

**CITY OF DAPHNE
CITY COUNCIL MEETING AGENDA
1705 MAIN STREET, DAPHNE, ALABAMA
OCTOBER 3, 2016
6:30 P.M.**

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

INVOCATION / Pastor Scotty Jernigan with 3 Circle Church

PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council Meeting Minutes / September 19, 2016

PRESENTATION: 4th Quarter Beautification Award: Malbis Parkway Pediatric Denistry / District 7
Dr. Kelly Jones, Owner

PRESENTATION: Daphne Library Foundation

PROCLAMATION: Breast Cancer Awareness Month

PROCLAMATION: Domestic Violence Awareness Month

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Fry

B. BUILDINGS & PROPERTY COMMITTEE - Lake

C. PUBLIC SAFETY - Conaway
Review minutes / September 19th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott
Review minutes / September 19th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune
Review Public Works Minutes / August 1st

Review Beautification Minutes / August 3rd

Review Museum Minutes / August 8th

Review Environmental Advisory Committee minutes / July 25th / September 26th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones
Reappoint Willie Robison / Term November / December 2016 – November 2020

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

C. INDUSTRIAL DEVELOPMENT BOARD – Phillips
Review minutes / August 26th

D. LIBRARY BOARD – Lake

E. PLANNING COMMISSION – Scott

Review minutes / August 25th / Staff Report / September 22nd

a. **MOTION:** to set a Public Hearing date for **November 7, 2016** and approve advertising to consider:

- 1. Rezone: Earth, Inc.
 Location: Southwest of the intersection of Park Drive and Tallent Lane, east of the future Daphne Sports Complex
 Present Zoning: R-3, High Density Single Family Residential District
 Requested Zoning: R-6(G), Garden or Patio Home District
 Recommendation: Unanimous Favorable
- 2. Revision to the City of Daphne Zoning Map
 Recommendation: Unanimous Favorable
- 3. Rezone: GCOF Daphne Commercial Property 13-64
 Location: Southwest intersection of CR 64 and Rand Avenue
 Present Zoning: B-2, General Business District
 Requested Zoning: R-7(A), Apartments
 Recommendation: Favorable

F. RECREATION BOARD / LeJeune

G. UTILITY BOARD – Fry

6. MAYOR’S REPORT

7. CITY ATTORNEY’S REPORT

8. DEPARTMENT HEAD’S REPORT

9. CITY CLERK’S REPORT

10. PUBLIC PARTICIPATION

11. RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

- a.) **Resolution 2016-71**. Bid Award: Sanitary Sewer Projects Materials / Brass Fittings / Consolidated Pipe & Supply Company
- b.) **Resolution 2016-72**. FEMA Hazard Mitigation Grant Program Disaster Assistance for 118 Lakeview Loop
- c.) **Resolution 2016-73**. Revisions to the City of Daphne Street Map
- d.) **Resolution 2016-74**. Acceptance of Streets and/or Rights-of-Way / Lake Shore Drive in Lake View Subdivision

ORDINANCES:

2ND READ

- a.) **Ordinance 2016-58**. Pre-Zone: James V. Roberts as Conservator for Jeanette D. Lazzari / PUD, Planned Unit Development
- b.) **Ordinance 2016-59**. Annexation: James V. Roberts as Conservator for Jeanette D. Lazzari Property Located Northeast of Edgewood Drive and CR 64

1ST READ

- a.) **Ordinance 2016-60**. Adopting the Fiscal Year 2017 New Personnel Budget
- b.) **Ordinance 2016-61**. Rules and Regulation of City Parks

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 ____
----------------------	---------------------	--------------------

CITY CLERK:

REBECCA HAYES	PRESENT ____	ABSENT ____
----------------------	---------------------	--------------------

CITY ATTORNEY:

JAY ROSS	PRESENT ____	ABSENT ____
-----------------	---------------------	--------------------

**SEPTEMBER 19, 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; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; Tonja Young, Library Director; Vickie Hinman, HR Director; David McKelroy, Recreation Director; David Carpenter, Police Chief; Beautification Committee: Tomasina Werner, Victoria Phelps; Ashley Campbell, Environmental Programs Manager; Kara Wilbourn, Marketing; Al Guarisco, Village Point Foundation; Don Ouellette, Environmental Advisory Committee; Phillip Durant, BZA; Councilman elect Joe Davis; Tim Patton, Volkert.

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

INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Rife Stewart with Destiny Church gave the invocation.

PRESENTATION: Renaming Park City Community Park / Ms. Earline Harris / Southwest Alabama Veterans Association

Ms. Harris requested that council rename Park City Park to Mr. Willie “Buddy” Alphonse Memorial Park. She summarized his military experience. Council recognized his wife Mrs. Alphonse being in the audience.

Mr. Charles Harris, founder of the Southwest Veterans Association, spoke regarding Mr. Alphonse’s military record and his legacy.

Council President Rudicell said that the renaming of the park will be considered at the Buildings & Property meeting October 3rd.

3. APPROVE MINUTES:

There being no corrections to the September 6, 2016 council meeting minutes they stand approved as written, and Councilman Fry amended the September 12, 2016 work session minutes under Recreation Facilities where he said “there was a motion that came out of Buildings & Property regarding add alternates” to say “the motion regarding add alternates came from the Public Works Committee meeting.” The September 12, 2016 work session minutes stand approved as amended.

PUBLIC HEARINGS:

- 1.) 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

**SEPTEMBER 19, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

conclusion of the traffic impact study provided by the developer for review, and consideration of future traffic improvements in this area

Mr. Steve Pumphrey, Dewberry/Preble-Risch gave the presentation. He said that he talked with the owner and he said he would take out the 15% deduction for the traffic study regarding the \$600,000 for improvements to the traffic impact in the area.

Council President Rudicell opened the Public Hearing at 6:47 p.m.

Victoria Phelps – Worchester Drive – spoke in favor of a round-a-bout which would help traffic flow, and it would be a benefit.

Council President Rudicell closed the Public Hearing at 6:48 p.m.

- 2.) 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

Mr. Steve Pumphrey gave the presentation.

Mrs. Jones stated the Planning Commission gave a favorable recommendation for the annexation.

Council President Rudicell opened the Public Hearing at 6:57 p.m.

Mr. Rod Drummond – Ridgewood Drive – asked how many lots were in the project as it seems to be a large project.

Ms. Victoria Phelps – Worchester Drive – spoke regarding the entrance and exit of the project saying this needs to be part of the development process instead of addressing them after the project is done.

Council President Rudicell closed the Public Hearing at 7:01 p.m.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Fry

The September 12th minutes are in the packet.

MOTION BY Councilman Fry for the BID: 2016- R-SANITARY SEWER PROJECT MATERIALS: BRASS FITTINGS to be placed on the October 3, 2016 Council Agenda for consideration of award so brass fittings can be ordered and delivered with the piping materials. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

**SEPTEMBER 19, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

MOTION BY Councilman Fry to recommend to Council to reject the 2016-P-MONITORING SERVICES FOR DISASTER DEBRIS REMOVAL bid and rebid to obtain a more competitive bid. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

Financial Reports:

Treasurers Report / August 2016

As of August, 2016 Total Unrestricted Cash Balance - \$11,565,089 and Total City Cash Balance - \$20,640,637 was presented to be filed for audit.

TREASURER'S REPORT						
As of August 31, 2016						
Account Type/Title	Bank / Brokerage	8/31/2016	7/31/2016	Increase (Decrease) from last Month	8/31/2015	Increase (Decrease) from Last Year
Total Unrestricted Cash Balance		11,565,089	11,764,438	(199,349)	\$ 9,551,440	\$ 2,013,649
Total Restricted Cash Balance		9,075,548	9,582,532	(506,984)	7,888,754	1,186,794
Total City Cash Balance		\$ 20,640,637	\$ 21,346,970	\$ (706,333)	\$ 17,440,194	\$ 3,200,443
Encumbrance Total as of 8/31/2016					\$96,714	

Sales & Use Tax Collections / July 2016

\$1,287,651.05 was collected for July 2016 which is up \$64,657.10 from July 2015's collections of 1,222,993.95:

- YTD Variance over Budget - \$ 770,350.04

Lodging Tax Collections / July 2016

Collections for July, 2016 were \$148,367 which is up \$7,469.30 from July 2015's collections of \$140,897.70.

- YTD Variance over Budget: \$ 46,615.74

B. BUILDINGS & PROPERTY COMMITTEE – Lake

The minutes for the September 6th meeting are in the packet. There is one item the committee recommended to full council: a resolution for surplus items. The next meeting will be October 3rd.

C. PUBLIC SAFETY COMMITTEE – Conaway

The committee met this afternoon, and the minutes will be in the next packet. The next meeting will be October 17th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

The committee met this afternoon, and the minutes will be in the next packet. The next meeting will be October 17th at 5:30 p.m.

E. PUBLIC WORKS COMMITTEE – LeJeune

The next meeting will be October 3rd at 5:30 p.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

The minutes for the February 4th meeting are in the packet. There will not be a meeting in October.

B. Downtown Redevelopment Authority – Conaway

The next meeting will be September 28th at 5:30 p.m.

**SEPTEMBER 19, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

C. Industrial Development Board – Phillips

The minutes for the August 22nd and special called meeting minutes for August 29th are in the packet. The next meeting will be September 26th at 6:00 p.m.

D. Library Board – Lake

The next meeting will be the October 13th at 4:00 p.m.

E. Planning Commission – Scott

The Planning Commission meeting will be September 22nd at 5:00 p.m. with 11 applications.

F. Recreation Board – LeJeune

The Board met this past week at the Park Drive property and took a tour of the property. He invited any of the council to look at it tomorrow. A recommendation came from the Rec Board to have grass infields at Park Drive on three fields on the west side of the park.

G. Utility Board – Fry

The next meeting will be September 28th at 4:00 p.m.

6. MAYOR'S REPORT

Mayor Haygood reported that he had vetoed Resolution 2016-62, the Franchise Agreement for Private Haulers which will be considered under the City Clerk's report. He mentioned District 2's concern over the May Day Park sand. The ordinance did not include a dollar allotment for the additional sand to be introduced to that system. The Public Works Director has looked at it, and the amount of sand that needs to be introduced will be considerably less than was originally estimated, because of the accumulation that has already occurred since the boat ramp was removed. That is something that they need to get some clear guidance to the residents. He requested that this be put on the Buildings & Property Committee agenda for next month.

He reported that there has been new legislation passed in the state Act 2015-308 that imposes an additional dollar for every \$1,000 in non-residential construction permits that is going to be used by the state to fund a new work force development program. That will go into effect August 1st, and it is not a municipal change, but it will increase the dollar amount collected, and that amount will have to be remitted back to the state.

He thanked Public Works and the Police Department as he received some complimentary letters one from Polo Trace subdivision for some work Public Works did in their subdivision, as well as, some compliments from some individuals that live in Historic Malbis regarding the way a situation was handled over the weekend by the Police Department. They were very complimentary to the city officers that were involved in that situation.

He appreciated the Southwest Veteran's Association for being at the meeting, and the veterans that were in the audience. He thanked the veterans for their service. He mentioned that Kara Wilbourn is coordinating the Veteran's Day activities with Daphne High School which will be held Thursday, November 10th.

He mentioned that Riviera contacted him to advise that they are trimming the oak trees on Main Street, and he has been in touch with Public Works to make sure they are monitoring the trimming so that it will be done in a complimentary way so it does not harm the aesthetics of the city.

7. CITY ATTORNEY REPORT:

a. Request Attorney General's Opinion / May City Guarantee a Loan for the Daphne Strike Club / Resolution
2016-70

**SEPTEMBER 19, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Mr. Ross stated that the resolution is general in nature, and he will put a detailed account with the main issue being can the city guarantee payment for a loan for the Daphne Strike Club. The city has to guarantee payment for the club to get the loan. If the Strike Club defaults on the loan the property goes to the city, and the city picks up the loan payments and owns the property. Opinions have been a six to eight week turnover.

b. Bertolla Property Donation

Mr. Ross said that the last agreement lacked specificity. He was concerned about it, it needed to be more detailed about when conveyance of the property would occur, how the conveyance would occur by quit claim deed or warranty deed. He made some changes to the agreement and sent it to the attorney for Bertolla mid-week last week, but she has been in trial court all week, and he should hear something next week. He asked council to postpone the vote until next meeting.

c. Marina Lease

The marina lease is ready to go. There were a couple of minor changes after the LFPOA approved the lease agreement, but the attorney for the board had the authority to approve the changes, and council can vote on it tonight.

d. Cal Ripkin MOU

Mr. Ross reported Cal Ripkin is very interested in the City of Daphne. They would like to become a partner with the city. The MOU was prepared by them, and it is non-binding, but by signing the MOU it opens up a more detailed dialogue with the Cal Ripkin, Sr. Group. They are looking at one million dollars, approximately, provided by Cal Ripkin in the manner in which they do this. It has been requested that council tonight approve the MOU, and the next step is for the council to pick a couple of people that can talk with the Group and try to get some definition and move to a project development agreement which will probably take a couple of weeks or months. He said it should probably be the mayor and Mr. LeJeune who spear headed all of this, and maybe the engineer and architect. Nothing can be approved until it comes back to the city. He thinks they will be a good partner. He asked council to approve the non-binding MOU with Cal Ripkin Sr. Foundation. Any agreements have to be in writing and brought back to the council for any subsequent approval.

e. IDB EDA Grant

Mr. Ross reported that the IDB last week with the help of Toni Fassbender and with the mayor and others he thinks the city will come to realize that an \$846,538 grant will be awarded by the EDA to the IDB, which is money that won't have to be paid back. It goes to the DISC project. There was an enormous amount of effort and paperwork and detail that has gone into this grant process. This effort deserves a lot of kudos to those who helped make this happen. They should hear something positive in the next two weeks in regards to the grant.

f. Veto of Resolution 2016-62 / Franchise Agreement for Private Haulers

Mr. Ross said regarding the mayor's veto of the resolution that he always struggles with what is of permanent nature and what is not of permanent nature. Despite the readings from the League nothing is permanent. Everything can be changed. He and the mayor talked about this with all good intentions, and the resolution is on track, but needs a little more specificity. The mayor submitted a detailed letter on September 16th to the city clerk, and he thinks it is proper for the city council to consider the veto. The only benefit is that it may be better as an ordinance. It sets the franchise fees for haulers in the city, and it gives a form agreement which is attached to the resolution, and the resolution itself needs to be more specific as to what authority, if any, council wants to give the mayor to enter into franchise agreements or does the council want to deal with that one by one on its own. He thinks each franchise that comes before the city probably needs to give the mayor the authority to execute it or it needs to come before the city council to approve it. He will work with the mayor on a solution.

Mayor Haygood said the real key question was the intent to come back to the council for each particular franchise agreement or was it to adopt a form and empower someone with the power in the city to sign those agreements. The wording of the resolution and the form kind-of fell between the two, and the way it was worded it didn't actually do anything or authorize anyone, it was just sort of an affirmation that they like this form of agreement, and there was a particular issue with some verbiage in that form which he does not think they intended, but it was in Section 3 which

**SEPTEMBER 19, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

stated “that the franchisee shall offer services solely for the collection and disposal for commercial solid waste and construction debris to persons located within the corporate limits of the city , and its PJ. He would think a lot of entities would have trouble signing that agreement, because it is, basically, saying that they are not going to provide any services to anybody outside the city limits. He thinks they are just missing a word or two in order to make that what the intent was. There should be a resolution to match which ever one of the two ways the intent was or if they want to consider business license, but he was not comfortable with having that formally on the books, and not knowing what it meant.

Back to the Cal Ripkin MOU

Mr. Ross said he needs to be clear on what council wants to do with choosing a couple of people to talk with the Group. The mayor can choose people for this purpose.

Mayor Haygood asked that anyone that was interested in being part of the group who talks with the Cal Ripkin Group to contact him.

Back to the Marina Lease

Mayor Haygood reminded council that there is money involved in the lease and will need to be appropriated.

g. Annexation by Legislative Act

Adams & Reese will be advertising, and getting ready for the legislative session early February to bring the four parcels of property by legislation into the City of Daphne.

8. DEPARTMENT HEAD COMMENTS:

James White – Fire Chief – reported that the trailer for Fire Station 2 should be delivered tomorrow, and once the firemen are moved in work can begin on the station.

David Carpenter – Police Chief - reported that Officer Mike Dawson passed away, and he will always be in their hearts. He worked for the department 10 years. They will greatly miss him. He asked that everyone keep his family in their prayers.

Margaret Thigpen – Civic Center Director – reported that the Taste of the Eastern Shore is Friday, and the Jubilee Festival is Saturday and Sunday.

9. CITY CLERK’S REPORT:

a. ABC License / Kathys Package Store / 011-Lounge Retail Liquor – Class II (Package) (New Owner / Transfer)

MOTION BY Councilman LeJeune to approve the ABC License / Kathys Package Store / 011-Lounge Retail Liquor – Class II. *Seconded by Council Lake.*

MOTION CARRIED UNANIMOUSLY

b. Reappoint City Prosecutor Jim Scroggins / 3 Year Term / October 1, 2016 – September 30, 2019

MOTION BY Councilman Lake to reappoint Jim Scroggins as City Prosecutor Jim Scroggins / 3 Year Term / October 1, 2016 – September 30, 2019. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

**SEPTEMBER 19, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

c. Events Permit / Daphne High Cross Country / Invitational Meet / September 24, 2016 (8th Run)

MOTION BY Councilwoman Conaway to approve the Events Permit / Daphne High Cross Country / Invitational Meet / September 24, 2016. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

d. Veto of Resolution 2016-62 / Franchise Fee for Private Haulers

Mrs. Hayes read into the record the Mayor’s letter stating the reasons for his veto of Resolution 2016-62. (*Letter is attached to these minutes*)

Council took no action to override the veto of Resolution 2016-62.

10. PUBLIC PARTICIPATION

Mr. Joseph Davis, III – Councilman Elect – commended council and staff on the projects mentioned tonight. He mentioned his family’s military record, and said everyone needs to remember all of the veterans, and what they gave up. He favored renaming the park after Mr. Alphonse.

Mr. Steven Mosely – 9239 Wind Clan Trail – spoke regarding the need of sidewalks on County Road 13, that it is dangerous to walk on the stretch from the high school to Whispering Pines.

Mrs. Ruth Seawell – Daphne Strike Club – thanked council for adopting Resolution 2016-70, and mentioned the time crunch. She said this was the first she heard that it would take six to eight weeks to get an opinion back.

Ms. Victoria Phelps – Worchester Drive – spoke in favor of renaming the park. She appreciates the city’s interest in restricting the use of ATV’s, and thanked council, mayor and city attorney for the marina lease.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Resolution 2016-65.** Declaring Certain Property Surplus and Authorizing the Mayor to Dispose of Such Property
- b.) **Resolution 2016-66.** Authorizing the Execution of an Agreement Concerning a Transportation Planning Process for the Eastern Shore Urbanized Area (*From the MPO*)
- c.) **Resolution 2016-67.** Bid Award: Sanitary Sewer Projects: Sanitary Sewer Piping & Materials
- d.) **Resolution 2016-68.** Donation of Real Property to the City of Daphne by Point Clear Ridge Development, LLC
- e.) **Resolution 2016-69.** Donation of Real Property to the City of Daphne by Tyler Prescott
- f.) **Resolution 2016-70.** Request for an Attorney General’s Opinion / May City Guarantee a Loan for the Daphne Strike Club

**SEPTEMBER 19, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

- a.) **Resolution 2016-65.**Declaring Certain Property Surplus and Authorizing the Mayor to Dispose of Such Property
- b.) **Resolution 2016-66.**Authoring the Execution of an Agreement Concerning a Transportation Planning Process for the Eastern Shore Urbanized Area
- c.) **Resolution 2016-67.**Bid Award: Sanitary Sewer Projects: Sanitary Sewer Piping & Materials
- d.) **Resolution 2016-68.**Donation of Real Property to the City of Daphne by Point Clear Development
- e.) **Resolution 2016-69.**Donation of Real Property to the City of Daphne by Tyler Prescott
- f.) **Resolution 2016-70.**Request for an Attorney General's Opinion / May City Guarantee a Loan for the Daphne Strike Club

MOTION BY Councilman *Lake* to wave the reading of Resolutions 2016-65, 2016-66, 2016-67 and 2016-68, 2016-69 and 2016-70. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman *Lake* to adopt Resolution 2016-65. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman *Scott* to adopt Resolution 2016-66. *Seconded by Councilman *Lake*.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman *Conaway* to adopt Resolution 2016-67. *Seconded by Councilman *Lake*.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman *Lake* to adopt Resolutions 2016-68 and 2016-69. *Seconded by Councilman *Scott*.*

MOTION BY Councilman *Lake* to amend the motion to include "Warranty or Quit Claim Deed" to resolutions 2016-68 and 2016-69 on recommendation of legal. *Seconded by Councilman *Scott*.*

VOTE ON AMENDMENT

MOTION CARRIED UNANIMOUSLY

VOTE ON ORIGINAL MOTION AS AMENDED

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman *Conaway* to adopt Resolution 2016-70. *Seconded by Councilman *Fry*.*

MOTION CARRIED UNANIMOUSLY

SEPTEMBER 19, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

ORDINANCES:

2ND READ

- a.) Ordinance 2016-55.....Right-of-Way Ordinance
- b.) Ordinance 2016-56..... Adopting the 2017 Fiscal Year Budget
- c.) Ordinance 2016-57.....Consenting to the Grant of an Easement Over Certain Property by the Utility Board of the City of Daphne

1ST READ

- a.) Ordinance 2016-58.....Pre-Zone: James V. Roberts as Conservator for Jeanette D. Lazzari / PUD, Planned Unit Development
- b.) Ordinance 2016-59.....Annexation: James V. Roberts as Conservator for Jeanette D. Lazzari Property Located Northeast of Edgewood Drive and CR 64

Ordinance 2016-55.....Right-of-Way Ordinance

MOTION BY Councilman Scott to waive the reading of Ordinance 2016-55. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2016-55. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

Ordinance 2016-56..... Adopting the 2017 Fiscal Year Budget

MOTION BY Councilman Scott to waive the reading of Ordinance 2016-56. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2016-56. *Seconded by Councilman LeJeune.*

Amendments to Ordinance 2016-56 are as follows:

AMENDMENT 101

MOTION BY Councilman LeJeune to amend the budget to include \$15,000 for Project the WISE Program Activities. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MENDMENT 102

MOTION BY Councilman LeJeune to amend the budget not to exceed \$35,000 for a municipal school feasibility study. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

SEPTEMBER 19, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

AMENDMENT 103

MOTION BY Councilman LeJeune to amend the budget to include \$25,000 for consulting services for the Recreation Board organization and programs assessment. Seconded by Councilman Lake.

MOTION CARRIED UNANIMOUSLY

AMENDMENT 104

MOTION BY Councilman LeJeune to amend the budget to include a mower for mowing the grass infields, lease not to exceed \$15,000 per year from Capital Funds. *Seconded by Councilman Lake.*

AYE Conaway, Lake, Fry, Scott, LeJeune, Phillips

NAY Rudicell

MOTION CARRIED

AMENDMENT 105

MOTION BY Councilman Fry to amend the budget to add a hydro-mower and new tractor mower lease with the first payment for April in this fiscal year and in the coming year for Public Works \$25,000. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

AMENDMENT 106

MOTION BY Councilman Fry to amend the budget to increase the crossing guard pay to \$15 per hour with an estimated expense of \$17,348. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

AMENDMENT 107

MOTION BY Councilman Fry to amend the budget to include \$10,000 for the Municipal Run-Off Election. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

AMENDMENT 108

MOTION BY Councilman Fry to amend the budget to move the salary increase from April 1st to January 1st. Seconded by Councilman Lake.

MOTION CARRIED UNANIMOUSLY

VOTE ON ORIGINAL MOTION AS AMENDED

MOTION CARRIED UNANIMOUSLY

SEPTEMBER 19, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

MOTION BY Councilman Fry to waive the reading of Ordinance 2016-57. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Ordinance 2016-57. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

1ST READ

ORDINANCES 2016-58 and 2016-59 ARE 1ST READ

12. COUNCIL COMMENTS

Mayor Haygood – offered his condolences to Officer Mike Dawson’s family, and that they are a good family. He asked council not to lose sight of potentially rebuilding a wooden structure boat launch at May Day Park. Right now the city has no boat launch. He thanked council for the handling of the budget. He said it has been a smooth process this year.

Councilwoman Conaway – thanked residents for coming out in support of renaming the Park City Park. She recognized Mr. Alphonse’s wife and daughters. She thanked Mrs. Harris for bringing this to council’s attention.

Councilman Lake – asked Chief Carpenter to let Mike Dawson’s family know they are grieving with them. He said that renaming Park City Park will be on the Buildings & Property meeting for October, and on the October 17th agenda to approve. He spoke regarding the developer on the agenda paying toward future road improvements for the area.

Councilman Fry – thanked everyone for coming out. He mentioned that putting sidewalks along CR 13 from the high school to Whispering Pines Road is ready to go they are waiting on ALDOT to sign-off on the project.

Councilwoman Scott – reminded everyone that The Taste of the Eastern Shore is Friday, and tickets are sold out.

Councilman LeJeune – is excited about the Lake Forest Lease, and with grants they can make improvements and dredge so boats can come in and out. He thanked the Park City residents for coming out.

Councilwoman Phillips – said it was good to see everyone tonight.

**SEPTEMBER 19, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.
13. ADJOURN:**

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:40 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes, City Clerk

Pat Rudicell, Council President



The Jubilee City

INTERNAL MEMORANDUM

To: Rebecca Hayes, City Clerk
From: Mayor Dane Haygood
Date: September 16, 2016
Re: Veto of Resolution 2016-62

WHEREAS Section 11-45-4 of the Code of Alabama authorizes the Mayor to veto ordinances and resolutions passed by the Council and states, "if the mayor shall disapprove of any ordinance or resolution transmitted to him as provided in Section 11-45-3, he shall, within 10 days of the time of its passage by the council, return the same to the clerk with his objections in writing, and the clerk shall make report thereof to the next regular meeting of the city council"; and

WHEREAS, the City Council passed Resolution No. 2016-62 at its regularly scheduled council meeting on September 6, 2016; and

WHEREAS, Resolution No. 2016-62 (i) does not adopt a franchise agreement for a particular entity; (ii) does not adequately adopt a form of agreement nor grant authority to the Mayor to enter into the franchise agreement form attached to Resolution No. 2016-62; (iii) the form of the franchise agreement attached to Resolution No. 2016-62 contains language in Section 3 that appears to unnecessarily and unduly limit the Franchisee to only being able to provide services "to persons located within the corporate limits of the City and its police jurisdiction"; and

WHEREAS, Ordinance No. 2016-62 creates confusion, is unclear to the intent of the resolution and unduly burdens the administrative function of city government as well as those entities contemplating the form of Franchise Agreement attached thereto;

NOW THEREFORE, I, Dane Haygood, Mayor of the City of Daphne, Alabama, do hereby VETO and disapprove Resolution No. 2016-62 for the reasons stated above. This VETO is filed with the City Clerk on the date signed below and the City Clerk shall report the same to the next regular meeting of the Council.

DATED this the 16th day of September, 2016.



Dane Haygood, Mayor

DAPHNE BEAUTIFICATION COMMITTEE

PRESENTS THE FOURTH QUARTER

2016 BEAUTIFICATION AWARD

TO

Malbis Parkway Pediatric Dentistry

For Excellence in Beautifying the City of Daphne

Awarded this 3rd day of October 2016



The Jubilee City

A blue ink signature of Dane Haygood, consisting of stylized initials "D" and "H" followed by a horizontal line.

Dane Haygood, Mayor

A cursive ink signature of Laurel Anderson, written in black ink.

Laurel Anderson, Chairperson

**CITY OF
DAPHNE, ALABAMA**

PROCLAMATION

**“National Breast Cancer Awareness Month”
October 2016**

WHEREAS, Breast Cancer touches the lives of Americans from every background and in every community across the Nation; and

WHEREAS, one in eight women will get breast cancer in her lifetime; and

WHEREAS, the National Cancer Institute estimates in the United States more than 1.5 million new cases of breast cancer will be diagnosed this year, and every 13 minutes a women will die from breast cancer; and

WHEREAS, National Breast Cancer Awareness Month remains dedicated to increasing public knowledge about the importance of early detection of breast cancer diagnosis and treatment; and

WHEREAS, many women still do not utilize mammography at regular intervals even though research indicates it is the best available method of detection; and

WHEREAS, taking advantage of early detection methods such as mammography and clinical breast exams could help the breast cancer death rate drop by approximately 30%; and

WHEREAS, the American Cancer Society has searched endlessly for a cure through vital research and has the mammoth task of educating our community and all Americans of the risks of breast cancer.

WHEREAS, during National Breast Cancer Awareness Month we honor those we have lost, lend our strength to those who carry on the fight and pledge to educate ourselves and our loved ones about this tragic disease.

THEREFORE, the Mayor and City Council of the City of Daphne, Alabama do hereby proclaim

October 2016 as “National Breast Cancer Awareness Month”

throughout the city, and urge all women and their families to get the facts about breast cancer, and encourage citizens, private businesses and non-profit organizations to join in activities that will increase awareness of what Americans can do to prevent breast cancer.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

**CITY OF
DAPHNE, ALABAMA**

PROCLAMATION

**“National Domestic Violence Awareness Month”
October 2016**

WHEREAS, domestic violence is a serious crime that affects every American, harms our communities, weakens the foundation of our community and hurts the ones we love the most; and

WHEREAS, one in four women will experience domestic violence during her lifetime; and

WHEREAS, domestic violence is widespread and affects over four million Americans each year, and one in three Americans have witnessed an incident of domestic violence; and

WHEREAS, children that grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

WHEREAS, only a coordinated community effort will put a stop to this heinous crime; and

WHEREAS, “Domestic Violence Awareness Month” provides an excellent opportunity for citizens to learn more about preventing domestic violence, and to show support for the numerous organizations and individuals who provide critical advocacy, services and assistance to victims; and

WHEREAS, this month we recognize the survivors and victims of abuse whose courage inspires us, and to remind them they are not alone.

NOW, THEREFORE, the Mayor and City Council of the City of Daphne, Alabama proclaims *October 2016 as “National Domestic Violence Awareness Month”* and urge the citizens of Daphne to work together to eliminate domestic violence from our community.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Public Safety Committee

Monday, September 19, 2016

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

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

Committee Members Attending:

Councilwoman Tommie Conaway, Councilman Pat Rudicell, Councilman Ron Scott, Councilman John Lake, Councilman Robin LeJeune, Councilwoman Angie Phillips, Joe Davis, Chief David Carpenter, Lt. Hempfleng, Chief James White, Code Enforcement Officer Billy Kennedy, Public Works Director Richard Johnson

CALL TO ORDER

Councilwoman Conaway **convened** the meeting at 4:30 p.m.

PUBLIC PARTICIPATION – Richard Jaehne was in attendance from Bellaton Subdivision. Richard stated he has raised the issue with the Planning Commission before but thought it best to bring it before the Public Safety Committee. There are 100 or so homeowners and will eventually be 200 or more homes in Bellaton over the next few years. Many of the residents will use Bellaton Avenue to get in and out. Highway 181 at Bellaton Avenue has a significant issue. We have asked for a light at that location but ALDOT says it is not needed at this time. I called the Sheriff's Department on Sunday because of the high volume traffic from the church just past us on 181. We really need ALDOT to install a light at the entrance/exit to our neighborhood. Bellaton is a main feeder road that is sometimes blocked by construction also. Bellaton needs a traffic calming device on Bellaton Avenue between sections of the developments. One other thing is the fire department is a long way away. There are 500 homes in that area and will double. We need coverage in the future. Non-residents also come into the subdivision late at night. We've had vehicle break-ins so we have made sure to get the word out to the residents to lock their cars. We also have a pool and fishing ponds. When these non-residents are approached they get really aggressive. Richard asked for patrols in the evenings. He stated that the vacant lots are about 3' high in grass and they have seen cottonmouths in the neighborhood quite frequently. Chief Carpenter stated to Councilwoman Conaway that the PD tries to stay in the neighborhoods as much as possible. Conaway asked if they have a POA. Jaehne responded that they do and they have approached these children and were disrespected by them also when approached. Chief Carpenter said that we have had calls on the pool before and that we have handled it. As far as the lake, he suggested they call the wildlife division and they will issue tickets for fishing without a license.

William Wright from 604 Daphmont Drive was in attendance. He stated that the police department put a speed trailer on his street about a month ago. The drivers slow down but when they pass it they speed back up. He came asking for speed hump. Wallace Upshaw was also in attendance and he lives at 601 Daphmont Dr. He stated that there is always drinking, hanging out, and doing whatever at the Boys and Girls Club and at the Variety Store. They urinate on the building and loiter at the Variety Store. Chief Carpenter said as far as the drinking and drugs we can address that. If the business owner lets them hang out, then we cannot make them leave. Chief stated that we have been working with the FBI recently on the drug issue and will try and increase presence in that neighborhood. Councilman Scott stated that more and more people are asking for speed humps and that they are not as expensive as they used to be. Scott thinks we need to start installing them after a positive recommendation from Public Works and Public Safety. Councilman LeJeune said that we have found alternate ways to slow people

down through rumble strips and stop signs. Chief White said that speed humps slow down the fire trucks and jostle the whole truck. Councilwoman Conaway asked Chief to get with Lt. Hempfleng to survey the street and see if it's feasible to put something down.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

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

POLICE DEPARTMENT

- A. **New Business** – Chief Carpenter went over his stats. He advised that Officer Mike Dawson had passed away due to ALS. Councilman LeJeune asked when foot patrols are done. Chief commented it's when getting out of the car to walk the schools, be seen at the mall, grab a drink, etc.

FIRE DEPARTMENT

- A: **New Business** – Chief White went over his stats. The trailer that was to be delivered at Station #2 had an issue with the shower and is to be delivered Tuesday. The fire department has had trouble with the internet going down.

Old Business –

OTHER BUSINESS: Chief Carpenter stated Baldwin County Sheriff's Department did a pay comparison and the County Commission just raised their Deputies to Fairhope and Foley's standards. We are lagging behind again in pay. We keep falling back. We worked hard to get pay back up a few years ago and now with no raises the past few years we are behind again. Corrections and Communications are the worst and they only make \$13 per hour. Chief White said he didn't know that the police department was presenting a pay comparison. He said his firefighters have made leaving comments and they have never done that in the past. Councilwoman Conaway asked Chief White to get a comparison for Public Safety also. Councilwoman Phillips asked the reason for Public Safety getting 1% instead of 2%. Councilman Scott replied that Public Safety is on a different pay scale. He stated it's the first he's heard that we had a problem. Chief Carpenter stated that he had just received this from the Sheriff's Department in the last month. Councilman Rudicell addressed the insurance issue. He stated the city had excess money for get raises done earlier this year. He believes there is no issue. Rudicell stated it is not good that employees are looking at leaving. Carpenter stated that the PD lost a 7 year employee to Orange Beach for \$3 more an hour. Councilwoman Phillips asked if each Chief could bring a request to Finance Committee which meets the second Monday of each month. Chief Carpenter said that every employee used to get a step increase but the current mayor did away with that. All we get now is COLA which moves the pay table up and you never get ahead. Carpenter wishes they would bring the pay table back. He stated that there is still a pay table in the city. Councilwoman Conaway asked them to get the information and we will go from there.

ADJOURN

There being no further business to discuss, Councilwoman Conaway made a motion to adjourn the meeting at 5:10 p.m. seconded by Councilman LeJeune. The next meeting will be Monday, October 17, 2016 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee

Monthly Report July 2016
2016

Patrol Division	Detective Division: (Capt. Beedy/Lt. Gulsby)		JAIL: (Capt. Taylor/Lt. Yelding)		Animal Control (Capt. Taylor/Lt. Yelding)		Crimes Reported This Month:
(Capt. Beedy/Lt. Hempfleng)							
# Complaints	1,383	# New Cases Received: 71	Total Arrestees Received & Processed: 163	YTD			Arson 0
Accidents, Private Property	19	# Previous Unsolved Cases: 85	Arrestees by Agency:	1,686			Burglary - Commercial 5
Accidents, Roadway	91	# Cases Solved: 52	Daphne PD 102	1,176			Burglary - Residence 7
Accidents, Traffic Homicide	1	Resulting in Total Arrests: 22	BCSO 12	94			Burglary - Vehicle 9
Arrest, Controlled Substance	2	Felonies: 20	Spanish Fort PD 34	322			Criminal Mischief 3
Arrest, Drug Paraphernalia	3	Misdemeanors: 2	Silverhill PD 13	80			Disorderly Conduct 0
Arrest, Felony Marijuana	0	Houses Searched 0	Troopers 1	11			Domestic Disturbance 8
Arrest, Misdemeanor Marijuana	4		Other Agencies 1	3			False Info to Police 0
Arrest, Alias Warrant	36						Felony Assault 0
Arrest, DUI	15	Warrants:					Felony Theft 10
Arrest, Felony	9	Served 11					Harassment 2
Arrest, Misdemeanor	70	Agency Assists 1	Highest 24				Identity Theft 1
Assists, Motorist / Citizen	154	Recalls (Pd Fines) 12	Lowest 24				Indecent Exposure 0
Citations	344	Total Warrants Served 24					Kidnapping 0
Drug Report	9		Meals Served 1,450	17,041			Menacing 2
Foot Patrols	828	Sex Offender:	Medical Cost \$1,180.26	\$24,708.00			Misdemeanor Assault 2
Searches, Vehicle	40	New Registration: 0	Worker Inmate Hours 189	1,748			Misdemeanor Theft 10
Security Checks	853	Contact Verification 5					Murder 0
Warnings	255	Total # registered in Daphne 5					Other Death Investigations 0
		DARE:					Public Intoxication 0
		# Hours Report Writing: 1					Public Lewdness 0
		# Students Instructed SRO 200					Receiving Stolen Property 0
Drugs Seized:	7	# Students Instructed DARE 250					Reckless Endangerment 1
Money Seized:	0	# Police Reports by SRO 1					Resisting Arrest 1
Vehicles Seized:	0	# Arrest by SRO 0					Robbery 1
		CODE ENFORCEMENT:					Sex Crime Investigations 0
		Warnings: 26					Suicide 0
CMV Inspections / CMV OOS	24	Citations 8					Suicide, attempted 0
		Warning Compliance 60					Theft of Services 0
		Follow - Up 0					Unauthorized Use of Services 0
		Business License/Enforcement 4					Weapon Offenses 1
							White Collar Crimes 2

Approved By: David B. Carpenter, II
Chief of Police

CODE ENFORCMENT/ORDINANCE COMMITTEE

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

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

*Councilwoman Angie Phillips
Councilman John Lake
Councilman Robin LeJeune*

I. CALL TO ORDER/ROLL CALL

The chairman declared a quorum was present and called the meeting to order at 5: 20 p.m.

Members Present: Ron Scott; Tommie Conaway; Pat Rudicell; Randy Fry; Angie Phillips; John Lake; Robin LeJeune.

Also Present: Rebecca Hayes, City Clerk / recording secretary; Jay Ross, City Attorney; Kevin Boucher; City Attorney; David Carpenter, Police Chief; Captain Judd Beedy, PD; Ashley Campbell, Environmental Programs Manager; Ashley Campbell, Planning Director; William Kennedy, Code Enforcement; Victoria Phelps, LFPOA; Steve Pumphrey, Dewberry/ Prebble-Risch.

II. APPROVE MINUTES / August 15, 2016

The minutes were not in the packet and will be considered at the next meeting.

III. PUBLIC PARTICIPATION

Ms. Victoria Phelps spoke regarding the chain link fence in front of the hotels on North Main Street saying that they are ugly and wanted to know if it could be removed.

Councilman Lake said that the fence was put there by ALDOT, and ALDOT would have to give permission to remove.

Dorothy Morrison mentioned that she attended a Main Street meeting in Birmingham about enhancing your city, and asked for an ordinance prohibiting chain link fences, those already up will be grandfathered. She said that Main Street said the Olde Towne District could be a historical district, and chain link fences are not allowed.

Councilman Scott said this should go to Public Works for consideration.

IV. ORDINANCE REVIEW/DISCUSSION

a.) Winged Foote Subdivision / Traffic Study / Adrienne Jones

Mrs. Jones said she sent this to the Ordinance Committee to determine if the developer's proposal meets the requirements of the city.

Mr. Steve Pumphrey, Dewberry/Preble-Risch, said the proposal is for 199 lots on CR 64 and Well Road. He said they did a traffic study, and the study recommended a roundabout and turn lanes. The developer will contribute for a public benefit \$600,000 and only asked that since they paid for the traffic study

the cost of the study go toward the 15% for the improvements. The committee discussed whether 15% was sufficient, and if they should allow the traffic study go toward the 15%. Some of the committee felt since everybody has to get a traffic study any way they do not see the need to give a refund.

The committee wanted the Public Works Director to review to see if the dollars are in line with the roundabout.

b.) ATV Ordinance / Trespassing

Ashley said there has been damage by ATV's to the Tiawasee Watershed. The ordinance will allow more control over right-of-way damage on private property trespassing. It will outlaw golf carts on sidewalks unless they have a tag.

Discussion was held on putting up signs and doing public media announcements regarding the ordinance.

Captain Beedy said he could help with the media when the ordinance is adopted.

The municipal judge, Michael Hoyt, by email gave some recommendations for the ordinance.

MOTION BY Councilman Rudicell to recommend the ATV ordinance with amendments from the municipal judge to the full council at the October 3rd Council meeting. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

c.) Amend Park Rules / 2016-01 / Research with Fish & Wildlife on Fishing at Parks

Kevin discussed with the committee his finding from Fish & Wildlife saying people must have a fishing license, and Marine Resources patrols the area and stops and asks to see licenses.

MOTION BY Councilwoman Phillips to recommend the Park Rules ordinance to full council at the October 3rd council meeting. Seconded by Councilman Fry.

MOTION CARRIED UNANIMOUSLY

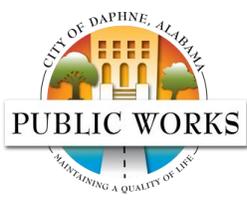
V OTHER BUSINESS

No other business to discuss.

VI. NEXT MEETING / October 17, 2016.

VII. ADJOURN

THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING ADJOURNED AT 6:18 P.M.



I. CALL TO ORDER

Meeting was called to order.

II. Committee Members Present: Robin LeJeune (Chairman), Councilwoman Tommie Conaway; Councilman Pat Rudicell; Councilman John Lake; Councilman Randy Fry; Councilman Ron Scott; Councilwoman Angie Phillips.

Others Present: Richard Johnson, PW Director; BJ Eringman, PW Deputy Director; Andy Bobe, Dewberry/Preble-Rish; Randy Davis & Tim Patton, Volkert; Victoria Phelps-LFPOA; Kevin Boucher, City Attorney.

Selena Vaughn; Cheri Forte & Gerry Goffinet (Potter's Mill POA); Lance & Linda Monley (St. Paul's Thrift Shop); Sean Gibbs.

III. PUBLIC PARTICIPATION & CORRESPONDENCE

A. Work Request Report – June 2015 & 2016 was reviewed.

B. Vehicle/Equipment Maintenance Report – The reports for June 2014-2016 and FY2014-16 were reviewed. Mr. Johnson stated that the figures for 2014-2016 were all over the map. The range of repairs were up and down over the last 3 years. Mr. LeJeune requested a list of vehicles for the department.

C. Correspondence – No Correspondence.

D. Public Participation –

1) St. Paul's Thrift Store: Linda Monley commented regarding the overflow parking on the easement which is causing damage to the grass area. Mr. Johnson stated that off street parking needs to be established. Curbing and rock base could be done right now with current budget. There is the same problem on Whispering Pines Road at the soccer fields. Mr. Scott stated parking is needed and would like the council to support Public Works in putting in the curbing and rock base this year and in the FY17 budget complete the parking area.

Motion by Ron Scott, seconded by Angie Phillips to recommend the installation of curbing and a rock base at the Lincoln Street ROW for an additional parking area.

Discussion: Ashley Campbell stated that she highly recommends that something is done to stabilize the area.

Mr. Johnson will submit a resolution to Becky for approval from the full council.

All in favor. Motion carried.

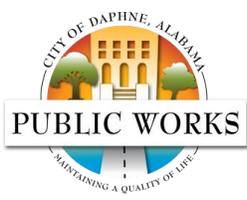
2) Victoria Phelps (LFPOA) – The Montclair Loop pool landscaping project will begin after pool season is over; 4-way stop signage at Ridgewood and Lawson is due to be complete by September 30th, press release to be done; Lake Forest is making a transition to deco signage and needs a contact at Public Works to help with this project – Richard is working on that.

3) Potter's Mill POA entrance – Pat Rudicell presented a proposal from the POA regarding the entrance – the curbing is broken away due to large trucks running over it; paving needs to be done at the entrance; and the retaining wall needs to be replaced. Mr. Goffinet spoke to the committee regarding this issue, asking for Public Works to replace/repair the curbing and to widen the road to accommodate large trucks. Mr. Johnson stated it's not the work task, it's an aesthetic consideration, there is nothing functional wrong with the curbing, it has been hit and there is some damage however it still serves its purpose. The same problem exists at Stratford Glen and Tiawasse.

Cheri Forte also addressed the committee regarding the retaining wall and curbing. The retaining wall is failing. Trucks coming in to the subdivision are having problems maneuvering the "S" curve at the entrance, causing the curbing to be broken. She is requesting that a mountable curb replace the stand-up curb that is in place.

Mr. Johnson stated that the retaining wall in on POA property and is not the responsibility of the city.

Motion by Pat Rudicell, seconded by John Lake for Mr. Johnson to get a cost estimate to change the stand-up curbing to mountable curb and bring to the next committee meeting. Motion carried.



IV. OLD BUSINESS

- A. Minutes** – The minutes from the July 5, 2016 meeting were reviewed and approved.
Motion by Tommie Conaway, seconded by Angie Phillips. All in favor. Motion carried.
- B. Mosquito Report** – No Report due to computer issues.
- C. Street Sweeper Report** – Committee reviewed the report.
- D. Daphne BRATS Hub Update** – Mr. Johnson reviewed the ESMPO’s recommendation to establish a hub on Whispering Pines Road behind CVS. It’s up to the city to accept the location with an 80/20 split for the project with the value of the land would count towards the city’s 20 split. Preliminary drawing is in the packet.

V. NEW BUSINESS

- A. Rumble Strips on Lake Forest Blvd (Northbound south of Loma Alta Tower)**
A request was submitted for the installation of rumble strips on the Northbound lane of Lake Forest Blvd adjacent to the west side of Loma Alta Towers. This is to help resolve a safety hazard at the main gate of the condominium.
Motion by Ron Scott, seconded by John Lake to move forward with this project. Motion carried.
- B. Request for Appropriation from 4&7 cent Gas Tax – Three Contracted PW Projects**
Mr. Johnson submitted the request for appropriation for the listed contracted projects: City-wide road striping; Painting of the Mast Arm Signals @ Hwy 98; and Repair and Resurface Sixth Street (Old Town Daphne).
Motion by Tommie Conaway, Seconded by Angie Phillips to favorably recommend to the Finance Committee the appropriations of the 4 and 7 cent Gas Tax for contracted Public Works Road Maintenance Projects in the amount of \$95,000.00. **All in Favor. Motion carried.**

VI. DIRECTOR’S REPORT

- A. Public Works Related Overtime Report** – The report was reviewed by the committee.

VII. DAPHNE SOLID WASTE DISPOSAL AUTHORITY

- A. Monthly Recycle Tonnage Report (Tonnage Comparison) – June 2016**
The committee reviewed the June report.
- B. Solid Waste New Customer Report – June 2016**
The committee reviewed the June report.

VIII. MUSEUM COMMITTEE

- A. Minutes** – June 13th minutes were reviewed by the committee.

IX. BEAUTIFICATION COMMITTEE

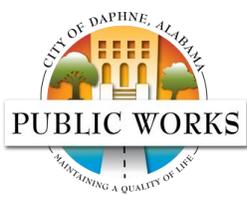
- A.** The July 6th minutes were reviewed by the committee.

X. ENVIRONMENTAL ADVISORY COMMITTEE

- A. Minutes – No Report**

XI. ENGINEER’S REPORT

- A. Mott MacDonald** – had meeting on the Fire Station #2 Remodel; Parks & Rec Improvements is on the work session agenda with presentation.
- B. HMR** – No report.
- C. Preble-Rish** – County Road 13 Turn Lanes submitted to ALDOT for third review; Hwy 98 Improvements have been submitted for second review.
- D. Volkert** – Updated the committee on the Park progress.
- E. Jade Consulting** – No report; Gator Alley is complete and ready for tomorrow.



OTHER BUSINESS:

Mr. Scott requested written reports from our engineers to be included in the packet.

XII. FUTURE BUSINESS

A. Next Meeting will be September 6, 2016 at 5:30 p.m. at Council Executive Room.

XIII. ADJOURNMENT

Meeting adjourned.

CITY OF DAPHNE
PO Box 400
DAPHNE, AL 36526

**Daphne Beautification Committee
August 3, 2016 Minutes**

Committee Members

Dorothy Morrison, Chair
Selena Vaughn
Tomasina Werner
Dana Sawyer
Rebecca Trosclair
Sarah Toulson
Laurel Anderson
Kiki Mikkelson
Victoria Phelps

City Liaisons

Richard Johnson
Shannon Burroughs
Graham Cox
Denise Penry
Michele Hanson
Samantha Coppels
Kara Wilbourn
Zach Michael

A-Centennial Park Update- Equipment and tables have been ordered. Parking lot improvements are due with new budget. The Mayor wants the brick pavers used...Crepe Myrtles to be moved from Veterans' Point after work is started in 2017

B-Beautification Awards-Awards will be given all over the city instead of by districts by groupings Neighborhood Entrances, Eating Establishments, Professional /Doctors Building, Banks/ Credit Unions for 2017. Please turn in your suggestions.

C-Treasurer's Report- We have used our resources wisely for 2016

D-Top Ten Gateway Designs-16 months

- ◇ Daphne Museum waiting for concrete work to be completed
- ◇ Veteran's Point [former KFC]-a 2017 Project
- ◇ Malfunction Junction-10 years
- ◇ Centennial Park- play equipment, children's tables [have been ordered] redo parking lot 9 months
- ◇ Daphne Art Center plantings 4 months
- ◇ Painting Bench at Booth Park and Library -5 months
- ◇ American Flags more for Hwy 98, 90,181,-200 more have been ordered

E- Public Works Report

- ◆ Gator Alley a few more details to complete...great job...Thanks to all Officially the longest project Sidewalk work in Lake Forest almost completed
- ◆ Replacement of dead trees on 98 . In Jan soil testing will be done to determine next step
- ◆ Find a way to have service projects available when City of Hope Day of Service come around
- ◆ Signage to warn of Gators and Snakes will be installed
- ◆ May Day Boat ramp being removed this month
- ◆ Daphne Sports Complex Site Planning and Forestry Management on site of 179 acres 65 in ball fields +3 acre pond for fishing , walking trails
- ◆ Lott will be in construction in the spring with tennis + 2 practice fields
- ◆ ADA grant applied for the sidewalks
- ◆ Trail graded for Village Point

F-Face Book check in for lots of pictures- Kiki Mikkelson

G-Gateways- waiting for pricing for the new signs

H-Hwy 181

I-Publicity- Kara

J-Progress on the round-a-bout plan- waiting plans

K-Keep America Beautiful Meeting in Tuscaloosa on Oct 12 to 14

L-DRA- working to extend Overlay District, Welcome Gift folders deliver to new businesses Dorothy attending Main Street Alabama meeting in B'ham

M- Mayor's Comments

N-Next meeting September 7, 2016



There are only two kinds of people ... those who live in Daphne and those who wish they did!

Old Methodist Church Museum of Daphne

Meeting Minutes

August 8, 2016

I. Call to order

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

II. Attendees: Ken Balme, Rachel Burt, Arva Brown, Al Guarisco, Mickey Boykin, Emily Hammond, Lee Swetman, Lucy Cunningham, Candice Bishop, Betty Baker, Jeanne Nelson, Scott & Dooley Berry, Helen Barocco , Pete Brantley, Mildred Foster, Stephanie Middleton & guest Tom Walker.

III. Approval of minutes from last meeting: July 11, 2016

IV. Treasures Report: 6/30/16 -7/31/16 Beginning bal. \$5724.00 Ck \$60 to USPS for yearly box rental. Deposit \$10 (2 ornaments) Ending bal. \$5674.00 Petty cash \$19.09

V. Volunteer Assignments/Schedules- Sept. has 5 Fridays....Al will cover 9/30/16

VI. Committee Reports

- a) *Exhibits/Events:* Mickey & Lucy working to get Colleta Bailey to speak on uses for feed sacks in combination of the Stich in Time exhibit.
- b) *Publicity/Social Media :* Ken continuing his work on web development .
- c) *Cemetery:* No reports
- d) *Fund Raising & Volunteer Recruitment:* A friend of Ken's will speak to the Optimist Club in hopes of recruiting volunteers.
- e) *Special Tours :* Lucy will have a group from The Blake for a tour 8/30. She and Mickey will host meeting for their church group 9/22 that was previously cancelled A man from the Freedom Riders also showed interest in their group coming.
- a) *Archives, Curation:* Old data still being input into the new computer.
- b) *Building improvements:* Ken thought we should take and inventory of specific repairs and needs we have. Then approach city and/or B & C Committee for funds and help. WiFi still not working he discussed with Candice.
- c) *Impact 100:* Withdrew because of problems negotiations on pottery land. Exploring other avenues to acquire the area, liability is a concern of Mr Olds and city attorneys.

- d) *Brick fundraiser*: No new progress. Jeanne visited the Black Education building and they have a beautiful display of bricks and will inquire accordingly.
- e) *Mayday DVD*: 6 ready for sell today. Decided to sell for \$5 each. Al made motion to donate a DVD to the city. Stephanie 2ndpassed.
- f) *Daphne 50*: A permanent display and/or a mobile exhibit to show the progression of Daphne. Still a work in progress.

VII. New Business & Announcements

- We got the new TV & antenna. Rachel will write up basic directions. More features added in the future as we put it together.
- Ken showed his progress on a presentation he is working on. A slide show of the museum and artifacts that can be used at the Sr. Center and events to stimulate interest. Emily suggested it being available to the teachers to help them plan trips. It can be put on the FB page ect for all to view. Senior Center meets the 1st Tues of the month at 10.00.
- Dooley has had inquires on buying the Jackson Oak pillows. Al has access to plenty and will bring some for us to sell. \$20 was a suggested price with a portion being donated back to Village Point Foundation.
- September is the Baldwin County Fair, also Jubilee Festival 9/24-25.

VIII. Adjournment

Ken Balme adjourned the meeting.

Minutes submitted by: Rachel Burt

Next regular meeting: September 12, 2016

Meeting Minutes

Monday, July 25, 2016
4:30 P.M.

Attendees:

City Staff	Present	Absent	Members	Present	Absent	Council	Present	Absent
Ashley Campbell	X		Stan Arbaczauskas	X		John Lake	X	
BJ Eringman		X	Amy Gohres		X	Pat Rudicell		
Richard Johnson		X	Art Hosey	X				
Michelle Hanson		X	Fred Nation	X				
Guest			Don Oulette- Co-Chair		X			
Ben Cruitt	X		John Peterson- Chair	X				
Heather LeGrand	X		Carl Pinyerd	X				
Lee Rambo	X		Elliot Riser	X				
Denise Heubach	X		Bo Tucker	X				

- I. Call to Order at 4:30 P.M. at City Hall-
- II. The meeting minutes for the March 28, 2016, April 25, 2016, and June 20, 2016 were reviewed and approved by the Committee.
- III. Updates were on Old Business:
 - a. Gator Alley Update: Project complete
 - b. NFWF Project Update
Ashley Campbell reported the following:
 - The Joe's Branch Project is complete.
 - D'Olive Creek at I-10 on Hwy 90 is very active. Site should be completed with 20 days.
 - The CR13 DA3 (east) site is scheduled for construction in October
 - The CR 13 DAF(west) project most likely will not start until fall of 2017.
 - DAE no update.
 - c. ADEM 319 –Discussed Under New Business
 - d. D'Olive Bay-Bay Front Acquisition ~12 acres
The City closed on the purchase on July 20th and now owns the land.
- IV. New Business:
 - a. Daphne High-Engaging Young Engineers (EYE)-No update
 - b. Denise Heubach gave a power point presentation on the ACES and the education outreach programs that are offered. The attached packet is an example of some of the existing literature and program offered. Denise offered

to work with the City to meet the ADEM 319 Education Outreach requirement of the grant.

- c. Heather Legrand gave a presentation and handout (attached) on the ACES College and Career Ready Plan and 4-H and the different programs that are offered.
- d. A motion was made by Elliot R. and seconded by Carl P. to recommend to the Public Works Committee that the City enter into an agreement with ACES to handle the Education Outreach requirement for the ADEM 319 grant. A vote was taken and the motion unanimously passed.

V. ADEM 319 Tiawasee Creek ADEM 319 Grant-Porous Paving at Trione Park-Guest-Jade Consulting

Ashley informed the committee that a meeting was held with Jade to discuss the Trione Park Paver Project. The overall Trione Park portion of the ADEM 319 grant was review. Jade agreed to tour the site and review the funding to choose the best use of the grant funds for most effective pollutant load reduction. Another meeting will be held soon. John P. stated he would send the Parks and Recreation Trione Park Renovation plans to Ashley and Jade.

VI. Other Business:.

- a. Ashley informed the committee that the May Day Boat Ramp would be removed within the month.
- b. Ashley invited the committee to attend the Lake Forest Lake Concepts for restoration meeting at the Daphne City Hall on August 30, 2016 at 600pm. A flyer was provide
- c. Ashley offered a copy of the USA Lake Forest Lake Mapping Study to anyone who wanted one and stated she would email the study with this month's minutes.

Meeting adjourned at 5:30 P.M.

There will be no EAC meeting in August. The next EAC meeting was scheduled for *fourth* Monday in September with Dr. Brett Webb presenting the USA Lake Forest Lake Study.

September 26, 2016

Meeting Minutes

Monday, September 26, 2016
4:30 P.M.

Attendees:

City Staff	Present	Members	Present	Council	Present
Ashley Campbell	X	Stan Arbaczauskas		John Lake	
BJ Eringman		Amy Gohres	X	Pat Rudicell	
Richard Johnson		Art Hosey	X		
Michelle Hanson		Fred Nation	X		
Guest		Don Ouellette- Co-Chair	X		
Shannon McGlynn	X	John Peterson- Chair	X		
Lee Rambo-Jade	X	Carl Pinyerd			
Noel Yoho	X	Elliot Riser	X		
		Bo Tucker	X		

- I. Call to Order by Don Ouellette (Co-Chair) at 4:30 P.M. at City Hall-
- II. The meeting minutes for July 25, 2016 were reviewed and approved by the Committee.
- III. Old Business-Updates were given on Old Business:
 - a. NFWF Project Update
Ashley Campbell reported the following:
 - D'Olive Creek at I-10 on Hwy 90 **is complete other than dirt pit restoration and winter native plantings.**
 - The CR13 DA3 (east) site is scheduled for construction in **November, 2016.**
 - The CR 13 DAF (west) project most likely will not start until fall of 2017.
 - DAE no update.
 - b. ADEM 319 Tiawasee Creek ADEM 319 Grant Education Outreach
 - Daphne High-EYE Engaging Young Engineers-Constructed Wetland Design-**No Update**
 - Daphne Middle School-Alabama Cooperative Extension System(ACES)-4H Alabama Water Watch-Partner- Heather LeGrand-**Program has Baldwin County Board of Education's Approval**
 - Daphne Elementary-Constructed Wetland Planting and ACES Stormwater Education Program-Partner- Denise Heubach-**Survey for Daphne Schools will be presented under new business. Survey and Conservation program will be presented to BC Board of Education for approval ASAP.**

- o ADEM 319 Tiawasee Creek ADEM 319 Grant-Porous Paving at Trione Park-Guest-Jade Consulting-**Consultant awaiting City's approval to start survey work. Update will be provided at next meeting.**
 - c. May Day Boat Ramp--**Ramp has been removed and sand appears to be moving to the north. When up and about in his plane, a local pilot is taking aerial photos of the area.**
 - d. Lake Forest Boat Ramp-Ashley provided an update on the Lake Forest Boat Ramp. **The City's 40 year lease starts October 1, 2016.**
- IV. New Business: Presentation by Brett Webb-USA-Center for Applied Coastal Engineering & Science's Study titled "*Lake Forest Mapping Analysis of Shoaling and Pool Volumes*". *Presentation was discussed by the EAC.*
- V. Other Business:
- a. ACES Survey-Ashley presented the ACES-ADEM-City of Daphne survey for review and comment. Once, reviewed and approved by the EAC, the survey will be presented to the Board of Education for approval and then submitted to each school in the D'Olive Watershed. From there, the City will work with each school to present environmental education that fits their needs.
 - b. ATV Trespass-The City's Draft Trespass Ordinance was presented to the EAC for review and comment. The EAC asked if the ordinance covered dirt bikes. It does but the ordinance will be updated to make that clear. The EAC was asked to submit any other comments to Ashley ASAP. The ordinance will be on next month's Council Agenda.
 - c. A draft trespass sign was presented to the EAC for review and comment. The EAC recommended that the NO ATV, DIRT BIKES AND OFF ROADING be a larger font on the sign. Updates to sign will be made.

Meeting adjourned at 5:40 P.M.

The next EAC meeting was scheduled for *fourth* Monday in October.

October 24, 2016 at 4:30PM

MEMO

To: Becky, Hayes, City Clerk
From: Adrienne Jones, Director Community Development
Subject: BZA Membership & Officers
Date: September 19, 2016

Listed below are the current BZA members, their term end dates and the Elected Officers. Mr. Robison needs reappointing by November 1, 2016.

Regular Board Members

Chairman	Term Ends
Willie Robison	November, 2016
Vice Chairman	
Billy Mayhand	March, 2017
Frank Lamb	March, 2017
Thomas Warner III	May, 2019
Philip Durant	July, 2018

Alternates

William Scully	May, 2019
Herb Cole	July, 2019

Thank you for your prompt attention in this matter.

□

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
SEPTEMBER 26, 2016
6:00 P.M.**

1. CALL TO ORDER/ROLL CALL

There being a quorum present the chairman called the meeting to order at 6:05 p.m.

MEMBERS PRESENT – Toni Fassbender; Doug Bailey; Dan Romanchuk; Denis Kearney; John Cox.

Absent: Pokey Miller.

Also present – Rebecca Hayes, recording secretary; Mayor Haygood; Councilwoman Angie Phillips; Councilman Elect Joe Davis; Sean Gibbs.

2. APPROVE MINUTES

MOTION BY Doug Bailey to approve the August 22, 2016 meeting minutes. Seconded by Denis Kearney.

MOTION CARRIED UNANIMOUSLY

3. PUBLIC PARTICIPATION

No one spoke.

4. OLD BUSINESS

a.) DISC Update

Toni reported that the closing on the DISC property was August 30th. The owners were concerned that it was not stated who would be responsible for the maintenance of the detention pond. The mayor temporarily allayed their concerns by writing a letter, but they wanted something from the board.

MOTION BY John Cox to the chairman to sign a resolution drafted to incorporate the form and content of the letter dated August 30, 2016 by the mayor to Sam Crosby regarding the design, construction and maintenance of the detention pond. Seconded by Dan Romanchuk.

MOTION CARRIED UNANIMOUSLY

b.) Geotechnical Soil Report

The board discussed the findings of the report noting that there is unusual about the groundwater and soil. Everything checked out good. There is an endangered species, the gopher tortoise, in the wetlands. The board will be engaging Wetland Sciences to check to see if there are signs that they the tortoise is in the wetlands.

c.) EDA Grant

The board was awarded the grant. The board discussed the reimbursement process. They feel they need a professional to handle the administering of the grant. An RFP will have to be issued for a grant administrator. Michael will prepare the RFP, and send out before the next meeting. The board discussed having a sub-committee to discuss things associated with the grant so the board does not have to call special called meetings all the time, and to make recommendations to the board. The board decided to have a work session once a month to deal with issues, and those whose schedule allows it can attend.

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
SEPTEMBER 26, 2016
6:00 P.M.**

MOTION BY John Cox to schedule a work session the second Tuesday of every month at 12:00 noon starting October 11th. Seconded by Denis Kearney.

MOTION CARRIED UNANIMOUSLY

Dan asked whether the Davis/Bacon Act was applicable. This ACT says you have to pay the prevailing wage for the area. Michael said it always is unless the EDA says it is not. The IDB is responsible for monitoring it, and the contractor makes sure he is compliant. The contractor has to take the Davis/Bacon Act when submitting their bid for the project which will be part of the RFP.

MOTION BY Doug Bailey to authorize the chairman to sign the grant letter after the October 11th work session based upon the ability to submit questions, and have answers before the October 11th work session.

MOTION CARRIED UNANIMOUSLY

d.) Matching Funds for EDA Grant

The board discussed the three quotes they received. Toni will get with the banks to clarify some points of the quotes.

5. TREASURERS REPORT: JUNE 2016

Cash Balance July 31, 2016:	\$594,598.51
Cash Balance August 31, 2016:	\$292,266.87

MOTION BY John Cox to accept the Treasurers report with a balance of \$292,266.87 as of August 31, 2016. Seconded by Doug Bailey.

MOTION CARRIED UNANIMOUSLY

6. NEW BUSINESS

No new business.

7. REPORT FROM BALDWIN COUNTY ECONOMIC DEVELOPMENT ALLIANCE

No report.

8. OTHER BUSINESS

No other business to discuss.

MOTION BY Denis Kearney to adjourn. Seconded by John Cox.

MOTION CARRIED UNANIMOUSLY

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
SEPTEMBER 26, 2016
6:00 P.M.**

There being no further business to discuss the meeting adjourned at 8:18 p.m.

Submitted by:

Certification of Presiding Officer:

Rebecca Hayes, Secretary

Toni Fassbender, Chairman

**The City of Daphne
Planning Commission Minutes
Regular Meeting of August 25, 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 (arrived @ 5:02 p.m.)
Marybeth Bergin, Secretary
Charles Smith, Vice Chairman
Larry Chason, Chairman
Tyrone Fenderson
Ron Scott, Councilman
Hudson Sandefur
Chief White

Staff Present:

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

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 July 28, 2016. There being none, the minutes are approved as submitted.***

The first order of business is a subdivision exemption review of the Replat of Lots 74, 75 & Common Area of the Reserve of Daphne, Phase One Subdivision.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Dewberry/Preble-Rish, of the replat of a three-lot subdivision consisting of approximately two-point three eight acres located north of the intersection of County Road 64 and Montelucia Way and he stated the replat consists of combining two residential lots into the recreational area for the purpose of the construction of a pool.

Chairman asked for Commission questions or comments and stated this is a subdivision exemption. The Chair will entertain a motion.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Kirby **to grant approval of the preliminary/final plat for the Replat of Lots 74, 75 & Common Area of the Reserve of Daphne, Phase One Subdivision.**

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

The next order of business is a subdivision exemption review of the Replat of Parcel Nos. 43-04-20-2-000-047.000 and 43-04-20-2-000-047.001 for Christ the King Parish.

An introductory presentation was given by Mr. Bruce Smith, representative of Cowles, Murphy, Glover, of a replat of a two-parcel subdivision consisting of approximately zero-point four three acres located southeast of the intersection of Trione Avenue and Main Street for the purpose of a construction of a concession stand, restrooms, and an initial section of sidewalk.

Chairman asked for Commission questions or comments and stated this is a subdivision exemption. The Chair will entertain a motion.

A Motion was made by Mr. Kirby and Seconded by Mr. Fenderson to grant approval of the preliminary/final plat for the Replat of Parcel Nos. 43-04-20-2-000-047.000 and 43-04-20-2-000-047.001 for Christ the King Parish. There was no discussion on the motion. The Motion carried unanimously.

Chairman recused himself from discussion or action on the next agenda item and passed the gavel to the Vice Chairman.

The next order of business is site plan review for Pulmonary Associates.

An introductory presentation was given by Mr. Larry Smith, representative of SE Civil, requesting site plan review of a two thousand square foot medical facility with associated parking, landscaping, and onsite detention. Staff deficiencies have been reviewed and addressed, as well as, the presentation of a revision to the site plan to include sidewalks and bumper strips as requested by the Public Works Director.

Ms. Jones commented that the landscape plan requires the owner's signature.

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. Kirby to grant approval of the site plan for Pulmonary Associates. There was no discussion on the motion. The Motion carried. Mr. Chason abstained.

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

An introductory presentation was given by Mr. Steve Pumphrey, representative of Dewberry/Preble-Rish, of final plat review of an eighty-two lot subdivision consisting of approximately seven point two seven acres located one quarter mile south of the intersection of County Road 64 and Pollard Road and stated that the owner has provided a landscape and sidewalk bond.

Chairman asked about the installation of the security gate.

Mr. Pumphrey stated that the security gate will be coded as per the requirements of the fire department for emergency services.

Ms. Jones commented that the submission of documentation of the acceptance from Riviera Utilities is outstanding.

The Commission discussed the appropriateness of requiring the developer to install sidewalks after a certain timeframe and indicated that the topic warrants further discussion.

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

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

The next order of business is final plat review for Caroline Woods Subdivision, Phase Two C & D.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Dewberry/Preble-Rish, of final plat review of a twenty-five lot subdivision consisting of approximately five point one five acres located northeast of the intersection of Parker Lane and Whispering Pines, north of Madison Place Subdivision and west of Daphne Commercial Park, Phase Two and stated signage is installed and grassing is sufficient.

Chairman asked for Commission questions or comments.

Ms. Jones commented that the submission of documentation of the acceptance from Riviera Utilities is outstanding.

Mr. Scully asked sidewalks will be installed. Ms. Jones stated prior to the issuance of a certificate of occupancy because the sidewalk is a part of the building permit.

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

A **Motion** was made by Mr. Fenderson and **Seconded** by Mr. Sandefur to **grant approval of the final plat for Caroline Woods Subdivision, Phase Two C & D. There was no discussion on the motion. The Motion carried unanimously.**

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

An introductory presentation was given by Mr. Merlin Miller, representative of McCrory & Williams, of preliminary/final plat review of a three, single family residential, lot subdivision consisting of approximately eighty-three point seven-seven acres located southeast of County Road 54 and Chaucer Avenue.

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

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

The next order of business is preliminary plat review for La Piazza Di San Francesco via del Pollard Subdivision.

An introductory presentation was given by Mr. Robert Cummings, representative of Hutchinson, Moore & Rauch, of preliminary plat review of a nine lot subdivision consisting of approximately four point nine acres located northwest of the intersection of County Road 64 and Pollard Road.

Chairman commented on the relocation of the ingress and egress easement. Mr. Cummings stated that easement will be vacated.

Mr. Cummings stated as required by the fire department, a hammerhead will be installed during construction, and sidewalks will be installed in the interior of the subdivision and on Pollard Road.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Fenderson to **grant approval of the preliminary plat for La Piazza Di San Francesco via del Pollard. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a request for pre-zoning for Fred L. Corte.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Dewberry/Preble-Rish, of a request to pre-zone a seventy-three point five three acre parcel located southeast of Corte Road and County Road 13 from RA, Rural Agricultural, in Baldwin County District 15, to a PUD, Planned Unit Development.

Mr. Pumphrey described the Blackstone Lakes PUD proposal as a mixed residential development with one section exclusively for senior citizens. He indicated that improving a portion of Corte Road to County standards would be beneficial to the residents of the proposed development, as well as, Bellaton residents. Construction is anticipated to last 5 to 6 years and construction traffic would be routed through Corte Road and County Road 13.

The Planning Commission questioned whether Corte Road would be annexed into the City; whether covenants would outline the party responsible for maintaining common areas; whether paving the road is a public benefit; and whether having a section for seniors is allowed by the Fair Housing Act.

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

Mr. Richard Jaehne, 9499 Bella Drive, spoke in opposition as representation for the residents of Bellaton Subdivision to express their concerns with regard to the additional traffic, safety, speeding, construction traffic, and destruction of amenities. He referenced a petition presented to the Commission containing sixty-one signatures of residents opposed to a connection through their subdivision. In keeping with the public benefit, the residents would like a distinction and a separate connection to Alabama Highway 181.

Chairman closed public participation.

Ms. Jones commented that the lot sizes of the subdivision are in accordance with R-6 (G), Garden or Patio Home.

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 of an affirmative recommendation by the Planning Commission to the City Council of a request to pre-zone a seventy-three point five three acre parcel located southeast of Corte Road and County Road 13 from RA, Rural Agricultural, in Baldwin County District 15, to a PUD, Planned Unit Development for Fred L. Corte. There was no discussion on the motion. The Motion carried. Ms. Bergin opposed.

Ms. Jones stated that Corte Road is under consideration by the ESMPO.

Mr. Johnson stated that the paving of Corte Road is one of the more pressing priorities of Mayor Haygood, as well as, the connection for Johnson Road to County Road 13.

The next order of business is public participation.

Mr. Ouellette commented regarding the negative impact of having a second access to a residential subdivision.

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

Mr. Boucher stated no report.

The next order of business is commissioner's comments.

Chief White commented that a review should be made of how the Blackstone Lakes gated entrance will affect private service providers.

The next order of business is director's comments.

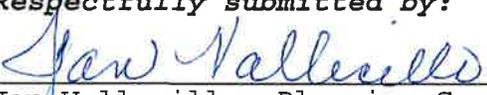
Introduction of new employee, Brennan Walters, Planner

Ms. Jones presented the following:

- a. City Council public hearings for Sidewalk and Subdivision Exemptions, September 6, 2016, 6:30 p.m.;
- b. City Council action on zoning amendments, Eastern Shore Associates, Anne K. Irvine, McBride-Romero, AJD Family Limited Partnership, annexation, the Bills' No. 2, L.L.C., and land use revision, Home Occupations on August 1, 2016;
- c. Presentation of the traffic impact study for Winged Foot Subdivision to the PW Committee, September 6, and the Ordinance Committee on September 19, 2016;
- d. RFQ for the Comprehensive Plan update has been drafted;
- e. The upcoming meeting dates are site preview, September 14, & regular meeting, September 22, 2016.

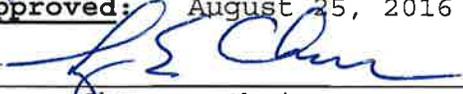
There being no further business, the meeting was adjourned at 6:38 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: August 25, 2016



Larry Chason, Chairman

1. **CALL TO ORDER: 5:02 P.M.**
2. **CALL OF ROLL: LARRY CHASON, MARYBETH BERGIN, RON SCOTT, TYRONE FENDERSON, HUDSON SANDEFUR, ED KIRBY, AND WILLIAM SCULLY**
3. **APPROVAL OF MINUTES:** Review of minutes for the regular meeting of August 25, 2016.
(APPROVED AS SUBMITTED)
4. **NEW BUSINESS:**

A. SITE PLAN REVIEW:

1. **File SP16-14: (APPROVED)**

Site: Daphne's Shoe Boutique on Manci
Zoning(s): MU, Mixed Use
Location: Southwest of the intersection of Guarisco Street and Manci Avenue
Area: 0.17 Acres ±
Owner: Steve & Daphne Rudicell Robinson
Engineer: Hutchinson, Moore & Rauch - Doug Bailey

B. SUNDOWNE APPLICATIONS:

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

File SDPF16-18: (APPROVED)

Subdivision: Resubdivision of Lot 2, Sundowne

Zoning(s): B-2, General Business
Location: Along the service road of U.S. Highway 98, northwest of the intersection of Van Buren Street
Area: 2.91 Acres ±, (2) lots
Owner: Barry L. Booth
Agent: Rich's Carwash - Jay Richardson
Engineer: Hutchinson, Moore & Rauch - Doug Bailey
Surveyor: Hutchinson, Moore & Rauch - Stuart Smith

2. **File SP16-15: (APPROVAL OF SITE PLAN, PENDING VERIFICATION OF ALDOT PERMIT AND SUBMISSION TO STAFF)**

Site: Rich's Carwash (Proposed Lot 2A, Resubdivision of Lot 2, Sundowne)
Zoning(s): B-2, General Business
Location: Along the service road of U.S. Highway 98, northwest of the intersection of Van Buren Street
Area: 0.97 Acres ±
Owner: Barry L. Booth
Agent: Rich's Carwash - Jay Richardson
Engineer: Hutchinson, Moore & Rauch - Doug Bailey

C. PRELIMINARY/FINAL PLAT REVIEW:

1. File SDPF16-17:

(APPROVAL OF PLAT, CONDITIONED UPON THE ADDITION OF A NOTE ON THE PLAT WHICH STATES, "NO FURTHER SUBDIVISION OF THE FOUR LOTS WITHOUT PROVIDING ACCESS IMPROVEMENTS THAT MEET THE APPROPRIATE STANDARDS OF THE PLANNING COMMISSION")

Subdivision: Doggett

Zoning(s): *R-3, High Density Single Family Residential and B-2, General Business*

Location: On Parker Lane Extension, north of Yancey Branch Woods Subdivision, Phase II

Area: 11.34 Acres ±, (4) lots

Owner: Emma Jean, Robert & Rosemary Doggett

Surveyor: Rowe Engineering & Surveying - Don Rowe

D. OLDFIELD SUBDIVISION APPLICATIONS:

1. MASTER PLAN AMENDMENT: File MPA16-01: Oldfield Master Plan

Presentation to be given by Mr. Steve Pumphrey, representing Dewberry/Preble-Rish, requesting a master plan revision of Oldfield Subdivision. (APPROVED)

PRELIMINARY PLAT REVIEWS:

2. File SDP16-06: (APPROVED)

Subdivision: Oldfield, Phase 3A

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

Location: South and west of Oldfield Subdivision, Phase One

Area: 14.16 Acres ±, (40) lots

Owner(s): Smart Living, L.L.C. - Louis Breland

Agent: Dewberry Preble-Rish - Steve Pumphrey

Surveyor: Dewberry Preble-Rish - David Diehl

3. File SDP16-07: (APPROVED)

Subdivision: Oldfield, Phase 2B (Revised)

Zoning(s): *R-3, High Density Single Family Residential, and R-6(G), Garden or Patio Home*

Location: South and west of Oldfield Subdivision, Phase One

Area: 34.56 Acres ±, (76) lots

Owner(s): Smart Living, L.L.C. - Louis Breland

Agent: Dewberry Preble-Rish - Steve Pumphrey

Surveyor: Dewberry Preble-Rish - David Diehl

E. ZONING AMENDMENT PETITIONS:

- 1. File Z16-08: Earth, Inc.**

(UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)

Present Zoning: R-3, High Density Single Family Residential District

Proposed Zoning: R-6 (G), Garden or Patio Home District

Location: Southwest of the intersection of Park Drive and Tallent Lane, east of the future Daphne Sports Complex

Area: 5.95 Acres ±

Owner(s): Earth, Inc. - Scott Curtis

Agent: Rowe Engineering & Surveying- Don Rowe

- 2. File Z16-09: John White-Spunner, et al**

(TABLED AT THE REQUEST OF THE ENGINEER TO THE MEETING OF OCTOBER 27, 2016)

Present Zoning: R-3, High Density Single Family Residential, and unzoned, in Baldwin County Extraterritorial Planning Jurisdiction

Proposed Zoning & Pre-zoning: B-2, General Business, R-7 (a), Apartments, and GC, Golf Course

Location: At the southwest intersection of County Road 13 and U. S. Highway 90

Area: 77 Acres ±

Owner(s): John White-Spunner, et al

Agent: Mott MacDonald - John Peterson

- 3. File Z16-10: GCOF Daphne Commercial Property 13-64, L.L.C.**

(FAVORABLE RECOMMENDATION TO CITY COUNCIL)

Present Zoning: B-2, General Business

Proposed Zoning: R-7 (a), Apartments

Location: At the southwest intersection of County Road 13 and Rand Avenue

Area: 16.8 Acres ±

Owner(s): GCOF Daphne Commercial Property 13-64 L. L.C. - Nathan Cox

Agent: Hutchinson, Moore & Rauch - Doug Bailey

F. VACATION OF EASEMENT PETITION:

(UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)

1. File VE16-02: Magnolia Trace Partnership

Zoning(s): B-2, General Business

Location: Northwest corner of Main Street and Bayfront Drive

Area: 3.40 Acres ±

Owner(s): Magnolia Trace Partnership - James E. McElroy

Agent: EMC Engineering Services, Inc. – Brian Braun

G. STREET ACCEPTANCE PETITION:

(UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)

File AP16-04:

Presentation to be given by Elliott Riser, President of the Lake View Subdivision Property Owners Association, requests the donation and dedication of Parcel A, Lake View Subdivision, also known as Lake Shore Drive, and acceptance by the City of Daphne as a publicly maintained street and right of way.

H. ZONING AND STREET AMENDMENTS:

(UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)

File AP16-05:

Presentation of the City of Daphne Official Zoning and Street Map by Community Development.

I. ELECTION OF 2016-2017 OFFICERS:

Chairman, Vice Chairman and Secretary (TABLED)

5. PUBLIC PARTICIPATION: None presented

6. ATTORNEY'S REPORT: None presented

7. COMMISSIONER'S COMMENTS: None presented

8. DIRECTOR'S COMMENTS: None presented

9. ADJOURNMENT: 7:53 p.m.

SET PUBLIC HEARING DATE FOR

November 7, 2016

TO CONSIDER:

1. Rezone: Earth, Inc.
Location: Southwest of the intersection of Park Drive and Tallent Lane, east of the Future Daphne Sports Complex
Present Zoning: R-3, High Density Single Family Residential District
Requested Zoning: R-6(G), Garden or Patio Home District
Recommendation: Unanimous Favorable
-

2. Revision to the City of Daphne Zoning Map

Recommendation: Unanimous Favorable

3. Rezone: GCOF Daphne Commercial Property 13-64
Location: Southwest intersection of CR 64 and Rand Avenue
Present Zoning: B-2, General Business District
Requested Zoning: R-7(A), Apartments
Recommendation: Favorable

To: Office of the City Clerk
From: Adrienne D. Jones, *AD*
Director of Community Development
Subject: Earth, Inc., Zoning Amendment
Date: September 27, 2016

MEMORANDUM

PRESENT ZONING: R-3, High Density Single Family Residential District

PROPOSED ZONING: R6(G), Garden or Patio Home District

LOCATION: Southwest of the intersection of Park Drive and Tallent Lane, east of the future Daphne Sports Complex

RECOMMENDATION: At the, September 22, 2016, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously to set forth a **favorable recommendation** of the above-mentioned zoning amendment.

The appropriate documentation and action of the Daphne Planning Commission has been provided.

Upon receipt of said documentation, please prepare an Ordinance for placement on the City Council agenda of Monday, October 3, 2016 to set the public hearing for Monday, November 7, 2016.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Community Development Report(s)
2. Zoning Amendment application
3. Legal description
4. Map of property
5. Adjacent property owners' list
6. Correspondence to Adjacent Property Owners

PLANNING COMMISSION
REZONING REQUEST FOR
EARTH, INC.



COMMUNITY DEVELOPMENT

ZONING AMENDMENT REVIEW

Owner: Earth, Inc.
Location: The land is located southwest of the intersection of Tallent Lane and Pollard Road
Existing Conditions: 5.95 acres of vacant land
Existing Zoning: R-3, High Density Single Family Residential
Proposed Zoning: R-6(G) Garden or Patio Home District

Surrounding Zonings/Uses:

North - (R-3) High Density Single Family zoned (Revelation Missionary Church, and houses, some in Fallen Oak Subdivision)

South - (R-4) High Density Single Family zoned undeveloped land (Caroline Woods Phase 3B - construction pending)

East - City of Daphne Public Works Tallent Lane Facility, zoned R-3 High Density Single Family

West - City of Daphne Sports Complex property, zoned R-3 High Density Single Family

Existing Utility Service Providers:

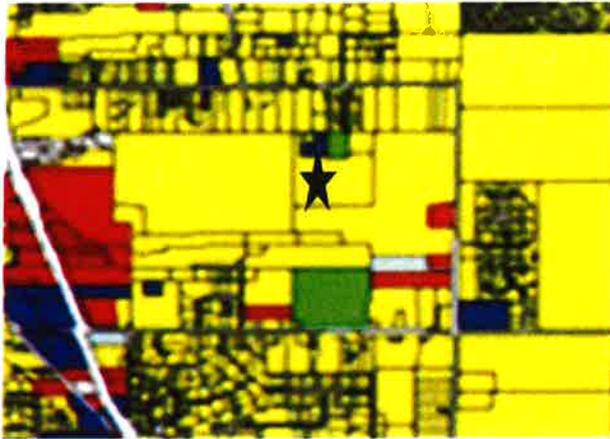
Sewer – Daphne Utilities	Gas – Daphne Utilities
Electric – Riviera Utilities	Water – Park City Water Authority

Affected City Service Providers:

Fire Protection—Station 2 (North Main Street)
Police Protection—Police Beat 2
Public Works
Baldwin County Schools—n/a

Comprehensive Plan

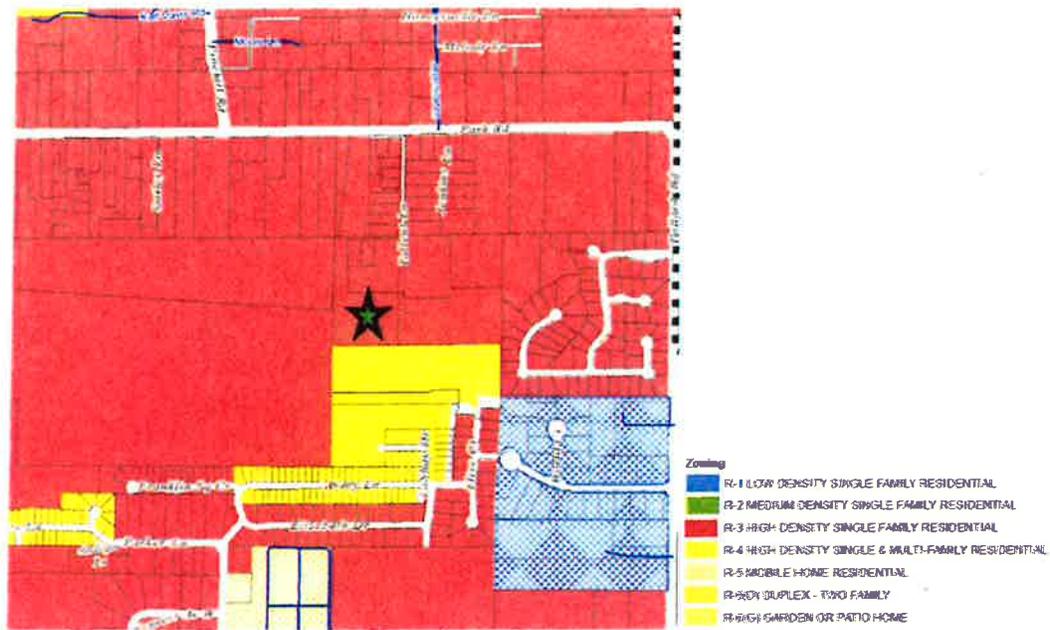
The Future Land Use Map of the Comprehensive Plan designates the subject property as residential. The proposed use is consistent and compatible with the comprehensive plan in regard to land use. Therefore the reversionary clause is not recommended and should not be applicable to this property.



Community Development Recommendation: Approval of R-6(G) Garden or Patio Home zoning with no reversionary clause. The zone is consistent with the Future Land Use Map of the Comprehensive Plan and is also compatible with other existing and proposed Garden/Patio home development of Caroline Woods subdivision which is immediately south of the subject property. Caroline Woods is zoned R-4 High Density Single Family Residential. R-4 High Density Single Family equals R-6(G) in all aspects. R-6(G) replaces the category of R-4 High Density Single Family.

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.





ZONING DISTRICT SPECIFICATIONS
Article 13-4 Minimum Lot Requirements

EXCERPT FROM 13-4	Minimum Lot Area Square feet (sq ft)	Minimum Lot Width at Setback Line (ft)	Maximum Lot Coverage Percent (%) ^a	Maximum Density ^b (units/acre)	Maximum Height ^c (stories) (ft)
EXISTING ZONING R-3, High Density Single Family	12,000	80	30	3.5	2.5 stories 35 ft
PROPOSED ZONING R-6(G) Garden/Patio Homes	5,000	50	38	8	2.5 stories 35 ft
CAROLINE WOODS ZONING R-4, High Density Single Family--	5,000	50	38	8.0	2.5 stories 35 ft

Article 13-6 Setbacks EXCERPT FROM 13-6	Corner Lot			
	Front Yard Local Streets	Rear Yard	Side Yard	Side Yard Local Streets
R-3	30	30	10	20
R-4SF & R6(G)	25	25	6	20



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816	Date Submitted <u>Aug. 22, 2016</u>
Application Number: <u>ZA-16-08</u> or <u>PZA-</u>	Planning Commission Public Hearing Date: <u>Sept. 22, 2016</u>

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

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection): <u>Southwest of the intersection of Park Future Drive and Tallentbane, east of the Daphne Sports Complex</u>	PPIN#(s): <u>022005</u>
Gross Site Area (acreage): 5.95 ac	Requested Zoning or Pre-Zoning: <u>R-6 G (Garden or patio home)</u>
Current Zoning Designation(s): R-3	Amended Request:
Current Land Use: Vacant	Anticipated Land Use: Residential

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

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

Annexation
 Site Plan
 Special Exception
 Variance
 Specify Other

APPLICANT & AGENT INFORMATION

<i>*If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.</i>	
Name of Current Owner: Earth, Inc. , <u>scott curtis</u>	<u>earthgroup.us@gmail.com</u>
Mailing Address: P.O. Box 220 Daphne, AL 36526	Phone/Fax: (251) 232-2166 E-mail: earthgroup@yahoo.com
Name of Authorized Agent: <u>Don Rowe, Rowe Engineering</u>	Phone/Fax: <u>666-2766</u>
Mailing Address: <u>3755 Cottage Hill Rd mobile al</u>	E-mail: <u>660-1040</u>
Name of Developer*:	Phone/Fax: E-mail:
Other:	Phone/Fax: E-mail:

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

Applicant's Signature: <u>[Signature]</u>	Date 8/22/2016
Agent's Signature:	Date



REVERSIONARY CLAUSE ACKNOWLEDGEMENT

SKIP THIS PAGE IF REQUESTING PRE-ZONING OR PLANNED UNIT DEVELOPMENT ZONING

Pursuant to Article 22-2 of the Land Use & Development Ordinance, zoning and rezoning may revert back to prior designation if certain conditions are not met. Said conditions are specified in Article 22 of the Land Use Ordinance. Legibly sign and print/type responses below. Indicate N/A or an "X" where item is not applicable. **Submit with rezoning request where applicable.**

CURRENT OWNER'S ACKNOWLEDGEMENT

I, Earth, Inc., acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 8/22/2016

PRINTED NAME OF CURRENT OWNER/PETITIONER

DEVELOPER'S ACKNOWLEDGEMENT

I, _____, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: _____

PRINTED NAME OF DEVELOPER

PROPERTY ADDRESS OR PPIN#(s): 022005

Exhibit A

LEGAL DESCRIPTION

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

Beginning at the Southwest corner of Lot 27, Northern Division of Jackson Oaks Subdivision, as recorded in Map Book 3, Page 28 and recorded in Map Book 7, Page 36 Probate Court Records, Baldwin County, Alabama, run North 88°-49'-48" East, along the South line of said Lot 27, a distance of 271.86 feet; thence North 89°-13'-17" East, along the South line of Lot 28 In said subdivision, a distance of 226.43 feet; thence South 00°-39'-37" West, along the West right-of-way line of Tallent Lane, 19.86 feet; thence South 89°-07'-36" West, along the North boundary of property now or formerly of Revelation Missionary and property now or formerly of Felix B. Harrison, a distance of 414.49 feet; thence South 00°-16'-05" East, along the West line of said Harrison property and said Revelation Missionary property, a distance of 419.4 feet; thence North 89°-14'-00" East, along the South boundary of said Revelation Missionary property, a distance of 400.6 feet; thence South 00°-08'-04" East, along the West line of property now or formerly of the City of Daphne, 417.85 feet; thence South 89°-15'-47" West, along the North boundary of property now or formerly of Plan B Investments, LLC, a distance of 499.17 feet; thence North 00°-05'-40" West, along the East line of property now or formerly of the City of Daphne, a distance of 855.55 feet to the Point of Beginning.

Earth, Inc
Adjacent property owners for Zoning Amendment

Charles and Adell Hall
P.O. Box 1125
Daphne, AL. 36526

Habitat for Humanity of Baldwin County
P.O. Box 854
Summerdale, AL 36580

Johnny Young, etal
P.O. Box 2201
Daphne, AL. 36526

James White, etal
P.O. Box 31
Daphne, AL. 36526

City of Daphne
P.O. Box 400
Daphne, AL. 36526

Plan B Investments LLC
19940 State Highway 181
Fairhope, AL. 36532

Revelation Missionary Baptist Church
27601 Jenkins Lane
Daphne, AL. 36526

Earth, Inc.
P.O. Box 220
Daphne, AL. 36526

Felix Harrison
P.O. Box 375
Daphne, AL. 36526

Sarah Harris, etal
27655 Jenkins Lane
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

September 9, 2016

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for Earth, Inc. consisting of 5.95 acres +/- located southwest of the intersection of Park Drive and Tallent Lane, east of the future Daphne Sports Complex to be rezoned from R-3, High Density Single Family Residential, to R-6 (G), Garden or Patio Home.

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, September 14, 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, September 22, 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

Earth, Inc. Zone Amendment

COMMUNITY DEVELOPMENT
1705 MAIN STREET • P.O. BOX 400 • DAPHNE, ALABAMA 36526
TELEPHONE: (251) 621-3184 • FAX: (251) 621-3185

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

**Ordinance to Rezone Property Located at the
Southwest of the Intersection of Park Drive and Tallent Lane, East of the Future Daphne
Sports Complex
Earth, Inc.**

WHEREAS, Earth Inc. as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-3, High Density Single Family Residential District to R-6(G), Garden or Patio Home District; and,

WHEREAS, said real property is located at the Southwest of the intersection of Park Drive and Tallent Lane, east of the future Daphne Sports Complex, and more particularly described as follows:

LEGAL DESCRIPTION

Beginning at the Southwest corner of Lot 27, Northern Division of Jackson Oaks Subdivision, as recorded in Map Book 3, Page 28 and recorded in Map Book 7, Page 36 Probate Court Records, Baldwin County, Alabama, run North 88°-49'-48" East, along the South line of said Lot 27, a distance of 271.86 feet; thence North 89°-13'-17" East, along the South line of Lot 28 In said subdivision, a distance of 226.43 feet; thence South 00°-39'-37" West, along the West right-of-way line of Tallent Lane, 19.86 feet; thence South 89°-07'-36" West, along the North boundary of property now or formerly of Revelation Missionary and property now or formerly of Felix B. Harrison, a distance of 414.49 feet; thence South 00°-16'-05" East, along the West line of said Harrison property and said Revelation Missionary property, a distance of 419.4 feet; thence North 89°-14'-00" East, along the South boundary of said Revelation Missionary property, a distance of 400.6 feet; thence South 00°-08'-04" East, along the West line of property now or formerly of the City of Daphne, 417.85 feet; thence South 89°-15'-47" West, along the North boundary of property now or formerly of Plan B Investments, LLC, a distance of 499.17 feet; thence North 00°-05'-40" West, along the East line of property now or formerly of the City of Daphne, a distance of 855.55 feet to the Point of Beginning.

WHEREAS, at the City of Daphne Planning Commission meeting on September 22, 2016 the Commission considered said request and set forth a unanimous favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on November 7, 2016; and,

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

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

SECTION I: ZONING

That above described real property is hereby rezoned from R-3, High Density Single Family Residential District to R-6(G), Garden or Patio District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

EARTH, INC.

ZONING AMENDMENT REVIEW

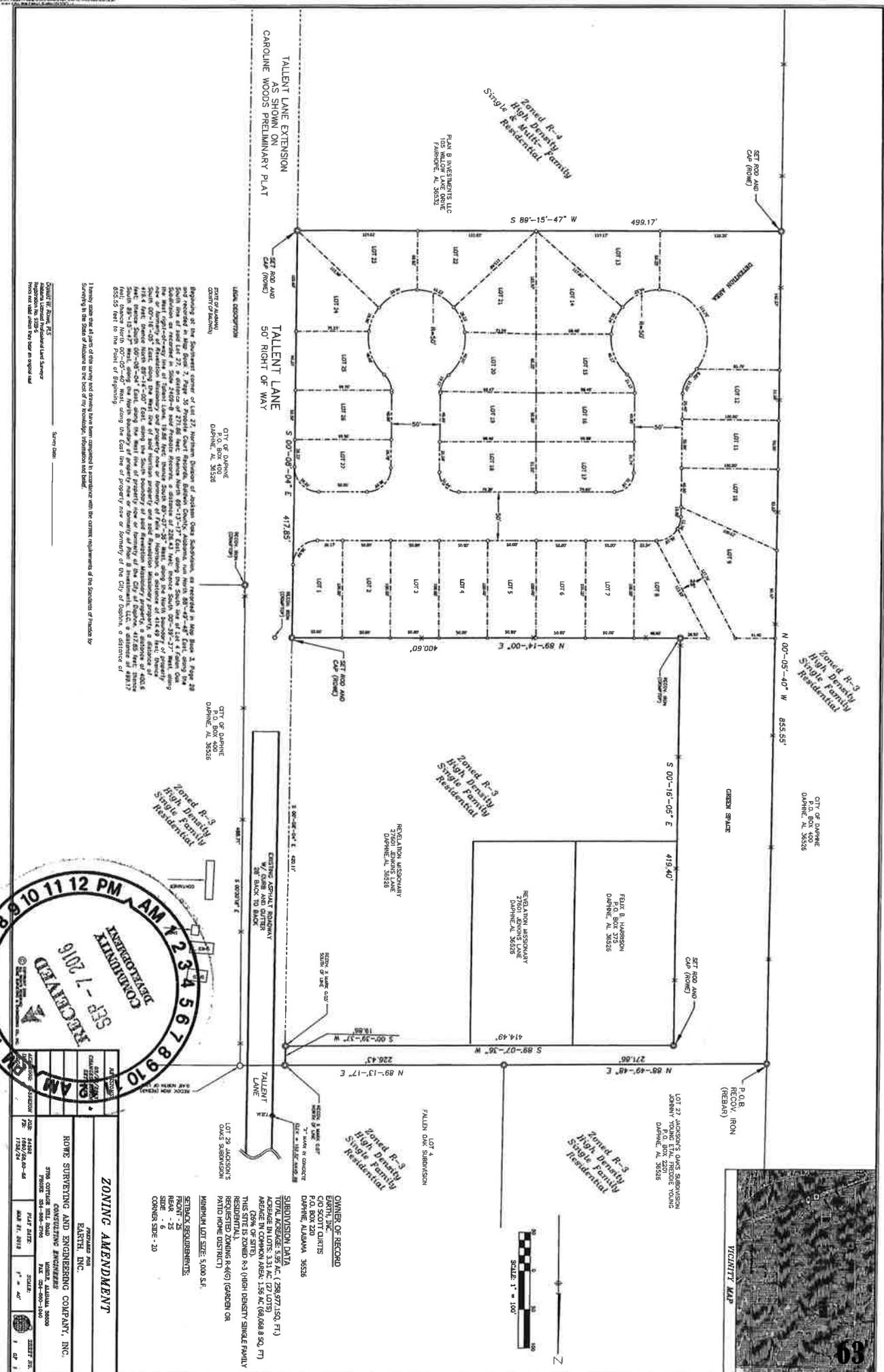
**SOUTHWEST OF THE INTERSECTION OF PARK DRIVE
AND TALLENT LANE, EAST OF THE DAPHNE
SPORTS COMPLEX**

EXHIBIT "A"

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

**DESCRIPTION OF PROPERTY TO BE REZONED FROM R-3, HIGH DENSITY
SINGLE FAMILY RESIDENTIAL, TO AND R-6(G) GARDEN OR PATIO
HOME:**

Beginning at the Southwest corner of Lot 27, Northern Division of Jackson Oaks Subdivision, as recorded in Map Book 3, Page 28 and recorded in Map Book 7, Page 36 Probate Court Records, Baldwin County, Alabama, run North 88°-49'-48" East, along the South line of said Lot 27, a distance of 271.86 feet; thence North 89°-13'-17" East, along the South line of Lot 28 In said subdivision, a distance of 226.43 feet; thence South 00°-39'-37" West, along the West right-of-way line of Tallent Lane, 19.86 feet; thence South 89°-07'-36" West, along the North boundary of property now or formerly of Revelation Missionary and property now or formerly of Felix B. Harrison, a distance of 414.49 feet; thence South 00°-16'-05" East, along the West line of said Harrison property and said Revelation Missionary property, a distance of 419.4 feet; thence North 89°-14'-00" East, along the South boundary of said Revelation Missionary property, a distance of 400.6 feet; thence South 00°-08'-04" East, along the West line of property now or formerly of the City of Daphne, 417.85 feet; thence South 89°-15'-47" West, along the North boundary of property now or formerly of Plan B Investments, LLC, a distance of 499.17 feet; thence North 00°-05'-40" West, along the East line of property now or formerly of the City of Daphne, a distance of 855.55 feet to the Point of Beginning.



1. I hereby state that all data of this survey and drawings have been compared by accordance with the current requirements of the Statutes of Florida by
 Surveyor
 City of Daphne
 P.O. BOX 400
 DAPHNE, AL 36528

2. I hereby state that all data of this survey and drawings have been compared by accordance with the current requirements of the Statutes of Florida by
 Surveyor
 City of Daphne
 P.O. BOX 400
 DAPHNE, AL 36528

3. I hereby state that all data of this survey and drawings have been compared by accordance with the current requirements of the Statutes of Florida by
 Surveyor
 City of Daphne
 P.O. BOX 400
 DAPHNE, AL 36528

4. I hereby state that all data of this survey and drawings have been compared by accordance with the current requirements of the Statutes of Florida by
 Surveyor
 City of Daphne
 P.O. BOX 400
 DAPHNE, AL 36528

5. I hereby state that all data of this survey and drawings have been compared by accordance with the current requirements of the Statutes of Florida by
 Surveyor
 City of Daphne
 P.O. BOX 400
 DAPHNE, AL 36528



ZONING AMENDMENT	
PROJECT NO.	2016-000000
PROJECT NAME	TALLEN LANE EXTENSION
OWNER	FLUX B INVESTMENTS LLC
DESIGNER	ROME SURVEYING AND ENGINEERING COMPANY, INC.
DATE	7/20/16
SCALE	1" = 40'
DATE	7/20/16
BY	[Signature]
CHECKED BY	[Signature]
DATE	7/20/16

63

PLEASE Publish in the Bulletin Legal Section on Friday,
October 7, 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 November 7, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from R-3, High Density Single Family Residential District to R-6(G), Garden or Patio Home District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

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

**Ordinance to Rezone Property Located at the
Southwest of the Intersection of Park Drive and Tallent Lane, East of the Future
Daphne Sports Complex
Earth, Inc.**

WHEREAS, Earth Inc. as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-3, High Density Single Family Residential District to R-6(G), Garden or Patio Home District; and,

WHEREAS, said real property is located at the Southwest of the intersection of Park Drive and Tallent Lane, east of the future Daphne Sports Complex, and more particularly described as follows:

LEGAL DESCRIPTION

Beginning at the Southwest corner of Lot 27, Northern Division of Jackson Oaks Subdivision, as recorded in Map Book 3, Page 28 and recorded in Map Book 7, Page 36 Probate Court Records, Baldwin County, Alabama, run North 88°-49'-48" East, along the South line of said Lot 27, a distance of 271.86 feet; thence North 89°-13'-17" East, along the South line of Lot 28 In said subdivision, a distance of 226.43 feet; thence South 00°-39'-37" West, along the West right-of-way line of Tallent Lane, 19.86 feet; thence South 89°-07'-36" West, along the North boundary of property now or formerly of Revelation Missionary and property now or formerly of Felix B. Harrison, a distance of 414.49 feet;

PLEASE Publish in the Bulletin Legal Section on Friday,
October 14, 2016

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given October 7, 2016, that the City Council of the City of Daphne will hold a Public Hearing on November 7, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from R-3, High Density Single Family Residential District to R-6(G), Garden or Patio Home District, as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

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

**Ordinance to Rezone Property Located at the
Southwest of the Intersection of Park Drive and Tallent Lane, East of the Future
Daphne Sports Complex
Earth, Inc.**

WHEREAS, Earth Inc. as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-3, High Density Single Family Residential District to R-6(G), Garden or Patio Home District; and,

WHEREAS, said real property is located at the Southwest of the intersection of Park Drive and Tallent Lane, east of the future Daphne Sports Complex, and more particularly described as follows:

LEGAL DESCRIPTION

Beginning at the Southwest corner of Lot 27, Northern Division of Jackson Oaks Subdivision, as recorded in Map Book 3, Page 28 and recorded in Map Book 7, Page 36 Probate Court Records, Baldwin County, Alabama, run North 88°-49'-48" East, along the South line of said Lot 27, a distance of 271.86 feet; thence North 89°-13'-17" East, along the South line of Lot 28 In said subdivision, a distance of 226.43 feet; thence South 00°-39'-37" West, along the West right-of-way line of Tallent Lane, 19.86 feet; thence South

MEMORANDUM

To: Office of the City Clerk

From: Adrienne D. Jones, 
Community Development Director

Subject: Revised City of Daphne Zoning Map

Date: September 27, 2016

At the, September 22, 2016, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously to set forth a **favorable recommendation** of acceptance of the above-mentioned revision to the zoning map containing annexation, zoning changes and street acceptances that were approved between November 2015 and September 2016.

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, October 3, 2016 to set the public hearing for Monday, November 7, 2016.

Thank you,
ADJ/jv

cc: file

attachment(s)

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

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

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on September 22, 2016 favorably recommended to the City Council of the City of Daphne certain amendments to the Daphne Land Use and Development Ordinance / Zoning District Map approved and adopted by No. 2011-54 and 2015-67; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of 2015-67; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on November 7, 2016; and

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

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

SECTION I: ZONING DISTRICT MAP

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

SECTION II: REPEALER

Ordinance No. 2011-54, Appendix H "Exhibit A", and Ordinance No. 2015-67 are hereby repealed, and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Zoning & Street Map Codifications August 1, 2015 through September 31, 2016

Application	Council Approval Date	Council Action Ordinance #		Property Size
Annexation				
John W. West Ins#1544824	November 2, 2015	2015-63		0.31 ac
Cadence Bank Ins# 15844827	November 2, 2015	2015-66		1.08 ac
Steiner Property with R-1 zoning Ins#1550839	January 4, 2016	2015-74		67 ac
Red Barn, LLC Ins#1557448	February 15, 2016	2016-10		110.5 acres
County Road 64 Ins#1571312	May 2, 2016	2016-27		9.6 ac
Bills #2, LLC Ins# 1587425	August 1, 2016	2016-45		73.76 ac
Rezoning or Prezoning				
		Ordinance #	Old/New Zoning Classification	
John W. West Ins# 15844826	November 2, 2015	2015-62	ETJ/prezone to B-1, Local Business	0.31 ac
Cadence Bank Ins# 15844825	November 2, 2015	2015-65	R-4 to rezone to PUD (Single Family Townhouses)	6.19 ac
Cadence Bank Ins# 15844826	November 2, 2015	2015-64	ETJ-RSF-2 prezone to PUD (Single Family Townhouses)	1.08 ac
Red Barn, LLC Ins#1557449	February 15, 2016	2016-09	ETJ prezone to R-2, R-3, R-6G	110.5 ac
The Bill's LLC #2 Ins# 1564976	March 21, 2016	2016-21	ETJ prezone to B-3	73.76 ac
Christ the King Parish Ins#1590275	April 18, 2016	2016-25	R-2 rezone to B-1	0.5182 ac
Elizabeth Wright Ins#1581534	July 20, 2016	2016-28	B-3 rezone to B-1(a)	0.63 ac
Daphne Rudicell Robinson Ins#1581535	July 20, 2016	2016-38	B-2 to MU	0.5 ac
McBride & Romero Ins# 158558	August 1, 2016	2016-41	R-1 to B-2	5.39 ac
AJD Family Partnership Ins# 158559	August 1, 2016	2016-42	B-1 to B-2	10.38 ac
Eastern Shore Associates, LLC Ins# 158560	August 1, 2016	2016-43	B-2 to R-7T	4.36 ac
Anne K. Irvine Ins# 158561	August 1, 2016	2016-44	R-4 to B-2	1.19 ac
Street Acceptance				
		Resolution #	\$ Maintenance Bond \$-exp.	Linear Feet
Retreat at Tiawasee	January 4, 2016	2016-01	\$168,000 Bond exp, 12/2017	4250
Lake Shore Drive	January 4, 2016	2016-02	n/a	
Brookhaven Subdivision	March 7, 2016	2016-14	\$13,802.15 exp, 3/18	438
Caroline Woods	March 7, 2016	2016-15	\$14,805.28 exp, 3/18	815.69

City GIS Zoning, Street and City Limits shapefiles have been updated to include all applicable above noted amendments.

PLEASE Publish in the Bulletin Legal Section on Friday
October 7, 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 November 7, 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 an Ordinance Revising the City of Daphne Zoning map 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-**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on September 22, 2016 favorably recommended to the City Council of the City of Daphne certain amendments to the Daphne Land Use and Development Ordinance / Zoning District Map approved and adopted by No. 2011-54 and 2015-67; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of 2015-67; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on November 7, 2016; and

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

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

SECTION I: ZONING DISTRICT MAP

PLEASE Publish in the Bulletin Legal Section on Friday,
October 14, 2016

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given on October 7, 2016, that the City Council of the City of Daphne will hold a Public Hearing on November 7, 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 an ordinance revising the City of Daphne Zoning map 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-**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on September 22, 2016 favorably recommended to the City Council of the City of Daphne certain amendments to the Daphne Land Use and Development Ordinance / Zoning District Map approved and adopted by No. 2011-54 and 2015-67; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of 2015-67; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on November 7, 2016; and

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

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

SECTION I: ZONING DISTRICT MAP

To: Office of the City Clerk
From: Adrienne D. Jones, *ADJ*
Director of Community Development
Subject: GCOF Daphne Commercial Property 13-64,
L.L.C., Zoning Amendment
Date: September 27, 2016

MEMORANDUM

PRESENT ZONING: B-2, General Business District
PROPOSED ZONING: R-7(A), Apartments
LOCATION: Southwest intersection of County Road
64 and Rand Avenue
RECOMMENDATION: At the, September 22, 2016, regular
meeting of the City of Daphne Planning
Commission, seven members were present.
The motion carried to set forth a
favorable recommendation of the above-
mentioned zoning amendment. Five of the
members voted in the affirmative and
two abstained.

The appropriate documentation and action of the Daphne
Planning Commission has been provided.

Upon receipt of said documentation, please prepare an
Ordinance for placement on the City Council agenda of Monday,
October 3, 2016 to set the public hearing for Monday, November
7, 2016.

Thank you,
ADJ/jv

cc: file

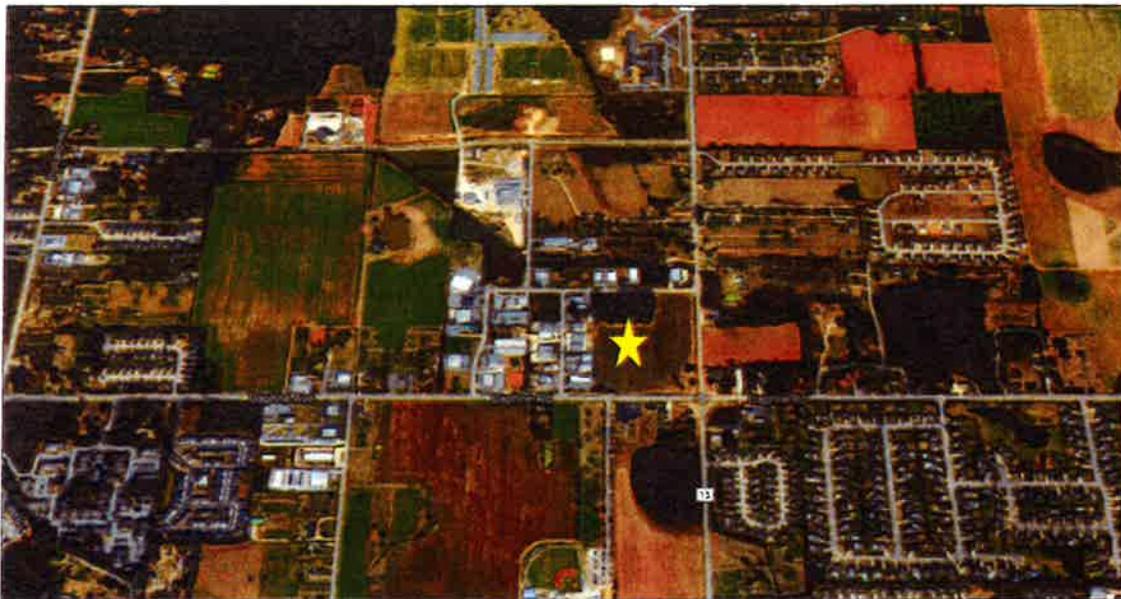
attachment(s)

1. Community Development Report(s)
2. Zoning Amendment application
3. Legal description
4. Map of property
5. Adjacent property owners' list
6. Correspondence to Adjacent Property Owners

PLANNING COMMISSION
REZONING REQUEST FOR
GCOF DAPHNE COMMERCIAL PROPERTY 13-64 LLC



The Jubilee City



COMMUNITY DEVELOPMENT

**S.W. of the Intersection of County Road 13 and Rand Avenue
(GCOF Daphne Commercial Property 13-64, LLC)
16.83 acres**

Owner: GCOF Daphne Commercial Property 13-64, LLC

Existing Conditions: 16.83 acres of vacant undeveloped land

Existing Zoning: B-2 General Business

Proposed Zoning: R-7(A) Apartments

Surrounding Zonings/Uses:

North and West - B-2 General Business District/RichTex Fabrics and other businesses in Austin Commercial Park

South - Across County Road 64, B-3, General Business District (Unincorporated Baldwin County)/animal hospital

East - RSF-2, Single Family District (Unincorporated Baldwin County)/Single Family homes

Existing Utility Service Providers:

Water – Belforest Water

Sewer – Daphne Utilities

Gas- Daphne Utilities

Electric—Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 3

Police Protection-Police Beat 1

Public Works

Baldwin County Schools—n/a

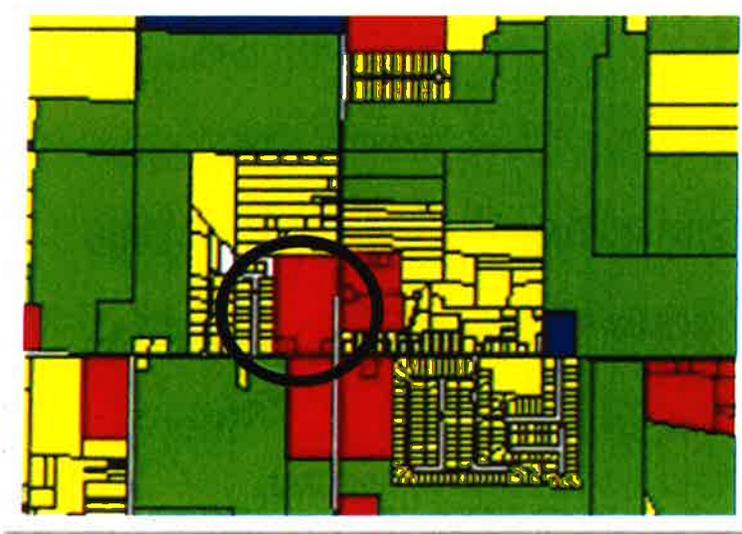
Increased residential growth within the southeastern section of the City of Daphne will result in the need for increased public safety personnel and city resources.

The Land Use Conclusions Section of the Comprehensive Plan states the following: Local shopping areas are recommended at the intersection of Pollard Road and County Road 13 and at the intersection of County Road 13 and County Road 64.

Over the years, The Comprehensive Plan Future Land Use recommendations have not been adhered to, nor amended to reflect deviations therefrom. One instance is the land located west (Austin Commercial Park) of the subject property is shown as residential. It is anticipated that the Comprehensive Plan amendment process will begin in the next few months.

Plan designates the subject property as commercial (shown in red) The proposed R-7(a) Apartments zoning is inconsistent with the comprehensive plan in regard to land use.

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



Community Development Recommendation: If this commercially zoned corner is rezoned for residential use, then where will commercial zoning be shifted? There is precedent for apartment zoning in the area. Audubon apartments are located southwest of the subject property, east of the intersection of County Road 64 and Pollard Road. Those apartments were initially developed in the County and later annexed into the city. Jubilee Ridge is another high density townhouse development located west of Audubon. AHEPA senior living apartments are located on Pollard Road, south of the CR64 intersection.

The Planning Commission and Council must weigh the pros and cons offered by the petitioner of losing 16 acres of commercial property and potential revenue that can be generated versus gaining 163 apartments prior to making a decision on the matter. Staff will reserve recommendation until these discussions are held.

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.

WEST WOODS APARTMENTS

3202 W Nine Mile Road

Pensacola, FL 32534



BFT DEVELOPMENT



JAMESTOWN PLACE I
BOSSIER CITY, LA
212 UNITS



JAMESTOWN PLACE II
BOSSIER CITY, LA
132 UNITS



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted Aug. 22, 2016

Application Number:

Planning Commission Public

ZA-16-10 or PZA-

Heating Date: Sept. 22, 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: | PPIN#(s):

At the southwest intersection of County Road 13 + Rand Ave. 34571

Gross Site Area (acreage): 16.8 AC

Requested Zoning or Pre-Zoning: R-7(a)

Current Zoning Designation(s):

B-2

Amended Request:

Initials:

Date:

Current Land Use:

VACANT

Anticipated Land Use:

APARTMENTS

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

SEE ATTACHED SURVEY LOT 2 @ COF EWSR 64-13 Replat

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:

GCOE DAPHNE COMMERCIAL PROPERTY 13-64L

Mailing Address:

32128 BROKEN BRANCH CIR SPANISH FORT, AL

Name of Authorized Agent:

HMR: ATTN: DOUG BAILEY

Mailing Address:

P.O. BOX 1127 DAPHNE, AL 36526

Name of Developer*:

BFT DEVELOPMENT, Edward Taylor

Other:

Phone/Fax:

E-mail:

Phone/Fax:

E-mail:

Phone/Fax:

E-mail:

Phone/Fax:

E-mail:

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

Applicant's Signature: <u>Ed Taylor</u>	Date: <u>08/15/2016</u>
Agent's Signature:	Date:



**REVERSIONARY CLAUSE
ACKNOWLEDGEMENT**

SKIP THIS PAGE IF REQUESTING PRE-ZONING OR PLANNED UNIT DEVELOPMENT ZONING

Pursuant to Article 22-2 of the Land Use & Development Ordinance, zoning and rezoning may revert back to prior designation if certain conditions are not met. Said conditions are specified in Article 22 of the Land Use Ordinance. Legibly sign and print/type responses below. Indicate N/A or an "X" where item is not applicable. Submit with rezoning request where applicable.

CURRENT OWNER'S ACKNOWLEDGEMENT

I, GDF Deymo Commercial Property, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 08/12/2016

Nathan L. Cox, Member
PRINTED NAME OF CURRENT OWNER/PETITIONER

DEVELOPER'S ACKNOWLEDGEMENT

I, BFT DEVELOPMENT, EDWARD S. TAYLOR, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 08/12/2016

Ed S. Taylor, BFT DEVELOPMENT, LLC
PRINTED NAME OF DEVELOPER

PROPERTY ADDRESS OR PPIN#(s): 34571

LEGAL DESCRIPTION

**LOT 2 GCOF & WSR 64-13 REPLAT SLIDE 2514 AS RECORDED IN THE PROBATE RECORDS OF
BALDWIN COUNTY.**

**ADJACENT PROPERTY OWNERS LIST
CR 64 @ CR 13 APARTMENTS**

43-05-16-0-000-021.015

43-05-16-0-000-021.030

BAYSIDE INVESTMENTS LLC

13419 CO RD 54

LOXLEY, AL 36551

43-05-16-0-000-021.029

43-05-16-0-000-021.028

LANGENBACH CONSTRUCTION CO LLC

PO BOX 1275

POINT CLEAR, AL 36564

43-05-16-0-000-021.026

DIXON, DARLA KAY MOHLER

15885 PERONE CREEK LN

LOXLEY, AL 36551

43-05-16-0-000-021.025

DILLYN'S BRIDGE LLC

15885 PERONE CREEK LN

LOXLEY, AL 36551

43-05-16-0-000-021.024

PROPERTY HOLDINGS #2 LLC

C/O DONALD RICHEY

204 SHADY LN

FAIRHOPE, AL 36532

43-05-16-0-000-021.023

PROPERTY HOLDINGS LLC

C/O DONALD RICHEY

204 SHADY LN

FAIRHOPE, AL 36532

43-05-15-0-000-016.003

JACKSON, RAYMOND E ETAL JACKSON, PATSY

9070 JACKSON WAY

DAPHNE, AL 36526

43-05-15-0-000-017.000

PINE GROVE CME METHODIST CHURCH

26154 CO RD 13

DAPHNE, AL 36526

43-05-15-0-000-018.000

TAYLOR, ALFRED L ETAL TAYLOR, BAILEY

C/O LUCILE HARRIS

5504 WINDMILL DR

MOBILE, AL 36693

43-05-15-0-000-021.000

NICHOLSON, MARIAN O

C/O MARIA NICHOLSON

26060 CO RD 13

DAPHNE, AL 36526

43-05-15-0-000-022.000

KINDCO, INC (97.5% INT) ETAL SIDNO

C/O WHITE-SPUNNER & ASSOC

PO BOX 7475

MOBILE, AL 36670

43-05-15-0-000-021.001

NICHOLSON, MARIA ANITA

26060 CO RD 13

DAPHNE, AL 36526

43-05-16-0-000-022.000

WHITE-SPUNNER, JOHN (51.2% INT) ETAL SID

PO BOX 7475

MOBILE, AL 36670

43-05-21-0-000-001.000

BONI, LOUIS JR ETAL BONI, THELMA

25170 CO RD 13

DAPHNE, AL 36526

43-05-21-0-000-001.003

CAMPBELL, DAVID L ETUX ELIZABETH

22 DANNER CIR

SPANISH FORT, AL 36527

43-05-21-0-000-001.004

ASCENSION LUTHERAN CHURCH

8888 CO RD 64

DAPHNE, AL 36526

43-05-21-0-000-003.002

BAYSIDE ACADEMY INC

303 DRYER AVE

DAPHNE, AL 36526

43-05-21-0-000-003.003

SMALL'S MORTUARY INC

950 S BROAD ST

MOBILE, AL 36603

43-05-21-0-000-003.004

DEFILIPPI, ANTONIO JAMES

PO BOX 1472

DAPHNE, AL 36526

43-05-16-0-000-021.002
CHASON, LARRY E (1/2 INT) ETAL CHASON
PO BOX 3102
DAPHNE, AL 36526

43-05-16-0-000-021.003
43-05-16-0-000-021.004
JUBILEE GYMNASTICS ACADEMY LLC
C/O GEORGE TARLTON
23826 MONTROSE WOODS DR
FAIRHOPE, AL 36532

43-05-16-0-000-021.005
43-05-16-0-000-021.006
V&H LLC
26201 CAPITAL DRIVE
DAPHNE, AL 36526

43-05-16-0-000-021.007
LANGENBACK, JOHNNY
PO BOX 1275
POINT CLEAR, AL 36564

43-05-16-0-000-021.008
SES PROPERTIES LLC
26240 EQUITY DR
DAPHNE, AL 36526

43-05-16-0-000-021.020
NIX, RANDALL B ETUX ELAINE D
PO BOX 514
MAGNOLIA SPRINGS, AL 36555

43-05-16-0-000-021.021
MAR-KEE CONSULTING GROUP INC
PO BOX 2007
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

September 9, 2016

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for GCOF Daphne Commercial Property 13-64 L.L.C. consisting of 16.8 acres +/- located at the southwest intersection of County Road 13 and Rand Avenue to be rezoned from B-2, General Business, to R-7 (A), Apartments.

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, September 14, 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, September 22, 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

GCOF Daphne Commercial Property 13-64 L.L.C. zone amendment

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

**Ordinance to Rezone Property Located at the
Southwest Intersection of County Road 64 and Rand Avenue
GCOF Daphne Commercial Property 13-64, LLC**

WHEREAS, GCOF Daphne Commercial Property 13-64, LLC as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-2, General Business District to R-7(A), Apartment District; and,

WHEREAS, said real property is located at the Southwest intersection of County Road 13 and Rand Avenue, and more particularly described as follows:

LEGAL DESCRIPTION

Lot 2 GCOF & WSR 64-13 replat slide 2514 as recorded in the Probate Records of Baldwin County.

WHEREAS, at the City of Daphne Planning Commission meeting on September 22, 2016 the Commission considered said request and set forth a unanimous favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on November 7, 2016; and,

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

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

SECTION I: ZONING

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

SECTION III: REPEALER.

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

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

**Dane Haygood,
Mayor**

ATTEST:

Rebecca A. Hayes, City Clerk

LEGAL DESCRIPTION

**LOT 2 GCOF & WSR 64-13 REPLAT SLIDE 2514 AS RECORDED IN THE PROBATE RECORDS OF
BALDWIN COUNTY.**

PLEASE Publish in the Bulletin Legal Section on Friday,
October 7, 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 November 7, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from B-2, General Business District to R-7(A), Apartment District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

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

**Ordinance to Rezone Property Located at the
Southwest Intersection of County Road 64 and Rand Avenue
GCOF Daphne Commercial Property 13-64, LLC**

WHEREAS, GCOF Daphne Commercial Property 13-64, LLC as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-2, General Business District to R-7(A), Apartment District; and,

WHEREAS, said real property is located at the intersection of Southwest intersection of County Road 13 and Rand Avenue, and more particularly described as follows:

LEGAL DESCRIPTION

Lot 2 GCOF & WSR 64-13 replat slide 2514 as recorded in the Probate Records of Baldwin County.

WHEREAS, at the City of Daphne Planning Commission meeting on September 22, 2016 the Commission considered said request and set forth a unanimous favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the

PLEASE Publish in the Bulletin Legal Section on Friday,
October 14, 2016

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given October 7, 2016, that the City Council of the City of Daphne will hold a Public Hearing on November 7, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance Rezoning certain property from B-2, General Business District to R-7(A), Apartment District, as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

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

**Ordinance to Rezone Property Located at the
Southwest Intersection of County Road 64 and Rand Avenue
GCOF Daphne Commercial Property 13-64, LLC**

WHEREAS, GCOF Daphne Commercial Property 13-64, LLC as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-2, General Business District to R-7(A), Apartment District; and,

WHEREAS, said real property is located at the Southwest intersection of County Road 13 and Rand Avenue, and more particularly described as follows:

LEGAL DESCRIPTION

Lot 2 GCOF & WSR 64-13 replat slide 2514 as recorded in the Probate Records of Baldwin County.

WHEREAS, at the City of Daphne Planning Commission meeting on September 22, 2016 the Commission considered said request and set forth a unanimous favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

RESOLUTION 2016-71

2016-R-SANITARY SEWER PROJECTS MATERIALS: BRASS FITTINGS

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

WHEREAS, the City of Daphne acknowledges that Sanitary Sewer Materials bids (Piping & Brass Fittings) will exceed this amount; and

WHEREAS, the City of Daphne did receive and review bids for the SANITARY SEWER MATERIALS: BRASS FITTINGS and has determined that the bid as presented is reasonable; and

WHEREAS, the City engineer recommends the bid for SANITARY SEWER MATERIALS: BRASS FITTINGS be awarded to Consolidated Pipe & Supply Co., Inc; and

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid from Consolidated Pipe & Supply Co., Inc. for unit cost of \$143.00/ea (*anticipated project quantity of 45 x \$143=\$6,435*) as specified in BID SPECIFICATION NO. 2016-R-SANITARY SEWER PROJECTS MATERIALS: BRASS FITTINGS

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



HUTCHINSON, MOORE & RAUCH, LLC

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

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

September 21, 2016

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

RE: Bid Document #2016-R-Sanitary Sewer Projects Materials
Brass Fittings

Dear Mayor Haygood:

Enclosed is the Tabulation of Bids received September 21, 2016 for the referenced project. We recommend awarding the project to Consolidated Pipe & Supply Company, Inc. with their submitted low bid amount of \$6,435.00. We are also returning the original bid documents for your files.

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

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

A handwritten signature in blue ink, appearing to read 'P. R. Strom, II'.

Patrick R. Strom, II, P.E.
Project Manager

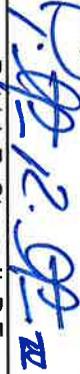
/djh
Enclosure

c: Suzanne Henson, City of Daphne

CITY OF DAPHNE
BID DOCUMENT #2016-R-SANITARY SEWER PROJECT MATERIALS: BRASS FITTINGS
SEPTEMBER 21, 2016

 Hutchinson, Moore & Rauch, LLC Engineers ♦ Surveyors ♦ Land Planners		CONSOLIDATED PIPE & SUPPLY CO., INC.		FERGUSON ENTERPRISES, INC.		SOUTHERN PIPE & SUPPLY		THE VELLANO CORPORATION	
ITEM#	DESCRIPTION	UNIT	QTY	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT
1	2" CORPORATION STOP (MUELLER MODEL #B-20046)	EA	45	\$ 143.00	\$ 6,435.00	\$ 157.82	\$ 7,101.90	\$ 190.00	\$ 8,550.00
TOTAL BASE BID					\$ 6,435.00	\$ 7,101.90		\$ 8,550.00	

We hereby certify this to be a true and correct tabulation on the above named project.


 Patrick R. Strom, II, P.E.
 Project Manager
 Hutchinson, Moore & Rauch, LLC

Resolution 2016-72

Federal Emergency Management Agency (FEMA): Hazard Mitigation Grant Program (HMGP) Disaster Assistance for 118 Lakeview Loop

WHEREAS, on January 13, 2016 Governor Bentley requested a federal disaster due to severe storms, tornadoes, straight-line winds, and flooding during the period of December 23-31, 2015; and

WHEREAS, on January 21, 2016, FEMA declared the event a Major Disaster Declaration; *Alabama Severe Storms, Tornadoes, Straight line Winds, and Flooding (DR-4251)*; and

WHEREAS, the declaration activates the FEMA Hazard Mitigation Grant Program (HGMP). The HMGP provides grants to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration. The purpose of the HMGP is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster. The HMGP is authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Long-term mitigation measures may include but not be limited to; property acquisition and structure demolition, property acquisition and structure relocation, structure elevation, mitigation reconstruction, dry flood proofing, etc.; and

WHEREAS, the HGMP requires a state or local government sponsor; and 25% cost share for the grant: and

WHEREAS, the home Terilynn Platt, c/o Terilynn Dyess 118 Lakeview Loop, Lot 8 Unit 21 in Lake Forest was flooded during past rain events; and

WHEREAS, the property owners have requested to participate in the FEMA HMGP National Flood Insurance Program Buyout where the home would be purchased by FEMA with FEMA providing 75% of the approved market value of the residence; and with the homeowner or the sponsor providing the additional 25% share; and

WHEREAS, the residence has an estimated market value of \$135,500.

OPTIONS FOR FEMA HAZARD MITIGATION GRANT:

Option A (Full Match)

- 1) The City of Daphne shall sponsor the approved qualifying grant application with the following conditions:
 - a. The property owner shall handle the entire FEMA HMGP application process; and
 - b. The City shall provide the 25% cost share for the grant. A General Fund appropriation not to exceed 25% of the FEMA approved market value of the

home (\$33,875) less any in-kind labor/cash match as incurred for expenses such as demolition of the home shall be appropriated; and

- c. The City will retain ownership of the vacant lot and shall deed restrict the lot to remain as floodway green space
- 2) The Mayor is hereby authorized to execute such proposal and any and all additional documents necessary to carry out the purpose of requesting such funds from FEMA; and

Option B (DEMO Only)

- 1) The City of Daphne shall sponsor the approved qualifying grant application with the following conditions:
 - a. The property owner shall handle the entire FEMA HMGP application process; and
 - b. The City shall provide the demolish expense cost share, not to exceed \$10,000. A General Fund appropriation not to exceed \$10,000 less any in-kind labor/cash match as incurred for expenses such as demolition of the home shall be appropriated; and
 - c. The City will retain ownership of the vacant lot and shall deed restrict the lot to remain as floodway green space
- 2) The Mayor is hereby authorized to execute such proposal and any and all additional documents necessary to carry out the purpose of requesting such funds from FEMA; and

Option C (Match Determined by Council)

- 1) The City of Daphne shall sponsor the approved qualifying grant application with the following conditions:
 - a. The property owner shall handle the entire FEMA HMGP application process.
 - b. The City shall provide the (TBD%) cost share for the grant. A General Fund appropriation not to exceed (TBD)% of the FEMA approved market value of the home, less any in-kind labor/cash match as incurred for expenses such as demolition of the home.
 - c. The City will retain ownership of the vacant lot and shall deed restrict the lot to remain as floodway green space.

- 2) The Mayor is hereby authorized to execute such proposal and any and all additional documents necessary to carry out the purpose of requesting such funds from FEMA.

NOW, THEREFORE BE IT RESOLVED by City Council of the City of Daphne that Council chooses Option _____ for the FEMA Hazard Mitigation Grant.

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

Rebecca A. Hayes

From: Cara Stallman <carastallman@gmail.com>
Sent: Tuesday, September 27, 2016 2:27 PM
To: Ashley Campbell
Cc: Rebecca A. Hayes; Jenny Opal White
Subject: Re: FW: Resolution

Hi Becky,

Thank you for placing this item on the agendas for next week. This is a grant application to acquire a house that have flooded numerous times in Lake Forest (118 Lakeview Loop). Funding is available from the federally-declared disaster from last December. There aren't any funds directly allocated to Baldwin County, however we are applying in case there is some leftover money and/or some counties don't apply.

The grant application is due on October 15 to the Alabama Emergency Management Agency. It is submitted via an electronic portal. The owners of the home (Teri and Russell Dyess) contacted Richard Merchant this week and indicated they would like to go forward with the application process for this funding cycle. Even if this application isn't awarded as there isn't any money available, the applications documents would be ready in case of another future disaster.

Please contact me if you have any questions. I can be reached at 251.375.6630.

Thank you very much,
--Cara

On Tue, Sep 27, 2016 at 2:17 PM, Ashley Campbell <acampbell@daphneal.com> wrote:

Attached is the draft resolution for the Dyess 118 Lake View Loop FEMA buyout that Cara Stallman created. Please place it on the B&P meeting and the Council agenda. I will have Cara send you a summary of the application announcement and time line.

From: Cara Stallman [mailto:carastallman@gmail.com]
Sent: Tuesday, September 27, 2016 1:49 PM
To: Ashley Campbell
Subject: Resolution

Hi,

**CITY OF DAPHNE
RESOLUTION NO. 2016 - 73**

REVISIONS TO CITY OF DAPHNE STREET MAP

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on September 22, 2016 approved a favorable recommendation to the City Council of the City of Daphne, Alabama for a revision to the City of Daphne Street Map and presented at said meeting; and

WHEREAS, said revision to street map is necessary due to additional streets being added to and accepted by the City; and

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

WHEREAS, the City Council of the City of Daphne, Alabama, after due consideration, and upon the recommendation of the Planning Commission of the City of Daphne, believes it is in the best interest of the health, safety and welfare of the citizens of the City to accept the revisions to the City of Daphne Street Map; and

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

SECTION I: ADOPTION OF MAP

THAT the City of Daphne Street Map was considered by the City of Daphne Planning Commission on September 22, 2016, and having made a favorable recommendation to the City Council and said revised map being attached hereto as Exhibit "A" is hereby adopted as the official "City of Daphne Street Map."

SECTION II: REPEALER

THAT Resolution No. 2015-56 entitled "Revisions to City of Daphne Street Map" is hereby repealed in its entirety and any Resolution(s) or parts of Resolution(s) conflicting with the provisions of this Resolution are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

THAT This Resolution shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne, Alabama.

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**

Zoning & Street Map Codifications August 1, 2015 through September 31, 2016

Application	Council Approval Date	Council Action Ordinance #		Property Size
Annexation				
John W. West Ins#1544824	November 2, 2015	2015-63		0.31 ac
Cadence Bank Ins# 15844827	November 2, 2015	2015-66		1.08 ac
Steiner Property with R-1 zoning Ins#1550839	January 4, 2016	2015-74		67 ac
Red Barn, LLC Ins#1557448	February 15, 2016	2016-10		110.5 acres
County Road 64 Ins#1571312	May 2, 2016	2016-27		9.6 ac
Bills #2, LLC Ins# 1587425	August 1, 2016	2016-45		73.76 ac
Rezoning or Prezoning				
		Ordinance #	Old/New Zoning Classification	
John W. West Ins# 15844826	November 2, 2015	2015-62	ETJ/prezone to B-1, Local Business	0.31 ac
Cadence Bank Ins# 15844825	November 2, 2015	2015-65	R-4 to rezone to PUD (Single Family Townhouses)	6.19 ac
Cadence Bank Ins# 15844826	November 2, 2015	2015-64	ETJ-RSF-2 prezone to PUD (Single Family Townhouses)	1.08 ac
Red Barn, LLC Ins#1557449	February 15, 2016	2016-09	ETJ prezone to R-2, R-3, R-6G	110.5 ac
The Bill's LLC #2 Ins# 1564976	March 21, 2016	2016-21	ETJ prezone to B-3	73.76 ac
Christ the King Parish Ins#1590275	April 18, 2016	2016-25	R-2 rezone to B-1	0.5182 ac
Elizabeth Wright Ins#1581534	July 20, 2016	2016-28	B-3 rezone to B-1(a)	0.63 ac
Daphne Rudicell Robinson Ins#1581535	July 20, 2016	2016-38	B-2 to MU	0.5 ac
McBride & Romero Ins# 158558	August 1, 2016	2016-41	R-1 to B-2	5.39 ac
AJD Family Partnership Ins# 158559	August 1, 2016	2016-42	B-1 to B-2	10.38 ac
Eastern Shore Associates, LLC Ins# 158560	August 1, 2016	2016-43	B-2 to R-7T	4.36 ac
Anne K. Irvine Ins# 158561	August 1, 2016	2016-44	R-4 to B-2	1.19 ac
Street Acceptance				
		Resolution #	\$ Maintenance Bond \$--exp.	Linear Feet
Retreat at Tiawasee	January 4, 2016	2016-01	\$168,000 Bond exp. 12/2017	4250
Lake Shore Drive	January 4, 2016	2016-02	n/a	
Brookhaven Subdivision	March 7, 2016	2016-14	\$13,802.15 exp. 3/18	438
Caroline Woods	March 7, 2016	2016-15	\$14,805.28 exp. 3/18	815.69

City GIS Zoning, Street and City Limits shapefiles have been updated to include all applicable above noted amendments.

**CITY OF DAPHNE
RESOLUTION 2016-74**

**Acceptance of Streets and/or Rights of Way
Lake Shore Drive in Lake View Subdivision**

WHEREAS, the property owners association of Lake View Subdivision, hereby desire to donate to the City of Daphne the right-of-way of Lake Shore Drive as described in Exhibit A; and

WHEREAS, an inspection was made by the Division of Public Works, and has recommended acceptance of the portion of the right-of-way; and

WHEREAS, City Council of the City of Daphne, Alabama has received notice that the Planning Commission of the City of Daphne in its regularly scheduled meeting of September 22, 2016 reviewed the proposal and made a favorable recommendation for the acceptance; and,

WHEREAS, said right of way is located within the corporate limits of the City of Daphne, Alabama and is described as follows: a portion of Parcel A of Lake View, as recorded in the Office of the Judge of Probate, Baldwin County, Alabama in Plat Book MB 11 Page 110, amended plat in Plat Book MB 11 Page 118; second amendment in Plat Book MB 11 Page 141.

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that the above described right-of-way of Lake Shore Drive is hereby accepted by the City of Daphne, Alabama as a city street for maintenance.

**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

To: Office of the City Clerk
From: Adrienne D. Jones, ^{AG}
Director of Community Development
Subject: Lake View Subdivision, Acceptance of
Roads and Rights-of-Ways
Date: September 26, 2016

MEMORANDUM

LOCATION: Eastern portion of Lake Shore Drive, in Lake View Subdivision, east of Lake Forest Boulevard in Lake Forest Subdivision

RECOMMENDATION: At the, September 22, 2016, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a **favorable recommendation** for the acceptance of Lake Shore Drive as a city street for maintenance.

Attached please find said documentation for placement on the Monday, October 3, 2016 City Council agenda.

Thank you,
ADJ/jv

cc: file
Richard Johnson, Public Works Director

attachment(s)

1. Resolution to Transfer Title of Lake Shore Drive in Lake View Subdivision
2. Record plat(s) of Lake View Subdivision
3. Petition of Acceptance of Road(s) and/or Right(s) of Way
4. Memorandum of acceptance from Public Works Director
5. Legal Description
6. Map of property

**CITY OF DAPHNE
RESOLUTION 2016-**

**Acceptance of Streets and/or Rights of Way
Lake Shore Drive in Lake View Subdivision**

Whereas, the property owners association of Lake View Subdivision, hereby desire to donate to the City of Daphne the right-of-way of Lake Shore Drive as described in Exhibit A;

Whereas, an inspection was made by the Division of Public Works, and has recommended acceptance of the portion of the right-of-way;

Whereas, City Council of the City of Daphne, Alabama has received notice that the Planning Commission of the City of Daphne in its regularly scheduled meeting of September 22, 2016 reviewed the proposal and made a favorable recommendation for the acceptance; and,

Whereas, said right of way is located within the corporate limits of the City of Daphne, Alabama and is described as follows: a portion of Parcel A of Lake View, as recorded in the Office of the Judge of Probate, Baldwin County, Alabama in Plat Book MB 11 Page 110, amended plat in Plat Book MB 11 Page 118; second amendment in Plat Book MB 11 Page 141.

Whereas, the City Council of the City of Daphne believes it is in the best interest of the citizens of the City for the City to accept said right-of-way; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that the above described right-of-way of Lake Shore Drive is hereby accepted by the City of Daphne, Alabama as a city street for maintenance.

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

Resolution to transfer title of Lake Shore Drive

In the Lake View Subdivision

Whereas the subject street, Lake Shore Drive in the Lake View Subdivision, has been found to have not been deeded to the city of Daphne, AL upon the annexation of Lake Forest into Daphne, and as such is still owned by the Lake View Property Owners Association; and,

Whereas ownership of the street has been discussed with the Lake View homeowners as members of the Lake View Property Owners Association, and more than the required 2/3's of the owners (30 of 31) by their signatures attached do support a petition to the city of Daphne to assume ownership of the street; therefore,

The Board of Directors of the Lake View Property Owners Association does hereby resolve to petition the city of Daphne to accept ownership of the portion of Lake Shore Drive in the Lake View subdivision (Parcel "A") and for the Board to draw up the proper paperwork to transfer the ownership of same to the city of Daphne, AL. upon acceptance of the street by the city.

Lake View Property Owners Association – Officers

President – R. Elliott Riser - *R. Elliott Riser*

Treasurer – Lynn Miley - *Lynn N. Miley*

Secretary – Donna Sumerlin - *Donna Sumerlin*



To Whom It May Concern

I, DORIS E. HODGE
GARY E. HODGE, legal owner of lot(s) No. 1,
Lake View Townhomes Phase I, do support a petition to the City Council of Daphne,
Alabama, requesting that the Lake View Phase I common area which includes the street
be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed:  Date: 8-2-2016

To Whom It May Concern

I, Daniel Theris, legal owner of lot No. 2,
Lake View Townhomes Phase I, do support a petition to the City Council of Daphne,
Alabama, requesting that the Lake View Ph.I common area which includes the street be
deeded to the city of Daphne for use as a public street and be maintained as such.

Signed:  Date: 8/7/14

To Whom It May Concern

I, Billy EVANS, legal owner of lot No. 3,
Lake View Townhomes Phase I, do support a petition to the City Council of Daphne,
Alabama, requesting that the Lake View Ph.I common area which includes the street be
deeded to the city of Daphne for use as a public street and be maintained as such.

Signed:  Date: 8-4-16

To Whom It May Concern in

I, Rick Rombos + Stephanie Linze, legal owner of lot No. 4,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Ph.I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: [Signature] Date: 8-1-16

To Whom It May Concern

I, SABRA L. BROWN, legal owner of lot No. 5,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Ph.I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: Sabra L. Brown Date: 8/3/2016

To Whom It May Concern

I, Helen Trachtler, legal owner of lot No. 6,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Ph.I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: [Signature] Date: 7/26/16

To Whom It May Conc)

I, Carl B. Vick, legal owner of lot No. 7,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Ph.I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: Carl B. Vick Date: 7/25/2016

To Whom It May Concern

I, ROY EWOTT RISER, legal owner of lot No. 8,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Ph.I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: Roy Elliott Riser Date: 8/1/2016

To Whom It May Concern

I, Lynna W. Miley, legal owner of lot(s) No. 9,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Phase I common area which includes the street Be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: Lynna W. Miley Date: 7/25/16

To Whom It May Concern

I, CLARA Meyer Rick, legal owner of lot(s) No. 10,
Lake View Townhomes Phase I, do support a petition to the City Council of Daphne,
Alabama, requesting that the Lake View Phase I common area which includes the street
Be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: Clara Meyer Rick Date: July 25 2016

To Whom It May Concern

I, PHILIP R. HOOPER, legal owner of lot No. 11,
Lake View Townhomes Phase I, do support a petition to the City Council of Daphne,
Alabama, requesting that the Lake View Ph.I common area which includes the street be
deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: [Signature] Date: 7-31-2016

To Whom It May Concern

I, RALPH F. McCARTY, legal owner of lot(s) No. 12,
Lake View Townhomes Phase I, do support a petition to the City Council of Daphne,
Alabama, requesting that the Lake View Phase I common area which includes the street
be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: [Signature] Date: 8-2-2016

I, Thomas A. Tate, legal owner of lot No. 13,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Ph.I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: Thomas A. Tate Date: 7-25-16

To Whom It May Concern

I, Michael A. Davis, legal owner of lot No. 14,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Ph.I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: Michael A. Davis Date: 8/14/16

To Whom It May Concern

I, Erle + Ann Levens, legal owner of lot No. 15,

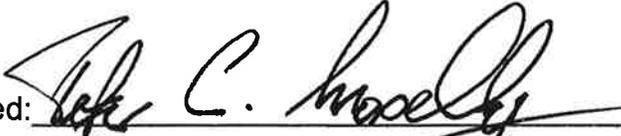
Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Ph.I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: Ann Levens
Erle Levens Date: 7-28-16

To Whom It May Concern

I, GLENYS M. MASCHKE
PETER C. MASCHKE, legal owner of lot No. 16,

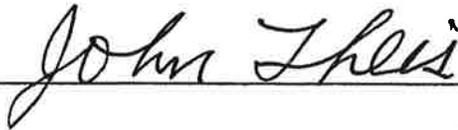
Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Ph.I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed:  Date: 7-26-16
Glenys M. Maschke

To Whom It May Concern

I, JOHN THEIS, legal owner of lot No. 17,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Ph.I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed:  Date: July 26, 2016

To Whom It May Concern

I, RAYMOND HARTLEY, JR, legal owner of lot No. 18,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Ph.I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed:  Date: 7-26-16 **110**

I, Lawrence Roberts, legal owner of lot No. 20,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Ph.I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed:  Date: 7/29/16

To Whom It May Concern

I, Anthony Goodson, legal owner of lot(s) No. 21,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Phase I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed:  Date: 8/16/16

To Whom It May Concern

I, Aimee Hayes, legal owner of lot(s) No. 22,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Phase I common area which includes the street Be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed:  Date: 7/25/16

I, Phyllis D. Johnson, legal owner of lot No. 23,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Ph.I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: Phyllis D Johnson Date: 8-1-16

To Whom It May Concern

I, RONALD D. BARKER, legal owner of lot(s) No. 24, 25

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Phase I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: Ronald D. Barker Date: 02-Aug-2016

To Whom It May Concern

I, DONNA SUMERLIN, legal owner of lot No. 26,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Ph.I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: Donna Sumerlin Date: 7/25/16

To Whom It May Concern

I, JAMES C. WALL, legal owner of lot(s) No. 27,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Phase I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: James C. Wall Date: 08/01/16

To Whom It May Concern

I, Jennifer Mann, legal owner of lot No. 28,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Ph.I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: Jennifer Mann Date: 8.3.16

To Whom It May Concern

I, Sandra Luongo, legal owner of lot No. 29,

Lake View Townhomes Phase I, do support a petition to the City Council of Daphne, Alabama, requesting that the Lake View Ph.I common area which includes the street be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed: Sandra Luongo Date: 7/26/2016

To Whom It May Concern

I, DAVID W GRAVES (GRAVES PROPERTIES LLC), legal owner of lot(s) No. 30A,
Lake View Townhomes Phase I, do support a petition to the City Council of Daphne,
Alabama, requesting that the Lake View Phase I common area which includes the street
be deeded to the city of Daphne for use as a public street and be maintained as such.

Signed:  Date: August 3, 2016

To Whom It May Concern

I, MICHAEL WORRELL, legal owner of lot No. 30B
Lake View Townhomes Phase I, do support a petition to the City Council of Daphne,
Alabama, requesting that the Lake View Ph.I common area which includes the street be
deeded to the city of Daphne for use as a public street and be maintained as such.

Signed:  Date: 8-1-16

Lake View Property Owners Association

Meeting Minutes - Special Board Meeting – August 15, 2016

Resolution to transfer title of Lake Shore Drive

Attendees : Elliott Riser, Tom Tate, Lynn Miley, Clara "Bunny" Meyrick, Aimee Hayes, Carl Vickery, Donna Sumerlin (by proxy)

A special meeting of the Board of Directors of the Lake View Property Owners Association was held August 15, 2016 at the home of Elliott Riser. A quorum of Board members was in attendance and the meeting was called to order at 6:05PM by Elliott Riser.

The purpose of the special meeting was to consider the Resolution to transfer title of Lake Shore Drive in the Lake View subdivision (Parcel "A") to the city of Daphne. The Board members reviewed the draft Resolution and the homeowners signatures received in support of petitioning the city to assume ownership of the street (all homeowners with the exception of one vacant lot owner unable to be contacted).

A motion was made by Lynn Miley that the Board vote to approve a Resolution to petition the city of Daphne to accept ownership of the street. The motion was seconded by Tom Tate. A vote was taken and the motion to approve the Resolution was passed unanimously.

No other business being on the agenda, a motion was made and seconded, and the Meeting was adjourned at 6:45PM.

STATE OF ALABAMA,
BALDWIN COUNTY

I certify that this instrument was filed on

CORRECTION WARRANTY DEED

APR 27 1982 13:55 P

STATE OF ALABAMA §
COUNTY OF BALDWIN §

and that no tax was collected. Recorded in EP
Book 111
Page 1634 Shirley Poline
Judge of Probate
- 37 Index \$ 6.46

WHEREAS, in a Warranty Deed dated January 8, 1982, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, on January 11, 1982, in Real Property Book 105, page 613, BRELAND BUILDERS, INC., an Alabama corporation, conveyed to LAKE VIEW PROPERTY OWNERS ASSOCIATION, an Alabama non-profit corporation, the following described real property located in Baldwin County, Alabama, to-wit:

Commence at the Northwest Corner of Lot 10, Lake Forest Unit No. 3 as recorded in Map Book 5, Page 83 of the Baldwin County, Alabama Probate Records, thence run along the East right of way line of Lake Shore Drive, being in a curve to the left, having a radius of 341.72 feet, an arc distance of 202.68 feet; thence run North 21°44' West, 263.38 feet; thence run North 67°09' East, 58.83 feet to the POINT OF BEGINNING of the parcel herein described: Thence run South 67°09' West, 58.83 feet; thence run South 21°44' East, 93.02 feet; thence run North 06°55' East, 39.00 feet; thence run North 57°15' East, 52.00 feet; thence run South 20°22' East; 83.00 feet; thence run South 87°57' East, 51.00 feet; thence run North 73°16' East, 43.50 feet; thence run North 04°34' East, 36.96 feet; thence run South 64°30' East, 186.38 feet; thence run North 25.52 feet East, 7.00 feet; thence run South 64°13' East, 46.00 feet; thence run South 25°52' West, 6.77 feet; thence run South 64°30' East, 21.00 feet; thence run North 25°52' East, 6.66 feet; thence run South 64°13' East, 34.00 feet; thence run South 15°00' East, 32.01 feet; thence run South 79°07' East, 53.35 feet; thence run North 15°00' West, 69.00 feet; thence run North 46°45' West, 34.23 feet; thence run North 64°13' West, 376.10 feet; thence run South 88°56' West, 59.76 feet; thence run North 03°33' West, 156.54 feet, more or less, to the edge of the Lake; thence run in a Northwestwardly direction along the Southern edge of said Lake 58 feet, more or less, to a point situated North 09°46' West, from the POINT OF BEGINNING; thence run South 09°46' East, 194.64 feet, more or less, to the POINT OF BEGINNING.

REC-111 PAGE 1634

and

WHEREAS, the description in said deed contains an error; and

WHEREAS, the parties hereto desire to correct said error.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that
BRELAND BUILDERS, INC., an Alabama corporation, hereinafter
called the Grantor, for and in consideration of the sum of
TEN AND NO/100THS DOLLARS (\$10.00) and other good and valuable
consideration in hand paid to the Grantor by LAKE VIEW
PROPERTY OWNERS ASSOCIATION, an Alabama non-profit corporation,
hereinafter called the Grantee, the receipt whereof is
hereby acknowledged, does hereby subject to the matters
hereinafter set out GRANT, BARGAIN, SELL AND CONVEY unto the
said Grantee, all that certain real property situated in the
County of Baldwin, State of Alabama, described as follows,
to-wit:

Commence at the Northwest Corner of Lot 10, Lake Forest
Unit No.3 as recorded in Map Book 5, Page 83 of the
Baldwin County, Alabama Probate Records; thence run
along the East right-of-way line of Lake Shore Drive,
being in a curve to the left, having a radius of 341.72
feet, an arc distance of 202.68 feet; thence run North
21°44' West, 263.30 feet; thence run North 67°09' East,
58.83 feet to the POINT OF BEGINNING of the parcel
herein described: Thence run South 67°09' West, 58.83
feet; thence run South 21°44' East, 93.02 feet; thence
run North 06°55' East, 39.00 feet; thence run North
57°15' East, 52.00 feet; thence run South 20°22' East;
83.00 feet; thence run South 87°57' East, 51.00 feet;
thence run North 65°17' East, 46.52 feet; thence run
North 04°34' East, 29.96 feet; thence run South 64°30'
East, 186.38 feet; thence run North 25°52' East, 9.30
feet; thence run South 64°13' East, 46.00 feet; thence
run South 25°52' West, 9.07 feet; thence run South
64°30' East, 21.00 feet; thence run North 25°52' East,
6.66 feet; thence run South 64°13' East, 34.00 feet;
thence run South 15°00' East, 32.01 feet; thence run
South 79°07' East, 53.35 feet; thence run North 15°00'
West, 54.00 feet; thence run North 40°09' West, 53.06
feet; thence run North 64°13' West, 164.14 feet; thence
run South 30°43' West, 2.0 feet; thence run North
64°13' West, 40.96 feet; thence run North 29°00' East,
2.0 feet; thence run North 64°13' West, 164.96 feet;
thence run South 88°56' West, 59.76 feet; thence run
North 03°33' West, 156.54 feet, more or less, to the
edge of the Lake; thence run in a Northwestwardly
direction along the Southern edge of said Lake 58 feet,
more or less, to a point situated North 09°46' West,
from the POINT OF BEGINNING: thence run South 09°46'
East, 194.64 feet, more or less, to the Point of Beginning.

TOGETHER WITH ALL AND SINGULAR, the rights, members,
privileges, tenements, hereditaments and appurtenances

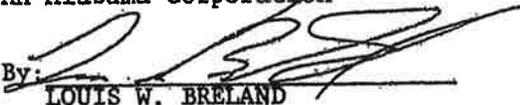
REC 111 PAGE 1035

hereunto belonging or in anywise appertaining; TO HAVE AND TO HOLD unto the said Grantee, its successors and assigns, forever.

And except as to the above and taxes falling due hereafter, which are assumed by the Grantee, the said Grantor, for itself and for its successors and assigns, does hereby COVENANT and WARRANT unto the said Grantee, and to its successors and assigns forever, that it is seized of an indefeasible estate in said property in fee simple and has a good and lawful right to sell and convey the same; that it is in quiet and peaceable possession thereof; and that the said real property is free and clear of all liens and encumbrances of every kind and nature whatsoever; and that the said Grantor, for itself, its successors and assigns, WILL FOREVER WARRANT AND DEFEND the title to and possession of said real property unto the said Grantee, and to its successors and assigns forever, against the lawful claims and demands of all persons, whomsoever.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed on this 22 day of April, 1982.

BRELAND BUILDERS, INC.,
An Alabama corporation

By: 
LOUIS W. BRELAND
Its: President

ATTEST:

By: 
CHARLES K. BRELAND, JR.
Its: Secretary

REC-111 PAGE 1636

STATE OF ALABAMA §

COUNTY OF BALDWIN §

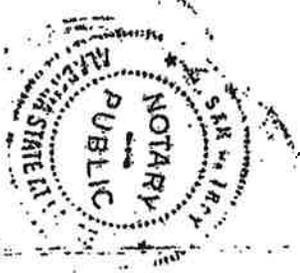
I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that LOUIS W. BRELAND and CHARLES K. BRELAND, JR., whose names as President and Secretary respectively of BRELAND BUILDERS, INC., an Alabama corporation, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and seal on this the 22 day of April, 1982.

Sam W. Irby

NOTARY PUBLIC

My Commission Expires May 26, 1984



REAL 111 161637

This Instrument Prepared By:

SAM W. IRBY
Attorney at Law
317 Magnolia Avenue
Post Office Box 1031
Fairhope, Alabama 36533

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

SUBDIVISION NAME: LAKE VIEW

THIS PETITION FOR ACCEPTANCE OF ROADS AND/OR RIGHTS-OF-WAY is made this 22nd day of August, 2016 by LAKE VIEW PROPERTY OWNERS ASSO. hereinafter called "the subdivider," owner of certain property located in the City of Daphne, Alabama known as LAKE VIEW PARCEL "A" to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

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

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

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

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

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the favorable recommendation of the City of Daphne Planning Commission voted upon at its meeting held on September 22, 2016. Said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named as follows:

Name of Right of Way	Length (linear feet)	Width (feet)
LAKE SHORE DRIVE WITHIN	APPROX 600'	± 55'
LAKEVIEW SUBDIVISION		
(PARCEL "A")		

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

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

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

Respectfully submitted,
LAKE VIEW PROPERTY OWNERS ASSO.
Name of Individual or Corporation (Printed)

By: R. ELLIOTT RISER - R. Elliott Riser
(Print Legibly and Sign)

Its: PRESIDENT
(Print Legibly)

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

I, the undersigned Notary Public in and for said State and County, hereby certify that Elliott Riser whose name as President of Lake View POA an Alabama corporation or as owner of Lake Shore Drive is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 22 day of August, 2016.

Diane E. B...
NOTARY PUBLIC
My commission expires: _____
(ALABAMA STATE SEAL)
NOTARY PUBLIC
My Comm. Expires
Aug. 4, 2019
ALABAMA STATE AT LARGE

Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

Memorandum

To: Honorable City Council of Daphne, Alabama
Thru: Daphne Planning Commission
From: Richard D. Johnson, P.E.; Public Works Director
CC: Adrienne Jones, Director; Community Development; File
Date: September 7, 2016
Re: Right-of-Way and Road Acceptance – Lake View Subdivision (East Side of Lakeshore Drive)

Richard D.
Johnson, PE

Digitally signed by Richard D. Johnson,
PE
DN: cn=Richard D. Johnson, PE, o=City
of Daphne, ou=Division of Public
Works,
email=rjohnson@daphneal.com, c=US
Date: 2016.09.08 12:45:03 -05'00'

Council Members and Commissioners:

I have no objections to the acceptance of Right-of-Way and roadway for maintenance for the above referenced development. However, there are caveats to the acceptance:

The property owners are dedicating the entirety of Parcel A which contains more than the main roadway – this ownership by the City should exclude the following for any maintenance responsibilities:

1. All driveway aprons and driveways.
2. All side accesses and looped accesses.
3. All drainage not conveying stormwater runoff from the main east-west street or Daphne Central Park to the south.
4. All green spaces or common areas outside the normal shoulder of the main east-west street – measured 6 feet from the edge of pavement north and south.
5. Any on street lighting that is not currently serviced by Riviera Utilities.
6. Any lighting outside the normal shoulder of the main east-west street – measured 6 feet from the edge of pavement north and south.
7. Any access improvement activity associated with the shoreline of Lake Forest Lake.

In essence we will be exclusively maintaining the contiguous Lake Shore Drive East, from Lake Shore Drive to its eastern terminus at Daphne Central Park, approximately 570 centerline feet.

Yours,

RDJ

LAKE SHORE DRIVE (EAST) – RIGHT OF WAY

(LAKE VIEW SUBDIVISION)

LAYMAN'S DESCRIPTION:

ALL THAT LAND LYING WITH PARCEL A, OF LAKE VIEW, A SUBDIVISION, AS PER MAP OR PLAT THEREOF RECORDED IN MAP BOOK 11, PAGE 110, AS AMENDED IN MAP BOOK 11, PAGE 118 AND AS FURTHER AMENDED IN MAP BOOK 11, PAGE 141, IN THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA

LEGAL DESCRIPTION:

STARTING AT THE POINT OF BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, LAKE VIEW, A SUBDIVISION, AS PER MAP OR PLAT THEREOF RECORDED IN MAP BOOK 11, PAGE 110, AS AMENDED IN MAP BOOK 11, PAGE 118 AND AS FURTHER AMENDED IN MAP BOOK 11, PAGE 141, IN THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA; THENCE RUN N-67°09'-E, 58.9 FEET TO A POINT; THENCE RUN N-09°46'-W 230 FEET, MORE OR LESS, TO THE SOUTH MARGIN OF LAKE FOREST; THENCE RUN EASTERLY ALONG THE SOUTH MARGIN OF LAKE FOREST LAKE 70 FEET, MORE OR LESS, TO A POINT AT THE NORTH WEST CORNER OF LOT 5 LAKE VIEW SUBDIVISION; THENCE RUN S-03°33'-E 156.3 FEET TO A POINT ON THE SOUTH WEST CORNER OF LOT 5 LAKE VIEW SUBDIVISION; THENCE RUN N-88°56'-E 59.8 FEET TO A POINT; THENCE RUN N-64°13'-W 417.1 FEET TO A POINT; THENCE RUN N-88°56'-E 59.8 FEET TO A POINT; THENCE RUN S-64°13'-E 417.1 FEET TO A POINT; THENCE RUN S-46°45'-E 34.23 FEET TO A POINT; THENCE RUN S-15°00'-E 63.0 FEET TO A POINT; THENCE RUN N-79°07'-W 60.0 FEET, MORE OR LESS, TO A POINT ON THE SOUTH EAST CORNER OF LOT 19 LAKE VIEW SUBDIVISION; THENCE RUN N-15°00'-W 30.0 FEET TO A POINT; THENCE RUN N-64°13'-W 34.0 FEET TO A POINT; THENCE RUN S-25°52'-W 6.7 FEET TO A POINT; THENCE RUN N-64°13'-W 21.0 FEET TO A POINT; THENCE RUN N-25°52'-E 6.7 FEET TO A POINT; THENCE RUN N-64°13'-W 46.0 FEET TO A POINT; THENCE RUN S-25°52'-W 7.0 FEET TO A POINT; THENCE RUN N-64°30'-W 186.3 FEET TO A POINT; THENCE RUN S-04°34'-W 36.96 FEET TO A POINT; THENCE RUN S-73°16'-W 43.5 FEET TO A POINT; THEN RUN S-87°57'-W 51.0 FEET TO A POINT; THEN RUN N-20°22'-W 83.0 FEET TO A POINT ON THE NORTH EAST CORNER OF LOT 31, LAKE VIEW SUBDIVISION; THENCE RUN S-57°15'-W 52.0 FEET TO A POINT; THENCE RUN S-06°55'-W 39.0 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF LAKE SHORE DRIVE; THENCE RUN N-21°44'-W 105.0 FEET, MORE OR LESS, FEET TO THE POINT OF BEGINNING, CONTAINING 1.20 ACRES, MORE OR LESS, LYING IN GRANT SECTION 37, TOWNSHIP 4 SOUTH, RANGE 2 EAST, CITY OF DAPHNE, BALDWIN COUNTY, ALABAMA.

Lake Shore Drive - East



Exhibit: Boundary is per attached Legal Description

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-58**

**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

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.

General
The PUD ~~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"

LEGAL DESCRIPTION FOR LAZZARI PROPERTY

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.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2016-59**

**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 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, 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**

EXHIBIT "A"

LEGAL DESCRIPTION FOR LAZZARI PROPERTY

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.

ORDINANCE 2016 - 60

ADOPTING THE FISCAL YEAR 2017 NEW PERSONNEL BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council personnel requests for Fiscal Year 2017 which begins October 1, 2016 and ends September 30, 2017 (the "FY17 New Personnel Budget"); and

WHEREAS, the City Council has reviewed and considered such proposed personnel requests; and

WHEREAS, the City Council has determined that funds are available for certain Fiscal 2017 appropriations and such appropriations should be considered, approved and made a part of the Fiscal Year 2017 budget; and

WHEREAS, City Departments have submitted new Personnel requests; and

WHEREAS, the Mayor and City Council have reviewed such requests and prioritized them according to needs and available funds and has incorporated them into the FY17 New Personnel Budget;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2017 New Personnel Budget is hereby appropriated in the amount \$408,050. The new personnel expenditures are to be appropriated as follows:

- 1) \$368,241 from the General Fund
- 2) \$21,309 from the Judicial Admin or Court Fund
- 3) \$18,500 from the Federal Drug Forfeiture Fund. Such appropriations are itemized in the attached list and made a part hereof.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this day of _____, 2016.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Summary of FY 2017 New Personnel Budget

Description	Hire Date	Total Annual Salary Increase	Total Annual Taxes & Benefits Increase	Total Annual Cost	FY 2017 Cost
General Fund:					
1 Marketing Coordinator Upgrade from Part-Time to Full Time	10/1/2016	12,273.00	17,868.00	30,141.00	30,141.00
2 Patrol Officer #1	4/1/2017	38,919.00	13,178.00	52,097.00	26,048.50
3 Patrol Officer #2	4/1/2017	38,919.00	13,178.00	52,097.00	26,048.50
4 School Resource Officer #1	7/1/2017	38,919.00	13,178.00	52,097.00	13,024.25
5 School Resource Officer #2	To be funded if COPS grant received - 50% match will be provided on two officers				
Equipment to Outfit 3 Officers		24,969.00	-	24,969.00	24,969.00
Training for 3 Officers		17,850.00		17,850.00	17,850.00
Total Police		<u>159,576.00</u>	<u>39,534.00</u>	<u>199,110.00</u>	<u>107,940.25</u>
6 Firefighter #1	1/1/2017	37,066.00	21,410.00	58,476.00	43,857.00
7 Firefighter #2	7/1/2017	37,066.00	21,410.00	58,476.00	14,619.00
Total Fire		<u>74,132.00</u>	<u>42,820.00</u>	<u>116,952.00</u>	<u>58,476.00</u>
8 Facilities Manager	10/1/2016	43,187.00	13,876.00	57,063.00	57,063.00
9 Admin Tech to Admin Secretary Upgrade - Mechanical Shop	10/1/2016	2,927.00	451.00	3,378.00	3,378.00
Total Public Works		<u>46,114.00</u>	<u>14,327.00</u>	<u>60,441.00</u>	<u>60,441.00</u>
10 Audio Visual Technician	1/1/2017	31,490.00	12,833.00	44,323.00	33,242.25
11 Police Dispatch - Change from 2 Part Time Positions to 4 Part Time Positions (No additional money, total budgeted hours will be spread out among 4 positions instead of 2)	10/1/2016	-	-	-	-
12 Chief Administrative Officer - Contract	10/1/2016	78,000.00	-	78,000.00	78,000.00
Total General Fund Cost		401,585.00	127,382.00	528,967.00	368,240.50
Judicial Admin Fund/Court Funds:					
13 Part-Time Magistrate	1/1/2017	23,617.00	4,795.00	28,412.00	21,309.00
Total Judicial Admin/Court Cost		23,617.00	4,795.00	28,412.00	21,309.00
Confiscated Funds:					
14 Polygraph Examiner Training for Current Detective	10/1/2016	18,500.00	-	18,500.00	18,500.00
Total Confiscated Funds Cost		18,500.00	-	18,500.00	18,500.00
Total Personnel Costs - ALL FUNDS		443,702.00	132,177.00	575,879.00	408,049.50

CITY OF DAPHNE, ALABAMA

ORDINANCE NUMBER 2016-61

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE 2016-01 OF THE CITY OF
DAPHNE, ALABAMA
REGARDING THE RULES AND REGULATIONS FOR DAPHNE CITY PARKS**

WHEREAS, Chapter 15, Section 15-10 of the City of Daphne Municipal Code establishes rules and regulations relating to the operation and usage of Daphne City Parks; and

WHEREAS, Ordinance 2016-01 promulgates the rules and regulations for the City of Daphne Parks; and

WHEREAS, the City of Daphne has undertaken a comprehensive review of the rules and regulations governing City parks with the intent of revising any and all provisions to improve the health, safety, and enjoyment of park patrons;

WHEREAS, the City of Daphne has determined that it is in the best interests of its citizens to revise and update certain provisions relating to the use of park areas or facilities as such relates to motorized vehicles, pets and commercial watercraft; and

WHEREAS, the City of Daphne desires to amend Chapter 15, Section 15-10 to better serve and protect its citizens and ensure proper operation and usage of City parks.

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

Chapter 15, Section 15-10 of the City of Daphne Municipal Code is hereby amended to read and Ordinance 2016-01 is hereby repealed and replaced with the following:

SECTION 1: DAPHNE CITY PARK RULES AND REGULATIONS

General Park Rules

1. City parks will open at sunrise and close at sunset, with the exception of parks which have lighting specifically designed for night activities and not merely parking.
2. No alcoholic beverages are allowed in any parks.
3. No person shall possess a weapon or discharge any weapon or explosive in a park or into a park from beyond the park boundaries to the maximum extent allowable by law.
4. No person shall deposit, drop or abandon garbage, rubbish, waste or any other kind of litter in or upon any waters or land within a park.
5. It shall be unlawful for any person to bring into, use or discard any glass beverage container, including any soft drink, beer, water bottles, drinking glasses or drinking cups made of glass and any and all similar beverage containers in any park.

6. Fires are allowed in cooking grills in designated areas only, Open “camp” fires are prohibited, unless permitted in writing by the Daphne Fire Department.
7. No person shall distribute or disseminate leaflets, pamphlets or other printed material or use any mechanical device in a park for soliciting or advertising, except upon prior written consent of the City. No person shall carry on or conduct any business or service within a park without the prior written approval of the City.
8. All camping activities shall be confined to designated areas in a park.
9. Hitting golf balls at any City park is strictly prohibited.
10. No person shall launch, land or leave unattended any boat, canoe, raft or other watercraft upon any water, bay, lagoon, lake or pond within a park except at locations and times designated for that purpose. No person shall operate any watercraft in a designated swimming area or other prohibited area or in violation of Alabama State Law.
11. No person shall use any marine areas or marine facilities, including, but not limited to, boat launches, docks, piers, wharfs, landings, moorings, floats, or shorelines within the limits of a park for commercial purposes or for commercial watercraft. For purposes of this section, “commercial watercraft” shall mean and include any and all boats, houseboats, motorboats, yachts, cruisers, inflatables, barges, vessels, canoes, rafts, jet skis, wet bikes and/or any other watercraft that is self-propelled or designed to be propelled by the use of internal combustion engines or electric motors.
12. No person shall wade or swim within a park except at beaches designated for that purpose and then only between sunrise and sunset or at such hours as may be designated by the City.
13. No person shall fish in a park in violation of Alabama State Law or in any area designated as “no fishing”.
14. No person shall operate a bicycle except on designated bikeways and roadways in a park.
15. No person shall operate any motorized vehicle within a park except on roadways, parking areas, or other designated locations. The speed limit shall be 15 MPH within the parks. For purposes of this rule, “motorized vehicle” shall mean and include any and all automobiles, motorcycles, all-terrain vehicles whether two, three or four wheel; mobile trailers; trucks; truck tractors; semitrailers; trailers and/or any other device that is self-propelled or drawn in, upon, or by which any person or property is or may be transported or drawn upon any trail, path, road, or highway.
16. No person shall intentionally kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed any species of wildlife within a park, except that fishing will be permitted in designated areas.

17. No person shall remove, leave or deposit any animal, living or dead, from a park, and any animal so taken or left will be considered contraband and subject to seizure and confiscation.
18. No person shall intentionally feed any species of wildlife within a park.
19. No person shall bring a dog, cat or other pet into a park unless caged or kept on a leash not more than six feet in length. All dogs must be under the control and within sight of owners/custodians at all times. All owners/custodians are legally and financially responsible for their dog's behavior. All users of the Park do so at their own risk and assume all liability.
20. It shall be unlawful for any person to allow any dog, cat or other pet under his or her ownership, care, custody or control to defecate in a park without removing the defecation to a proper trash receptacle.
21. No person shall allow any dog, cat or other pet under his or her ownership, care, custody or control to disturb, annoy or harass any patrons of the park, wildlife, or other pets.
22. No person shall tether any animal to a tree or other plant. No person shall bring a dog, cat, or other pet into a park designated as an unauthorized area (playgrounds, athletic event parks).

Dog Park Rules – In addition to the Rules stated above, the following rules also apply within the confines of the Dog Park.

1. There is a limit of three (3) dogs per person. Owners/custodians must carry a leash for each dog and dogs may not be left unattended.
2. All dogs must be on a leash until inside the Park and upon leaving the Park.
3. There will absolutely be no female dogs in heat allowed inside the Park.
4. Each owner/custodian is responsible for cleaning up and properly disposing of dog excrement.
5. A dog must be removed from the Park at the first sign of aggression.
6. All dogs must wear a collar displaying current vaccination tags and current registration.
7. No collars that are visibly studded are permitted.
8. All children must be supervised and accompanied by an adult at all times. Children must not play in the Dog Park. The Daphne Dog Park is designed expressly for the recreation of dogs and the City of Daphne is not responsible for injuries to children.

9. No dogs under the age of four (4) months are allowed in the Park.
10. No food - human or pet - shall be allowed inside the Park.
11. All owners/custodians must stop their dog(s) from digging and shall fill any holes made by their dog(s).
12. The small dog area is reserved for dogs up to twenty-five (25) pounds. Small dogs are allowed in the large dog area, but no large dogs shall be allowed in the small dog area.

SECTION II: PENALTIES

Any person found guilty of violating any provision of this Ordinance shall be punished for a first offense by a fine of \$25, for a second offense \$50 and for a third offense \$100. For offenses greater than three, punishment may include a fine of not over \$500, by imprisonment for a period not exceeding six (6) months, or both, in the discretion of the municipal judge.

SECTION III: SEVERABILITY

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held to be unconstitutional or invalid, such decision shall not affect or impair the remainder of this 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: REPEALER

Ordinances 2016-01 and 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 V: EFFECTIVE DATE

This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

