

**CITY OF DAPHNE
CITY COUNCIL MEETING AGENDA
1705 MAIN STREET, DAPHNE, ALABAMA
MAY 16, 2016
6:30 P.M.**

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

INVOCATION / Pastor Rife Stewart with Destiny Church International

PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council Meeting Minutes / May 2, 2016
Council Work Session Minutes / May 9, 2016

PRESENTATION: Certificate of Appreciation / Boy Scout Troop 82

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

PRESENTATION: Relay for Life / Michele Hanson

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

PROCLAMATION: Public Works Week / May 15-21, 2016 / **Resolution 2016-35**

4. REPORTS OF STANDING COMMITTEES:

- A. FINANCE COMMITTEE – Fry**
Review minutes / May 9th

Ordinances:

- 1.) Appropriation of Funds: Liberty Bank property purchase / **Ordinance 2016-30**
- 2.) Appropriation of Funds: Sewer Projects: 5 areas / Utility Board Agreement to reimburse for Materials / **Ordinance 2016-31**

Resolutions:

- 1.) Financial Management Polices: Investment Policy & Unrestricted General Fund Balance Policy / **Resolution 2016-37**

Motions:

To transfer the \$13,441.70 from the General Fund Encumbrances to the Capital Reserve Fund to be used for Wiring improvements for the Library.

Financial Reports:

- Treasurers Report / April 2016
- Sales & Use Tax Collections / March 2016
- Lodging Tax Collections / March 2016

B. BUILDINGS & PROPERTY COMMITTEE - Lake

- a.) Declaring Certain Property Surplus & Donate to City of Prichard / 4 Crown Vics / **Resolution 2016-32**
- b.) Declaring Certain Property Surplus // 1 Mower; 1 Generator / 1 - 24 ft. Extension Ladder
1 - 10 ft. Attic Ladder / **Resolution 2016-33**

C. PUBLIC SAFETY - Conaway

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune
Review minutes / April 4th

a.) Favorable Recommendation by the Committee: ADA Transition Plan / Resolution 2016-36

b.) Daphne Museum minutes / April 11th

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

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

C. INDUSTRIAL DEVELOPMENT BOARD – Phillips
Review special called meeting minutes / May 5th

D. LIBRARY BOARD – Lake
Review minutes / January 14th / February 11th / March 10th

Nomination for appointment to Library Board / R. Elliot Riser / Term September 30, 2015 – September 30, 2019 / *Filling term of Andre LaPalme*

E. PLANNING COMMISSION – Scott
Review staff reports / April 28th / May 5th

Set a Public Hearing date to for June 20, 2016 6:30 p.m. and approve advertising to consider:

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

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

F. RECREATION BOARD / LeJeune

G. UTILITY BOARD – Fry

6. MAYOR’S REPORT

7. CITY ATTORNEY’S REPORT

8. DEPARTMENT HEAD’S REPORT

9. CITY CLERK’S REPORT

- a.) MOTION: Approve ABC License for Tazikis Mediteranean Café / 040 / Retail Beer (On or Off Premises)
060 – Retail Table Wine (On or Off Premises)

b.) Event Permit / Eastern Shore Out of Darkness Walk / October 16, 2016 (#8)

10. PUBLIC PARTICIPATION

11. RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

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

ORDINANCES:

2ND READ

- a.) Ordinance 2016-27..... Annex the Right-of-Way of county Road 64 from County Road 13 to Alabama Highway 181
- b.) Ordinance 2016-28..... Rezone: Property Located Southeast of the Intersection of Van Avenue and Main Street / 1204 Main Street
- c.) Ordinance 2016-29..... Amending Article XXXIII of the City of Daphne’s Land Use & Development Ordinance / Sign Provisions

1ST READ

- a.) Ordinance 2016-30..... Appropriation of Funds: For Appraisal, Survey and Associated Purchase Fees for Liberty Bank & Trust Bayfront Property
- b.) Ordinance 2016-31..... Sewer Projects: 1) Douglas Road 2) Van Buren Street 3) (Schieffelin Lane-Jordan Lane East 4) 6th Street 5) Greystone Subdivision

12. COUNCIL COMMENTS

13. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL**

ROLL CALL

CITY COUNCIL:

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

MAYOR:

MAYOR HAYGOOD	PRESENT ____	ABSENT ____
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CITY CLERK:

REBECCA HAYES	PRESENT ____	ABSENT ____
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CITY ATTORNEY:

JAY ROSS	PRESENT ____	ABSENT ____
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**MAY 2, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

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

2. ROLL CALL

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

ABSENT: Robin LeJeune.

Also Present: Mayor Haygood; Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Jay Ross, City Attorney; Kevin Boucher, City Attorney; Zach Michael, Mayor's Assistant; Kara Wilbourn, Marketing; James White, Fire Chief; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; Vickie Hinman, HR Director; Tonja Young, Library Director; David Carpenter, Police Chief; Richard Merchant, Building Official; Matt Creel, Code Enforcement Officer; William Kennedy; Code Enforcement Officer; Jane Ellis, Recreation Program Coordinator; Don Ouellette, Environmental Advisory Committee; Dorothy Morrison, Beautification Committee; Kiki Mikkelson, Beautification Committee; Victoria Phelps, Lake Forest Property Owners Association; Heiko Einfeld, Executive Director of the ES Chamber of Commerce; Scott Hutchinson, HMR; Tim Patton, Volkert, Inc.; Al Guarisco, Village Point Foundation; Tomasina Werner, Beautification Committee; Jonathan Ellis, Daphne East Elementary School Principal.

INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Scotty Jernigan with 3 Circle Church gave the invocation.

3. APPROVE MINUTES:

April 18, 2016 Council Meeting Minutes:

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

INTRODUCTION: Widowed Person Service of Mobile and Baldwin County / By Mrs. Jane Ellis, Recreation Program Coordinator

No one from the group was present. Mrs. Ellis said that the group will start meeting at the Recreation Center on Mondays at 10:00 a.m.

PRESENTATION: Jonathan Ellis / Principal for Daphne Elementary School

Mr. Ellis introduced the members of the Student Government Association, and they each gave a speech regarding the Leader In Me Concepts. The members are:

Bella Reed- Vice President
Kate Huey – President

Stella Rose Murphy - Secretary
Harper Rehberg – Treasurer

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PUBLIC HEARINGS:

- 1.) Annexation:** **CR 64 Right-of Way**
Location: From CR 13 to AL Hwy. 181
Recommendation: Unanimous Favorable

Mrs. Adrienne Jones gave the presentation. She mentioned that the County has already filed a Quit Claim Deed, and the city has agreed to the maintenance.

Council President Rudicell opened the Public Hearing at 6:50 p.m.

No one spoke for or against the proposed annexation.

Council President Rudicell closed the Public Hearing at 6:51 p.m.

- 2.) Rezoning:** **Elizabeth Wright**
Location: Southeast of the intersection of Van Avenue and Main Street - 1204 Main Street
Present Zoning: B-3, Professional Business District

Requested Zoning: B-1, Local Business District
Recommendation: Unanimous Unfavorable

Mrs. Adrienne Jones gave the presentation. She said that this item received an unfavorable recommendation from the Planning Commission. Mr. Bell the prospective owner also gave a presentation. He said that the Planning Commission is looking at a new zone B-1(a) which is more restrictive, and that is the zoning he would like to have. He said he just wants to get started with his project, and he is on a time line. He asked council to approve the B-1 zoning and when the B-1(a) is adopted he will request that zoning.

Council President Rudicell opened the Public Hearing at 7:07 p.m.

Ms. Victoria helps – Worchester Drive – is against zoning the property before the B-1(a) is approved.

Council President Rudicell closed the Public Hearing at 7:08 p.m.

**3.) Amending the Land Uses & Development Ordinance / Sign Provisions /
Article 33-5 (g) (5) and (7) (Political Signs)**

Mrs. Adrienne Jones gave the presentation along with Code Enforcement Officer Matt Creel. Matt explained the difficulty in enforcing the ordinance as it reads now. He said that you cannot be more restrictive on one sign than another sign. They must be content neutral. The ordinance would be easier to enforce if the signs were the same size, either 16 feet or 32 feet. He discussed the change to the number of signs for residential and commercial property.

Council President Rudicell closed the Public Hearing at 7:05 p.m.

Mr. Mike Allen – Mosquito Authority – spoke regarding the prohibition of yard signs in Daphne. He said Daphne is the only city in Baldwin County that prohibits yard signs. The only way he advertises is putting his signs in yards of people he services. He retrieves his signs in a 21 day cycle. He would like the opportunity to retrieve his signs before he is ticketed. He would like the sign ordinance changed.

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Council President Rudicell closed the Public Hearing at 7:29 p.m.

Council President Rudicell said that Mr. Allen could come to the Ordinance Committee meeting on May 16th. Mrs. Jones added that he could he could come the Planning Commission meeting Thursday and speak during public participation.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Fry

The next meeting will be next Monday.

B. *BUILDINGS & PROPERTY COMMITTEE* – Lake

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

C. *PUBLIC SAFETY COMMITTEE* – Conaway

The minutes for the April 18th meeting are in the packet. The next meeting will be May 16th at 4:30 p.m.

D. *CODE ENFORCEMENT/ORDINANCE COMMITTEE* – Scott

The minutes for the April 18th meeting are in the packet. The next meeting will be May 16th after the Public Safety meeting.

E. *PUBLIC WORKS COMMITTEE* – LeJeune

The committee met today, and the ribbon cutting for Gator Alley has been tentatively been pushed to July instead of June. The next meeting will be June 6th after the Buildings and Property committee meeting.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. *Board of Zoning Adjustments* – Adrienne Jones

No report. No meeting for May.

B. *Downtown Redevelopment Authority* – Conaway

The next meeting will be May 25th.

MOTION BY Councilwoman Conaway to appoint Kiki Mickelson to the Downtown Redevelopment Authority / Term May 2016 – May 2022. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

C. *Industrial Development Board* – Phillips

The next meeting will be May 5th 6:00 p.m.

D. *Library Board* – Lake

The next meeting will be May 12th at 4:00 p.m. at the Library.

E. *Planning Commission* – Scott

The Commission met last Thursday, but only had six members present. There will be a special called meeting on May 5th at 6:00 p.m. The regular meeting will be May 26th. A member, Dwayne Smith, resigned and Mr. Ed Kirby was appointed to fill his remaining term.

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F. Recreation Board – LeJeune

The minutes for the April 13th meeting are in the packet. The board has recommended a couple of changes. Councilman LeJeune said the only changes are is delete 2(K) and 2(L)

MOTION BY Councilman LeJeune to approve “Option B” for the Recreational Consultant Agreement, and to authorize the Mayor and legal team to make changes to allow payment through the Baldwin County School Board.

No second.

MOTION FAILS DUE TO A LACK OF A SECOND.

MOTION BY Councilman Scott to approve “Option A” for the Recreational Consultant Agreement, and authorize the Mayor to execute the paperwork. *Seconded by Councilman Fry.*

MOTION BY Councilman Scott to amend the motion to include the supplemental pay go through the Baldwin County School Board so the city does not have to do any withholdings, and the gross pay goes to the school board, and to authorize legal to amend as necessary, and authorize the Mayor to execute a separate agreement with the Baldwin County School Board for the supplemental pay to go through them. *Seconded by Councilman Fry.*

VOTE ON AMENDMENT

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

NAY Rudicell

MOTION CARRIED

VOTE ON ORIGINAL MOTION AS AMENDED

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

NAY Rudicell

MOTION CARRIED

G. Utility Board – Fry

The next meeting is May 25th at 5:00 p.m. in the council chambers. They will be discussing bond refinancing. He mentioned a flyer that the board sent to customers on water quality.

6. MAYOR’S REPORT

Mayor Haygood reported:

- May Day Boat Launch: The city has received an amendment to the original grant by the granting agency. Legal has reviewed and it is down to one issue. It is important to keep the improvements made at the park. This is nearing completion, and they will soon be able to move forward with the removal of the boat launch.
- Two former Daphne High School football players were signed as free agents: Eric Lee signed with the Texans and Michael Pierce signed with the Baltimore Ravens.
- Relay for Life was Friday and was a great event for a great cause.
- Two new businesses opened in downtown Daphne: Bboutiques and Objects.
- Hosted Bayside Academy third graders, and Becky did a great job educating them on municipal government, and he interacted with the students. Mayor Haygood feels that between the third graders and the Daphne Elementary School Student Government Association the future of Daphne looks bright.

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- He thanked Mrs. Jewel Lawson, and all those who helped with the Appreciation Luncheon for city employees and Daphne Utilities.
- He reported that with all the rain two homes that have flooded before has alerted the city of additional flooding.
- He reported on a new branding logo for the Seniors Program that Jane Ellis and Kara Wilbourn have been working on for six months. The acronym is “Project Wise” / Willingness – Involvement – Senior – Experience. The logo is an owl / Older – Wiser – Livelier – Seniors. He thanked Jane and Kara for their hard work on this project.

7. CITY ATTORNEY REPORT:

No report.

8. DEPARTMENT HEAD COMMENTS:

David Carpenter – Police Chief - could not hear Chief Carpenters comments.

David McKelroy – Recreation Director – reported on the music programs going on in the city.

Ms. Dorothy Morrison – Beautification Committee – reported that Keep Daphne Beautiful is May 14th at City Hall.

9. CITY CLERK’S REPORT:

MOTION BY Councilwoman Conaway to set a Public Hearing date for May 16, 2016 and approve advertising to consider: CDBG Application / For hookups only for the low income residents on Whispering Pines Road / Pollard Road. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Lake to approve Cara Stallman with Grant Management (*the city’s grant consultant*) to apply for the ADECA Land and Water Conservation Fund FY 2016 Outdoor Recreation Legacy Partnership, and authorize the Mayor to sign all grant documents related to the grant application for a splash pad, playground and other facilities at Park Road Park. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

10. PUBLIC PARTICIPATION

No one spoke.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Resolution 2016-17**.....Adopting the 2015 Baldwin County Multi-Hazard Mitigation Plan

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Resolution 2016-17.....Adopting the 2015 Baldwin County Multi-Hazard Mitigation Plan

MOTION BY Councilman Scott to waive the reading of Resolution 2016-17. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2016-17. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

1ST READ

a.) Ordinance 2016-27.....Annex the Right-of-Way of county Road 64 from County Road 13 to Alabama Highway 181

b.) Ordinance 2016-28.....Rezone: Property Located Southeast of the Intersection of Van Avenue and Main Street / 1204 Main Street

c.) Ordinance 2016-29..... Amending Article XXXIII of the City of Daphne’s Land Use & Development Ordinance / Sign Provisions

ORDINANCES 2016-27, 2016-28 AND 2016-29 IS 1ST READ

12. COUNCIL COMMENTS

Mayor Haygood – mentioned the ADECA grant council approved Cara to apply for is a nationally competitive grant that ADECA handles and sends two to the Federal government for them to select the winners. He thinks the city has a good shot, but they will be competing with other states.

Councilwoman Conaway – said that the Leader in Me Program is a great program, and many of the schools in Alabama are implementing the program. She is please Daphne Elementary is doing that too. She asked the council president to send a letter to the Student Government Association thanking them for coming and sharing what they are doing at school.

Councilman Lake – gave the statistics on use and circulation at the library. He said that the library is a great asset. He thanked Mrs. Lawson for the appreciation luncheon today along with neighbors and friends. He said that she is a very valuable asset to the city workers.

Councilman Fry – enjoyed the luncheon at Mrs. Lawson’s. He said that it shows hers and other ladies appreciation for the city employees. He thanked the Police and Fire Departments and all the other employees for their hard work.

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Councilman Scott – mentioned that they have put off the ribbon cutting for Gator Alley and will reschedule. The contractors are on schedule, but they are waiting on the pavers. He appreciated the kids coming tonight, and said it takes courage to get up in front of an audience to speak. The sidewalks will continue to the Montclair pool.

Councilwoman Phillips - said that Mrs. Lawson is a Jewel. She is thankful for all the city’s jewel’s. She thanked everyone for coming out, and thanked the Mayor and Kara for the Prodissee Pantry “Fill the Plate” at city hall. It is a worthy cause because they help those in need.

13. ADJOURN:

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:00 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes, City Clerk

Pat Rudicell, Council President

**MAY 9, 2016
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

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

ABSENT: Robin LeJeune.

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Kevin Boucher, City Attorney; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Kelli Kichler, Finance Director; Adrienne Jones, Planning Director; James White, Fire Chief; Captain Judd Beedy, Police Department; Suzanne Henson, Senior Accountant; Michael Hoyt, Municipal Judge; Don Ouellette, Environmental Advisory Committee; John Peterson and Tom Jarman, Hatch Mott McDonald; Paul C. Davis, Paul Carpenter Davis Architecture.

Absent: Jay Ross, City Attorney.

Council President Rudicell called the meeting to order at 6:32 p.m.

1. PRESENTATIONS / FIRE STATION #2:

a) Paul Carpenter Davis Architecture, P.C. / Paul Davis

Mr. Davis presented renderings for a proposed new Fire Station #2 at the Park Drive recreation property.

Discussion with Captain Judd Beedy regarding moving the North Precinct to Fire Station #2. He said that they have outgrown the current space at Jubilee Square, and if there is the option to move the precinct there it would give them more room, and still have quick access to the US 98 and I-10. He said there is an empty office space that has been vacant for over a year next to the North Precinct that if utilized would give them ample space.

Council requested the Mayor to check with the Burton Group to see if something could be worked out for the empty space next to the North Precinct.

b.) Hatch Mott McDonald / John Peterson / Tom Jarman

Mr. Peterson and Mr. Jarman presented a rendering for a proposed new Fire Station #2 at the Park Drive recreation property.

2. DISCUSS: Capital Budget

a.) Fire Department

Chief White is requesting an additional three (3) firefighters. There is a need for an extra man for each shift. He is also requesting a replacement service truck.

b) Police Department

Captain Beedy said they are requesting and five (5) new officers due to the growth of the city. They are also requesting six (6) vehicles and vehicles for however many new officers the council approves.

c) Planning Department

Mrs. Jones said that she is just requesting funds for a new comprehensive plan.

Mayor Haygood said that maybe council could repurpose the unused salary for the vacant GIS position to offset the cost for the comprehensive plan.

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CITY COUNCIL WORK SESSION
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6:30 P.M.**

d) Court

Mr. Hoyt said he is asking for a part-time magistrate position, and may change it to a full-time position at a later time. He mentioned that the case-loads have grown as to require more help. He also mentioned that the Justice Center parking lot is in need of attention.

e.) Public Works

Mr. Johnson mentioned the equipment needs for the department. Personnel request are as follows:

Janitorial	2 full-time custodians / Eliminate temps
Building Maintenance	1 Sr. Maintenance Technician 1 Maintenance Technician
Solid Waste	1 Senior Solid Waste Worker
Streets	1 Public Service Worker #1 1 Public Service Worker #2
Public Works Administration	Facilities Manager Yard/Equipment Manager

Mr. Johnson justified the positions. He reported the need for a facilities manager saying they are working on a reactive basis at this time, and they should be proactive in the maintenance of the city's buildings. He also said it is important to have a yard/equipment manager to check equipment in and out which keeps track of who is using the piece of equipment and record any damage done to the equipment and by whom. They would also be in charge of procurement of parts, etc.

f.) Recreation Department

Mr. McKelroy is requesting an upgrade to the Administrative Secretary position to an Administrative Assistant position. The Administrative Secretary position duties have grown in the last several years thus the request for the upgrade. He also mention he is requesting a custodian position for the Recreation Center and the Library in which they will split the cost. This is due to the amount of traffic in both buildings. He also said that the entrance to the recreation facility needs updating, and the lobby needs new furniture.

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

Respectfully submitted by,

Rebecca A. Hayes,
City Clerk

Certification of Presiding Officer:

Pat Rudicell,
Council President

CITY OF DAPHNE, ALABAMA



Certificate of Appreciation

The City of Daphne, Alabama wishes to recognize

Boy Scout Troop 82

of the Daphne United Methodist Church

for their tireless efforts and countless hours contributed to the community.

A blue ink signature, appearing to read "D. Haygood", is written over a horizontal line.

Dane Haygood, Mayor

Presented May 16, 2016

**CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
May 9, 2016
4:30 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:30 p.m. Present were Chairman Randy Fry, Councilwoman Angie Phillips, Councilman Ron Scott, Councilman Pat Rudicell, Councilman John Lake, Finance Director Kelli Kichler, Senior Accountant Suzâne Henson, Human Resource Director Vickie Hinman, Revenue Officer Jamie Smith, and City Attorney Kevin Boucher. Councilwoman Mrs. Conaway arrived at 5:00p.m. Councilman Robin LeJeune was absent.

Also in attendance were Public Works Director Richard Johnson, Civic Center Director Margaret Thigpen, Recreation Director David McKelroy, City Clerk Rebecca Hayes, and Judge Michael Hoyt.

I. PUBLIC PARTICIPATION

A. Stifel / Merchant Capital Division – Mr. Ken Funderburk, Managing Director

Mr. Funderburk presented a handout showing information for Stifel / Merchant Capital. Mr. Funderburk stated that Stifel/ Merchant Capital is the #1 ranked public finance firm in the country and rank as the #1 underwriter (# of issues) of senior managed issued for the past two years. Mr. Funderburk requested the City consider using Stifel when considering new debt. Discussion continued on combining the use of local banks in the bond issue process and how to determine what would be in the best financial interest of the City.

B. Mr. Tim Swanson – Discussed Regressive Sales Taxation

Mr. Swanson handed out some information on regressive sales taxation and asked that the City consider cutting or removing sales tax on groceries. Mr. Swanson noted that Alabama and Mississippi are the only two states that fully tax groceries without offering any offsetting relief. Mr. Lake noted that if Daphne reduced or cut sales tax on groceries that people from other cities would most likely travel to Daphne to shop and as a result the City would receive sales tax on other non-grocery goods which would offset the grocery tax loss. Discussion continued and the Mayor recommended researching food sales data for discussion at a future meeting.

II. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – April, 2016

BUSINESS LICENSE COUNT through 04/30/2016	
Issued THIS MONTH:	
NEW Licenses	42
RENEWAL Licenses (2016)	96
PRIOR YEAR Licenses (2015 and Prior)	10
Total Issued THIS MONTH	148
Total Issued THIS MONTH - PREVIOUS YEAR	200
Net Gain/-Loss Current VS Previous Yr MONTH	-52
Total Issued YTD 2016	4,065
Total Issued YTD - PREVIOUS YEAR	3,918
Net Gain/-Loss Current VS Previous Yr YTD	+ 147

Code enforcement issued 12 warnings resulting in businesses becoming compliant and \$1,652.23 in revenue. Mrs. Smith reviewed the following reports and information:

- Business License Fees report for March separated by Territory and Status.
- Total collections for March 2016 were \$39,137.36
- YTD collections are up \$42,027.88 from the previous year.
- Delinquency report showed 56 current delinquencies.

III. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

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

Positions

Crew Leader – Mowing
 Civic Center Events Supervisor
 Civic Center Events Assistant
 Building Maintenance Tech.
 Site Containment Inspector
 Police Dispatcher
 PSW, Sr. (Mowing)
 Planner (Community Development)
 School Crossing Guard
 Building Inspector

Status

Promotion: 4/14/2016
 Promotion: 4/14/2016
 Reviewing applications
 Pre-employment process
 Pre-employment process
 Posting: 4/28 – 5/17
 Posting: 4/27 - 5/11
 Posting: Until Filled
 Posting: Until Filled
 Posting: Until Filled

Safety Committee

The Safety committee meeting was held on May 4 @ 10:00 a.m. – Property/injury reports were reviewed. Building Inspections were performed at Bay Front Pavilion, Justice Center, and Jail – no issues or violations to report. This month all fire extinguishers will be inspected. Fire Marshall will conduct an inspection of concession stand at Trione Park. Concerns were expressed about children skate boarding and cars speeding in the back parking lot of City Hall. The committee is reviewing the cost of purchasing Mosquito/Insecticide wipes for PW/SW employees as preventive measure against Zika virus. Next Safety committee meeting is May 25 @ 10:00 a.m.

Other HR projects/meetings/events:

- New Employee Orientation – April 26 and April 28
- Next New Employee Orientation May 24
- Kronos Upgrades are ongoing – (set up of pay structures)
- Scheduling Alabama Deferred Compensation meetings for departments
- Training: attending HR seminar on May 11; I-9 Webinar
- Employee Benefits and Wellness Fair will be held on July 27, 2016 – “Save the Date” notices sent to Vendors. Registration packet to follow on May 11th. “Save the Date” notices will be sent to employees on May 9th.

IV. CURRENT BUSINESS

A. Approve previous months minutes

The previous minutes were approved.

B. Financial Reports

1. Treasurer’s Report: April, 2016

Mrs. Henson reviewed the Treasurer’s Report:

Account Type/Title	4/30/2016	3/31/2016	Increase (Decrease) from last Month	Increase (Decrease) from Last Year	
				4/30/2015	
Total Unrestricted Cash Balance	12,949,861	13,323,385	(373,524)	\$ 10,285,884	\$ 2,663,977
Total Restricted Cash Balance	7,532,278	7,170,490	361,788	8,206,239	(673,961)
Total City Cash Balance	\$ 20,482,140	\$ 20,493,875	\$ (11,735)	\$ 18,492,123	\$ 1,990,017

5.9

6.0

4.7

Encumbrances FY 05 - FY 16:
 \$142,877

Mrs. Henson reviewed the Encumbrance report (\$142,877 as of 3/31/16 and \$136,451 as of 4/30/16) and noted some of the encumbrance monies had been spent down during the month of April. Ms. Kichler discussed using some of the Library mold remediation monies (\$13,446.70) for other building improvements that were needed like wiring.

Motion by Mr. Ron Scott to transfer the \$13,441.70 from General Fund Encumbrances to Capital Reserve Fund to be used for wiring improvements for the Library. Seconded by Mr. Lake. Motion carried.

The Treasurer's Report as of April, 2016 Total Unrestricted Cash Balance - \$12,949,861 and Total City Cash Balance - \$20,482,140 was presented to be filed for audit.

2. Sales and Use Taxes: March, 2016

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,322,579 was collected for March, 2016:

- YTD Variance over Budget - \$ 459,490

3. Lodging Tax Collections, March, 2016

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for March, 2016 were \$104,422 which is down \$8,329 from March's 2015's collections of \$112,752.

- YTD Variance over Budget: \$ 11,779

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

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

Balances as of March, 2016:

- Unreserved balance for Bayfront related purchases - \$ 1,918,507
- Recreation related purchases - \$ 869,116

Mrs. Henson noted the ongoing improvements at Gator Alley were reflected in the report as well as construction/installation of the Gazebos.

5. Lodging Tax Fund Analysis Report: Project Status

Ms. Kichler reviewed the Lodging Tax Fund Analysis Report that lists all pending projects and noted there was not much change from last month's report.

Mayor Haygood discussed approving up to \$220,000 to purchase the Tuskegee Bank property (Lovette Lane property) currently under contract out of the Lodging Tax Bayfront monies. Discussion continued that the allocation to IDB would change after the property purchase was completed.

MOTION BY Mr. Lake to adopt an ordinance appropriating up to \$220,000 out of the Lodging Tax Fund (Bayfront related purchase balance) for the purchase of the Tuskegee Bank property (Lovette Lane property). Seconded by Mrs. Phillips. Motion carried.

6. Correction/Court Fund Report, March, 2016

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

- Court balance - \$200,532
- Corrections balance - \$2,723

7. General Fund Budgetary Comparison Schedule, February 2016

8. General Fund Balance Sheet, February 2016

9. General Fund Statement of Rev Over Exp, February 2016

10. Debt Service Fund Statement of Rev Over Exp, February 2016

11. Debt Service Summary Activity for General Fund through April 2016

12. Debt Service Summary Activity for Enterprise Funds through February 2016

13. Agency Funds Combining Statement of Assets and Liabilities, February 2016
14. Special Revenue Funds Balance Sheet, February, 2016
15. Special Revenue Funds Stmt Rev, Exp, & Changes in Fund Balance, February 2016
16. Capital Projects Funds Balance Sheet, February 2016
17. Capital Projects Funds Statement of Rev Over Exp, February 2016
18. Enterprise Funds Statement of Net Position, February, 2016
19. Enterprise Funds Stmt of Rev, Exp, & Changes in Net Position, February 2016

Ms. Kichler reviewed the financial reports:

General Fund

Unassigned fund balance - \$14,126,394

Total liabilities, deferred inflow, and fund balances - \$15,477,130

Debt Service Fund

DEBT SERVICE FUND		AS OF 4/30/2016	
FY2016 YTD Principal payments made	\$	2,934,795	
FY2016 YTD Interest Payments made	\$	736,972	
FY2016 TOTAL YTD DEBT PAYMENTS	\$	3,671,767	
FY2016 Remaining Debt payments	\$	672,631	
Balance of Debt for Warr/Bond Issues	\$	33,103,268	
Balance of Debt for Capital Leases	\$	1,171,416	
TOTAL DEBT BALANCE	\$	34,274,684	

Agency Funds

Fund balance for Agency Funds - \$113,390

Special Revenue Funds

Fund balance for Special Revenue Funds: : \$3,755,116

Capital Projects Funds

Capital Reserve Fund balance - \$2,624,835. Ms. Kichler stated almost all property owners have paid their sewer assessments as of March 2016 and that these funds are deposited into the Capital Reserve Fund.

Enterprise Funds

Transfers required from General Fund to Enterprise fund (\$386,249) for net Operating Losses are as follows:

- Solid Waste (*Garbage & Recycling*) – (\$192,797)
- Civic Center – (\$121,804)
- Bayfront – (\$71,648)

ENTERPRISE FUND - DEBT SUMMARY -		AS OF 2/29/2016	
FY2016 YTD Principal payments made	\$	108,196	
FY2016 YTD Interest Payments made	\$	4,218	
FY2016 TOTAL YTD DEBT PAYMENTS	\$	112,414	
FY2016 Remaining Debt payments	\$	40,335	
TOTAL DEBT BALANCE FOR CAPITAL LEASES	\$	307,683	

19. Bills Paid Reports – April, 2016

The Bills Paid Report was presented in the packet.

C. Financial Management Policies (Resolution)

1. Investment Policy

Ms. Kichler stated the City follows state law requirements for regarding investments and deposits but the City still needs to adopt formal Financial Management. Ms. Kichler noted that she had reviewed other government's financial policies as a template and included the Government Finance Officer Association's (GFOA) recommended practices. Ms. Kichler stated the City attorney was reviewing the final draft. Mayor Haygood discussed the need to adopt formal Financial Management Policies. Discussion continued that maintaining a formal policy will help to comply with Bond Rating requirements and obtaining a better bond rating.

Ms. Kichler noted that the bond ratings are good for six months and that cost for that evaluation process is \$14,000. Ms. Kichler noted if the City will be issuing debt through a new bond and the bond is processed within six months that this fee would not have to be paid again. Discussion continued on the timing of the new bond issue.

MOTION BY Mr. Scott to recommend to Council to adopt the Investment Financial Management policy with any changes recommended by the City attorney . Seconded by Mr. Lake. Motion carried.

2. Unrestricted General Fund Balance Policy

Ms. Kichler stated the City attorney has reviewed the unrestricted General Fund Balance policy and that she had pulled information from the same sources as the investment policy. Ms. Kichler stated the policy states the City should maintain a balance of three (3) months of operating revenues and have an informal policy to maintain a minimum unassigned fund balance in the General Fund of \$8 million dollars, if three months of operating revenue falls below this threshold. Discussion continued on the balance to maintain in reserves.

MOTION BY Mrs. Phillips to recommend to Council to adopt the Unrestricted General Fund Balance Financial Management policy. Seconded by Mr. Lake. Motion carried.

V. OLD BUSINESS

A. Sewer Project Update – HMR preparing bid for Utility Board (Ordinance)

Mr. Ray Moore, HMR gave an update on the Whispering Pines sewer project. Mr. Moore stated that the contracts were being completed by the contractor and they should be complete within 10 days. Mr. Moore discussed the pending change order for value engineering on the project and this would be completed once the contracts are signed.

Mr. Moore discussed the miscellaneous 5 sewer projects and the bidding process for the pipe materials. The agreement prepared by the City's attorney was discussed. Mr. Moore noted that the agreement would also be reviewed by the Utility Board and their attorney Mr. Speegle. Mr. Lyndall reviewed the project approval process and noted that the board reviewed the 5 projects at their May 2016 meeting and after they review the agreement at the June 2016 meeting the Utility Board will move forward with the bid for materials then begin working on the 5 sewer projects. Mr. Lyndall stated he anticipates completing the five sewer projects by the end of the 2016 calendar year.

Mr. Boucher reviewed the agreement and noted this is a reimbursable contract where the Utility Board incurs the cost and the City reimburses for material and includes the scope of work. Mr. Boucher stated he would contact the Utility Board's attorney Mr. Speegle to discuss the contract.

B. Disaster Recovery Services Bid – City attorney to review and update with legal/FEMA required verbiage

Mr. Boucher stated he should be through updating the Disaster Debris bid specification this week and the bid could be let. Mrs. Henson stated this is just an update on the status of the bid process.

C. NRCS Bid: Old Daphne Wharf ROW Drainage Improvements (Lovette Lane)

Mrs. Henson stated this was just an FYI that this bid would be opening on June 1, 2016 and the bid may need to be expedited due to time restraints imposed through NRCS funding requirements. Mr. Johnson noted we are currently waiting for confirmation of when NRCS funding will be available.

VI. ADJOURN The meeting adjourned at 6:05 p.m.

I. CALL TO ORDER

Meeting was called to order.

Committee Members Present: Robin LeJeune (Chairman), Councilman John Lake, Councilman Ron Scott, Councilwoman Tommie Conaway; Richard Johnson, PW Director; Dorothy Morrison-Daphne Beautification Committee.

Others Present: Councilwoman Angie Phillips; Councilman Randy Fry; BJ Eringman, PW Deputy Director; Andy Bobe-Preble Rish; John Peterson, HMM

II. PUBLIC PARTICIPATION & CORRESPONDENCE

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

B. Vehicle/Equipment Maintenance Report – The reports for February 2015-2016 and FY2015/2016 were reviewed. The committee discussed the huge difference in these reports. Mr. Johnson stated he will double check these figures for accuracy.

C. Correspondence – No Correspondence.

D. Public Participation – Victoria Phelps – Lake Forest

Victoria asked if there would be any additional mosquito spraying due to the Zika virus. Mr. Johnson stated that we are gearing up for spraying this month and have the ability to “spot” spray when needed. We also have portable equipment to spray hedges, bushes, etc.

Everyone is looking forward to the additional sidewalk extension and using them this year.

III. OLD BUSINESS

A. Minutes – The minutes from the March meeting have not been provided due to Ms. Hanson being ill.

B. Mosquito Report – No Report.

C. Street Sweeper Report – February 2016 sweeper report was reviewed. Streets without curb & gutter are generally not swept. Mrs. Phillips asked if there was an ordinance against dumping yard debris into the drains. Mr. Johnson stated that there is an ordinance in place, but it’s hard to enforce.

IV. NEW BUSINESS

A. ROW Permit Fees – Discussion

Mr. Johnson stated within the last year, due to having Mr. Eringman in charge of enforcing our ROW Ordinance, the tracking of work that is ongoing in the city’s right of way is now streamlined and easy to research who is doing what and where. However, there are some entities that think they should be exempt from paying permit fees. We do collect a PILOT tax from utilities and a franchise fee from MediaCom, Southern Light Fiber, AT&T and Riviera Utilities. There is going to be more discussion on this issue and we will need guidance from the council. We’re trying to get clarification on the franchise agreements that the city has.

V. DIRECTOR’S REPORT

A. Public Works Related Overtime Report - Mr. Johnson reviewed the report. We used 30% of our budgeted overtime so far.

B. Debris Management Plan – Presentation and Motion for Resolution to adopt

Mr. Johnson reviewed the Debris Management Plan and the draft resolution to adopt the Debris Management Plan.

Motion by Ron Scott, seconded by Tommie Conaway to favorably recommend to the Debris Management Plan and Resolution to the Council. All in Favor. Motion carried.

VI. DAPHNE SOLID WASTE DISPOSAL AUTHORITY

A. Monthly Recycle Tonnage Report (Tonnage Comparison) – February 2016

The committee reviewed the February report. Richard stated that the city has not exercised a franchise agreement with solid waste haulers within the city. This is something that we might

consider looking into. There are pro's & con's to the bidding process in this. More data will be provided from other city's to look over.

Mr. LeJeune asked about the overall status of recycling. Mr. Johnson stated that the county is still working toward a county mpo.

We're working toward a modified recycle stream and pulling the more profitable items – cardboard & aluminum.

B. Solid Waste New Customer Report – February 2016

The committee reviewed the February report. Richard reported that 9 residential customers and 2 business customers were added this month.

VII. MUSEUM COMMITTEE

- A. Minutes – February 8th minutes were reviewed by the committee.

VIII. BEAUTIFICATION COMMITTEE

- A. The March 2nd minutes were reviewed by the committee. Dorothy is excited about the gazebo's going up! Shannon & Graham are doing a great job in the Grounds department. Dorothy is looking for outside funding/donations to help with the purchase & installation of the fence for the Little Bethel church. Boy Scout groups will be cleaning up Joe Lewis Patrick Park and surrounding area.

Gator Alley is still on schedule and should be complete by our June 8th deadline.

IX. ENVIRONMENTAL ADVISORY COMMITTEE

- A. Minutes – March 28, 2016 - pending

X. ENGINEER'S REPORT

- A. **Hatch Mott MacDonald** – Cost estimates have been provided to Chief White for Fire Station #2 renovation. Waiting on notice to proceed for the parks & recreation.
- B. **HMR** – City wide sewage is up for a second read tonight. Tallent Lane landfill is about 60 days out. 2016 TAP grant, should be hearing back from them soon.
- C. **Preble-Rish** – Two NRCS projects are close to be completed. Working on Hwy 98 improvements.
- D. **Volkert** – everything is moving on the TAP grant for sidewalks on County Road 13.
- E. **Jade Consulting** – Gator Alley is moving along well. Everything in place ADEM 319.

OTHER BUSINESS:

XI. FUTURE BUSINESS

- A. Next Meeting will be May 2, 2016 at 5:30 p.m. at Council Executive Room.

XII. ADJOURNMENT

Meeting adjourned.

Rebecca A. Hayes

From: Michele Hanson
Sent: Friday, May 06, 2016 10:42 AM
To: Rebecca A. Hayes
Subject: ADA Transition Plan & Resolution
Attachments: City of Daphne ADA Transition Plan - May 2016.docx

Becky,

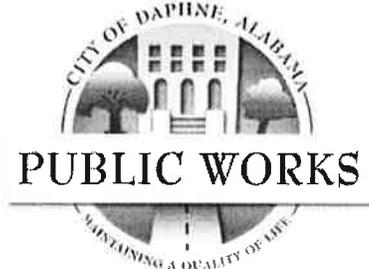
Please put the attached ADA Transition Plan on the May 16th City Council Meeting. The motion from the meeting is below:

Motion by Ron Scott, Seconded by John Lake to favorably recommend the ADA Transition Plan for the City of Daphne to the city council for their approval. **All in Favor. Motion carried.**

Thank you,

Michele C. Hanson

Assistant to the Public Works Director
City of Daphne
26435 Public Works Road
Daphne, AL 36526
251-621-3182
251-621-3189 fax



Michele Hanson
Administrative Assistant
mthanson@daphneal.com
City of Daphne, Alabama - "The Jubilee City"
Phone: 251-621-3182 Web: www.daphneal.com



DAPHNE PUBLIC WORKS DAY & EQUIPMENT SHOW

Wednesday, May 18, 2016

10:00 a.m. – 1:00 p.m. * Lott Park

Public is Welcome



Please contact Michele Hanson
to RSVP @
mthanson@daphneal.com
or 251-621-3182

This event is fun for kids & adults and will provide a hands-on experience of various types of equipment and vehicles, such as emergency, transportation, construction, mowing, plus many others. Children will have the opportunity to climb aboard these vehicles, blow the horns and discover how these complex machines operate and provide valuable services to our community. Other departments participating are Recreation, Daphne Utilities, Riviera Utilities, Fire and Police.

Old Methodist Church Museum of Daphne

Meeting Minutes

April 11, 2016

I. Call to order

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

II. Attendees

III. Ken Balme,, Rachel Burt, Mickey Boykin, Candice Bishop, Jeanne Nelson, Helen Baroco, Dooley & Scott Berry, Lee Swetman, Lucy Cunningham, Pete Brantley, Emily Hammond, Al Guarisco

IV. Approval of minutes from last meeting: March 14 ,2016

V. **Treasures Report:** Period 2/29/16-3/31/16. Beginning balance \$5,264.50. Total deposits (book sales & donations) \$106. Ending balance \$5370.50. Petty cash \$20.09 A maturing CD 4/11/16 was for 18mo. \$23,812.23

VI. **Volunteer Assignments/Schedules-** No commitments for the 5th Saturday of April. Several will check... Jeanne will not be able to work 5/8. Mother's Day but will the 5th Saturday 4/29. We still someone to cover that Sunday. We may have to close.

VII. Committee Reports

- a) *Exhibits/Events:* May 29,2016 Open House
- b) *Publicity/Social Media*
- c) *Cemetery:* No reports
- d) *Fund Raising & Volunteer Recruitment:* see below
- e) *Special Tours :* None scheduled.
- f) *Archives, Curation:* Museum computer still broken.

VIII. Unfinished/Ongoing business

- a) *Planning Calendar*

April: 4/13/16 Volunteer Breakfast from the City.

May: Memorial Day- A Stitch in Time

Discussed/decided May 29 would be a good day to hold the 'Open House' It is the 5th Sunday of the month and we should have time to prepare. Mickey and Emily will work on finishing the displays.

- b) *Building improvements*: No word on when improvements will be done.
- c) *Brick Fundraiser*: Dooley visited with Maggie at Henrietta Museum re: brick fundraiser. Potter Reznor charged them \$8 per paver, was sold for \$50. Site prep was \$900. We discussed maybe the Beautification Club of Daphne may help in this endeavor, with site work and/or planning Emily and Dooley will look into all of this and the information Ken had requested from another company. . The fact was also brought up, the Museum had paid Reznor aprox. \$650 for a previous project that was never done.

IX. New Business & Announcements

- *Wedding/Bridesmaid parties*- Photographer Cindy McCrorey is still interested in future use of the Museum. Ken advised her it would be decided case by case and we could be flexible. With the basic agreements of \$150 +\$50 clean up. Group size less than 40. No set up food but drinks can be provided by the party. In 1999 a small wedding was held in the building.
- *Storage*: Emily suggest a need for shelving or storage for temporary removal of items when a new display is put up. We do have archival grade boxes upstairs that can be used. Agreed work needs to be done on the area.
- *Serpents of Bienville Gallery* Helen will visit the gallery to bring books they interested in selling and work out a plan of reporting sells.
- *Impact 100*: Ken is working on a submission.
- *May Day film*: Al suggested making it available for purchase. Helen made a motion...Jeanne 2nd. Motion passed. Possible price of \$10 each. Would it also be possible to slow it down? Rachel and Ken would look into possibilities. Rachel will find out how much it would be to reproduce per CD.
- *Misc. discussions*: Friday Farmers Market moved to the Southern Napa/ Fastimes area. Baldwin Historical Society to host and open meeting 4/17 at Stockton Museum with Lynn Bozman.

X. Adjournment

Ken Balme adjourned the meeting.

Minutes submitted by: Rachel Burt

Next regular meeting: Monday May 9, 2016

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

COMMITTEE MINUTES

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

ALSO PRESENT: Council Liaison, Tommie Conaway; Jenny White, Recording Secretary; Selena Vaughn, Village Point Foundation; and Belle Laurendine, Market on Main

ABSENT: Patricia Vanderpool and Council Liaison Pat Rudicell

1. CALL TO ORDER

There being a quorum present Chairman Casey Zito called the meeting to order at 5.30p.m. Chairman Zito asked for a brief introduction of members.

2. PUBLIC PARTICIPATION

No one spoke.

3. APPROVAL OF MINUTES / March 30, 2016

Motion by Dayna Oldham to approve the minutes from March 30, 2016 meeting as written. **Seconded by Dorothy Morrison.**

Motion Carried unanimously.

4. TREASURER'S REPORT

Doug Bailey gave the Treasurer's Report.

March Statement 3/01/2016 – 3/31/2016:

March Beginning Statement Balance - \$192,614.65

Deposit	03/14/2016	Tax Collection	\$3,472.56	February 2016
Fee	03/31/2016	Bryant Bank	\$3.00	Monthly Service Fee

March Ending Statement Balance - \$196,084.21

Brandy Lister inquired about the Bryant Bank service charge on account. Brandy will research to see if service charge can be waived and other options are available with local banks at our next meeting.

Motion by Dayna Oldham to accept Treasurer's Report. Seconded by Debbie Strahley.

Motion Carried Unanimously

NEW BUSINESS

I. Welcome New Members

Chairman Zito welcomed new members Nicole Simms (present) and Brandi Lister (present).

II. Nomination of New Members: Kiki Mikkelson

Dorothy Morrison motioned to nominate Kiki Mikkelson as a new member of the Downtown Redevelopment Authority at the meeting on March 30, 2016. Dayna Oldham seconded motion. Motion carried unanimously pending biography. Term May 2016 – May 2022. Kiki's biography was received by City Clerk's Office. Kiki nomination of appointment will go before City Council at Council Meeting on May 2, 2016.

OLD BUSINESS

I. Website Design – Chairman Zito

Chairman Zito and Ken Balme are working on website design. The tentative date for website to go on line is scheduled for June 1, 2016. Website will have blog with logo, history of downtown Daphne, downtown merchant page, calendar, etc.

II. Brochure and Rack Card – Ken Balme

Sarah Toulson, Graphics Designer was hired by committee to prepare art work for the Olde Towne Business Guide. This is a reprint project for another mass printing. Dorothy Morrison volunteered at meeting on March 30, 2016 to contact merchants listed on guide for update. Dorothy has finalized update of merchants. Ken Balme is working with Sarah on reprint of project.

Ken Balme is working on rack card for hotels, rest stops, chamber of commerce, events, etc.

5. OTHER BUSINESS DEEMED NECESSARY

a) Downtown District Properties Inventory – Daniel Dyas

Chairman Zito informed committee of the goal to locate a piece of property within our downtown district that committee would develop and draw business to local area.

Daniel Dyas, Sr. discussed his research of the downtown district of properties. Daniel located two (2) properties.

- **Daphne Avenue - \$254,000** - This property is in a prime location that backs up to Lott Park and is located across the street from the Post Office and Daphne Utilities. Close to everything in Old Town Daphne: Manci's, Guido's, Centennial Park, and Lott Park. Zoned B2.
- **Main Street – Listed \$159,000** - Elizabeth Citrin property

Daniel suggested the committee look at retaining a real estate agent and attorney for future real estate transaction.

Chairman Zito will have Jenny White forward the committee bylaws to members.

b) Village Point Resolution of DRA Overlay District – Chairman Zito

Chairman Zito informed committee of intent to prepare a Village Point Resolution of DRA Overlay District to extend downtown district. Chairman noted City of Daphne Ordinances 2014-11 and 2014-12. Jenny White will forward ordinances to committee members for review and discuss next month.

Selena Vaughn, Chair of Village Point Foundation commented the resolution would need to protect and preserve the historic district and spirit of Olde Towne.

Daniel Dyas, Sr. proposed presentation for next month on Utilities Pilot Project Budget.

c) Sidewalk-A-Thon – Chairman Zito

Chairman Zito informed committee a Village of Spring Hill Sidewalk-A-Thon flyer was enclosed within meeting packet for Friday, April 29th. Chairman discussed the involvement of the Village of Spring Hill in their community. Chairman would like for committee to have further discussion with the Village of Spring Hill on startup for Sidewalk-A-Thon.

d) Market on Main – Mini-Grant Application

Belle Laurendine submitted a mini-grant application for her business Market on Main at 1800 Main Street, Daphne, Alabama 36526. Application enclosed in meeting packet. Application is to improve parking for building, remove old landscaping, and add new. Belle will forward scope of work with estimates along with actual expenses. Application will be reviewed at next meeting.

Motion by Daniel Dyas, Sr. for \$2,500.00 mini-grant. Seconded by Dorothy Morrison.

**Motion Carried Unanimously
To Table Motion**

e) Business Sign on Main Street – Ken Balme

Ken Balme suggested idea of uniformity of business signs down Main Street. Ken took a picture of the Pneuma Yoga/Movement Studio as an example. The picture is enclosed within meeting packet. Chairman Zito suggested a member could present a proposal for uniformity of signs. Jenny White will forward sign ordinance to committee for review. Business sign topic will be discussed next month.

Motion by Dorothy Morrison for everyone to read the sign ordinance. Seconded by Brandy Lister.

Motion Carried Unanimously

f) Industrial Development Board Update - Doug Bailey

Doug Bailey discussed Lee Lawson, President & CEO of the Baldwin County Economic Development Alliance is working on the Daphne Innovation and Science Complex (DISC) project for the first tenants of complex on east side of Daphne High School.

Doug reported Little Bethel Church is considering an addition to church. Otis Gatlin of Gatlin Hudson Architects has meeting next week with City of Daphne, Community Development Director, Adrienne Jones on upgrade. Little Bethel Church fence estimates are due by May 15, 2016.

g) Beautification Committee Update – Dorothy Morrison

Dorothy Morrison had no update.

h) Committees – Chairman Zito

Chairman Zito informed members that a Committees Listing was provided in the meeting packet. Chairman would like each member to attend a committee meeting of interest. Committee meetings will be discussed at next meeting.

i) 2016 Volunteer Breakfast – Jenny White

Jenny White reported on the 2016 Volunteer Breakfast held at Bayfront Pavilion on April 14th as a success. We mailed out 200 invitations with attendance of 120 volunteers. Positive feedback was received from our volunteers.

j) Welcome New Business – Dorothy Morrison

Dorothy Morrison informed the committee that Mayor Haygood and assistant Zach Michael are working on welcome letter. Dorothy contacted local businesses for gift certificates. Chairman Zito will prepare welcome letter from the Downtown Development Authority for submittal to Dorothy Morrison.

6. *NEXT MEETING*

Next meeting scheduled for May 25, 2016 at City Hall Executive Conference Room at 5:30 p.m.

With no other business to consider, the meeting was adjourned at 7:23 p.m.

**CITY OF DAPHNE, AL
 SPECICAL CALLED
 INDUSTRIAL DEVELOPMENT BOARD MEETING
 1705 MAIN STREET, DAPHNE, AL
 MAY 5, 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; John Cox; Denis Kearney; Dan Romanchuk; Pokey Miller.

Also present – Rebecca Hayes, recording secretary; Joe Davis; Councilwoman Angie Phillips; Mayor Haygood; Danny Lyndall, General Manager of Daphne Utilities; John Avent, Preble-Rish; Steve Pumphrey, Preble-Rish.

2. APPROVE MINUTES

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

MOTION CARRIED UNANIMOUSLY

3. PUBLIC PARTICIPATION

No one spoke.

4. OLD BUSINESS

Mayor Haygood reported that the Planning Commission has approved the DISC Master Plan and the subdivision plat, and they will consider the annexation in May.

5. TREASURERS REPORT: JANUARY 2016

Cash Balance March 30, 2016:	\$550,826.23
Interest	\$ 89.89
Deposits / February Lodging Tax	\$ 11,049.61
Cash Balance for April 30, 2016	\$561,965373

MOTION BY Doug Bailey to accept the Treasurers report with a balance of \$532,821.64. Seconded by John Cox.

MOTION CARRIED UNANIMOUSLY

6. NEW BUSINESS

Approve Payment to the City of Daphne for:

1. Pre-zoning / June 2015.....	\$146.68
Pre-zoning / January 2016.....	\$145.99
Preliminary Final / April 2016.....	<u>\$145.99</u>
Total	\$438.66

**CITY OF DAPHNE, AL
SPECIAL CALLED
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
MAY 5, 2016
6:00 P.M.**

2. Preble-Rish for:
Survey service. **\$2,800.00**
Planning services. **\$3,150.00**
Total \$5,950.00

3. Baldwin County Commission (Review Plans). \$475.00

MOTION BY John Cox to approve paying the invoices for the City of Daphne \$\$438.66 and Preble-Rish \$5,950.00. Seconded by Dana Romanchuk.

MOTION CARRIED UNANIMOUSLY

MOTION BY John Cox to authorize the Chair Person to execute checks for regular operating expenses not to exceed \$1,000. Seconded by Doug Bailey.

MOTION BY John Cox to amend the motion to ADD the check will require two (2) signers. Seconded by Doug Bailey.

VOTE ON AMENDED MOTION

Doug Bailey	Aye	Pokey Miller	Aye
John Cox	Aye	Denis Kearney	Aye
Dan Romanchuk	Aye	Toni Fassbender	Aye

MOTION CARRIED UNANIMOUSLY

VOTE ON ORIGINAL MOTION AS AMENDED

Doug Bailey	Aye	Pokey Miller	Aye
John Cox	Aye	Denis Kearney	Aye
Dan Romanchuk	Aye	Toni Fassbender	Aye

MOTION CARRIED UNANIMOUSLY

Discussion was held on what future expenses would be. Doug will prepare a budget for upcoming expenditures.

7. REPORT FROM BALDWIN COUNTY ECONOMIC DEVELOPMENT ALLIANCE

No report.

8. OTHER BUSINESS

No other business to discuss.

**CITY OF DAPHNE, AL
SPECIAL CALLED
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
MAY 5, 2016
6:00 P.M.**

10. ADJOURN

MOTION BY Doug Bailey to adjourn. Seconded by John Cox.

MOTION CARRIED UNANIMOUSLY

There being no further business to discuss the meeting adjourned at 6:34 p.m.

Submitted by:

Certification of Presiding Officer:

Rebecca Hayes, Secretary

Toni Fassbender, Chairman



Library Board - Meeting Minutes

January 14, 2016

In Attendance:

Board Chair Jim Morris; Library Board Members Nancy Volovecky, Windrila Longmire, and Kathi Alsip; City Councilman Pat Rudicell; Friends of the Library President Karen Kyzar; and Library Director Tonja Young.

1) Call to Order:

Meeting called to order at 4:10 pm by Chair Jim Morris.

3) New Business:

The December minutes were read. Kathi made a motion to approve the minutes; motion seconded by Nancy. Motion passed.

Tonja stated that the Young Adult and Children's programs did very well with special events in December, including children's Christmas parties, an Ornament Make-n-Take, a Gift Make-n-Take, Santa Stories, Family Christmas Movie Night, and a special Teen Art Class.

Rhett Beyer was approved unanimously as the new Library board member. Tonja will submit his information to the City Council for approval and appointment.

Pat explained that the City Council has been working toward a more uniform process for committee approval.

2) Old Business:

Jim stated that the library Foundation has not had a meeting so he has no updates on their activity. He will report after the next Foundation meeting.

Jim stated that the Annual History Series has been going very well and has had good attendance. Tonja stated that the first meeting drew approximately 120 patrons. Nancy and Karen discussed the topic of the first speaking event for this season about Islam and Muslim beliefs. It was agreed that the event had been very informative and well-presented.

Jim stated that the next two speakers would be exciting to hear, and that he would complete the fourth speaking event of the series.

4) Friends of the Daphne Library Participation:

Karen discussed the staff Christmas luncheon sponsored by the Friends of the Library and stated that every library employee was able to attend.

A short discussion was held concerning the purpose of the Friends of the Library; Karen explained that their goal was to assist the library in programming and special events by purchasing food and/or prizes, paying speaker honorariums, etc.

6) Public Participation:

Pat announced the City Volunteer Event to be held in April.

7) Adjourn:

Meeting was adjourned at 4:40 pm.

Respectfully submitted by T. Young, February 10, 2016.



Library Board - Meeting Minutes February 11, 2016

In Attendance:

Board Chair Jim Morris; Library Board Members Nancy Volovecky, Windrila Longmire, and Kathi Alsip; Friends of the Library President Karen Kyzar; and Library Director Tonja Young.

1) Call to Order:

Meeting called to order at 4:07 pm by Chair Jim Morris.

3) New Business:

The January minutes were read. Windrila made a motion to approve the minutes; motion seconded by Nancy. Motion passed.

Tonja stated that the overall library stats for December and January were in line with normal numbers. Meeting spaces were used by 450 patrons in December and 586 patrons in January. Kathi asked how the library was able to have such large numbers in the meeting rooms. Karen stated that the meeting rooms are often used by several groups per day and often they are being used concurrently. Over a period of 30 – 31 days, the numbers add up when counting library event attendance as well as public meeting use.

Tonja stated that the staff had done a really good job and that the Young Adult and Children's programs did very well with special events in December, including children's Christmas parties, an Ornament Make-n-Take, a Gift Make-n-Take, Santa Stories, Family Christmas Movie Night, and a special Teen Art Class.

Tonja stated that the Annual History Series had been a great success with approximately 450 attendees. She also stated that she had received many good compliments from attendees about the series. Everyone seemed to agree that they had learned a lot about current events and the history behind these events. There was a discussion of the final speaking event in the series when Dr. Morris spoke about America. It was agreed that America is facing some hard times.

Tonja shared that a library vendor is offering a new service to the library at no cost. The service will allow patrons to print wirelessly to our library print servers from an iPhone, laptop, iPad, or other device.

2) Old Business:

Jim gave an update on the library Foundation. He stated that he had two main points.

- 1) Discussion of the meeting room rendering: Dr. Morris stated that Dee, President of the Foundation, had appointed a committee to work on changes and suggestions to the plan for the project. Tonja stated that Louise had not intended to shelve books in that area, but would like some sort of temporary dividers to allow multiple meetings. Nancy stated that the acoustics need to be taken into account. She then had questions concerning "the pit"

area that could not presently be answered. Nancy stated that if there is any change in the floor level that the chances for an accident or injury increases dramatically.

- 2) Discussion of the auditorium rendering: Jim stated that there were many problems with the drawings. He wants to be on the committee to address suggestions and changes for this project. Dee has said she will appoint a group to do so. Jim stated that the plans had been altered significantly from the original drawings. Jim stated that it appeared the Foundation is not moving in the direction of this project and that he will discuss this issue further down the road.

Jim stated that he had edited the written justification for the library addition projects requested by Dee, President of the Foundation. Tonja will be making changes. He said after the changes had been made he will present copies to the Board.

Jim also said the prospectus list for future donors had been turned in by several attendees of the Foundation meetings.

Jim explained that the Foundation had changed its bylaws to settle issues on staggered re-elections. The Foundation then re-elected the previous officers to serve another term.

4) Friends of the Daphne Library Participation:

Karen discussed the upcoming Book Sale on March 26. There was a question about whether the sale was timed differently from the Arts and Crafts in Fairhope. Karen explained that many of her regular customers have previously told her that they cannot make it to both events; therefore, she purposely sets the Book Sale for another date.

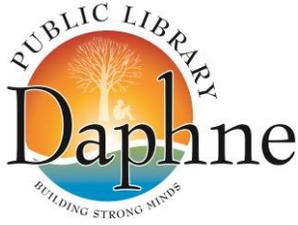
6) Public Participation:

None.

7) Adjourn:

Kathi made a motion to adjourn. Meeting was adjourned at 4:33 pm.

Respectfully submitted by T. Young, February 15, 2016.



Library Board - Meeting Minutes

March 10, 2016

In Attendance:

Board Chair Jim Morris; Library Board Members Nancy Volovecky, Windrila Longmire; Friends of the Library President Karen Kyzar; and Library Director Tonja Young.

1) Call to Order:

Meeting called to order at 4:05 pm by Chair Jim Morris.

3) New Business:

The minutes for the February 11 and February 25 meetings were read. Windrila made a motion to approve the minutes; motion seconded by Nancy. Motion passed.

Jim announced that new Board Member, Rhett Beyer has resigned due to conflicts with traveling work assignments; he had been unable to attend meetings.

The Library Board has decided to make changes in the behavior policies of the library. Tonja presented a long list of behavior policies gleaned from various library websites; Jim and Nancy volunteered to go through the list and compile and rewrite the policies they felt were applicable for approval at the next meeting. Jim stated that the policies would appear on the next agenda.

Tonja stated that circulation for January was 20,626 and patronage totaled 13,890.

2) Old Business:

None.

4) Friends of the Daphne Library Participation:

Karen announced that the Friends Book Sale would be held Saturday March 26.

6) Public Participation:

None.

7) Adjourn:

Meeting was adjourned at 5:01 pm.

Respectfully submitted by T. Young, April 13, 2016.

**R Elliott Riser
8 Lake Shore Drive
Daphne, Al. 36526**

Summary:

As a long-time resident of Daphne who has valued the great resource the library provides for our citizens, would like to be considered to serve on the Library Board in order to help contribute to its continued success.

Community Involvement:

Have served as a member of the Daphne Environmental Advisory Committee since 2013.

Served as President of the Phase I Lake View Property Owners Association from 2005-2012.

Organized like-minded property owners in Lake Forest in support of the D'Olive/Lake Forest Watershed Group study led by the Mobile Bay National Estuary Program.

Career Background:

Retired in 2004 and moved back to Daphne.

Plant Engineering Manager, 1998-2003, Kimberly-Clark Pulp & Tissue Mill, Everett, Wash.

Pulp Mill Engineering Manager, 1984-1998, Scott Paper Co. Mobile Mill.

Senior Project Engineer and Chief Process Engineer, 1977-1984, Scott Paper Co., Mobile Mill.

Education:

B.S., Mechanical Engineering, 1972, Georgia Institute of Technology

SET PUBLIC HEARING DATE FOR

JUNE 20, 2016

TO CONSIDER:

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

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

To: Office of the City Clerk
From: Adrienne D. Jones, *ADJ*
Director of Community Development
Subject: Daphne Rudicell Robinson Zone Amendment

MEMORANDUM

Date: May 9, 2016

PRESENT ZONING: B-2, General Business District

PROPOSED REZONING: MU, Mixed Use District

LOCATION: Southwest of the intersection of
Guarisco Street and Mancini Avenue

RECOMMENDATION: At the Thursday, May 5, 2016, special meeting of the Daphne Planning Commission, nine members were present and a motion to set forth a favorable recommendation carried for the above mentioned zone amendment.

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, May 16, 2016 to set the public hearing for Monday, June 20, 2016.

Thank you,
ADJ/jv

cc: file

attachment(s)

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



REZONING OR PRE-ZONING APPLICATION

Office use only

Date Submitted 3/28/16

Application Number:

Planning Commission Public

ZA-16-04 or PZA-

Hearing Date: 4/28/16

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

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection): <u>SW of intersection of Mancie Ave. and Guarisco St. Lots 18, 19 and 20, Blk 2 Mancie Trione Addition</u>	PPIN#(s): <u>045670 and 045640</u>
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Gross Site Area (acreage): <u>0.5</u>	Requested Zoning or Pre-Zoning: <u>MU</u>
--	--

Current Zoning Designation(s): <u>B-2</u>	Amended Request:
	Initials: Date:

Current Land Use: <u>Commercial/Residential Rental</u>	Anticipated Land Use: <u>Commercial/Residential Rental</u>
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Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]":
See Attached

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

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

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

Name of Current Owner: <u>Daphne Rudicell Robinson</u>	Phone/Fax: (251)367-1317 E-mail: daphneandsteve@att.net
Mailing Address: <u>403 Dryer Ave., Daphne, AL 36526</u>	
Name of Authorized Agent:	Phone/Fax: E-mail:
Mailing Address:	
Name of Developer*:	Phone/Fax: E-mail:
<u>See owner</u>	
Other: <u>Steve Robinson</u>	Phone/Fax: (251)622-5432 E-mail: daphneandsteve@att.net

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>Daphne Rudicell Robinson</u>	Date <u>3/28/16</u>
Agent's Signature:	Date



REVERSIONARY CLAUSE ACKNOWLEDGEMENT

SKIP THIS PAGE IF REQUESTING PRE-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.**

CURRENT OWNER'S ACKNOWLEDGEMENT

I, Daphne Rudzick Robinson, 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: 3/28/16

PRINTED NAME OF CURRENT OWNER/PETITIONER

Daphne Rudzick Robinson

DEVELOPER'S ACKNOWLEDGEMENT

I, Daphne Rudzick Robinson, 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: 3/28/16

Daphne Rudzick Robinson

PRINTED NAME OF DEVELOPER

PROPERTY ADDRESS OR PPIN#(s): 045670 and 045640

RUDICELL ROBINSON
ZONING AMENDMENT REVIEW

816 AND 818 MANCI AVENUE
DAPHNE, ALABAMA

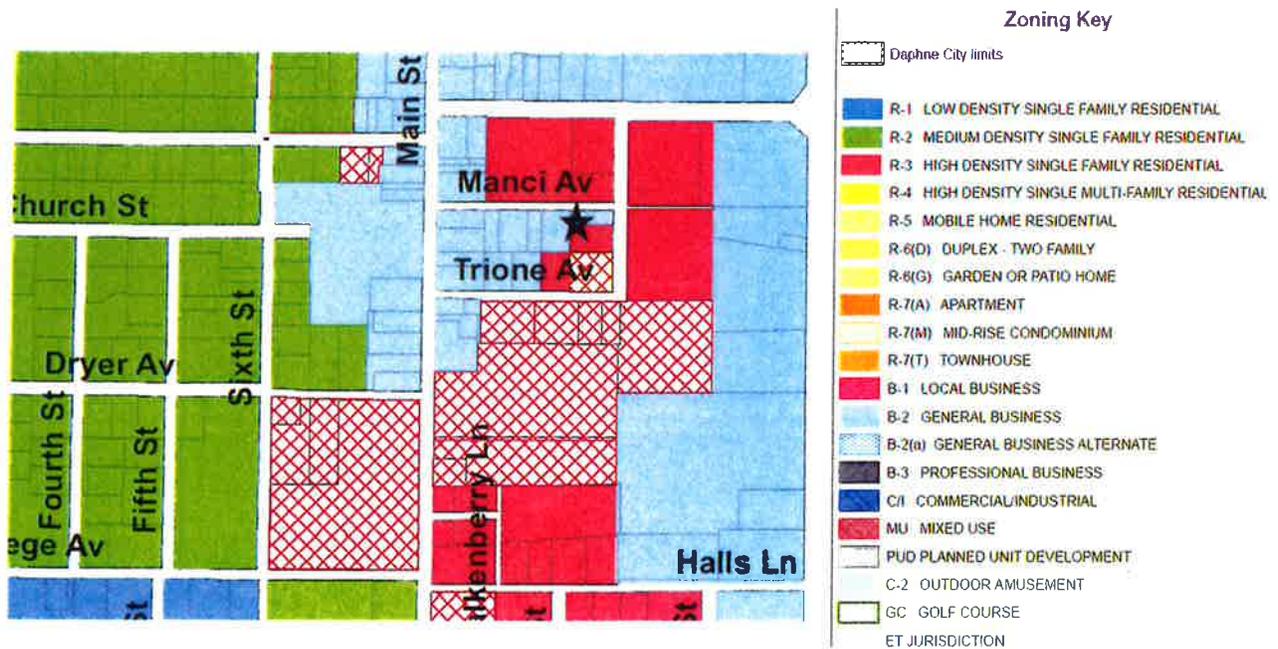
EXHIBIT "A"

STATE OF ALABAMA)
COUNTY OF BALDWIN)

DESCRIPTION OF PROPERTY TO BE REZONED AS MU MIXED USE

Lots 18, 19 and 20 in Block 2 of Mancini-Trione Addition to Daphne, Alabama, the Plat of which is recorded in Map Book 1 Page 41, in the office of the Judge of Probate of Baldwin County, Alabama.

PLANNING COMMISSION REZONING PETITION REVIEW



COMMUNITY DEVELOPMENT

Rezoning Request Daphne Rudicell-Robinson 0.5 acres

Owner: Daphne Rudicell-Robinson

Existing Conditions: 0.50 acres+/- Mixed use building (residential use upstairs/business use downstairs)

Existing Zoning: B-2, General Business District

Proposed Zoning: MU, Mixed Use District

Surrounding Zonings/Uses:

North – R-3, High Density Single-family Residential District/Daphne Post Office

South – R-3, High Density Single-family Residential District/Residential dwelling

East – R-3, High Density Single-family Residential District /Guarisco Street, Macedonia Baptist Church

West – B-2, General Business District/office

Existing Utility Service Providers:

Water – Daphne Utilities

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

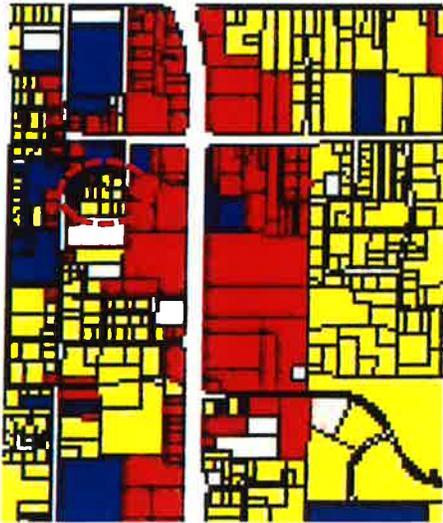
Baldwin County Schools—n/a

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

The Comprehensive Plan

In the *Land Use Conclusions* of the Comprehensive Plan, it states the following:

“Commercial development within the downtown area is recommended to be a mixture of retail, office, and municipal uses so that the downtown area remains active and economically viable and is not totally dependent upon one segment of the population for business. Every effort should be made to encourage versatility in the downtown area so that this historic resource is not lost. Furthermore, the downtown area is recommended to become a primary source of tourism revenues.”



The Future Land Use map does not reflect many of the zoning and use changes that have taken place since the plan's adoption. The map needs to be amended to show these changes, at the least. The current map shows this and other nonresidential uses as residential.

Staff Comments

This site is located within Olde Towne Daphne. Olde Towne Daphne is a unique combination of residential, institutional and commercial land uses. According to the provisions of Article 14-2, Olde Towne Daphne, certain zones are allowable; whereas other zones are no longer options:

14-2 USES PERMITTED

The following zoning districts provided herein established and most specifically defined in Article 12, Establishment of Districts: B-1, Local Business, B-2, General Business, B-3, Professional Business, R-4, Single Family and Multi-Family Residential, and MU, Mixed Use. Article 35, the Table of Permitted Uses and Conditions, outlines the restrictions for each district. (See also Article 12, Establishment of Districts). The Planning Commission shall no longer consider zoning or rezoning amendments for B-2, General Business or R-4 zoning districts. All existing B-2, General Business and R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided herein. For any new request, the following districts shall be considered in lieu of R-4: R-6(G) for all garden/patio homes developments; and, R-6(D) for duplexes.

Excerpt from ARTICLE XIV THE OLDE TOWNE DAPHNE DISTRICT

14-1 PURPOSE

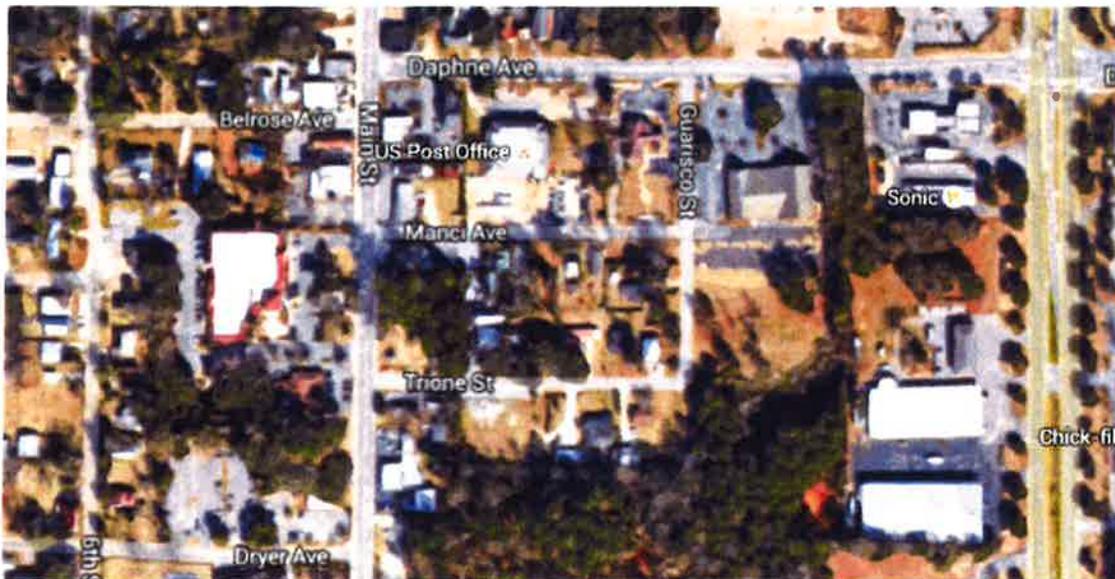
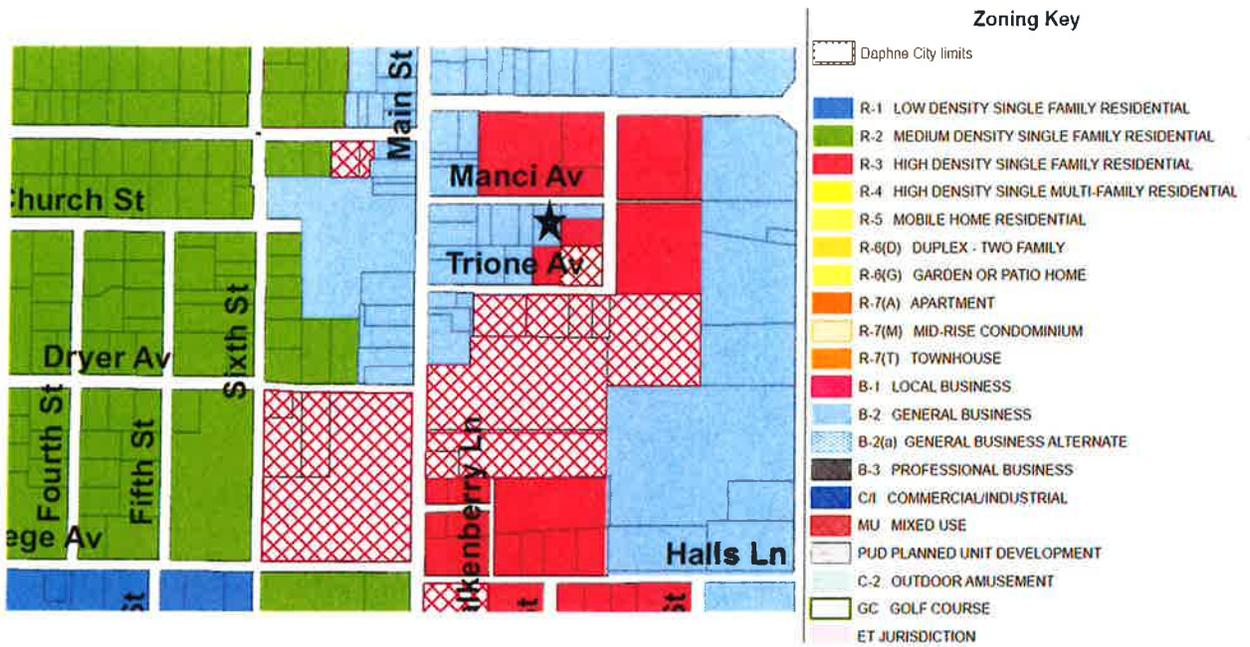
The intent of this Article is to provide for the creation of the district in order to establish minimum standards and provisions for residential, business, or commercial development in the areas outlined the map provided herein and to achieve a healthy, beautiful, and safe community by the following means:

- Aesthetics: Improve the appearance of all areas through the incorporation of innovative landscaping and open space into development in ways that harmonize and enhance the natural beauty of the environment.
- Land Values: Maintain and increase the value of land by incorporating innovative designs and criteria into development, thus becoming itself a valuable capital asset.
- Human Values: Provide direct and important physical and psychological benefits to human beings through the use of landscaping and tree preservation as a buffer zone between residential and business development to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.
- Improved Design: Promote innovative and cost conscious approach to the design and construction of the District.
- Improved Administration and Enforcement: Establish procedures and standards for the administration and enforcement of this Article.

Findings:

The subject property was rezoned at a time when business and residential uses were allowed in B-2, General Business. MU, Mixed Use district, is the most appropriate zone for such combination of uses. Rezoning the existing mixed use buildings from B-2 would be appropriate and it would be appropriate to rezone the undeveloped lot at the intersection of Guarisco Street and Mancie Avenue to MU. Land located at the intersection of Guarisco Street and Trione Avenue (south of Lot 18 --see zoning display) is already zoned MU.

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.



DANE HAYGOOD
MAYOR

REBECCA HAYES
CITY CLERK

ADRIENNE D. JONES
DIRECTOR/ZONING
ADMINISTRATOR



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

April 14, 2016

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for Daphne Rudicell Robinson consisting of 0.50 acres +/- located southwest of the intersection of Guarisco and Mancie Street to be rezoned from B-2, General Business, to MU, Multi Use.

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, April 20, 2016 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

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

Sincerely,
Adrienne D. Jones
Director of Community Development

Daphne Rudicell Robinson

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

**RUDICELL ROBINSON
REZONING REQUEST**

ADJACENT PROPERTY OWNER'S LIST

**810 Mancini Properties, LLC
Post Office Box 130
Daphne, Alabama 36526**

**Richard and Martha Taylor
27542 Lachlan Ct
Daphne, Alabama 36526**

**Howard Company, LLC
C/O Chason Wachter
118 General Canby Drive
Spanish Fort, Alabama 36527**

**J.C. Burnett
C/O Jackie Turner
23495 Co. Rd. 38
Summerdale, Alabama 36580**

**Virginia White
Post Office Box 114
Daphne, Alabama 36526**

**United States Post Office
808 Daphne Avenue
Daphne, Alabama 36526**

**Utilities Board of the City of Daphne
Post Office Box 130
Daphne, Alabama 36526**

**Macedonia Baptist Church
Post Office Box 385
Daphne, Alabama 36526**

**Daphne Rudicell Robinson
403 Dryer Avenue
Daphne, Alabama 36526**

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

**Ordinance to Rezone Property Located at the
Southwest of the intersection of Guarisco Street and Mancie Avenue
Daphne Rudicell Robinson**

WHEREAS, Daphne Rudicell Robinson 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 MU, Mixed Use District; and,

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

Legal Description:

Lots 18, 19 and 20 in Block 2 of Mancie-Trione Addition to Daphne, Alabama, the Plat of which is recorded in Map Book 1 Page 41, in the office of the Judge of Probate of Baldwin County, Alabama.

WHEREAS, at the special called City of Daphne Planning Commission meeting on May 5, 2016 the Commission considered said request and set forth a favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on June 20, 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 MU, Mixed Use 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

RUDICELL ROBINSON
ZONING AMENDMENT REVIEW

816 AND 818 MANCI AVENUE
DAPHNE, ALABAMA

EXHIBIT "A"

STATE OF ALABAMA)
COUNTY OF BALDWIN)

DESCRIPTION OF PROPERTY TO BE REZONED AS MU MIXED USE

Lots 18, 19 and 20 in Block 2 of Mancie-Trione Addition to Daphne, Alabama, the Plat of which is recorded in Map Book 1 Page 41, in the office of the Judge of Probate of Baldwin County, Alabama.

PLEASE Publish in the Bulletin Legal Section on Friday, May 20, 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 June 20, 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 MU, Mixed Use 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 Guarisco Street and Mancini Avenue
Daphne Rudicell Robinson**

WHEREAS, Daphne Rudicell Robinson 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 MU, Mixed Use District; and,

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

Legal Description:

Lots 18, 19 and 20 in Block 2 of Mancini-Trione Addition to Daphne, Alabama, the Plat of which is recorded in Map Book 1 Page 41, in the office of the Judge of Probate of Baldwin County, Alabama.

WHEREAS, at the special called City of Daphne Planning Commission meeting on May 5, 2016 the Commission considered said request and set forth a favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

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

PLEASE Publish in the Bulletin Legal Section on Friday, May 27, 2016

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given May 20, 2016, that the City Council of the City of Daphne will hold a Public Hearing on April 4, 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 MU, Mixed Use 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 Guarisco Street and Mancie Avenue
Daphne Rudicell Robinson**

WHEREAS, Daphne Rudicell Robinson 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 MU, Mixed Use District; and,

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

Legal Description:

Lots 18, 19 and 20 in Block 2 of Mancie-Trione Addition to Daphne, Alabama, the Plat of which is recorded in Map Book 1 Page 41, in the office of the Judge of Probate of Baldwin County, Alabama.

WHEREAS, at the special called City of Daphne Planning Commission meeting on May 5, 2016 the Commission considered said request and set forth a favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

MEMORANDUM

To: Office of the City Clerk

From: Adrienne D. Jones, 
Community Development Director

Subject: Proposed Amendments to Ordinance 2011-54,
Land Use and Development Ordinance, B-1
(a), Limited Local Business District

Date: May 11, 2016

At the May 5, 2016, special meeting of the City of Daphne Planning Commission, nine members were present. The motion to set forth a **favorable recommendation** carried unanimously of the above-mentioned revision to the Land Use and Development Ordinance.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, May 16, 2016 to set the public hearing for Monday, June 20, 2016.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Draft Ordinance

CITY OF DAPHNE

ORDINANCE NO. 2016-

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

**CREATING A NEW ZONING DISTRICT
B-1(a), LIMITED LOCAL BUSINESS DISTRICT**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, at the special called City of Daphne Planning Commission meeting on May 5, 2016 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, the B-1(a), Limited Local Business District, is to be a more restrictive subset of the existing B-1, Local Business District, B-1(a) is a new and separate zoning district with many of the same restrictions and conditions applicable to B-1; and,

WHEREAS, the B-1(a) zone might be appropriate in situations where the more extensive business districts would allow businesses that could threaten to have too adverse an impact on the surrounding neighborhood; and,

WHEREAS, the North American Industry Classification System (NAICS), most current edition was adopted as a reference to the Land Use & Development Ordinance, Ordinance 2011-54 as amended, as an expansion of uses similar in nature, but not expressly provided in the Table of Permitted Uses; and,

WHEREAS, it is the City's intent that any proposed use that is inconsistent with the provisions of Article XXXV or uses similar in nature thereto as found in the NAICS manual shall be considered as prohibited in any B-1(a), Limited Local Business District; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on June 20, 2016; and,

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

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

- A. Add B-1(a), Limited Local Business District, to Section 12-2, List of Zoning Districts and Section 14-2, Uses Permitted.
- B. Add B-1(a) to Section 12-4, Business Districts, and also renumber each subsequent subsection header accordingly.

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

**AN ORDINANCE AMENDING THE CITY OF DAPHNE, ALABAMA
LAND USE AND DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE
CITY COUNCIL ON JULY 18, 2011
CREATING A NEW ZONING DISTRICT
B-1(a), LIMITED LOCAL BUSINESS DISTRICT**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, at the special called City of Daphne Planning Commission meeting on May 5, 2016 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, the B-1(a), Limited Local Business District, is to be a more restrictive subset of the existing B-1, Local Business District, B-1(a) is a new and separate zoning district with many of the same restrictions and conditions applicable to B-1; and,

WHEREAS, the B-1(a) zone might be appropriate in situations where the more extensive business districts would allow businesses that could threaten to have too adverse an impact on the surrounding neighborhood; and,

WHEREAS, the North American Industry Classification System (NAICS), most current edition was adopted as a reference to the Land Use & Development Ordinance, Ordinance 2011-54 as amended, as an expansion of uses similar in nature, but not expressly provided in the Table of Permitted Uses; and,

WHEREAS, it is the City's intent that any proposed use that is inconsistent with the provisions of Article XXXV or uses similar in nature thereto as found in the NAICS manual shall be considered as prohibited in any B-1(a), Limited Local Business District; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on June 20, 2016; and,

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

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

- A. Add B-1(a), Limited Local Business District, to Section 12-2, List of Zoning Districts and Section 14-2, Uses Permitted.
- B. Add B-1(a) to Section 12-4, Business Districts, and also renumber each subsequent subsection header accordingly.

B-1(a), Limited Local Business District: This district is intended to allow a restricted variety of small retail stores as well as personal service establishments in or near residential neighborhoods. In general where B-1, Local Business District, is a permissible district so shall B-1(a), Limited Local Business District also be allowed. And, where B-1, Local Business District, is a prohibited district so shall B-1(a), Limited Local Business District also be prohibited.

- C. Add B-1(a) to Section 13-4, Requirements for lot area, width, coverage, density, height and other factors. Said requirements shall be the same standards as in a B-1, Local Business District.

B-1(a), Limited Local Business District: This district is intended to allow a restricted variety of small retail stores as well as personal service establishments in or near residential neighborhoods. In general where B-1, Local Business District, is a permissible district so shall B-1(a), Limited Local Business District also be allowed. And, where B-1, Local Business District, is a prohibited district so shall B-1(a), Limited Local Business District also be prohibited.

- C. Add B-1(a) to Section 13-4, Requirements for lot area, width, coverage, density, height and other factors. Said requirements shall be the same standards as in a B-1, Local Business District.
- D. Add B-1(a) to Section 13-6, Minimum zoning district setback requirements. Said requirements shall be the same standards as in a B-1, Local Business District.
- E. Add B-1(a) to Section 14-17, Setbacks. Said requirements shall be the same standard as in a B-1, Local Business District.
- F. Add B-1(a) to Section 19-9, Buffer zone requirements (a)(v) as follows: Where a business district, B-1, Local Business, B-1(a), Limited Local Business, or B-3, Professional Office, abuts any part of a residential district, a ten-foot-wide buffer zone shall be required.
- G. Add B-1(a) to Section 33-10, Permitted signs as follows: (c) Wall-mounted signs: Each establishment in a shopping center or each business premises in B-1, Local Business, B-1(a), Limited Local Business, B-2, General Business, B-3, Professional, and C/I, Commercial/Industrial, districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of three hundred fifty (350) square feet or thirty (30) percent of the surface frontal area of its building or portion of building.
- H. Add B-1(a) to 33-11, Schedule of permitted sign requirements. Said requirements shall be the same standard as in a B-1, Local Business District.
- I. Add B-1(a) to Section 36-16, Setbacks. Said requirements shall be the same standard as in a B-1, Local Business District.

SECTION II: THIS SECTION HEREBY ADDS TO AND AMENDS LAND USE AND DEVELOPMENT ORDINANCE ARTICLE XXXV, PERMITTED USES AND CONDITIONS AS FOLLOWS:

- A. Add B-1(a), Limited Local Business District, to the List of Districts in Section 35-2, List of districts and cross reference for R-4 designation.
- B. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in B-1(a), Limited Local Business District, the following uses as permissible by right:

Accessory buildings and uses, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met;

Apparel and accessory store; Appliance store; Art gallery or museum; Art supplies; Bakery, retail; Barber shop or beauty parlor; Book store; Camera and photographic supply store; Candy, nut and confectionery store; Catering shop or service; Churches and related accessory buildings; City Hall, police station, fire station, courthouse, federal office building and similar public building; Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business; Dairy products sales; Delicatessen; Drug Store; Dry goods or fabric store; Employee credit union office; Floor covering sales and service; Floral shop;

Fruit and produce, retail; Gift shop; Grocery store, retail; Hardware store, retail, wholesale, storage and sales; Hobby shop and supply store; Home occupation; Ice cream parlor; Interior decorating shop; Laboratory, medical or dental; Laundry, self-service; Laundry, and dry cleaning pick-up station; Leather goods or luggage goods store; Library; Loan office; Locksmith; Music store; News stand; Office buildings, general; Office buildings, professional; Office equipment and supplies, retail; Optician; Paint and wallpaper store; Photographic studio and/or processing; Shoe repair shop; Shoe store, retail; Sporting goods store; Studio for dance or music; Studio for professional work or teaching of fine arts such as photography, drama, speech and painting; Tailor shop; Toy store; Variety store.

- C. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in B-1(a), Limited Local Business District, the following uses as permissible upon approval of the Planning Commission:

Ambulance/EMS service; Bank, including drive-in bank; Cafe, grill, lunch counter and drive-in restaurant, and restaurant but not including night club, bar, tavern; Clinic, dental, medical or psychiatric for humans; Dry cleaning shop, including self-service; Fix-it shop, including small appliance repair; Funeral home, mortuary or undertaking establishment; Gymnasium, commercial; Printing, blueprinting, bookbinding, photostating, lithographing and publishing establishment; Temporary uses, including revival tents, sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed four (4) weeks in any calendar year; Art sculptures, statues, monuments; Business machines sales and service; Business school or college; College or university, provided that they are located on a lot fronting on an arterial street or road and that no building is located within 100 feet of any property line; Electric power substation; need not be enclosed within a structure, but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screen in most districts; Clinic, convalescent or nursing home, extended care facility or sanitarium for humans; Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails; Post office; Telephone exchange; Theater, indoor.

- D. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in B-1(a), Limited Local Business District the following uses as permissible upon approval of a Special Exception:

Pet shop; Picture framing and/or mirror silvering; Tourist home

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

SECTION III: CONFLICT WITH OTHER ORDINANCES

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

SECTION IV: SEVERABILITY

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

SECTION 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 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

PLEASE Publish in the Bulletin Legal Section on Friday May 20, 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 June 20, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring amendments to the Land Use and Development Ordinance / New Zone B-1 (a) as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

CITY OF DAPHNE

ORDINANCE NO. 2016-

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

**CREATING A NEW ZONING DISTRICT
B-1(a), LIMITED LOCAL BUSINESS DISTRICT**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, at the special called City of Daphne Planning Commission meeting on May 5, 2016 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, the B-1(a), Limited Local Business District, is to be a more restrictive subset of the existing B-1, Local Business District, B-1(a) is a new and separate zoning district with many of the same restrictions and conditions applicable to B-1; and,

WHEREAS, the B-1(a) zone might be appropriate in situations where the more extensive business districts would allow businesses that could threaten to have too adverse an impact on the surrounding neighborhood; and,

WHEREAS, the North American Industry Classification System (NAICS), most current edition was adopted as a reference to the Land Use & Development Ordinance, Ordinance 2011-54 as amended, as an expansion of uses similar in nature, but not expressly provided in the Table of Permitted Uses; and,

PLEASE Publish in the Bulletin Legal Section on Friday, May 27, 2016

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given on May 20, 2016, that the City Council of the City of Daphne will hold a Public Hearing on June 20, 2016 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring amendments to the Land Use and Development Ordinance / Sign Provisions as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

CITY OF DAPHNE

ORDINANCE NO. 2016-

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

**CREATING A NEW ZONING DISTRICT
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WHEREAS, the B-1(a) zone might be appropriate in situations where the more extensive business districts would allow businesses that could threaten to have too adverse an impact on the surrounding neighborhood; and,

1. **CALL TO ORDER:** 5:34 P.M.

2. **CALL OF ROLL:** LARRY CHASON, MARYBETH BERGIN, RON SCOTT, CHARLES SMITH, AND ED KIRBY (APPOINTED ON 4/28/16 MAYOR DANE HAYGOOD TO FILL THE UNEXPIRED TERM OF DWAYNE SMITH)

3. **APPROVAL OF MINUTES:**

Review of minutes for the regular meeting of March 24, 2016. (**TABLED TO THE MEETING OF MAY 26, 2016**)

4. **NEW BUSINESS:**

A. **SUBDIVISION EXEMPTION REVIEW:**

1. **File SRP16-03: (APPROVED)**

Subdivision: Replat of Lots 10 & 11, Edgemere Oaks

Zoning: *R-1, Low Density Single Family Residential District*

Location: Southwest of the intersection of Old County Road and Whiting Court, 319 and 321 Whiting Court

Area: 2.20 Acres \pm , (2) lots

Owner: Carolyn McLaughlin and Curry & Kay McWhorter

Surveyor: Geo Surveying - Matt Kountz

B. **SITE PLAN REVIEW:**

1. **File SP16-04: (APPROVED)**

Site: Belrose Office Building

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

Location: Southwest of the intersection of Main Street and Belrose Avenue

Area: 0.40 \pm Acres

Owner(s): Karl Gustafson

Engineer: Barton & Shumer - David Shumer

2. **File SP16-05: (APPROVED)**

Site: New Office Building for Fulcrum

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

Location: Southeast of the intersection of Main Street and Mancini Avenue

Area: 1.003 \pm Acres

Owner(s): HSC Perry City, L.L.C. - H. Ray Hix, Jr.

Developer: Fulcrum Construction Group, L.L.C.

Engineer: Jade Consulting - Trey Jinright

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

1. **CALL TO ORDER:** 5:00 P.M.
2. **CALL OF ROLL:** LARRY CHASON, MARYBETH BERGIN, RON SCOTT, CHARLES SMITH, TYRONE FENDERSON, CHIEF WHITE, HUDSON SANDEFUR, ED KIRBY AND WILLIAM SCULLY (ENTERED AFTER MEETING STARTED)
3. **APPROVAL OF MINUTES** - N/A
4. **NEW BUSINESS:**

A. PRELIMINARY/FINAL PLAT REVIEW:

1. **File SDPF16-07: PUBLIC HEARING (APPROVED)**

Subdivision: Allegri Two-Lot

Zoning(s): *B-3, General Business District, and B-4, Major Commercial District, Baldwin County District 15 , in the Extraterritorial Planning Jurisdiction of Daphne*

Location: Southwest of County Road 64 and 54
Area: 9.4 Acres \pm , (2) lots
Owner: Joseph A. Allegri, Jr. Properties II - Joseph Allegri, Jr.
Agent: Dyas, L.L.C. - Craig Dyas
Surveyor: The Woodlands Group - Justin Palmer

2. **File SDPF16-08: PUBLIC HEARING (APPROVED)**

Subdivision: Resubdivision of Lot 8, Austin Common Subdivision

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

Location: Northeast corner of Austin and Belforest Cemetery Road
Area: 3.25 Acres \pm , (2) lots
Owner: William Larry Easterling
Agent: Tom and Lynn Tomlinson
Surveyor: David Lowery Surveying - David Lowery

3. **File SDPF16-09: PUBLIC HEARING (APPROVED)**

Subdivision: Agee Place

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

Location: Northwest of Japonica Lane and Park Drive
Area: 0.99 Acres \pm , (2) lots
Owner: Donna Carlsburg
Agent: Barton & Shumer - David Shumer
Surveyor: Geo-Surveying - Matt Kountz

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

4. File SDPF16-10: PUBLIC HEARING (APPROVED)

Subdivision: W & R

Zoning(s): *M-1 Light Manufacturing District, Baldwin County District 10, in the Extraterritorial Planning Jurisdiction of Daphne*

Location: Southeast of the intersection of Alabama Highway 181 and Highway 31

Area: 3.2 Acres \pm , (2) lots

Owner: Richard Lacey and Patrick D'Olive

Surveyor: Bay Area Surveying - Jerry Perez

5. File SDPF16-11: PUBLIC HEARING (APPROVED)

Subdivision: DISC

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

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

Area: 73.76 Acres \pm , (7) lots

Owner: The Bills' No. 2, L.L.C. - Michael Bill

Developer: City of Daphne Industrial Development Board Member or representative of the City of Daphne

Agent: Preble-Rish - Steve Pumphrey

Surveyor: Preble-Rish - David Diehl

D. PRELIMINARY PLAT REVIEW:

1. File SDP16-01: PUBLIC HEARING (APPROVED)

Subdivision: Oldfield, Phase 2A

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

Location: South and west of Oldfield Subdivision, Phase One

Area: 18.63 Acres \pm , (30) lots

Owner(s): Red Barn, L.L.C. - Julio Corte, Jr.

Agent: Preble-Rish - Steve Pumphrey

Surveyor: Preble-Rish - David Diehl

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

E. PETITIONS:

ZONING AMENDMENT: (FAVORABLE RECOMMENDATION TO CITY COUNCIL)

1. **File ZA16-03:** **Daphne Rudicell Robinson PUBLIC HEARING**

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

Proposed Zoning(s): MU, Mixed Use

Location: Southwest of the intersection of Guarisco Street and Manci Avenue

Area: 0.50 Acres ±

Owner: Daphne Rudicell

F. PLANNING COMMISSION DISCUSSION:

Discussion regarding proposed land use amendments:

B-1 (a), Limited Local Business District, (Favorable recommendation to City Council)

5. **PUBLIC PARTICIPATION**
6. **ATTORNEY'S REPORT**
7. **COMMISSIONER'S COMMENTS**
8. **DIRECTOR'S COMMENTS**
9. **ADJOURNMENT: 7:04 P.M.**

Tazikis Mediterranean Cafe

CASE NO 2016-6

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 5-2-16 (Initial) aa

DATE FORWARDED TO POLICE DEPT. 5-2-16 aa

DATE RECEIVED BY POLICE DEPT. 5-4-16 JH

DATE: 5/4/16 APPROVED DISAPPROVED

POLICE DEPT SIGNATURE [Signature]

DATE RETURNED TO REVENUE DIV. 5-4-16 JH

DATE FORWARDED TO CITY CLERK 5-4-16 aa

DATE RECEIVED BY CITY CLERK 5-4-16 RH

SCHEDULED DATE ON AGENDA 5-16-16 RH

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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

*Please review + send approval to
Revenue @ 251-621-6904
Thank you!*



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD**



**ALCOHOL LICENSE APPLICATION
Confirmation Number: 20160427140023172**

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **EASTERN SHORE ASSOCIATES LLC 203-969-5115**
 What is lessors primary business? **REAL ESTATE INVESTMENT**
 Is lessor involved in any way with the alcoholic beverage business? **NO**
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**
 Is the business used to habitually and principally provide food to the public? **YES**
 Does the establishment have restroom facilities? **YES**
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
 Building Dimensions Square Footage: **3095** Display Square Footage:
 Building seating capacity: **116** Does Licensed premises include a patio area? **YES**
 License Structure: **ONE STORY** License covers: **ENTIRE STRUCTURE**
 Location is within: **CITY LIMITS** Police protection: **CITY**

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

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD



ALCOHOL LICENSE APPLICATION
Confirmation Number: 20160427140023172

Initial each

Signature page

MH

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

MH

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

MH

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

MH

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

MH

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

MH

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

MH

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

MH

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

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

MH

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

Applicant Name (print): *Mark Hemby*

Signature of Applicant: *Mark H. Hemby*

Notary Name (print): Betty G. Dean

Notary Signature: *Betty G. Dean*

Commission expires: 01/13/2019

Application Taken: App. Inv. Completed:

Submitted to Local Government:

Forwarded to District Office:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:

Receipt Confirmation Page

Receipt Confirmation Number: **20160427140023172**
Application Payment Confirmation Number: 24935110

Payment Summary	
Payment Item	Fee
Application Fee for License 040 and License 060	\$100.00
Total Amount to be Charged	\$100.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
040 - RETAIL BEER (ON OR OFF PREMISES)	\$75.00	\$150.00	\$225.00
060 - RETAIL TABLE WINE (ON OR OFF PREMISES)	\$75.00	\$150.00	\$225.00
Total Amount to be Charged	\$150.00	\$300.00	\$450.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 040 - RETAIL BEER (ON OR OFF PREMISES)
License Type 2: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES)
License County: BALDWIN
Business Type: LLC
Trade Name: **TAZIKIS MEDITERRANEAN CAFE**
Applicant Name: **HEMBY FOODS 1 LLC**
Location Address: 1539 HWY 98; SUITE 201
DAPHNE, AL 36526

Mailing Address: 110 MCINTOSH BLUFF ROAD
FAIRHOPE, AL 36532

Contact Person: MARK HEMBY
Contact Home Phone: 251-517-7714
Contact Business Phone: 251-273-3337
Contact Fax:
Contact Cell Phone: 205-420-3765
Contact Email Address:
Contact Web Address:



City of Daphne Event Permit Application

Date of Application: May 9, 2016 Permit Requested: Event/Fundraiser Parade/Run Band

Contact Information

Organization Name: American Foundation for Suicide Prevention

Contact Name: Lydia Barber E-mail Address: jlbarber5@bellsouth.net

Address: 606 Oak Ridge West, Daphne, AL 36526

Primary Phone Number: 251-626-6099 Secondary: 251-455-6453

Event Information

Event Name: Eastern Shore Out of the Darkness Walk Event Date: October 16, 2016

Event Location: Downtown Daphne "See Map" # Participants/Vehicles: 500/200

Start Time: 1:00 p.m. Stop Time: 4:00 p.m. Assembly Time: 10:00 a.m. (Setup)

Special Requests: Assembly in front of City Hall; Sidewalks Only

Road Closures Requested: Yes No

Special Instructions

Approval: Internal Use Only

Date Routed: May 9, 2016

Fire Dept: [Signature]

Police Dept: [Signature]

Public Works: [Signature]

Parks & Recreation: [Signature]

Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Council Member: _____
District # Signature

For Parade/Run Permits & Use of City Grounds:

City Council: _____
Date of Approval

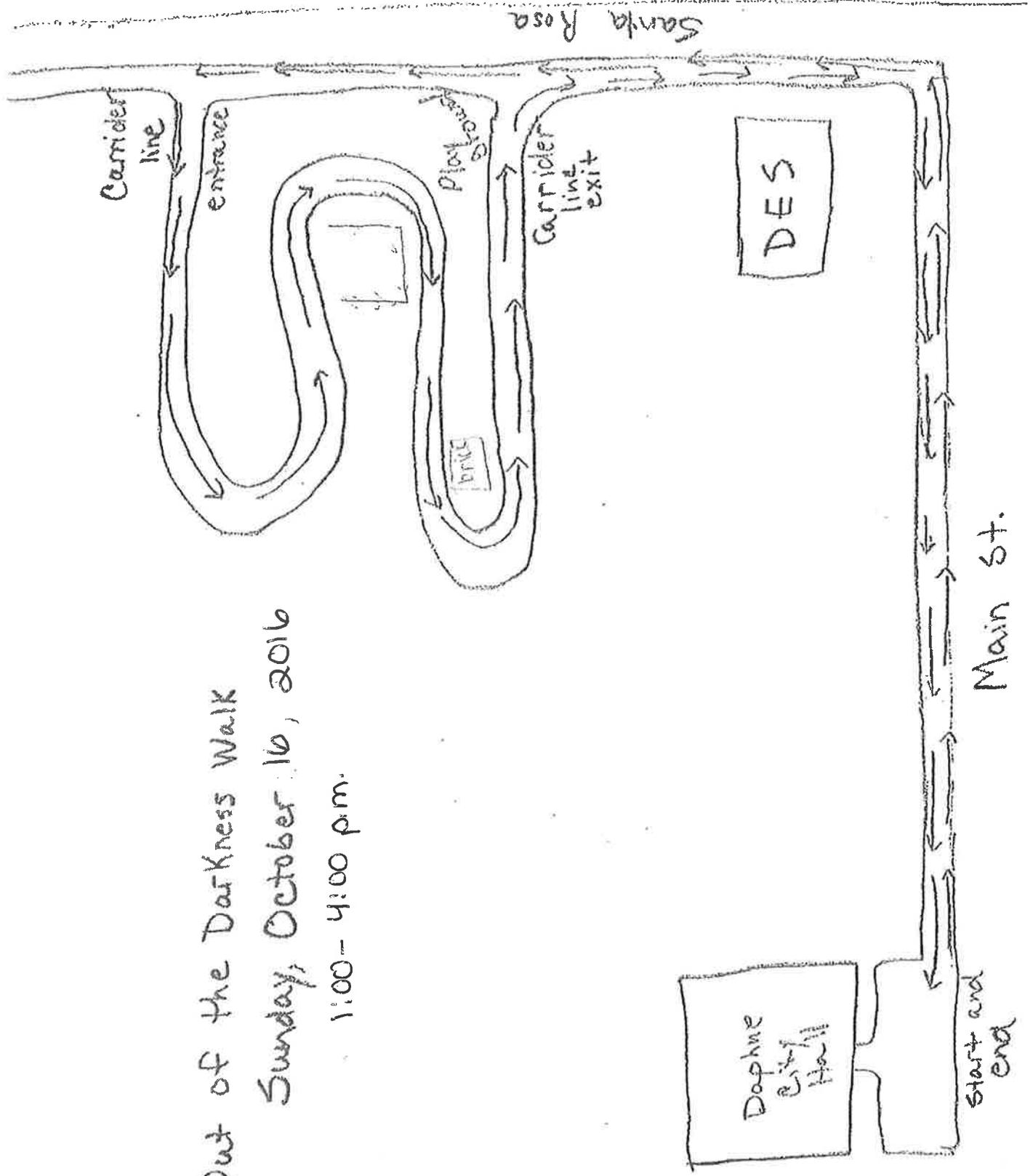
Parade/Run Permits ONLY

Fee Paid: \$ _____ N/A Waived

Insurance Filed N/A

Route Selection: 1 2 3 4

Out of the Darkness Walk
 Sunday, October 16, 2016
 1:00 - 4:00 p.m.



RESOLUTION 2016 - 32

A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING DISPOSITION FOR DONATION

WHEREAS, the City of Daphne has determined that there are some older vehicles that are no longer required for public or municipal purposes; and

WHEREAS, such vehicles have been replaced with newer vehicles and are no longer used by the City; and

WHEREAS, the City of Prichard provide a certain quality of life services to their citizens.

WHEREAS, the City of Daphne supports the efforts of surrounding municipalities; and

WHEREAS, the City of Daphne has determined that the City of Prichard can utilize these four vehicles; and

WHEREAS, these four Ford Crown Vic vehicles (#199, #407, #3080 & #1090) are recommended for disposal;

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

- 1- The following property is hereby declared to be surplus property
and
- 2- The Mayor is authorized to donate the four (4) Ford Crown Vics listed below to City of Prichard for their public safety department:

DEPT	EQ/VEH#	DESCRIPTION	VIN
PD Admin	199	1999 FORD CROWN VIC	2FAFP71WXXX113652
Patrol	407	2007 FORD CROWN VIC	2FAFP71W07X148832
Patrol	3080	2008 FORD CROWN VIC	2FAFP71V08X161038
Patrol	1090	2009 FORD CROWN VIC	2FAHP71V59X100651

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

RESOLUTION 2016 - 33

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

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

WHEREAS, the items listed below are recommended for disposal.

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

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

DEPT	EQ/VEH#	DESCRIPTION	VIN / SN
FD-Xfer from Mowing	1171	2006 JD 1445 SERIES II 4WD MOWER- 62" DECK	TC1445D060752
FD	7073	Dyna Pro X Generator FDGEN8401 MDL#DX4500R	65559888
FD		24' Extension Ladder	261836
FD		10' Attic Ladder	

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

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

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE

RESOLUTION 2016-34

P R O C L A M A T I O N

“National Safe Boating Week” May 21-27, 2016

WHEREAS, for nearly 90 million Americans, boating continues to be a popular recreational activity. From coast to coast, and everywhere in between, people are taking to the water and enjoying time together boating, sailing, paddling, and fishing.

WHEREAS, proper planning for a day of boating begins even before leaving the home. Getting a free vessel safety check and taking a safe boating course at the beginning of the boating season, filing a float plan with a trusted family member or friend, and checking the weather before boating are key steps to an enjoyable time boating. Every boater should wear a U.S. Coast Guard-approved life jacket at all times while boating. Drowning remains the number one cause of death for recreational boaters each year, and the majority of drowning victims in recreational boating accidents are not wearing a life jacket. Safe and responsible boating includes never operating a boat while under the influence of drugs or alcohol and knowing basic navigation rules.

WHEREAS, National Safe Boating Week is observed to bring attention to important life-saving tips for recreational boaters so that they can have a safer, more fun experience out on the water.

WHEREAS, on average, 650 people die each year in boating-related accidents in the U.S.; approximately three-fourths of these are fatalities caused by drowning; and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, today’s life jackets are more comfortable, more attractive, and more wearable than styles of years past.

NOW THEREFORE, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA do hereby support the goals of the North American Safe Boating Campaign (***Wear It!***) and proclaim May 21-27, 2016 as National Safe Boating Week, and the start of the year-round effort to promote safe boating, and encourage all those who boat to ***“Wear It!”*** and practice safe boating habits.

In witness whereof, I have hereunto set my hand and caused the Seal of the City of Daphne, Alabama to be affixed on this 16th day of May, 2016.

Dane Haygood, Mayor

Attest:

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE

RESOLUTION 2016-35

P R O C L A M A T I O N

“Public Works Week” May 15-21, 2016

WHEREAS, National Public Works Week is a celebration of the tens of thousands of men and women in the United States who provide and maintain infrastructure and services collectively known as public works; and

WHEREAS, the City of Daphne seeks to raise the public’s awareness of public works issues and to acknowledge public works employees who are dedicated to improving the quality of life for present and future generations; and

WHEREAS, public works services provided in our community are an integral part of our resident’s everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of our public works systems and programs such as streets, solid waste & recycling collection, grounds & mowing departments, building maintenance & mechanical; and

WHEREAS, this year’s theme “Public Works Always There” showcases the pervasiveness of Public Works, to the men and women of the profession who are always there and always ready; and

WHEREAS, the Public Works Department will host its annual Equipment Show at Lott Park on Wednesday, May 18, 2016 from 10:00 a.m. to 1:00 p.m.

NOW, THEREFORE, THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA do here by proclaim the week of May 15-21, 2016 as, ***“National Public Works Week”*** in the City of Daphne, and call upon all citizens and civic organizations to acquaint themselves with our public works department and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.

In witness whereof, I have hereunto set my hand and caused the Seal of the City of Daphne, Alabama to be affixed on this 16th day of May, 2016.

Dane Haygood, Mayor

Attest:

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE

Resolution 2016-36

Adoption of the Americans with Disabilities Act Transition Plan

WHEREAS, the Federal Government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, the City of Daphne, Alabama City Council in Compliance with Title II of the Americans with Disabilities Act is required to address the subject of ensuring that the City of Daphne services and facilities are accessible to those with disabilities; and

WHEREAS, the City of Daphne now desires to adopt the “ADA Transition Plan” attached hereto as Exhibit “A” and including any attachments thereto, said exhibit being by reference fully included in this resolution as if specifically set out herein; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the said “ADA Transition Plan” is hereby adopted by the City of Daphne, Alabama.

APPROVED AND ADOPTED this _____ **DAY OF** _____, **2016.**

ATTEST:

Dane Haygood, Mayor

Rebecca A. Hayes, City Clerk



Americans with Disabilities Act Transition Plan for the City of Daphne

May 1, 2016

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Introduction

The Federal Government enacted the Americans with Disabilities Act ("ADA") on July 26, 1990. The ADA protects the rights of those with disabilities in employment, access to State and local government services, places of public accommodation, transportation, and other important areas of American life. The Architectural and Transportation Barriers Compliance Board (Access Board) has also Proposed Accessibility Guidelines for the Design, Construction, and Alteration of Pedestrian Facilities in the Public Right-of-Way (PROWAG). Those guidelines ensure that sidewalks, pedestrian street crossings, pedestrian signals, and other facilities for pedestrian circulation and use constructed or altered in the public right-of-way by state and local governments are readily accessible to and usable by pedestrians with disabilities. The purpose of this ADA Transition Plan is to ensure program accessibility for citizens within the City of Daphne who may have limited access.

Administration

All communication and administration of this Transition Plan shall be carried out by the designated ADA Coordinator. The City of Daphne has designated William Eringman as the ADA Coordinator. He retains this responsibility concurrently with his position as the Deputy Director of Public Works. He may be contacted by phone at (251) 621-3182 or via email at weringman@daphneal.com.

Public Participation and Grievance Procedure

Public participation and notification of grievances are integral to this Transition Plan. Opportunities for the community to learn about and make comments on how the City of Daphne is working to comply with ADA/PROWAG requirements are provided during Public Works committee meetings and regular city council meetings. The public may also contact City Hall at (251) 621-9000 to make any comments or recommendations concerning this Transition Plan or accessibility throughout the city.

Complaints about access to public services and/or facilities in the City of Daphne should be submitted in writing to city hall. An ADA Complaint/Grievance Form may be obtained from City Hall in paper or digital format and is attached to this report in Appendix A. Those who may not be able to submit a form in writing or by email may contact City Hall by phone for assistance at (251) 621-9000. Citizens may also access grievance forms, news, and information concerning this ADA transition plan online at www.daphneal.com/residents/public-works.

Self-Evaluation, Inventory, and Assessment

The City of Daphne has performed a self-evaluation and collected data concerning the existing access throughout the city. The purpose of this data is to provide an inventory of those areas which have limited access within the city and may be noncompliant with ADA/PROWAG standards. The

data has been compiled and the results are attached in Appendix B. Data collected from this assessment enables city staff to: 1) determine if existing pedestrian access within public right of way meets intended design specifications and guidelines; 2) document feature and maintenance information; 3) identify portions of sidewalks or pedestrian access areas within public right of way requiring modifications, 4) quantify the extent of the work required; and, 5) include and update the data in the City's database. The barrier ranking analysis used in this process took into account usage, severity, and proximity to key facilities which the City believes responds to the needs of people with disabilities in the community.

The inventory was developed using aerial mapping and field investigation. A list of existing access locations was then created from the investigation. The access points were then evaluated considering ADA/PROWAG requirements. Each access point was then given a rating using the following system:

Green – No deficiencies

Yellow – Minor deficiencies, Low to Moderate Severity, Low to Moderate Usage, Considerable distance from public facilities.

Red – Major deficiencies, High Severity, High Usage, Close proximity to public facilities

Access points which were highly traveled and contained major deficiencies within close proximity to public facilities were given priority for barrier removal. Any of the access points which are of public grievance will also be given priority in barrier removal. Scheduling and budget allocation were based upon the rating and priority resulting from the assessment of each access location. A list of the access points, locations, ratings, and scheduling are given in Appendix B.

Design Standards and Specifications

All facilities, services, and programs within the Right-of-Way of the City of Daphne should be planned and designed in accordance with the City's Land Use and Development Ordinance as well as the most current Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) regulations and standards.

Funding and Schedule

The City of Daphne will use capital improvement funds to repair, modify, or reconstruct the facilities in the public right of way listed in our access inventory. The city plans to spend near \$15,000 per year for these improvements. See Appendix B for individual locations, estimated costs, and schedule of barrier removal.



City of Daphne ADA Complaint/Grievance Form

Please complete and return to: City of Daphne, ADA Coordinator, P.O. Box 400 Daphne, AL 36526. By request, reasonable accommodation will be provided in completing this form, or copies of the form will be provided in alternative formats. Contact the ADA Coordinator at the address listed above, via telephone (251) 621-3182, fax (251) 621-3189, e-mail: weringman@daphneal.com

+ Name of Complainant: _____

(If someone other than complainant is filling out form, please state relationship above)

+ Street Address of Complainant: _____

+ City: _____ State: _____ Zip: _____

+ Phone: _____ Email: _____

+ Street Address/Location of Complaint – Please be as specific as possible as to the location:

+ Please describe complaint (attach additional pages, if necessary): _____

+ Please describe below what you think may be done to resolve the complaint:

Signature: _____ Date: _____

APPENDIX B - ACCESS INVENTORY

Main Board or Location	Intersecting Board	No. of Pedestrians	Close to Public Facility	Highly Traveled	Rating	Types of Barriers/Noted	Barrier Removal	Schedule of Barrier Removal	Estimated Cost
College Ave	Sixth Street	3	Yes	No	Red	Missing, wrong material, inadequate size of location; Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, faded, or outdated markings	Retrify, replace, or install the detectable surface; Remove or relocate obstructions; Replace or install correct markings	FP2017	\$3,575.00
College Ave	Fifth Street	3	Yes	No	Red	Missing, wrong material, inadequate size of location; Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, faded, or outdated markings	Retrify, replace, or install the detectable surface; Remove or relocate obstructions; Replace or install correct markings	FP2017	\$3,775.00
College Ave	Fourth Street	3	Yes	No	Red	Missing, wrong material, inadequate size of location; Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, faded, or outdated markings	Retrify, replace, or install the detectable surface; Remove or relocate obstructions; Replace or install correct markings	FP2017	\$3,225.00
College Ave	Third Street	3	Yes	No	Red	Missing, wrong material, inadequate size of location; Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, faded, or outdated markings	Retrify, replace, or install the detectable surface; Remove or relocate obstructions; Replace or install correct markings	FP2017	\$3,225.00
College Ave	Old Cunny Rd	3	Yes	No	Red	Missing, wrong material, inadequate size of location; Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, faded, or outdated markings	Retrify, replace, or install the detectable surface; Remove or relocate obstructions; Replace or install correct markings	FP2018	\$3,225.00
Main St.	Daphne Civic Center	2	Yes	Yes	Red	Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Unstable route	Remove or relocate obstructions; Re-grade the route to comply	FP2018	\$2,750.00
Daphne Ave	Garrison St	2	Yes	Yes	Red	Missing, wrong material, inadequate size of location; Missing, faded, or outdated markings	Retrify, replace, or install the detectable surface; Replace or install correct markings	FP2018	\$2,600.00
Dryer Ave	Sixth Street	2	Yes	No	Red	Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, wrong material, inadequate size of location	Retrify, replace, or install the detectable surface; Remove or relocate obstructions	FP2018	\$2,600.00
Captain O'Neal Dr	College Ave	1	Yes	Yes	Red	Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.	Remove or relocate obstructions	FP2018	\$1,750.00
Captain O'Neal Dr	Dryer Ave	1	Yes	Yes	Red	Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.	Remove or relocate obstructions	FP2018	\$1,750.00
Main St.	Margolia Ave	1	Yes	Yes	Red	Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, wrong material, inadequate size of location	Remove or relocate obstructions; Retrify, replace, or install the detectable surface	FP2019	\$4,125.00
Main St.	College Ave	1	Yes	Yes	Red	Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, wrong material, inadequate size of location	Remove or relocate obstructions; Retrify, replace, or install the detectable surface	FP2019	\$1,500.00
Main St.	Dryer Ave	1	Yes	Yes	Red	Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, wrong material, inadequate size of location	Remove or relocate obstructions; Retrify, replace, or install the detectable surface	FP2019	\$3,500.00
Main St.	Daphne Ave	1	Yes	Yes	Red	Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, wrong material, inadequate size of location	Remove or relocate obstructions; Retrify, replace, or install the detectable surface	FP2019	\$3,500.00
Main St.	Belrose Ave	1	Yes	Yes	Red	Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, wrong material, inadequate size of location	Remove or relocate obstructions; Retrify, replace, or install the detectable surface	FP2020	\$4,000.00
Main St.	Whispering Pines Rd	1	Yes	Yes	Red	Missing, wrong material, inadequate size of location	Retrify, replace, or install the detectable surface	FP2020	\$375.00
North Main St.	Pinehill Road	1	Yes	Yes	Red	Missing, wrong material, inadequate size of location	Retrify, replace, or install the detectable surface	FP2020	\$375.00
North Main St.	Vega Cir	1	Yes	No	Red	Missing, wrong material, inadequate size of location	Retrify, replace, or install the detectable surface	FP2020	\$375.00
Main St.	Shenwood Ln	3	No	No	Red	Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, wrong material, inadequate size of location	Remove or relocate obstructions; Re-grade the route to comply; Retrify, replace, or install the detectable surface	FP2020	\$1,500.00
Captain O'Neal Dr	Dunford Hill Ct	3	No	No	Red	Missing, wrong material, inadequate size of location; Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, faded, or outdated markings	Retrify, replace, or install the detectable surface; Remove or relocate obstructions; Replace or install correct markings	FP2020	\$2,000.00
Captain O'Neal Dr	Beall Ln	3	No	No	Red	Missing, wrong material, inadequate size of location; Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, faded, or outdated markings	Retrify, replace, or install the detectable surface; Remove or relocate obstructions; Replace or install correct markings	FP2020	\$2,000.00
Captain O'Neal Dr	Beall Ln	3	No	No	Red	Missing, wrong material, inadequate size of location; Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, faded, or outdated markings	Retrify, replace, or install the detectable surface; Remove or relocate obstructions; Replace or install correct markings	FP2020	\$4,000.00
Belrose Ave	Sixth Street	3	No	No	Red	Missing, wrong material, inadequate size of location; Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, faded, or outdated markings	Retrify, replace, or install the detectable surface; Remove or relocate obstructions; Replace or install correct markings	FP2021	\$3,500.00
Dryer Ave	Fourth Street	3	No	No	Red	Missing, wrong material, inadequate size of location; Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, faded, or outdated markings	Retrify, replace, or install the detectable surface; Remove or relocate obstructions; Replace or install correct markings	FP2021	\$1,800.00
North Main St.	Van Buren St	2	No	No	Red	Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, wrong material, inadequate size of location	Remove or relocate obstructions; Retrify, replace, or install the detectable surface	FP2021	\$1,500.00

APPENDIX B - ACCESS INVENTORY

Main Road or Location	Intersecting Road	No. of Deficiencies	Close to Public Facility	Highly Traveled	Ramp	Types of Barriers/Marked	Barrier Removal	Schedule of Barrier Removal	Estimated Cost
North Main St.	D'Olive Blvd	2	No	No	Red	Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, wrong materials, inadequate size or location	Remove or relocate obstructions; Retrofit, replace, or install the detectable surface	FY2021	\$1,500.00
Whispering Pines Rd	Brookhaven Dr	2	No	No	Red	Missing, wrong materials, inadequate size or location; Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.	Retrofit, replace, or install the detectable surface; Remove or relocate obstructions	FY2021	\$1,500.00
Whispering Pines Rd	N Main	2	No	No	Red	Missing, wrong materials, inadequate size or location; Missing, faded, or outdated markings	Retrofit, replace, or install correct markings	FY2021	\$1,500.00
Deer Ave	Main Street	2	No	No	Red	Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, wrong materials, inadequate size or location	Retrofit, replace, or install the detectable surface; Remove or relocate obstructions	FY2021	\$1,500.00
Deer Ave	Old County Rd	2	No	No	Red	Missing, wrong materials, inadequate size or location; Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, faded, or outdated markings	Retrofit, replace, or install the detectable surface; Remove or relocate obstructions; Replace or install correct markings	FY2021	\$2,000.00
Old County Rd	Mangolia Ave	2	No	No	Red	Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, faded, or outdated markings	Remove or relocate obstructions; Replace or install correct markings	FY2022	\$1,500.00
Dryer Ave	Fifth Street	2	No	No	Red	Missing, wrong materials, inadequate size or location; Missing, faded, or outdated markings	Retrofit, replace, or install the detectable surface; Replace or install correct markings	FY2022	\$1,500.00
Main St.	Johnson Rd/Ryan Ave	1	No	No	Red	Sidewalk Cracks	Repair areas of cracking	FY2022	\$1,000.00
Main St.	Holy Cross	2	No	No	Yellow	Missing, faded, or outdated markings; Missing, wrong materials, inadequate size or location	Replace or install correct markings; Retrofit, replace, or install the detectable surface	FY2022	\$1,500.00
Main St.	Ryan Ave	1	No	No	Yellow	Missing, wrong materials, inadequate size or location	Retrofit, replace, or install the detectable surface	FY2022	\$1,000.00
Main St.	Johnson Rd	1	No	No	Yellow	Missing, wrong materials, inadequate size or location	Retrofit, replace, or install the detectable surface	FY2022	\$375.00
Main St.	Van Ave	1	No	No	Yellow	Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, wrong materials, inadequate size or location	Remove or relocate obstructions; Retrofit, replace, or install the detectable surface	FY2022	\$1,500.00
Main St.	Wells Fargo	1	Yes	Yes	Yellow	Missing, wrong materials, inadequate size or location	Retrofit, replace, or install the detectable surface	FY2022	\$375.00
Main St.	Trace Crossing	1	No	No	Yellow	Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, wrong materials, inadequate size or location	Remove or relocate obstructions; Retrofit, replace, or install the detectable surface	FY2022	\$1,000.00
Main St.	Oak Ridge CLE	1	No	No	Yellow	Signs, limbs, mailboxes, hydrants, furniture, drainage structures, etc.; Missing, wrong materials, inadequate size or location	Remove or relocate obstructions; Retrofit, replace, or install the detectable surface	FY2022	\$1,500.00
Whispering Pines Rd	Church	1	No	No	Yellow	Missing, wrong materials, inadequate size or location	Retrofit, replace, or install the detectable surface	FY2022	\$375.00
North Main St.	Jason Cir	1	No	No	Yellow	Missing, wrong materials, inadequate size or location	Retrofit, replace, or install the detectable surface	FY2022	\$375.00
Wilson Ave	McPhillips Dr	1	No	No	Yellow	Missing, wrong materials, inadequate size or location	Retrofit, replace, or install the detectable surface	FY2022	\$375.00
Wilson Ave	Kensington Pl.	1	No	No	Yellow	Missing, wrong materials, inadequate size or location	Retrofit, replace, or install the detectable surface	FY2022	\$375.00
Wilson Ave	Dolphin St.	1	No	No	Yellow	Missing, wrong materials, inadequate size or location	Retrofit, replace, or install the detectable surface	FY2022	\$375.00
Wilson Ave	WATSLIN	1	No	No	Yellow	Missing, wrong materials, inadequate size or location	Retrofit, replace, or install the detectable surface	FY2022	\$375.00
Old County Rd	Church Ave	1	No	No	Yellow	Missing, faded, or outdated markings	Replace or install correct markings	FY2022	\$600.00
Old County Rd	Lee Ave	1	No	No	Yellow	Missing, faded, or outdated markings	Replace or install correct markings	FY2022	\$600.00
Dryer Ave	Old County Rd	1	No	No	Yellow	Missing, faded, or outdated markings	Replace or install correct markings	FY2023	\$600.00
Whispering Pines Rd	Straford Glen Dr	1	No	No	Yellow	Missing, wrong materials, inadequate size or location	Retrofit, replace, or install the detectable surface	FY2023	\$375.00
Main St.	Professional Pl.	0	No	No	Green				
Main St.	Lee Ave	0	No	No	Green				
Main St.	Federal Ave	0	No	No	Green				
Main St.	SARIS ROSS AVE	0	Yes	Yes	Green				
Main St.	CHATEAUGUY DR	0	No	No	Green				
Main St.	JACKSON SQ	0	No	No	Green				
Main St.	WINDSOR DR	0	No	No	Green				
North Main St.	JACKSON ST	0	No	No	Green				
North Main St.	HARRISON ST	0	No	No	Green				
North Main St.	LINDIN ST	0	No	No	Green				
North Main St.	CHEVRIERE LN	0	No	No	Green				
North Main St.	GRANT ST	0	No	No	Green				
North Main St.	ESSAY ST	0	No	No	Green				

APPENDIX B - ACCESS INVENTORY

Main Road or Location	Intersecting Road	No. of Driveways	Close to Public Facility	Highly Traveled	Rating	Types of Barriers/Wed	Barrier Removal	Schedule of Barrier Removal	Estimated Cost
Daphne Ave	Conover St	0	No	No	Green				
Wilson Ave	Locke Ln	0	No	No	Green				
Whispering Pines Rd	Caroline Ave	0	No	No	Green				
Whispering Pines Rd	Old Spanish Trail	0	No	No	Green				
Whispering Pines Rd	Juniper Cir	0	No	No	Green				
Deer Ave	Captain O'Neal Dr	0	Yes	No	Green				
Old County Rd	Berose Ave	0	Yes	No	Green				
Berose Ave	Old County Rd	0	Yes	Yes	Green				
Main St.	Wilson Ave	0	Yes	Yes	Green				
Subdivisions									
Ashley Ct	Ashley Woods	0	Yes	No	Green				
Longue Vue Blvd	French Settlement	0	No	No	Green				
Selby Blvd	Selby	0	No	No	Green				
Ottawa Dr	Ottawa	0	No	No	Green				
Brookings Dr	Brookings	0	No	No	Green				
Stratford Glen Dr	Stratford Glen	0	Yes	No	Green				
Creekwood Dr	Creekwood	0	No	No	Green				
Dunmore Dr	Dunmore	0	No	No	Green				
Belison Ave	Belison	0	No	No	Green				
Old Field	Old Field	0	No	No	Green				
Potters Mill	Potters Mill	0	No	No	Green				
Timbercreek	Timbercreek	0	No	No	Green				
Parks									
Bayfront Park	Bayfront Park Dr	0	Yes	Yes	Green				
batrose beach park	Berose Ave	0	Yes	Yes	Green				
Centennial Park	Main St	0	Yes	Yes	Green				
City Hall	Mains St	0	Yes	Yes	Green				
City Center	Hwy 98	0	Yes	Yes	Green				
Daphne Access Park	Carmelia Ln	0	Yes	Yes	Green				
Meadley Park	College Ave	0	Yes	Yes	Green				
Fire Stations	All	0	Yes	Yes	Green				
Daphne Sport Complex	Park Dr	0	Yes	Yes	Green				
Animal Shelter	Johnson Rd	0	Yes	Yes	Green				
Talent Lane Facility	Talent Ln	0	Yes	Yes	Green				
Village Point Park Reserve	Main St	0	Yes	Yes	Green				

RESOLUTION 2016-xx

**A RESOLUTION OF THE COUNCIL OF THE CITY OF DAPHNE, ALABAMA
ADOPTING THE AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY
GUIDELINES FOR STANDARDS FOR ACCESSIBLE DESIGN AND GUIDELINES FOR
PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-OF-WAY (PROWAG)**

WHEREAS, the Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and

WHEREAS, Title II of the ADA recommends that municipalities adopt the Americans with Disabilities Guidelines for Pedestrian Facilities in the Public Right-of- Way (PROWAG) that provide accessibility, through proposed structural modifications to remove accessibility barriers; and

WHEREAS, the United States Department of Justice recently modified the ADA Standards for the Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) in 2011; and

WHEREAS, the City of Daphne remains committed to the elimination of barriers to public facilities within the right of way; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Daphne hereby adopts the 2011 Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG) and will adhere to any future revisions.

**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

RESOLUTION 2016-37

**FINANCIAL MANAGEMENT POLICIES:
INVESTMENT POLICY
UNRESTRICTED GENERAL FUND BALANCE POLICY**

WHEREAS, the City of Daphne has determined it to be in the best interest of the City to formalize financial management policies; and

WHEREAS, an Investment Policy and Unrestricted General Fund Balance Policy have been created based upon Governmental Accounting Standards Board (GASB) and Government Finance Officers Association Recommended Practices; and

WHEREAS, an Investment Policy will establish the authority to manage investment be derived from the State statute as amended and the adopted policy; and

WHEREAS, an Unrestricted General Fund Balance Policy will establish an adequate level of fund balance for budgetary purposes and to mitigate current and future risk; and

WHEREAS, the Investment Policy and Unrestricted General Fund Balance Policy are attached to this Resolution and made a part thereof; and

NOW, THEREFORE, BE IT ORDAINED by the City Council (the "Council") of Daphne, Alabama (the "City"), approve the following policies:

1. Investment Policy
2. Unrestricted General Fund Balance Policy.

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

Dane Haygood , Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE INVESTMENT POLICY

Purpose

It is the purpose of the City of Daphne to invest public funds in a manner which maximizes security and provides maximum return in preserving and protecting funds while meeting the daily cash flow demands and conforming to all applicable federal, state and/or local statutes governing the investment of public funds.

Standards of Care

- A. Prudence – The standard of prudence to be used shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. Individuals acting in accordance with all written procedures and policies and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

The “prudent person” standard states that, “Investment shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.”

- B. Ethics and Conflicts of Interest – Employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees shall disclose to the Human Resources department any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the City of Daphne investment portfolio.
- C. Delegation of Authority – The authority to manage investments is derived from State statute and this investment policy. Management responsibility for the Investment Reserve Account is hereby designated to the Treasurer. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Treasurer.

Management responsibility for the deposit and Operating Accounts is hereby designated to the Finance Director. The Finance Director shall be responsible for all

transactions undertaken and shall establish a system of controls to regulate the activities of subordinate staff.

- D. Internal Controls – The Finance Director is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City of Daphne are protected from loss, theft, or misuse. The internal controls structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the Finance Director shall coordinate with the audit firm conducting the City's yearly audit, as selected by the Mayor in accordance with Alabama State law, to ensure that they conduct an independent review of compliance with policies, procedures, and current industry-wide (government/finance) expectations or due diligence. The internal controls shall address the following points:

- 1) Protections against collusion
- 2) Separation of transaction authority from accounting and record keeping
- 3) Custodial safekeeping
- 4) Avoidance of physical delivery securities
- 5) Clear delegation of authority to subordinate staff members
- 6) Written confirmation of transactions for investments and wire transfers
- 7) Development of wire transfers agreement with the lead bank and third-party custodian

Investment Objectives

When making investment decisions, the City will invest idle funds based on the following objectives, in order of priority:

- A. Safety – The primary objective is the preservation of capital and the safeguarding of public funds by mitigating credit and interest rate risk.
- a. Credit Risk – The city will minimize credit risk, which is the risk of loss due to the failure of the security issuer or backer.
 - b. Interest Rate Risk – The City will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in the market interest rates.
- B. Liquidity – The City's investment portfolio shall remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale market (dynamic liquidity). A portion of the portfolio

also may be placed in money-market mutual funds or local investment pools, which offer same-day liquidity for short-term funds.

- C. Yield – The City’s investment portfolio shall be designed with the objective of attaining a market rate of return throughout the budgetary and economic cycles, taking into account the City’s investment risk constraints and the cash flow characteristics of the portfolio. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:
- a. A security with declining credit may be sold early to minimize loss of principal
 - b. A security swap would improve the quality, yield, or target duration in the portfolio
 - c. Liquidity needs of the portfolio require that the security be sold

Pooling of Funds

The City will consolidate (pool) cash and reserve balances from all funds, except for those legally restricted by statutes, to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping, and administration.

Investment Reserve Account

The City currently maintains an Investment Reserve Account holding funds that have been specifically designated for investment purposes. This fund is currently managed by Eagle Asset Management (an investment management company owned by Raymond James) and custodied at Raymond James & Associates. The City Council, upon recommendation by the Treasurer, may by approved council action, commit more funds or withdraw funds from the Investment Reserve Account. Additional money may not be invested or withdrawn from the Investment Reserve Account without council approval. Additionally, council approval is required to change or engage a third-party manager and/or custodian.

Authorized Investments

Pursuant to Sections 11-81-19 and 11-81-21 of the Code of Alabama, the City shall invest municipal funds as outlined within the referenced code. Permitted investments are as follows:

- 1) Direct obligations of (including obligations issued or held in book entry form on the books of) the Department of Treasury of the United States of America.
- 2) Obligations of any of the following federal agencies, which obligations represent the full faith and credit of the United States of America:
 - a. Farmers Home Administration
 - b. General Services Administration
 - c. U.S. Maritime Administration
 - d. Small Business Administration

- e. Government National Mortgage Association (GNMA)
 - f. U.S. Department of Housing and Urban Development (HUD), and
 - g. Federal Housing Administration (FHA)
- 3) U.S. dollar denominated deposit accounts and certificates of deposit with banks or savings associations which are qualified public depositories under Chapter 14A of Title 41
 - 4) Pre-refunded public obligations as defined and restricted by Section 11-81-21(4), Code of Alabama, 1975, as amended
 - 5) Interests, however, evidenced, in any common trust fund or other collective investment fund maintained by any national or state chartered bank, trust company or savings and loan association having trust powers, or securities of or other interests in any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, as from time to time amended, so long as all requirements are met at the time of purchase and during the term of investment as further defined and restricted by Section 11-81-21(5), Code of Alabama, 1975 as amended.

Collateralization

Deposit type securities shall be restricted to the SAFE program. The SAFE program (Security for Alabama Funds Enhancement) is encompassed in Title 41, Chapter 14A, Code of Alabama, 1975, as amended, to provide a uniform program for the security of public funds deposited with financial institutions in the State of Alabama that qualify to serve as depositories for public funds. The Program requires any bank or financial institution in the state of Alabama, accepting any deposits of public funds, to ensure those funds are pledging eligible collateral to the state treasurer for the SAFE collateral pool. The law further provides for safeguarding of public deposits by requiring the entire pool and each participating financial institution to stand behind each deposit.

Safekeeping and Custody

Delivery vs. Payment – When applicable all trades shall be executed by delivery vs. payment (DVP) to ensure that the securities are deposited in an eligible financial institution prior to the release of funds. Securities will be held as required by Alabama state laws and evidenced by safekeeping receipts.

Safekeeping – Securities will be held by an independent third-party custodian selected by the City as evidenced by safekeeping receipts in the City of Daphne's name. The safekeeping institution shall annually provide a copy of their most recent report on internal controls (Service Organization Controls Report or SOC-1 report).

Investment Parameters

Diversification – The City’s investment portfolio shall be diversified by:

- 1) Limiting investments to avoid a concentration in securities from a specific issuer or business sector
- 2) Limiting investments to avoid a concentration in a single security type excluding U.S. Treasury securities
- 3) Investing in securities with varying maturities

Maximum Maturities – To the extent possible, the City of Daphne shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than (1) year from the date of purchase, except for City funds that have been deemed as Reserve Funds (by the City Council) which may be invested in securities exceeding one year for maturity.

Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds such as, but not limited to money market funds.

Selection of Investments Instruments and Institutions

The Finance Director or Treasurer may conduct an informal quotation process when selecting among investment instruments or financial institutions. Quotes will be secured from approved institutions. If a specific maturity date is required for an investment instrument, quotes will be requested for approved instruments that meet the maturity requirements. When no specific maturity date is required, the most advantageous market yield, in the opinion of the Finance Director or Treasurer, will be selected. Financial institutions will be requested to quote a firm price or yield. Generally, deposits or purchases of investment instruments will be made based upon the highest effective yield consistent with policy restrictions and guidelines; however transaction costs may be considered. In the event that two financial institutions submit identical quotations, first consideration will be given to the financial institution that is located within the City limits of Daphne, second consideration will be made for the financial institution currently holding at that time the lower amount of City of Daphne funds.

Investment Managers

As distinguished from the Treasurer and Finance Director, who are responsible for managing the investment process, investment managers are responsible for making investment decisions (security selection and price decisions).

The specific duties and responsibilities of each investment manager are:

- 1) Manage the assets under their supervision in accordance with the guidelines and objectives outlined in the Investment Policy Statement and their respective Service Agreements, Prospectus or Trust Agreement.

- 2) Exercise full investment discretion with regards to buying, managing, and selling assets held in the portfolios.
- 3) Unless otherwise stated, vote promptly all proxies and related actions in a manner consistent with the best interest and objectives of all clients as described in the applicable account opening documents, provided proxy materials are available. Each investment manager shall keep detailed records of the voting of proxies and related actions and will comply with all applicable regulatory obligations.
- 4) Communicate to the account principal all material changes pertaining to the investment portfolio it manages or the firm itself. Changes in ownership, organizational structure, financial condition, and professional staff are examples that may require notification.
- 5) Effect all transactions for the investment portfolio subject "to best price and execution." If a manager utilizes brokerage from the portfolio assets to effect "soft dollar" transactions, detailed records will be kept in accordance with applicable regulations.
- 6) Use the same care, skill, prudence, and due diligence under the circumstances then prevailing that experienced investment professionals acting in a like capacity and fully familiar with such matters would use in like activities for like investment portfolios with like aims in accordance and compliance with all applicable laws, rules, and regulations.

Custodian

Custodians are responsible for the safekeeping of the investment portfolio's assets. The specific duties and responsibilities of the custodian are:

- 1) Maintain separate accounts by legal registration.
- 2) Value the holdings.
- 3) Collect all income and dividends owed to the Fund.
- 4) Settle all transactions (buy-sell orders) initiated by the Investment Manager.
- 5) Provide monthly reports that detail transactions, cash flows, securities held and their current value, and change in value of each security and the overall portfolio since the previous report.

Reporting

On a quarterly basis, the Treasurer shall prepare an investment report to be presented at the Finance Committee meeting. Reports on investment activity will describe the investments, including investment institution from which purchased, face amount, maturity date and market value, and the amount of investment earnings there-on for the quarter and the fiscal year-to-date. The investment report will be prepared in a manner which will allow the City Council to ascertain whether investment activities during the reporting period have conformed to the investment policy.

Performance Standard

The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates.

Policy Considerations

Exemptions – Any investment currently held that does meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidations, such monies shall be reinvested only as provided by this policy.

Amendments – Any modifications and/or amendments made to this investment policy shall be by resolution and approved by a majority vote of the City Council.

Definitions

Treasurer - The Treasurer is appointed by the City Council every four years and reports directly to the City Council members.

Finance Director – The Finance Director is a classified City employee and reports directly to the Mayor.

Investment Reserve Account – Account held by third party custodian and designated by the City Council as reserve funds to be separately invested.

Operating Accounts – All other operating accounts of the City that are not designated as reserve account by the City Council. Accounts include but are not limited to, the operating account, the money market account, and any restricted cash accounts.

Approval of Investment Policy

The investment policy shall be formally approved and adopted by the governing body of the Daphne City Council and reviewed annually.

CITY OF DAPHNE UNRESTRICTED GENERAL FUND BALANCE POLICY

Purpose

It is essential that the City of Daphne maintain adequate levels of fund balance to mitigate current and future risks (e.g. revenue shortfalls and unanticipated expenditures) and to ensure stable tax rates. Credit rating agencies monitor levels of fund balance and unrestricted fund balance in a government's general fund to evaluate a government's continued creditworthiness. As a result of this the Government Finance Officers Association (GFOA) recommends that all governments establish a formal policy on the level of unrestricted fund balance that should be maintained in the general fund for generally accepted accounting principles (GAAP) and budgetary purposes. The GFOA recommends, at a minimum, that general-purpose governments maintain unrestricted budgetary fund balance in their general fund of no less than two months of regular general fund operating revenues or regular general fund operating expenditures.

Definitions

Fund balance is intended to serve as a measure of the financial resources available in a governmental fund. GAAP financial statements report up to five separate categories of fund balance based in the type of source of constraints placed on how resources can be spent. The five categories are as follows:

- 1) Non-spendable fund balance
- 2) Restricted fund balance
- 3) Unrestricted fund balance (only constraint on spending, if any, is self-imposed)
 - a. Committed fund balance
 - b. Assigned fund balance
 - c. Unassigned fund balance

Considerations

In establishing the policy governing the level of unrestricted fund balance in the general fund, the City of Daphne considered the following factors:

- 1) The predictability of its revenues and the volatility of its expenditures
- 2) The perceived exposure to significant one-time outlays such as disasters and immediate capital outlays
- 3) The potential drain upon general fund resources from other funds, as well as, the availability of resources in other funds
- 4) The potential impact on the City's bond ratings and the corresponding increased cost of borrowed funds
- 5) Outstanding commitments and assignments

Guidelines

After review and discussion, the following guidelines are recommended:

- 1) The General Fund unassigned fund balance of the City of Daphne should maintain a minimum balance of three (3) months of operating revenues. This minimum unassigned balance will be determined using the latest available audited comprehensive annual financial statement.
- 2) Whereas the formal policy is to maintain a minimum unassigned fund balance of three months of operating revenues, the City additionally wishes to have an informal policy to maintain a minimum unassigned fund balance in the General Fund of 8 million dollars, if three months of operating revenue falls below this threshold.
- 3) Appropriations that result in an amount below the minimum General Fund unassigned fund balance may only be appropriated for capital projects and equipment or to cover extraordinary circumstances such as economic downturns, natural disasters, or other states of emergencies. For purposes of this section, an economic downturn shall be defined as follows:
 - i. An acute event which results in a 10% or greater reduction to the overall revenue of the City or to sales tax revenue, or
 - ii. Negative economic growth in the City for at least two consecutive quarters, or
 - iii. A nationally recognized recession with the City experiencing decreasing revenues
- 4) In the event the General Fund unassigned fund balance drops below the minimum amount, the Mayor will be immediately notified and the Treasurer will notify the City Council at the next council meeting.
- 5) In the unlikely event that the General Fund unassigned fund balance falls below the minimum balance prescribed above, the fund balance should be replenished to an amount above the minimum required level within one to three years of use.

CITY OF DAPHNE, ALABAMA

ORDINANCE 2016-27

**ORDINANCE TO ANNEX THE RIGHT-OF-WAY OF COUNTY ROAD 64
FROM COUNTY ROAD 13 TO ALABAMA STATE HIGHWAY 181**

WHEREAS, the City of Daphne entered into an Intergovernmental Service Agreement with Baldwin County on July 2, 2013, and an addendum agreement on November 4, 2014 to assume maintenance of County Road 64 from County Road 13 to Alabama Highway 181; and,

WHEREAS, Baldwin County has conveyed by Quitclaim Deed the real property of County Road 64 from County Road 13 to Alabama Highway 181 to the City of Daphne; and

WHEREAS, the City of Daphne, Alabama, desires to utilize said real property for the health, safety, and welfare of the citizens of Daphne; and,

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of March 24, 2016 set forth a unanimous favorable recommendation to the City Council of the City of Daphne, Alabama for annexation of the areas shown in Exhibit "A"; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on May 2, 2016 concerning the petition for annexation; and

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

SECTION ONE: ANNEXATION

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

SECTION TWO: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

A part of the South One-Half of Section 15, Township 5 South, Range 2 East; A part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 5 South, Range 2 East; A part of the Northeast Quarter of the Northeast Quarter of Section 21, Township 5 South, Range 2 East; A part of the North One-Half of Section 22, Township 5 South, Range 2 East; Baldwin County, Alabama and being more fully described as follows to-wit:

It is the intent of this document to remise, release, quitclaim and convey unto the City of Daphne, Alabama, all of Baldwin County's right and title to that portion of County Road 64 right-of-way owned and maintained by Baldwin County, beginning at the west side of a roundabout that intersects County Road 64 and County Road 13, running easterly to the west right-of-way line of State Highway 181; said right-of-way being quitclaimed is described in Deed Book 106 page 492; Deed Book 107 page 1; Deed Book 106 page 493; Deed Book 106 page 490; Deed Book 106 page 482; Deed Book 107 page 3; Deed Book 106 page 494; Deed Book 107 page 6; Deed Book 106 page 473; Deed Book 106 page 495; Deed Book 106 page 498; Deed Book 106 page 489; Deed Book 107 page 5; Deed Book 106 page 474; Deed Book 106 page 486; Deed Book 107 page 79; Deed Book 106 page 480; Deed Book 106 page 477; Deed Book 107 page 77; Deed Book 376 page 790; Deed Book 376 page 793; Deed Book 377 page 483; Instrument No. 1441275 and re-recorded Instrument No. 1445489; Instrument No. 1452840; Instrument No. 1463004; Instrument No. 1469731; Instrument No. 1456531; Instrument No. 1463005; Order of Condemnation Case No. 31026 as recorded in Instrument No. 1475550 and Payment of Awards Instrument No. 1475551; Instrument No. 1475642; Circuit Court Consent Judgment for Condemnation Case No. CV- 2014-901066 as recorded in Instrument No. 1510746.

SECTION THREE: MAP OF PROPERTY

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

SECTION FOUR: PUBLICATION

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

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

**Dane Haygood,
Mayor**

ATTEST:

**Rebecca A. Hayes,
City Clerk**

EXHIBIT "A"

COUNTY ROAD 64 ROW

FROM COUNTY ROAD 13 TO STATE ROAD 181

LAYMAN'S DESCRIPTION:

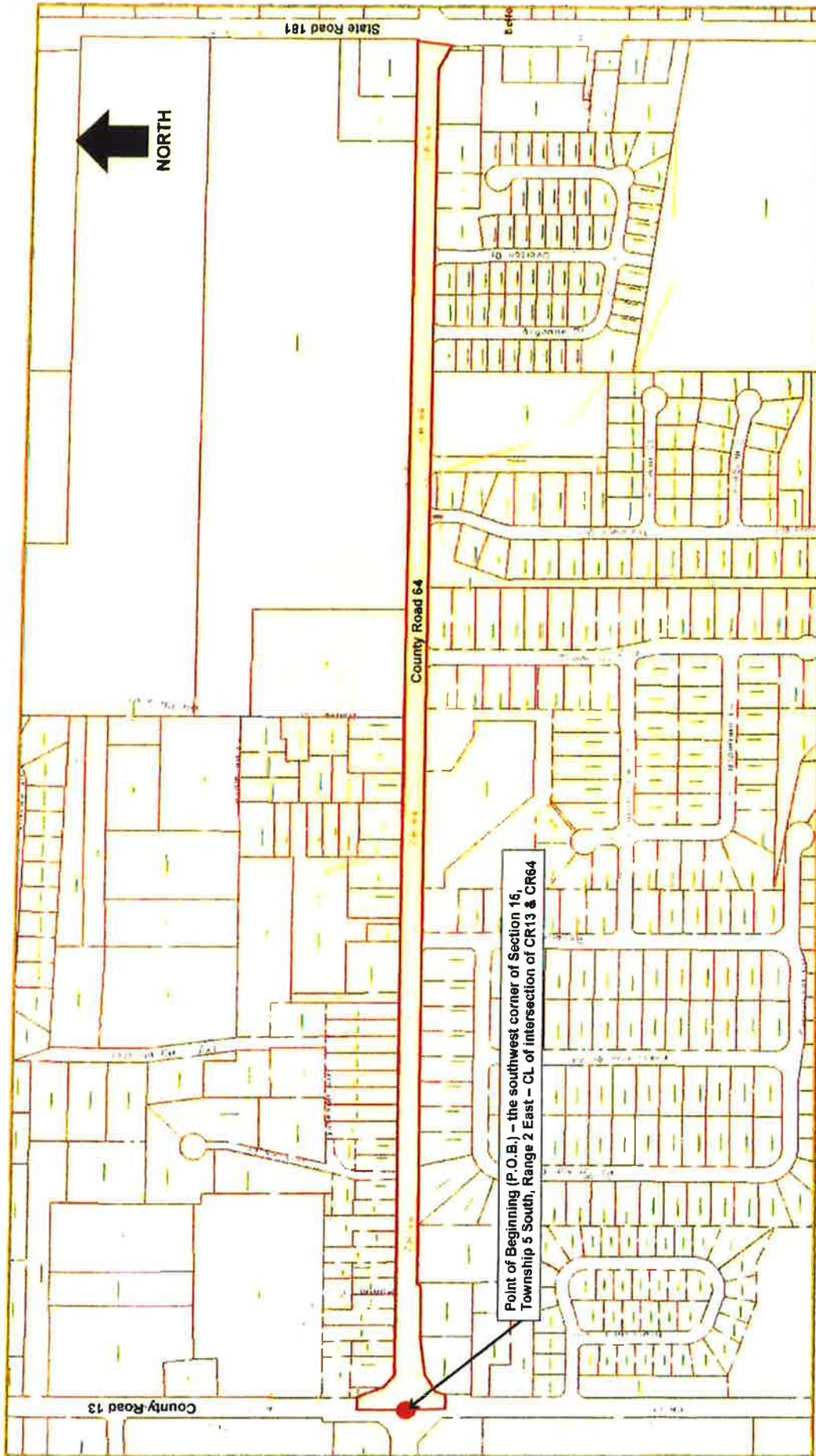
THE RIGHT-OF-WAY OF COUNTY ROAD 64 (GENERALLY 80 FOOT-WIDE WITH SOME VARIATIONS IN WIDTH) WITH A CENTERLINE DISTANCE OF \pm 5,280 FEET (1 MILE, MORE OR LESS), CONNECTING COUNTY ROAD 13 ON THE WEST TO STATE ROAD 181 ON THE EAST, CONTAINING \pm 09.6 ACRES AND LYING WITH THE SOUTH BOUNDARY OF SECTION 15 AND THE NORTH BOUNDARY OF SECTION 22, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

LEGAL DESCRIPTION:

BEGINNING AT THE SOUTH WEST CORNER SECTION 15, TOWNSHIP 5 SOUTH, RANGE 2 EAST, FOR THE POINT OF BEGINNING (P.O.B.); BEING THE POINT OF INTERSECTION OF RIGHT-OF-WAYS OF COUNTY ROAD 13 AND COUNTY ROAD 64; THENCE RUN NORTH 178 FEET, MORE OR LESS, TO A POINT IN THE CENTERLINE OF COUNTY ROAD 13 RIGHT-OF-WAY; THENCE RUN EAST 45 FEET, MORE OR LESS TO A POINT ON THE EAST MARGIN OF COUNTY ROAD 13 RIGHT-OF-WAY; THENCE RUN SOUTHEASTWARDLY 173 FEET, MORE OR LESS, TO A POINT AT THE NORTHEAST MARGIN OF THE INTERSECTION OF THE COUNTY ROAD 13 AND COUNTY ROAD 64 RIGHT-OF-WAY; THENCE RUN EAST 5140 FEET, MORE OR LESS, ALONG THE NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 64 TO A POINT AT THE NORTHWEST CORNER OF THE INTERSECTION OF THE COUNTY ROAD 64 AND STATE ROAD 181 (FORMERLY COUNTY ROAD 27) RIGHT-OF-WAYS; THENCE RUN SOUTHERLY 130 FEET, MORE OR LESS, TO A POINT AT THE SOUTHWEST CORNER OF THE INTERSECTION OF THE COUNTY ROAD 64 AND STATE ROAD 181 (FORMERLY COUNTY ROAD 27) RIGHT-OF-WAYS; THENCE RUN NORTHWESTERLY 95 FEET, MORE OR LESS, TO POINT ON SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 64; THENCE RUN WEST 4870 FEET, MORE OR LESS, ALONG THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD 64 TO A POINT; THENCE RUN SOUTHWESTERLY 259 FEET, MORE OR LESS, TO A POINT ON THE EAST MARGIN OF THE COUNTY ROAD 13 RIGHT-OF-WAY LINE; THENCE RUN WEST 50 FEET MORE OR LESS, TO A POINT IN THE CENTERLINE OF THE COUNTY ROAD 13 RIGHT-OF-WAY; THENCE RUN NORTH 130 FEET, MORE OR LESS, THE POINT OF BEGINNING; CONTAINING 9.6 ACRES, MORE OR LESS, BALDWIN COUNTY, ALABAMA.

PREPARED BY:

Richard D. Johnson, P.E.
Director of Public Works
P.O. Box 400
Daphne, AL 36526



City of Daphne: Annexation and Acceptance for Maintenance - County Road 64

From County Road 13 to State Road 181

Right-Of-Way Map

EXHIBIT "B"

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-28**

**Ordinance to Rezone Property Located
Southeast of the Intersection of Van Avenue and Main Street / 1204 Main Street**

WHEREAS, Elizabeth Wright as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-3, Professional Business District to B-1, Local Business District; and,

WHEREAS, said real property is located southeast of the intersection of Van Avenue and Main Street / 1204 Main Street, and more particularly described as follows:

LEGAL DESCRIPTION BASED ON SURVEY

COMMENCING at the N.W. CORNER OF SECTION 20, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; thence South, a distance of 3,002.70 feet to a POINT; thence East, a distance of 40.00 feet to a ½" CAPPED REBAR ON THE EAST R.O.W. OF MAIN STREET being the POINT OF BEGINNING; thence N 89° 56' 21" E, LEAVING SAID R.O.W., a distance of 384.22 feet to a ½" CAPPED REBAR (10675); thence S 00° 01' 12" E, a distance of 70.00 feet to a ½" CAPPED REBAR; thence S 89°56' 21" W, distance of 384.24 feet to a SET 5/8" CAPPED REBAR ON AFOREMENTIONED R.O.W.; thence N 00° 00' 00" E, ALONG SAID R.O.W., a distance of 70.00 feet to the POINT OF BEGINNING, said parcel containing 0.63 acres, more or less.

WHEREAS, at the City of Daphne Planning Commission meeting on March 24, 2016 the Commission considered said request and set forth a unanimous unfavorable 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 May 2, 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-3, Professional Business District to B-1, Local Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

“EXHIBIT A”

LEGAL DESCRIPTION

**STATE OF ALABAMA
COUNTY OF BALDWIN**

THE PROPERTY LOCATED AT 1204 MAIN STREET, DAPHNE, ALABAMA, IS DESCRIBED IN WARRANTY DEED RECORDED IN THE OFFICE OF PROBATE, BALDWIN COUNTY, ALABAMA AT FILE NO. 1081636, 10-24-2007, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**LEGAL DESCRIPTION
BASED ON SURVEY**

COMMENCING at the N.W. CORNER OF SECTION 20, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; thence South, a distance of 3,002.70 feet to a POINT; thence East, a distance of 40.00 feet to a ½” CAPPED REBAR ON THE EAST R.O.W. OF MAIN STREET being the POINT OF BEGINNING; thence N 89° 56’ 21” E, LEAVING SAID R.O.W., a distance of 384.22 feet to a ½” CAPPED REBAR (10675); thence S 00° 01’ 12” E, a distance of 70.00 feet to a ½” CAPPED REBAR; thence S 89° 56’ 21” W, distance of 384.24 feet to a SET 5/8” CAPPED REBAR ON AFOREMENTIONED R.O.W.; thence N 00° 00’ 00” E, ALONG SAID R.O.W., a distance of 70.00 feet to the POINT OF BEGINNING, said parcel containing 0.63 acres, more or less.

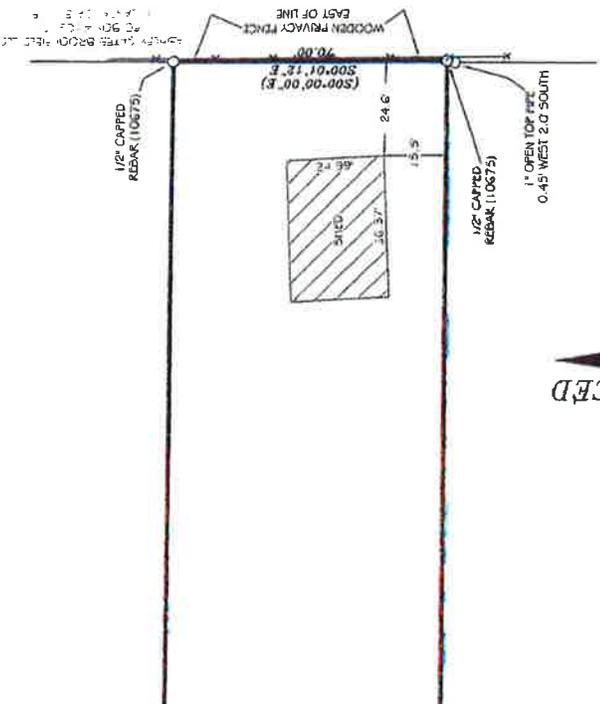
SURVEY BY DAVID LOWERY Al. License No. 26623, 01/31/16.

EXHIBIT B

LEGAL DESCRIPTION
BASED ON SURVEY

COMMENCING at the N.W. CORNER OF SECTION 20, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA, a distance of 3,002.70 feet to a POINT; thence East, a distance of 40.00 feet to a 1/2" CAPPED REBAR ON THE EAST R.O.W. OF MAIN STREET being the POINT OF BEGINNING; thence N65°52'21"E, bearing S40°22'22"W, a distance of 304.22 feet to a 1/2" CAPPED REBAR (10675); thence S00°00'00"W, a distance of 70.00 feet to a 1/2" CAPPED REBAR (10675); thence N45°00'00"E, a distance of 304.24 feet to a SET 3/8" CAPPED REBAR ON A FORECASTING CONCRETE SLAB; thence N70°00'00"E, along S40° R.O.W., a distance of 70.00 feet to the POINT OF BEGINNING, that parcel containing 0.63 acres, more or less.

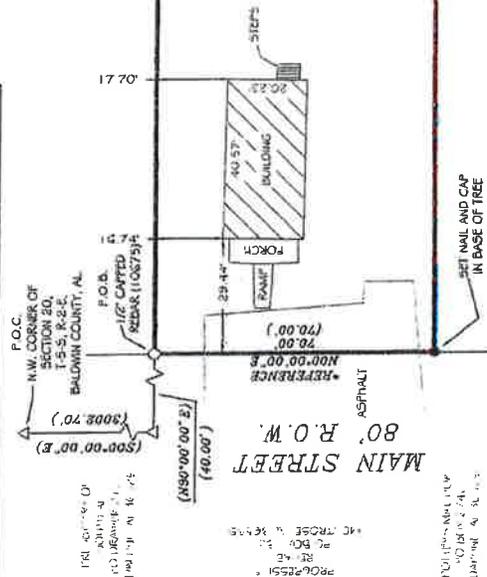
0.63 ACRES±



CERTIFICATION
I, David Lowery, a licensed land surveyor in the State of Alabama, do hereby certify the foregoing to be a true plat or map of a survey performed by me or under my direct supervision, and being accurate and being made in accordance with the Standards of Practice for Surveying in the State of Alabama, to the best of my knowledge, information, and belief.

- NOTES**
- All bearings shown are based on the true north line of the surveyed property as shown on the plat.
 - Corner monuments shown as set are not to be used for any other purpose without prior approval from the surveyor.
 - No alterations or corrections reflecting measurements, right of way, and/or ownership were furnished to the surveyor, except as shown or noted.
 - No underground utilities or improvements have been located, except as shown on this survey.
 - This survey was prepared without the benefit of an abstract of title or a title search and no warranty is made by the surveyor as to the accuracy of any abstract of title or title search that might be discovered by an abstract, title search, or title judgment rendered on the property.
 - Liability of the undersigned for the survey shown shall not exceed the amount paid for this survey.

PROCESSED BY: D. LOWERY
DATE: 01/18/16
DRAWN BY: D. LOWERY



DAVID LOWERY
SURVEYING, L.L.C.
55284 MARTIN LN.
STOCKTON, AL 36579
251-937-2767 ph. 251-937-2766 fax
dlurvey25@hotmail.com



PLAT OF A BOUNDARY SURVEY PREPARED FOR

BELL
BALDWIN COUNTY, AL.

DWG NO	SURVEY DATE	SCALE
15-01-104	01/18/16	1"=30'
DRAWN BY: DEL	CHECKED BY: D. LOWERY	

- LEGEND AND SYMBOLS**
- (*) RECORD BEARING/DISTANCE
 - OE OVERHEAD ELECTRIC
 - SET IRON PIN
 - FOUND IRON PIN
 - △ PIN NOT SET
 - P.O.C. POINT OF COMMENCEMENT
 - P.O.B. POINT OF BEGINNING
 - NOT TO SCALE
 - FENCE
 - ✱ FENCE CORNER POST
 - CONCRETE MONUMENT

CITY OF DAPHNE

ORDINANCE NO. 2016-29

AN ORDINANCE AMENDING ARTICLE XXXIII OF THE CITY OF DAPHNE'S LAND USE AND DEVELOPMENT ORDINANCE / SIGN PROVISIONS

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance by the Code Enforcement Officer; and,

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of March 24, 2016 set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on May 2, 2016.

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

SECTION I: This section hereby amends the City of Daphne Land Use and Development Ordinance by replacing sections of Section 33-5 (g) with the following:

(5) Districts in Which Authorized, Non-Illuminated:

- a.) Two (2) non-illuminated political signs per lot or parcel may be placed on private property in any residential zoning district in the City.
- b.) One (1) non-illuminated political sign may be placed on private property perpendicular to each street frontage in any business, commercial and industrial district in the City for each candidate and for each issue.

(7) Maximum Size in Business, Commercial and Industrial Districts:

Political signs in business, commercial and industrial districts shall no exceed thirty-two (32) square feet in area or eight (8) feet in height.

SECTION II: CONFLICT WITH OTHER ORDINANCE

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

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

SECTION V: REPEALER

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

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, ON THIS THE ____ DAY OF _____, 2014.

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

ORDINANCE 2016-30

Appropriation for Appraisal, Survey and Associated Purchase Fees for the Liberty Bank & Trust Bayfront Property

(two tracts (parcels) of land totaling 12.1 acres, more or less, located on the west side of U.S. Hwy 98)

WHEREAS, Ordinance 2015-55 approved adopted the Fiscal Year 2016 Budget on October 5, 2015; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2016 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2016 budget; and

WHEREAS, the City currently has a contract to purchase the property held by the Tuskegee Bank.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds from the Lodging Tax Fund are hereby appropriated and made a part of the Fiscal Year 2016 budget an amount not to exceed \$220,000 with \$10,000 for appraisal, inspection, survey, closing costs and \$210,000.00 for the land purchase of the following real property:

- **PPIN 073532, Parcel ID 32-09-37-0-003-001.014, 8.9 acres +/-**
- **PPIN 114019, Parcel ID 43-03-06-0-004-003.005, 3.2 acres +/-**

- **Being two tracts (parcels) of land totaling 12.1 acres, more or less, located on the west side of U.S. Highway 98, immediately west of and adjacent to, the following commercial properties (from North to South): Spriggs Enterprises, LLC; Market by the Bay; Auto Maxx; South China Restaurant; Zaxby's Chicken Fingers Restaurant; Winning Properties, LLC; Taco Bell; Top of the Bay/Los Tacos; and Hooters, comprising the property's eastern boundary and the western boundary being the eastern shore of Mobile Bay for an approximate shoreline distance of 1420 feet, lying in Grant Section 37, Township 4 South, Range 2 East and Section 6, Township 5 South, Range 2 East, in the City of Daphne, Baldwin County, Alabama.**

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk



**Baldwin County
Revenue Commissioner**

**Property Link
BALDWIN COUNTY, AL**

Tax Year 2015

Current Date 5/12/2016

Valuation Date October 1, 2014

Records Last Updated 5/11/2016

PROPERTY DETAIL

OWNER FIRST TUSKEGEE BANK **ACRES : 3.00**
 ATTN: LOAN SERVICING
 600 ADAMS AVE
 MONTGOMERY, AL 36104 **APPRAISED VALUE: 154600**
ASSESSED : 30920

PARCEL 43-03-06-0-004-003.005
ADDRESS **NA**

TAX INFORMATION

YEAR 2015	TAX DUE	PAID	BALANCE
	1329.56	1329.56	0.00

LAST PAYMENT DATE 11 / 2 / 2015

MISCELLANEOUS INFORMATION

EXEMPT CODES **DESCRIPTION** 310' X 405'(S) IRR COM AT THE
 NE COR OF LOT 13 BLK 90 PARK C
TAX DISTRICT 04 ITY SUB FOR POB RUN E 39.62',
PPIN 114019 Entry 00 TH N 56.40', TH W 8.92', TH N 3
ESCAPE YEAR 10.01', TH RUN W 405'(S), TH S
ACCOUNT NUMBER 263129 W'LY 380'(S), E 320'(S) TO POB

TAX HISTORY

Year	Owner	Total Tax	Paid(Y/N)	Appraised	Assessed
2014	FIRST TUSKEGEE BANK	1329.56	Y 11/ 4/2014	154600	30920
2013	FIRST TUSKEGEE BANK	1329.56	Y 10/30/2013	154600	30920
2012	FIRST TUSKEGEE BANK	1329.56	Y 10/26/2012	154600	30920
2011	FIRST TUSKEGEE BANK	1329.56	Y 11/16/2011	154600	30920
2010	FIRST TUSKEGEE BANK	1329.56	Y 11/10/2010	154600	30920
2009	TRI-BOND L L C	1290.00	Y 12/21/2009	150000	30000
2008	TRI-BOND L L C	1290.00	Y 3/19/2009	150000	30000
2007	TRI-BOND L L C	645.00	Y 3/13/2008	75000	15000
2006	TRI-BOND L L C	645.00	Y 1/30/2007	75000	15000

TAX SALES

[PURCHASE COUNTY TAX SALE FILES](#)

Year Sold To Redeemed Date/By

NO TAX SALES FOUND



Baldwin County Revenue Commissioner

Property Link

BALDWIN COUNTY, AL

Tax Year 2015

Current Date 5/12/2016

Valuation Date October 1, 2014

Records Last Updated 5/11/2016

PROPERTY DETAIL

OWNER	FIRST TUSKEGEE BANK ATTN: LOAN SERVICING 600 ADAMS AVE MONTGOMERY, AL 36104	ACRES : 8.80
		APPRAISED VALUE: 54300
		ASSESSED : 10860
PARCEL ADDRESS	32-09-37-0-003-001.014 **NA**	

TAX INFORMATION

YEAR 2015	TAX DUE	PAID	BALANCE
	466.98	466.98	0.00

LAST PAYMENT DATE 11 / 4 / 2015

MISCELLANEOUS INFORMATION

EXEMPT CODES	DESCRIPTION 8.9 AC(C) COM AT THE INT OF S /L OF GR SEC 37 WITH THE W R/W OF US HWY 98 RUN TH W 365.19' FOR POB, TH CONT W 410'(S), T H N'LY ALG MEANDERS OF BAY 111 0'(S), TH E 630'(S) 563'(D), T
TAX DISTRICT	04
PPIN	073532 Entry 00
ESCAPE YEAR	
ACCOUNT NUMBER	263129

TAX HISTORY

Year	Owner	Total Tax	Paid(Y/N)	Appraised	Assessed
2014	FIRST TUSKEGEE BANK	466.98	Y 11/ 4/2014	54300	10860
2013	FIRST TUSKEGEE BANK	466.98	Y 10/30/2013	54300	10860
2012	FIRST TUSKEGEE BANK	466.98	Y 10/26/2012	54300	10860
2011	FIRST TUSKEGEE BANK	466.98	Y 11/16/2011	54300	10860
2010	FIRST TUSKEGEE BANK	466.98	Y 11/10/2010	54300	10860
2009	TRI-BOND L L C	1513.60	Y 12/21/2009	176000	35200
2008	TRI-BOND L L C	1513.60	Y 3/19/2009	176000	35200
2007	TRI-BOND L L C	1513.60	Y 3/13/2008	176000	35200
2006	TRI-BOND L L C	1513.60	Y 1/30/2007	176000	35200

TAX SALES

[PURCHASE COUNTY TAX SALE FILES](#)

<u>Year</u>	<u>Sold To</u>	<u>Redeemed Date/By</u>
NO TAX SALES FOUND		

ORDINANCE 2016-31

Sewer Projects: 1) Douglas Road, 2) Van Buren Street, 3) Schieffelin Lane-Jordan Lane East, 4) 6th Street, & 5) Greystone Subdivision

WHEREAS, Ordinance 2015-55 approved adopted the Fiscal Year 2016 Budget on October 5, 2015; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2016 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2016 budget; and

WHEREAS, areas remain in the City of Daphne that need to be sewerred and the projects bids have been received; and

WHEREAS, the City Council has determined it to be in the best interest of the City to complete the sewer projects throughout the City; and

WHEREAS, design engineering services in the amount of \$97,841 was previously appropriated in Ordinance 2014-42 and additional appropriation is needed to complete the sewerred in the City of Daphne

WHEREAS, the total estimated project cost for engineering, materials, and labor is \$218,240 and the Daphne Utility Board has agreed to provide in-kind labor for these small projects; and

WHEREAS, funding is needed from the City for pipe materials for the project at an estimated cost of \$100,000.

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

1. After the Daphne Utility board obtain public bids for the pipe materials for the sewer projects.
2. funds **be transferred from the General Fund to the Capital Reserve Fund** are hereby appropriated and made a part of the Fiscal Year 2016 budget up to the amount of **\$100,000** to sewer the following five areas: 1) Douglas Road, 2) Van Buren Street, 3) Schieffelin Lane-Jordan Lane East, 4) 6th Street, & 5) Greystone Subdivision of the City of Daphne.
3. The Mayor is authorized to enter into an agreement with the Daphne Utility Board for the City to fund the purchase of the pipe materials and the Utility Board to provide in-kind labor.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

STATE OF ALABAMA)
BALDWIN COUNTY)
CITY OF DAPHNE)

MUNICIPAL AGENCY FUNDING CONTRACT

THIS AGREEMENT, made and entered into on this the day of _____, **2016**, by and between the **CITY OF DAPHNE**, a Municipal Corporation, of the State of Alabama (hereinafter sometimes referred to as "City" or "the City"), and, Daphne Utilities (hereinafter sometimes referred to as the "Agency"):

W-I-T-N-E-S-S-E-T-H

WHEREAS, the Agency has requested that the City of Daphne appropriate funds for its use for the benefit, either directly or indirectly, of the residents of the City; and,

WHEREAS, the City of Daphne desires to have the Agency perform certain services during the **2016** fiscal year.

THEREFORE, in consideration of the benefits moving each to the other, it is mutually agreed by and between the City and the Agency as follows:

I. AUTHORITY

Agency represents and warrants to City that it is authorized by law to receive funding from City and that such funding will not be in violation of Article IV, Section 94, or amendments thereto, of the Constitution of Alabama, 1901, or any other constitutional or statutory provision.

Agency further warrants that funding from the City will only be used to perform public services and/or acts which the City is otherwise authorized to perform or to fund itself.

II. SERVICES

The Agency provides the following public services within the Corporate Limits of the City of Daphne:

The Agency provides a valuable function to the City and its citizens by providing water, sewer and natural gas services for the general public within the City.

There exist five projects that are of a high priority to the City of Daphne. Under this Agreement the Agency shall use the funds herein appropriated by the City to the purchase of piping materials for these five projects: **1) Douglas Road, 2) Van Buren Street, 3) Schieffelin Lane-Jordan Lane East, 4) 6th Street, & 5) Greystone Subdivision**. Said projects are more fully described in particularity in the attached Exhibit "A" which is hereby adopted as if fully set forth herein. Agency shall provide labor and installation of all necessary materials to establish sewer within the aforesaid projects at no additional costs to the City.

If requested by the City or its representative, Agency shall submit an audit report demonstrating that material and labor provided by the Agency, at least to the extent of the funding herein, shall be and were provided in accordance with the above paragraph. City may

withhold funds until such time as adequate evidence of the proper use of the appropriation has been established.

III. APPROPRIATION

The City shall appropriate funds to reimburse the Agency up to but not to exceed the total for all five said projects: **\$100,000 (One Hundred Thousand Dollars)**, said amount to be paid pursuant to a method determined by the Finance Director of the City. The Finance Director of the City or his/her designee shall be the representative of the City for the administration and implementation of the provisions hereof on behalf of the City.

IV. SEPARATE AGREEMENTS

The City shall be under no obligation to the Agency except to the extent set out expressly in this Agreement. Provided, however, in the event there is a separate valid written agreement between the City and Agency, then this Funding Agreement is supplemental thereto and in the event of a conflict the terms of the latest written agreement shall prevail.

V. TERM; TERMINATION

The terms of this Agreement shall commence as of the date of execution by both parties, and shall continue in force until the completion of all the above named projects. In event of termination by either party, the Agency shall refund to the City a pro rata share of the money that would be needed to finish the projects left unfinished as of the time of notice of termination.

VI. NON-DISCRIMINATION AND COMPLIANCE

This Agency hereby covenants and agrees that in performing its responsibilities and obligations hereunder, the Agency, its officers, agents and employees will not, on the grounds of race, color, sex, religion, national origin, or disability, discriminate or permit discrimination against any person or group of persons, in any manner. The Agency further agrees to comply with all applicable state and federal ordinances and regulations, including but not limited to the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Civil Rights Act of 1964, and any regulations promulgated thereunder. The Agency further agrees to appoint an ADA coordinator. Said coordinator will be responsible for ensuring that the Agency is in compliance with the Americans with Disabilities Act and will advise the City of Daphne ADA Coordinator for services and programs as to the Agency's state of compliance with the Americans with Disabilities Act.

VII. INDEPENDENT CONTRACTOR

It is agreed between the City and the Agency that the Agency is an independent contractor. Neither the City nor its officers, agents or employees shall be liable for damages, claims, actions, or causes of action, brought against the Agency, for the activities of the Agency.

Notwithstanding any of the provisions of this Agreement, it is agreed that the City has no financial interest in the business of Agency, and shall not be liable for any debts or obligations incurred by Agency, nor shall the City be deemed or construed to be partner, joint adventurer or otherwise interested party in the assets of Agency, or profits earned or derived by Agency, nor shall Agency at any time or times use the name or credit of the City in purchasing or attempting to purchase any equipment, supplies, or other thing or things whatsoever.

Agency in the performance of its operations and obligations hereunder shall not be deemed to be the agent of the City but shall be deemed to be an independent contractor in every respect and shall take all steps at its own expense as City may from time to time request to indicate that it is an independent contractor. City does not and will not assume any responsibility for the means by which or manner in which services by Agency, provided for herein, are performed, but on the contrary, Agency shall be wholly responsible therefore.

VIII. INDEMNITY

The Agency hereby covenants with the City that it will indemnify and hold the City and its officers, agents and employees harmless for or on account of any claim, suit, cause of action or judgment arising out of or in any manner associated with this Agreement or services provided or performed by Agency or any of its officers, agents or employees.

IX. NO THIRD PARTY BENEFICIARIES

It is the intent of the parties to this Agreement that they be the only parties to the Agreement and to expressly exclude third party beneficiaries; no person not a party to the Agreement may claim benefits under the Agreement.

X. AUDIT

The City may require Agency to have its financial records related to this appropriation audited by an independent CPA firm. A copy of the audited financial statements will be mailed to the City's Finance Director as soon as possible after the statements are issued.

XIII. OPEN MEETING, PUBLIC RECORDS, COMPETITIVE BIDS AND OTHER APPLICABLE LAWS

A. As Agency is receiving public funds and/or other things of public value pursuant to this agreement, Agency agrees as follows:

1. To the same and like extent as is applicable to the City of Daphne, all meetings of the governing or controlling body of the Agency or any committee or subcommittee thereof shall be open to the public when any issue or matter involving or relating directly or indirectly to this Agreement is discussed or considered and when there is any discussion or consideration of the use of public funds or things of value provided to the Agency by or through the City.

2. Public Records. To the same and like extent as is applicable to the City of Daphne pursuant to State law, all records, documents, letters, minutes, memoranda, etc. of the Agency shall be open to public inspection and copying when the same pertain to any issue or matter involving or relating directly or indirectly to the performance by Agency of this Agreement or the use of public funds or other things of value provided to the Agency by or through the City.

3. Expenditure of Public Funds. To the same and like extent as is applicable to the City pursuant to State law, all expenditures or disbursements of funds received by the Agency, whether directly or indirectly, from the City shall be subject to competitive bidding.

XIV. SEVERABILITY

It is expressly understood and agreed by and between the parties hereto that in the event any covenant, condition or provision herein contained is held to be invalid by any court of competent jurisdiction, or otherwise appears to both parties to be invalid, the invalidity of any such covenant, condition, or provision herein contained, shall not affect other remaining and valid covenants or conditions herein unless such invalidity renders performance of the essential elements of the contract impossible.

XV. MISCELLANEOUS CLAUSES

Capacity: Each Party to this Agreement represents and warrants to the other as follows:

A. That it is an individual of the age of majority or otherwise a legal entity duly organized and in good standing pursuant to all applicable laws, rules and regulations.

B. That each has full power and capacity to enter into this Agreement, to perform and to conclude the same including the capacity, to the extent applicable, to grant, convey and/or transfer, areas, assets, facilities, properties, (both real and personal), permits, consents and authorizations and/or the full power and right to acquire and accept the same.

C. That to the extent required, each Party has obtained the necessary approval of its governing body or board and a resolution or other binding act has been duly and properly enacted by such governing body or board authorizing this Agreement and said approval has been reduced to writing and certified or attested by the appropriate official of the Party.

D. That each Party has duly authorized and empowered a representative to execute this Agreement on their respective behalf and the execution of the Agreement by such representative fully and completely binds the Party to the terms and conditions hereof.

E. That absent fraud, the execution of this Agreement by a representative of the party shall constitute a certification that all such authorization for execution exists and has been performed and the other Party shall be entitled to rely upon the same. To the extent a Party is a partnership, limited liability company or joint venture, the execution of this Agreement by any member thereof shall bind the Party and to the extent that the execution of Agreement is limited to a manager, managing partner or specific member then the person so executing this Agreement is duly authorized to act in such capacity for the Party.

F. That each party represents and warrants to the other that there is no litigation, claim, or administrative action threatened or pending or other proceedings to its knowledge against it which would have an adverse impact upon this transaction or upon either's ability to conclude the transaction or perform pursuant to the terms and conditions of this Agreement.

G. That each party has obtained any and all required permits, approvals and/or authorizations from third parties to enable it to fully perform pursuant to the terms and conditions of this Agreement.

Final Integration: This Agreement together with any amendments, constitutes the entire agreement of the parties, as a complete and final integration thereof with respect to its subject matter. In the event of a direct conflict between the provisions hereof and any prior agreement or

amendment, the latter shall supersede the former. All written or oral understandings and agreements heretofore had between and among the parties are merged into this Agreement, which alone fully and completely expresses their understandings. No representation, warranty or covenant made by any party which is not contained in this Agreement or expressly referred to herein has been relied on by any party in entering into this Agreement.

Force Majeure: Neither party to this Agreement shall hold the other party responsible for damages or delay in performance caused by acts of God, strikes, lockouts or other circumstances beyond the reasonable control of the other or the other party's employees agents or contractors.

Amendment in Writing: This Agreement may not be amended, modified, altered, changed, terminated or waived in any respect whatsoever, except by a further agreement in writing, properly executed by all of the parties.

Binding Effect: This Agreement shall bind the parties and their respective personal representatives, heirs, next of kin, legatees, distributees, successors, and assigns. If any provision in this Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Captions: The captions of this Agreement are for convenience and reference only, are not a part of this Agreement, and in no way define, describe, extend or limit the scope or intent of this Agreement.

Constructions: This Agreement shall be construed in its entirety according to its plain meaning and shall not be construed against the party who provided or drafted it.

Mandatory and Permissive: "Shall", "will", and "agrees" are mandatory, "may" is permissive.

Governing Laws: The laws of the State of Alabama shall govern the validity of this Agreement, the construction of its terms, the interpretation of the rights, the duties of the parties, the enforcement of its terms, and all other matters relating to this Agreement.

Prohibition on Assignment and Delegation: No party to this Agreement may assign or delegate its interests or obligations hereunder without the written consent of all other parties hereto obtained in advance of any such assignment or delegation. No such assignment or delegation shall in any manner whatsoever relieve any party from its obligations and duties hereunder and such assigning or delegating party shall in all respects remain liable irrespective of such assignment or delegation.

Waiver: Non enforcement of any provision of this Agreement by either party shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remaining terms and conditions of the Agreement.

Ownership of Contract Documents: The Contract Documents, and copies of parts thereof, are furnished and owned by the City. All portions of the Contract Document, and copies of parts thereof, are the instruments of serve for this project. They are not to be used on other work and are to be returned to the City on request at the completion of the work. Any reuse of these materials without specific written verification or adaptation by the City will be at the risk of the user and without liability or legal expense to the City. Such user shall hold the City harmless

from any and all damages, including reasonable attorneys fees, from any and all claims arising from any such reuse. Any such verification and adoption shall entitle the City to further compensation at rates to be agreed upon by the user and the City.

Fines and Penalties The Contractor shall be solely liable for any and all fines or penalties which may be levied by any governmental authority against the Owner and/or Contractor which are related to the Contractor's operations. The Owner shall deduct the amount of the levied fine or penalty from the Contract amount.

Agreement Date/Counterparts: The date of this Agreement is intended as and for a date for the convenient identification of this Agreement and is not intended to indicate that this Agreement was necessarily executed and delivered on said date. This instrument may be executed in any number of counterparts, each of which so executed shall be deemed an original, but all such counterparts shall together constitute but one and the same instrument.

Use of Words and Phrases: The following words and phrases, where used in this document, shall be given the following and respective interpretations. "Herein," "hereby," "hereunder," and other equivalent words refer to this document as an entirety and not solely to the particular portion hereof in which any such word is used.

The definitions set forth in any portion of this Agreement unless the text or context indicates differently shall be deemed applicable whether the words defined are herein used in the singular or the plural. Wherever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and date first set forth above.

CITY OF DAPHNE, a Municipal Corporation

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

AGENCY NAME: _____

BY: _____

TITLE: _____

Federal Tax ID#: _____

WITNESS:

By: _____

CITY OF DAPHNE

MISCELLANEOUS SEWERS

CIVIL CONSTRUCTION PLANS

NOVEMBER 2015



INDEX TO SHEETS

SHEET	DESCRIPTION
1	TITLE SHEET
2	CIVIL CONSTRUCTION NOTES
3-7	SITE PLAN SHEETS
8	CIVIL CONSTRUCTION DETAILS

MAYOR
DANE HAYGOOD

COUNCIL MEMBERS
TOMMIE CONAWAY District 1
PAT RUDDICELL District 2
JOHN L. LAKE District 3
RANDY FRY District 4
RON SCOTT District 5
ROBIN LEBLANC District 6
ANGIE PHILLIPS District 7

DIRECTOR OF PUBLIC WORKS
RICHARD D. JOHNSON, P.E.

CITY CLERK
REBECCA HAYES

NOTES:

1. ALL SANITARY SEWER CONSTRUCTION METHODS AND MATERIALS SHALL CONFORM TO THE LATEST EDITION OF THE "STANDARD SPECIFICATIONS" OF THE UTILITIES BOARD OF THE CITY OF DAPHNE, ALABAMA.
2. ALL CONSTRUCTION SHALL CONFORM TO THE LATEST EDITION OF THE CITY OF DAPHNE, ALABAMA "STREET CLOSURE ORDINANCE" AND THE "STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION" FOR THE ALABAMA DEPARTMENT OF TRANSPORTATION.

PATRICK ROBERT SIMON II, P.E.
AL. LICENSE NO. 33817 DATE:



HUTCHINSON, MOORE & RAUCH, LLC

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36526

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844-155227
54396 7504

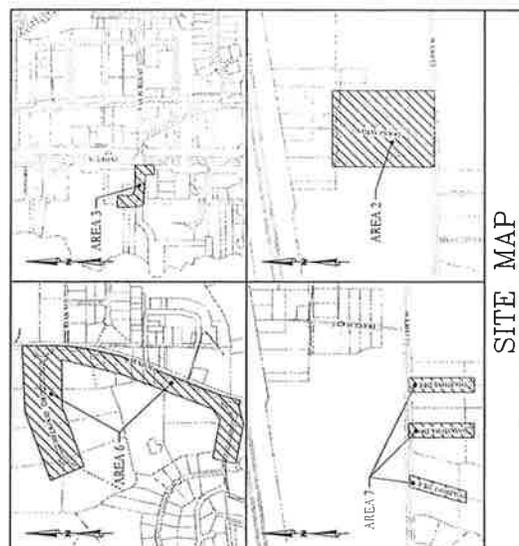
844-155227
54396 7504

UTILITY PLAN NOTES

1. THE CONTRACTOR SHALL VERIFY THE LOCATION, DEPTH AND WIDTH OF THE EXISTING UTILITY LINES AND RECORD THE LOCATION AND DEPTH OF ALL UTILITIES TO BE INSTALLED AND THE LOCATION AND DEPTH OF ALL EXISTING UTILITIES TO BE REMOVED OR DELETED FROM THE PLAN.
2. ALL WORK SHALL BE ACCORDING TO THE CITY OF DAPHNE, ALABAMA, STANDARD SPECIFICATIONS FOR UTILITY CONSTRUCTION.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES TO BE INSTALLED AND TO ALL EXISTING UTILITIES TO BE REMOVED OR DELETED FROM THE PLAN.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES TO BE INSTALLED AND TO ALL EXISTING UTILITIES TO BE REMOVED OR DELETED FROM THE PLAN.
5. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE LOCATION OF ALL EXISTING UTILITIES AND TO TAKE APPROPRIATE MEASURES TO PROTECT THEM FROM DAMAGE.
6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES TO BE INSTALLED AND TO ALL EXISTING UTILITIES TO BE REMOVED OR DELETED FROM THE PLAN.
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27. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES TO BE INSTALLED AND TO ALL EXISTING UTILITIES TO BE REMOVED OR DELETED FROM THE PLAN.

23. ALL TRAFFIC PLANS SHALL BE COORDINATED WITH THE CITY OF DAPHNE PUBLIC WORKS DEPARTMENT.
 24. ALL PROPERTY LINE MARKERS (IRON PIPES, CONCRETE CORNERS, ETC.) SHALL BE MAINTAINED THROUGHOUT THE PROJECT. THE CONTRACTOR SHALL NOTIFY A LAND SURVEYOR REGISTERED IN THE STATE OF ALABAMA OF ANY CHANGES TO THESE MARKERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF ANY WORK SHALL BE INCLUDED IN OTHER ITEMS OF WORK.
- SOIL EROSION AND SEDIMENT CONTROL NOTES**
1. ALL DRAINAGE SWALES MUST BE GRADED AND RIP-RAP MUST BE PLACED AS SHOWN TO CONTROL EROSION.
 2. SLOPE MUST MEET THE REQUIREMENTS OF LOCAL JURISDICTIONAL AGENCY, AND REQUIREMENTS AS SHOWN BY THESE PLANS.
 3. DISTURBED AREAS SHALL BE VEGETATED AFTER CONSTRUCTION.
 4. ADDITIONAL EROSION CONTROL MEASURES OR SILT BARRIERS TO BE INSTALLED AS SHOWN BY THESE PLANS AND APPROVED BY THE LOCAL JURISDICTIONAL AGENCY.
 5. **WATER CONSTRUCTION METHODS & MATERIALS CONTROL:**
 - a. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING ANY BUILDING OR OTHER EXCAVATION SPILL ARREST, CONSTRUCTION TRAYS OR BARRIERS, ETC. AS CONSTRUCTION PROGRESSES.
 - b. THE CONTRACTOR HEREBY AGREES TO STOP ALL WORK AND RESTORE THESE AREAS IMMEDIATELY UPON NOTIFICATION BY THE LOCAL JURISDICTIONAL AGENCY AND/OR PROFESSIONAL ENGINEER.
 - c. FOR ALL CONSTRUCTION ALONG AND/OR ACROSS WATERWAYS, BANK PROTECTION AND STABILIZATION SHALL BE PROVIDED AS PER LOCAL AGENCY REQUIREMENTS.
 - d. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES TO BE INSTALLED AND TO ALL EXISTING UTILITIES TO BE REMOVED OR DELETED FROM THE PLAN.
 - e. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES TO BE INSTALLED AND TO ALL EXISTING UTILITIES TO BE REMOVED OR DELETED FROM THE PLAN.
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 8. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES TO BE INSTALLED AND TO ALL EXISTING UTILITIES TO BE REMOVED OR DELETED FROM THE PLAN.
 9. EROSION CONTROL DEVICES SHALL BE INSTALLED IMMEDIATELY AFTER EXCAVATION BEGINS. THE LOCATION OF SUCH DEVICES SHALL BE SHOWN BY THESE PLANS. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES TO BE INSTALLED AND TO ALL EXISTING UTILITIES TO BE REMOVED OR DELETED FROM THE PLAN.
 10. CONTRACTOR SHALL MAINTAIN ALL EROSION CONTROL DEVICES UNTIL ALL SLOPE STABILIZATION HAS BEEN COMPLETED. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES TO BE INSTALLED AND TO ALL EXISTING UTILITIES TO BE REMOVED OR DELETED FROM THE PLAN.
 11. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES TO BE INSTALLED AND TO ALL EXISTING UTILITIES TO BE REMOVED OR DELETED FROM THE PLAN.
 12. ALL EROSION CONTROL DEVICES SHALL BE REMOVED WHEN A DEPTH OF 18" HAS ACCUMULATED AT THE WEIR.
 13. SILT BARRIERS TO BE PLACED AT DOWNSTREAM TOE OF ALL CUT AND FILL SLOPES.

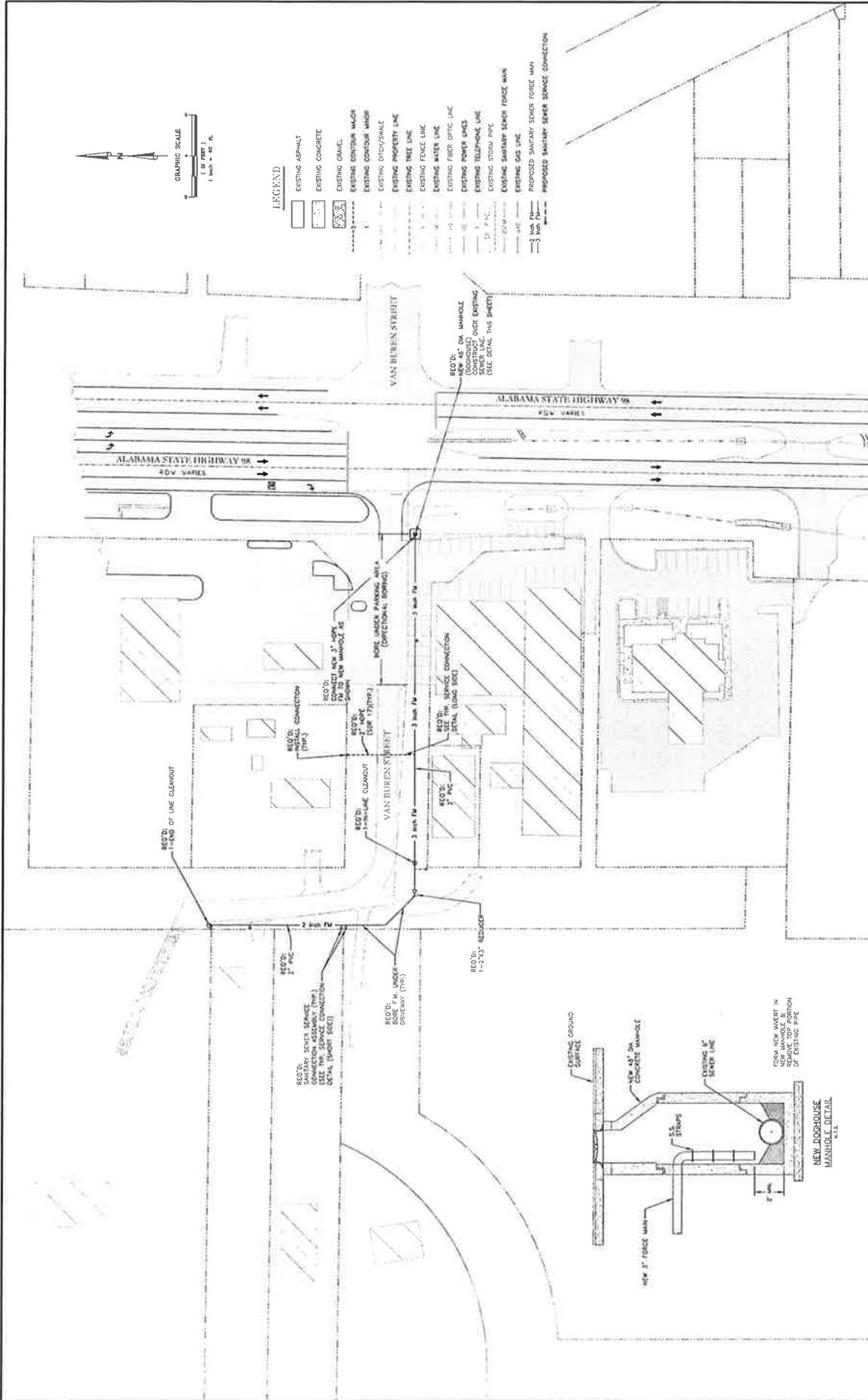
14. THE CONTRACTOR SHALL MAINTAIN AND MINIMIZE ALL NECESSARY EROSION CONTROL DEVICES THROUGHOUT THE PROJECT.
15. EROSION CONTROL DEVICES SHALL BE MAINTAINED THROUGHOUT THE PROJECT.
16. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL UTILITIES TO BE INSTALLED AND TO ALL EXISTING UTILITIES TO BE REMOVED OR DELETED FROM THE PLAN.
17. ALL EROSION CONTROL DEVICES ARE TO BE CONSTRUCTED AND FULLY OPERATIONAL PRIOR TO ANY OTHER CONSTRUCTION OR GRADING.
18. ALL DISTURBED AREAS TO BE RESTORED AS SOON AS POSSIBLE.
19. ALL SLOPES SHALL BE STABILIZED AS SOON AS POSSIBLE.
20. DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.
21. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PERFORM REQUIRED EROSION CONTROL DEVICES AT ALL TIMES AND TO MAINTAIN THEM THROUGHOUT THE PROJECT.
22. LENGTH OF RIP RAP AREA SHALL BE 500' MIN. THE DIAMETER OF THE STORM DRAIN PIPE WITH OF RIP RAP AREA SHALL BE THREE(3) TIMES THE DIAMETER OF THE PIPE AND TWO(2) TIMES THE DIAMETER AT THE DOWNSTREAM END.
23. THE CONTRACTOR SHALL REMOVE ALL ACCUMULATED SEDIMENT FROM THE DETENTION POND UPON PROJECT COMPLETION.



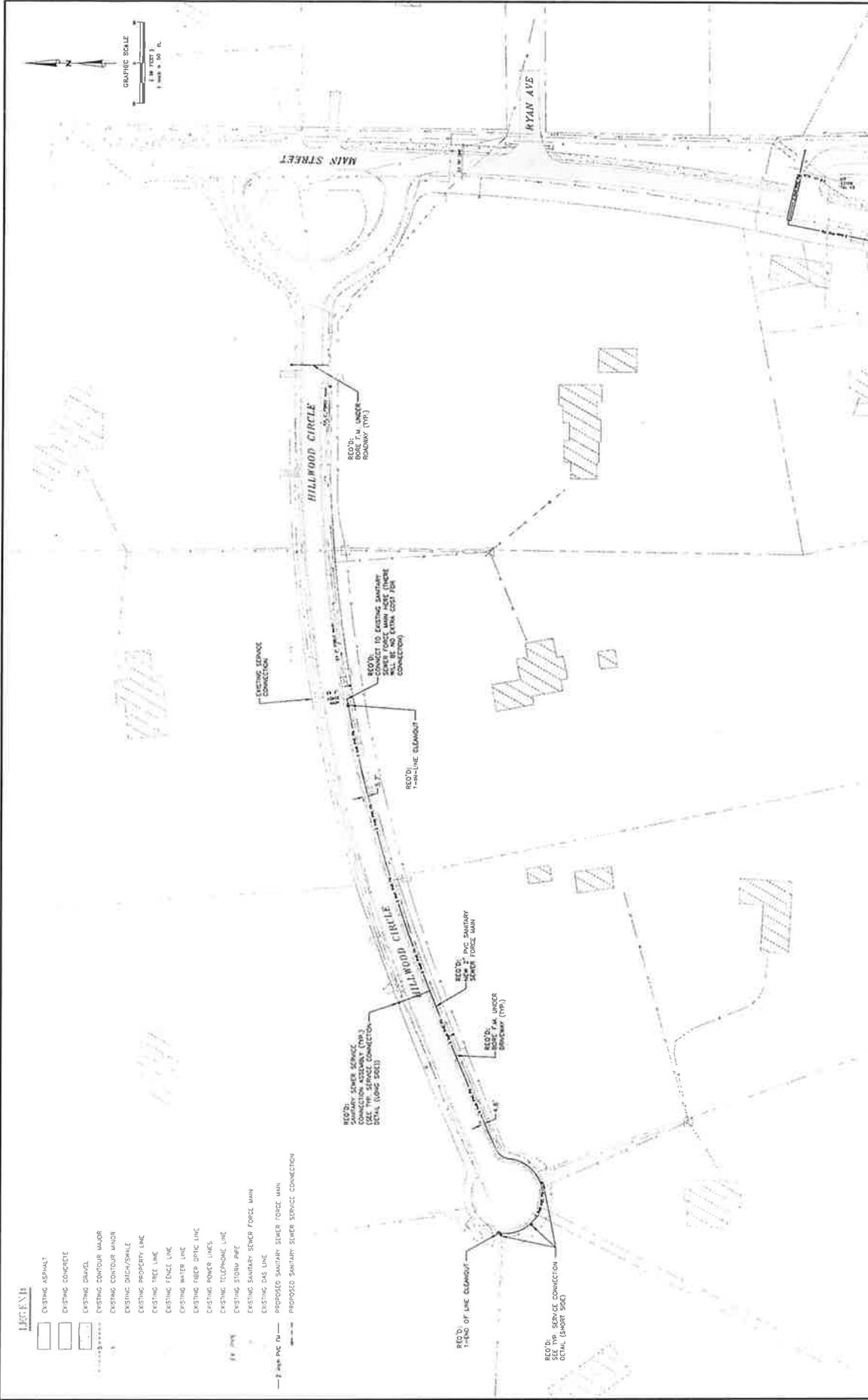
SITE MAP

N.T.S.

		HUTCHINSON, MOORE & RAUCH, LLC ENGINEERS & SURVEYORS LAND PLANNERS 2039 MAIN STREET DAPHNE, ALABAMA 36526 TEL (251) 282-2828 TEL (251) 266-3534 info@hmr-engineers.com		MISC. SANITARY SEWER CIVIL CONSTRUCTION NOTES CITY OF DAPHNE, ALABAMA DATE: NOVEMBER 2013 SHEET: 2 OF 8	
83104 83104		83104 83104		NO SCALE DATE: NOVEMBER 2013 SHEET: 2 OF 8	

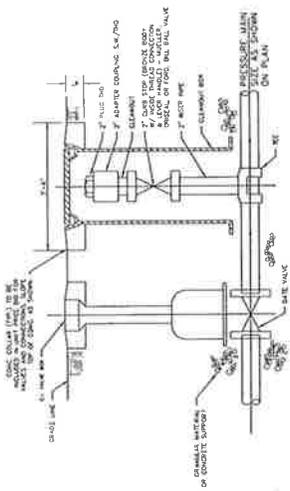


<p>HUTCHINSON, MOORE & RAUCH, LLC 2039 MAIN STREET DAPHNE, ALABAMA 36526 TEL (251) 836-2626 FAX (251) 836-0334 hmrplanners@gmail.com</p>		<p>MISC. SANITARY SEWER AREA 3 - VAN BUREN STREET CITY OF DAPHNE, ALABAMA</p>	
DATE	NOVEMBER 2015	SCALE	1" = 40'
DATE	AUT	SCALE	AS SHOWN
DATE	NOVEMBER 2015	SCALE	1" = 40'
DATE	AUT	SCALE	AS SHOWN
DATE	NOVEMBER 2015	SCALE	1" = 40'
DATE	AUT	SCALE	AS SHOWN
DATE	NOVEMBER 2015	SCALE	1" = 40'
DATE	AUT	SCALE	AS SHOWN



- LEGEND**
- EXISTING ASPHALT
 - EXISTING CONCRETE
 - EXISTING GRAVEL
 - EXISTING CONTOUR MAJOR
 - EXISTING CONTOUR MINOR
 - EXISTING DITCH/SWALE
 - EXISTING PROPERTY LINE
 - EXISTING TREE LINE
 - EXISTING FENCE LINE
 - EXISTING WATER LINE
 - EXISTING FIBER OPTIC LINE
 - EXISTING POWER LINES
 - EXISTING TELEPHONE LINE
 - EXISTING STORM PIPE
 - EXISTING SANITARY SERVICE FORCE MAIN
 - EXISTING GAS LINE
 - PROPOSED SANITARY SEWER SERVICE CONNECTION
 - 12" PVC (12")
 - 12" PVC (12")

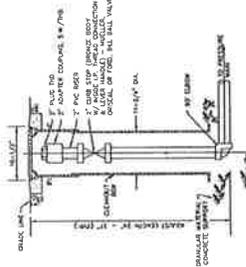
	<p>MISC. SANITARY SEWER AREA 6 - HILLWOOD CIRCLE CITY OF DAPHNE, ALABAMA</p>	<p>DATE: NOVEMBER 2015 DRAWN BY: JLF CHECKED BY: RSM SHEET: 4 OF 8</p>
	<p>AREA 6 SEWER 02500/4178</p>	
<p>HUTCHINSON, MOORE & RAUCH, LLC 5035 MAIN STREET DAPHNE, ALABAMA 36826 36126</p> <p>ENGINEERS & SURVEYORS LAND PLANNERS TEL (256) 626-5856 FAX (256) 634-0334 daphne@hmrmae.com</p>		



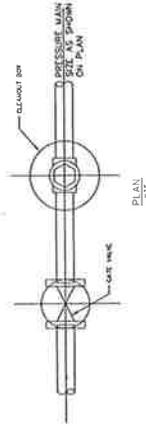
TYPICAL IN-LINE CLEANOUT ASSEMBLY DETAIL
N.E.S.

CLEANOUT BOX NOTES:

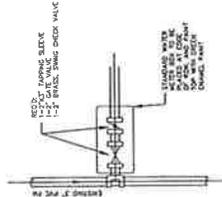
1. CLEANOUT BOX SHALL BE CAST FROM 12\"/>



TYPICAL END OF LINE CLEANOUT ASSEMBLY DETAIL
N.E.S.



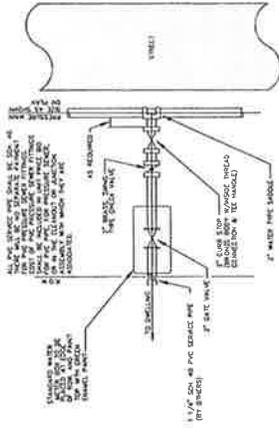
PLAN
N.E.S.



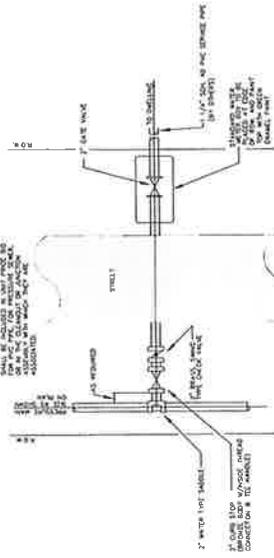
DETAIL FOR CONNECTING TO EXISTING FORCE MAIN
N.E.S.



ROADWAY BORE DETAIL
N.T.S.



TYPICAL SERVICE CONNECTION DETAIL (SHORT SIDE)
N.E.S.



TYPICAL SERVICE CONNECTION DETAIL (LONG SIDE)
N.E.S.



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MISC. SANITARY SEWER
CIVIL CONSTRUCTION DETAILS
CITY OF DAPHNE, ALABAMA

DATE	NO. SCALE	DATE	BY
3/24	NO SCALE	NOVEMBER 2013	247
PROJECT	NO. PROJECT	DATE	BY
10000/1118	10000/1118	NOVEMBER 2013	247