

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

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

INVOCATION / Neil Beasley, Director Community Life Center, Daphne United Methodist Church

PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council Meeting Minutes / August 1, 2016

Council Work Session Minutes / August 8, 2016

PUBLIC HEARING: Amending the Land Use and Development Ordinance 2011-54 / Article XI, Minimum Standards and Requirements for Subdivisions and Commercial Developments / Revised Subdivision Exemptions / New ETJ Exemptions / Revised Sidewalk Provisions / **Ordinance 2016-54**

- 4. REPORTS OF STANDING COMMITTEES:**

- A. FINANCE COMMITTEE – Fry**
Review minutes / August 8th

- 1.) Ordinances**

- a.) Appropriation from Seven Cent Gas Tax Fund
 - i.) City-Wide Road Way Striping
 - ii.) Painting of Mast Arm Signals – US Hwy 98 / Whispering Pines / CR 64
 - iii.) Repair and Resurfacing of Sixth Street / College to Belrose Avenue – 1,500 feet / **Ordinance 2016-53**
- b.) Appropriation of General Funds: Bertolla Land Donation on Milton Jones Road for FS/PS Complex Survey & Closing Fees / **Ordinance 2016-50**
- c.) FLSA Overtime Rule Changes: Job Reclassifications / **Ordinance 2016-51**
- d.) Amending Ordinance 2014-06 / Reallocating a Portion of the Lodging Tax: IDB to Recreation / **Ordinance 2016-52**

- 2.) Resolutions:**

- a.) Increasing Employee Participation for Health Insurance Benefits / **Resolution 2016-58**

- 3.) Financial Reports:**

- Treasurers Report / July 2016
- Sales & Use Tax Collections / June 2016
- Lodging Tax Collections / June 2016

- B. BUILDINGS & PROPERTY COMMITTEE - Lake**
Review minutes / August 1st

C. PUBLIC SAFETY - Conaway

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway
Review minutes / July 27th

C. INDUSTRIAL DEVELOPMENT BOARD – Phillips

D. LIBRARY BOARD – Lake

E. PLANNING COMMISSION – Scott
Review minutes / June 23rd / Staff Report / July 28th meeting

a.) **MOTION:** Set a Public Hearing Date for September 19, 2016 and approve advertising to consider:

a.) Pre-Zoning: James V. Roberts, as Conservator for Jeannette D. Lazzari

Location: Northeast of Edgewood Drive and CR 64

Present Zoning: RA, Rural Agricultural, Baldwin County District 15, in Extraterritorial Planning Jurisdiction

Requested Zoning: PUD, Planned Unit Development, City of Daphne

Recommendation: Unanimous favorable recommendation with certain conditions regarding the developer’s mitigation of traffic impacts caused by the proposed development, and city staff presenting to the City Council a conclusion of the traffic impact study provided by the developer for review, and consideration of future traffic improvements in this area

b.) Annexation: James V. Roberts, as Conservator for Jeannette D. Lazzari

Location: Northeast of Edgewood Drive and CR 64

Recommendation: Unanimous favorable recommendation with certain conditions regarding the developer’s mitigation of traffic impacts caused by the proposed development, and city staff presenting to the City Council a conclusion of the traffic impact study provided by the developer for review, and consideration of future traffic improvements in this area

F. RECREATION BOARD / LeJeune

G. UTILITY BOARD – Fry

6. MAYOR’S REPORT

7. CITY ATTORNEY’S REPORT

8. DEPARTMENT HEAD’S REPORT

9. CITY CLERK’S REPORT

- a.) Event Permit / Bayside Academy Homecoming Parade / September 16, 2016
- b.) ABC License / Ronald McDonald House Charities of Mobile / 240 – Non Profit Tax Exempt
- c.) **MOTION:** To call a Special Called Council meeting August 29, 2016 6:00 P.M. to discuss the 2017 Budget and anything else deemed necessary
- d.) **MOTION:** To call a Special Called Council meeting August 30, 2016 12:00 Noon to Canvass the Vote of the August 23, 2016 Municipal Election

10. PUBLIC PARTICIPATION

11. RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

- a.) **Resolution 2016-57**.....Approving Off-Street Parking / South Side of Lincoln Street / East of North Main
- b.) **Resolution 2016-58**.....Increasing Employee Participation for Blue Cross / Blue Shield Medical Insurance Benefits
- c.) **Resolution 2016-59**.....Consenting to Annexation of Certain Parcels of Real Property Into the Corporate Limits of the City of Daphne / Legislative Act

ORDINANCES:

2ND READ

- a.) **Ordinance 2016-49**.....Regulate Taxi Cabs and Vehicles for Hire

1ST READ

- a.) **Ordinance 2016-50**.....Appropriation of General Funds: Appraisal, Survey and Associated Closing Fees for Donated Property Located on Milton Jones Road
- b.) **Ordinance 2016-51**..... Amending Job Classification Schedule to Address the Fair Labor Standards Act
- c.) **Ordinance 2016-52**.....Amending Ordinance 2014-06 Reallocating a Portion of the Lodging Tax
- d.) **Ordinance 2016-53**.....Appropriation of the Seven Cents Gas Tax Funds: City-Wide Roadway Striping, Painting of Mast Arm Signals – US Hwy 98 (*Whispering Pines / CR 64*), Repair and Resurfacing of Sixth Street
- e.) **Ordinance 2016-54**..... Amending the Land Use and Development Ordinance 2011-54 / Amendments to Article XI, Minimum Standards and Requirements for Subdivisions and Commercial Site Developments: Subdivision Exceptions & Exemptions within the City Limits; Extraterritorial Jurisdiction Subdivision Exceptions & Exemptions; Sidewalk Provisions

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

1. CALL TO ORDER:

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

2. ROLL CALL

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

Also Present: Mayor Haygood; Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Jay Ross, City Attorney; Kevin Boucher, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; Richard Johnson, Public Works Director; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; Tonja Young, Library Director; Vickie Hinman, HR Director; David McKelroy, Recreation Director; Captain Judd Beedy, Police Department; Beautification Committee; Dorothy Morrison, Victoria Phelps, Tomasina Werner; Al Guarisco, Village Point Foundation.

Absent: David Carpenter, Police Chief; Richard Merchant, Building Official.

INVOCATION/PLEDGE OF ALLEGIANCE:

Associate Pastor Michael Kirkpatrick with Church of His Presence gave the invocation.

RECOGNIZING: Daphne Girls Softball Team / Winner of the World Series

Mr. Paul Strasser, President of the Daphne Girls Softball Association introduced the girls on the team to council, and the girls came forward with their trophies, and thanked the council for their support.

3. APPROVE MINUTES:

MOTION BY Councilman LeJeune to approve the July 18, 2016 council meeting minutes and the July 21, 2016 special called council meeting minutes as written. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Fry

The next meeting will be August 8th at 4:30 p.m.

B. *BUILDINGS & PROPERTY COMMITTEE* – Lake

The committee met today, and the minutes will be in the next packet.

C. *PUBLIC SAFETY COMMITTEE* – Conaway

The July 18th minutes are in the packet, and the next meeting will be August 15th at 4:30 p.m.

D. *CODE ENFORCEMENT/ORDINANCE COMMITTEE* – Scott

The July 18th minutes are in the packet, and the next meeting will be August 15th after the Public Safety meeting.

**AUGUST 1, 2016
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E. PUBLIC WORKS COMMITTEE – LeJeune

The committee met today, and the next meeting will be September 6th at 5:30 p.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

No report.

B. Downtown Redevelopment Authority – Conaway

The next meeting will be August 24th at 5:30 p.m.

C. Industrial Development Board – Phillips

The board met this past Monday. The DISC annexation is on the agenda for a 2nd read tonight.

D. Library Board – Lake

The next meeting will be August 11th at 4:00 p.m. The Library had a second reading program and several hundred children participated.

E. Planning Commission – Scott

The next meeting will be August 25th at 5:00 p.m.

F. Recreation Board – LeJeune

Councilman LeJeune thanked his fellow councilmen on the quick move at the July 21st special called council meeting authorizing the clearing of the underbrush on Park Drive property. He is appreciative of the girls' softball team for being at the council meeting tonight, and he looks forward to the new fields for the girls.

G. Utility Board – Fry

(See Council Comments for report)

6. MAYOR'S REPORT

Mayor Haygood reported that they closed on the refinancing of the bond issue and cashed in at \$841,000 with a \$720,000 savings. The city is now using the P-Card system where the city gets a rebate from using the card. They have used it to pay bills electronically which saves the city money, and in in June the city saved \$2,108.

7. CITY ATTORNEY REPORT:

No report.

8. DEPARTMENT HEAD COMMENTS:

David McKelroy – Recreation Director – reported the football schedule which has 205 participants.

Margaret Thigpen – Civic Center Director – reported that the date for the Taste of the Eastern Shore has been rescheduled from August 12th to September 23rd.

Richard Johnson – Public Works Director – reported that Wednesday work will begin on removing the May Day Park boat ramp. They will be barricading the road going down to the boat ramp. They will also be replacing the railing on the pier. Construction and destruction will take one week to complete.

**AUGUST 1, 2016
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9. CITY CLERK'S REPORT:

Events Permit / Apollo's Mystic Ladies / Mardi Gras / February 17, 2017

MOTION BY Councilman Scott to approve the Events Permit for Apollo's Mystic Ladies / Mardi Gras / February 17, 2017. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

10. PUBLIC PARTICIPATION

Mr. Rod Drummond – Ridgewood Drive – spoke regarding candidates for the election not coming to council meetings, but only come when running for office.

Ms. Victoria Phelps – Worchester Drive – thanked the council for their service, dedication and accomplishments over the last four years.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Resolution 2016-54.** Officer Elected Without Opposition
- b.) **Resolution 2016-55.** Appointing Election Officials for the Municipal Election
- c.) **Resolution 2016-56.** Authorizing All-Way Stops at the Intersection of North Lamhatty Lane and Cowles Crossing / Estates of Tiawasee / Retreat at Tiawasee Subdivisions

- a.) **Resolution 2016-54.** Officer Elected Without Opposition
- b.) **Resolution 2016-55.** Appointing Election Officials for the Municipal Election
- c.) **Resolution 2016-56.** Authorizing All-Way Stops at the Intersection of North Lamhatty Lane and Cowles Crossing / Estates of Tiawasee / Retreat at Tiawasee Subdivision

MOTION BY Councilwoman Conaway to waive the reading of Resolutions 2016-54, 2016-55, 2016-56. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Resolution 2016-54. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Resolution 2016-55. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Resolution 2016-56. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

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

ORDINANCES:

2ND READ

- a.) **Ordinance 2016-41**.....Rezone: Property Located Southeast of the Intersection of Pollard Road and Well Road / McBride; Romero
- b.) **Ordinance 2016-42**.....Rezone: Property Located Southeast of the Intersection of County Road 64 and Friendship Road / AJD Family Limited Partnership, LLC
- c.) **Ordinance 2016-43**.....Rezone: Property Located Northwest of the Intersection of Halls Lane and U.S. 98 / Eastern Shore Associates, LLC
- d.) **Ordinance 2016-44**.....Rezone: Property Located Northwest of the Intersection of County Road 64 and Pollard Road / Anne K. Irvine
- e.) **Ordinance 2016-45**.....Annexation: Property Located at the Southwest Corner of the Intersection of Champions Way and Alabama Highway 181 / The Bill's No. 2, LLC
- f.) **Ordinance 2016-46**.....Amending the 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
- g.) **Ordinance 2016-47**.....Appropriation of Additional Funds /General Funds: Old Daphne Wharf ROW Drainage Improvements / (NRCS Project)
- h.) **Ordinance 2016-48**.....Authorizing the Issuance of \$8,600,000 of General Obligation Refunding and Improvement Warrants, Series 2016

Ordinance 2016-41.....Rezone: Property located Southeast of the Intersection of Pollard Road and Well Road / McBride; Romero

MOTION BY Councilman Scott to waive the reading of Ordinance 2016-41. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2016-41. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

**AUGUST 1, 2016
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Ordinance 2016-42.Rezone: Property located Southeast of the Intersection of County Road 64 and Friendship Road / AJD Family Limited Partnership, LLC

MOTION BY Councilman Scott to waive the reading of Ordinance 2016-42. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2016-42. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

Ordinance 2016-43.Rezone: Property located Northwest of the Intersection of Halls Lane and U.S. Hwy. 98 / Eastern Shore Associates, LLC

MOTION BY Councilman Scott to waive the reading of Ordinance 2015-43. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2016-43. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

Ordinance 2016-44.Rezone: Property located Northwest of the Intersection of County Road 64 and Pollard Road / Anne K. Irvine

MOTION BY Councilman Scott to waive the reading of Ordinance 2016-44. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2016-44. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

Ordinance 2016-45.Annexation: Property located at the Southwest Corner of the Intersection of Champions Way and AL Hwy 181 / The Bill's No. 2

MOTION BY Councilman Scott to waive the reading of Ordinance 2016-45. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2016-45. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

**AUGUST 1, 2016
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MOTION BY Councilman Scott to waive the reading of Ordinance 2016-46. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2016-46. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Fry to waive the reading of Ordinance 2016-47. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Fry to adopt Ordinance 2016-47. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

1ST READ

a.) Ordinance 2016-49.....Regulate Taxi Cabs and Vehicles for Hire

ORDINANCES 2016-49 IS A 1ST READ

12. COUNCIL COMMENTS

Mayor Haygood – reported that the trash can enclosures have been installed at May Day Park. He mentioned that Elena Garidis completed her internship with the city in July. She did a study on saving energy and sent him a video that was interesting. He also mentioned that post cards will be sent out by the City Clerk letting everyone know their district and polling place.

Councilwoman Fry – mentioned that the Utility Board minutes for June 29th are in the packet. The sewer project got under way last Wednesday, and asked citizens to bear with the inconvenience.

Councilman LeJeune – thanked Victoria Phelps for being a liaison with the city for Lake Forest.

Councilwoman Phillips – thanked Richard Johnson for the job he does for the city, and for repairing the sidewalks in her neighborhood. The chairman of the POA sent his thanks for making the neighborhood look great.

Council President Rudicell – mentioned at the August work session they will discuss the 2017 budget.

**AUGUST 1, 2016
CITY COUNCIL MEETING
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13. ADJOURN:

MOTION BY Councilwoman Phillips to adjourn. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:00 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes, City Clerk

Pat Rudicell, Council President

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

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

Also present: Rebecca Hayes, City Clerk; Kevin Boucher, City Attorney; Kelli Kichler, Finance Director/Treasurer; Adrienne Jones, Planning Director; Richard Johnson, Public Works Director; Don Ouellette, Environmental Advisory Committee.

Absent: Mayor Haygood; Jay Ross, City Attorney.

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

1. 2017 Fiscal Year Budget

Kelli Kichler, Finance Director, handed out a summary budget as the budget books were not ready.

Mayor Haygood gave a summary of the budget mentioning the 30% increase for insurance cost that they did not expect. They only budgeted for a 12% increase so \$360,000 came off the top of the operating budget. Council asked questions regarding the summary. The mayor said that he left some room for council (\$150,000) for other requests. Kelli mentioned that they have added schedules to the budget to make it easier to read. Mayor Haygood discussed the need for three (3) firefighters that they have not been able to deliver. If they could hire three that would help cut down overtime costs.

Council requested Richard Johnson to submit his top five (5) streets to them for consideration.

Richard asked council to reconsider the \$1.50 increase in garbage fees which would help fund equipment replacement.

Council discussed setting a special called council meeting for August 29th to further discuss the budget, and asked the City Clerk to have a motion on the agenda for Monday.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:00 P.M.

Respectfully submitted by,

Rebecca A. Hayes,
City Clerk

Certification of Presiding Officer:

Pat Rudicell,
Council President

PUBLIC HEARING
AUGUST 15, 2016

TO CONSIDER:

a.) Amending the Land Use and Development Ordinance 2011-54:

Amendments to Article XI, Minimum Standards and Requirements for Subdivisions and Commercial Site Developments: Subdivision Exceptions & Exemptions within City Limits; Extraterritorial Jurisdiction Subdivision Exceptions & Exemptions; Sidewalk Provisions

Recommendation: Unanimous Favorable

PROPOSED AMENDMENT TO SIDEWALK PROVISIONS

ARTICLE XI MINIMUM STANDARDS AND REQUIRED IMPROVEMENTS FOR SUBDIVISIONS AND COMMERCIAL SITE DEVELOPMENTS

*Revised 09/03/13: Amended Section 11-14(h) Common Open Space and Recreation Provisions
per Ordinance #2013-46*

11-11 SIDEWALKS

- (a) It is the intent of this section to require the installation of concrete or asphalt sidewalks on both sides of the street in residential and commercial subdivisions in order to encourage vehicular and pedestrian connectivity within the City of Daphne. It is also the intent of this section to require the installation of sidewalks in commercial and or industrial site developments in order to connect gaps between existing or planned sidewalk circulation systems within the city.

Sidewalks are counted toward the improvement standards of all streets and shall be installed prior to the issuance of a Certificate of Occupancy unless an agreement for future installation has been presented by the developer. In no case shall the City of Daphne be responsible for the installation of sidewalks within any subdivision development.

- (b) Construction of sidewalks, shall comply with the following standards:

All sidewalks shall be in accordance with current ADA (Americans with Disabilities Act) requirements.

Sidewalks shall be constructed with reinforced concrete that has a minimum twenty eight (28) day compressive strength of three thousand pounds per square inch (3000 psi), and shall be in accordance with City specifications and these regulations, unless otherwise approved by the Planning Commission.

Type of Subdivision	Sidewalk Width
Low Density Residential	4 feet
High Density Residential	5 feet
Commercial or Industrial	6 feet

- (c) Sidewalks shall provide pedestrian traffic and design shall encourage safe means of access eliminating conflicts between vehicles and pedestrians. Innovative design measures which would encourage the use of pervious material may be considered by the Planning Commission in lieu of typical sidewalk installation; however, ADA compliance is required where applicable. Sidewalks shall be installed in the following locations: ~~as follows:~~

- (1) Along the perimeter of all developments where adjacent to City

Moved (insertion) [2]

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Moved down [3]: Due consideration shall be given to the feasibility of sidewalk installation depending upon the proposed development. Except where exempted or modified by the Planning Commission,

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PROPOSED AMENDMENT TO SIDEWALK PROVISIONS

right-of-way.

- (2) Along the right-of-way where adjacent to the perimeter of any common area within the development; except where walking trails/paths are incorporated into the design for formal/recreational open space as provided in *Section 11-14, Special Provisions* herein. Final plat shall not be approved until this provision is satisfied.
- (3) Along the right-of-way within each residential subdivision development.

(4) New sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access.

Moved up [1]: <#>Sidewalks shall be constructed with reinforced concrete that has a minimum twenty eight (28) day compressive strength of three thousand pounds per square inch (3000 psi), and shall be in accordance with City specifications and these regulations, unless otherwise approved by the Planning Commission.¶

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(d) Restrictive covenants and the final subdivision plat, as required in Article 17, Subdivision Review, shall provide for the installation sidewalks by individual home owners or the developer:

Moved up [2]: <#>All sidewalks shall be in accordance with current ADA (Americans with Disabilities Act) requirements. ¶

The Planning Commission may, at its discretion, approve a final plat prior to the installation of sidewalks upon receipt of an agreement to install sidewalks, a cost estimate for sidewalk installation and a surety in the amount of two hundred percent (200%) of the estimated cost and shall not expire within a twenty-four (24) month period.

(e) Additional Provisions:

- (1) Subdividers may also be required to provide access through greenways and common areas.
- (2) Trail design shall be reviewed and approved by the Planning Commission. Trail width shall be at least ten (10) feet.
- (3) Walkways, with the exception of dedicated trail, shall be maintained by the adjacent property owners.

(4) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities.

(4) Pedestrian crosswalks should be provided wherever sidewalks connect with an existing or planned signalized intersection. Crosswalk shall be designed in accordance with applicable MUTCD guidelines.

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f) Exemptions:

The developer may submit on appropriate forms a request for an exception to the sidewalk provisions listed herein above. An exemption shall be granted upon receiving

PROPOSED AMENDMENT TO SIDEWALK PROVISIONS

an affirmative supermajority vote of the Planning Commission and a favorable recommendation from the Public Works Division director or designee thereof.

PROPOSED AMENDMENT TO EXEMPTION PROVISIONS

11-5 SUBDIVISION EXCEPTIONS AND EXEMPTIONS

Whenever the strict compliance with these regulations would result in an extraordinary hardship or injustice to the subdivider because of topography, unusual size or shape of the property, or unusual conditions in surrounding property of development, the Planning Commission may modify or waive such regulations so the subdivider may subdivide his property in a reasonable manner provided that such modification or waiver shall not nullify the intent or purpose of the subdivision regulations, the public welfare, and interest of the City of Daphne shall be protected. Any such modification together with reasons therefore shall be so noted in the minutes of the Planning Commission.

(a) Modifications/Waivers:

In granting modifications or waivers, the Planning Commission may impose such other reasonable conditions as will, in its judgment, justify such modification or waiver and still substantially maintain the objectives of these regulations. Each modification or waiver of the regulations sought by a subdivider shall be applied for and acted upon individually by the Planning Commission.

(b) Subdivision Exemptions:

The sale or exchange of lots or parcels of land or the relocation of an interior lot line within the city limits between adjoining property owners may be exempt from the subdivision regulations by the director of Community Development, provided that (1) no additional lots are created and (2) none of the lots affected by the sale, exchange or relocation of interior lines are reduced below the minimum size requirements of the zoning district in which the division is to occur.

No existing easement shall be vacated or moved without the recommendation of the Planning Commission and the acceptance by resolution of the City Council as outlined in the applicable sections of this ordinance.

(c) Extraterritorial Jurisdiction Subdivision Exceptions and/or Exemptions:

A request for an Exempt Subdivision Letter and supporting documentation to substantiate any claim of exemption shall be submitted to the Department of Community Development director along with a copy of the Exempt Subdivision Letter from the Baldwin County Engineer.

Subdividers shall not be required to submit a plat to the Daphne Planning Commission unless deemed appropriate by the director. The director may grant an exemption unless he/she deems the request appropriate for the Planning Commission's review. Exemption from the requirement for Planning Commission approval does not constitute exemption from the requirements of other applicable regulations including but not limited to state, county, or municipal law, zoning ordinances, Health Department requirements, or highway

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PROPOSED AMENDMENT TO EXEMPTION PROVISIONS

construction setbacks. Any subdivider who is found circumventing the intent and substance of these regulations shall be required to submit a plat for review and approval by the Daphne Planning Commission.

The following is a list of qualifying subdivision exceptions/exemptions for property located outside of the city limits and in the extraterritorial jurisdiction of Baldwin County.

1. Subdivision by testamentary or intestate provisions;
2. Subdivision by court order including, but not limited to, judgments of foreclosure;
3. Sale, deed or transfer of land by the owner to an immediate family member. Each parcel shall have its own ingress/egress and utility access of not less than required by Baldwin County Subdivision Regulations;
4. The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses;
5. Subdivision in which the size of each resulting lot equals or exceeds twenty (20) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each lot shall have at least 200 feet of frontage on an existing publically maintained road or shall have access to a publicly maintained road pursuant to a private easement, at least 60 feet in width, which provides rights of ingress and egress and the right to install utilities sufficient to serve such subdivided lots;
6. Subdivisions in which the size of each resulting lot equals or exceeds ten (10) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each parcel declared to be exempt pursuant to this subparagraph shall have at least 150 feet of frontage on an existing publicly maintained road.
7. A "one-time" split of a single parcel into two resultant parcels, if, and only if, the parcel existed and has been divided since February 1, 1984.
8. The relocation of a common property line between two parcels where no new parcels are created. Revised parcels shall meet the minimum zoning lot size and width requirements. The owner of each parcel approved as exempt under this section shall be required to submit, as a condition to approval, either an affidavit executed by such owner attesting, under oath, that there exist no restrictive covenants of record in the Office of the Judge of Probate of Baldwin County, Alabama which would prohibit the subdivision of the parcel for which an exemption is sought pursuant to this subparagraph. In the event a parcel is approved as exempt under this subparagraph and it is later determined that such subdivision was prohibited by valid restrictive covenants recorded as of the date of such approval, the Community Development director, or designee thereof, shall have the authority to revoke such exempt subdivision approval.

In the case of an exemption involving a lot or lots which are included within a previously recorded subdivision plat, a resubdivision and a new plat will be required to reflect the resubdivision of lots, and such new plat shall be recorded in the Office of the Judge of Probate of Baldwin County. The new plat reflecting the resubdivision

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PROPOSED AMENDMENT TO EXEMPTION PROVISIONS

of such lot or lots shall contain the certifications prescribed by Baldwin County Subdivision Regulations Appendix.

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

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

Amendments to Article XI, Minimum Standards and Requirements for Subdivisions and
Commercial Site Developments: Subdivision Exceptions & Exemptions within City Limits;
Extraterritorial Jurisdiction Subdivision Exceptions & Exemptions; Sidewalk 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; and,

WHEREAS, at the City of Daphne Planning Commission regular meeting on June 23, 2016 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

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

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

SECTION I: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE AS FOLLOWS:

Delete Subsection 11-5, Subdivision Exceptions and Exemptions, Subsection (b) Subdivision Exemptions in its entirety, and to replace it as follows:

~~(b) — Subdivision Exemptions:~~

~~The sale or exchange of lots or parcels of land or the relocation of an interior lot line between adjoining property owners may be exempt from these regulations by the Planning Commission, provided no additional lots are created, none of the lots affected by the sale, exchange or relocation of interior lines are reduced below the minimum size requirements of the zoning district in which the division is to occur. No existing easement shall be vacated or moved without the recommendation of the Planning Commission and the acceptance by resolution of the City Council as outlined in the applicable sections of this ordinance.~~

(b) Subdivision Exemptions:

The sale or exchange of lots or parcels of land or the relocation of an interior lot line within the city limits between adjoining property owners may be exempt from the subdivision regulations by the director of Community Development, provided that (1) no additional lots are created and (2) none of the lots affected by the sale, exchange or relocation of interior lines are reduced below the minimum size requirements of the zoning district in which the division is to occur.

No existing easement shall be vacated or moved without the recommendation of the Planning Commission and the acceptance by resolution of the City Council as outlined in the applicable sections of this ordinance.

SECTION II: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE AS FOLLOWS:

Ordinance to add Subsection 11-5 (c) Extraterritorial Jurisdiction Subdivision Exceptions and/or Exemptions to the Land Use & Development Ordinance:

(c) Extraterritorial Jurisdiction Subdivision Exceptions and/or Exemptions:

A request for an Exempt Subdivision Letter and supporting documentation to substantiate any claim of exemption shall be submitted to the Department of Community Development director along with a copy of the Exempt Subdivision Letter from the Baldwin County Engineer.

Subdividers shall not be required to submit a plat to the Daphne Planning Commission unless deemed appropriate by the director. The director may grant an exemption unless he/she deems the request appropriate for the Planning Commission's review. Exemption from the requirement for Planning Commission approval does not constitute exemption from the requirements of other applicable regulations including but not limited to state, county, or municipal law, zoning ordinances, Health Department requirements, or highway construction setbacks. Any subdivider who is found circumventing the intent and substance of these regulations shall be required to submit a plat for review and approval by the Daphne Planning Commission.

The following is a list of qualifying subdivision exceptions/exemptions for property located outside of the city limits and in the extraterritorial jurisdiction of Baldwin County.

1. Subdivision by testamentary or intestate provisions;
2. Subdivision by court order including, but not limited to, judgments of

- foreclosure;
3. Sale, deed or transfer of land by the owner to an immediate family member. Each parcel shall have its own ingress/egress and utility access of not less than required by Baldwin County Subdivision Regulations;
 4. The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses;
 5. Subdivision in which the size of each resulting lot equals or exceeds twenty (20) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each lot shall have at least 200 feet of frontage on an existing publically maintained road or shall have access to a publicly maintained road pursuant to a private easement, at least 60 feet in width, which provides rights of ingress and egress and the right to install utilities sufficient to serve such subdivided lots;
 6. Subdivisions in which the size of each resulting lot equals or exceeds ten (10) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each parcel declared to be exempt pursuant to this subparagraph shall have at least 150 feet of frontage on an existing publicly maintained road.
 7. A one-time split of a single parcel into two resultant parcels, if, and only if, the parcel existed and has been divided since February 1, 1984.
 8. The relocation of a common property line between two parcels where no new parcels are created. Revised parcels shall meet the minimum zoning lot size and width requirements. The owner of each parcel approved as exempt under this section shall be required to submit, as a condition to approval, either an affidavit executed by such owner attesting, under oath, that there exist no restrictive covenants of record in the Office of the Judge of Probate of Baldwin County, Alabama which would prohibit the subdivision of the parcel for which an exemption is sought pursuant to this subparagraph. In the event a parcel is approved as exempt under this subparagraph and it is later determined that such subdivision was prohibited by valid restrictive covenants recorded as of the date of such approval, the Community Development director, or designee thereof, shall have the authority to revoke such exempt subdivision approval.

In the case of an exemption involving a lot or lots which are included within a previously recorded subdivision plat, a resubdivision and a new plat will be required to reflect the resubdivision of lots, and such new plat shall be recorded in the Office of the Judge of Probate of Baldwin County. The new plat reflecting the resubdivision of such lot or lots shall contain the certifications prescribed by Baldwin County Subdivision Regulations Appendix.

SECTION III: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE AS FOLLOWS:

Delete Subsection 11-1, Sidewalks, in its entirety, and to replace as follows:

11-11 SIDEWALKS

~~(a) It is the intent of this section to require the installation of concrete or asphalt sidewalks on both sides of the street in residential and commercial subdivisions in order to encourage vehicular and pedestrian connectivity within the City of Daphne. It is also the intent of this section to require the installation of sidewalks in commercial and or industrial site developments. Sidewalks are counted toward the improvement standards of all streets and shall be installed prior to the issuance of a Certificate of Occupancy unless an agreement for future installation has been presented by the developer. In no case shall the City of Daphne be responsible for the installation of sidewalks within any subdivision development.~~

~~(b) Construction of sidewalks, shall comply with the following standards:~~

Type of Subdivision	Sidewalk Width
Low Density Residential	4 feet
High Density Residential	5 feet
Commercial or Industrial	6 feet

~~(c) Sidewalks shall provide pedestrian traffic and design shall encourage safe means of access eliminating conflicts between vehicular and pedestrians. Innovative design measures which would encourage the use of pervious material may be considered by the Planning Commission in lieu of typical sidewalk installation. Due consideration shall be given to the feasibility of sidewalk installation depending upon the proposed development. Except where exempted or modified by the Planning Commission, sidewalks shall be installed as follows:~~

~~(1) Along the perimeter of all developments where adjacent to City right of way.~~

~~(2) Along the right of way where adjacent to the perimeter of any common area within the development; except where walking trails/paths are incorporated into the design for formal/recreational open space as provided in Section 11-14, Special Provisions herein. Final plat shall not be approved until this provision is satisfied.~~

~~(3) Along the right of way within each residential subdivision development.~~

- (4) ~~Sidewalks shall be constructed with reinforced concrete that has a minimum twenty eight (28) day compressive strength of three thousand pounds per square inch (3000 psi), and shall be in accordance with City specifications and these regulations, unless otherwise approved by the Planning Commission.~~
- (5) ~~New sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access.~~
- (6) ~~All sidewalks shall be in accordance with current ADA (Americans with Disabilities Act) requirements.~~
- (d) ~~Restrictive covenants, as required in Article 17, Subdivision Review, shall provide for the installation sidewalks by individual home owners or the developer:~~

~~The Planning Commission may, at its discretion, approve a final plat prior to the installation of sidewalks upon receipt of an agreement to install sidewalks, a cost estimate for sidewalk installation and a surety in the amount of two hundred percent (200%) of the estimated cost and shall not expire within a twenty four (24) month period.~~

- (e) ~~Additional Provisions:~~
 - (1) ~~Subdividers may also be required to provide access through greenways and common areas.~~
 - (2) ~~Trail design shall be reviewed and approved by the Planning Commission. Trail width shall be at least ten (10) feet.~~
 - (3) ~~Walkways, with the exception of dedicated trail, shall be maintained by the adjacent property owners.~~
 - (4) ~~Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities.~~

11-11 SIDEWALKS

- (a) It is the intent of this section to require the installation of concrete or asphalt sidewalks on both sides of the street in residential and commercial subdivisions in order to encourage vehicular and pedestrian connectivity within the City of Daphne. It is also the intent of this section to require the installation of sidewalks in commercial and or industrial site developments in order to connect gaps between existing or planned sidewalk circulation

systems within the city.

Sidewalks are counted toward the improvement standards of all streets and shall be installed prior to the issuance of a Certificate of Occupancy unless an agreement for future installation has been presented by the developer. In no case shall the City of Daphne be responsible for the installation of sidewalks within any subdivision development.

(b) Construction of sidewalks, shall comply with the following standards:

All sidewalks shall be in accordance with current ADA (Americans with Disabilities Act) requirements. Sidewalks shall be constructed with reinforced concrete that has a minimum twenty eight (28) day compressive strength of three thousand pounds per square inch (3000 psi), and shall be in accordance with City specifications and these regulations, unless otherwise approved by the Planning Commission.

Type of Subdivision	Sidewalk Width
Low Density Residential	4 feet
High Density Residential	5 feet
Commercial or Industrial	6 feet

(c) Sidewalks shall provide pedestrian traffic and design shall encourage safe means of access eliminating conflicts between vehicles and pedestrians. Innovative design measures which would encourage the use of pervious material may be considered by the Planning Commission in lieu of typical sidewalk installation; however, ADA compliance is required where applicable. Sidewalks shall be installed in the following locations:

- (1) Along the perimeter of all developments where adjacent to City right-of-way.
- (2) Along the right-of-way where adjacent to the perimeter of any common area within the development; except where walking trails/paths are incorporated into the design for formal/recreational open space as provided in Section 11-14, Special Provisions herein. Final plat shall not be approved until this provision is satisfied.
- (3) Along the right-of-way within each residential subdivision development.
- (4) New sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access.

(d) Restrictive covenants and the final subdivision plat, as required in Article 17, Subdivision Review, shall provide for the installation sidewalks by individual home owners or the developer:

The Planning Commission may, at its discretion, approve a final plat prior to the installation of sidewalks upon receipt of an agreement to install sidewalks, a cost estimate for sidewalk installation and a surety in the amount of two hundred percent (200%) of the estimated cost and shall not expire within a twenty-four (24) month period.

(e) Additional Provisions:

(1) Subdividers may also be required to provide access through greenways and common areas.

(2) Trail design shall be reviewed and approved by the Planning Commission. Trail width shall be at least ten (10) feet.

(3) Walkways, with the exception of dedicated trail, shall be maintained by the adjacent property owners.

(4) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities. Pedestrian crosswalks should be provided wherever sidewalks connect with an existing or planned signalized intersection. Crosswalk shall be designed in accordance with applicable MUTCD guidelines.

(f) Exemptions:

The developer may submit on the appropriate form a request for an exemption to the sidewalk provisions listed herein above. An exemption shall be granted upon receiving an affirmative supermajority vote of the Planning Commission and a favorable recommendation from the Public Works Division director or designee thereof.

All other sections, articles and/or content of the City of Daphne Land Use and Development Ordinance shall remain the same and shall be unchanged by this ordinance.

SECTION IV: CONFLICT WITH OTHER ORDINANCES

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

SECTION V: SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and

independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION VI: EFFECTIVE DATE

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

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

Dane Haygood, Mayor

Attest:

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
August 8, 2016
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:30 p.m. Present were Chairman Randy Fry, Councilwoman Mrs. Conaway, Councilwoman Angie Phillips, Councilman Ron Scott, Councilman Pat Rudicell, Councilman John Lake, Councilman Robin LeJeune, Finance Director Kelli Kichler, Senior Accountant Suzâne Henson, Human Resource Director Vickie Hinman, Revenue Officer Jamie Smith, and City Attorney Kevin Boucher.

Also in attendance were, Public Works Director Richard Johnson, Community Development Director Adrienne Jones, City Clerk Rebecca Hayes, and Environmental Program Manager Ashley Campbell.

I. PUBLIC PARTICIPATION

A. Boat Ramp – Lake Forest Property Owner’s Association (LFPOA) – Ms. Victoria Phelps
Ms. Phelps discussed the pending ground lease between the City and LFPOA. Ms. Phelps reviewed the cost to move the tank and gas pump - \$70,000. Ms. Phelps noted the \$70,000 cost is based on estimated income loss and out of pocket cost but was discounted 30% . The Mayor stated the City attorney is still reviewing the agreement terms but we are much closer than we were and expected it to be ready the middle of next week. Mr. Boucher stated the he has reviewed the agreement but there are some terms the Council needs to review before approving.

II. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

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

<u>Positions</u>	<u>Status</u>
Events Assistant (Civic Center)	DOH: 7/28/216
Magistrate	DOH: 8/4/2016
PSW (Mowing)	DOH: 8/4/2016
Police Dispatcher	DOH: 8/11/2016
Planner (Community Development)	DOH: 8/18/2016
Mechanic	DOH: 8/18/2016
Volunteer Coordinator	Reviewing applications (95)
Building Maintenance Tech. (1)	Scheduling Interviews
Police Officer	Background

Safety Committee - Next Safety committee meeting is August 31 @ 10:00 a.m.

Other HR projects/meetings/events:

- Kronos Upgrades are ongoing
- Police Officer Oral Board- July 22
- Employee Wellness/Benefits Fair meetings was on July 27
- Munis Upgrades meeting -August 1
- BCBS meeting on August 5
- New Employee Orientation- August 23

III. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – July, 2016

BUSINESS LICENSE COUNT through 07/31/2016	
Issued THIS MONTH:	
NEW Licenses	36
RENEWAL Licenses (2016)	24
PRIOR YEAR Licenses (2015 and Prior)	3
Total Issued THIS MONTH	63
Total Issued THIS MONTH - PREVIOUS YEAR	79
Net Gain/-Loss Current VS Previous Yr MONTH	-16
Total Issued YTD 2016	4,425
Total Issued YTD - PREVIOUS YEAR	4,246
Net Gain/-Loss Current VS Previous Yr YTD	+ 179

Code enforcement issued 4 warnings resulting in businesses becoming compliant and \$960 in revenue. Mrs. Smith reviewed the following reports and information:

- Business License Fees report for March separated by Territory and Status.
- New Businesses with a physical location in Daphne - 8
- Total collections for July 2016 were \$8,199.85
- YTD collections are up \$59,363.93 from the previous year.
- Delinquency report showed 21 current delinquencies.

Mrs. Smith reviewed the Business License Delinquency Report and reported that Brick and Mortar businesses are now 100% compliant with having their Business License.

IV. CURRENT BUSINESS

A. Approve previous months minutes

The previous minutes were approved.

B. Financial Reports

1. Treasurer's Report: July, 2016

Mrs. Henson reviewed the Treasurer's Report:

TREASURER'S REPORT					
As of July, 31, 2016					
Account Type/Title	7/31/2016	6/30/2016	Increase (Decrease) from last Month	7/31/2015	Increase (Decrease) from Last Year
Total Unrestricted Cash Balance	11,764,439	11,861,203	(96,764)	\$ 9,341,558	\$ 2,422,881
Total Restricted Cash Balance	9,582,532	8,300,726	375,655	8,317,234	1,265,298
Total City Cash Balance	\$ 21,346,971	\$ 20,161,929	\$ 278,891	\$ 17,658,792	\$ 3,688,179
		Encumbrance Total as of	7/31/2016	\$100,834	

Mrs. Henson noted that the new 2016 Capital Improvement account (*balance \$906,150*) is included in the report and that this account balance is from the savings from refunding the 2006 Bond Issue. Ms. Kichler noted that there are pending debt issuance fees of approximately \$65,000 that will be paid out of this account. Mrs. Henson reviewed the Encumbrance Report current balance of \$100,834 is noted it was down from last month's balance of \$112,017.

The Treasurer's Report as of July, 2016 Total Unrestricted Cash Balance - \$11,764,439 and Total City Cash Balance - \$21,349,971 was presented to be filed for audit.

2. Sales and Use Taxes: June, 2016

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,376,077.74 was collected for June 2016:

- YTD Variance over Budget - \$ 643,171.99.

Discussion was made on increase in collections. Mrs. Smith noted that there was some delinquent sales tax collections included in this total.

3. Lodging Tax Collections, June, 2016

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for **June**, 2016 were \$126,568.77 which is up \$15,231.56 from **June** 2015's collections of \$111,337.21.

- YTD Variance over Budget: \$35,910.64.

4. Lodging Tax Fund : Statement of Rev over Exp, July, 2016

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

- Unreserved balance for Bayfront related purchases - \$ 1,367,097.67
- Recreation related purchases - \$805,580.66

Mrs. Henson noted that recent expenditures for Gator Alley and Daphne Park projects *are* reflected in the report.

5. Correction/Court Fund Report, June, 2016

Mrs. Henson reviewed the Correction/ Court Fund Report and reported that no transfers have been required to date this year.

- Court balance - \$202,339.57
- Corrections balance - \$5,069.14
- No transfers to date from the court portion of the fund to the corrections for the purchase of inmate meals

6. General Fund Budgetary Comparison Schedule, May 2016

7. General Fund Balance Sheet, May 2016

8. General Fund Statement of Rev Over Exp, May 2016

9. Debt Service Fund Statement of Rev Over Exp, May 2016

10. Debt Service Summary Activity for General Fund through July 2016

11. Debt Service Summary Activity for Enterprise Funds through July 2016

12. Agency Funds Combining Statement of Assets and Liabilities, May 2016

13. Special Revenue Funds Balance Sheet, May, 2016

14. Special Revenue Funds Stmt Rev, Exp,&Changes in Fund Balance, May 2016

15. Capital Projects Funds Balance Sheet, May 2016

16. Capital Projects Funds Statement of Rev Over Exp, Next-May 2016

17. Enterprise Funds Statement of Net Position, May, 2016

18. Enterprise Funds Stmt of Rev, Exp, & Changes in Net Position, May 2016

Ms. Kichler reviewed the financial reports:

General Fund

Unassigned fund balance - \$13,624,951.
Total liabilities, deferred inflow, and fund balances - \$15,297,716.
Net change in fund balances - \$2,925,499
General Fund Revenues - \$26,0714,360
Required 3 Mays Reserve per policy - \$6,517,840

Debt Service Fund

DEBT SERVICE FUND	AS OF	7/31/2016
FY2016 YTD Principal payments made	\$	3,318,698
FY2016 YTD Interest Payments made	\$	1,078,807
FY2016 TOTAL YTD DEBT PAYMENTS	\$	4,397,505
FY2016 Remaining Debt payments	\$	403,839
Balance of Debt for Warr/Bond Issues	\$	33,444,551
Balance of Debt for Capital Leases	\$	1,548,910
TOTAL DEBT BALANCE	\$	34,993,461

Agency Funds

Fund balance for Agency Funds - \$121,122

Special Revenue Funds

Fund balance for (14) Special Revenue Funds : \$3,613,078

Capital Projects Funds

Capital Reserve Fund balance - \$2,842,924

Enterprise Funds

Transfers required from General Fund to Enterprise fund for net Operating Losses are as follows:

- Solid Waste (*Garbage & Recycling*) – (\$ 331,380)
- Civic Center – (\$209,563)
- Bayfront – (\$98,685)
- Total transfer to the Enterprise Funds through 6-30-16 are (\$639,628)
- Budgeted Transfers for FY2016 are \$1.2 Million

ENTERPRISE FUND - DEBT SUMMARY -	AS OF	7/31/2016
FY2016 YTD Principal payments made	\$	139,193
FY2016 YTD Interest Payments made	\$	7,032
FY2016 TOTAL YTD DEBT PAYMENTS	\$	146,225
FY2016 Remaining Debt payments	\$	276,686
TOTAL DEBT BALANCE FOR CAPITAL LEASES	\$	6,525

19. Bills Paid Reports – July, 2016

The Bills Paid Report was presented in the packet.

C. Appropriation Request: (*Ordinance*)

1. **SEVEN CENTS GAS TAX FUND: City-Wide Roadway Striping - \$25,000**
2. **SEVEN CENTS GAS TAX FUND: Painting of Mast Arm Signals-US98/ Whispering Pines/ CR64- \$25,000**
3. **SEVEN CENTS GAS TAX FUND: Repair and Resurfacing of Sixth Street-College St to Belrose Ave-1,500' - \$45,000**

Mr. Johnson reviewed the road projects and noted that they are being addressed as a group since there are Gas Tax monies available to complete them. Discussion continued on the projects.

MOTION BY Mr. LeJeune to recommend to Council to adopt the Ordinance amending the budget to appropriate \$95,000 from the Seven Cent Gas Tax Funds for the following projects:

1. **SEVEN CENTS GAS TAX FUND: City-Wide Roadway Striping - \$25,000**
2. **SEVEN CENTS GAS TAX FUND: Painting of Mast Arm Signals-US98/ Whispering Pines/ CR64- \$25,000**
3. **SEVEN CENTS GAS TAX FUND: Repair and Resurfacing of Sixth Street-College Street to Belrose Ave-1,500' - \$45,000**

Seconded by Mrs. Phillips. Motion carried.

4. **GENERAL FUND: Bertolla land donation on Milton Jones Rd: for FS/PS Complex: Survey & Closing fees -\$10,000**

Mr. Fry reviewed the land donation cost and the plan to build a Fire Station/Public Safety Complex on this property. Discussion continued that this property is currently in the County and that the State of Alabama is working on a resolution for flood issues on Hwy181 and in this general area. Mrs. Ashley Campbell discussed needed a 30' buffer for the wetland area and Mrs. Adrienne Jones noted there was room for a 30' buffer. Discussion was made on other potential property locations. Chief White stated there is an immediate need to have a Fire Station in this area and noted this location would place the new Fire Station within 1 ½ miles of Fire Station #3 which would meet ISO rating requirements. Mr. Johnson discussed amending #3 in the Memorandum of Understanding Agreement draft to state the road will be paved at the time of constructing the Fire Station. Mr. Johnson noted that constructing the road while building up the development site and doing other site work would be more cost effective if done at the same time. Discussion continued on what the cost of the roadway would be. Mr. Johnson said a general estimate would be \$80 linear feet for basic roadway and curb and gutter (310' x \$80= \$24,800) and noted this does not include any site work cost.. Discussion continued that the MOU should be updated to state that the road would be constructed at the same time of construction of facility.

MOTION BY Mr. Scott to adopt an ordinance appropriating up to \$10,000 out of the General Fund for the Survey and Closing fees for the Bertolla property located on Milton Jones Road (part of BC parcel PPIN: 062441) and for the MOU to specify for the roadway to be constructed at the time of the construction of the facility. Seconded by Mrs. Phillips. Motion carried.

D. FLSA Overtime Rule changes: Job Reclassifications (Ordinance)

Ms. Hinman reviewed the position changes/reclassifications requested due to the changes made by the Department of Labor Wage and Hour division on overtime regulations. Mrs. Hinman stated that all positions that would be affected by the change in law have been evaluated. Mrs. Hinman stated that the current salary level for a full-time worker is \$455 per week, or \$23,660 per year and as of December 1, 2016 the salary level threshold will increase to \$913 per week, or \$47,476 annually. Mrs. Hinman stated to get the classification schedule compliant with state labor laws the positions affected are listed in the proposed ordinance. Mrs. Hinman stated that due to the large salary increases that a few positions will be required to be reclassified and changed from salary to hourly and a few positions will need to be reclassified and remain salary. Mrs. Kichler stated that the cost for the reclassifications is approximately \$20,000. Mrs. Kichler noted that most of the ones remaining hourly did not work a lot of overtime but the two positions remaining salary would require a lot of overtime. Mr. Fry asked if legally these changes had to be made. Mrs. Kichler stated yes the City would be better off approving the two positions recommended to be salary.

MOTION BY Mrs. Conaway to adopt an ordinance for reclassifications of the following positions to comply with the FLSA Overtime Rule changes.

The following positions shall be reclassified from salary to hourly with no grade changes:

Position	From Grade		To Grade
IT Coordinator	22	IT Coordinator	22
Children's Librarian	18	Children's Librarian	18
Librarian- Young Adult	18	Librarian- Young Adult	18
Reference Librarian	18	Reference Librarian	18
Senior HR Specialist	18	Senior HR Specialist	18
Sales Manager	17	Sales Manager	17
Library Supervisor	16	Library Supervisor	16

Due to the large salary increase required, the following positions shall be reclassified but shall change to non-exempt, hourly and shall be entitled to overtime pay:

Position	From Grade		To Grade
Accountant	17	Accountant I	18
Revenue Officer	20	Revenue Officer	23

The following positions shall be reclassified and remain salaried:

Position	From Grade		To Grade
Accountant I	17	Accountant II	20
Court Admin Magistrate	17	Court Admin Magistrate	18

Seconded by Mr. LeJeune. Motion carried.

V. OLD BUSINESS

1. Health Benefit Plan-Employee Participation increase (**Motion**)

Ms. Kichler reviewed the employee's health insurance cost information:

- **Current premium rate is \$413.66/employee (Employee Participation – 6.04%) and \$1,021.39/family (Employee participation-17.13%)**
- **Renewal premium rate is \$525.18/employee and \$1,293.49/family coverage**
- **Current employee participation: Individual-\$25/Month / Family-\$175/Month & Dental for Family-\$25/Month**
- **Proposed employee participation: Individual(6%) -\$30.50/Month / Family(17%)-\$212.60/Month & Dental for Family-\$25/Month**

Ms. Kichler stated there is a \$741,000 increase in the renewal cost.. Total claims paid for the last year were \$2.9 Million with \$1.12 Million of these claims exceeding premiums and paid by BCBS. Mrs. Kichler stated the City had an increase of over \$1 million in claims last year from the previous year. Discussion continued on insurance benefits and that several municipalities in the surrounding area are self-insured. Mrs. Kichler gave a couple of scenarios that would create a savings and noted that you do not want to switch to self-insured while your claims are high. Ms. Kichler noted that retirees pay the same rate as employees pay. Discussion continued about the COLA that was included in the proposed for the employees. Mr. Johnson stated that the vast majority of employees have family plans and those employees realize the value of the insurance benefit. Mr. Johnson noted that the consensus is that an increase of \$5 Copay is not a big increase and employees will understand that increase. Mr. Johnson discussed that elections at national level have consequences that have negatively affected our health care cost and employees need to be concerned about these decisions and aware that these decision affect their health care cost. Mr. Johnson stated the City did not make the rates go up but that the rates are going up everywhere and noted that the COLA will help offset the cost. Mrs. Phillips asked the other department heads how they thought their employees would feel about the increase in their employee cost. Mrs. Hayes said the City offers such a good plan that she did not think employees would have a problem with an increase. Mrs. Campbell stated how grateful she was for the City's health insurance plan. Mrs. Jones

Finance Minutes.doc

discussed letting the employees know as early as possible so they can prepare for the additional cost. Mr. Johnson noted this increase is a reality and the employees are getting to keep the most premium health insurance plan that an employee can have and he did not have a problem with it. Mr. Johnson said it is a tough conversation to have but one you have to have.

Discussion continued on keeping the employee cost at 6% and family at 17% of the premium and increasing the copay \$5 (drug copay increase by \$5 and applied to the current drug tier plan cost-new rate: \$15/\$25/\$40) which would change the employees contribution to \$30.50/employee plan and \$212.60/family plan. Discussion continued on the budgeted COLA increase for employees that would help offset the insurance cost and that a \$.50/hr increase would be \$1,040/yr increase for each full-time employee. Discussion continued on getting some revised numbers with the changes proposed. Ms. Kichler said she would get the revised numbers to the Council and noted that the proposed budget books show the City absorbing 100% of the increase in insurance cost.

MOTION BY Mr. Scott to establish the employee participation for
1. Single employee health care plan at 6% of premium - \$30.50/month, and
2. Family coverage at 17% of premium - \$212.60/month, and
3. Copay increase of \$5: Physician visits (\$25) and Drugs - increase by \$5/drug and applied to current drug tier plan (new tier:\$15/\$25/\$40), and
4. Dental rate for Family remains at \$25.
Seconded by Mrs. Phillips. Motion carried.

2. Amend Lodging Tax Ordinance – Unallocated 3% from IDB portion

Mr. Scott recommended the 3% previously allocated to IDB to recreation. Ordinance 2014-06 (*Lodging Tax*) and Resolution 2015-75 (*Deep Water Horizon Funds Expenditure/re-allocating of IDB Lodging Tax proceeds*) were included in the packet.

MOTION BY Mr. Scott to adopt an ordinance amending Ordinance 2015-06 as specified in Resolution 2015-75 to allocate the 3% previously allocated to IDB to Recreation.
Seconded by Mr. LeJeune. Motion carried.

3. LFPOA Ground Lease – Boat Ramp – additional cost - \$70,000

The Mayor discussed the proposed ground lease and the additional \$70,000 to move the gas tank. Discussion continued that the agreement will come back before Council after the City attorney reviews further.

VI. ADJOURN The meeting adjourned at 5:59 p.m.

TREASURER'S REPORT

As of July, 31, 2016

Account Type/Title	Bank / Brokerage	7/31/2016	6/30/2016	Increase (Decrease) from last Month	7/31/2015	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	Compass Bank1	\$ 6,209,548	\$ 6,380,399	\$ (170,851)	\$ 4,005,323	\$ 2,204,225
INVESTMENT FUND	Raymond James	5,454,762	5,392,318	62,444	\$ 5,254,253	\$ 200,509
CREDIT CARD ACCOUNT	Compass Bank3	13,812	1,265	12,547	\$ -	\$ 13,812
MUNICIPAL COURT	Compass Bank2	86,316	87,221	(905)	\$ 81,982	\$ 4,334
Total Unrestricted Cash Balance		11,764,439	11,861,203	(96,764)	\$ 9,341,558	\$ 2,422,881
SPECIAL REVENUE FUNDS						
MUNICIPAL COURT	Compass Bank1	16,718	25,281	(8,563)	23,643	(6,925)
SELF INSURANCE	Compass Bank1	112,514	111,411	1,103	83,294	29,220
FLEX SPENDING	Compass Bank1	1,481	(2,712)	4,193	5,849	(4,368)
4 CENT GAS TAX	PNC Bank1	202,368	197,182	5,186	144,599	57,769
7 CENT GAS TAX	PNC Bank2	448,453	453,130	(4,677)	444,640	3,813
TREE & FLOWER	Compass Bank1	18,926	16,426	2,500	16,666	2,260
SAIL SITE	PNC3/Compass1	(78)	(1,436)	1,358	(1,327)	1,249
NON-MAJOR STORMS	Compass Bank1	(193,309)	(621,095)	427,786	(898,179)	704,870
BP OIL SPILL	Compass Bank1	426,768	426,768	0	426,768	0
FEDERAL DRUG FORFEITURES	Compass Bank1	242,368	242,926	(558)	19,793	222,575
LOCAL DRUG FORFEITURES	Compass Bank1	16	16	(0)	20,628	(20,612)
LIBRARY	Compass Bank1	24,764	6,219	18,545	(2,699)	27,463
CONCESSION STAND	Compass Bank1	-	-	-	(3,826)	3,826
COURT TRAINING & EQUIPMENT	Compass Bank2	36,366	36,052	314	32,132	4,234
COURT JUDICIAL ADMINISTRATIVE	Compass Bank2	107,631	108,200	(569)	124,811	(17,180)
COURT CORRECTION	Compass Bank2	210,516	207,621	2,895	181,851	28,665
LODGING TAX	Compass Bank1	2,115,114	2,470,248	(355,134)	2,660,175	(545,061)
		3,770,615	3,676,237	94,378	3,278,818	491,797
CAPITAL PROJECT FUNDS						
CAPITAL RESERVE	Wells Fargo Bank1	2,547,296	2,553,450	(6,154)	1,896,875	650,421
2012 CONSTRUCTION	Regions Bank	-	-	-	-	-
2014 CAPITAL IMPROVEMENTS	Compass Bank	782,428	782,411	17	782,221	207
2016 CAPITAL IMPROVEMENTS	Compass Bank	906,150				
		4,235,874	3,335,861	(6,137)	2,679,096	1,556,778
DEBT SERVICE FUNDS						
DEBT SERVICE	Wells Fargo Bank2	1,576,042	1,288,628	287,414	2,359,320	(783,278)
Total Restricted Cash Balance		9,582,532	8,300,726	375,655	8,317,234	1,265,298
Total City Cash Balance		\$ 21,346,971	\$ 20,161,929	\$ 278,891	\$ 17,658,792	\$ 3,688,179
Encumbrance Total as of 7/31/2016					\$100,834	

SALES & USE TAXES

*Adjusted to accrued collections

FY 2016 BUDGET vs ACTUAL

ACTUAL COLLECTIONS

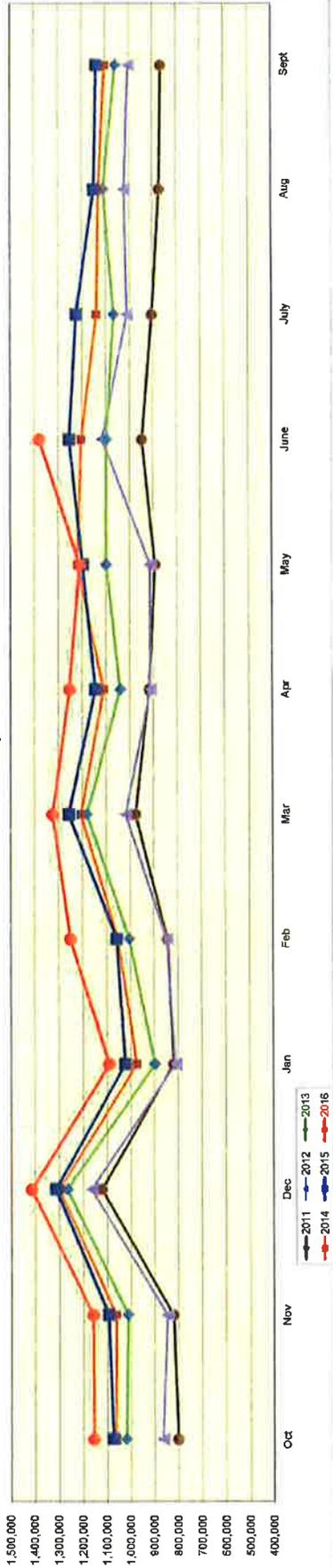
	7/8 Year					Sparklines	Budget	Monthly Variance	YTD Variance	% Over / (Under) Monthly Budget
	2012	2013	2014	2015	2016					
October	864,727.27	1,019,065.37	1,062,861.14	1,073,290.88	1,154,933.34		1,091,054	63,879.34	63,879.34	5.9%
November	845,342.45	1,011,813.96	1,061,121.86	1,092,961.96	1,157,742.46		1,111,050	46,692.46	110,571.80	4.2%
December	1,165,135.62	1,266,051.50	1,299,075.20	1,312,012.89	1,411,946.31		1,333,727	78,219.31	188,791.11	5.9%
January	809,785.59	895,717.19	974,224.69	1,023,171.34	1,089,869.73		1,040,105	49,764.73	238,555.84	4.8%
February	845,101.34	1,004,349.50	1,051,602.29	1,056,996.02	1,250,035.09		1,074,489	175,546.09	414,101.93	16.3%
March	1,018,721.43	1,181,007.55	1,205,342.67	1,256,397.38	1,322,579.37		1,277,191	45,388.37	459,490.30	3.6%
April	911,438.60	1,039,769.87	1,110,085.05	1,144,698.61	1,252,906.65		1,163,643	89,263.65	548,753.95	7.7%
May	911,839.30	1,098,548.05	1,218,956.40	1,198,226.99	1,209,149.30		1,218,058	(8,908.70)	539,845.25	-0.7%
June	1,114,149.53	1,097,507.32	1,202,126.66	1,252,030.17	1,376,077.74		1,272,751	103,326.74	643,171.99	8.1%
July	1,010,193.08	1,065,215.02	1,139,120.72	1,222,993.95			1,160,473			
August	1,021,267.76	1,110,126.44	1,129,483.17	1,148,890.48			1,148,176			
September	1,004,661.04	1,058,958.43	1,104,411.74	1,138,473.73			1,122,690			
Totals	11,522,363.01	12,848,130.20	13,558,411.59	13,920,144.40	11,225,239.99		14,013,407			

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

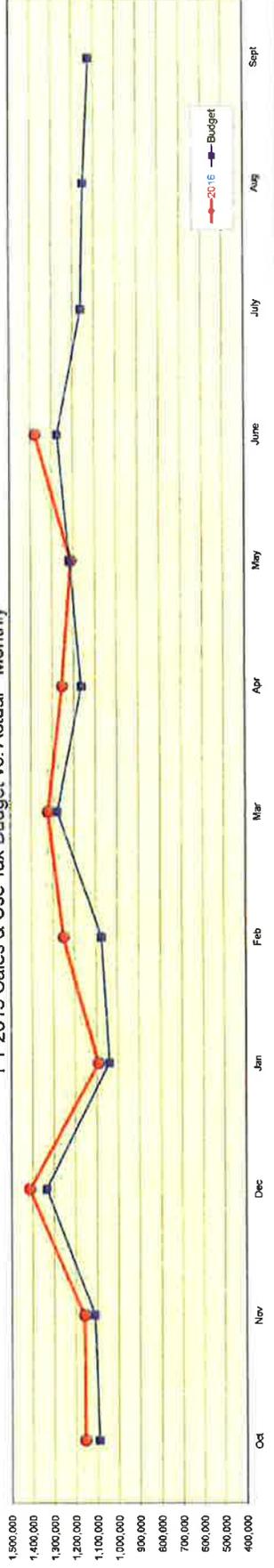
Fiscal Year Changes Year Over Year

	\$ Change					Percent Change
	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	
October	154,338.10	43,795.77	10,429.74	81,642.46		2012-2013 17.8%
November	166,471.51	49,307.90	31,840.10	64,780.50		2012-2013 19.7%
December	100,915.88	33,023.70	12,937.69	99,933.42		2012-2013 8.7%
January	85,931.60	78,507.50	48,946.65	66,698.39		2012-2013 10.6%
February	159,248.16	47,252.79	5,393.73	193,039.07		2012-2013 18.8%
March	162,286.12	24,335.12	51,054.71	66,181.99		2012-2013 15.9%
April	128,331.27	70,315.18	34,613.56	108,208.04		2012-2013 14.1%
May	186,708.75	120,408.35	(20,729.41)	10,922.31		2012-2013 20.5%
June	(16,642.21)	104,619.34	49,903.51	124,047.57		2012-2013 -1.5%
July	55,021.94	73,905.70	83,873.23			2012-2013 5.4%
August	88,858.68	19,356.73	19,407.31			2012-2013 8.7%
September	54,297.39	45,453.31	34,061.99			2012-2013 5.4%
Annual \$ Change	1,325,767.19	710,281.39	361,732.81	815,453.75		Annual % Change 11.5%
						2014-2015 1.0%
						2014-2015 3.0%
						2014-2015 1.0%
						2014-2015 5.0%
						2014-2015 0.5%
						2014-2015 4.2%
						2014-2015 3.1%
						2014-2015 -1.7%
						2014-2015 4.2%
						2014-2015 7.4%
						2014-2015 1.7%
						2014-2015 3.1%
						2015-2016 7.6%
						2015-2016 5.9%
						2015-2016 7.6%
						2015-2016 6.5%
						2015-2016 18.3%
						2015-2016 5.3%
						2015-2016 9.5%
						2015-2016 9.9%

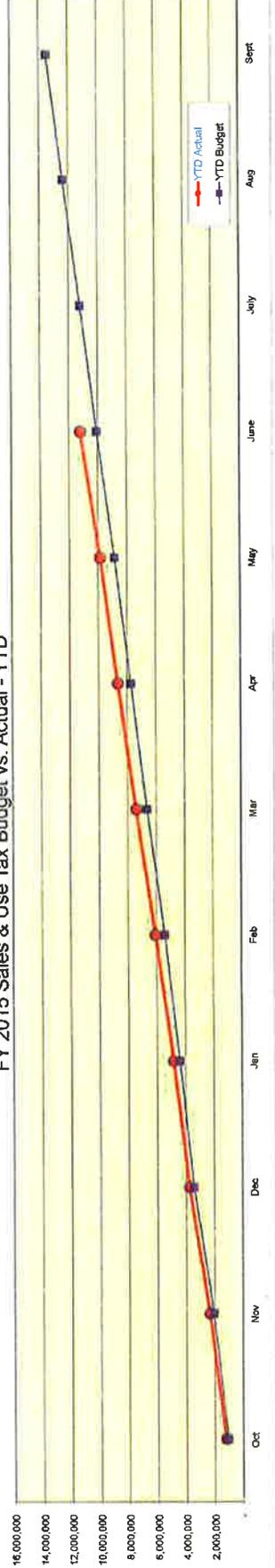
Sales & Use Tax Comparisons



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



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



MONTHLY LODGING TAX COLLECTIONS

*Based on Accrued Collections

ACTUAL COLLECTIONS

	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16	10 Year Spark Line
October	56,001.39	52,002.53	51,578.40	48,382.05	74,581.63	82,326.38	
November	48,329.73	47,568.08	43,459.48	43,912.92	77,289.64	77,075.08	
December	47,210.56	42,279.22	40,495.14	39,122.53	69,585.61	67,742.93	
January	49,006.12	41,917.34	47,548.01	43,198.04	72,323.09	89,451.25	
February	43,052.68	47,346.50	54,207.03	49,784.71	92,153.01	84,997.02	
March	67,422.43	70,058.33	64,325.47	71,954.97	112,752.43	104,422.79	
April	48,487.83	51,939.06	47,434.55	86,245.34	101,196.07	95,497.23	
May	57,880.48	54,740.45	68,448.49	107,155.55	108,715.74	104,483.34	
June	67,544.77	69,822.91	71,090.69	127,920.37	111,337.21	126,568.77	
July	76,531.86	79,417.80	94,310.47	139,397.37	140,897.70		
August	52,820.33	50,417.73	52,427.99	93,733.35	90,758.34		
September	45,216.75	46,988.89	45,146.35	71,790.24	84,931.51		
Total	659,604.93	654,478.84	680,474.07	922,597.44	1,136,521.98	812,564.79	

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

FY 2016 BUDGET vs. ACTUAL

	Budget	Monthly Variance	YTD Variance	% Over / (Under) Monthly Budget
October	76,494.98	5,831.40	5,831.40	7.6%
November	70,694.40	6,380.68	12,212.08	9.0%
December	64,152.54	3,590.39	15,802.47	5.6%
January	70,905.79	(1,454.54)	14,347.93	-2.1%
February	84,192.65	804.37	15,152.30	1.0%
March	107,795.78	(3,372.99)	11,779.31	-3.1%
April	84,458.03	11,039.20	22,818.51	13.1%
May	104,577.65	(94.31)	22,724.20	-0.1%
June	113,362.33	13,186.44	35,910.64	11.6%
July	138,661.90			
August	86,164.99			
September	73,518.97			
Total	1,075,000.01	35,910.64		

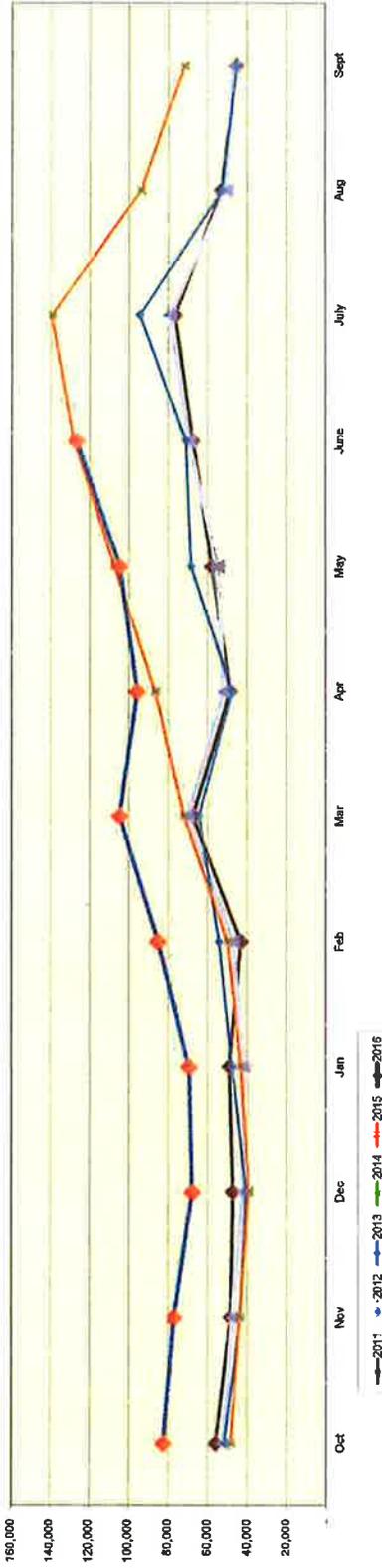
CHANGE IN DOLLARS

	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	9 Year Spark Line
October	16,595.83	(3,988.86)	(424.13)	(3,196.35)	26,199.58	7,744.75	
November	14,566.36	(761.65)	(4,108.60)	453.44	33,376.72	(214.55)	
December	15,639.18	(4,931.34)	(1,784.08)	(1,372.61)	30,463.08	(1,842.68)	
January	6,122.42	(7,088.78)	5,630.67	(4,349.97)	29,125.05	(2,871.84)	
February	(3,845.64)	4,293.82	6,860.53	(4,422.32)	42,368.30	(7,155.99)	
March	14,650.91	2,635.90	(5,732.86)	7,629.50	40,797.46	(8,329.64)	
April	6,956.78	3,451.23	(4,504.51)	38,810.79	14,950.73	(5,698.84)	
May	(8,940.48)	(3,140.03)	13,708.04	38,707.06	1,560.19	(4,232.40)	
June	(12,278.07)	2,278.14	1,267.78	56,829.68	(16,593.16)	15,231.56	
July	(15,274.61)	2,785.94	14,892.67	45,086.90	1,500.33		
August	(10,503.25)	(2,402.60)	2,010.26	41,305.36	(2,975.01)		
September	(7,446.04)	1,752.14	(1,820.54)	26,641.89	13,141.27		
Total	16,143.39	(5,126.09)	25,995.23	242,123.37	213,924.54	(7,369.64)	

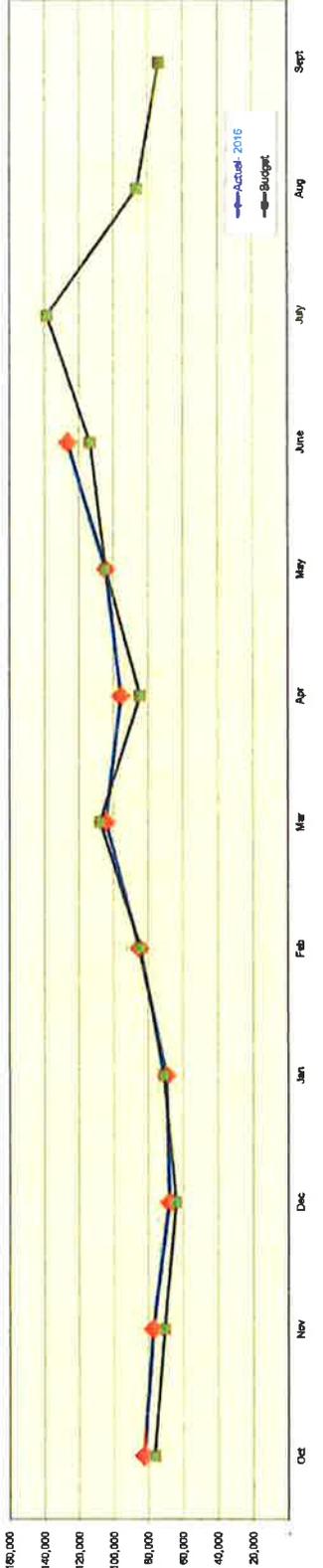
CHANGE IN PERCENTAGE

	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016
October	-7.7%	-0.8%	-6.6%	35.1%	9.4%
November	-1.6%	-9.5%	1.0%	43.2%	-0.3%
December	-11.7%	-4.4%	-3.5%	43.8%	-2.7%
January	-16.9%	11.8%	-10.1%	40.3%	-4.1%
February	9.1%	12.7%	-8.9%	46.0%	-8.4%
March	3.8%	-8.9%	10.6%	36.2%	-8.0%
April	6.6%	-9.5%	45.0%	14.8%	-6.0%
May	-5.7%	20.0%	36.1%	1.4%	-4.1%
June	3.3%	1.8%	44.4%	1.1%	12.0%
July	3.5%	15.8%	32.3%	-14.9%	
August	-4.8%	3.8%	44.1%	-3.3%	
September	3.7%	-4.0%	37.1%	15.5%	
% Change	2.4%	-0.8%	3.8%	18.8%	

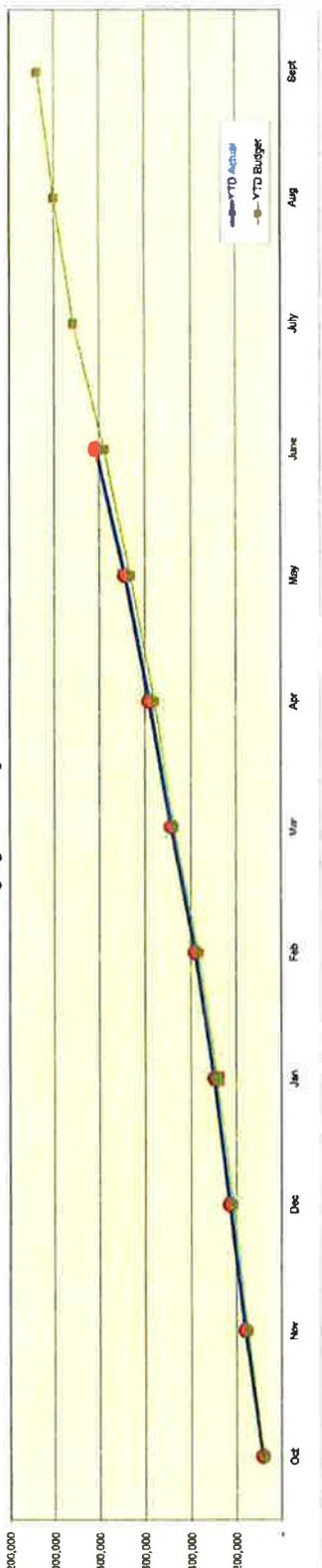
Lodging Tax Comparisons Year over Year



FY 2016 Lodging Tax Budget vs. Actual - Monthly



FY 2016 Lodging Tax Budget vs. Actual - YTD



Buildings & Property Committee Meeting

Monday, August 1, 2016

4:30 p.m.

1705 Main Street, Daphne, AL 36526

Committee Minutes:

Present: Chair Councilman John Lake; Councilwoman Tommie Conaway; Councilman Pat Rudicell; 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; Kevin Boucher, City Attorney; Chief White, Fire Department; Richard Johnson, Public Works; BJ Enringman, Deputy Director Public Works; Margaret Thigpen, Civic Center Director; David McKelroy, Director Recreation; Suzanne Henson, Senior Accountant; Ashley Campbell, Environmental Programs Manager; Tonja Young, Library Director; Adrienne Jones, Planning Director; Victoria Phelps, Beautification Committee; & Lake Forest Property Owners Association (LFPOA) Representative; Liz Thompson, Eastern Shore Chamber of Commerce; Selena Vaughn and Al Guarisco, Village Point Foundation; Ben Cruitt; and Andrew Prescott and Joe Burton, Burton Property Group

Absent: Mayor Haygood; Jay Ross, City Attorney; Vickie Hinman, HR Director; Richard Merchant, Building Official; Rick Whitehead, IT Coordinator; Kelli Kichler, Finance Director/Treasurer; Danny Lyndall, Daphne Utilities General Manager; Dorothy Morrison, DRA & Beautification Committee; and Ben Cruitt

1. CALL MEETING TO ORDER / ROLL CALL

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

2. APPROVAL OF MINUTES: June 6, 2016

MOTION BY Councilwoman Tommie Conaway to approve July 5, 2016 minutes. Seconded by Councilwoman Angie Phillips.

MOTION CARRIED

PRESENTATION: Councilman Randy Fry – Potential Land Donation to the City of Daphne on Milton Jones Road and AL-181 N. for Fire Department and Public Safety Complex

Councilman Randy Fry discussed a new fire station on the south and east side of town. Councilman Fry commented the Corte family would like to make a donation for a small piece of land. The Corte land has some issues with space and a lake that would require improvements before we could build. Councilman Fry and Chief White met with the Corte family on Wednesday, July 27, 2016 to discuss options.

Councilman Randy Fry, Chief White, and Richard Johnson met with Mr. Bertolla on Thursday, July 28, 2016 reference land donation option on Milton Jones Road and AL-181N. Mr. Bertolla was receptive to land donation with tax benefit. Mr. Bertolla gave a verbal of an acre and half just to the west of 181 with 150 ft. frontage. The city would need to incorporate the access road and improve storm water retention/detention in area of woodlands. Creek runs from western boundary line and Stanton. Councilman Fry commented Chief White was in favor of this property being more advantageous than the Corte donation.

MOTION BY Councilman Randy Fry to engage city attorney to draft agreement for Mr. Bertolla to review with his legal counsel to move process along to acquire acre and half land donation to the City of Daphne on Milton Jones Road and AL-181 N. Seconded by Ron Scott. All in Favor, AYE.

MOTION CARRIED UNANIMOUSLY

Chair Councilman John Lake asked Councilman Randy Fry if creek was on flood plain.

Councilman Randy Fry noted property is not on a creek. The creek runs down the edge of property and Stanton Road and a wooded area before the flat part of farm land over to Hwy 181.

Chair Councilman John Lake thanked Councilman Randy Fry for efforts on project.

3. DAPHNE CENTRAL PARK REPORT (JULY): Richard Johnson

Richard Johnson gave report on Central Park. Richard commented there wasn't a lot of activity due to end of budget year. The walking trails and etc. have been accounted. Our goal is to complete 9 disc baskets and T-boxes by end of month along with boundary fencing on west side.

Councilman Ron Scott asked about Central Park equipment shed.

Richard Johnson commented the ground supervisor has asked for consideration.

Councilman Ron Scott asked to make equipment shed a FY17 item.

Councilman Ron Scott inquired about FY17 easement at Country Club with cutting path.

Richard Johnson commented this may happen earlier than FY17. Richard is awaiting walk thru with the property owner association members.

Councilman Ron Scott inquired about portalets at Central Park.

Richard Johnson commented this is a requirement to have a portalet by building code during erection of gazebo. Richard commented this would be a FY17 conversation for a restroom facility at Central Park.

Councilman Ron Scott inquired about additional parking at Central Park.

Richard Johnson commented additional parking is in FY17 proposed budget for Central Park.

4) SURPLUS PROPERTY (JULY): Suzanne Henson

Suzanne Henson had no report for July.

5) CIVIC CENTER & BAYFRONT PAVILLION REPORT (JULY): Margaret Thigpen

Civic Center Report:

- July 2016 revenue for the Civic Center totaled \$25,658.50 / Increase from July 2015
- FY 2016 YTD Projected Year End Revenue / \$175,423.00
- July 2016 Deposits / \$14,895.50
- FY 2015-2016 YTD Deposits / \$151,592.00

Bayfront Park Pavilion Report:

- July 2016 Revenue / \$7,943.00 / Increase from July 2015
- FY 2015-2016 YTD Projected Year End Revenue / \$69,100.00
- July 2016 Deposits / \$6,502.00
- FY 2015-2016 YTD Deposits / \$56,455.00

Reminder Note: Bayfront – Per Richard Merchant

- On record \$122,330.00 in improvements thus far at Bayfront Pavilion
- Appraisal was for \$295,000.00
- ½ the appraised amount is what we have to work within = \$147,500.00
- This leaves roughly \$25,170.00 for improvements
- The first to fall off due to the 10 year rule will be \$40,000.00 on July 11, 2019.

Daphne Convention & Visitor's Bureau

Lost Business

AL Recreation and Parks Assn. - 2018 Conference

Lead

AL Exchange Club - 2017 AL District Convention

Miscellaneous

Taste of the Eastern Shore date has changed from August 12, 2016 to September 23, 2016.

Thank You – Letters

We received two thank you letters included within packet from Dee Ray and Debbie Walsh.

ABC Board/Ronald McDonald House

ABC Board increased policy on the sale of alcohol reference ticket sales. Ronald McDonald House is trying to bring their fundraiser over to the civic center and this has been a challenge.

Jubilee Festival

Jubilee Festival scheduled for September 24-25, 2016. Permit turned in today to the Clerk's Office on August 1, 2016. Margaret would like to add Liz Thompson with the Eastern Shore Chamber of Commerce to agenda next month to speak at event.

Ballroom Dance

Ballroom Dance scheduled on September 30, 2016. Tickets go on sale August 30, 2016.

Catholic Archdiocese

Margaret Thigpen and team are meeting tonight on August 1, 2016 with the Catholic Archdiocese for their family conference. David McElroy and I will meet with them to show the facilities of the Civic Center and Recreation Center. This conference will require additional space. The Recreation Center supports the Civic Center as needed when space is open.

Alabama Tools Meeting

Margaret Thigpen commented they landed a meeting with Alabama Tools Meeting which is part of the Petroleum and Convenience Marketers of Alabama and is a direct piece of business from the trade show in May.

Councilwoman Angie Phillips congratulated Margaret Thigpen on great month of revenue.

Chair Councilman John Lake inquired about facilities planning for future expansion to accommodate growth. Has a cost benefit analysis been prepared?

Margaret Thigpen commented David McKelroy has offered the Recreation Center for additional space as required if needed for meetings.

David McElroy commented to build a Recreation Center.

Margaret Thigpen commented they will look into cost benefit analysis.

6) BUILDING INSPECTION MONTHLY REPORT – (JULY): Ashley Campbell

Ashley Campbell reported on Building Inspection for the month of July.

- Total Building Permits / 153
- Total Permit Building Permit Fees / \$31,784.70
- New Home Permits / 21
- CO's / 14

7) RECREATION REPORT – (JULY): David McKelroy

David McKelroy commented Trione Park was closed for about three weeks for revitalization of facilities. The grass is now growing on fields. David commented they have worked with Public Works on pedestrian bridge for Daphne East Elementary School for field trips to Trione Park.

Richard Johnson commented Daphne East Elementary asked if we could put in a pedestrian bridge for students to utilize during field trips and activities. Richard commented the Recreation Department had funds in budget for bridge and Public Works built the bridge for school to utilize. The bridge was built to accommodate Central Park in the future if Recreation Department was upgraded in the future. Richard commented were building a bridge for the future.

8) LIBRARY REPORT – (JULY): – Tonja Young

Tonja Young gave the Library Report for July. Tonja commented the library has been very busy. They just completed the 2nd Summer Reading Program for ice cream with over 200 students.

Tonja Young commented that ESILL wants to teach classes at the library. She commented we're going to require more meeting space. Tonja in addition commented the Foundation friends are looking at supporting with meeting space.

Richard Johnson complemented Tonja Young reference her preventative maintenance plan for library. Richard commented on the computer booths that have been upgraded with glass booths. Richard noted they're working on changing out light fixtures from fluorescent to LED lights.

Chair Councilman John Lake inquired about the 3D printer status.

Tonja Young commented once the 3D printer booth's lock is secure will have ready for use. Kevin Boucher's son is the first one signed up for use on 3D printer.

Chair Councilman John Lake commented he was glad to see the 2nd Summer Reading Program and the importance of our library for the children.

9) VILLAGE POINT BAYFRONT PROPERTIES: Selena Vaughn

Selena Vaughn commented on the Corte's family history and reference the library. Selena noted Albert Corte's digital book is available at the library.

Selena Vaughan commented we need to move forward with a meeting with Preble Rish on the street scape and bay front where money has been put aside.

Chair Councilman John Lake asked who had been contacted reference meeting.

Councilman Randy Fry commented he had spoken with Andy and they're looking at meeting in September. Councilman Fry commented to Selena she could precede with setting up meeting.

Chair Councilman John Lake commented we need input from stakeholders.

Councilman Ron Scott asked if we had a committee.

Councilman Randy Fry noted a Parks Planning Team Committee has been setup.

Richard Johnson offered support in setting up the meeting.

Selena Vaughan commented on foundation receiving complaints reference speed limits. Selena would like to see yield signs for the pedestrian and vehicular traffic. Selena requested speed limit signs posted.

Richard Johnson commented we could post share the road signs at 10 miles per hour.

Chair Councilman John Lake commented we could go with a smaller sign at 10 miles per hour.

10) OLD BUSINESS

D'OLIVE BAYFRONT PURCHASE: Ashley Campbell

Ashley Campbell gave report for D'Olive Bayfront purchase. Ashley confirmed D'Olive Bayfront property has been purchased.

**LAKE FOREST PROPERTY OWNERS ASSOCIATION (LFPOA) YACHT CLUB BOAT RAMP:
Victoria Phelps**

Victoria Phelps gave report for Lake Forest Property Owners Association (LFPOA) Yacht Club Boat Ramp. Victoria reported there has been dialogue between LFPOA and the City of Daphne of the past few months. Victoria reported the draft is ready for review at their meeting on Wednesday, August 3rd. Patrick Collins will forward to the city once draft is approved for review. LFPOA is excited over relationship with city and projects. Victoria appreciates Mr. Richard Johnson comment on the bridge at Trione Park noted for future use at Central Park. Victoria thanked Mr. Richard Johnson and BJ Enringman along with Councilman Ron Scott for their support on Central Park.

Councilman Ron Scott commented there has been confusion with property owners of the leasing of Lake Forest Marina instead of Lake Forest Yacht Club. Councilman Scott commented the Lake Forest Yacht Boat Ramp will be good for our community.

Victoria Phelps commented this was addressed at council meeting. LFPOA president is working on notifying property owners thru membership.

Councilman Angie Phillips inquired on feedback.

Victoria Phelps commented feedback overall has been good and beneficial to LFPOA and the City of Daphne

11) NEW BUSINESS

There was no new business reported.

12) ANY OTHER BUILDINGS & PROPERTY BUSINESS

Councilwoman Angie Phillips inquired about removal of May Day boat ramp.

Richard Johnson reported May Day Park will be closed on August 3, 2016 for a week for the removal of May Day boat ramp. Richard commented upgrades to pier and handrails will be completed during this phase of work.

Richard Johnson commented Chief White requested apron at Fire Station #4 be replaced within their budget last year. Richard Johnson commented it was completed with 5000 psi concrete.

Richard Johnson commented the recreation facilities are on schedule. There are several meetings for final review. The design professionals permit drawings are due by the end of the month. We'll advertise during the month of September. The finance meeting is the first week in October. This will show costs of first phase of project. Park City property is on track.

Councilman Ron Scott asked about working around the live oaks at park.

Richard Johnson commented on the development and the significant pines. Richard commented the oaks on walking trails are beautiful.

Ashley Campbell commented on communication between Building and Property Committee and Building and Inspection. She wanted to make sure they are informed on land donations for environmental assessment with Flood Plain Manager and Environmental. We need a check list on donations for protocol to notify department heads.

Councilman Ron Scott commented on Planning Commission spoke on setbacks on wetlands and granted variances of 30 ft. setback to 10 ft. setback. There were mitigating substances to justify.

Richard Johnson commented Volkert is reflagging wetlands to refine. There was a desire for complex to be laid out with access road. Encroachment getting on property at the northwest side. We're putting two (2) retaining walls at two (2) other locations to keep out of wetlands within 30 ft. buffer area. The pond is on back slope with damn structure within 30 ft. buffer. The geometry has dictated. Ashley has requirement on Carolina Woods to preserve system. Ashley will be directly involved to set standards for best management practices, to eliminate risks, and discharge. Ashley is an equal opportunity offender. The landscaping package replants areas at completion.

Councilwoman Angie Phillips asked Ashley Campbell who she would suggest for checklist on Standard Operating Procedure.

Ashley Campbell asked Becky Hayes for process for checklist on Standard Operating Procedure.

Becky Hayes commented she would look into process.

Councilman Ron Scott commented the process would need to go thru planning.

Richard Johnson suggested meeting with Ashley Campbell, Adrienne Jones, Becky Hayes and Kevin Boucher to begin process on standard operating procedure.

Richard Johnson has meeting setup with Scott Curtis on Talent Lane on secondary lane.

Chair Councilman John Lake commented on connectivity of trail system to Wal-Mart with refurbishment.

Councilwoman Angie Phillips asked Chief White on scheduled date for portable to deliver at fire station.

Chief White commented the scheduled date is August 29, 2016 with shower and kitchen. They have received purchase order today.

13) PUBLIC PARTICIPATION:

Andrew Prescott with Burton properties gave presentation on Jubilee Square for Lattice Community Board. They proposed a LED Display to draw more people into center. They asked for comment on thoughts from committee.

Chair Councilman John Lake suggested following up with Beautification Committee reference sign.

Councilman Ron Scott commented the sign is on city property along with our sign ordinance on signs of 50 sq. ft. with 30 ft. can be digital. Councilman Scott recommended and preferred them seeing the Planning Department.

Chair Councilman John Lake commented on the aesthetics to entrance of area with community information.

Adrienne Jones needs further clarification from council. Adrienne commented the council would need to clarify if the sign could to go from community to commercial. Adrienne didn't see a problem reference sign ordinance or land ordinance. Adrienne commented we would be need approval on sign transitioning from community into partial commercial sign. Adrienne suggested attorneys would need to take a look at proposal and review at next meeting.

Kevin Boucher commented he would take a look at proposal.

Victoria Phillips commented that when she was on the Planning Commission there was an overlay district on Jubilee Center requiring approval of pylon signs.

Victoria Phillips asked Ashley Campbell on time frame for grant funding.

Ashley Campbell commented we have one year from signature.

14) NEXT MEETING

The next meeting will be September 6, 2016.

15) ADJOURN

There was no further business to discuss Chair Councilman John Lake adjourned meeting at 5:28 p.m.

**DOWNTOWN REDEVELOPMENT AUTHORITY
DAPHNE CITY HALL
1705 MAIN STREET, DAPHNE, AL 36526
JULY 27, 2016**

COMMITTEE MINUTES

MEMBERS PRESENT: Chairman Casey Zito, Dayna Oldham, Debbie Strahley, Dorothy Morrison, Doug Bailey, Kiki Mikkelson, Daniel Dyas, and Brandy Lister

MEMBERS ABSENT: Patricia Vanderpool and Nicole Simms

COUNCIL LIASON PRESENT: Councilman Pat Rudicell

COUNCIL LIASON ABSENT: Councilman Tommie Conaway

ALSO PRESENT: Jenny White, Recording Secretary, Ken Balme, Kara Wilbourn, Larry Chason, Herb Cole, David Calametti, Stark Irvine, and Ben Cruitt

1. CALL TO ORDER

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

Chairman Casey Zito asked that all members, council, and visitors make introduction.

2. PUBLIC PARTICIPATION

There was no public participation.

3. APPROVAL OF MINUTES / JUNE 22, 2016

Motion by Dorothy Morrison to approve the minutes from June 22, 2016 meeting as written. **Seconded by Doug Bailey.**

Motion Carried Unanimously.

4. TREASURER'S REPORT

Doug Bailey gave Treasurer's Report.

Statement June 1-30, 2016

May Beginning Statement Balance – \$204,466.20

Deposit	June 10, 2016	Bryant Bank	\$4,774.86	June Tax Collection
Service Fee	June 30, 2016	Bryant Bank	\$3.00	Service Fee

June Ending Statement Balance - \$209,238.06

PRESENTATION

Alabama Coasting – David Calametti

Chairman Casey Zito introduced David Calametti from Alabama Coasting. Chairman Zito informed committee that the Downtown Redevelopment Authority partnered with Alabama Coasting a couple of years ago.

David Calametti gave introduction of Alabama Coasting. David commented Alabama Coasting has been in business for seven years. Alabama Coasting publishes 10,000 copies a quarter. Alabama Coasting provides magazines to condos and hotels. Alabama Coasting is working with Daphne Convention and Visitors Bureau on marketing proposal.

David Calametti presented proposal to Downtown Redevelopment Authority for quarterly advertisement in magazine.

Proposal – Full Page

\$900.00/Quarter - \$3,600.00/Year
\$120.00/Merchants/\$900.00 DRA Partnership/Quarter (Co-Op)
Full Page Content Relevant to Daphne

Chairman Casey Zito commented the authority would require authorization by graphic artist (Karen) to use map for advertisement. Dorothy Morrison commented she has contact number for Karen.

Brandy Lister asked how many merchants at \$120.00 it will take to make the co-op for proposal. David Calametti commented he would structure partnership to work if Downtown Redevelopment Authority was on board.

Debbie Strahley asked about deadline. David Calametti commented he can work within a five day turn around.

Dayna Oldham shared her experience from Buckle My Shoe on prior advertisement. Dayna didn't recall a lot of feedback on former advertisement.

David Calametti commented if advertisement was not working it is subject to cancellation.

Dorothy Morrison commented Alabama Coasting was a beautiful magazine.

Motion by Dorothy Morrison to table approval of our commitment to Alabama Coasting until next meeting for more information and all questions are answered. **Seconded by Doug Bailey.**

Motion Carried Unanimously.

OLD BUSINESS

I. Authority Membership – Chairman Casey Zito

Chairman Casey Zito discussed membership authority guidelines of membership requiring members to be an elector of the city. Chairman asked City Clerk to further clarify. Chairman Zito noted you have to live within Daphne city limits. We have a member Ken Balme that moved from Olde Towne Daphne to outside the city limits of Daphne. Ken will now become a non-voting associate. Ken can participate at meetings as a non-voting associate. Chairman informed all members that if anyone on the authority moves outside the city limits they will have to step down to a non-voting associate and not be able to vote as a member.

II. Website – Chairman Casey Zito

Chairman Casey Zito has meeting next week with website designer. Chairman Zito mentioned they have completed the names, front page, and calendar. Plans are to show the website at our next meeting.

III. Brochure and Rack Card Reprint – Ken Balme

Ken Balme shared a sample of the “Detour to a Daphne Sunset” rack card. Ken informed committee the State of Alabama requires a phone number on rack card. Ken suggested City Hall phone number 251-621-9000.

Kara Wilbourn shared that the mayor is working on getting all printed documents with City Hall phone number 251-621-9000.

Ken Balme would like to add our website to rack card.

Chairman Casey Zito commented the website should be complete within thirty days. Chairman Zito is comfortable to proceed with downtowndaphne.com on rack card.

Ken stated it will take the state 30 days to approve rack card. Ken noted the state will ship 3000 rack cards to the welcome centers and forward 2000 rack cards to us for stock. Ken suggested increasing quantity to 5000. Ken estimated printing of 2,000 rack cards at \$148.00 and an additional 3,000 for \$50.00 more.

Chairman Casey Zito noted an approved motion at the meeting on June 22, 2016 was to authorize Ken Balme authorization to continue working on rack card not to exceed expenses over \$240.00. Chairman Zito commented this would cover Sarah Toulson invoice in package for \$240.00. Chairman Zito signed Check 1037 to Sarah Toulson at meeting for \$240.00.

Daniel Dyas amended motion on June 22, 2016 to authorize Ken Balme authorization to continue working on rack card design not to exceed expense of \$240.00. In addition to move forward with printing changes discussed with an expenditure of \$250.00 for printing 5000 rack cards. **Seconded by Dorothy Morrison.**
Motion Carried Unanimously.

Chairman Casey Zito noted appreciation to Ken Balme and Sarah Toulson on rack card.

IV. Main Street Parking Lot – Doug Bailey

Chairman Casey Zito gave brief to committee on discussion of Main Street parking lot. She mentioned there was a motion on May 25, 2016 to engage with obtaining a real estate agent for intent to purchase property with consent of mayor and city attorney with due diligence. Chairman Zito further discussed Doug Bailey provided a sketch from the June 22, 2016 meeting with cost estimate for committee to review. Chairman Zito mentioned the committee invited Starke Irvine to meeting today to discuss property and options.

Chairman Casey Zito made introduction of Starke Irvine to committee.

Starke Irvine introduced himself as a real estate broker in downtown Daphne. Starke gave his opinion that to purchase the property on Main Street would not be a good idea. Starke noted the price of parking lot property is around \$22.00/sq. ft. Starke mentioned there are two (2) other properties of interest in area on Trione Street and Daphne Avenue. Starke asked committee to look at options. Starke noted downtown property is running around \$8.00 - \$12.00/sq. ft. Starke noted that businesses are currently using this parking lot for parking. Starke Irvine noted the property is under JRC Properties LLC at \$159,900. Starke noted the Revenue Office has property valued at \$81,000.00.

Larry Chason commented the property last sold for \$128,500.00.

Brandy Lister commented she preferred a building to be built for business rather than a parking lot on Main Street.

Starke noted there are disadvantages to building on Main Street parking lot. Starke noted a one story could be built with elevator. Starke noted it would not be economically feasible.

Dorothy Morrison commented she would like more information on the other lots.

Starke Irvine discussed the other options for property on Trione Street across from the Christ the King Catholic Football field and the other property off of Hwy 64 on Daphne Avenue.

Daniel Dyas suggested the committee engage in a redevelopment plan due to parking shortages with a comprehensive approach to parking and walkability.

Doug Bailey referenced January meeting with Director Adrienne Jones, Community Development Director to discuss further planning.

Chairman Zito noted there are additional parking areas in Daphne as Lott Park.

Dorothy Morrison suggested a Kiosk to display businesses and parking in Daphne.

Dayna Oldham asked about the property for sale behind Mancini's. Starke noted price was \$500,000.

Doug Bailey suggested he'll provide sketches of properties for comparison.

Brandy Lister asked what was our goal, a parking lot or business.

Debbie Strahley recommended establishing a business.

Starke Irvine suggested interest in Daniel Dyas plan for redevelopment plan.

Chairman Casey Zito mentioned one of our top 3 goals was to alleviate parking.

Chairman Casey Zito commented the authority can build to develop, bring in business, and authority can sell once established. The authority is able to borrow money with income to allow for down payment.

Chairman Casey Zito commented we need to confirm goals from strategy meeting.

Starke Irvine commented there is a desire for food trucks to have a food court in Daphne with bands and entertainment. The site on Hwy 64 would be a great site. Starke suggested inviting Will Hughes to meeting.

Doug Bailey will provide a sketch of property on Hwy 64 Daphne Avenue with setup of food trucks.

Chairman Casey Zito concluded with the consensus of committee to continue discussion at next meeting to explore comparison of properties.

NEW BUSINESS

I. Boo on the Bay – Kiki Mikkelson

Kiki Mikkelson informed committee she wasn't able to meet with the mayor reference "Boo on the Bay" as planned from last meeting. Kiki has spoken with some merchants and received little support. Kiki commented the museum was interested in event with "Ghost Busters and Storytelling" event theme.

Chairman Zito noted we would need a proposal to move forward from authority standpoint. Chairman Zito is willing to entertain event.

Brandy Lister asked about the goal of "Boo on the Bay".

Kiki commented her vision was to cater event for adults and have merchants open to the public. Kiki noted if merchants wanted to participate she would continue to pursue. Kiki mentioned the museum was interested in providing a dinner with "Ghost Busters and Storytelling". If the merchants are not interested she will let the museum proceed.

Chairman Casey Zito commented we would keep "Boo on the Bay" on the agenda for next meeting until we have further information.

II. Christmas 2016 – Kara Wilbourn

Kara Wilbourn, Marketing Coordinator for the City of Daphne discussed the Christmas Planning Committee had met on July 21, 2016 to plan Christmas events for this year. Kara discussed options this year are to have the Christmas parade during the day or evening. Kara needs to make a decision soon for public relations and advertising on the Christmas parade. She asked for Downtown Redevelopment Authority thoughts on parade.

Committee members present preferred the evening or later afternoon Christmas parade.

Chairman Casey Zito concluded with consensus of committee members present they preferred the evening or later afternoon Christmas parade this year as presented by Kara Wilbourn.

Kara discussed additional upcoming Christmas events on calendar.

Christmas Tree Lighting & Open House

City Hall, Friday, December 2, 2016, 5:00 – 8:00 pm

Christmas Parade

Main Street, Saturday, December 10, 2016

Christmas Snow & Movie Night,

Lott Park, Friday, December 16, 2016, 4:00 – 9:00 pm

**III. Downtown Network Membership with Main Street Alabama (MSA)
Chairman Casey Zito**

Chairman Casey Zito informed committee our Downtown Network Membership with Main Street Alabama (MSA) is up for renewal. Downtown Network Membership fee is \$300.00 that includes technical assistance, training, and educational resources.

MOTION BY Dorothy Morrison to renew membership with Main Street Alabama (MSA) at \$300.00. Seconded, by Doug Bailey. AYE, all in favor, seven (7) Chairman Casey Zito, Dayna Oldham, Debbie Strahley, Dorothy Morrison, Doug Bailey, Kiki Mikkelson, and Brandy Lister. NAY, opposed one (1) Daniel Dyas.

MOTION CARRIED

Chairman Casey Zito signed Check 1036 to Main Street Alabama (MSA) for membership fee of \$300.00.

IV. Merchants Association – Brandy Lister

There was no report given on the Merchants Association.

5. OTHER BUSINESS DEEMED NECESSARY

I. Industrial Development Board – Doug Bailey

Doug Bailey reported the Industrial Development Board had meeting on Monday, July 25, 2016. The Board is moving forward with purchase. Board has authorized the Geotechnical Report.

II. Beautification Committee – Dorothy Morrison

Dorothy Morrison reported the Beautification Committee is hoping to start paving Centennial Parking Lot.

Dorothy Morrison informed committee they had purchased children tables and a Geo Dome for the children to climb on at Centennial Park.

Dorothy Morrison noted the work at museum was promised to be complete by August 31, 2016.

Chairman Casey Zito complemented the beautiful flowers in front of Centennial Park.

III. Welcome New Business – Dorothy Morrison

Dorothy Morrison delivered four (4) welcome new business packets out this past month. Packets delivered to Objects, Market on Main, B Boutique, and Serpents of Bienville. Dorothy asked committee to let her know of new businesses opening within town.

Doug Bailey commented there is a new business in town Ohara Law Firm.

**IV. Committee Vote to Consolidate November and December Meetings
Chairman Casey Zito**

Chairman Casey Zito suggested the committee consolidate the November-December 2016 monthly meeting to December 7, 2016 due to the Thanksgiving and Christmas holiday.

6. NEXT MEETING

Our next meeting is scheduled for August 24, 2016 at City Hall in the Executive Conference Room at 5:30 p.m.

7. ADJOURN MEETING

Chairman Casey Zito asked for motion to adjourn meeting.

Motion by Doug Bailey to adjourn meeting at 7:07 p.m. with no other business to consider. **Seconded by Dayna Oldham.**

Motion Carried Unanimously.

The City of Daphne
Planning Commission Minutes
Regular Meeting of June 23, 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 5:00 p.m.

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, excused 5:30 p.m. prior to planning commission discussion

Staff Present:

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

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

Chairman asked for questions, comments or corrections to the minutes **of the regular meeting of May 26, 2016. There being none, the minutes are approved as submitted.**

The next order of business is site plan review for Christ the King Athletic Complex, Phase I - Sidewalks.

An introductory presentation was given by Mr. Gary Cowles, representative of Cowles, Murphy & Glover, requesting site plan review of a revision to Christ the King Athletic Complex, Phase One - Sidewalk Plan, of an initial installation of sidewalk to access a concession stand and bathroom structure. As the property develops, the residential structures will be removed and the field will extend ten yards farther north. At that time, sidewalk will be installed along residential lots on Trione Avenue. As the development of the property progresses over the next ten to fifteen years, either with the construction of a parish hall or other type of facility, we will install a sidewalk there as well. At the request of others, the plans include a ten-foot wide crosswalk located at the center of the church property at Main Street for the students to access the sports complex from the school yard. He commented that the staff comments of the Public Works Director and Environmental Programs Manager have been addressed.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of June 23, 2016
Council Chamber, City Hall - 5:00 P.M.**

Chairman asked for Commission questions or comments.

Ms. Bergin asked if the existing crosswalk on Main Street will remain. Mr. Cowles stated the crosswalk will be removed and replaced with this one at some point.

Chairman asked Mr. Johnson if he would like to comment. Mr. Johnson stated that he would prefer that the sidewalk shown on the plan is installed now; however, the development code states that a sidewalk is to be placed on the front the lot that is being developed. The owner is doing that, and eventually there will be a sidewalk along Main Street to Trione Avenue.

Chairman asked for Commission questions or comments and stated the Chair will entertain a motion.

A Motion was made by Mr. Scully and Seconded by Mr. Kirby to grant site plan approval to the revision to Christ the King Athletic Complex Phase I - Sidewalk Plan. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a subdivision exemption review for the replat of Lot 2, TimberCreek Recreational Area for Jubilee Child Care Center & Preschool.

An introductory presentation was given by Mr. Tommy Hassell, representative of McCrory & Williams, of a subdivision exemption review for a one-lot subdivision consisting of approximately one-point six two acres located southwest of the intersection of Highway 31 and TimberCreek Boulevard to reorient the front setback toward TimberCreek Boulevard.

Chairman asked for Commission questions or comments and stated the Chair will entertain a motion.

A Motion was made by Mr. Kirby and Seconded by Mr. Scully to grant approval of the subdivision exemption of the replat of Lot 2, TimberCreek Recreational Area for Jubilee Child Care Center & Preschool. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is site plan review for Daphne Commercial Center.

An introductory presentation was given by Mr. Trey Jinright, representative of Jade Consulting, of a multi-tenant retail strip center located northeast of the intersection of Urgent Care Drive and Alabama Highway 181.

Chairman asked for Commission questions or comments.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of June 23, 2016
Council Chamber, City Hall - 5:00 P.M.**

Mr. Sandefur asked if the plans have changed. Mr. Jinright indicated that the approval of the site plan had lapsed by one month, and stated there have been no changes to plans.

Mr. Scott asked if the timing of the traffic signals would relieve congestion in the existing system. Mr. Johnson stated that improvements are planned for the second phase of ITS, Intelligent Traffic Signal, for Interstate 10 and Alabama Highway 181.

Chairman discussed the accuracy of the contact information provided on the indemnification of maintenance form. Mr. Jinright stated that Mr. Hix is the owner of the property. Mr. Fenderson commented that is the intent of the title listed on the maintenance form.

After further discussion regarding the maintenance form, the Chairman asked for Commission questions or comments and then stated the Chair will entertain a motion.

A Motion was made by Mr. Fenderson and Seconded by Mr. Smith to grant site plan approval to Daphne Commercial Center. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is final plat review for Brookhaven Subdivision, Unit Three.

An introductory presentation was given by Mr. Andy Bobe, representative of Dewberry Preble-Rish, requesting preliminary plat review of the final phase of a subdivision in existence for approximately ten years, a thirty-nine lot subdivision consisting of approximately fourteen-point seven zero acres located northwest of Gramercy Lane and Whispering Pines Road. He commented that the contractor will only clear the area necessary to construct the right-of-ways, remove the trees located in the twenty-foot drainage easement and move quickly into the construction of the subdivision. The contractor will install the sidewalk at the southwest corner of the common area during this phase.

Chairman asked Mr. Johnson if he would like to comment. Mr. Johnson stated the detention area of Brookhaven Subdivision is the master detention basin designated by the 319 grant for city property which will become the regional detention and treatment center.

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

Ms. Jones commented that she had received citizen comment to ask the Commission is the stub-out of Stratford Glen Subdivision planning to connect to the adjacent property. Mr. Bobe responded that there will be an access which will be beneficial to Stratford Glen Subdivision.

The City of Daphne
Planning Commission Minutes
Regular Meeting of June 23, 2016
Council Chamber, City Hall - 5:00 P.M.

Chairman asked for Commission questions or comments and stated the Chair will entertain a motion.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur **to grant approval of the preliminary plat for Brookhaven Subdivision, Unit Three. 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 2B.

An introductory presentation was given by Mr. Steve Pumphrey, representatives of Dewberry/Preble-Rish, requesting preliminary plat review of a eighty-four lot subdivision, the next phase of the development, consisting of approximately thirty-seven point one zero acres located south and west of Oldfield Subdivision, Phase One. He commented that the revision to the plat was made to offset the drainage & utility easement two feet from the setback line.

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

Chairman referenced correspondence from the Oldfield POA which was distributed to the Planning Commission for review.

Mr. John Avent, representative of Dewberry/Preble-Rish, the developer has addressed the concerns of the POA by revising the plans to install a pipe in lieu of the open ditch to the detention pond. The lake, the proposed off-site, the piped ditch, and the existing open ditch to the lake will be tied to this phase by easements. Although it is not shown on the plat now, the final plat will contain drainage easements that will be maintained by the property owners association.

Chairman asked for Commission questions or comments and stated the Chair will entertain a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Scully **to grant preliminary plat approval of Oldfield Subdivision, Phase 2B. There was no discussion on the motion. The Motion carried unanimously.**

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

An introductory presentation was given by Mr. Hunter Smith, representing Smith, Kolb & Associates, of preliminary/plat review for a two-lot subdivision consisting of approximately two-point four acres located southwest of Lazzari Lane and County Road 54 East. The subdivision is a Baldwin County family exempt subdivision located in the extraterritorial planning jurisdiction.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of June 23, 2016
Council Chamber, City Hall - 5:00 P.M.**

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

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

Chief White was excused at 5:30 p.m. prior to planning commission discussion.

The next order of business is planning commission discussion.

Chairman outlined discussion of the proposed land use amendments for subdivision exemptions and sidewalk waivers in residential or commercial developments.

Chairman asked for Commission questions or comments and stated the Chair will entertain a motion.

A Motion was made by Mr. Scott and Seconded by Mr. Fenderson of an affirmative recommendation by the Planning Commission to the City Council of a proposed amendment to amend Ordinance 2011-54, Land Use and Development Ordinance, Article 11-5, Extraterritorial Planning Jurisdiction Subdivision Exemptions, and to repeal in its entirety and replace 11-11, Sidewalks. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is public participation.

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

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

Mr. Boucher stated no report.

The next order of business is commissioner's comments.

Mr. Scott commented that the ribbon cutting for Gator Alley is July 6, 2016 at 10:00 a.m.

Mr. Scully stated the Baldwin County Drug Corp is having a fundraiser on June 28, 2016. The speaker is going to be the author of the book and/or movie, *Blindside*.

The next order of business is director's comments.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of June 23, 2016
Council Chamber, City Hall - 5:00 P.M.**

Ms. Jones presented the following:

- a. University of North Alabama Planning/Zoning Official classes in Gulf Shores, July 13-15, 2016, requested participation from members;
- b. Fireworks, Division of Public Works, July 4, 2016, 5-8 p.m.;
- c. City Council action on Daphne Rudicell Robinson and B-1(a), Limited Local Business District, July 5, 2016, 6:30 p.m.;
- d. City Council public hearings for zoning amendments, Eastern Shore Associates, Anne K. Irvine, McBride-Romero, and AJD Family Limited Partnership, July 18, 2016, 6:30 p.m.;
- e. The upcoming meeting dates are site preview, July 20, & regular meeting, July 28, 2016.

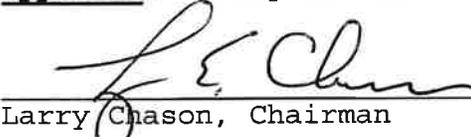
There being no further business, the meeting was adjourned at 5:48 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: July 28, 2016



Larry Chason, Chairman



1. **CALL TO ORDER: 5:02 P.M.**
2. **CALL OF ROLL: LARRY CHASON, MARYBETH BERGIN, RON SCOTT, TYRONE FENDERSON, CHIEF WHITE, HUDSON SANDEFUR, ED KIRBY AND WILLIAM SCULLY**
3. **APPROVAL OF MINUTES: Review of minutes for the regular meeting of June 23, 2016. (APPROVED AS SUBMITTED)**
4. **NEW BUSINESS:**

A. PLANNING COMMISSION APPROVAL & SITE PLAN REVIEW:

1. **File SP16-08: (PLANNING COMMISSION APPROVAL OF A CUSTARD SHOP IN A B-1(a) ZONE AND APPROVAL OF A SITE PLAN)**

Site: Whit's Frozen Custard
Zoning(s): *B-1(a), Limited Local Business*
Location: Southeast of the intersection of Van Avenue and Main Street
Area: 0.63 ± Acres
Owner(s): Elizabeth Wright
Agent: R.C. Bell Daphne, L.L.C. - Ronald Bell
Engineer: Jade Consulting - Trey Jinright

2. **File SP16-10: (APPROVAL OF THE SITE PLAN, TO INCLUDE A VARIANCE TO REDUCE THE WETLAND BUFFER AREA FROM 30 (THIRTY) TO 10 (TEN) FEET, AND TO ALLOW THE LAND DISTURBANCE TO EXCEED (17.5) SEVENTEEN POINT FIVE ACRES)**

Site: Daphne Sports Complex, Phase 2
Zoning(s): *R-3, High Density Single Family Residential*
Location: Southwest of the intersection of Pinehill Road and Park Drive
Area: 83 ± Acres
Owner(s): The City of Daphne - Mayor Dane Haygood
Engineer: Hutchinson, Moore & Rauch - Jaye Robertson

B. PRELIMINARY/FINAL PLAT REVIEW:

1. **File SDPF16-14: (APPROVED) PUBLIC HEARING**
Subdivision: Lipscomb Split
Zoning(s): *Unzoned, Baldwin County District 7, in the Extraterritorial Planning Jurisdiction of Daphne*
Location: Southeast of the intersection of U.S. Highway 90 and Jenkins Road
Area: 5.87 Acres ±, (2) lots
Owner: Edward & Mary Lipscomb
Agent: Davis & Fields, P.C. - Christine Clolinger
Surveyor: Sawgrass Consulting, L.L.C. - Ercil Godwin

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

5. **PUBLIC PARTICIPATION:** None presented
6. **ATTORNEY'S REPORT:** None presented
7. **COMMISSIONER'S COMMENTS**
8. **DIRECTOR'S COMMENTS**
9. **ADJOURNMENT:** 6:50 P.M.

SET PUBLIC HEARING DATE FOR

September 19, 2016

TO CONSIDER:

- a.) Pre-Zoning: James V. Roberts, as Conservator for Jeannette D. Lazzari
- Location: Northeast of Edgewood Drive and CR 64
- Present Zoning: RA, Rural Agricultural, Baldwin County District 15, in Extraterritorial Planning Jurisdiction
- Requested Zoning: PUD, Planned Unit Development, City of Daphne
- Recommendation: Unanimous favorable recommendation with certain conditions regarding the developer's mitigation of traffic impacts caused by the proposed development, and city staff presenting to the City Council a conclusion of the traffic impact study provided by the developer for review, and consideration of future traffic improvements in this area
-
- b.) Annexation: James V. Roberts, as Conservator for Jeannette D. Lazzari
- Location: Northeast of Edgewood Drive and CR 64
- Recommendation: Unanimous favorable recommendation with certain conditions regarding the developer's mitigation of traffic impacts caused by the proposed development, and city staff presenting to the City Council a conclusion of the traffic impact study provided by the developer for review, and consideration of future traffic improvements in this area

MEMORANDUM

To: Office of the City Clerk
From: Adrienne D. Jones, ^{AG}
Director of Community Development
Subject: James V. Roberts, Jr., as conservator of
Jeannette D. Lazzari, an incapacitated
person, Pre-zone Amendment, re: Winged
Foot Subdivision
Date: August 3, 2016

PRESENT ZONING: RA, Rural Agricultural, Baldwin County
District 15, in the Extraterritorial
Planning Jurisdiction of Daphne

PROPOSED REZONING: PUD, Planned Unit Development

LOCATION: Northeast of Edgewood Drive and County
Road 64

RECOMMENDATION: At the Thursday, July 28, 2016, regular meeting of the Daphne Planning Commission, eight members were present and a motion to set forth a favorable recommendation carried for the above mentioned pre-zone amendment with certain conditions regarding the developer's mitigation of traffic impacts caused by the proposed development and city staff presenting to the City Council a conclusion of the traffic impact study provided by the developer for review and consideration of future traffic improvements in this area.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, August 15, 2016 to set the public hearing for Monday, September 19, 2016.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Rezoning Application
2. Legal Description
3. Boundary Survey
4. Community Development Report



REZONING OR PRE-ZONING APPLICATION

Office use only "Winged Foot"	Date Submitted June 28, 2016
Application Number: ZA- or PZA- 16-04	Planning Commission Public Hearing Date: July 28, 2016

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): 8379 County Rd. 64, Daphne, AL 36526	PPIN#(s): 067253
Gross Site Area (acreage): 68.87 ACRES	Requested Zoning or Pre-Zoning: PUD
Current Zoning Designation(s): RA (BALDWIN COUNTY)	Amended Request: Initials: Date:
Current Land Use: AGRICULTURE	Anticipated Land Use: SINGLE FAMILY RESIDENTIAL COMMERCIAL
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": SEE ATTACHED	

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

APPLICANT & AGENT INFORMATION

**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: JAMES V. ROBERTS, JR., as Conservator of JEANETTE D. LAZZARI, an incapacitated Person	251-259-4548
Mailing Address: 9794 TIMBER CIRCLE, SUITE A, DAPHNE, AL 36526	Phone/Fax: 251-626-3776 Fax E-mail: jroberts@bellsouth.net
Name of Authorized Agent: DEWBERRY/PREBLE-RISH	251-990-9950
Mailing Address: 9949 BELLATON AVENUE, DAPHNE, AL 36526	Phone/Fax: 251-990-9910 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: <i>James Roberts as Conservator for Jeanette Lazzari</i>	Date 6-27-16
Agent's Signature: <i>Steve Pumphrey</i>	Date 6-28-16

WINGED FOOT PUD STANDARDS

Winged Foot, a Planned Unit Development (PUD), is a 67.87 acre site located one-quarter of a mile east of Pollard Road and is bound on the north side by Well Road and on the south side by County Road 64. The property is presently in the extraterritorial jurisdiction of the City of Daphne and is located in Baldwin County Planning District 15 and is zoned RA – Rural Agriculture. Application has been made to the City of Daphne to annex this property into the city and to be zoned as a PUD.

The proposed development consists of 199 single family lots, with 152 lots at 52' wide and a minimum of 6,000 sq. ft., and 47 lots at 70' wide and a minimum of 10,500 sq. ft. There are also 2 commercial parcels, approximately 2 acres each, proposed fronting on County Road 64. The proposed density of the residential development is 3.12 units per acre. There are 13.51 acres, or 19.91% of the total site, proposed as common area. These common areas consists of buffers to adjacent properties and within the proposed development, stormwater detention areas, and 4.68 acres of recreational area.

The proposed uses and building standards for the commercial property shall be in accordance to the B-2 zoning district of the City of Daphne Zoning Regulations. The residential lots shall have the following standards:

The 52' wide lots are to have building setbacks of 25' on the front and rear, 6' on the sides, and 15' on the street sides. The 70' wide lots are 30' on the front and rear, 10' on the sides, and 15' on the street sides. The maximum building heights for all residential lots are to be as per the City's R-3 zoning district. The maximum building coverage of each residential lot is 38%.

All utilities will be constructed underground and water, sewer, electric, and telephone are all available to the site. The roadways within the development will be a public and sidewalks will be located on both sides of the proposed roadways. All construction will be in accordance to the standards of the City of Daphne.

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

The PUD ^{General} ~~Master~~ Plan proposes a mix in residential building types and the commercial element along County Road 64. In the first phase of development, a roadway will be constructed from County Road 64 to Well Road, which will provide for a better disbursement of traffic. The proposed commercial development would be located adjacent to existing commercial properties to the east zoned B-2 in the County and across the street from properties zoned B-3 in the County and B-2 in the City. There is an assortment of zoning districts around this development of RSF-2, RMF-6, and B-2 in the County and R-1, R-4, and B-2 in the City. A 20' buffer has been provided around the perimeter of the development.

EXHIBIT "A"

68.87 AC

BEGINNING AT A 1/2" CAPPED REBAR (FAIRHOPE) AT THE NORTHEAST CORNER OF LOT 1A OF VAN IDERSTINES BUSINESS PARK, UNIT TWO SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2156-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 31 MINUTES 14 SECONDS WEST, A DISTANCE OF 481.92 FEET TO A 1/2" CAPPED REBAR (FAIRHOPE) AT THE NORTHWEST CORNER OF LOT 1A OF SAID VAN IDERSTINES BUSINESS PARK, UNIT TWO SUBDIVISION; THENCE RUN SOUTH 00 DEGREES 38 MINUTES 42 SECONDS WEST, A DISTANCE OF 649.47 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF VAN IDERSTINES BUSINESS PARK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2138-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND THE NORTH RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 64; THENCE RUN NORTH 89 DEGREES 38 MINUTES 43 SECONDS WEST, A DISTANCE OF 700.16 FEET TO A FENCE POST AT THE SOUTHEAST CORNER OF EDGEWOOD SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2063-F, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 18 MINUTES 20 SECONDS EAST, A DISTANCE OF 614.12 FEET TO A FENCE POST AT THE NORTHEAST CORNER OF SAID EDGEWOOD SUBDIVISION; THENCE RUN NORTH 89 DEGREES 31 MINUTES 42 SECONDS WEST, ALONG THE NORTH MARGIN OF SAID EDGEWOOD SUBDIVISION, A DISTANCE OF 126.10 FEET TO A FENCE CORNER; THENCE RUN NORTH 00 DEGREES 02 MINUTES 15 SECONDS EAST, ALONG AND WITH A WIRE FENCE, A DISTANCE OF 508.38 FEET TO A 1/2" CAPPED REBAR (FAIRHOPE); THENCE RUN NORTH 00 DEGREES 12 MINUTES 19 SECONDS EAST, A DISTANCE OF 663.59 FEET TO A 3/4" OPEN END IRON PIPE AT THE NORTHEAST CORNER OF PECAN TRACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2178-D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 07 MINUTES 19 SECONDS EAST, A DISTANCE OF 802.68 FEET TO A 1/2" CAPPED REBAR (CA-0565) ON THE SOUTH RIGHT-OF-WAY OF WELL ROAD; THENCE RUN SOUTH 89 DEGREES 40 MINUTES 13 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID WELL ROAD, A DISTANCE OF 1305.68 FEET TO A 1/2" REBAR; THENCE RUN SOUTH 00 DEGREES 03 MINUTES 44 SECONDS EAST, A DISTANCE OF 1941.21 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 68.87 ACRES, MORE OR LESS, AND LIES IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

ADJACENT PROPERTY OWNERS FOR WINGED FOOT

05-43-05-16-0-000-001.000	BALDWIN CO BD OF EDUCATION	2600 HAND AVE N	BAY MINETTE	AL	36507
05-43-05-16-0-000-005.001	DAPHNE, CITY OF UTILITIES BOARD	P O BOX 2550	DAPHNE	AL	36526
05-43-05-16-0-000-006.001	DAPHNE, CITY OF UTILITIES BOARD	P O BOX 2550	DAPHNE	AL	36526
05-43-05-16-0-000-006.003	BUSBY, BONNIE T	8365 WELL RD	DAPHNE	AL	36526
05-43-05-16-0-000-023.000	GIPSON, PATRICIA T	8545 CO RD 64	DAPHNE	AL	36526
05-43-05-16-0-000-023.001	TRIONE, RAYMOND D	8477 CO RD 64	DAPHNE	AL	36526
05-43-05-16-0-000-023.022	TOP DOG HOLDINGS L L C	21307 FARMERS LN	ROBERTSDALE	AL	36567
05-43-05-16-0-000-023.025	GIPSON, PATRICIA T	8545 CO RD 64	DAPHNE	AL	36526
05-43-05-16-0-000-026.000	LAZZARI, ARTHUR H (KOSEK, GRETCHEN R-ATT	26370 CO RD 54 W	DAPHNE	AL	36526
05-43-05-16-0-000-028.001	BRANTLEY, KARL LEONARD	26214 POLLARD RD	DAPHNE	AL	36526
05-43-05-16-0-000-028.002	BRANTLEY, KARL LEONARD	26214 POLLARD RD	DAPHNE	AL	36526
05-43-05-16-0-000-028.007	MCBRIDE, ROBERT L ETAL MCBRIDE, LISSA C	3701 CALDERWOOD DR	MOBILE	AL	36608
05-43-05-16-0-000-028.012	MCBRIDE, ROBERT L ETAL MCBRIDE, LISSA C	3701 CALDERWOOD DR	MOBILE	AL	36608
05-43-05-16-0-000-028.011	BRANTLEY, JAMES L	26250 POLLARD RD	DAPHNE	AL	36526
05-43-05-16-0-000-028.034	SELBY, MICHAEL R II	8264 PECAN COURT	DAPHNE	AL	36526
05-43-05-16-0-000-028.035	MINTER, CHRISTOPHER C ETAL BHOLAT, KHATI	3110 N STUDEBAKER RD	LONG BEACH	CA	90808
05-43-05-16-0-000-028.050	PRESCOTT, TYLER MONTANA JUL	4420 OLD HWY 5 N	THOMASVILLE	AL	36784
05-43-05-16-0-000-030.000	EDGEWOOD SUBDIVISION PROPERTY OWNERS ASS	8176 EDGEWOOD DR	DAPHNE	AL	36526
05-43-05-16-0-000-030.001	WALLACE, ASHLEY LAUREN	8339 EDGEWOOD DR	DAPHNE	AL	36526
05-43-05-16-0-000-030.002	WILLIAMS, MARY A	8327 EDGEWOOD DR	DAPHNE	AL	36526
05-43-05-16-0-000-030.003	JOHNSTON, RICHARD D	8317 EDGEWOOD DR	DAPHNE	AL	36526
05-43-05-16-0-000-030.004	MINKE, FREDERICK J ETAL MINKE, VIRGINIA	8305 EDGEWOOD DR	DAPHNE	AL	36526
05-43-05-16-0-000-030.005	DUCLOS, RYAN L ETAL DUCLOS, JULIE H	8295 EDGEWOOD DR	DAPHNE	AL	36526
05-43-05-16-0-000-030.006	JOHNSTON, JASON C ETAL JOHNSTON, AMANDA	8283 EDGEWOOD DR	DAPHNE	AL	36526
05-43-05-16-0-000-030.006	STREAMLINE INVESTMENTS L L C	717 OAK BLUFF DRIVE	DAPHNE	AL	36526
05-43-05-16-0-000-030.007	GUDATES, DONALD J	8279 EDGEWOOD DR	DAPHNE	AL	36526
05-43-05-16-0-000-030.008	DEARINGER, JULIE	8267 EDGEWOOD DR	DAPHNE	AL	36526
05-43-05-16-0-000-030.009	VARELA, JAMIE A ETAL GARCIA, GERALDINE	8259 EDGEWOOD DR	DAPHNE	AL	36526
05-43-05-16-0-000-030.047	ELITE DEVELOPMENT L L C	P O DRAWER 1629	FOLEY	AL	36536
05-43-05-21-0-000-004.006	KOLB, ROBERT L ETUX DONNA L	P O BOX 3151	DAPHNE	AL	36526
05-43-05-21-0-000-004.009	LEE, RONALD A ETUX KIMBERLY M	C/O RONNIE LEE AUTOMOTIVE	DAPHNE	AL	36526
05-43-05-21-0-000-005.000	MARINO, MONTCHAI ETAL MARINO, AMANDA	10675 BELFOREST CEMETERY RD	DAPHNE	AL	36526

DANE HAYGOOD
MAYOR



ADRIENNE D. JONES
COMMUNITY DEVELOPMENT
DIRECTOR/ZONING ADMINISTRATOR

CITY COUNCIL
TOMMIE CONAWAY
DISTRICT 1
PAT RUDICELL
DISTRICT 2
JOHN L. LAKE
DISTRICT 3
RANDY FRY
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
ANGIE PHILLIPS
DISTRICT 7

June 17, 2016

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for James V. Roberts, Jr., as conservator of Jeanette D. Lazzari, an incapacitated person, containing 68.87 acres +/- located northeast of Edgewood Drive and County Road 64 zoned RA, Rural Agricultural, Baldwin County District 15, to be pre-zoned to a PUD, Planned Unit Development. A petition to annex said property has also been submitted.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, July 20, 2016 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, July 28, 2016 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

James V. Roberts, Jr., as conservator of Jeanette D. Lazzari, an incapacitated person, Pre-Zoning

PLANNING COMMISSION
PREZONING REQUEST FOR
JEANETTE D. LAZZARI



The Jubilee City



COMMUNITY DEVELOPMENT

Rezoning Request Jeanette D. Lazzari 68.87 acres

Owner: Jeanette D. Lazzari (Conservator-James V. Roberts, Jr.)

Existing Conditions: 68.87 acres+/- residence and vacant agricultural land

Existing Zoning: RA, Rural Agricultural, Baldwin County District 15-ETJ

Proposed Zoning: Planned Unit Development (PUD)

Surrounding Zonings/Uses:

North – RSF-2, Single Family Residential, Baldwin County District 15-ETJ/Terri Subdivision

Northeast – B-2, General Business/Daphne Utilities Central Services Facility

South – B-2, General Business/undeveloped

East – B-3, General Business, Baldwin County District 15-ETJ/under construction

Southeast – RSF-2, Single Family Residential, Baldwin County District 15-ETJ/residence

West – RMF-6, Multiple Family District, Baldwin County District 15-ETJ/Edgewood Subdivision AND Romero/McBride property (*first read for rezoning request to rezone from residential to business is scheduled for July 18, 2016.*)

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

Increased residential growth within this and the southeastern section of the City of Daphne will result in the need for increased public safety personnel and city resources.

The Comprehensive Plan

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The following are some Land Use Goals and Objectives from the Plan.

Goal: Provide a land use plan for the City of Daphne, which supports the City's economic development, housing, transportation, and open space, recreation and education goals in a manner that maintains and promotes Daphne's unique image and quality of life. **Objective:** Encourage development of sound and cohesive residential areas which meet the housing needs of current and potential residents.

Goal: Grow sensibly by anticipating land use needs. **Objective:** Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties. **Objective:** Encourage planned unit developments which are beneficial to residents and which creatively take advantage of available properties that otherwise would not be developed. **Objective:** Protect and preserve the character of Daphne through review of new developments, the encouragement of growth that enhances the community spirit, and through aesthetic considerations. **Objective:** Integrate recreational resources with residential neighborhoods to insure that all portions of Daphne's population have convenient access to parks and open space. Promote clustered commercial development in defined areas.

Winged Foot PUD Review

According to the Winged Foot PUD Standards the proposed development consists of 199 single family lots and 2 commercial lots. The proposed overall residential density is 3.12 units/acre. This density is slightly lower than the density of an R-3, High Density Single Family Residential zoning district, 3.5 units/acre. Lot widths are between 52-ft and 70-ft. The lot sizes are between six and over ten thousand square feet (similar to Patio Home lots in R-6(G)). Over 19% of the property will be retained as common area: 4.68 acres or 6.9% overall (36% of the common areas) is proposed recreation; 8.47 acres or 12% overall (64% of common area) is proposed as stormwater management areas and buffers. The PUD General Plan proposes a combination of two building/lot types, although architectural building elevations have not been presented to illustrate the building types.

The site has direct access to County Road 64 along its southern boundary and Well Road along its northern boundary. According to the Winged Foot PUD standards, a thoroughfare will be constructed during the first phase of the project in order to connect the two roads.

A 20-ft wide buffer is proposed along the perimeter of the development in lieu of the recommended 40-ft wide buffer recommended by the Section 30-9(p) General Provisions.

Existing Conditions

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 2016, 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 Well 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.

Along the north and south side of County Road 64 between Pollard and County Road 13, there is a hodge-podge of zoning, uses, both inside and outside the city limits. There is precedent for B-2 zoning immediately south of the site across County Road 64 and in Austin Place Commercial Park to the east. The Romero & McBride request to rezone property to the west from R-1, Low Density to B-2, General Business, is scheduled for first read before the City Council on July 18, 2016. Second read would likely be held on August 1, 2016. Thus, the proposed development is consistent with adjoining development in the immediate vicinity.

Staff Comments

A 20-ft wide buffer is proposed along the perimeter of part of the development in lieu of the recommended 40-ft wide buffer recommended by the Section 30-9(p) General Provisions. According to the PUD provisions, a reduced setback may be permitted where the proposed use is considered compatible, consistent and otherwise harmonious with the abutting land.

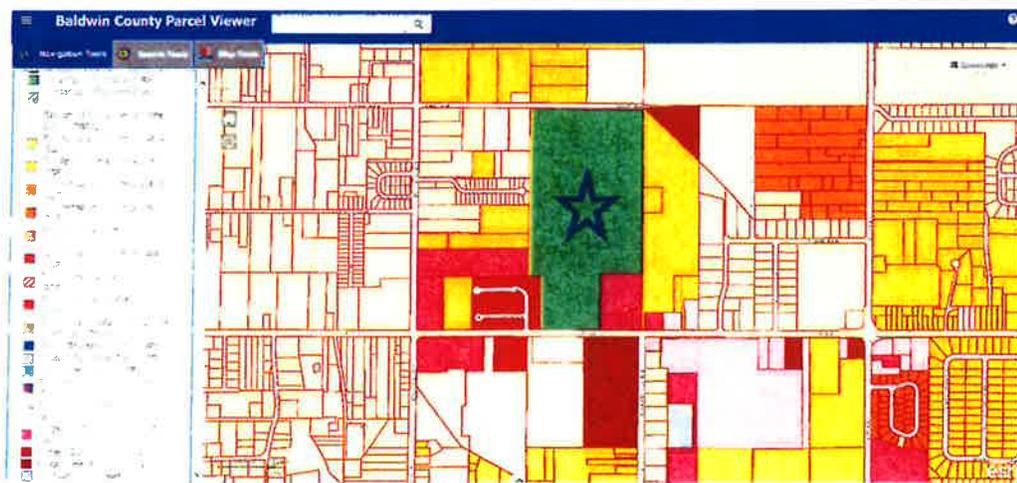
The perimeter buffer should also extend along the western boundary of the proposed commercial land and northward, along the perimeter of Edgewood Subdivision. Currently, no perimeter buffer is shown in these particular areas. PUD provisions require a 40-ft wide perimeter buffer unless modified by Council. According to 19-9, Buffer Zone Requirements, a 15-ft wide (natural or planted) buffer and an 8-ft high privacy fence is the minimum where B-2 abuts any residential district. *If the Commission considers the 20-ft perimeter buffer to be appropriate, then the buffer should extend to the boundary where Edgewood subdivision abuts the subject property.*

According to Article 30-1, Planned Unit Development District General provision, “Overall, the City desires PUD zoning to produce development that is *superior* to development designed under conventional zoning and subdivision regulations.” According to Section 30-7 (d), General Requirements, “The PUD shall provide, through desirable arrangement and design, *benefits which justify deviations from conventional development standards* which would otherwise apply.

The purpose in creating the PUD district is clear. It is important for the Planning Commission and City Council to ensure that there is superior design and public benefit presented in each PUD request. **In this case, additional information is needed to justify the need for PUD zoning.** Overall the plan presented is an R-6(G), Patio Home, design with an R-3, High Density Residential density. What are the public benefits? What makes this design superior to the existing Pecan Trace, Edgewood or any other residential subdivision development in the area? **The answer to these questions should be clearly stated in the Winged Foot PUD documents, the narrative and on the general plan.**

Related applications on July 2016 Planning Commission Agenda: 68.87 acres annexation request.

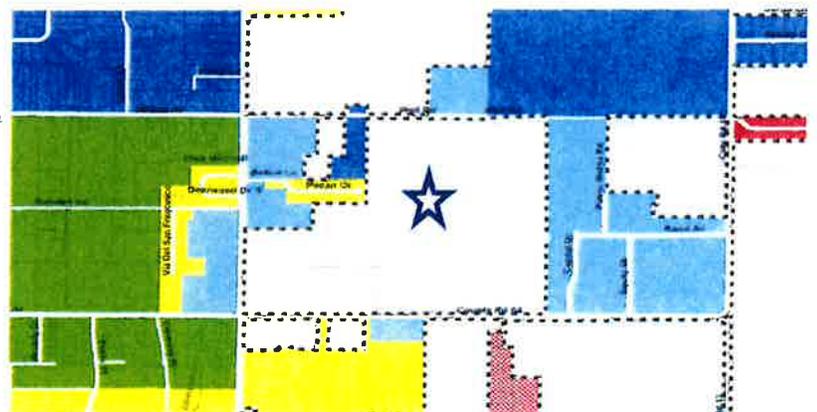
Adjoining property owner notices have been distributed, a zoning notification sign has been posted, and the notice for a public hearing for this petition has been properly advertised in the Courier in accordance with applicable sections of the Code of Alabama.



Excerpt from Baldwin County Zoning Map (from ISV website)

Zoning Key

[Symbol]	EX - EXISTING CITY ZONES
[Blue]	R-1 - LOW DENSITY SINGLE FAMILY RESIDENTIAL
[Green]	R-2 - MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
[Red]	R-3 - HIGH DENSITY SINGLE FAMILY RESIDENTIAL
[Yellow]	R-4 - HIGH DENSITY SINGLE MULTIFAMILY RESIDENTIAL
[Light Yellow]	R-5 - MIDDLE DENSITY SINGLE MULTIFAMILY RESIDENTIAL
[Light Green]	R-6(G) - GARDEN PATIO HOME
[Orange]	R-7 - APARTMENTS
[Light Blue]	R-8 - TOWNHOUSE
[Dark Blue]	B-1 - LOCAL BUSINESS
[Light Blue]	B-2 - GENERAL BUSINESS
[Light Blue]	B-3 - GENERAL BUSINESS ALTERNATE
[Dark Blue]	B-4 - PROFESSIONAL BUSINESS
[Dark Blue]	C-1 - COMMERCIAL/INDUSTRIAL
[Red]	MU - MIXED USE
[Light Blue]	PUD - PLANNED UNIT DEVELOPMENT
[Light Blue]	O-2 - OFFICE/RETAIL/RESIDENTIAL
[Light Blue]	SA - SHELTER CARE
[Light Blue]	SY - UNDESIGNATED



Excerpt from Daphne Zoning Map

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

**Ordinance to Pre-Zone Property Located
Northeast of Edgewood Drive and County Road 64
Winged Foot Subdivision
James V. Roberts as Conservator of Jeannette D. Lazzari**

WHEREAS, James V. Roberts as Conservator of Jeannette D. Lazzari as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as PUD, Planned Unit Development, City of Daphne, prior to annexing into the City of Daphne; and

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

Legal Description for Pre-zone:

BEGINNING AT A 1/2" CAPPED REBAR (FAIRHOPE) AT THE NORTHEAST CORNER OF LOT 1A OF VAN IDERSTINES BUSINESS PARK, UNIT TWO SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2156-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 31 MINUTES 14 SECONDS WEST, A DISTANCE OF 481.92 FEET TO A 1/2" CAPPED REBAR (FAIRHOPE) AT THE NORTHWEST CORNER OF LOT 1A OF SAID VAN IDERSTINES BUSINESS PARK, UNIT TWO SUBDIVISION; THENCE RUN SOUTH 00 DEGREES 38 MINUTES 42 SECONDS WEST, A DISTANCE OF 649.47 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF VAN IDERSTINES BUSINESS PARK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2138-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND THE NORTH RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 64; THENCE RUN NORTH 89 DEGREES 38 MINUTES 43 SECONDS WEST, A DISTANCE OF 700.16 FEET TO A FENCE POST AT THE SOUTHWEST CORNER OF EDGEWOOD SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2063-F, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 18 MINUTES 20 SECONDS EAST, A DISTANCE OF 614.12 FEET TO A FENCE POST AT THE NORTHEAST CORNER OF SAID EDGEWOOD SUBDIVISION; THENCE RUN NORTH 89 DEGREES 31 MINUTES 42 SECONDS WEST, ALONG THE NORTH MARGIN OF SAID EDGEWOOD SUBDIVISION, A DISTANCE OF 126.10 FEET TO A FENCE CORNER; THENCE RUN NORTH 00 DEGREES 02 MINUTES 15 SECONDS EAST, ALONG AND WITH A WIRE FENCE, A DISTANCE OF 508.38 FEET TO A 1/2" CAPPED REBAR (FAIRHOPE); THENCE RUN NORTH 00 DEGREES 12 MINUTES 19 SECONDS EAST, A DISTANCE OF 663.59 FEET TO A 3/4" OPEN END IRON PIPE AT THE NORTHEAST CORNER OF PECAN TRACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2178-D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 07 MINUTES 19 SECONDS EAST, A DISTANCE OF 802.68 FEET TO A 1/2" CAPPED REBAR (CA-0565) ON THE SOUTH RIGHT-OF-WAY OF WELL ROAD; THENCE RUN SOUTH 89 DEGREES 40 MINUTES 13 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID WELL ROAD, A DISTANCE OF 1305.68 FEET TO A 1/2" REBAR; THENCE RUN SOUTH 00 DEGREES 03 MINUTES 44 SECONDS EAST, A DISTANCE OF 1941.21 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 68.87 ACRES, MORE OR LESS, AND LIES IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on July 28, 2016, the Commission considered said request and set forth a favorable recommendation with certain conditions regarding the developer's mitigation of traffic impacts caused by the proposed development, and city staff presenting to the City Council a conclusion of the traffic impact study provided by the developer for review, and consideration of future traffic improvements in this area; 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 September 19, 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 PUD, Planned Unit Development, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RA, Rural Agricultural, 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 the Code of Alabama (1975) Section 11-52-85, the zoning of the property, shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the territory is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law then this pre-zoning shall be null and void. Should the pre-zoning become null and void, the applicant may reapply for pre-zoning at any time as long as an annexation petition is pending.

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

EXHIBIT "A"

68.87 AC

BEGINNING AT A 1/2" CAPPED REBAR (FAIRHOPE) AT THE NORTHEAST CORNER OF LOT 1A OF VAN IDERSTINES BUSINESS PARK, UNIT TWO SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2156-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 31 MINUTES 14 SECONDS WEST, A DISTANCE OF 481.92 FEET TO A 1/2" CAPPED REBAR (FAIRHOPE) AT THE NORTHWEST CORNER OF LOT 1A OF SAID VAN IDERSTINES BUSINESS PARK, UNIT TWO SUBDIVISION; THENCE RUN SOUTH 00 DEGREES 38 MINUTES 42 SECONDS WEST, A DISTANCE OF 649.47 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF VAN IDERSTINES BUSINESS PARK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2138-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND THE NORTH RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 64; THENCE RUN NORTH 89 DEGREES 38 MINUTES 43 SECONDS WEST, A DISTANCE OF 700.16 FEET TO A FENCE POST AT THE SOUTHEAST CORNER OF EDGEWOOD SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2063-F, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 18 MINUTES 20 SECONDS EAST, A DISTANCE OF 614.12 FEET TO A FENCE POST AT THE NORTHEAST CORNER OF SAID EDGEWOOD SUBDIVISION; THENCE RUN NORTH 89 DEGREES 31 MINUTES 42 SECONDS WEST, ALONG THE NORTH MARGIN OF SAID EDGEWOOD SUBDIVISION, A DISTANCE OF 126.10 FEET TO A FENCE CORNER; THENCE RUN NORTH 00 DEGREES 02 MINUTES 15 SECONDS EAST, ALONG AND WITH A WIRE FENCE, A DISTANCE OF 508.38 FEET TO A 1/2" CAPPED REBAR (FAIRHOPE); THENCE RUN NORTH 00 DEGREES 12 MINUTES 19 SECONDS EAST, A DISTANCE OF 663.59 FEET TO A 3/4" OPEN END IRON PIPE AT THE NORTHEAST CORNER OF PECAN TRACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2178-D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 07 MINUTES 19 SECONDS EAST, A DISTANCE OF 802.68 FEET TO A 1/2" CAPPED REBAR (CA-0565) ON THE SOUTH RIGHT-OF-WAY OF WELL ROAD; THENCE RUN SOUTH 89 DEGREES 40 MINUTES 13 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID WELL ROAD, A DISTANCE OF 1305.68 FEET TO A 1/2" REBAR; THENCE RUN SOUTH 00 DEGREES 03 MINUTES 44 SECONDS EAST, A DISTANCE OF 1941.21 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 68.87 ACRES, MORE OR LESS, AND LIES IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on July 28, 2016, the Commission considered said request and set forth a favorable recommendation with certain conditions regarding the developer’s mitigation of traffic impacts caused by the proposed development, and city staff presenting to the City Council a conclusion of the traffic impact study provided by the developer for review, and consideration of future traffic improvements in this area; 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 September 19, 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 PUD, Planned Unit Development, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

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

PLEASE Publish in the Bulletin Legal Section on Friday,
August 19, 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 September 19, 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 Northeast of Edgewood Drive and County Road 64
James V. Roberts, Conservator of Jeannette D. Lazzari**

WHEREAS, on the 27th day of June, 2016, 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 September 19, 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 July 28, 2016, and the Commission set forth a favorable recommendation with certain conditions regarding the developer's mitigation of traffic impacts caused by the proposed development, and city staff presenting to the City Council a conclusion of the traffic impact study provided by the developer for review, and consideration of future traffic improvements in this area, for the City Council of the City of Daphne to consider said request for annexation of said property.

PLEASE Publish in the Bulletin Legal Section on Friday, August 26, 2016.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given, August 19, 2016, that the City Council of the City of Daphne will hold a Public Hearing on September 19, 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 Pre-zoning property to PUD, Planned Unit Development, City of Daphne 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 Pre-Zone Property Located
Northeast of Edgewood Drive and County Road 64
Winged Foot Subdivision
James V. Roberts as Conservator of Jeannette D. Lazzari**

WHEREAS, James V. Roberts as Conservator of Jeannette D. Lazzari as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as PUD, Planned Unit Development, City of Daphne, prior to annexing into the City of Daphne; and

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

Legal Description for Pre-zone:

BEGINNING AT A 1/2" CAPPED REBAR (FAIRHOPE) AT THE NORTHEAST CORNER OF

MEMORANDUM

To: Office of the City Clerk
From: Adrienne D. Jones, ^{AD}
Director of Community Development
Subject: James V. Roberts, Jr., as conservator of
Jeannette D. Lazzari, an incapacitated
person, Annexation Request, re: Winged
Foot Subdivision
Date: August 3, 2016

PRESENT ZONING: RA, Rural Agricultural, Baldwin County
District 15, in the Extraterritorial
Planning Jurisdiction of Daphne

PROPOSED REZONING: PUD, Planned Unit Development

LOCATION: Northeast of Edgewood Drive and County
Road 64

RECOMMENDATION: At the Thursday, July 28, 2016, regular
meeting of the Daphne Planning Commission,
eight members were present and a motion to
set forth a favorable recommendation carried
unanimously.

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

Upon receipt of said documentation, please prepare an
ordinance for placement on the City Council agenda of Monday,
August 15, 2016 to set the public hearing for Monday,
September 19, 2016.

Thank you,
ADJ/jv

cc: file

attachment(s)

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

STATE OF ALABAMA

COUNTY OF BALDWIN

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

(WINGED FOOT)

James V. Roberts, Jr., as Conservator of

The undersigned, Jeanette D. Lazzari, an incapacitated person, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, WINGED FOOT, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

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

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

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

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

Requested zoning, if other than R-1: PUD

Any other conditions which may apply upon annexation: N/A

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

08/14/14

DATED this 27 day of June, 2016

Respectfully submitted by,

James V. Roberts, Jr Conservator for
Name of Owner (Print) Janette D Lazzari

Jan Myer's Conservator for Janette D.
Name of Owner (Signature) Lazzari

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Ruth Myer's, the undersigned Notary Public in and for said county and state, hereby certify that James V. Roberts, Jr has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 27 day of June, 2016

Ruth Myer's
NOTARY PUBLIC

My commission expires: 3-4-20

Owner's Address

9794 Timber Circle Suite A
Daphne, AL 36527

ADDITIONAL INFORMATION

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

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: JK

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

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: JK

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

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 27 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)? N/A Acreage 67.87 AC. 199 Residential
Subdivision Name WINGED FOOT Lot Number(s) 2 Commercial

Names and Signature of ALL property owners:

Signature: James V. Roberts, Jr. as Conservator for Jeanette D. Lazzari Signature: _____
Printed Name: James V. Roberts, Jr. as Conservator for Jeanette D. Lazzari Printed Name: _____
Mailing Address: 9794 Timber Circle Suite A Mailing Address: _____
Daphne, AL 36527

EXHIBIT "A"

68.87 AC

BEGINNING AT A 1/2" CAPPED REBAR (FAIRHOPE) AT THE NORTHEAST CORNER OF LOT 1A OF VAN IDERSTINES BUSINESS PARK, UNIT TWO SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2156-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 31 MINUTES 14 SECONDS WEST, A DISTANCE OF 481.92 FEET TO A 1/2" CAPPED REBAR (FAIRHOPE) AT THE NORTHWEST CORNER OF LOT 1A OF SAID VAN IDERSTINES BUSINESS PARK, UNIT TWO SUBDIVISION; THENCE RUN SOUTH 00 DEGREES 38 MINUTES 42 SECONDS WEST, A DISTANCE OF 649.47 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF VAN IDERSTINES BUSINESS PARK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2138-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND THE NORTH RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 64; THENCE RUN NORTH 89 DEGREES 38 MINUTES 43 SECONDS WEST, A DISTANCE OF 700.16 FEET TO A FENCE POST AT THE SOUTHEAST CORNER OF EDGEWOOD SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2063-F, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 18 MINUTES 20 SECONDS EAST, A DISTANCE OF 614.12 FEET TO A FENCE POST AT THE NORTHEAST CORNER OF SAID EDGEWOOD SUBDIVISION; THENCE RUN NORTH 89 DEGREES 31 MINUTES 42 SECONDS WEST, ALONG THE NORTH MARGIN OF SAID EDGEWOOD SUBDIVISION, A DISTANCE OF 126.10 FEET TO A FENCE CORNER; THENCE RUN NORTH 00 DEGREES 02 MINUTES 15 SECONDS EAST, ALONG AND WITH A WIRE FENCE, A DISTANCE OF 508.38 FEET TO A 1/2" CAPPED REBAR (FAIRHOPE); THENCE RUN NORTH 00 DEGREES 12 MINUTES 19 SECONDS EAST, A DISTANCE OF 663.59 FEET TO A 3/4" OPEN END IRON PIPE AT THE NORTHEAST CORNER OF PECAN TRACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2178-D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 07 MINUTES 19 SECONDS EAST, A DISTANCE OF 802.68 FEET TO A 1/2" CAPPED REBAR (CA-0565) ON THE SOUTH RIGHT-OF-WAY OF WELL ROAD; THENCE RUN SOUTH 89 DEGREES 40 MINUTES 13 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID WELL ROAD, A DISTANCE OF 1305.68 FEET TO A 1/2" REBAR; THENCE RUN SOUTH 00 DEGREES 03 MINUTES 44 SECONDS EAST, A DISTANCE OF 1941.21 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 68.87 ACRES, MORE OR LESS, AND LIES IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

PLANNING COMMISSION
ANNEXATION REQUEST FOR
JEANETTE D. LAZZARI



The Jubilee City



**COMMUNITY DEVELOPMENT
ANNEXATION REQUEST**

**Annexation of Jeanette Lazzari Property
68.87 acres
County Road 64 between Pollard Road and Capital Drive**

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

RECOMMENDATION

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

Code of Alabama Section 11-52-85

PRE-ZONING TERRITORY PROPOSED FOR ANNEXATION

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

Code of Alabama Section 11-52-85

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

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

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

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

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

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

(Act 2009-629, p. 1926, §1.)

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2016-**

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

**Property Located Northeast of Edgewood Drive and County Road 64
James V. Roberts, Conservator of Jeannette D. Lazzari**

WHEREAS, on the 27th day of June, 2016, 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 September 19, 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 July 28, 2016, and the Commission set forth a favorable recommendation with certain conditions regarding the developer's mitigation of traffic impacts caused by the proposed development, and city staff presenting to the City Council a conclusion of the traffic impact study provided by the developer for review, and consideration of future traffic improvements in this area, 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 October 3, 2016 regularly scheduled City Council meeting Ordinance 2016- was adopted pre-zoning the said property as PUD, Planned Unit Development.

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:

BEGINNING AT A 1/2" CAPPED REBAR (FAIRHOPE) AT THE NORTHEAST CORNER OF LOT 1A OF VAN IDERSTINES BUSINESS PARK, UNIT TWO SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2156-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 31 MINUTES 14 SECONDS WEST, A DISTANCE OF 481.92 FEET TO A 1/2" CAPPED REBAR (FAIRHOPE) AT THE NORTHWEST CORNER OF LOT 1A OF SAID VAN IDERSTINES BUSINESS PARK, UNIT TWO SUBDIVISION; THENCE RUN SOUTH 00 DEGREES 38 MINUTES 42 SECONDS WEST, A DISTANCE OF 649.47 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF VAN IDERSTINES BUSINESS PARK SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2138-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND THE NORTH RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 64; THENCE RUN NORTH 89 DEGREES 38 MINUTES 43 SECONDS WEST, A DISTANCE OF 700.16 FEET TO A FENCE POST AT THE SOUTHEAST CORNER OF EDGEWOOD SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2063-F, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 18 MINUTES 20 SECONDS EAST, A DISTANCE OF 614.12 FEET TO A FENCE POST AT THE NORTHEAST CORNER OF SAID EDGEWOOD SUBDIVISION; THENCE RUN NORTH 89 DEGREES 31 MINUTES 42 SECONDS WEST, ALONG THE NORTH MARGIN OF SAID EDGEWOOD SUBDIVISION, A DISTANCE OF 126.10 FEET TO A FENCE CORNER; THENCE RUN NORTH 00 DEGREES 02 MINUTES 15 SECONDS EAST, ALONG AND WITH A WIRE FENCE, A DISTANCE OF 508.38 FEET TO A 1/2" CAPPED REBAR (FAIRHOPE); THENCE RUN NORTH 00 DEGREES 12 MINUTES 19 SECONDS EAST, A DISTANCE OF 663.59 FEET TO A 3/4" OPEN END IRON PIPE AT THE NORTHEAST CORNER OF PECAN TRACE SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2178-D, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 07 MINUTES 19 SECONDS EAST, A DISTANCE OF 802.68 FEET TO A 1/2" CAPPED REBAR (CA-0565) ON THE SOUTH RIGHT-OF-WAY OF WELL ROAD; THENCE RUN SOUTH 89 DEGREES 40 MINUTES 13 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID WELL ROAD, A DISTANCE OF 1305.68 FEET TO A 1/2" REBAR; THENCE RUN SOUTH 00 DEGREES 03 MINUTES 44 SECONDS EAST, A DISTANCE OF 1941.21 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 68.87 ACRES, MORE OR LESS, AND LIES IN THE SOUTHWEST QUARTER OF SECTION 16, 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

PLEASE Publish in the Bulletin Legal Section on Friday,
August 19, 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 September 19, 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**

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James V. Roberts, Conservator of Jeannette D. Lazzari**

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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

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PLEASE Publish in the Bulletin Legal Section on Friday, August 26, 2016.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given, August 19, 2016, that the City Council of the City of Daphne will hold a Public Hearing on September 19, 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-**

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City of Daphne Event Permit Application

Date of Application: 7/29/16 Permit Requested: Event/Fundraiser Parade/Run Band

Contact Information

Organization Name: Bayside Academy Student Government Organization

Contact Name: Lauren Reibe E-mail Address: lreibe@baysideacademy

Address: 303 Dryer Avenue, Daphne AL 36526

Primary Phone Number: Street/PO Box 251-338-6417 City/State/Zip Code Secondary: 251-599-3103

Event Information

Event Name: Bayside Academy Homecoming Parade Event Date: Friday 9/16/16

Event Location: May Day Park parking lot # Participants/Vehicles: 10 groups/4 golf carts/2 vehicles

Start Time: 1:00 p.m. Stop Time: 1:30 p.m. Assembly Time: 12:30 p.m.

Special Requests: If possible, a police escort at the front of the parade would be greatly appreciated.

Dryer Avenue and College Avenue Road Closures Requested: Yes No

Special Instructions

Approval: Internal Use Only

Date Routed: August 1, 2016

Fire Dept: [Signature]

Police Dept: [Signature]

Public Works: [Signature]

Parks & Recreation: N/A

Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Parade/Run Permits ONLY

Council Member: _____
Council # Signature

Fee Paid: \$ _____ N/A Waived

For Parade/Run Permits & Use of City Grounds:

Insurance Filed N/A

City Council: _____
Date of Approval

Route Selection: 1 2 3 4

Homecoming Parade Route

Starting point – May Day Park, 201 College Avenue, Daphne AL 36526

Ending point – Bayside Academy, 303 Dryer Avenue, Daphne AL 36526 (horseshoe drive parking lot)



Ronald McDonald House Charities of Mobile

CASE NO. 2016-7

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 8-2-16 (initial) aa

DATE FORWARDED TO POLICE DEPT. 8-2-16 aa

DATE RECEIVED BY POLICE DEPT. 8-2-16 RH

DATE: APPROVED DISAPPROVED

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 8-2-16 RH

DATE FORWARDED TO CITY CLERK 8-02-16 RH

DATE RECEIVED BY CITY CLERK 8-02-16 RH

SCHEDULED DATE ON AGENDA 8-15-16 RH

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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

Please Review & approve. Return to Revenue at 251-621-6904 - Thank you.



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



Confirmation Number: 20160802082754385

Type License: 240 - NON-PROFIT TAX EXEMPT **State:** \$0.00 **County:** \$0.00

Type License: **State:** **County:**

Trade Name: GIRLS JUST WANNA HAVE FUN **Filing Fee:** \$0.00

Applicant: RONALD MCDONALD HOUSE CHARITIES OF MOBILE **Transfer Fee:**

Location Address: 2603 US HWY 98 DAPHNE, AL 36526

Mailing Address: 1626 SPRINGHILL AVENUE MOBILE, AL 36608

County: BALDWIN **Tobacco sales:** NO **Tobacco Vending Machines:**
Type Ownership: CORPORATION

Book, Page, or Document info: BOOK 4383 PAGE 505

Date Incorporated: 08/02/1996 **State incorporated:** AL **County Incorporated:** MOBILE

Date of Authority: 08/02/1996 **Alabama State Sales Tax ID:** TAX EXEMPT

Name: **Title:** **Date and Place of Birth:** **Residence Address:**

STEVEN HOWARD AZEVEDO 3533514 - AL	2ND VICE PRESIDENT	03/18/1957 LONG BEACH, CA	6818 STONEBROOK DR S MOBILE, AL 36695
HEATHER MARIE HOUSTON 6464444 - AL	1ST VICE PRESIDENT	08/29/1979 MOBILE, AL	111 SEDGFIELD AVE FAIRHOPE, AL 36532
RICHARD JOHN WOOD 7205537 - AL	PRESIDENT	03/28/1947 DAYTON, OH	1162 DOMINION DR W MOBILE, AL 36695

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? NO

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

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

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

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

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

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

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

Contact Person: LIZ CALCI

Business Phone: 251-694-6873

Fax:

Home Phone: 251-602-1623

Cell Phone: 251-370-2427

E-mail: LIZ@RMHCMOBILE.ORG

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

Previous License Number(s)

License 1:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
 ALCOHOL LICENSE APPLICATION



Confirmation Number: 20160802082754385

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **CITY OF DAPHNE 251-621-2808**
 What is lessors primary business? **MUNICIPALITY**
 Is lessor involved in any way with the alcoholic beverage business? **NO**
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**
 Is the business used to habitually and principally provide food to the public? **NO**
 Does the establishment have restroom facilities? **YES**
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
 Building Dimensions Square Footage: **19789** Display Square Footage:
 Building seating capacity: **2050** Does Licensed premises include a patio area? **NO**
 License Structure: **ONE STORY** License covers: **ENTIRE STRUCTURE**
 Location is within: **CITY LIMITS** Police protection: **CITY**

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

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20160802082754385

Initial each

Signature page

HT
 HT

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

HT

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

HT

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

HT

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

HT

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

HT

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

HT

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.
 The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

HT

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

Applicant Name (print): *Heather M. Houston*

Signature of Applicant: *Heather M. Houston*

Notary Name (print): Betty G. Dean

Notary Signature: *Betty G. Dean* Commission expires: 01/13/2019

Application Taken: App. Inv. Completed: Forwarded to District Office:
 Submitted to Local Government: Received from Local Government:
 Received in District Office: Reviewed by Supervisor: Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20160802082754385

Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

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

Has Agent verified membership applications for each member listed?

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

Agent's Initials:

For what purpose is the club organized?

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

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

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

What is the applicant(s) primary source of funding?: NON-PROFIT

Are there any special restrictions, instructions, and/or conditions for this license?:

EVENT DATE 09/15/2016, LICENSED AREA WILL BE BARRICADED TO CONTROL ENTRANCE/EXIT. BEER TO BE SOLD IN 12 OZ BOTTLES, WINE AND LIQUOR TO BE SOLD IN A 10 OZ GLASS. NO ALCOHOLIC BEVERAGES ARE ALLOWED TO LEAVE THE LICENSED PREMISE. THIS LICENSE IS NON-RENEWABLE.

Receipt Confirmation Page

Receipt Confirmation Number: **20160802082754385**
Application Payment Confirmation Number: 99999

Payment Summary	
Payment Item	Fee
Application Fee for License 240	\$0.00
Total Amount to be Charged	\$0.00

License Payment Confirmation Number: 99999

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
240 - NON-PROFIT TAX EXEMPT	\$0.00	\$0.00	\$0.00
			\$0.00
Total Amount to be Charged	\$0.00	\$0.00	\$0.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 240 - NON-PROFIT TAX EXEMPT
License Type 2:
License County: BALDWIN
Business Type: CORPORATION
Trade Name: **GIRLS JUST WANNA HAVE FUN**
Applicant Name: **RONALD MCDONALD HOUSE CHARITIES OF MOBILE**
Location Address: 2603 US HWY 98
DAPHNE, AL 36526

Mailing Address: 1626 SPRINGHILL AVENUE
MOBILE, AL 36608

Contact Person: LIZ CALCI
Contact Home Phone: 251-602-1623
Contact Business Phone: 251-694-6873
Contact Fax:
Contact Cell Phone: 251-370-2427
Contact Email Address:
Contact Web Address:

RESOLUTION 2016-57

APPROVING OFF-STREET PARKING – SOUTH SIDE OF LINCOLN STREET (EAST OF NORTH MAIN)

WHERE AS, the Citizens of Daphne have described in detail to the Public Works Committee the lack of public parking along Lincoln Street on the Eastside of North Main Street; and

WHERE AS, due to the lack of public parking along Lincoln Street visitors and citizens are forced to park on the south shoulder of Lincoln Street in the pursuit of tourism and commerce; and

WHERE AS, the parking on the shoulder of Lincoln Street has resulted in the deterioration of the vegetative cover and led to unchecked erosion and sediment loss along Lincoln Street; and

WHERE AS, following the reported concerns of Citizens these same Citizens have made a request to the City of Daphne to establish off-street parking along the south side of Lincoln Street on the east side of North Main Street; and

WHERE AS, the City of Daphne has determined that the establishment off-street parking along the south side of Lincoln Street on the east side of North Main Street is warranted;

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

- 1.) Authorize Public Works to install the necessary curbing, gravel and signage to establish off-street parking along the south side of Lincoln Street on the east side of North Main Street; and
- 2.) If Public Works budget allows in FY2017 to asphalt and stripe the parking in the coming fiscal year; and
- 3.) Graveled off-street parking (per the attached sketch) along the south side of Lincoln Street on the east side of North Main Street should be installed by the end of calendar year 2016.

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

**CITY OF DAPHNE, ALABAMA
AN ALABAMA MUNICIPAL CORPORATION**

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

LINCOLN STREET - OFF STREET PARKING PROJECT

PROJECT #:

DRAWN BY:

LINCOLN ST 2016

RICHARD D. JOHNSON, P.E.

SCALE:

DATE:

SHEET:

N.T.S.

8/4/2016

1 OF 1



NORTH

15 NEW PARKING SPACES - 1ST PHASE
CRUSHED LIMESTONE

(TYP)
9.0

6" STANDUP
CONC CURB

CONC FLUME
TO SWALE

22.5

136.0

SWALE TO
MAINTAIN
DRAINAGE

110

15 MAIN ST

LINCOLN ST

RESOLUTION 2016-58

INCREASING EMPLOYEE PARTICIPATION FOR BLUE CROSS BLUE SHIELD MEDICAL INSURANCE BENEFITS

WHEREAS, the City of Daphne currently maintains a group health and dental care plan for its full time employees and retirees; and

WHEREAS, the purpose for establishing the aforesaid plans was and continues to be to encourage and acknowledge the loyalty and devotion of employees; and

WHEREAS, the City of Daphne deems it to be in the best interest of the City to balance the interests of the residents for the City as well as the employee and retirees of the City regarding these benefits; and

WHEREAS, there has been a significant increase in the health plan offered by Blue Cross and Blue Shield and after review found there is a need to increase the employee participation for their health care plans;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that:

1. Individual employee participation cost to be 6% of the annual premium which will be an increase from \$25 to \$30.50/month for FY2017.
2. Family Medical plan participation cost to be 17% of the annual premium which will be an increase from \$175 to \$212.60/month for FY2017.
3. Copay increase of \$5: Physician visits (\$25) and Drugs - increase by \$5/drug and applied to current drug tier plan (\$15/\$25/\$40 for FY2017).
4. Dental premium for family will remain \$25/month.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ___ DAY OF _____, 2016.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Blue Cross and Blue Shield of Alabama

Renewal Rate Summary

City of Daphne

Group Number(s): 86641

Experience Period: 6/1/2015 - 5/31/2016

Rating Period: 10/1/2016 - 9/30/2017

Option 1 - Plan Passes ACA Minimum Value			
Health			
Rates Below Include ACA Fees & Taxes	Current Rates		Required Rates
	Employee	Family	Renewal Rates
	\$413.66	\$560.54	\$525.18
	\$1,021.39	\$1,380.42	\$1,293.49
			COBRA Rates
			\$535.68
			\$1,319.35

BCBS Medical Insurance Premium Analysis

Current Single BCBS Medical Premium	\$ 413.66
Current Single Employee Cost	\$ 25.00
Employee Participation Percentage	6.04%

Current Family BCBS Medical Premium	\$ 1,021.39
Current Family Employee Cost	\$ 175.00
Employee Participation Percentage	17.13%

	6%	7%	8%	9%	10%
Current Single	\$ 24.82	\$ 28.96	\$ 33.09	\$ 37.23	\$ 41.37
30% Rate Increase Effective 10/1					
Single - \$525.18	\$ 31.51	\$ 36.76	\$ 42.01	\$ 47.27	\$ 52.52
Increase in Physician and Drug Copay - \$5 increase					
Single - \$507.79	\$ 30.47	\$ 35.55	\$ 40.62	\$ 45.70	\$ 50.78

	16%	17%	18%	19%	20%
Current Family	\$ 163.42	\$ 173.64	\$ 183.85	\$ 194.06	\$ 204.28
30% Rate Increase Effective 10/1					
Family - \$1,293.49	\$ 206.96	\$ 219.89	\$ 232.83	\$ 245.76	\$ 258.70
Increase in Physician and Drug Copay - \$5 increase					
Family - \$1,250.67	\$ 200.11	\$ 212.61	\$ 225.12	\$ 237.63	\$ 250.13

CITY OF DAPHNE

RESOLUTION 2016-59

**RESOLUTION CONSENTING TO ANNEXATION
OF CERTAIN PARCELS OF REAL PROPERTY INTO
THE CORPORATE LIMITS OF THE CITY OF DAPHNE**

WHEREAS, it is of the opinion of the City Council of the City of Daphne that the public health and good requires that certain parcels of real property shall be brought within and annexed into the corporate limits of the City of Daphne; and

WHEREAS, the City Council deems it wise, expedient and economical to apply for the annexation of said parcels of real property to the corporate limits of the City of Daphne by the passage of a Local Law in the Legislature of Alabama; and

WHEREAS, the City Council has caused to be prepared a Bill for introduction in the Legislature of Alabama, accurately describing said parcels of real property, to accomplish the annexation of said parcels of real property into the corporate limits of the City of Daphne; and

WHEREAS, the City Council wishes that certain hereinafter described parcels of real property be annexed into the City of Daphne by an Act of the next session of the Legislature of Alabama; and

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

1. That the Mayor of the City of Daphne be and hereby is directed to cause the following notice to be published in the _____, a newspaper of general circulation published in Baldwin County, Alabama, once a week for four consecutive weeks, commencing _____ and each week thereafter as required by Alabama law.

“LEGAL NOTICE”

STATE OF ALABAMA

COUNTY OF BALDWIN

NOTICE is hereby given that a bill substantially as follows will be introduced in the next session of the Legislature of Alabama commencing after the fourth consecutive week of publication of this notice, and application for its passage and enactment will be made:

A BILL

TO BE ENTITLED
AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Daphne in Baldwin County. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The boundary lines and corporate limits of the City of Daphne in Baldwin County are altered, rearranged, and extended to include within the corporate limits of the city, in addition to the lands now included, all of the following territory:

PARCEL 1

ALL OF LOT 1, BROADWAY - AL HIGHWAY 181 A RESURVEY OF REAL PROPERTY BOOK 547 PAGE 1238 AND INSTRUMENT # 492517, AS RECORDED IN SLIDE 2505-C IN THE OFFICE OF THE PROBATE JUDGE FOR SAID COUNTY AND STATE. SAID LOT CONTAINS 1.37 ACRES MORE OR LESS.

PARCEL 2

Commence at the Northeast Corner of Section 10, Township 5 South, Range 2 East and run thence South 00 degrees 03 minutes East, along the East margin of said Section, 825.2 feet; thence run North 89 degrees 58 minutes West 89.7 feet to a capped iron rebar found and the Point of Beginning of the Parcel described herein; thence run South 00 degrees 14 minutes 36 seconds East for a distance of 80.12 feet to a capped rebar found on the West margin of State Highway 181; thence run North 89 degrees 54 minutes 13 seconds West for a distance of 225.19 feet to a rebar found; thence run South 00 degrees 00 minutes 08 seconds West for a distance of 419.72 feet to a capped rebar found; thence run North 89 degrees 56 minutes 00 seconds West for a distance of 1009.75 feet to a capped rebar found; thence run North 00 degrees 02 minutes West for a distance of 1081.8 feet to a point in the centerline of a dry gully; thence run South 82 degrees 34 minutes 44 seconds East for a distance of 650.88 feet to a capped rebar found; thence run South 00 degrees 02 minutes 05 seconds East for a distance of 498.27 feet to a capped rebar found; thence run South 89 degrees 52 minutes 01 seconds East for a distance of 364.73 feet to a capped rebar found; thence run South 89 degrees 55 minutes 03 seconds East for a distance of 224.79 feet to the Point of Beginning of the Parcel described herein, situated in Baldwin County, Alabama, and containing 20.0 acres, more or less.

PARCEL 3

Commence at the Northeast Corner of Section 34, Township 4 South, Range 2 East, and run thence South 00 degrees 12 minutes 36 seconds West 865.3 feet, more or less; thence run North 89 degrees 47 minutes 14 seconds West 98.85 feet, more or less, to a concrete right of way monument at right of way Station 17 + 52.78 as shown by Alabama State Highway Department Right of Way Map Project Number I-IG-10-1 (17) for a point of beginning of the property herein described; thence run South 00 degrees 12 minutes 36 seconds West 125.8 feet to an iron pin marker; thence run North 89 degrees 47 minutes 24 seconds West 211.19 feet to an iron pin marker; thence run North 00 degrees 07 minutes 30 seconds East 218.0 feet to an iron pin marker; thence run South 89 degrees 47 minutes 24 seconds East 158.19 feet to an iron pin marker; thence run South 29 degrees 47 minutes 24 seconds East 106.64 feet to the point of

beginning. Tract contains 1 acre, more or less, and lies in the Northeast Quarter of Section 34, Township 4 South, Range 2 East, Baldwin County, Alabama.

PARCEL 4

Commencing at the Southwest corner of Section 03, Township 5 South, Range 2 East, Baldwin County, Alabama; thence run North 00 degrees 18 minutes 45 seconds East a distance of 2,641.69 feet to a point; thence run South 89 degrees 52 minutes 55 seconds East a distance of 661.43 feet to a point; thence run North 00 degrees 44 minutes 09 seconds East a distance of 55.00 feet to a point; thence run North 89 degrees 52 minutes 55 seconds West (along the North Right of Way line of Lawson Road) a distance of 119.76 feet to the Point of Beginning (a rebar cap. set); thence run North 60 Degrees 28 minutes 37 seconds West a distance of 63.19 feet to a point (a rebar cap. set); thence run North 05 degrees 55 minutes 03 seconds West a distance of 85.94 feet to a point (a rebar cap. set); thence run North 03 degrees 27 minutes 28 seconds East a distance of 222.87 feet to a point (a rebar cap. set); thence run North 03 degrees 27 minutes 28 seconds East a distance of 7.06 feet to a point (a rebar cap. set); thence run 123.60 feet along a curve to the right with a chord of North 05 degrees 47 minutes 51 seconds East a distance of 123.56 feet to a point (a rebar cap. set); thence run South 89 degrees 52 minutes 56 seconds East a distance of 14.14 feet to a point (a rebar cap. set); thence run South 89 degrees 52 minutes 56 seconds East a distance of 408.62 feet to a point (a rebar cap. found); thence run South 00 degrees 44 minutes 09 seconds West a distance of 469.00 feet to a point (a rebar cap. found); thence run North 89 degrees 52 minutes 55 seconds West (along the North Right of Way line of Lawson Road) a distance of 379.24 feet to the Point of Beginning. Said description enclosed 4.67 acres, more or less

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the City of Daphne is on file in the office of the Judge of Probate in Baldwin County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

2. That the City Clerk be and she hereby is directed to prepare the necessary copies of the above-mentioned Bill for introduction in the Legislature of Alabama; and that immediately after the fourth publication of the notice prescribed in Paragraph 1 above she shall pay the cost of such publication and procure from said publisher an affidavit substantially as follows:

(SEE ATTACHED)

The City Clerk is further directed to deliver the prepared Bill together with the publisher's affidavit to the Honorable Randy Davis, Representative to the legislature of Alabama from Baldwin County, and respectfully request that he cause the same to be introduced in the Legislature of Alabama.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2016.

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

ORDINANCE NO. 2016-49

**AN ORDINANCE TO REGULATE TAXICABS AND VEHICLES FOR HIRE;
CITY OF DAPHNE CODE OF ORDINANCES**

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

SECTION I: DEFINITIONS

The following terms when used in this article shall have the meanings respectively ascribed to them by this section, unless the context clearly indicates otherwise:

City: The City of Daphne, Alabama.

Parking: The standing of Taxicab or Other Transportation Service Vehicle, motor driven or propelled in any manner, longer than may be necessary to receive or discharge passengers whom the driver of such Taxicab or Other Transportation Service Vehicle had been engaged to transport.

Taxicab: Any automobile or other vehicle of like construction and operation employed in or contracted for the transportation of passengers for hire within the City or the police jurisdiction thereof.

Other Transportation Service Vehicle: Any automobile or other vehicle, not of like construction or like operation of a Taxicab, utilized in the transportation of passengers for hire; i.e. limousine, Uber, etc.

SECTION II: PERMIT – REQUIRED FOR OPERATION.

Every person driving or operating a Taxicab or any Other Transportation Service Vehicle involving a point of origin or destination within the City, or within the exercised police jurisdiction thereof, must procure a permit to operate such vehicle.

SECTION III: RULES AND REGULATIONS GOVERNING ISSUANCE.

- (a) *Age and physical requirements of operators:* No person shall be granted a permit to operate a Taxicab or Other Transportation Service Vehicle unless such person has reached such person's nineteenth birthday. The permittee shall have the free use of both hands and feet or have made appropriate changes to the vehicle to safely accommodate such disability.
- (b) *Experience:* No applicant shall be granted a permit to operate a Taxicab or Other Transportation Service Vehicle who has not had at least one (one) year of experience in operating automobiles.
- (c) *Familiarity with provisions:* No applicant shall be granted a permit to operate who is not familiar with the provisions of this Code governing the use and operation of automobiles on the streets of the City.
- (d) *Application:* No person shall be granted a permit to operate a Taxicab or Other Transportation Service Vehicle except upon written application therefore to the Revenue Department which shall be in such form as to require the applicant to give all the information required by this article. Such application shall be sworn to by the applicant and endorsed by three (3) reputable responsible citizens of the City.

- (e) Subsequent renewals may not require endorsement; however, the City of Daphne holds the right to request this information upon renewal of permit.
- (f) *Background Check:* Applicants must submit a current copy of Criminal History Record from the Alabama Law Enforcement Agency (ALEA) or Federal Bureau of Investigation (FBI). The copy must be submitted with original application. The City of Daphne holds the right to request Criminal History Record at their discretion.
- (g) *Police and Revenue Departments to keep file:* The Police and Revenue departments shall keep on file the application which shall show in addition to other information called for in this article, the name, age and address of all persons issued permits as Taxicab or Other Transportation Service Vehicle drivers.
- (h) *Convictions:* A permit shall not be issued to operate a Taxicab or Other Transportation Service Vehicle to any person who within the preceding twelve (12) months has been convicted of reckless driving, driving while intoxicated, public drunkenness, or any felony.
- (i) *Appeal from denial of permit:* Should the Police Department fail or refuse to issue a permit to any person under the provisions of this chapter the applicant for such permit may appeal to the City council, and upon hearing, if the council is satisfied of the fitness of the applicant under the provisions of this chapter to operate a Taxicab or Other Transportation Service Vehicle, the City council may direct the Police Department to issue a permit to the applicant.
- (j) *Fee:* Applications shall first be approved by the Chief of Police, or his designee. The Revenue Department shall collect a fee of \$10.00 for the initial issuance of such permit, and shall collect a fee of \$5.00 for the renewal of the permit on or after September 1 of each year. If such permit is lost, the Revenue Department shall collect a fee of \$2.00 for the issuance of a replacement permit. The fee is non-refundable.
- (k) *Inspection of vehicle:* Prior to the issuance of the initial permit and subsequent yearly renewals, each Taxicab or Other Transportation Service Vehicle must submit a certificate of inspection to the Revenue Department which shall be performed by an ASE certified garage or mechanic bearing the insignia of the ASE certification emblem on the inspection report. Nothing herein shall prohibit the Chief of Police or his/her designee from subsequent inspections as these officers may deem necessary.

SECTION IV: REQUIRED; EXPIRATION DATE.

- a) Driver's permits shall expire September 30 following the date of issuance, but may be renewed, upon application and payment of the fee and in the manner provided for in Section III
- b) No owner or operator of any Taxicab or Other Transportation Service Vehicle business in the City shall employ or engage any driver of a Taxicab or Other Transportation Service Vehicle who does not have a valid Taxicab or Other Transportation Service Vehicle driver's permit issued by the Police Department.

SECTION V: DISQUALIFICATION FOR PERMIT.

A driver's permit shall not be issued to the following persons:

- 1) Any person less than nineteen (19) years of age.
- 2) Any person whose driving right or privilege is suspended or revoked.
- 3) Any person who is a habitual drunkard or addicted to the use of narcotic drugs.
- 4) Any person adjudged mentally incompetent, until restored to competency by judicial decree, upon certification by their treating physician or medical director that such person is competent.
- 5) Any person afflicted with, or suffering from a physical or mental disability which, in the opinion of the governing body, will prevent such person from exercising reasonable and ordinary control over a motor vehicle.
- 6) Any person who does not possess a valid Alabama driver's license.

SECTION VI: TO BE IN ADDITION TO BUSINESS LICENSES.

The permit provided for by this article shall be separate and distinct and in addition to the business license required by the City for the operation of Taxicabs or Other Transportation Service Vehicles in the City.

SECTION VII: CARRYING; DISPLAY ON DEMAND.

Every driver shall have his permit in his immediate possession at all times when driving a Taxicab and shall display the permit upon demand of a police officer. However, no person charged with violating this section shall be convicted if he/she produces in court or the office of the court magistrate a driver's permit theretofore issued to him/her and valid at the time of his/her arrest.

SECTION VIII: REVOCATION.

Whenever any person who is the operator of a Taxicab or Other Transportation Service Vehicle within the City is convicted for operating such Taxicab or Other Transportation Service Vehicle while in an intoxicated condition, transporting alcoholic beverages, or other crimes, it shall be within the discretion of the Mayor or other person trying the case to direct that the City permit under which such person is operating such Taxicab or Other Transportation Service Vehicle shall be revoked, and if such operator be the owner of such Taxicab, the judge trying the case may direct that the City license under which the Taxicab is operating shall be revoked. Upon direction of the Mayor or judge trying the case that the permit or license of any person operating a Taxicab in the City shall be revoked, it shall be the duty of the Chief of Police or designee to revoke such permit or license and notify applicable departments; and thereafter if such person should continue to operate such Taxicab or Other Transportation Service Vehicle such person shall be guilty of a misdemeanor.

SECTION VIII: INSURANCE REQUIREMENTS.

- (a) No person shall operate a Taxicab or Other Transportation Service Vehicle in the City without the same being covered by a public liability insurance policy issued by a solvent insurance company authorized to write automobile liability insurance in the state, protecting passengers, pedestrians, and other persons against injury and property damage, subject to the following minimum limits:

- (1) For all damages arising out of a bodily injury to one person, twenty five thousand dollars (\$25,000), and subject to that limit for each person, the total liability on account of one accident shall be limited to no less than fifty thousand dollars (\$50,000). It shall not be required that such coverage shall apply to the insured's employee while engaged in operating or being carried in any of the insured's Taxicabs or Other Transportation Service Vehicles, or other employees of the insured, who are injured while engaged at the time of such injury in performing any duties for the insured in connection with the trade, business or occupation of the insured.
 - (2) For all property damage in one accident, twenty five thousand (\$25,000) not including coverage of the property of the insured or property in the custody of the insured for which insured is legally responsible.
- (b) Permit is conditioned upon Permittee having the responsibility to ensure that if the policy expires, terminates or is cancelled then notice of cancellation will be served upon the City Revenue Officer at least ten (10) days prior to the date of cancellation. Said policy shall be filed with the City Revenue Officer, and shall remain on file with said City Revenue Officer. The Police Department shall not issue any Taxicab or Other Transportation Service Vehicle permit unless the applicant or the owner of the Taxicab or Other Transportation Service Vehicle shall first file with the City Revenue Officer an active insurance policy as herein specified.
 - (c) In the event the insurance policy should expire or be cancelled the permit to operate the Taxicab or Other Transportation Service Vehicle covered by the insurance policy shall immediately be cancelled and become null and void and it shall be unlawful for any person to operate such Taxicab or Other Transportation Service Vehicle after the expiration or cancellation of such insurance policy.
 - (d) Notice of revocation due to cancellation of insurance policy shall be given to permit holder, by Revenue Department with a copy to all applicable City departments.

SECTION X: PARKING.

No Taxicab or Other Transportation Service Vehicles shall be permitted to park or stand on any street, alley or public place in the City at any hour of the day or night for a longer period of time than is actually necessary to receive or discharge passengers; provided, however, the City council may designate stands for Taxicabs or Other Transportation Service Vehicles at such places as it may see fit.

SECTION IX: SOLICITING PASSENGERS BY LOUD VOICE, SHOUTING.

It shall be unlawful for any person operating or driving a Taxicab or Other Transportation Service Vehicle to speak or shout in a loud tone of voice in an effort to solicit passengers.

SECTION IIX: PENALTIES.

Any person who shall violate any of the provisions of this article, or who shall neglect to comply with any of the provisions of this article, shall for each offense, upon conviction, be punished by a fine of not less than fifty (\$50.00) nor more than five hundred dollars (\$500.00), and may also be imprisoned in the City or county jail for a period of no more than six (6) months, either or both.

SECTION III: SEVERABILITY.

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 XI: EFFECTIVE DATE.

This ordinance shall take effect immediately upon its due adoption and publication as required by law.

ADOPTED THIS _____ DAY OF _____, 2016.

Dane Haygood, Mayor

ATTEST:

Rebecca Hayes
City Clerk

ORDINANCE 2016-50

Appropriation From the General Fund: For Appraisal, Survey and Associated Closing Fees for Donated Property Located on Milton Jones Road

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 is evaluating properties where a future Fire Station/Public Safety Complex could be constructed to better serve the safety needs of the citizens of Daphne ; and

WHEREAS, an offer has been made by the property owner to donate property located on Milton Jones Road; and

WHEREAS, there are appraisal, survey, and other closing fees associated with the donation of such property to the City; and

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

1). Funds from the General Fund are hereby appropriated and made a part of the Fiscal Year 2016 budget in the amount up to \$10,000 for closing cost: survey, title search, appraisal, taxes, and associated legal fees for the property located on Milton Jones Road.

2). Authorize the Mayor and/or the City Attorney to negotiate the purchase of said property for the City and the Mayor to execute all related agreements for approximately 1.5 acres included in the current parcel PPIN #062441.

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 BERTOLLA PROPERTIES LLC**

This Memorandum of Understanding (hereinafter referred to as "MOU") is made and entered into on this the ____ day of _____, 2016, by and between the City of Daphne, an Alabama municipal corporation (hereinafter referred to as "DAPHNE") and BERTOLLA PROPERTIES L.L.C. (hereinafter referred to as "DONOR"); and

WHEREAS, DONOR has graciously consented to donate part of a parcel of real property, located in the City of Daphne to DAPHNE as more specifically identified on Exhibit "A" attached hereto and incorporated by reference; and

WHEREAS, by Resolution the City Council of the City of Daphne will accept the donated parcel of real property from DONOR; and

WHEREAS, DONOR has requested and DAPHNE consents that the conveyance of the real property be subject to the following conditions incident to said conveyance; and

WHEREAS, this MOU is intended to memorialize the intent of DONOR regarding his donated conveyance of the real property to DAPHNE and the parties covenant and jointly agree as follows:

1. DAPHNE will establish visible permanent markers or iron posts that will delineate each of the boundaries of the parcel of real property that DAPHNE has received from DONOR.
2. The donated portion of a parcel of real property located at Milton Jones Road, west of Highway 181 containing approximately 1.5 acres shall be improved with a storm water management facility appropriate to the intended use of the property.
3. When DAPHNE constructs a building on the parcel, DAPHNE will contemporaneously construct a paved road on the east boundary of the donated property that runs approximately 310 feet from Milton Jones Road with access to the southern part of the remainder of the parcel that is contiguous.

IN WITNESS WHEREOF, DAPHNE and DONOR have executed this Memorandum of Understanding on this the ____ day of _____, 2016.

**CITY OF DAPHNE
an Alabama municipal corporation**

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

BERTOLLA PROPERTIES L.L.C.

Ordinance 2016-51
An Ordinance Amending Job Classification Schedule to
address the Fair Labor Standards Act

WHEREAS, Ordinance 2004-52 as adopted January 3, 2005 established the City of Daphne Job Classification Schedule and Ordinance 2004-52 requires that subsequent revisions or amendments to the Job Classification Schedule be approved by the City Council; and

WHEREAS, changes are needed in the City's Job Classification Schedule to insure the Schedule remains current and compliant with State and Federal Labor laws

WHEREAS, the U. S. Department of Labor Wage and Hour Division has updated regulations governing executive, administrative, and professional employees (white collar workers) whom are entitled to the Fair Labor Standards Act's minimum wage and overtime pay protections.

WHEREAS, currently workers can qualify for exempt status from overtime rules as long as they meet certain conditions and earn \$455 per week, or \$23,660 per year.

WHEREAS, the Department of Labor updated these regulations to increase the current salary threshold to be exempt from overtime rules to \$913 per week, or \$47,476 annually. These rules become effective December 1, 2016.

WHEREAS, changes in law concerning salary thresholds will require certain revisions to the Job Classification Schedule in order for the City to remain compliant with Federal Law.

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

The reclassification for the following positions is hereby approved and the following amendment is hereby incorporated into the City of Daphne Job Classification Schedule effective with the beginning of the first pay period in October 2016 as follows:

The following positions shall be reclassified from salary to hourly with no grade changes:

Position	From Grade		To Grade
IT Coordinator	22	IT Coordinator	22
Children's Librarian	18	Children's Librarian	18
Librarian- Young Adult	18	Librarian- Young Adult	18
Reference Librarian	18	Reference Librarian	18
Senior HR Specialist	18	Senior HR Specialist	18
Sales Manager	17	Sales Manager	17
Library Supervisor	16	Library Supervisor	16

Due to the large salary increase required, the following positions shall be reclassified but shall change to non-exempt, hourly and shall be entitled to overtime pay:

Position	From Grade		To Grade
Accountant	17	Accountant I	18
Revenue Officer	20	Revenue Officer	23

The following positions shall be reclassified and remain salaried:

Position	From Grade		To Grade
Accountant I	17	Accountant II	20
Court Admin Magistrate	17	Court Admin Magistrate	18

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

United States Department of Labor

Wage and Hour Division

Wage and Hour Division (WHD)

Final Rule: Overtime

Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees under the Fair Labor Standards Act



On May 18, 2016, President Obama and Secretary Perez announced the publication of the Department of Labor's final rule updating the overtime regulations, which will automatically extend overtime pay protections to over 4 million workers within the first year of implementation. This long-awaited update will result in a meaningful boost to many workers' wallets, and will go a long way toward realizing President Obama's commitment to ensuring every worker is compensated fairly for their hard work.

In 2014, President Obama signed a Presidential Memorandum directing the Department to update the regulations defining which white collar workers

are protected by the FLSA's minimum wage and overtime standards. Consistent with the President's goal of ensuring workers are paid a fair day's pay for a hard day's work, the memorandum instructed the Department to look for ways to modernize and simplify the regulations while ensuring that the FLSA's intended overtime protections are fully implemented.

The Department published a Notice of Proposed Rulemaking (NPRM) in the Federal Register on July 6, 2015 ([80 FR 38515](#)) and invited interested parties to submit written comments on the proposed rule at www.regulations.gov by September 4, 2015. The Department received over 270,000 comments in response to the NPRM from a variety of interested stakeholders. The feedback the Department received helped shape the Final Rule.

Key Provisions of the Final Rule

The Final Rule focuses primarily on updating the salary and compensation levels needed for Executive, Administrative and Professional workers to be exempt. Specifically, the Final Rule:

1. Sets the standard salary level at the 40th percentile of earnings of full-time salaried workers in the lowest-wage Census Region, currently the South (\$913 per week; \$47,476 annually for a full-year worker);
2. Sets the total annual compensation requirement for highly compensated employees (HCE) subject to a minimal duties test to the annual equivalent of the 90th percentile of full-time salaried workers nationally (\$134,004); and
3. Establishes a mechanism for automatically updating the salary and compensation levels every three years to maintain the levels at the above percentiles and to ensure that they continue to provide useful and effective tests for exemption.

Additionally, the Final Rule amends the salary basis test to allow employers to use nondiscretionary bonuses and incentive payments (including commissions) to satisfy up to 10 percent of the new standard salary level.

The effective date of the final rule is December 1, 2016. The initial increases to the standard salary level (from \$455 to \$913 per week) and HCE total annual compensation requirement (from \$100,000 to \$134,004 per year) will be effective on that date. Future automatic updates to those thresholds will occur every three years, beginning on January 1, 2020.

Informational Webinars on the Overtime Final Rule [Register Here](#)

Additional Information

- [Final Rule](#)
- [Overtime Overview](#)
- [Questions and Answers](#)
- [Fact Sheet: Overtime Final Rule \(PDF\)](#)

CITY OF DAPHNE

ORDINANCE 2016-52

**AN ORDINANCE AMENDING ORDINANCE 2014-06 REALLOCATING A PORTION
OF THE LODGING TAX**

WHEREAS, Resolution 2015-75 authorized the portion of the lodging tax allocated to the IDB from the City of Daphne to be reduced by Ordinance from thirteen percent (13%) to ten percent (10%) and the funds from the three percent reduction to the IDB to remain in the possession of the City; and

WHEREAS, the funds mentioned in Resolution 2015-75 have been transferred and all other conditions have been met; and

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

SECTION 1. NARRATIVE

By way of Resolution 2015-75, the City Council of the City of Daphne agreed to allow grant funds in the amount of (\$426,768.26) Four Hundred Twenty Six Thousand Seven Hundred Sixty Eight Dollars and Twenty Six Cents to be transferred from City bank accounts to the IDB subject to the following conditions:

- a) the real estate purchased by these grant funds and any future purchases related to the project initiated through this grant shall be annexed into the City of Daphne; and
- b) the real estate purchased by these grant funds and any future purchases related to the project initiated through this grant will be zoned under the office designation under Daphne's Land Use Ordinance, the current appropriate zoning being B-3 or as otherwise deemed appropriate by the City Council; and
- c) the portion of the lodging tax allocated to the IDB from the City of Daphne shall be reduced by Ordinance from thirteen percent (13%) to ten percent (10%) and the funds from the three percent reduction to the IDB shall remain in the possession of the City. This reduction will take place only after funds have been transferred.
- d) The 3% shall be used for the purpose of recreation acquisitions, development, and maintenance in addition to the current allocation as specified on Ordinance 2014-06.

The aforesaid conditions numbered 1 and 2 have been met. This Ordinance shall effectuate condition 3.

SECTION 2. REALLOCATION

Ordinance 2014-06 Section 9(a) is hereby repealed and replaced with the following:

“The lodging taxes which are collected are hereby divided as follows:

- (a) Ten percent (10%) shall be paid at least quarterly and used for the purpose of providing funding to the Industrial Development Board for the action items, implementation of strategies, and tactics included in the then current Strategic Economic Development Plan as approved and adopted by the City Council.”

The funds derived from the three percent reduction of payment to the IDB shall remain in the City’s general fund for use consistent with said tax

SECTION 3. SEVERABILITY

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

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect and be in force effective upon full execution as provided by law.

SECTION 5. 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.

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

CITY OF DAPHNE

RESOLUTION 2015-75

“OPTION C”

DEEP WATER HORIZON FUNDS EXPENDITURE

WHEREAS, Resolution 2010-52 authorized the Mayor of the City of Daphne to sign all documents necessary to receive a Grant from the Alabama Emergency Management Agency (AEMA) related to the Deepwater Horizon Incident; and

WHEREAS, the Mayor executed a Grant Agreement to accept funding of part of a \$25 million grant from BP to the State of Alabama; and

WHEREAS, a Reallocation Grant Agreement was also entered on or about June, 11, 2015 between the City of Daphne, AEMA and the Industrial Development Board of the City of Daphne (IDB) to allow the remaining Grant funds in the amount of Four Hundred Twenty Six Thousand Seven Hundred Sixty Eight Dollars and Twenty Six Cents (\$426,768.26) to be used by the IDB for the purchase of real property for the purposes of fostering the development of a technology park; and

WHEREAS, additional funds were disbursed in error by the State of Alabama to the IDB and the state has requested those funds sent in error to be returned by the IDB. An IDB meeting was held on December 3, 2015 where the IDB voted to return the duplicative funds to the State; and

WHEREAS, the IDB desires to move forward with the land acquisition pursuant to the Deep Water Horizon Grant;

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

The City Council of the City of Daphne hereby agrees to allow the remaining grant funds in the amount of (\$426,768.26) Four Hundred Twenty Six Thousand Seven Hundred Sixty Eight Dollars and Twenty Six Cents to be transferred from City bank accounts to the IDB to be used pursuant to the Reallocation Grant Agreement, provided that and subject to the following additional conditions:

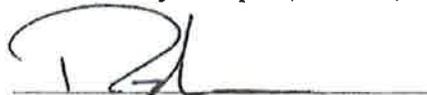
- a) the real estate purchased by these grant funds and any future purchases related to the project initiated through this grant shall be annexed into the City of Daphne; and
- b) the real estate purchased by these grant funds and any future purchases related to the project initiated through this grant will be zoned under the office designation under Daphne’s Land Use Ordinance, the current appropriate zoning being B-3 or as otherwise deemed appropriate by the City Council; and
- c) the portion of the lodging tax allocated to the IDB from the City of Daphne shall be reduced by Ordinance from thirteen percent (13%) to ten percent (10%) and the



funds from the three percent reduction to the IDB shall remain in the possession of the City. This reduction will take place only after funds have been transferred.

This resolution shall become effective upon proper passage and execution.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this 7th day of December, 2015.



Dane Haygood, Mayor

ATTEST:



Rebecca A. Hayes, City Clerk

ORDINANCE 2016-53

Appropriation of Seven Cents Gas Tax Funds: Public Works Road Maintenance Projects: City-wide Roadway Striping, Painting of Mast Arm Signals-US Hwy 98 (*Whispering Pines/CR64*), Repair and Resurfacing of Sixth Street

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, certain Public Works road maintenance projects are needed; and

WHEREAS, these projects are qualified for funding from the Seven Cents Gas Tax monies.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of **\$95,000 from the Seven Cents Gas Tax Fund** are appropriated and made a part of the Fiscal Year 2016 budget for the following projects:

1. City-wide roadway striping - \$25,000.00

Approximately. 15-20 miles. Work to be performed by Baldwin County Highway Department and material purchased under City Contract.

2. Painting of Mast Arm Signals US Highway 98 - \$25,000.00

At Whispering Pines Rd and County Road 64. Melvin Pierce Painting - Galvanized Satin Black

3. Repair and Resurfacing of Sixth Street (Old Town Daphne) - \$45,000.00

From College Street to Belrose Ave- 1,500 +/- L.F. Work will be contracted out with materials being purchased under City Contract

4. The Mayor and Public Works Director are hereby authorized to execute any and all documents required in order for the City of Daphne to complete the Public Works projects.

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

**CITY OF DAPHNE
ORDINANCE NO. 2016-54**

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

**Amendments to Article XI, Minimum Standards and Requirements for Subdivisions and
Commercial Site Developments: Subdivision Exceptions & Exemptions within City Limits;
Extraterritorial Jurisdiction Subdivision Exceptions & Exemptions; Sidewalk 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; and,

WHEREAS, at the City of Daphne Planning Commission regular meeting on June 23, 2016 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on August 15, 2016; and,

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

SECTION I: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE AS FOLLOWS:

Delete Subsection 11-5, Subdivision Exceptions and Exemptions, Subsection (b) Subdivision Exemptions in its entirety, and to replace it as follows:

(b) ~~Subdivision Exemptions:~~

~~The sale or exchange of lots or parcels of land or the relocation of an interior lot line between adjoining property owners may be exempt from these regulations by the Planning Commission, provided no additional lots are created, none of the lots affected by the sale, exchange or relocation of interior lines are reduced below the minimum size requirements of the zoning district in which the division is to occur. No existing easement shall be vacated or moved without the recommendation of the Planning Commission and the acceptance by resolution of the City Council as outlined in the applicable sections of this ordinance.~~

(b) Subdivision Exemptions:

The sale or exchange of lots or parcels of land or the relocation of an interior lot line within the city limits between adjoining property owners may be exempt from the subdivision regulations by the director of Community Development, provided that (1) no additional lots are created and

(2) none of the lots affected by the sale, exchange or relocation of interior lines are reduced below the minimum size requirements of the zoning district in which the division is to occur.

No existing easement shall be vacated or moved without the recommendation of the Planning Commission and the acceptance by resolution of the City Council as outlined in the applicable sections of this ordinance.

SECTION II: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE AS FOLLOWS:

Ordinance to add Subsection 11-5 (c) Extraterritorial Jurisdiction Subdivision Exceptions and/or Exemptions to the Land Use & Development Ordinance:

(c) Extraterritorial Jurisdiction Subdivision Exceptions and/or Exemptions:

A request for an Exempt Subdivision Letter and supporting documentation to substantiate any claim of exemption shall be submitted to the Department of Community Development director along with a copy of the Exempt Subdivision Letter from the Baldwin County Engineer.

Subdividers shall not be required to submit a plat to the Daphne Planning Commission unless deemed appropriate by the director. The director may grant an exemption unless he/she deems the request appropriate for the Planning Commission's review. Exemption from the requirement for Planning Commission approval does not constitute exemption from the requirements of other applicable regulations including but not limited to state, county, or municipal law, zoning ordinances, Health Department requirements, or highway construction setbacks. Any subdivider who is found circumventing the intent and substance of these regulations shall be required to submit a plat for review and approval by the Daphne Planning Commission.

The following is a list of qualifying subdivision exceptions/exemptions for property located outside of the city limits and in the extraterritorial jurisdiction of Baldwin County.

1. Subdivision by testamentary or intestate provisions;
2. Subdivision by court order including, but not limited to, judgments of foreclosure;
3. Sale, deed or transfer of land by the owner to an immediate family member. Each parcel shall have its own ingress/egress and utility access of not less than required by Baldwin County Subdivision Regulations;
4. The public acquisition by gift or purchase of strips or parcels of land for the widening or opening of streets or for other public uses;
5. Subdivision in which the size of each resulting lot equals or exceeds twenty (20) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each lot shall have at least 200 feet of frontage on an existing publically maintained road or

6. shall have access to a publicly maintained road pursuant to a private easement, at least 60 feet in width, which provides rights of ingress and egress and the right to install utilities sufficient to serve such subdivided lots;
7. Subdivisions in which the size of each resulting lot equals or exceeds ten (10) acres, inclusive of adjacent public rights-of-way, and for which no streets are required to be constructed to provide access to each subdivided lot. Each parcel declared to be exempt pursuant to this subparagraph shall have at least 150 feet of frontage on an existing publicly maintained road.
8. A one-time split of a single parcel into two resultant parcels, if, and only if, the parcel existed and has been divided since February 1, 1984.
9. The relocation of a common property line between two parcels where no new parcels are created. Revised parcels shall meet the minimum zoning lot size and width requirements. The owner of each parcel approved as exempt under this section shall be required to submit, as a condition to approval, either an affidavit executed by such owner attesting, under oath, that there exist no restrictive covenants of record in the Office of the Judge of Probate of Baldwin County, Alabama which would prohibit the subdivision of the parcel for which an exemption is sought pursuant to this subparagraph. In the event a parcel is approved as exempt under this subparagraph and it is later determined that such subdivision was prohibited by valid restrictive covenants recorded as of the date of such approval, the Community Development director, or designee thereof, shall have the authority to revoke such exempt subdivision approval.

In the case of an exemption involving a lot or lots which are included within a previously recorded subdivision plat, a resubdivision and a new plat will be required to reflect the resubdivision of lots, and such new plat shall be recorded in the Office of the Judge of Probate of Baldwin County. The new plat reflecting the resubdivision of such lot or lots shall contain the certifications prescribed by Baldwin County Subdivision Regulations Appendix.

SECTION III: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE AS FOLLOWS:

Delete Subsection 11-11, Sidewalks, in its entirety, and to replace as follows:

11-11 SIDEWALKS

- (a) ~~It is the intent of this section to require the installation of concrete or asphalt sidewalks on both sides of the street in residential and commercial subdivisions in order to encourage vehicular and pedestrian connectivity within the City of Daphne. It is also the intent of this section to require the installation of sidewalks in commercial and or industrial site developments. Sidewalks are counted toward the improvement standards of all streets and shall be installed prior to the issuance of a Certificate of Occupancy unless an agreement for future installation has been presented by the developer. In no case shall the City of Daphne be responsible for the installation of sidewalks within any subdivision development.~~

~~(b) Construction of sidewalks, shall comply with the following standards:~~

Type of Subdivision	Sidewalk Width
Low Density Residential	4 feet
High Density Residential	5 feet
Commercial or Industrial	6 feet

~~(e) Sidewalks shall provide pedestrian traffic and design shall encourage safe means of access eliminating conflicts between vehicular and pedestrians. Innovative design measures which would encourage the use of pervious material may be considered by the Planning Commission in lieu of typical sidewalk installation. Due consideration shall be given to the feasibility of sidewalk installation depending upon the proposed development. Except where exempted or modified by the Planning Commission, sidewalks shall be installed as follows:~~

~~(1) Along the perimeter of all developments where adjacent to City right of way.~~

~~(2) Along the right of way where adjacent to the perimeter of any common area within the development; except where walking trails/paths are incorporated into the design for formal/recreational open space as provided in Section 11-14, Special Provisions herein. Final plat shall not be approved until this provision is satisfied.~~

~~(3) Along the right of way within each residential subdivision development.~~

~~(4) Sidewalks shall be constructed with reinforced concrete that has a minimum twenty eight (28) day compressive strength of three thousand pounds per square inch (3000 psi), and shall be in accordance with City specifications and these regulations, unless otherwise approved by the Planning Commission.~~

~~(5) New sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access.~~

~~(6) All sidewalks shall be in accordance with current ADA (Americans with Disabilities Act) requirements.~~

~~(d) Restrictive covenants, as required in Article 17, Subdivision Review, shall provide for the installation sidewalks by individual home owners or the developer:~~

~~The Planning Commission may, at its discretion, approve a final plat prior to the installation of sidewalks upon receipt of an agreement to install sidewalks, a cost estimate for sidewalk installation and a surety in the amount of two hundred percent (200%) of the estimated cost and shall not expire within a twenty four (24) month period.~~

~~(e) Additional Provisions:~~

- ~~(1) Subdividers may also be required to provide access through greenways and common areas.~~
- ~~(2) Trail design shall be reviewed and approved by the Planning Commission. Trail width shall be at least ten (10) feet.~~
- ~~(3) Walkways, with the exception of dedicated trail, shall be maintained by the adjacent property owners.~~
- ~~(4) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities.~~

11-11 SIDEWALKS

(a) It is the intent of this section to require the installation of concrete or asphalt sidewalks on both sides of the street in residential and commercial subdivisions in order to encourage vehicular and pedestrian connectivity within the City of Daphne. It is also the intent of this section to require the installation of sidewalks in commercial and or industrial site developments in order to connect gaps between existing or planned sidewalk circulation systems within the city.

Sidewalks are counted toward the improvement standards of all streets and shall be installed prior to the issuance of a Certificate of Occupancy unless an agreement for future installation has been presented by the developer. In no case shall the City of Daphne be responsible for the installation of sidewalks within any subdivision development.

(b) Construction of sidewalks, shall comply with the following standards:

All sidewalks shall be in accordance with current ADA (Americans with Disabilities Act) requirements. Sidewalks shall be constructed with reinforced concrete that has a minimum twenty eight (28) day compressive strength of three thousand pounds per square inch (3000 psi), and shall be in accordance with City specifications and these regulations, unless otherwise approved by the Planning Commission.

Type of Subdivision	Sidewalk Width
Low Density Residential	4 feet
High Density Residential	5 feet
Commercial or Industrial	6 feet

(c) Sidewalks shall provide pedestrian traffic and design shall encourage safe means of access eliminating conflicts between vehicles and pedestrians. Innovative design measures which would encourage the use of pervious material may be considered by the Planning Commission in lieu of typical sidewalk installation; however, ADA compliance is required where applicable. Sidewalks shall be installed in the following locations:

- (1) Along the perimeter of all developments where adjacent to City right-of-way.
 - (2) Along the right-of-way where adjacent to the perimeter of any common area within the development; except where walking trails/paths are incorporated into the design for formal/recreational open space as provided in Section 11-14, Special Provisions herein. Final plat shall not be approved until this provision is satisfied.
 - (3) Along the right-of-way within each residential subdivision development.
 - (4) New sidewalks shall connect to any adjacent sidewalks and/or bike paths and shall be interconnected within said development to allow for sufficient pedestrian access.
- (d) Restrictive covenants and the final subdivision plat, as required in Article 17, Subdivision Review, shall provide for the installation sidewalks by individual home owners or the developer:

The Planning Commission may, at its discretion, approve a final plat prior to the installation of sidewalks upon receipt of an agreement to install sidewalks, a cost estimate for sidewalk installation and a surety in the amount of two hundred percent (200%) of the estimated cost and shall not expire within a twenty-four (24) month period.

(e) Additional Provisions:

- (1) Subdividers may also be required to provide access through greenways and common areas.
- (2) Trail design shall be reviewed and approved by the Planning Commission. Trail width shall be at least ten (10) feet.
- (3) Walkways, with the exception of dedicated trail, shall be maintained by the adjacent property owners.
- (4) Pedestrian crosswalks, not less than ten (10) feet wide, shall be required where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, bus stops, and other community facilities. Pedestrian crosswalks should be provided wherever sidewalks connect with an existing or planned signalized intersection. Crosswalk shall be designed in accordance with applicable MUTCD guidelines.

(f) Exemptions:

The developer may submit on the appropriate form a request for an exemption to the sidewalk provisions listed herein above. An exemption shall be granted upon receiving an affirmative supermajority vote of the Planning Commission and a favorable recommendation from the Public Works Division director or designee thereof.

All other sections, articles and/or content of the City of Daphne Land Use and Development Ordinance shall remain the same and shall be unchanged by this ordinance.

SECTION IV: CONFLICT WITH OTHER ORDINANCES

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

SECTION V: SEVERABILITY

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

SECTION VI: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ___ DAY OF ____ 2016.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk