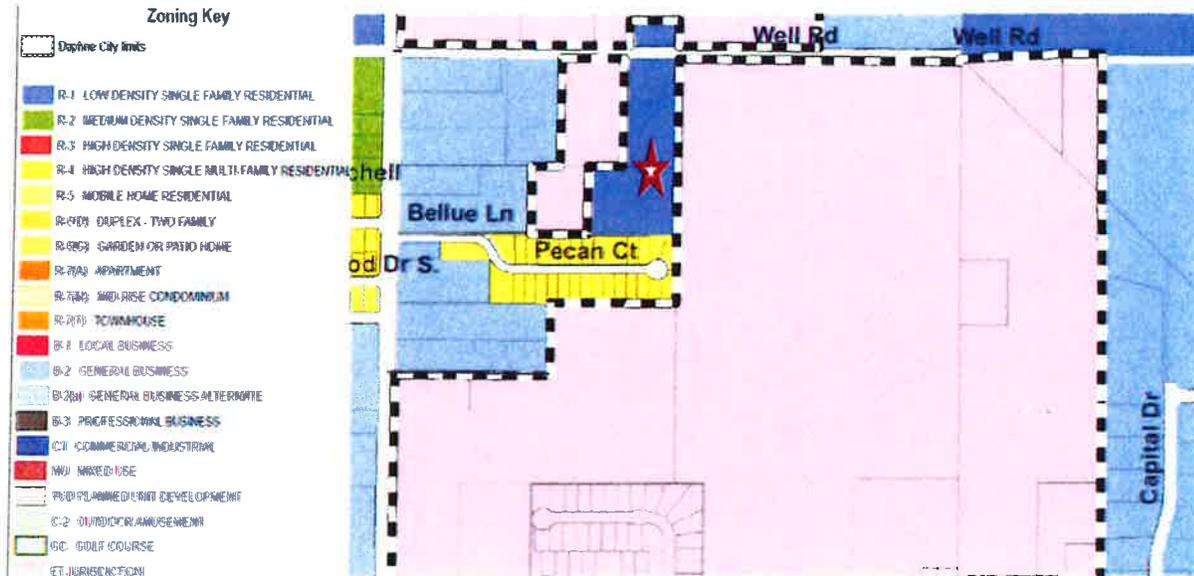
No conceptual master plan has been submitted for the site. B-2, General Business, is the least restrictive commercial district. Not all uses are compatible with residential uses (referring to the house to the west and the houses to the south, as well as considering the possibility of rezoning the property to the east R-3 and R-6(G)). The site is currently zoned R-1 which may not be viable at this location. If the subject property is zoned from residential to commercial, then it is likely that the residential property to the west will also.

The question to consider is whether the site should be a higher density residential zone or a lower intensity commercial zone. Staff recommends that the Planning Commission and City Council weigh the merits of both sides of the question in light of the Jeanette Lazarri zoning request.

Excerpt from Land Use & Development Ordinance 19-9 Buffer Zone Requirements

- i. Where a B-2, General Business district abuts any part of a residential district, a natural undisturbed buffer fifteen feet (15') in width and an eight (8) foot high privacy fence shall be required, *or* a planted buffer fifteen feet (15') in width and an eight (8) foot high privacy fence shall be required.

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



**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-**

**Ordinance to Rezone Property Located Southeast of the Intersection of Pollard Road and
Well Road**

Robert McBride; Lissa McBride; David Romero; Ellen Romero

WHEREAS, Robert McBride, Lissa McBride, David Romero and Ellen Romero as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-1, Low Density Single Family Residential District to B-2, General Business District; and,

WHEREAS, said real property is located at the southeast of the intersection of Pollard Road and Well Road, and more particularly described as follows:

LEGAL DESCRIPTION

Commence at the Northwest corner of the Southwest Quarter of Section 6, Township 5, Range 2 East South, Range 2 East, and run thence South 30 feet; thence run South 89 degrees 54 minutes 39 seconds East, along the South boundary of "Well Road", a distance of 1 057.04 feet to an iron pipe marker for a Point of Beginning; thence continuing South 89 degrees 54 minutes 39 seconds East, along the South margin of "Well Road", 255.61 feet to an iron pin marker; thence run South 00 degrees 02 minutes 53 seconds West, along and with an old fence, a distance of 496.74 feet to a 1/2 inch iron pipe marker; thence run North 89 degrees 5 minutes West, 255.62 feet to an iron pin marker; thence run North 00 degrees 02 minutes 53 seconds East, 496.85 feet to the Point of Beginning. Tract lies in the Northwest quarter of the southwest quarter of Section 16, Township 5 South, Range 2 East, Baldwin County, Alabama.

SUBJECT TO a twenty foot easement for ingress and egress along the West property line for ingress and egress for the following described property; Beginning at the northeast corner of the South Half of the North Half of the South Half of the Northwest quarter of the southwest quarter of Section 16, Township 5 South, Range 2 East, run West 330 feet, thence North 313.75 feet more or less to the South line of H. W. Brantley, Jr., property, thence East 330 feet, thence South 313.75 feet, more or less, to the point of beginning.

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WHEREAS, at the City of Daphne Planning Commission meeting on May 26, 2016 the Commission considered said request and set forth a unanimous favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on July 18, 2016; and,

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

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

SECTION I: ZONING

That above described real property is hereby rezoned from R-1, Low Density Single Family Residential District to B-2, General Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Exhibit A Legal Description

Romero-McBride Zoning Request

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Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-**

**Ordinance to Rezone Property Located Southeast of the Intersection of Pollard
Road and Well Road**

Robert McBride; Lissa McBride; David Romero; Ellen Romero

WHEREAS, Robert McBride, Lissa McBride, David Romero and Ellen Romero as the owners of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-1, Low Density Single Family Residential District to B-2, General Business District; and,

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PROPOSED ORDINANCE:

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ORDINANCE NO. 2016-**

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To: Office of the City Clerk
From: Adrienne D. Jones, 
Director of Community Development
Subject: Eastern Shore Associates, L.L.C.
Zoning Amendment Recommendation
Date: June 1, 2016

MEMORANDUM

PRESENT ZONING: B-2, General Business

PROPOSED R-7(T), Townhouse District

LOCATION: Northwest of the intersection of Halls Lane and U.S. Highway 98

RECOMMENDATION: At the Thursday, May 26, 2016, regular meeting of the Daphne Planning Commission, nine members were present and the motion to set forth a favorable recommendation was made and carried unanimously.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, June 6, 2016 to set the public hearing.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Zoning Application
2. Map of Property
3. Legal Description
4. Adjacent property owners' list
5. Community Development Report



REZONING OR PRE-ZONING APPLICATION

Office use only	Date Submitted 04/26/16
Application Number: ZA-16-01 or PZA-	Planning Commission Public Hearing Date: 05/26/16

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

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection): WEST SIDE OF US HWY 98 APPROXIMATELY 1000 FT. SOUTH OF COUNTY RD 64	PPIN#(s): 44972
Gross Site Area (acreage): 4.36 ACRES	Requested Zoning or Pre-Zoning: R-7(T)
Current Zoning Designation(s): B-2	Amended Request: Initials: _____ Date: _____
Current Land Use: UNDEVELOPED	Anticipated Land Use: TOWNHOMES

Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]":
LOT 2 OF SHORE OAKS SUBDIVISION AS RECORDED ON SLIDE 2540-C - BALDWIN COUNTY PROBATE OFFICE

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

APPLICANT & AGENT INFORMATION

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

Name of Current Owner: EASTERN SHORE ASSOCIATES LLC	PH. 203-969-5115
Mailing Address: 1189 POST ROAD, FAIRFIELD, CT 06824	Phone/Fax: E-mail: ekleban@klebanproperties.com
Name of Authorized Agent: DEWBERRY / PREBLE-RISH	PH. 251-990-9950 FAX 251-990-9910
Mailing Address: 9249 BELLATON AVENUE, DAPHNE, AL 36526	Phone/Fax: E-mail: mpumphrey@dewberry.com
Name of Developer*:	Phone/Fax: E-mail:
Other:	Phone/Fax: E-mail:

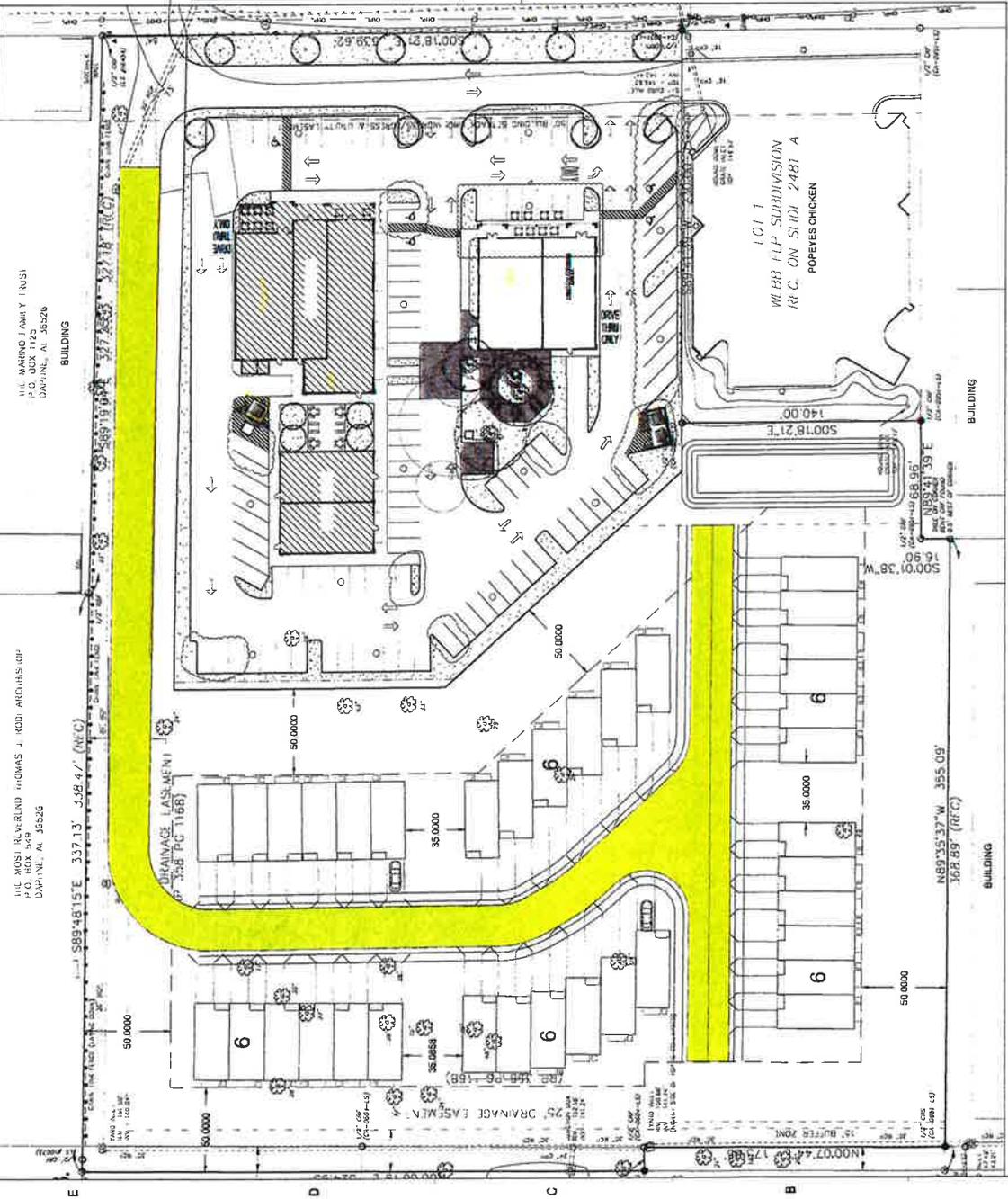
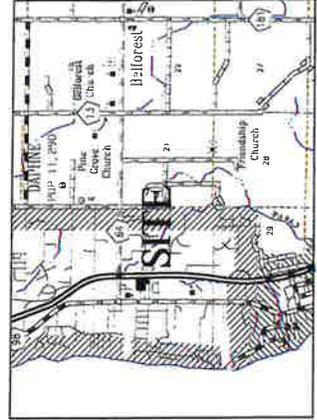
I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Daphne to post a sign on the subject property notifying the general public of this request.

Applicant's Signature:	Date 4/22/16
Agent's Signature:	Date 4-26-16

EXHIBIT A

Legal Description:

Lot 2 of Shore Oaks Subdivision, as recorded on Slide 2540-C of the Probate Records of Baldwin County, Alabama.



MICHAEL J. HARRIS (RUSI)
P.O. BOX 249
DAPHNE, AL 36526

MICHAEL HARRIS (RUSI)
P.O. BOX 249
DAPHNE, AL 36526

POPEYES CHICKEN
R.C. ON SITE 2487 A

ADJACENT PROPERTY OWNERS TO LOT 2 OF SHORE OAKS SUBDIVISION

Parcel Number	Owner Name	Address	City	St	Zip
05-43-04-20-2-000-052.000	CHRIST THE KING PARISH DAPHNE	711 COLLEGE AVE	DAPHNE	AL	36526
05-43-04-20-2-000-049.001	VINTAGE INSPIRATION L L C	P O BOX 2509	DAPHNE	AL	36526
05-43-04-20-2-000-064.002	DAPHNE PROPERTIES HWY 98 L L C	132 ROSA AV	METAIRIE	LA	70005
05-43-04-20-2-000-054.001	CHRIST THE KING PARISH DAPHNE	711 COLLEGE AVE	DAPHNE	AL	36526
05-43-04-20-2-000-058.000	RYE, RUTH METCALFE	301 E DELWOOD DR	MOBILE	AL	36606
05-43-04-20-2-000-064.004	RYE, RUTH METCALFE	301 E DELWOOD DR	MOBILE	AL	36606
05-43-04-20-2-000-063.003	BALDWIN, EDWARD M ETAL BALDWIN, M	903 HALLS LN	DAPHNE	AL	36526
05-43-04-20-2-000-064.001	OLDS ENTERPRISES L L C	P O BOX 970	DAPHNE	AL	36526
05-43-04-20-2-000-064.003	HARWOOD, BRENT M	23937 US HWY 98 STE #1	FAIRHOPE	AL	36532
05-43-04-20-2-000-064.003	DAPHNE SOUTHERN GATE L L C	23937 US HWY 98 STE 1	FAIRHOPE	AL	36532
05-43-04-20-2-000-053.000	CHRIST THE KING PARISH DAPHNE	711 COLLEGE AVE	DAPHNE	AL	36526
05-43-04-20-2-000-064.000	EASTERN SHORE ASSOCIATES L L C	1189 POST RD	FAIRFIELD	CT	06824
05-43-04-20-2-000-064.005	EASTERN SHORE ASSOCIATES L L C	1189 POST RD	FAIRFIELD	CT	06824
05-43-04-20-2-000-006.001	BAKER, CHESTER M	273 AZALEA RD STE 1-102	MOBILE	AL	36609
05-43-04-20-2-000-065.000	CITY OF DAPHNE	PO BOX 400	DAPHNE	AL	36526

PLANNING COMMISSION
REZONING REQUEST FOR
EASTERN SHORE ASSOCIATES, LLC



COMMUNITY DEVELOPMENT

Rezoning Request Eastern Shore Associates, LLC 4.36 acres

Owner: Eastern Shore Associates, LLC

Existing Conditions: 4.36 acres+/- wooded/undeveloped

Existing Zoning: B-2, General Business District

Proposed Zoning: R-7(T) Townhouse District

Surrounding Zonings/Uses:

North – B-2, General Business District/Rama Imports and Teak House restaurant

South – B-2, General Business District/commercial use

East – B-2, General Business District/Popeye’s fast food restaurant

West – R-3, High Density Single-family Residential District/undeveloped

West – B-1, Local Business/Christ the King Athletic Complex and Day Care

Existing Utility Service Providers:

Water – Daphne Utilities

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

Baldwin County Schools—n/a

City Service Providers would not be affected by rezoning the subject property.

The Comprehensive Plan

The Future Land Use map does not reflect the zoning and use changes that have taken place since the Plan's adoption, nor does it account for consequential changes that should have been made. The Plan needs to be amended to show these changes, at the least.

Staff Comments

The subject property is zoned B-2, General Business. It is Lot 2 of Shore Oaks Subdivision (slide #2540 C). The applicant proposes to rezone the site from the least restrictive commercial zone to R-7(T) Townhouses for a town house development. Townhouses are considered single family units not multi-family.

U.S. Highway 98 is a major traffic arterial and the city's primary commercial corridor. Instances of townhouse development with access to U.S. Highway 98: Summer Oaks Town Houses, north of Wal-Mart. Instances where apartments have a direct access U.S. Highway 98: Colonnade at Eastern Shore (southeast of the intersection of Johnson Road); Windscape and Arbors by the Bay Apartments, north of Wal-Mart), East Bay Apartments and Sea Cliff Condos.

Although they have access to Highway 98, in most cases, these higher density developments are secluded similarly to the manner in which the subject property would be secluded behind a commercial development (Popeye's and the other businesses under construction on Lot 1 of Shore Oaks Subdivision).

Staff recommends approval to rezone the 4.36 acre property from B-2 to R-7(T).

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



**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-**

**Ordinance to Rezone Property Located at the
Northwest of the Intersection of Halls Lane and U.S. Highway 98
Eastern Shore Associates, L.L.C.**

WHEREAS, Eastern Shore Associates, L.L.C. as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-2, General Business District to R-7(T), Townhouse District; and,

WHEREAS, said real property is located southwest of the intersection of Guarisco Street and Mancini Avenue, and more particularly described as follows:

Legal Description:

Lot 2 of Shore Oaks Subdivision, as recorded on Slide 2540-C of the Probate Records of Baldwin County, Alabama.

WHEREAS, at the special called City of Daphne Planning Commission meeting on May 26, 2016 the Commission considered said request and set forth a unanimous favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on July 18, 2016; and,

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

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

SECTION I: ZONING

That above described real property is hereby rezoned from B-2, General Business District to R-7(T), Townhouse District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

**Dane Haygood,
Mayor**

ATTEST:

Rebecca A. Hayes, City Clerk

EXHIBIT A

Legal Description:

Lot 2 of Shore Oaks Subdivision, as recorded on Slide 2540-C of the Probate Records of Baldwin County, Alabama.

PLEASE Publish in the Bulletin Legal Section on Wednesday
June 15 , 2016

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on July 18, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from B-2, General Business District to R-7(T), Townhouse District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-**

**Ordinance to Rezone Property Located at the
Northwest of the Intersection of Halls Lane and U.S. Highway 98
Eastern Shore Associates, L.L.C.**

WHEREAS, Eastern Shore Associates, L.L.C. as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-2, General Business District to R-7(T), Townhouse District; and,

WHEREAS, said real property is located southwest of the intersection of Guarisco Street and Mancini Avenue, and more particularly described as follows:

Legal Description:

Lot 2 of Shore Oaks Subdivision, as recorded on Slide 2540-C of the Probate Records of Baldwin County, Alabama.

WHEREAS, at the special called City of Daphne Planning Commission meeting on May 26, 2016 the Commission considered said request and set forth a unanimous favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public

PLEASE Publish in the Bulletin Legal Section on Wednesday,
June 22, 2016

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given June 15, 2016, that the City Council of the City of Daphne will hold a Public Hearing on July 18, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from B-2, General Business District, to R-7(T), Townhouse District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-**

**Ordinance to Rezone Property Located at the
Northwest of the Intersection of Halls Lane and U.S. Highway 98
Eastern Shore Associates, L.L.C.**

WHEREAS, Eastern Shore Associates, L.L.C. as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-2, General Business District to R-7(T), Townhouse District; and,

WHEREAS, said real property is located southwest of the intersection of Guarisco Street and Mancini Avenue, and more particularly described as follows:

Legal Description:

Lot 2 of Shore Oaks Subdivision, as recorded on Slide 2540-C of the Probate Records of Baldwin County, Alabama.

WHEREAS, at the special called City of Daphne Planning Commission meeting on May 26, 2016 the Commission considered said request and set forth a unanimous favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

MEMORANDUM

To: Office of the City Clerk
From: Adrienne D. Jones, *AD*
Director of Community Development
Subject: Anne K. Irvine
Zoning Amendment Recommendation
Date: June 1, 2016

PRESENT ZONING: R-4, High Density Single Family Residential District

PROPOSED B-2, General Business

LOCATION: Northwest of the intersection of County Road 64 and Pollard Road

RECOMMENDATION: At the Thursday, May 26, 2016, regular meeting of the Daphne Planning Commission, nine members were present and the motion to set forth a favorable recommendation was made and carried unanimously.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, June 6, 2016 to set the public hearing.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Zoning Application
2. Map of Property
3. Legal Description
4. Adjacent property owners' list
5. Community Development Report



REZONING OR PRE-ZONING APPLICATION

Office use only _____ Date submitted April 21, 2016
 Application Number: _____ Planning Commission Public
ZA-16-05 or PZA- Hearing Date: May 26, 2016

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

SEE DATA

Site Location (Address or General Proximity to Nearest Intersection): <u>N/E of Hwy 64, Pollard Rd. west side, N. of Baldwin Bone & Joint Med. Office, South of Randall Ave</u>		PPIN#(s): <u>320316</u>
Gross Site Area (acreage): <u>1.19 acres</u>	Requested Zoning or Pre-Zoning: <u>B-2 General Business</u>	
Current Zoning Designation(s): <u>R-4</u>	Amended Request:	
	Initials:	Date:
Current Land Use: <u>old Pecan Orchard, Overgrown Woods</u>	Anticipated Land Use: <u>Professional Office Park & Storage</u>	
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": <u>See attached metes & bounds</u>		

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

APPLICANT & AGENT INFORMATION

<i>*If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.</i>	
Name of Current Owner: <u>Anne K. Irvine</u>	<u>ausew4th@aol.com</u>
Mailing Address: <u>809-C Daphne Ave, Suite 101</u>	Phone/Fax: E-mail: <u>251-621-1337</u>
Name of Authorized Agent: <u>J Starke Irvine</u>	Phone/Fax: <u>251-621-1337</u> E-mail: <u>starkeirvine@gmail.com</u>
Mailing Address: <u>809-C Daphne Ave, Suite 101</u>	
Name of Developer*: <u>same as above</u>	Phone/Fax: E-mail:
Other:	Phone/Fax: E-mail:

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

Applicant's Signature: <u>Anne K. Irvine</u>	Date: _____
Agent's Signature: <u>J Starke Irvine</u>	Date: <u>4/20/2016</u>

ANNE K. IRVINE, OWNER

PROPERTY LOCATED ON POLLARD ROAD, NORTH OF BALDWIN BONE & JOINT, SOUTH OF HUGHES FUNERAL HOME, BETWEEN DAPHNE AVE. (HWY 64) AND RANDALL AVE.

ZONING AMENDMENT REQUEST

EXHIBIT "A"

LEGAL DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 2, RESUBDIVISION OF TRACTS 1, 2 & 3 OF LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2538-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 196.20 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89°49'10" EAST A DISTANCE OF 200.73 FEET TO A POINT; THENCE RUN SOUTH 00°00'43" WEST A DISTANCE OF 157.41 FEET TO A POINT; THENCE RUN SOUTH 00°00'57" EAST A DISTANCE OF 100.00 FEET TO A POINT; THENCE RUN SOUTH 89°47'38" WEST A DISTANCE OF 201.45 FEET TO A POINT; THENCE RUN NORTH 00°09'40" EAST A DISTANCE OF 257.50 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED AREA CONTAINING 1.19 ACRES, MORE OR LESS.

Anne K. Irvine
Zoning Amendment
Adjacent Property Owners:

GREAT SOUTHERN WOOD PRESERVING INCORPORA
P O BOX 610
ABBEVILLE, AL 36310

BYRON A LASSITER,
2021 DAUPHIN ST MA
MOBILE, AL 36606

RONALD D RUTHERFORD
26124 VIA DEL SAN FRANCESCO
DAPHNE ,AL 36526

JEAN MARC PRESCOTT, ETAL PRESCOTT, TYLER
RE: 2013 T/S
THOMASVILLE, AL, 36784

CORY RUNYAN
26148 VIA DEL SAN FRANCESCO
DAPHNE, AL 36526

ALBERT C LUCKIE, ETAL LUCKIE, ELLA M
26156 VIA DEL SAN FRANCISCO
DAPHNE, AL 36526

BALDWIN BONE AND JOINT MEDICAL CERENTER L
1505 DAPHNE AVE
DAPHNE, AL 36526

HUGHES FUNERAL GROUP L L C
7951 AMERICAN WAY
DAPHNE, AL, 36526

ANNE K IRVINE
C/O IRVINE COMPANY INC
809-C Daphne Ave.
DAPHNE, AL 36526

PLANNING COMMISSION
REZONING REQUEST FOR
ANNE K. IRVINE



COMMUNITY DEVELOPMENT

Rezoning Request Anne K. Irvine 1.19 acres

Owner: Anne K. Irvine

Existing Conditions: 1.19 acres+/- wooded/undeveloped

Existing Zoning: R-4, High Density Single-family Residential District

Proposed Zoning: B-2, General Business District

Surrounding Zonings/Uses:

North – B-2, General Business District/Hughes Funeral Home-approved site plan-pending construction

South – B-2, General Business District/Baldwin Bone and Joint

East – B-2, General Business District

West – R-4, High Density Single-family Residential District/La Casa Subdivision Via Del San Francesco

Existing Utility Service Providers:

Water – Daphne Utilities

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

Baldwin County Schools—n/a

City Service Providers would not be affected by rezoning the subject property.

2059-B

La Piazza di San Francesco

A PLANNED UNIT DEVELOPMENT

CERTIFICATE OF APPROVAL OF THE CITY OF DAPHNE
PLANNING COMMISSION AND AUTHORIZATION FOR RECORDING

1. The undersigned hereby certifies that the subdivision map shown hereon is in accordance with the provisions of the City of Daphne Ordinance No. 10-10-00, as amended, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

PLANNING COMMISSION'S APPROVAL

CITY OF DAPHNE

DATE: 06/21/2001

BY: [Signature]

FOR THE CITY OF DAPHNE, ALABAMA

RECORDATION OF THE RECORDATION OF UTILITIES

CITY OF DAPHNE

DATE: 06/21/2001

BY: [Signature]

FOR THE CITY OF DAPHNE, ALABAMA

CERTIFICATE OF OWNERSHIP AND DEDICATION

CITY OF DAPHNE

DATE: 06/21/2001

BY: [Signature]

FOR THE CITY OF DAPHNE, ALABAMA

CERTIFICATION BY NOTARY PUBLIC

STATE OF ALABAMA

NOTARY PUBLIC

DATE: 06/21/2001

BY: [Signature]

FOR THE CITY OF DAPHNE, ALABAMA

SITE DATA
SUBDIVISION
RANOLD AVENUE AND LOT 17
CITY OF DAPHNE, ALABAMA

DEVELOPER
HUTCHINSON MOORE & RAUCH, L.L.C.
1300 MAIN STREET, SUITE 0
POST OFFICE BOX 2007
DAPHNE, ALABAMA 36526

SURVEYOR
M. S. [Signature]

SCALE: 1" = 100'

ADJACENT PROPERTY OWNERS

1. [List of adjacent property owners]

2. [List of adjacent property owners]

3. [List of adjacent property owners]

4. [List of adjacent property owners]

5. [List of adjacent property owners]

6. [List of adjacent property owners]

7. [List of adjacent property owners]

8. [List of adjacent property owners]

9. [List of adjacent property owners]

10. [List of adjacent property owners]

11. [List of adjacent property owners]

12. [List of adjacent property owners]

13. [List of adjacent property owners]

14. [List of adjacent property owners]

15. [List of adjacent property owners]

16. [List of adjacent property owners]

17. [List of adjacent property owners]

18. [List of adjacent property owners]

19. [List of adjacent property owners]

20. [List of adjacent property owners]

21. [List of adjacent property owners]

22. [List of adjacent property owners]

23. [List of adjacent property owners]

24. [List of adjacent property owners]

25. [List of adjacent property owners]

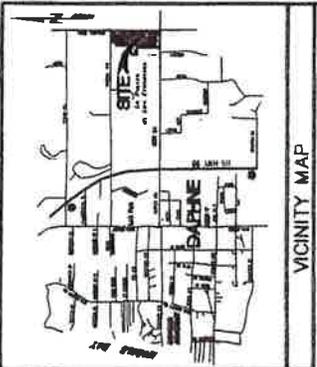
26. [List of adjacent property owners]

27. [List of adjacent property owners]

28. [List of adjacent property owners]

29. [List of adjacent property owners]

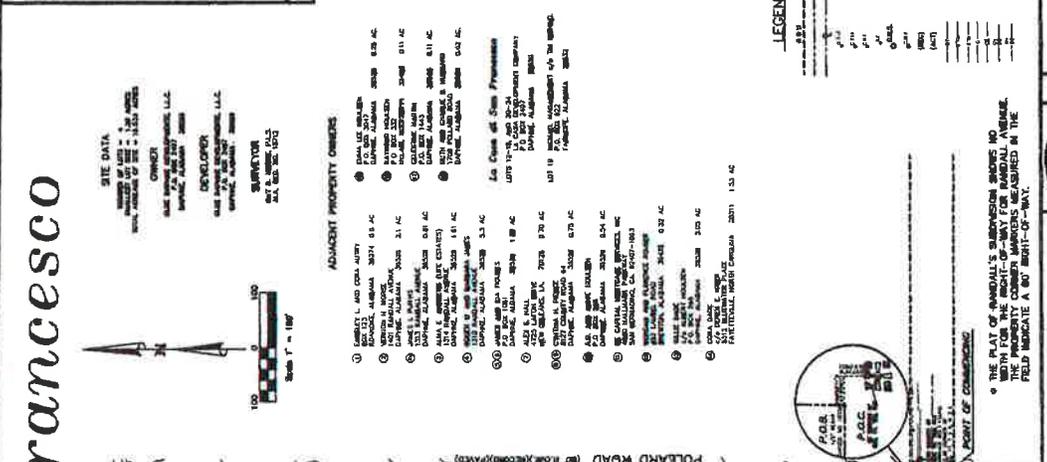
30. [List of adjacent property owners]



STATE OF ALABAMA
COUNTY OF DAPHNE
CITY OF DAPHNE
PLANNING COMMISSION
CERTIFICATE OF APPROVAL
DATE: 06/21/2001
BY: [Signature]

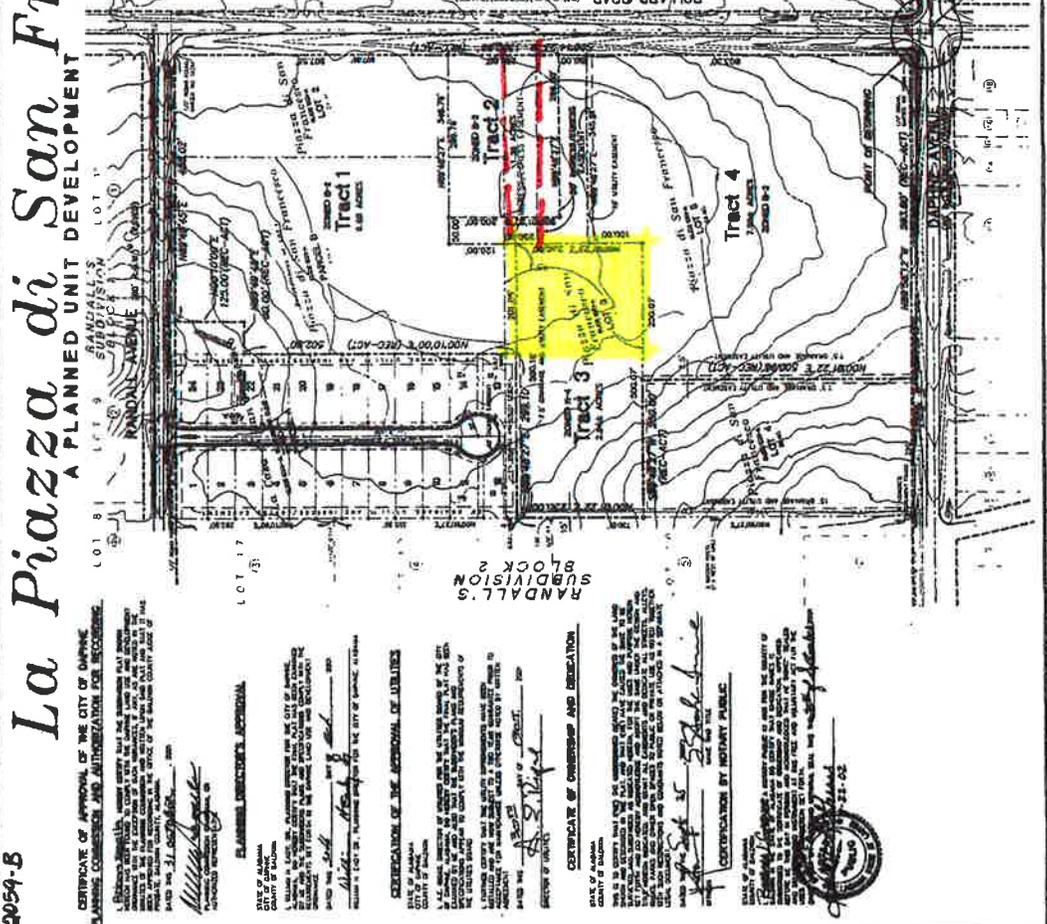
NOTES
1. PROPERTY IS LOCATED WITHIN THE CITY OF DAPHNE
2. THE PROJECT HAS BEEN REVIEWED AND APPROVED BY THE CITY OF DAPHNE
3. THE PROJECT HAS BEEN REVIEWED AND APPROVED BY THE PLANNING COMMISSION
4. THE PROJECT HAS BEEN REVIEWED AND APPROVED BY THE CITY COUNCIL

LEGEND
PROPERTY LINE
EXISTING LOT LINES
EXISTING LOT CORNERS
EXISTING LOT AREAS
EXISTING LOT PERMITS
EXISTING LOT EASEMENTS
EXISTING LOT ENCROACHMENTS
EXISTING LOT VIOLATIONS
EXISTING LOT DEFICIENCIES
EXISTING LOT DEFICIENCIES



ADJACENT PROPERTY OWNERS
1. [List of adjacent property owners]

2. [List of adjacent property owners]



PLANNING COMMISSION'S APPROVAL
CITY OF DAPHNE
DATE: 06/21/2001
BY: [Signature]

CERTIFICATE OF OWNERSHIP AND DEDICATION
CITY OF DAPHNE
DATE: 06/21/2001
BY: [Signature]

CERTIFICATION BY NOTARY PUBLIC
STATE OF ALABAMA
NOTARY PUBLIC
DATE: 06/21/2001
BY: [Signature]

HUTCHINSON MOORE & RAUCH, L.L.C.
ENGINEERS & SURVEYORS
DAPHNE, ALABAMA
1300 MAIN STREET, SUITE 0
POST OFFICE BOX 2007
DAPHNE, ALABAMA 36526
TEL: (334) 626-2628
FAX: (334) 626-4834
http://hmrllc.com

PRELIMINARY / FINAL PLAT
I.e. Piazza di San Francesco
OLDE TOWNE DEVELOPMENT, L.L.C.
DATE: 06/21/2001
BY: [Signature]

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-**

**Ordinance to Rezone Property Located Northwest of the Intersection of County Road 64 and
Pollard Road
Anne K. Irvine**

WHEREAS, Anne K. Irvine as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-4, High Density Single Family Residential District to B-2, General Business District; and,

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

LEGAL DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 2, RESUBDIVISION OF TRACTS 1, 2 & 3 OF LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2538-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 196.20 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89°49'10" EAST A DISTANCE OF 200.73 FEET TO A POINT; THENCE RUN SOUTH 00°00'43" WEST A DISTANCE OF 157.41 FEET TO A POINT; THENCE RUN SOUTH 00°00'57" EAST A DISTANCE OF 100.00 FEET TO A POINT; THENCE RUN SOUTH 89°47'38" WEST A DISTANCE OF 201.45 FEET TO A POINT; THENCE RUN NORTH 00°09'40" EAST A DISTANCE OF 257.50 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED AREA CONTAINING 1.19 ACRES, MORE OR LESS.

WHEREAS, at the City of Daphne Planning Commission meeting on May 26, 2016 the Commission considered said request and set forth a unanimous favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on July 18, 2016; and,

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

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

SECTION I: ZONING

That above described real property is hereby rezoned from R-4, High Density Single Family Residential District to B-2, General Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

**Dane Haygood,
Mayor**

ATTEST:

Rebecca A. Hayes, City Clerk

ANNE K. IRVINE, OWNER

PROPERTY LOCATED ON POLLARD ROAD, NORTH OF BALDWIN BONE & JOINT, SOUTH OF HUGHES FUNERAL HOME, BETWEEN DAPHNE AVE. (HWY 64) AND RANDALL AVE.

ZONING AMENDMENT REQUEST

EXHIBIT "A"

LEGAL DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 2, RESUBDIVISION OF TRACTS 1, 2 & 3 OF LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2538-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 196.20 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89°49'10" EAST A DISTANCE OF 200.73 FEET TO A POINT; THENCE RUN SOUTH 00°00'43" WEST A DISTANCE OF 157.41 FEET TO A POINT; THENCE RUN SOUTH 00°00'57" EAST A DISTANCE OF 100.00 FEET TO A POINT; THENCE RUN SOUTH 89°47'38" WEST A DISTANCE OF 201.45 FEET TO A POINT; THENCE RUN NORTH 00°09'40" EAST A DISTANCE OF 257.50 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED AREA CONTAINING 1.19 ACRES, MORE OR LESS.

PLEASE Publish in the Bulletin Legal Section on Wednesday,
June 15, 2016

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on July 18, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from R-4, High Density Single Family District to B-2, General Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-**

**Ordinance to Rezone Property Located Northwest of the Intersection of County
Road 64 and Pollard Road
Anne K. Irvine**

WHEREAS, Anne K. Irvine as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-4, High Density Single Family Residential District to B-2, General Business District; and,

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

LEGAL DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 2, RESUBDIVISION OF TRACTS 1, 2 & 3 OF LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2538-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 196.20 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89°49'10" EAST A DISTANCE OF 200.73 FEET TO A POINT; THENCE RUN SOUTH 00°00'43" WEST A DISTANCE OF 157.41 FEET TO A POINT; THENCE RUN SOUTH 00°00'57" EAST A DISTANCE OF 100.00 FEET TO A POINT; THENCE RUN SOUTH 89°47'38" WEST A DISTANCE OF 201.45 FEET TO A POINT; THENCE RUN NORTH 00°09'40" EAST A DISTANCE OF 257.50

PLEASE Publish in the Bulletin Legal Section on Wednesday,
June 22, 2016

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given June 15, 2016, that the City Council of the City of Daphne will hold a Public Hearing on July 18, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from R-4, High Density Single Family Residential District to B-2, General Business District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-**

**Ordinance to Rezone Property Located Northwest of the Intersection of County
Road 64 and Pollard Road
Anne K. Irvine**

WHEREAS, Anne K. Irvine as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-4, High Density Single Family Residential District to B-2, General Business District; and,

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

LEGAL DESCRIPTION

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 2, RESUBDIVISION OF TRACTS 1, 2 & 3 OF LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2538-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 196.20 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 89°49'10" EAST A DISTANCE OF 200.73 FEET TO A POINT; THENCE RUN SOUTH 00°00'43" WEST A DISTANCE OF 157.41 FEET TO A POINT; THENCE RUN SOUTH 00°00'57" EAST A DISTANCE OF 100.00 FEET TO A POINT; THENCE RUN SOUTH 89°47'38" WEST A DISTANCE OF 201.45 FEET TO A POINT; THENCE RUN NORTH 00°09'40" EAST A DISTANCE OF 257.50

To: Office of the City Clerk
From: Adrienne D. Jones, *AD*
Director of Community Development
Subject: The Bills' No. 2, L.L.C.
Annexation Recommendation
Date: June 1, 2016

MEMORANDUM

PRESENT ZONING: RSF-1, Single Family Residential
District, Baldwin County District 15

PROPOSED B-3, Professional Business

LOCATION: Southwest corner of the intersection of
Champions Way and Alabama Highway 181

RECOMMENDATION: At the Thursday, May 26, 2016, regular
meeting of the Daphne Planning Commission,
nine members were present and the motion to
set forth a favorable recommendation was made
and carried unanimously.

Upon receipt of said documentation, please prepare an
ordinance for placement on the City Council agenda of
Monday, June 6, 2016 to set the public hearing.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Petition for Annexation
2. Map of Property
3. Legal Description
4. Community Development Report

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

**(THE BILLS' NO. 2, LLC PROPERTY AT THE SOUTHWEST INTERSECTION OF
ALABAMA HIGHWAY 181 AND CHAMPIONS WAY)**

The undersigned corporation, THE BILLS' NO. 2, LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, THE BILLS' NO. 2 PROPERTY, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of the petition:

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

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

3. **Owner:** The petitioner, THE BILLS' NO. 2, LLC, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

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

Requested zoning, if other than R-1:

Any other conditions which may apply upon annexation:

B-3, PROFESSIONAL OFFICE ZONING

ADDITIONAL INFORMATION

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

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

We certify that the property is a single or multiple parcels under single or multiple ownership. Circle appropriate response: Initials: M B

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

SELECT ONE OF THE FOLLOWING OPTIONS

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

Or

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

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

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 10th day of June 2016.

Legal Description Attached (Exhibit A)? yes Map or Survey Attached (Exhibit B)? yes
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission Attached (Exhibit C)? no Acreage 7.6
Subdivision Name n/a Lot Number(s) _____

Names and Signature of ALL property owners OR principle of corporation's designee:

Signature: [Signature] Printed Name: _____
Printed Name: Michael C. Bill Mailing Address: _____
Mailing Address: PO Box 1659
Robertsdale, AL 36527-1659

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

DATED this 10th day of June, 2015

Respectfully submitted,

The Bills' No. 2, LLC
Name of Corporation

By: M. C. Bill

Its: Manager

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Donna Donald, the undersigned Notary Public in and for said county and state, hereby certify that Michael C. Bill whose name as Manager of The Bills No. 2, LLC, an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 10th day of June, 20 15.

Donna Donald
NOTARY PUBLIC

My commission expires: February 24, 2018

Corporation's Address

PO BOX 1659

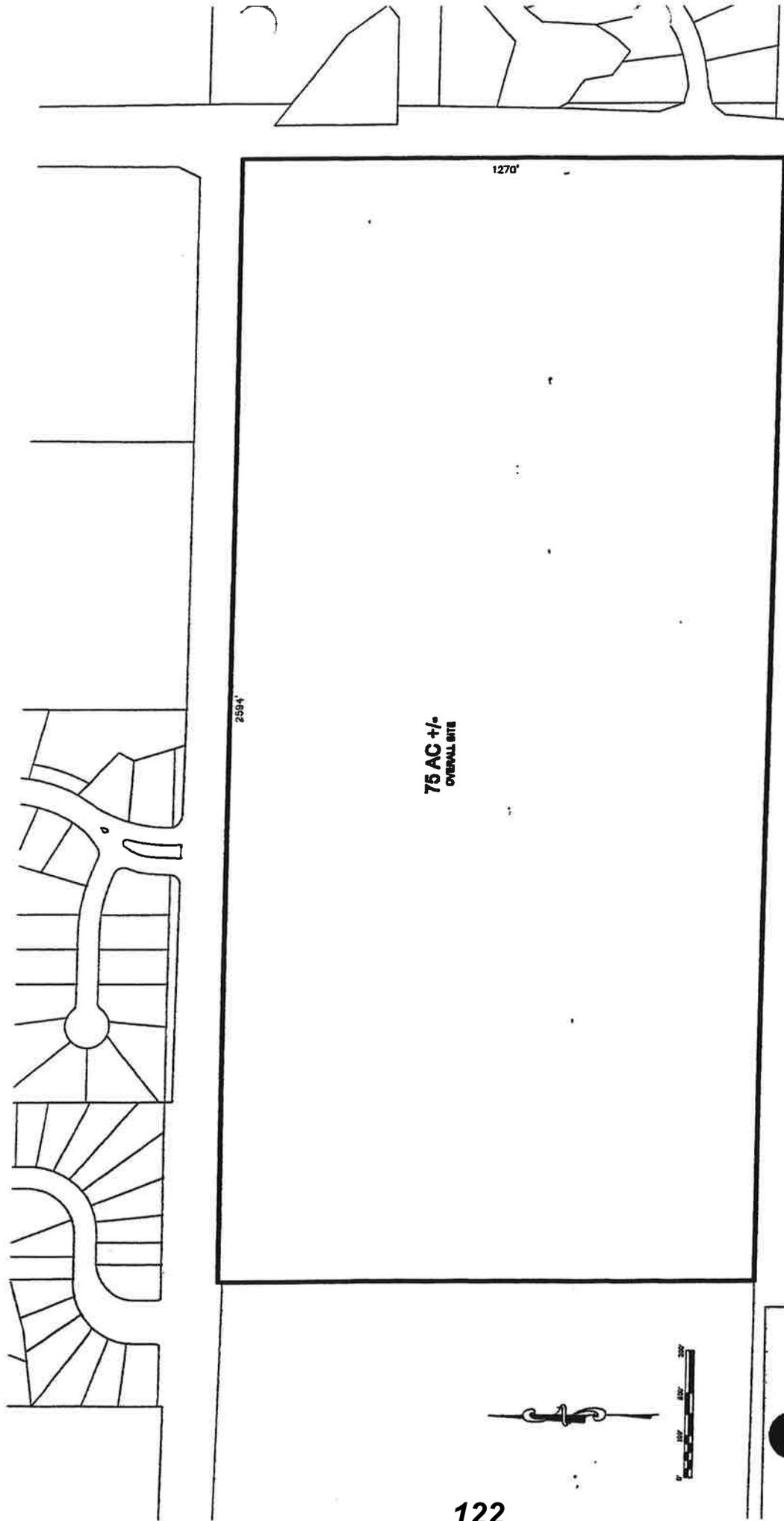
ROBERTSDALE, AL 36527-1659

EXHIBIT A

THE BILLS' NO. 2, LLC PRE-ZONING & ANNEXATION PETITIONS

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA.



75 AC +/-
OVERALL SITE

1270'

2594'



COMMERCIAL & TECHNOLOGY COMPLEX





OFFICE DEVELOPMENT	
PHASE 1 FIVE STORY OFFICES	75,000 SF
PHASE 2 FIVE STORY OFFICES	176,000 SF
PHASE 3 FOUR STORY OFFICES	210,000 SF
TOTAL GROSS BUILDING AREA	461,000 SF



DAPHNE INNOVATION & SCIENCE COMPLEX
 PRELIMINARY MASTER PLANNING STUDY
 JANUARY 2, 2013



**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-21**

**Ordinance to Pre-Zone Property Located
At the Southwest Corner of the Intersection of Champions Way and Alabama Highway 181
The Bills' No. 2**

WHEREAS, The Bills' No. 2 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 RSF-1, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as B-3, Professional Business District, prior to annexing into the City of Daphne; and

WHEREAS, said real property is Southwest of the intersection of Champions Way and Highway 181, and more particularly described as follows:

Legal Description for Pre-zone:

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:
THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3,
TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND
THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST
QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN
COUNTY ALABAMA

WHEREAS, at the regular Planning Commission meeting on January 28, 2016 the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on March 7, 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 B-3, Professional Business District, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in

Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RSF-1, Single Family 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.

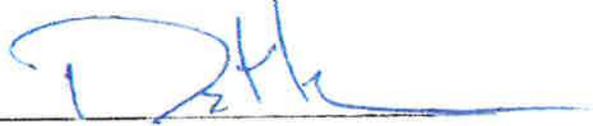
SECTION III: SEVERABILITY.

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 21st day of March, 2016.



Dane Haygood,
Mayor

ATTEST:



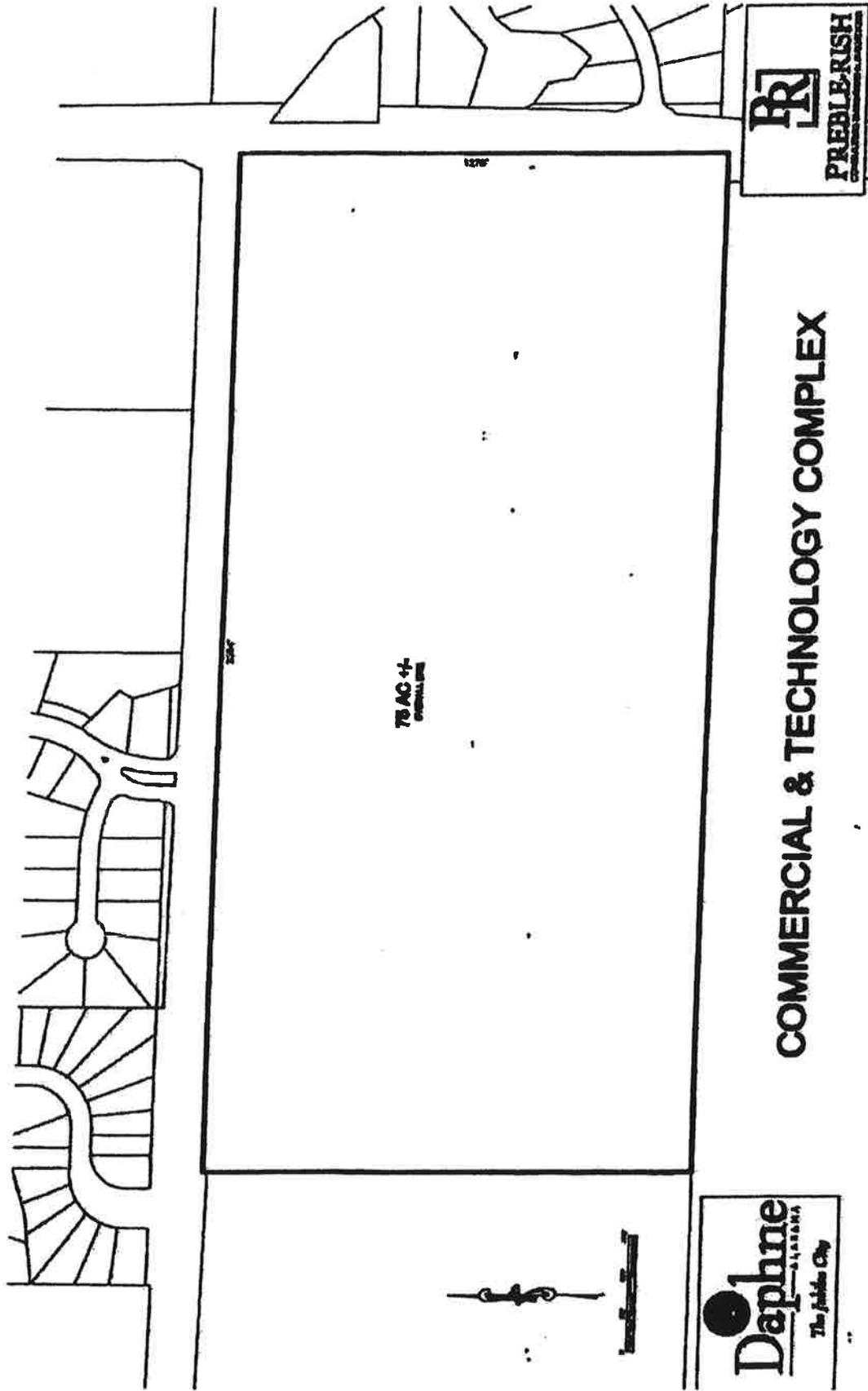
Rebecca A. Hayes,
City Clerk

EXHIBIT A

THE BILLS' NO. 2, LLC PRE-ZONING & ANNEXATION PETITIONS

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA.

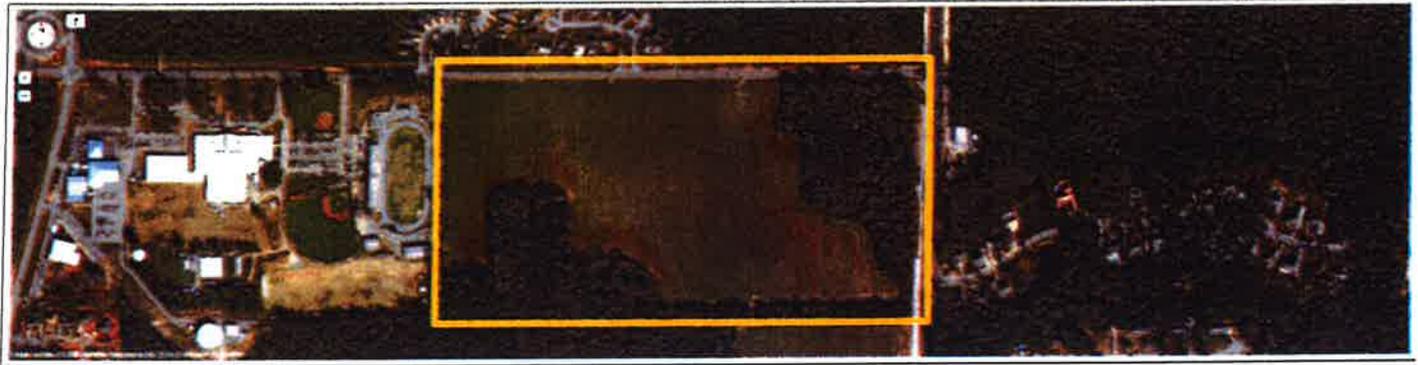


COMMERCIAL & TECHNOLOGY COMPLEX



PLANNING COMMISSION
ANNEXATION FOR
THE BILLS' NO. 2, LLC

City of Daphne Industrial Development Board



**COMMUNITY DEVELOPMENT
ANNEXATION REQUEST**

**Southwest Corner of the Intersection of Champions Way and Highway 181
(The Bills' No. 2, LLC & City of Daphne Industrial Development Board)
73.76 acres+/-**

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

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

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

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

REQUEST

The applicant has submitted a petition to annex 73.76 acres of land into the corporate limits of Daphne. On March 21, 2016, Daphne City Council approved a pre-zoning request for B-3, Professional Business. Additionally, on May 5, 2016, the Daphne Planning Commission approved a subdivision of the land into seven lots. Said subdivision is under review by Baldwin County. At this time, the entire property is subject to this annexation request. However, certain lots may be withdrawn from consideration prior to Council consideration.

RECOMMENDATION

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

Code of Alabama Section 11-52-85

PRE-ZONING TERRITORY PROPOSED FOR ANNEXATION

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

Code of Alabama Section 11-52-85

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

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

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

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

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

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

(Act 2009-629, p. 1926, §1.)

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2016-**

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

**Property Located at the Southwest Corner of the Intersection of Champions Way and
Alabama Highway 181
The Bills' No. 2, LLC**

WHEREAS, on the 10th day of June, 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 July 18, 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 May 26, 2016, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

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

SECTION TWO: ZONING

At the March 21, 2016 regularly scheduled City Council meeting Ordinance 2016-21 was adopted pre-zoning the said property as B-3, Professional Business District.

SECTION THREE: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA.

SECTION FOUR: MAP OF PROPERTY

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

SECTION FIVE: PUBLICATION

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

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE _____ DAY OF _____, 2016.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

EXHIBIT A

THE BILLS' NO. 2, LLC PRE-ZONING & ANNEXATION PETITIONS

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA.

PLEASE Publish in the Bulletin Legal Section on Wednesday,
June 15, 2016

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on July 18, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2016-**

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

**Property Located at the Southwest Corner of the Intersection of Champions Way and
Alabama Highway 181
The Bills' No. 2, LLC**

WHEREAS, on the 10th day of June, 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 July 18, 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 May 26, 2016, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

PLEASE Publish in the Bulletin Legal Section on Wednesday June 22, 2016.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given, June 15, 2016, that the City Council of the City of Daphne will hold a Public Hearing on July 18, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2016-**

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

**Property Located at the Southwest Corner of the Intersection of Champions Way and Alabama Highway 181
The Bills' No. 2, LLC**

WHEREAS, on the 10th day of June, 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 July 18, 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 May 26, 2016, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

MEMORANDUM

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

Subject: Proposed Amendments to Ordinance 2011-54,
Land Use and Development Ordinance,
Article 31-1(j) (18) (19), Home Occupations

Date: June 1, 2016

At the May 26, 2016, regular meeting of the City of Daphne Planning Commission, nine members were present. The motion to set forth a **favorable recommendation** carried unanimously of the above-mentioned revision to the Land Use and Development Ordinance.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, June 6, 2016 to set the public hearing.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Draft Ordinance

PLANNING COMMISSION
LAND USE & DEVELOPMENT ORDINANCE
AMENDMENT REVIEW



AMENDMENT TO
ARTICLE 31-1(j)(18)(19) HOME OCCUPATIONS
(CORRECTION TO "PROHIBITED HOME OCCUPATIONS LIST")

CITY OF DAPHNE
ORDINANCE NO. 2016-

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance 2011-54 Article 31, Home Occupations, Automobile Service Stations,
Cemeteries, Bed & Breakfast Establishments, Extended Stay Hotel Facilities, Section 31-1, Home
Occupations**

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of May 26, 2016 set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on July 5, 2016.

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

SECTION I: This section hereby amends the City of Daphne Land Use and Development Ordinance by striking and replacing sections of Section 31-1 (j) as follows:

~~(18) Outdoor display or storage of materials, goods, supplies, or equipment used in the operation of the business shall be permitted outside the dwelling~~

(18) Outdoor display or storage of materials, goods, supplies, or equipment used in the operation of the business shall **not** be permitted outside the dwelling.

~~(19) Automobile/truck/boat/vehicle related business is permitted as a home occupation. Vehicle related businesses include but are not exclusive to: vehicle maintenance, repair, renovation, restoration and/or sales~~

(19) Automobile/truck/boat/vehicle related business **shall not be** permitted as a home occupation. Vehicle related businesses include but are not **limited** to: vehicle maintenance, repair, renovation, restoration and/or sales, **gas or diesel mechanic shops**.

SECTION II: CONFLICT WITH OTHER ORDINANCE

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

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

SECTION V: REPEALER

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

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

PROPOSED AMENDMENT TO ARTICLE 31, HOME OCCUPATIONS

ARTICLE XXXI

HOME OCCUPATIONS, AUTOMOBILE SERVICE STATIONS, CEMETERIES, BED & BREAKFAST ESTABLISHMENTS, EXTENDED STAY HOTEL FACILITIES

31-1 HOME OCCUPATIONS

Home occupations shall be incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which the home occupation is to occur. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic, or any other condition which would constitute an objectionable use of residentially zoned property. Limitations on the type of home occupations are as follows:

- (a) Area used shall not exceed twenty percent (20%) of the gross floor area in the principal building.
- (b) It shall be confined entirely to the principal building, accessory building, or outside storage building for which twenty percent (20%) of gross floor area would apply.
- (c) Employment shall be limited to members of the family residing in the dwelling. There shall be no employment of employees other than members of the resident family. In no case shall more than two (2) persons be engaged in the home occupation.
- (d) No internal or external addition, alteration, or remodeling of the dwelling is permitted in connection with the home occupation.
- (e) Chemical, mechanical, or electrical equipment that creates odors, light, glare, noises, or interference in radio or television reception detectable outside of the dwelling shall be prohibited.
- (f) No display of products shall be visible from the street and only articles made on the premises may be sold; except non-durable articles, consumable products, which are incidental to a service or which service shall be the principal use in the home occupation may be sold on the premises.
- (g) Instruction in music, dancing, and similar subjects shall be limited to two (2) students at a time.
- (h) The activity carried on as a home occupation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- (i) One professional or announcement sign may be used to identify the customary

PROPOSED AMENDMENT TO ARTICLE 31, HOME OCCUPATIONS

home occupation. Such sign shall not exceed one and one-half (1-1/2) square feet in area exposed to view and must be mounted flat to the main wall of the principal building. No such sign shall be directly illuminated.

- (j) The nature of some uses tends to increase beyond the limits permitted for a home occupation and could impair the use and value of a residentially zoned area; therefore, the following shall not be permitted as a customary home occupation:
- (1) Uses which do not meet the provision listed above
 - (2) Automobile body and/or fender repairing
 - (3) Barber shops and beauty parlors
 - (4) Food handling on a large-scale basis, processing, or packing
 - (5) Repair, manufacturing and processing uses; however, this shall not exclude the home occupation of a dressmaker where goods are not manufactured for stock, sale, or distribution
 - (6) Restaurants
 - (7) Uses which entail the harboring, training, raising or treatment of dogs, cats, birds, or other animals
 - (8) Ammunition sales
 - (9) Acupuncture office and /or practice
 - (10) Dental offices and /or practice
 - (11) Gun sales
 - (12) Medical offices and /or practices
 - (13) Painting of vehicles
 - (14) Private schools with organized classes
 - (15) Small engine repairs
 - (16) Welding shop
 - (17) Contractors, provided no commercial trucks which exceed the criteria listed herein, materials or construction equipment are kept on premises. Commercial trailers shall not exceed sixteen (16) feet. Commercial trucks/vehicles shall have no more than six wheels.
 - (18) Outdoor display or storage of materials, goods, supplies, or equipment used in the operation of the business shall **not** be permitted outside the dwelling.

PROPOSED AMENDMENT TO ARTICLE 31, HOME OCCUPATIONS

- (19) Automobile/truck/boat/vehicle related business ~~shall not~~ permitted as a home occupation. Vehicle related businesses include but are not ~~limited~~ to: vehicle maintenance, repair, renovation, restoration and/or sales, ~~gas or diesel mechanic shops.~~
- (20) Flammable, caustic or noxious material not commonly found in the home may not be stored or kept on the premises

Deleted: is

Deleted: exclusive

CITY OF DAPHNE

ORDINANCE NO. 2016-

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance 2011-54 Article 31, Home Occupations, Automobile
Service Stations, Cemeteries, Bed & Breakfast Establishments, Extended Stay Hotel
Facilities, Section 31-1, Home Occupations**

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of May 26, 2016 set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on July 5, 2016.

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

SECTION I: This section hereby amends the City of Daphne Land Use and Development Ordinance by striking and replacing sections of Section 31-1 (j) as follows:

(18) ~~Outdoor display or storage of materials, goods, supplies, or equipment used in the operation of the business shall be permitted outside the dwelling~~

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(19) Automobile/truck/boat/vehicle related business **shall not be** permitted as a home occupation. Vehicle related businesses include but are not **limited** to: vehicle maintenance, repair, renovation, restoration and/or sales, **gas or diesel mechanic shops**.

SECTION II: CONFLICT WITH OTHER ORDINANCE

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

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

SECTION V: REPEALER

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

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, ON THIS THE DAY OF , 2016.

**Dane Haygood,
Mayor**

ATTEST:

**Rebecca A. Hayes,
City Clerk**

PLEASE Publish in the Bulletin Legal Section on Wednesday
June 15, 2016

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on July 18, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring amendments to the Land Use and Development Ordinance 2011-54 / Article 31-1(j) (18) (19) as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

CITY OF DAPHNE

ORDINANCE NO. 2016-

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance 2011-54 Article 31, Home Occupations,
Automobile Service Stations, Cemeteries, Bed & Breakfast Establishments,
Extended Stay Hotel Facilities, Section 31-1, Home Occupations**

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of May 26, 2016 set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on July 5, 2016.

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

SECTION I: This section hereby amends the City of Daphne Land Use and Development Ordinance by striking and replacing sections of Section 31-1 (j) as follows:

(18) ~~Outdoor display or storage of materials, goods, supplies, or equipment used in the operation of the business shall be permitted outside the dwelling~~

PLEASE Publish in the Bulletin Legal Section on Wednesday,
June 22, 2016

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given on June 15, 2016, that the City Council of the City of Daphne will hold a Public Hearing on July 18, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring amendments to the Land Use and Development Ordinance 2011-54 / Article 31-1(j) (18) (19) as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

CITY OF DAPHNE

ORDINANCE NO. 2016-

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance 2011-54 Article 31, Home Occupations,
Automobile Service Stations, Cemeteries, Bed & Breakfast Establishments,
Extended Stay Hotel Facilities, Section 31-1, Home Occupations**

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of May 26, 2016 set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on July 5, 2016.

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

SECTION I: This section hereby amends the City of Daphne Land Use and Development Ordinance by striking and replacing sections of Section 31-1 (j) as follows:

(18) ~~Outdoor display or storage of materials, goods, supplies, or equipment used in the operation of the business shall be permitted outside the dwelling~~



Accepted by:

Robert Segalla
Chairman, Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ March 30, 2016 ♦ 5:00 p.m.

I. Call to Order

The regular March 2016 Board meeting for the Utilities Board of the City of Daphne was held on March 30, 2016 at 5:00 p.m. in the Council Chambers at Daphne City Hall and called to order by Chairman Robert Segalla, proceeded by the Roll Call:

II. Roll Call

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

Members Absent:

Others Present: Jennifer Holifield– Board Attorney
Danny Lyndall – General Manager
Van Baggett – Operations Manager
Drew Klumpp – Administrative Services Manager
Teresa Logiotatos – Finance Manager
Lori May-Wilson – Executive Assistant
Melinda Immel – Volkert & Associates
Ray Moore – HMR
Robbie Strom – HMR

Others Absent: Jerry Speegle – Board Attorney

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. Utilities Board Minutes from February 24, 2016:

The Chairman requested any additions, corrections, or deletions for the submitted Minutes from the February 24, 2016 Utilities Board Meeting.

MOTION BY Billy Mayhand to approve the submitted Minutes for the February 24, 2016 Utilities Board meeting; Seconded by Mayor Dane Haygood.

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

V. OLD BUSINESS –

A. RESOLUTION 2016-01 – Bond Purchase Authorization for Refunding of Series 2005 DWSRF-BL and Series 2006 CWSRF-DL and Series 2006 DWSRF-DL (Board Action: Resolution Adoption)

Teresa Logiotatos explained the agenda topic as authorization to move forward with the purchase of the 2016 Bond Issue to be purchased on approximate April 7th by our underwriter, Pfil Hunt, but this Resolution had to be signed in order for him to proceed.

The Chairman called for a Motion to approve Resolution 2016-01;

MOTION BY Billy Mayhand to approve Resolution 2016-01- Bond Purchase Authorization for Refunding of Series 2005 DWSRF-BL and Series 2006 CWSRF-DL and Series 2006 DWSRF-DL; Seconded by Selena Vaughn.

AYE:

NAY:

ABSENT:

ABSTAIN:

The Chairman called for any questions or comments. Mayor Haygood requested to be provided with an update of the savings from this refunding. Mrs. Logiotatos stated that she did not have an update on that for this board meeting but that she could get that information from Pfil Hunt and pass it along after this board meeting.

MOTION BY Billy Mayhand to approve Resolution 2016-01- Bond Purchase Authorization for Refunding of Series 2005 DWSRF-BL and Series 2006 CWSRF-DL and Series 2006 DWSRF-DL; Seconded by Selena Vaughn.

AYE: Fry, Haygood, Mayhand, Segalla, Vaughn

NAY:

ABSENT:

ABSTAIN:

MOTION CARRIED

VI. NEW BUSINESS –

A. Presentation of 2014/2015 Audit by Mike Andreoli of Robertson, Androeli, and Covington, PC

Mr. Mike Andreoli of Robertson, Androeli and Covington, PC presented the fiscal audit of September 30, 2015. He emphasized that the most important section of the audit is the Independent Auditors' Report, which reflected a clean opinion, with no internal control issues or issues of any kind. He stated it was a very good report. Mr. Andreoli pointed out the Management's Discussion and Analysis which is written and provided by the Daphne Utilities' staff. He highlighted from the Statements of Revenues, Expenses and Changes in Net Position Report that 2015 revenue was flat, decreasing approximately \$10,000 over the previous period, with a substantial amount stemming from service income, however it was offset by capacity fees. He also mentioned the Net Pension Liability, which is the amount Daphne Utilities is unfunded. Mr. Andreoli pointed out in the "Notes To Financial Statements" section - Note 3 relating to the Retirement Plan, Note 4 Long Term Debt's decreasing balance, Note 7 Supplemental Bond Disclosure which indicates bond activity, and Note 12 Prior Period Adjustment – GASB 68 which clarifies adjustments. He explained the Supplementary Information shows previous year comparisons with each department. In conclusion, Mr. Andreoli commented on the Independent Auditors' Report on Internal Controls, relating to compliance, accounting practices, and fraud. He stated no issues were discovered. He welcomed questions from the Board. Chairman Segalla requested the inclusion of the PILOT fee for next year's audit.

B. Request by City of Daphne for assistance with the Whispering Pines Sewer Project

Board member Mayor Haygood spoke on behalf of the City of Daphne regarding the formal request from the City for financial help in completing the last six pockets of unsewered areas in the City. He explained that the project has come back over-budget by \$379,000. The Mayor reaffirmed the City's commitment to helping make this project happen but noted that there will be revenues received by Daphne Utilities as a result of the additional sewer customers and wanted to make a request to see what assistance could be provided by Daphne Utilities. The Chairman asked the Mayor if he wanted to make that into a motion; the Mayor deferred to the General Manager for his recommendation. The Chairman stated his position was that the subject at hand was (the City) asking for the \$379,000 and that it should be approved or disapproved by the Board before determining if there are any ways to assist the City with something other than cash. Mr. Lyndall deferred to the Board on how he should address the subject and reiterated to the Mayor that in the previous discussions that this would be a Board decision as it is a greater amount of money than he has the authority to approve. The Chairman and the Mayor had a lengthy discussion regarding the Utility's financial position and the responsibility for installation of sewers, The Chairman reminded the Mayor that it is the responsibility of the City to sewer the City and reminded him of the PILOT fee that was put in place in 1999 in order to pay for it; he stated that it was not his opinion that it was Daphne Utilities' obligation to pay for the shortfall and a decision on that subject should be made by the Board first before other ideas are initiated. The Mayor called upon Ms. Kelli Kichler, Daphne Finance Director/Treasurer, to answer questions regarding information on debt and PILOT fee collections for the past sixteen years. During a lengthy discussion that took place between Ms. Kichler, the Chairman, and the Mayor regarding the PILOT fee program, as well as the City of Daphne's ordinances pertaining to the PILOT fee program, Ms. Kichler pointing out that the PILOT fees collected from Daphne Utilities were \$330,000 and the debt service that was attributable to the sewer was \$470,000. The Chairman commented he would like to know the total amount of PILOT funds received. Mayor Haygood recommended the discussion to be carried over in order to find an "elegant solution" for the benefit of everyone. Mr. Mayhand recollected his sewer issues when he relocated back to Daphne and was building his home back in the 1990s; he stated that his opinion is that the City has had ample time to put a plan in place. He further stated if a plan is in place for the City to spend \$21 million for recreation and \$500,000 at Alligator Alley, he has enough confidence in the Mayor and Council to work this (sewer) issue out without infringing on (the Utility's) assets. Mrs. Vaughn commented that the City committed to the citizens to use the long-standing PILOT fee program for the sewer infrastructure, and that the City is in a situation whereby they will have to either use their reserve funds or cancel projects within their budget. This request for assistance would put Daphne Utilities in the same situation of using reserve funds or cancelling projects; she suggested having further discussions. Mayor Haygood stated he would still like to hear any ideas the General Manager may have. Mr. Lyndall explained that Daphne Utilities had been working with Mr. Moore of HMR for several years on various solutions for this forthcoming situation and advised that the plan solicited for bid was the most cost-effective way for the City and worked mutually to keep costs as low as possible while balancing the resulting additional sewer flow to the existing sewer system. He commented that Operations Manager, Van Baggett had further reviewed the plan and discovered a few more areas where additional savings can be gained. Mayor Haygood and the Chairman continued their discussion on the matter with the Chairman suggesting the Mayor make a motion. Mayor Haygood indicated he did not want to make a Motion until GM Lyndall's recommendations.

VII. BOARD ATTORNEY'S REPORT

Ms. Holifield had nothing further to add to the submitted report.

VIII. FINANCIAL REPORT

Teresa Logiotatos advised the Board that it would be necessary to meet again to finalize the

bond refinancing issue. After Board discussion, it was agreed to reschedule the April board meeting to April 20th.

MOTION BY Randy Fry to reschedule the April Utilities Board meeting to April 20th, 2016, at 5:00 pm; Seconded by Billy Mayhand.

AYE: Fry, Haygood, Mayhand, Segalla, Vaughn

NAY:

ABSENT:

ABSTAIN:

MOTION CARRIED

Mrs. Logiotatos continued with the review of the financials for the Board, highlighting the financial summary report, the cash flow report and several checks in the check history report.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Danny Lyndall introduced Bobby Purvis to detail Daphne Utilities' involvement with the Eastern Shore Chamber of Commerce's STEP program. Mr. Purvis explained to the Board the Utilities' participation and cooperation in this high school program. Mr. Lyndall had nothing further to include in his report. Chairman Segalla gave positive feedback on his recent attendance of Bobby Purvis' Leadership Academy classes.

B. Operations Report

Van Baggett advised that industry organizations are conducting inspections of our water plant and answered questions from the Board regarding automatic reads on gas meters that is not included in the report. The Board requested this item to be included in the report. He also addressed preventions of SSO's, in particular, at Yancy Branch.

C. Engineering & Consulting Reports

Melinda Immel from Volkert had nothing further to add to her report.

Ray Moore from HMR updated on the Board on the vibrations from the 6th Street Project. A discussion took place regarding communicating to the nearby residents of disturbances that will be associated with this project.

X. BOARD ACTION – Previously addressed.

XI. PUBLIC PARTICIPATION – None.

XII. BOARD COMMENTS – Mayor Haygood asked for an update regarding the meeting with the City of Fairhope; Ms. Holified answered that she is aware the meeting occurred and that there is going to be an exchange of information in order to resolve the issue. Mayor Haygood appreciated the communication efforts on the Sixth Street water treatment project; he stated that we did not get hear a recommendation by the General Manager regarding the request from the City and requested a recommendation from the General Manager at the April 20th (Utility Board) meeting as to what deal structure or financial assistance could be provided; he affirmed that the Boardmembers do not want to put (the Utility) in a bad position but the General Manager is capable and creative, as well as the finance manager, to suggest a solution so that the Board can consider action. He pointed out that the Daphne Recreation projects are \$16.4 million in lieu of the \$21 million as stated from an earlier comment. Mrs. Vaughn stated that her question relating to Fairhope Gas had been previously answered. Mr. Mayhand had no comments. Mr. Fry remarked that the discussion was helpful in revealing facts that may not have been

presented and that his discussions with the General Manager showed his participation with the City, and that the five smaller unsewered areas of the City that there is a good plan for the Utility to make a contribution to see those happen. He stated that both the City and the Utility make good points and that there is a commitment regardless of how it ultimately is completed. He thanked everyone for coming and the good jobs they do, and he will continue to address the concerns that arise. Chairman Segalla commented to (Bobby Purvis) continue the employee development and thanked everyone for coming.

XIII. ADJOURNMENT

MOTION BY Mayor Haygood to adjourn.

AYE: *Fry, Haygood, Mayhand, Segalla, Vaughn*

NAY:

ABSENT:

ABSTAIN:

MOTION CARRIED

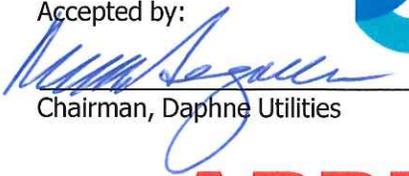
The meeting adjourned at 6:11 pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities

Accepted by:


Chairman, Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ April 20, 2016 ♦ 5:00 p.m.

I. Call to Order

The regular April 2016 Board meeting for the Utilities Board of the City of Daphne was held on April 20, 2016 at 5:00 p.m. in lieu of the regular meeting schedule normally held on the last Wednesday of the month in the Council Chambers at Daphne City Hall and called to order by Chairman Robert Segalla, proceeded by the Roll Call:

II. Roll Call

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

Members Absent:

Others Present: Jerry Speegle – Board Attorney - arrived at 5:01pm
Danny Lyndall – General Manager
Van Baggett – Operations Manager
Teresa Logiotatos – Finance Manager
Lori May-Wilson – Executive Assistant
Melinda Immel – Volkert & Associates
Ray Moore – HMR
Robbie Strom – HMR

Others Absent: Drew Klumpp – Administrative Services Manager

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. Utilities Board Minutes from March , 2016:

The Chairman requested any additions, corrections, or deletions for the submitted Minutes from the March 30, 2016 Utilities Board Meeting.

Mayor Haygood requested two revisions; a Board discussion followed.

Chairman Segalla asked for comments from Teresa Logiotatos or Danny Lyndall, neither had any comments to add.

Chairman Segalla requested the corrections and/or additions be made, asked for any other comments, then asked for all those in favor to signify by saying Aye:

B. Request by City of Daphne for assistance with the Whispering Pines Sewer Project

Danny Lyndall advised the Board that this issue was held over from last month’s meeting and after a number of conversations with the City and attending several different committee meetings, he could recommend several areas where Daphne Utilities can help the City save money on this project. Mr. Lyndall stated that Daphne Utilities previously reviewed the Whispering Pines project engineer design plans and discovered some areas where additional savings of \$90,000 to \$100,000 could be gained. He noted that this was partially made possible by recent capacity upgrades that Daphne Utilities had already completed. Mr. Lyndall noted there are 5 or 6 remaining 1-street pocket areas with 4 to 6 homes that are not included in the Whispering Pines area where it will be necessary to use low-pressure because gravity would not be possible. He stated that his recommendation would be for Daphne Utilities to facilitate with the some of the labor on some of these projects on the condition the City would provide the materials, if the Board is agreeable. Chairman Segalla paraphrased Mr. Lyndall’s recommendation as Daphne Utilities would be willing to expend some labor on the low-pressure area provided that the City of Daphne furnish the materials and any other costs. Mr. Lyndall concurred. Mayor Haygood added that this would be the remaining 5 low-pressure projects and would actually complete the sewerage of the City of Daphne. Mr. Fry inquired as to the timeframe of the Whispering Pines project redesign and the final price. Mr. Lyndall indicated that Mr. Moore had already negotiated with the contractors for some reductions. Mr. Moore advised that revisions had already been underway, and answered Mr. Fry’s timeline question as 5-6 weeks to finish up revisions and once construction begins, 160 days for completion. Mr. Fry advised that in the City’s Finance committee meetings, a contract between Daphne Utilities and the City of Daphne would specify the details of each entity. Mayor Haygood expressed his appreciation for efforts made by all involved. Mr. Speegle explained that the expenditure for the labor is outside the spending authority of Mr. Lyndall and that the Board will need to approve the contract agreement amount. Mr. Fry suggested to have this as an agenda item when the contract with the City is finalized and ready to come before the Utility Board. Mrs. Vaughn inquired about a limited figure or if the amount would be left open. Mr. Fry recommended Mr. Speegle to consult with Mr. Boucher regarding the dollar amount for the labor.

VI. NEW BUSINESS –

A. RESOLUTION 2016-02 - Municipal Water Pollution Prevention (MWPP) (Requires Board Action Resolution);

Mr. Lyndall advised the Board of this annual requirement of the NPDES permit, which is a license from ADEM to operate our wastewater treatment system and collection system.

MOTION BY Randy Fry adopt Resolution 2016-02 Municipal Water Pollution Prevention; Seconded by Selena Vaughn.

A YE: Fry, Haygood, Mayhand, Segalla, Vaughn

ABSENT:

ABSTAIN:

MOTION CARRIED

VII. BOARD ATTORNEY’S REPORT

Mr. Jerry Speegle had nothing to add to his report. Mayor Haygood inquired about the meetings that had taken place with the City of Fairhope. Mr. Speegle advised that we are awaiting the information we requested.

VIII. FINANCIAL REPORT

Teresa Logiotatos reviewed the financials with the Board, highlighting the net income, capital outlays, bond payments, and particular checks listed on the Check History Report and answered questions from the Board. Mr. Fry commended Mrs. Logiotatos and her staff for preparing and completing the financials for the earlier board meeting.

IX. GENERAL MANAGER’S REPORT

A. GM Report

Danny Lyndall updated the Board on the Algae Systems status, as well as his attendance of the Park City Water Authority board meeting.

B. Operations Report

Van Baggett briefed the Board on the renovation status of the lift station at Alligator Alley in coordination with the City's project at that site. He introduced Mr. Joe Asarisi who gave an update on the Timber Creek force main project.

C. Engineering & Consulting Reports

Melinda Immel from Volkert informed the Board of the City Council's approval of the Mayor's signature for the easement needed for the US Hwy. 90 project. She advised that while everything was in place, the contractor prepared another proposal to bore under US 90 in a different method as compared to what ALDOT had already approved, providing some savings to the Utility Board and allowing the local contractor to perform all the work without having to subcontract any work. She stated that they have had preliminary conversations with the State with their approval, as well as with the owners of the dry cleaning business who have stated they are also agreeable. She notified the Board that the contractor will begin work in a couple of more weeks.

Ray Moore from HMR updated the Board the Douglas Road project with the pump station ready to be set on April 22. He also informed the Board that concrete had been poured on the Sixth Street project. He advised that he has met with grantwriter Cara Stone to investigate preparing a grant for some low-income residents along Whispering Pines low pressure area. He answered questions relating to stand-along sewer for the mobile home park located along Whispering Pines. Mayor Haygood gave a summary of the ADECA grant meeting relating to this area. Mayor Haygood thanked Mr. Moore for his extra time and patience with this project.

X. BOARD ACTION

RESOLUTION 2016-02 – Municipal Water Pollution Prevention (MWPP) (Board Action: Resolution Adoption) Previously addressed.

XI. PUBLIC PARTICIPATION – None.

XII. BOARD COMMENTS –

Mayor Haygood appreciated the Utilities' participation with the science fair and the productive efforts with the Whispering Pines sewerage project; Mr. Mayhand also commended Luke Malkowski on his water test experiment and gave recognition to Lori Wilson in honor Administrative Professionals Day; Mr. Fry acknowledged the good job by all as well as the productive meeting, and advised of the many upcoming projects for the benefit of Daphne citizens; Mrs. Vaughn had no comment; Chairman Segalla pointed out that the Utility Board has a constituency also and that decisions are made in the best interest of Daphne Utilities which in turn benefits the City of Daphne; he expressed great confidence in Danny Lyndall and thanked him, his staff and employees, and conveyed his appreciation for being able to represent Daphne Utilities.

XIII. ADJOURNMENT

MOTION BY Billy Mayhand to adjourn.

AYE: *Fry, Haygood, Mayhand, Segalla, Vaughn*

NAY:

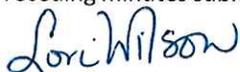
ABSENT:

ABSTAIN:

MOTION CARRIED

The meeting adjourned at 5:31pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities



Board of Directors

Robert Segalla, Chairman
Randy Fry, Vice Chairman
Billy Mayhand, Secretary/Treasurer
Dane Haygood, Mayor
Selena Vaughn

GENERAL MANAGER
Danny Lyndall

Hand Delivered

May 31, 2016

Mayor Dane Haygood
P.O. Box 400
Daphne, AL 36526

Mr. Ron Scott, District 5
P.O. Box 400
Daphne, AL 36526

Mrs. Tommie Conaway, District 1
P.O. Box 400
Daphne, AL 36526

Mr. Robin LeJeune, District 6
P.O. Box 400
Daphne, AL 36526

Mr. Pat Rudicell, District 2,
Council President
P.O. Box 400
Daphne, AL 36526

Mrs. Angie Phillips, District 7
P.O. Box 400
Daphne, AL 36526

Mr. John Lake, District 3
P.O. Box 400
Daphne, AL 36526

Ladies and Gentlemen:

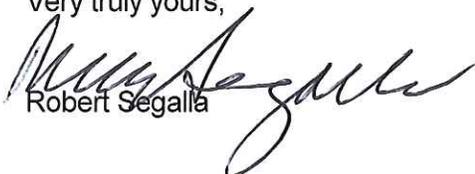
I am writing to request that the City Council re-appoint Mr. Randy Fry to the Board of Daphne Utilities. As you may know, Randy Fry has been a board member for 3-½ years. His present term expires June 12, 2016, but he will continue to serve until his successor is appointed or he is no longer a city official.

He has a genuine interest in Daphne Utilities' operations and our employees. In addition, Randy has expressed to me a desire to remain on the Board.

It helps our Board and the operations of Daphne Utilities to maintain a Board of interested members. Randy Fry certainly exemplifies the type of Board member we desire.

I am glad to speak with anyone about filling this position on the Board. Just call me at your convenience. My telephone number is 626-3511.

Very truly yours,


Robert Segalla

CITY OF DAPHNE
RESOLUTION 2016-38

WHEREAS, the City of Daphne was awarded a Hazard Mitigation Planning Grant (HMGP DR 4176-0026) from the Alabama Emergency Management Agency (AEMA) on May 24, 2016 for the acquisition and demolition of single family structure located at 104 Gordon Circle, and

WHEREAS, the total project cost is \$162,825 of which the grant will pay for 75% or \$122,119 and requires a local match commitment of 25% or \$40,706 that will be provided by the homeowner (\$30,706) and the City of Daphne (\$10,000); and

WHEREAS, the City's match of \$10,000 was previously appropriated in Ordinance 2014-37.

NOW, THEREFORE, BE IT ORDAINED that

1. the City of Daphne wishes to accept the grant award from AEMA and
2. the Mayor is authorized to sign the grant agreement and other required grant documents on behalf of the City of Daphne.

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



ROBERT BENTLEY
GOVERNOR

STATE OF ALABAMA
EMERGENCY MANAGEMENT AGENCY
5898 COUNTY ROAD 41 • P.O. DRAWER 2160 • CLANTON, ALABAMA 35046-2160
PHONE (205) 280-2200 FAX (205) 280-2495



ART FAULKNER
DIRECTOR

May 24, 2016

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

Subject: Hazard Mitigation Grant Program HMGP DR (4176-0026)
Acquisition and Structure Demolition (104 Gordon Circle)

Dear Mayor Haygood:

The Federal Emergency Management Agency (FEMA) has notified this office that the above-referenced project is approved and the federal funds obligated. The project has been approved for \$162,825.00 with a Federal share of \$122,119.00 and non-federal share of \$40,706.00. Please read the enclosed FEMA obligation package and the *How to Manage Your Sub-Award* handbook.

Enclosed are two copies of the State-Sub-recipient Agreement; execute both copies and return one copy to AEMA Mitigation via US Mail and retain the other copy for your files. **Please fully read this agreement and pay close attention to #1 and #17.** Note that #17 on the State-Sub-recipient Agreement states: "The Sub-recipient will begin project work within 90 days of approval of the grant and complete all items of work within the specified period of performance (May 21, 2016 through May 21, 2018) unless an extension is granted to extend the time frame."

Quarterly progress reports are required each quarter until project completion. The first quarterly progress report will be due on July 1, 2016 and will report on activities completed during 3rd quarter 2016 (April – June 2016). Each subsequent report will be due on the first of the month following the end of each quarter (October 1, January 1, April 1, and July 1).

If you need additional information concerning this approval and the administration of this project, please contact Janice Doucet, Hazard Mitigation Senior Planner, at 205-280-2458.

Sincerely,

Art Faulkner
Director

AF/jd/lr

cc: Kyle Eskridge, AEMA Division Coordinator
Reggie L. Chitwood, Baldwin County EMA

Enclosures

U.S. Department of Homeland Security
FEMA Region IV
3003 Chamblee Tucker Road
Atlanta, GA 30341



FEMA

May 20, 2016

Art Faulkner, Director
Alabama Emergency Management Agency
5898 County Road 41
P.O. Drawer 2160
Clanton, AL 35046-2160

Attention: Kelli Alexander, State Hazard Mitigation Officer

Reference: Hazard Mitigation Grant Program (HMGP)
Project **4176-0026 City of Daphne Flood Acquisition and Demolition**

Dear Mr. Faulkner:

I am pleased to inform you that the project referenced above has been approved for \$162,825.00 with a Federal share of \$122,119. The project non-federal share of \$40,706.00 is provided by the City of Daphne, Alabama.

The following is the approved Statement of Work (SOW) for the above referenced project:

The acquisition and demolition of (1) flood prone single family residential structure located at 104 Gordon Circle, Daphne, AL 36526 (30.654389, -87.885911). After the purchase, the structure will be demolished within 90 days and the site will be restored as open space and deed restricted in perpetuity.

Standard Conditions:

1. Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.
2. This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.
3. If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

National Historic Preservation Act (NHPA) Conditions:

4. If human remains or intact archaeological deposits are uncovered, work in the vicinity of the discovery will stop immediately and all reasonable measures to avoid or minimize harm to the finds will be taken. The applicant will ensure that archaeological discoveries are secured in place, that access to the sensitive area is restricted, and that all reasonable measures are taken to avoid further disturbance of the discoveries. The applicants contractor will provide immediate notice of such discoveries to the applicant. The applicant shall contact the Alabama Historical Commission and FEMA within 24 hours of the discovery. Work in the vicinity of the discovery may not resume until FEMA has completed consultation with SHPO, Tribes, and other consulting parties as necessary. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Alabama Statutes, Section 13A-7-23.1. **Monitoring Required: No.**

Resource Conservation and Recovery Act, also known as Solid Waste Disposal Act (RCRA) Conditions

5. Applicant shall handle, manage, and dispose of potentially hazardous waste, universal waste, and hazardous materials in accordance with the requirements of local, state, and federal regulations. These materials may include, but are not limited to propane cylinders, paints and solvents, coolants containing chlorofluorocarbons (CFCs), used oil, other petroleum products, used oil filters, fuel filters, cleaning chemicals, laboratory reagents, pesticides, batteries, and unlabeled tanks and containers. Equipment that may include these materials are ice machines, refrigerators, generators, computers, televisions, mercury switches, fluorescent lights, fluorescent light ballasts, sandblast units, paint sprayers, etc. **Monitoring Required: No.**

Toxic Substances Control Act (TSCA) Conditions

6. If any asbestos containing material, lead based paint, and/or other toxic materials are found during construction activities, the applicant must comply with all federal, state and local abatement and disposal requirements under the Toxic Substances Control Act (TSCA). **Monitoring Required: No.**

FEMA will not establish activity completion timeframes for individual subgrants. The period of performance of the grant award will be 36 months from the close of the application period for DR-4176.

This project must adhere to all program guidelines established for the Hazard Mitigation Grant Program.

For close-out of this project, the Governor's Authorized Representative shall send a letter of request to close the project programmatically and financially. The letter will include the following: the date work on the project was fully completed, the date of the Grantee's final site inspection for the project, the final total project cost and Federal share, any cost underrun, a certification that reported costs were incurred in the performance of eligible work, that the approved work was completed, that the required programmatic, environmental, and any other conditions were met (including

attachment of any required documentation) and that the mitigation measure is in compliance with the provisions of the Agreement Articles and this approval letter.

A copy of the Grantee's final site inspection report will be enclosed with the close-out request letter. This report will contain, at minimum, all the data fields required for final site inspection reports for our HMGP program. The Grantee will ensure that all documentation necessary to close the project in the Property Site Inventory is also provided in the close-out request letter. For property acquisition and relocation projects, signed and dated copies of the open space deed restrictions must be provided at close-out.

Quarterly progress reports for HMGP projects are required. Please include this HMGP project in your future quarterly reports.

The National Environmental Policy Act (NEPA) stipulates that additions or amendments to a HMGP subgrantee SOW may have to be reviewed by all State and Federal agencies participating in the NEPA process.

The State (grantee) must obtain prior approval from the Federal Emergency Management Agency (FEMA) before implementing changes to the approved project SOW. Per the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments:

- The grantee must obtain prior written approval for any budget revision which would result in a need for additional funds.
- A change in the scope of work must be approved by FEMA in advance regardless of the budget implications.
- The grantee must notify FEMA as soon as significant developments become known, such as delays or adverse conditions that might raise costs or delay completion, or favorable conditions allowing lower cost or earlier completion.
- Any extensions of the grant POP must be submitted to FEMA 60 days prior to the expiration date.

The obligation report is enclosed for your records. Management and environmental reports are available in NEMIS. The obligated funds are available for withdrawal from **Smartlink** on sub-account number **4176DRALP00000005**.

If you have any questions, please contact William Arwood of my staff at (770) 220-8706.

Sincerely,



Jacky Bell, Chief
Hazard Mitigation Assistance Branch
Mitigation Division

Enclosure:
Obligation Report

HAZARD MITIGATION GRANT PROGRAM
CFDA #97.039
DR-4176-0026
City of Daphne
State-Sub-recipient Disaster Assistance Agreement

This agreement between the State of Alabama (the "State") and City of Daphne (the "Sub-recipient") shall be effective on the date signed by the State and the Sub-recipient. It shall apply to all assistance funds provided by or through the State to the Sub-recipient as a result of a presidentially declared disaster occurring within the State of Alabama.

The designated representative of the Sub-recipient certifies that:

1. The Sub-recipient has appointed by resolution a sub-recipient's local agent/designated representative to act on the jurisdiction's behalf [attach a copy of the resolution to the application].
2. He/She has legal authority to apply for federal assistance on behalf of the Sub-recipient.
3. The Sub-recipient will provide all necessary financial and managerial resources to meet the terms and conditions of receiving federal and state disaster assistance.
4. The Sub-recipient will use the disaster assistance funds solely for the purposes for which these funds are provided and as approved by the Governor's Authorized Representative/State EMA Director or his or her designee. Allowable costs shall be determined in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 44 CFR §206 and 2 CFR Part 200.
5. The payments for approved projects will be on a cost reimbursement basis and subject to receipt and approval of invoices.
6. The Sub-recipient is aware that there is no state funding available for mitigation cost sharing and that the Sub-recipient will be required to provide the full non-federal share for such mitigation activities.
7. The Sub-recipient agrees to provide the necessary local share of funding for completion of the project.
8. The Sub-recipient will establish and maintain a proper accounting system to record expenditure of disaster assistance funds in accordance with generally accepted accounting standards or as directed by the Governor's Authorized Representative/State EMA Director or his or her designee.
9. The Sub-recipient will comply with one of the following (as appropriate for the type of sub-recipient) for all audit requirements: 2 CFR (Part 200.501 and 200.501).
10. The local cost share funding will be available within the specified time.
11. The Sub-recipient will give all state and federal agencies designated by the Governor's Authorized Representative/State EMA Director or his or her designee access to and the right to examine all books, records, papers and other documents related to use of disaster assistance funds.

12. The Sub-recipient will maintain all documentation relating to project for eight (8) years from date of the declaration of the disaster.
13. The Sub-recipient will return to the state, within 15 days of such request by the Governor's Authorized Representative/State EMA Director or his or her designee, any funds which are not supported by audit or other federal or state review of documentation maintained by the Sub-recipient for eight (8) years from the date of the declaration of the disaster.
14. The Sub-recipient will comply with all applicable codes and standards relative to this project and agrees to provide maintenance, as appropriate.
15. The Sub-recipient will comply with all applicable provisions of federal and state laws, Executive Orders and regulations governing this program.
16. The Sub-recipient will comply with the Lead-Based Paint Poisoning Prevention Act which prohibits the use of lead based paint in the construction or rehabilitation of residence structures.
17. The Sub-recipient will begin project work within 90 days of approval of the award and complete all items of work within the specified period of performance (May 21, 2016 through May 21, 2018) unless an extension is granted to extend the time frame.
18. The Sub-recipient will comply with all federal and state statutes and regulations relating to non-discrimination including, but not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibit discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255) as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made, and (j) the requirements on any other nondiscrimination statute(s) which may apply to the application.
19. The Sub-recipient will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs.
20. The Sub-recipient will comply with provisions of the Hatch Act limiting the political activities of public employees.
21. The Sub-recipient will comply, as applicable, with provisions of the Davis-Bacon Act relating to labor standards.

22. The Sub-recipient will comply with the National Flood Insurance Program requirements, including, but not limited to, Section 102(a) of the Flood Disaster Protection Act of 1973.
23. The Sub-recipient will not enter into cost-plus-percentage-of-cost contracts for completion of Hazard Mitigation Grant projects.
24. The Sub-recipient will comply with all environmental standards including but not limited to: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.O. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.O. 93-205).
25. The Sub-recipient will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
26. The Sub-recipient will comply with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
27. The Sub-recipient will not enter into any contract, with respect to this award, with a condition for payment to the contractor being the receipt of state or federal funds by the Sub-recipient.
28. The Sub-recipient will not enter into any contract with any party, which is debarred or suspended, from participating in federal assistance programs.
29. The project's scope-of-work will not be changed without prior written approval from FEMA.
30. The Sub-recipient will not dispose of, modify the use of, or change the terms of the real property title, or interest in the site or facilities without permission and instructions from FEMA. The Sub-recipient will record the federal interest in the title of real property in accordance FEMA directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project.
31. The Sub-recipient will comply with the requirements of FEMA with regard to the drafting, reviewing, and approval of construction plans and specifications.
32. The Sub-recipient will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the completed project conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by FEMA or the State.
33. The Sub-recipient will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.

34. The Sub-recipient will promptly reimburse the State in the event of a reduction in the approved amount described in the project application the amount of the reduction. If the Sub-recipient fails to promptly reimburse the State, the State may withhold from this award or any other federal award administered by the State which is awarded to the Sub-recipient any amounts owed to the State.
35. The Sub-recipient certifies to the best of its knowledge and belief that it and its principals:
- A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from cover transactions by any Federal department or agency;
 - B. Have not within a 3-year period preceding this proposal been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction; or violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statement, or receiving stolen property;
 - C. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or Local) with commission of any of the offenses enumerated in paragraph B of this certification; and
 - D. Have not within a 3-year period preceding this application or proposal had one or more public transactions (Federal, State, and Local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 U.S.C. §1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

36. The Sub-recipient certifies that it will provide a drug-free workplace by:
- A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Sub-recipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - B. Establishing a drug-free awareness program to inform employees about:
 - (i) The dangers of drug abuse in the workplace;
 - (ii) The Sub-recipient's policy of maintaining a drug-free workplace;
 - (iii) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (iv) The penalties that may be imposed on employees for drug abuse violations occurring in the workplace;
 - C. Making it a requirement that each employee to be engaged in the performance of the project be given a copy of the statement required by paragraph (A);
 - D. Notifying each employee in the statement required by paragraph (A) that, as a condition of employment under the award, the employee must:
 - (i) Abide by the terms of the statement; and
 - (ii) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;
 - E. Notifying the Award Official within 10 days after receiving notice under subparagraph (D)(ii) from an employee or otherwise receiving actual notice of such conviction;
 - F. Taking one of the following actions, within 30 days of receiving notice under subparagraph (D)(ii), with respect to any employee who is so convicted:
 - G. Making a good-faith effort to continue to maintain a drug-free workplace through implementation of paragraphs A - F.

The Sub-recipient shall insert in the space provided below the site(s) of the performance of work done in conjunction with the specific award.

Place of performance (street, city, county, state, zip code)

37. The Sub-recipient certifies, to the best of its knowledge and belief, that:
1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Sub-recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee or a member of Congress in connection with the awarding of any Federal contract, the making of any Federal award, the making of any Federal loan, the entering into any cooperative agreement, or modification of any Federal contract, award, loan, or cooperative agreement.
 2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, award, loan, or cooperative agreement, the Award Recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
 3. The Sub-recipient shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-awards, and contracts under awards, loans, and cooperative agreement(s) and that all sub-recipients shall certify and disclose accordingly.
 4. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of the certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for such failure.

37. The Sub-recipient will provide copies of audit reports that include funds provided under this agreement to:

State of Alabama
Department of Examiners of
Public Accounts
P. O. Box 302251
Montgomery, AL 36130-2251
Attn: Audit Report Repository

and

State of Alabama
Emergency Management
Agency
P.O. Drawer 2160
Clanton, AL 35046
Attn: Hazard Mitigation

38. Contracts must be of reasonable cost, generally must be competitively bid, and comply with Federal, State, and local procurement standards. FEMA will reimburse only fair and reasonable costs of any contract entered into by the Sub-recipient. The Sub-recipient must consider costs, conflicts of interest, and all Federal, State, and local laws and regulations when hiring a contractor. Compliance with local procurement practices and the procurement competition requirements specified in 2 CFR Part 200.317-200.326 are essential to successfully receiving Mitigation award funding. The Federal procurement regulations ensure that sub-recipient's procure contracts in a manner that provides full and open competition, and provide financial and record-keeping requirements. In addition, the Sub-recipient should maintain a written code of standards for conduct governing the performance of employees, officers, or agents who select and award contracts. It is important that applicants secure contracts with reputable and qualified licensed contractors. The Sub-recipient's should conduct reference checks on a contractor's history of performance with the State's contractor licensing board and with the contractor's previous clients before awarding contracts.

Pursuant to 2 CFR Part 200.319 (a)(1)-(7), the Sub-recipient may not restrict the bidding in order to disqualify a population of bidders. Some of the situations considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable requirements on firms in order for them to qualify to do business
- Requiring unnecessary experience and excessive bonding
- Noncompetitive pricing practices between firms or between affiliated companies
- Noncompetitive awards to consultants that are on retainer contracts
- Organizational conflicts of interest
- Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance of other relevant requirements of the procurement
- Any arbitrary action in the procurement process

If the Sub-recipient has a pre-qualified lists of persons, firms, or products, it must keep such lists current in order to ensure open and free competition during the bidding process, in accordance with 2 CFR Part 200.319(d), which states: "*Recipients and sub-recipients will ensure that all pre-qualified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, recipients and sub-recipients will not preclude potential bidders from qualifying during the solicitation period.*"

Methods of Procurement

The Sub-recipient may request that FEMA review its procurement process to determine whether the process meets the standards set forth in 2 CFR 200.317-200.326. FEMA finds the following four methods of procurement acceptable:

Small purchase procedures procurement, an informal method for securing services or supplies that do not cost more than \$100,000 by obtaining several price quotes from different sources.

Sealed bids procurement, a formal method where bids are publicly advertised and solicited, and the contract is awarded to the responsible bidder whose proposal is the lowest in price. This method is the preferred method for procuring construction contracts.

Competitive proposals procurement, a method similar to sealed bid procurement in which contracts are awarded on the basis of contractor qualifications instead of on price. This method is often used for procuring architectural or engineering professional services. In addition, this method normally involves more than one source submitting an offer and is used when conditions are not appropriate for sealed bids.

Noncompetitive proposals procurement, a method whereby a proposal is received from only one source. Noncompetitive proposals should only be used when the award of a contract is not feasible under small purchase procedures, sealed bids, or competitive proposals, and one of the following circumstances applies:

- The item is available only from a single source
- There is an emergency requirement that does not permit a delay
- Solicitation from a number of sources has been attempted, and competition is determined to be inadequate

A contract may be regarded as noncompetitive if the Sub-recipient has only one responsive bidder. In this case, the Sub-recipient is required to comply with 2 CFR Part 200.321(f), which states in part: “...A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.”

The Sub-recipient is required by 2 CFR Part 200.323(b) to negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. Consideration shall be given to the complexity of the work performed, risk borne to the contractor, contractor’s investment, amount of subcontracting, quality of the contractor’s record of past performance, and industry profit rates in the surrounding geographical area for similar work.

FEMA provides reimbursement for four types of contracts:

Lump sum contracts, for work within a prescribed boundary with a clearly defined scope and a total price

Unit price contracts, for work done on an item-by-item basis with cost determined per unit

Cost-plus-fixed-fee contracts, either lump sum or unit price contracts with a fixed contractor fee added into the price

Time-and-materials contracts, where the contractor bills the applicant for labor, equipment, materials, and overhead. These contracts should be avoided, but may be allowed Time-and-materials contracts are allowed in circumstances when they are more cost-effective and appropriate for the amount and type of eligible work to be performed. The costs must be reasonable for the type of work required. The Sub-recipient must engage in comprehensive active monitoring activities to ensure contractor efficiency. If a time-and-materials contract is awarded, the applicants must:

- Monitor and document contractor expenses;
- Have a cost ceiling or “not to exceed” provision in the contract; and
- Contact the State to ensure proper guidelines are followed.

The Sub-recipient should work closely with the State and FEMA when awarding the time-and-materials contracts to ensure eligibility requirements are met.

Contract Scope of Work Recommendations

The contract scope of work should reference “eligible work,” “work eligible under FEMA Mitigation regulations, policies, and guidance,” “work performed on public property and/or public rights-of-way,” or other similar elements.

Piggyback Contracts

FEMA does not favor “piggyback contracts.” The variables associated with the scope of work and costs generally make this an option to be avoided. The competitive procurement requirements of 2 CFR Part 200.319 are also a prime concern. If FEMA encounters a request for

reimbursement of costs derived from such a contract, the reimbursable costs for eligible work will be based on reasonableness.

Prohibited Contracts

In accordance with 2 CFR Part 200.323(d), cost plus percentage of cost contracts shall not be used. Use of such contracts may result in FEMA limiting the Mitigation grant to an amount determined to be reasonable based on the eligible work performed. Contracts that are awarded by an applicant to debarred contractors are prohibited pursuant to 2 CFR 200.205(d) and Part 100; thus, no Federal funding can be awarded for eligible work completed.

Additional Contract Requirements

Contract payment provisions should address the obligations between parties to the contract only and not include any language that makes payment to the contractor contingent upon the applicant's receipt of funding from FEMA.

All contracts in excess of \$10,000 must contain a provision for termination for cause and for convenience by the Sub-recipient, including the manner by which it will be effected and the basis for settlement, according to 2 CFR Part 200.340.

For contracts over \$100,000 the applicant must have the following minimum bonding requirements, in accordance with 2 CFR Part 200.325(b)-(c):

- A bid guarantee from each bidder equivalent to five percent of the bid price;
- A performance bond on the part of the contractor for 100 percent of the contract price; and
- A payment bond on the part of the contractor for 100 percent of the contract price.

In accordance with 2 CFR Part 200.318(h): *"Recipients and sub-recipients will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources."*

Documentation requirements are specified in 2 CFR Part 200.318 (i) and include, but are not limited to, rationale for the procurement method, contract type, contractor selection or rejection, and the basis for contract price.

Signed for the Sub-recipient:

Dane Haygood
Name (Typed)

Title

Signature

Date

Signed for the State:

Art Faulkner
Director (Typed)



Signature

05/24/2016
Date

HAZARD MITIGATION GRANT PROGRAM

Obligation

Disaster No	FEMA Project No	Amendment No	State Application ID	Action No	Supplemental No	State	Grantee
4176	26-R	0	28	1	5	AL	Statewide

Subgrantee: Daphne

Project Title : City of Daphne Acquisition

Subgrantee FIPS Code: 003-19648

Total Amount Previously Allocated	Total Amount Previously Obligated	Total Amount Pending Obligation	Total Amount Available for New Obligation	Project Amount	Grantee Admin Est	Subgrantee Admin Est	Total Obligation	IFMIS Date	IFMIS Status	FY
\$122,119	\$122,119	\$0	\$0	\$122,119	\$0	\$0	\$122,119	05/24/2016	Accept	2016

Comments

Date: 05/23/2016 User Id: WARWOOD1

Comment:

MA approves new funding obligation of \$122,119 federal share, for eligible activities to implement project HMGP-DR-4176-AL-0026-F of Daphne Flood Acquisition and Demolition in Baldwin County, Alabama as projected on the May 2016 spend plan. Total approved cost: \$162,825.

Date: 05/23/2016 User Id: DBURKETT

Comment: 4176-0026-R-DR-AL-HMGP City of Daphne Aplcn Id: 28 Amendment 0 Action 1 Acquisition/Demolition Baldwin County Allocation Nr reported on the May Spend Plan Federal share \$122,119 approved, HMO.

Authorization

Preparer Name: WILLIAM ARWOOD

Preparation Date: 05/23/2016

HMO Authorization Name: DEBORAH BURKETT

HMO Authorization Date: 05/23/2016

HAZARD MITIGATION GRANT PROGRAM
Project Cost Line Report

Project Cost Line Item Report

Disaster Number: 4176 State: AL FEMA Proj Nr: 26 - R Application ID: 28 Project Amendment Nr: 0

Do not Include Administrative Cost. These are calculated when funds are obligated for approved projects.

----- Item Name -----	Unit Qty	Unit of Measure	Unit Cost	Cost Estimate
Fair market value of the property	1	LS	\$150,000.00	\$150,000.00
Demo	1	LS	\$10,000.00	\$10,000.00
Appraisal cost	1	LS	\$325.00	\$325.00
Closing cost	1	LS	\$2,500.00	\$2,500.00
		Total Project Cost Estimate		\$162,825.00

CITY OF DAPHNE

ORDINANCE NO. 2016-29

**AN ORDINANCE AMENDING ARTICLE XXXIII OF THE CITY OF
DAPHNE'S LAND USE AND DEVELOPMENT ORDINANCE / SIGN PROVISIONS**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of March 24, 2016 set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on May 2, 2016.

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

SECTION I: This section hereby amends the City of Daphne Land Use and Development Ordinance by replacing sections of Section 33-5 (g) with the following:

(5) Districts in Which Authorized, Non-Illuminated:

- a.) Two (2) non-illuminated political signs per lot or parcel may be placed on private property in any residential zoning district in the City.
- b.) One (1) non-illuminated political sign may be placed on private property perpendicular to each street frontage in any business, commercial and industrial district in the City for each candidate and for each issue.

(7) Maximum Size in Business, Commercial and Industrial Districts:

Political signs in business, commercial and industrial districts shall no exceed thirty-two (32) square feet in area or eight (8) feet in height.

SECTION II: CONFLICT WITH OTHER ORDINANCE

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

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

SECTION V: REPEALER

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

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, ON THIS THE ____ DAY OF _____, 2014.

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

ORDINANCE 2016-30

Appropriation for Appraisal, Survey and Associated Purchase Fees for the Liberty Bank & Trust Bayfront Property

(two tracts (parcels) of land totaling 12.1 acres, more or less, located on the west side of U.S. Hwy 98)

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 currently has a contract to purchase the property held by the Tuskegee Bank.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds from the Lodging Tax Fund are hereby appropriated and made a part of the Fiscal Year 2016 budget an amount not to exceed \$220,000 with \$10,000 for appraisal, inspection, survey, closing costs and \$210,000.00 for the land purchase of the following real property:

- **PPIN 073532, Parcel ID 32-09-37-0-003-001.014, 8.9 acres +/-**
- **PPIN 114019, Parcel ID 43-03-06-0-004-003.005, 3.2 acres +/-**
- **Being two tracts (parcels) of land totaling 12.1 acres, more or less, located on the west side of U.S. Highway 98, immediately west of and adjacent to, the following commercial properties (from North to South): Spriggs Enterprises, LLC; Market by the Bay; Auto Maxx; South China Restaurant; Zaxby's Chicken Fingers Restaurant; Winning Properties, LLC; Taco Bell; Top of the Bay/Los Tacos; and Hooters, comprising the property's eastern boundary and the western boundary being the eastern shore of Mobile Bay for an approximate shoreline distance of 1420 feet, lying in Grant Section 37, Township 4 South, Range 2 East and Section 6, Township 5 South, Range 2 East, in the City of Daphne, Baldwin County, Alabama.**

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

ORDINANCE 2016-31

Sewer Projects: 1) Douglas Road, 2) Van Buren Street, 3) Schieffelin Lane-Jordan Lane East, 4) 6th Street, & 5) Greystone Subdivision

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, areas remain in the City of Daphne that need to be sewerred and the projects bids have been received; and

WHEREAS, the City Council has determined it to be in the best interest of the City to complete the sewer projects throughout the City; and

WHEREAS, design engineering services in the amount of \$97,841 was previously appropriated in Ordinance 2014-42 and additional appropriation is needed to complete the sewerred in the City of Daphne

WHEREAS, the total estimated project cost for engineering, materials, and labor is \$218,240 and the Daphne Utility Board has agreed to provide in-kind labor for these small projects; and

WHEREAS, funding is needed from the City for engineering and pipe materials for the project at an estimated cost of \$100,000.

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

1. After the Daphne Utility board obtain public bids for the pipe materials for the sewer projects.
2. funds **be transferred from the General Fund to the Capital Reserve Fund** are hereby appropriated and made a part of the Fiscal Year 2016 budget up to the amount of **\$100,000** to sewer the following five areas: 1) Douglas Road, 2) Van Buren Street, 3) Schieffelin Lane-Jordan Lane East, 4) 6th Street, & 5) Greystone Subdivision of the City of Daphne.
3. The Mayor is authorized to enter into any agreements with the Daphne Utility Board for the City to fund the purchase of the pipe materials and the Utility Board to provide in-kind labor.

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

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF DAPHNE AND THE UTILITIES BOARD OF THE CITY OF DAPHNE**

Whispering Pines Low Pressure Sewer System

The parties agree that The Utilities Board of the City of Daphne (“Daphne Utilities”) will provide the labor needed to install low pressure sewer lines in the following areas:

1. Douglas Road
2. Van Buren Street
3. Schieffelin Lane – Jordan Lane East
4. 6th Street
5. Greystone Subdivision

The City of Daphne (“City”) will provide all the engineering, materials, easements and will be in charge of all other aspects of installing these sewer lines, other than the labor needed for installation. Daphne Utilities has agreed to provide the labor for these lines at its own cost.

Once the newer lines are installed and meet Daphne Utilities’ specifications, the sewer lines will be owned by Daphne Utilities for use in its system.

The City Council and the Board of Daphne Utilities have agreed to these terms and have authorized the Mayor of the City and the General Manager of Daphne Utilities to sign this Memorandum to evidence the parties’ agreement.

Dated this ___ day of June, 2016.

The Utilities Board of the City of Daphne

By: _____
Its: General Manager

The City of Daphne

By: _____
Its: Mayor

CITY OF DAPHNE
ORDINANCE 2016-32
AN ORDINANCE TO REGULATE THE DISTRIBUTION OF HANDBILLS
IN THE CITY OF DAPHNE

WHEREAS, the City Council of the City of Daphne, Alabama deems it to be in the best interest of public health, safety, and the general welfare of its citizens to regulate the distribution of commercial handbills within the City of Daphne.

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

SECTION ONE DEFINITIONS

For the purposes of this Ordinance the following terms, phrases, words and their derivatives shall have the meaning given herein. The word “shall” always mandatory and not merely directory.

1. “Commercial handbill” means any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature which does any of the following:
 - A. Advertises for sale any merchandise, product, commodity or thing; or,
 - B. Directs attention to any business or mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting interest thereof by sales; or,
 - C. Directs attention to or advertises any meeting, theatrical performance exhibition or event of any kind for which an admission fee is charged for private gain or profit; or,
 - D. While containing reading matter other than advertising matter is predominantly and essentially an advertisement, and is distributed or circulated solely for advertising purposes or for the benefit and gain of any person, business or commercial establishment engaged in the advertising therein.
2. “Newspaper” means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition, thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

3. “Noncommercial handbill” means any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definition of a “commercial handbill.”
4. “Occupant” means the owner, tenant or person in possession or charge of any house, dwelling unit, building, lot or premises.
5. “Owner” means any person who alone or jointly or severally with others has legal title to real property including any person serving as employee or agent of the title holder or as a trustee or guardian of the estate or person of the title holder.
6. “Person” means any individual, partnership, association, syndicate, company, firm, trust, corporation, business, entity or organization of any kind.
7. “Private premises” means any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, and shall include the yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging to or appurtenant to such dwelling, house, building or other structure.
8. “Public place” means any area that is used or held out for use of the public and includes streets, sidewalks, street rights-of-ways, alleys,. Public ways and all public parks, squares, grounds and playgrounds.

SECTION TWO

HANDBILL DISTRIBUTION – PUBLIC PLACES

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the City; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute any such handbills to any person willing to accept it.

SECTION THREE

HANDBILL DISTRIBUTION – VACANT PROPERTY

No person shall knowingly throw, deposit or distribute any commercial or noncommercial handbill in or upon any private premises which are uninhabited or vacant in any of the following circumstances:

- a) Where it is apparent that such property is unoccupied; or
- b) Where it is apparent that handbills placed or delivered on previous days have not been removed.

SECTION FOUR HANDBILL DISTRIBUTION – POSTED PREMISES

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises if requested by the owner, occupant or person in control of such premises not to do so, or if there is posted on said premises in a conspicuous position a sign bearing the words “No Trespassing”, “No peddlers or Agents”, “No Advertisements” or any similar notice indicating in any manner that the occupants of the premises do not desire to have their privacy disturbed or to have any such handbills left or deposited on such premises.

SECTION FIVE HANDBILL DISTRIBUTION – INHABITED PREMISES

No person shall throw, deposit deliver or distribute or cause to be thrown, deposited, delivered or distributed any commercial or noncommercial handbill in or upon private premises which are inhabited, and which are not posted as provided in Section Four of this Ordinance except in the following manner:

- a) By delivering any such handbill directly into the personal possession of the owner, occupant or other person then present in or upon such private premises; or,
- b) By leaving such handbill on the private premises provided that it is wrapped, tied folded or otherwise secured so that it will not be blown loose by the wind or other elements.

**SECTION SIX HANDBILL DISTRIBUTION – INHABITED PREMISES –
DO NOT DELIVER REQUESTS**

No person shall throw, deposit, deliver, or distribute or cause to be thrown, deposited delivered, or distributed any commercial or noncommercial handbill in or upon private premises if the owner, occupant or person in control of the premises has requested that such handbill not be delivered to his or her premises.

A distributor of any commercial or noncommercial handbill may establish a system (including by telephone, a website or email) for required use by the owner, for developing and maintaining a list of those persons who have requested that such a handbill not be delivered to his or her premises. If the distributor of such handbill chooses to develop and maintain such a list a copy of such list shall be provided to the City of Daphne in an electronic and searchable format in intervals of no less than thirty (30) days. The distributor shall have a period of fourteen (14) days to cease delivery to the premises of any person who has requested that such handbill not be delivered to his or her premises after which period of time no person shall throw, deposit deliver or distribute or cause to be thrown, deposited, delivered or distributed that handbill in or on the premises.

SECTION SEVEN HANDBILL DISTRIBUTION – MAIL EXEMPTED

The provisions of this Ordinance shall not apply to the distribution of mail by the United States.

**SECTION EIGHT HANDBILL DISTRIBUTION – SUBSCRIPTION
PUBICATION EXEMPTED**

The provisions of this Ordinance shall not apply to the distribution of newspapers, commercial handbills or noncommercial handbills in or upon private premises when an occupant or owner of said private premises is currently subscribing to such newspapers or such handbills or has requested that such newspapers or such handbills be delivered. A newspaper, commercial handbill or noncommercial handbill may be delivered to private premises when an occupant or owner of the private premises is not currently subscribing to such newspaper or such handbill or has not requested that such newspaper or such handbill be delivered provided that such is delivered or distributed in compliance with Section Five of this Ordinance, and not otherwise left or thrown upon the premises, and provided further that the owner, occupant or other person in charge of the premises has not requested that such handbill not be delivered to his or her premises as provided in Section Six of this Ordinance.

**SECTION NINE HANDBILL DISTRIBUTION – ENFORCEMENT
PROCEDURES**

- A. A City of Daphne police officer may choose to cite and release a person accused of violating this Ordinance. The “Uniform Non-traffic Citation and Complain” (“UNTCC”) shall serve as the charging instrument and shall be issued in accordance with Rule 20 of the Alabama Rules of Judicial Administration.
- B. A city employee designated as an enforcement officer may issue a municipal offense ticket (“MOT”) for a violation of this Ordinance. The person charged with a violation must within the time period specified on the MOT or within seventy-two (72) hours before the court date shown on the MOT:
 - 1) Appear in person before a Magistrate Judge, sign a plea of guilty waiver of rights on the MOT, and pay the fine and applicable court costs. The Magistrate shall retain a copy of the MOT; or
 - 2) Sign the plea of guilty waiver of rights provision on the MOT and mail or hand deliver to the Clerk of the Municipal Court the signed page and payment of the amount of the fine and applicable court costs. Remittance by mail or hand delivery of the fine and costs constitutes a guilty plea and waiver of trial even if the “plea of guilty waiver of rights” provision of the ticket has not been signed by the defendant. If the amount sent is insufficient then the money received by the clerk shall be considered to be a partial payment, it shall be applied by the clerk to the fine and costs, and shall be deposited as required by law. The clerk may give notice of the insufficiency, and a supplemental summons or warrant of arrest may

- 3) be issued for the defendant’s arrest, and a judgment shall be entered for the balance due; or
 - 4) Sign the MOT and agree to appear in court on the date and at the time shown on the MOT to protest the charges. If the defendant fails to appear, the court may, in its discretion issue further notice or a supplemental summons or warrant of arrest.
- C. Employees of the city designated as enforcement officers who observe violations of this Ordinance are further authorized to appear before the magistrate and request a summons or warrant to be issued pursuant to Rule 3.1 of the Alabama Rules of Criminal Procedure.
- D. Employees of the city, designated as enforcement officers may issue corrective notice to persons suspected of violating this Ordinance. The issuance of a corrective notice is, however, not required prior to the issuance of a MOT, UNTCC or warrant.

SECTION TEN PENALTIES

Any person who pleads guilty or is found guilty of a violation of this Ordinance may be punished by a fine of not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00), by imprisonment for not more than six (6) months or may be sentenced to perform community service as directed by the judge or to take other remedial action to comply with the terms of this Ordinance in lieu of a fine or imprisonment. Each day a violation of this Ordinance is committed or permitted to continue shall constitute a separate offense.

SECTION ELEVEN SCHEDULE OF FINES

Ordinance 2010-46, Establishing Penalties and Enforcement Procedures for Violation of Municipal Ordinances be amended so as to provide for a fine in the amount of \$250.00 for violation of this Ordinance by adding the following to the schedule of fines:

Distribution of Handbills Ordinance Violations. \$250.00

SECTION TWELVE SEVERABILITY CLAUSE

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION THIRTEEN EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption and publication as required by law.

ADOPTED AND APPROVED ON THIS _____ DAY OF _____, 2016.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk