

**CITY OF DAPHNE
CITY COUNCIL MEETING AGENDA
1705 MAIN STREET, DAPHNE, ALABAMA
JUNE 20, 2016
6:30 P.M.**

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

INVOCATION / Pastor Johnny Hunt from Celebration Church

PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council Meeting Minutes / June 6, 2016
Council Work Session Minutes / June 13, 2016

PUBLIC HEARINGS:

- 1.) Rezoning:** **Daphne Rudicell**

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

Present Zoning: B-2, General Business District

Requested Zoning: MU, Mixed Use District

Recommendation: Favorable

- 2.) Amending the Land Uses & Development Ordinance 2011-54 / New Zone / B-1(a), Limited Local Business District**

4. REPORTS OF STANDING COMMITTEES:

- A. FINANCE COMMITTEE – Fry**
Review minutes / June 13th

- 1.) Ordinances:**
 - a.) Appropriation of General Funds: Olde Daphne Wharf ROW Drainage Improvements (NRCS Project) (*Joint Project w/Bayside Academy*) / **Ordinance 2016-33**
 - b.) Appropriation of Seven Cents Gas Tax Fund: MPO / ALDOT Project: RFP: Fiber Optic Infrastructure Network Support Services for the US-98 ASCT System (Traffic Signal Project for areas: (*Daphne / Fairhope / Spanish Fort*) / **Ordinance 2016-34**
 - c.) Appropriation of Seven Cents Tax Fund: North Court / TimberCreek Drainage Project / Preliminary Engineering / **Ordinance 2016-35**
 - d.) Appropriation of Seven Cents Tax Fund: Old County Road Drainage Improvements / Project 2015-PW-008 / **Ordinance 2016-36**
 - e.) Appropriation of Lodging Tax Funds: For Bayfront Grounds/Landscaping Improvements (*Richard Scardamalia Pavilion*) / **Ordinance 2016-37**

2.) Resolutions:

- a.) 2016-CDBG for Sewer Hookup in the Whispering Pines & Pollard Road Community / Resolution 2016-40
- b.) Bid Award: Recycling Compactor Trailer-15CY w/Cart Tipper / Sole Source / Pro-Trainer, Inc. / Resolution 2016-41
- c.) Bid Award: 2016-N-Old Daphne Wharf ROW Drainage Improvements / (*Project at Lovette Lane – originally referred to as Fannon Property*) Ammons & Blackmon Construction, LLC / Resolution 2016-42
- d.) ALDOT Agreement to participate in the Utility wor/cost sharing as required as the US 98 ASCT System / Resolution 2016-43
- e.) Daphne Park Improvement Funding Process – Identifying source of funds / Resolution 2016-22

3.) Motions:

To Authorize the Mayor to execute all agreements, contracts and documents related to the NJPA Unifirst contract.

4.) Financial Reports:

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

B. BUILDINGS & PROPERTY COMMITTEE - Lake
Review minutes / June 6th

C. PUBLIC SAFETY - Conaway

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

Nomination for Member: Thomas Warner, III (*Supernumerary – taking Larry Cooke’s place*) /
Term: May 2016 – May 2019

Reappoint Supernumerary: William Scully / Term: May 2016 – May 2019

Nomination for Supernumerary: Herb Cole / Term: May 2016 – May 2019

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

C. INDUSTRIAL DEVELOPMENT BOARD – Phillips

D. LIBRARY BOARD – Lake

E. PLANNING COMMISSION – Scott

F. RECREATION BOARD / LeJeune

G. UTILITY BOARD – Fry

6. MAYOR’S REPORT

7. CITY ATTORNEY’S REPORT

8. DEPARTMENT HEAD’S REPORT

9. CITY CLERK’S REPORT

10. PUBLIC PARTICIPATION

11. RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

- a.) **Resolution 2016-22.**Daphne Park Improvement Funding Process – Identifying Source of Funds
- b.) **Resolution 2016-39.**Appointing the City Clerk to Perform All the Duties Otherwise Performed by the Mayor in the 2016 Municipal Election and Run-off Election
- c.) **Resolution 2016-40.**2016-CDBG for Sewer Hookup in the Whispering Pines & Pollard Road Community
- d.) **Resolution 2016-41.**Bid Award: Recycling Compactor Trailer-15CY w/Cart Tipper / Sole Source / Pro-Trainer, Inc.
- e.) **Resolution 2016-42.** Bid Award: 2016-N-Old Daphne Wharf ROW Drainage Improvements / *(Project at Lovette Lane – originally referred to as Fannon Property)* Ammons & Blackmon Construction, LLC
- f.) **Resolution 2016-43.**ALDOT Agreement to Participate in the Utility or/Cost Sharing as Required for the US 98 ASCT System
- g.) **Resolution 2016-44.** Authorize the Mayor to Have Proceedings and Offering Document Prepared with Respect to the Series 2016 Warrants

ORDINANCES:

2ND READ

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

1ST READ

- a.) **Ordinance 2016-33.**Appropriation of General Funds: Olde Daphne Wharf ROW Drainage Improvements (NRCS Project) *(Joint Project w/Bayside Academy) /*

- b.) **Ordinance 2016-34.** Appropriation of Seven Cents Gas Tax Fund: MPO / ALDOT Project: RFP: Fiber Optic Infrastructure Network Support Services for the US-98 ASCT System (Traffic Signal Project for areas: *(Daphne / Fairhope / Spanish Fort)*)
- c.) **Ordinance 2016-35.** Appropriation of Seven Cents Tax Fund: North Court / TimberCreek Drainage Project / Preliminary Engineering
- d.) **Ordinance 2016-36.** Appropriation of Seven Cents Tax Fund: Old County Road Drainage Improvements / Project 2015-PW-008
- e.) **Ordinance 2016-37.** Appropriation of Lodging Tax Funds: For Bayfront Grounds/Landscaping Improvements *(Richard Scardamalia Pavilion)*
- f.) **Ordinance 2016-38.** Rezone: Daphne Rudicell / Property Located Southwest of the Intersection of Guarisco Street and Mancini Avenue / From B-2, General Business District to MU, Mixed Use District
- g.) **Ordinance 2016-39.** Amending the Land Use & Development Ordinance 2011-54 / New Zone: B-1(a), Limited Local Business District

12. COUNCIL COMMENTS

13. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL**

ROLL CALL

CITY COUNCIL:

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

MAYOR:

| | | |
|----------------------|---------------------|--------------------|
| MAYOR HAYGOOD | PRESENT ____ | ABSENT ____ |
|----------------------|---------------------|--------------------|

CITY CLERK:

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

CITY ATTORNEY:

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

**JUNE 6, 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; Robin LeJeune; Angie Phillips.

Also Present: Mayor Haygood; Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; Tonja Young, Library Director; Vickie Hinman, HR Director; Ashley Campbell, Environmental Programs Manager; Lt. Ric Yelding, Police Department; Code Enforcement Officers: Matt Creel and William Kennedy; Don Ouellette, Environmental Advisory Committee; Dorothy Morrison, Beautification Committee; Al Guarisco, Village Point Foundation; Mickey Boykin, Daphne Museum; Cara Stallman, Grant Writing Consultant;

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

INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Charlie Stafford with Coastal Church gave the invocation.

3. APPROVE MINUTES:

May 16, 2016 Council Meeting Minutes:

There being no corrections to the May 16, 2016 council meeting the minutes they stand approved. Councilman Lake abstained as he was not present at the meeting.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Fry

The next meeting will be June 13th at 4:30 p.m.

B. *BUILDINGS & PROPERTY COMMITTEE* – Lake

The May 2nd minutes are in the packet. The committee met before the council meeting, and the minutes will be in the next packet.

C. *PUBLIC SAFETY COMMITTEE* – Conaway

The May 16th minutes are in the packet. The next meeting will be June 20th at 4:30 p.m.

D. *CODE ENFORCEMENT/ORDINANCE COMMITTEE* – Scott

The minutes for the May 16th meeting are in the packet. The next meeting will be June 20th after the Public Safety meeting.

E. *PUBLIC WORKS COMMITTEE* – LeJeune

The committee met this afternoon, and the next meeting will be July 5th.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. *Board of Zoning Adjustments* – Adrienne Jones

No meeting for June.

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B. Downtown Redevelopment Authority – Conaway

The May 25th minutes are in the packet. The next meeting will be June 22nd.

C. Industrial Development Board – Phillips

The next meeting will be June 27th.

D. Library Board – Lake

The board will meet the second Thursday in June at 4:00 p.m. The Summer Reading Program kicked off with 500 children attending along with parents.

E. Planning Commission – Scott

The March 24th, April 28th and May 5th meeting minutes are in the packet along with the staff report for the May 26th meeting. The next meeting will be June 23rd at 5:00 p.m.

MOTION BY Councilman Scott to set a Public Hearing date to for July 18, 2016 6:30 p.m. and approve advertising to consider:

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

Rezoning: AJD Family Limited Partnership, LLC
Located: Southeast of the intersection of County Road 64 and Friendship Road
Present zoning: B-1, Local Business District
Requested zoning: B-2, General Business District
Recommendation: Favorable

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

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

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David McKelroy – Recreation Director – reported that Art in the Park was last Thursday and this Thursday, and Wet & Wild is June 15-19.

James White – Fire Chief – reported the department was awarded the Lifeline EMS - Gold Medal Recognition from the Heart Association.

9. CITY CLERK’S REPORT:

No report.

10. PUBLIC PARTICIPATION

Mr. Philip Durant – S.E.E.D.S. – handed out S.E.E.D.S. annual report showing how their money was dispersed to the schools.

Mr. Phil Erhardt – Mobile Press-Register – spoke regarding the handbill ordinance on the agenda as a first read. He asked council for a second chance to sweep the city to pick up packets that were still not picked up by the homeowner.

Mr. Thomas Warner – 1315 Warren Drive – spoke regarding keeping May Day Park clean.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) **Resolution 2016-38.** Hazard Mitigation Planning Grant

f.) **Resolution 2016-38.** Hazard Mitigation Planning Grant

MOTION BY Councilman Scott to waive the reading of Resolutions 2016-38. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2016-38. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2ND READ

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

b.) **Ordinance 2016-30.** Appropriation of Funds: For Appraisal, Survey and Associated Purchase Fees for Liberty Bank & Trust Bayfront Property

c.) **Ordinance 2016-31.** Sewer Projects: 1) Douglas Road 2) Van Buren Street
3) (Schieffelin Lane-Jordan Lane East 4) 6th Street 5) Greystone Subdivision

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

MOTION BY Councilman Scott to pull Ordinance 2016-29 from the agenda on the recommendation of the City Attorney. Seconded by Councilman Lake.

MOTION CARRIED UNANIMOUSLY

Ordinance 2016—30. Appropriation of Funds: For Appraisal, Survey and Associated Purchase Fees for Liberty Bank & Trust Bayfront Property

MOTION BY Councilwoman Conaway to waive the reading of Ordinance 2016-30. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Ordinance 2016-30. Seconded by Councilman Lake.

MOTION CARRIED UNANIMOUSLY

Ordinance 2016-31. Sewer Projects: 1) Douglas Road 2) Van Buren Street 3) Schieffelin Lane-Jordan Lane East 4) 6th Street 5) Greystone Subdivision

MOTION BY Councilman Fry to waive the reading of Ordinance 2016-31. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Fry to adopt Ordinance 2016-31. Seconded by Councilwoman Conaway.

AYE Fry, Scott, LeJeune, Phillips, Rudicell

ABSTAIN Conaway

MOTION CARRIED

1ST READ

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

ORDINANCE 2016-32 is a 1ST READ

12. COUNCIL COMMENTS

Mayor Haygood – said that the garbage at May Day is picked up two times per week, he can request more cans or empty them more often. He is looking into creating enclosures for the cans. He mentioned the new businesses in the area Moe’s Southwest Grill, Tropical Smoothie and Taziki’s Mediterranean Café, Hibachi Express and Mugshots.

Councilman Lake – said that he attended a lot of educational classes at the AL League of Municipalities Convention last week. He encouraged all of the council to attend the conventions. He mentioned that he received the CMO Emeritus Certified Municipal Official designation. The CMO Emeritus recognizes mayors and council members who

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have excelled beyond the requirements of the Basic and Advanced CMO Programs. CMO Emeritus is awarded to officials who have acquired a minimum of 120 credit hours of Continuing CMO Education plus 15 points. Points can be earned by participating on ALM policy committees and attending specific ALM and NLC events. There were only three who received this designation in Alabama.

Councilwoman Fry – appreciated the flag display for Memorial Day. He looks forward to the dedication of the gazebos. He thanked Public Works for their hard work. He is happy they are providing sewer for the five remaining areas that do not have sewer hookup. He said this will complete the sewer system in the city.

Councilman Scott – mentioned the Supreme Court ruling in the case of Reed vs Town of Gilbert which struck down the sign content based ordinance. He recommended to take the sign ordinance out of the Land Use Ordinance and have a stand-alone sign ordinance. He mentioned that Mr. Willie Robison’s wife is quiet ill, and asked everyone to keep them in your prayers.

Councilwoman Phillips – thanked everyone for coming out, and recognized Adrienne Jones for all the work she does for the city.

Council President Rudicell – mentioned for the June work session they will be discussing the Lake Forest boat launch and regulating ATV’s in the city, and in July the recreation facilities.

13. ADJOURN:

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:05 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes, City Clerk

Pat Rudicell, Council President

**JUNE 13, 2016
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

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

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Jay Ross, City Attorney; Kevin Boucher, City Attorney; Kelli Kichler, Finance Director; Ashley Campbell, Environmental Programs Manager; BJ Eringman, Deputy Public Works Director; Don Ouellette, Environmental Advisory Committee; John Peterson, Hatch Mott McDonald; Steve Sasser, President of Lake Forest Property Owner's Association; Victoria Phelps, Vice-President of Lake Forest Property Owner's Association; Patrick Collins, Attorney for Lake Forest Property Owner's Association; Tomasina Werner, Beautification Committee, Selena Vaughn, Beautification Committee.

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

1. PRESENTATIONS / LAKE FOREST MARINA / VICTORIA PHELPS:

Mr. Steve Sasser reported that the board is interested to see how things develop and are looking forward to working with the city and continuing a good relationship.

Ms. Phelps presented a power point presentation regarding the city using the marina as a boat launch for the city. In the presentation was a letter stating their intentions, site information and relationship expectations.

Ashley Campbell updated council on the May Day boat launch saying the agreement to tear out the ramp is in the Marine Resources hands, and they have about three more weeks of review, finalizing and execution of the agreement. So in about three weeks she should have the agreement so that they can go in and remove the ramp. At that point the city can take the money that was to be reimbursed to the state and use that at the Lake Forest location or another location or both. If council wanted to do some improvements at May Day like a kayak launch they could still do that plus use the money at another location. The Marine Resources has been notified that the city is looking at the Yacht Club, and she will be meeting with them very soon to show them the property for them to get a better understanding. They are in agreement that the city could sign a 30 year lease with Lake Forest Property Owners Association (LFPOA), and then turn around and sign a lease with them so that it can all work together. Any improvements the city does at the site after 30 years it will belong to the land owner which is the LFPOA. During the 30 year lease if anything happens and the city had to terminate the lease early it would be the same pay back requirement of the \$189,000. May Day is just not feasible as a boat launch, and studies have shown the same problems would exist if they rebuild it. The Yacht Club already has a better access, Victoria mentioned 3 feet, but she has been told it is six feet most of the time, so large boats can launch there to out and come back in without being stuck and having to hire someone to pull them out like at May Day. If the city commits to long term they can search for grant money for dredging, and State Lands Marine Resources has already agreed that the city could apply for 2017 and 2018 money for future improvements past the \$189,000 or for dredging. Dredging can be quite expensive, and she already has a lot of preliminary information on dredging from Captain Hal Pierce, and they could pursue grants, but it is up to council to make the decision to commit to long term funding of dredging, but she thinks currently this would be way better than what they have at May Day. She mentioned that she has discussed drainage in that area in the past, and said that some drainage improvements may need to be made in the area that the grant may not fund. She gave an update on the Lake Forest Lake saying that the Mobile NEP has decided to fund a dredge study, and they will put \$25,000 toward potential dredging of the lake eventually with some of the NFWF funds making that an amenity again.

Councilman LeJeune asked Ashley to explain about the environmental impact of the gas tank in that area.

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Ashley said she spoke to Marine Resources and they prefer it not to be in the leased area, and to move it would open up a can of worms with larger environmental permitting problems. She will talk with ADEM, and to the Corp about the moving of the tank. She recommends if the tank was moved it would not be part of the agreement that the LFPOA would handle it, but they may need some compensation for it, but Marine Resources prefers it not to be part of the city's leased area.

Victoria stated that the gas tank is a point of convenience, and it is also part of getting the Safe Harbor designation. There are pros and cons, and they totally understand that the city would not want to be involved and be held responsible for supplying gas to boaters. There is all these tentacles off of that subject, but if they could actually relocate it, and step through those environmental wickets to do so is probably the best thing. It gets it clean for the city and for LFPOA.

Councilman LeJeune requested the agreement be on the Buildings and Property agenda for July.

Mr. Dan Keller, attorney for the Lake Forest Marina asked if there would be a Public Hearing regarding this agreement.

Council President Rudicell said that he would make sure there was one before council voted on it.

2. DISCUSS: Regulating ATV'S in the City of Daphne

Ashely Campbell reported the destruction that they are causing to city and private property. It is a big issue.

Council discussed the issue, and Councilman Scott requested that this be on the next Ordinance Committee meeting, and to invite the City Prosecutor Jim Scroggins to come to the meeting.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:25 P.M.

Respectfully submitted by,

Rebecca A. Hayes,
City Clerk

Certification of Presiding Officer:

Pat Rudicell,
Council President

PUBLIC HEARING

June 20, 2016

1.) Rezoning:

Daphne Rudicell

Location: 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 Uses & Development Ordinance 2011-54 / B-1(a),
Limited Local Business District**

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> |
|---|---------------------------------------|

| | |
|--|--|
| 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> |
|---|---|

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: | |
| Mailing Address: | Phone/Fax: E-mail: |
| 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 Rudirell 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 Rudirell Robinson

DEVELOPER'S ACKNOWLEDGEMENT

I, Daphne Rudirell 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 Rudirell 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)

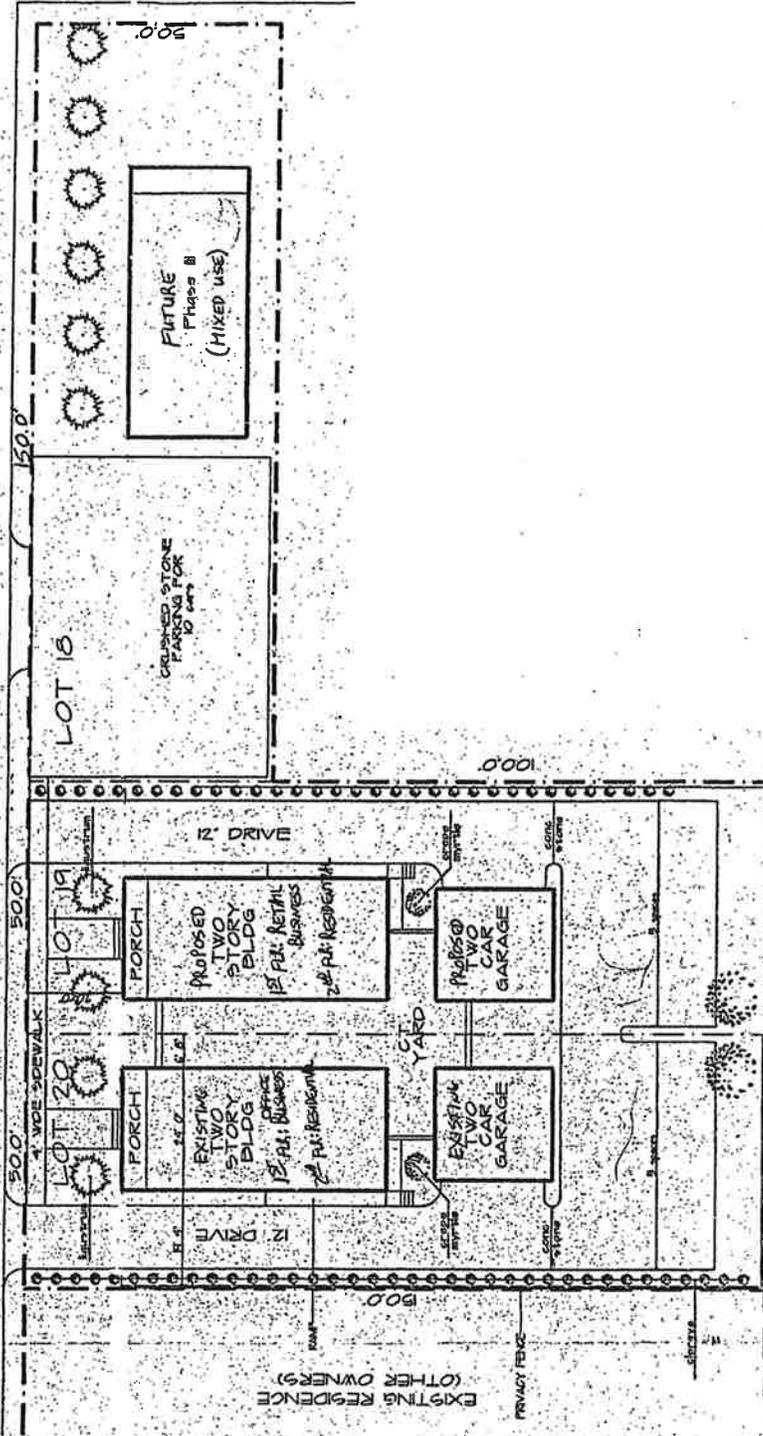
DESCRIPTION OF PROPERTY TO BE REZONED AS MU MIXED USE

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.

POST OFFICE

MANGI STREET
30' R.O.W.

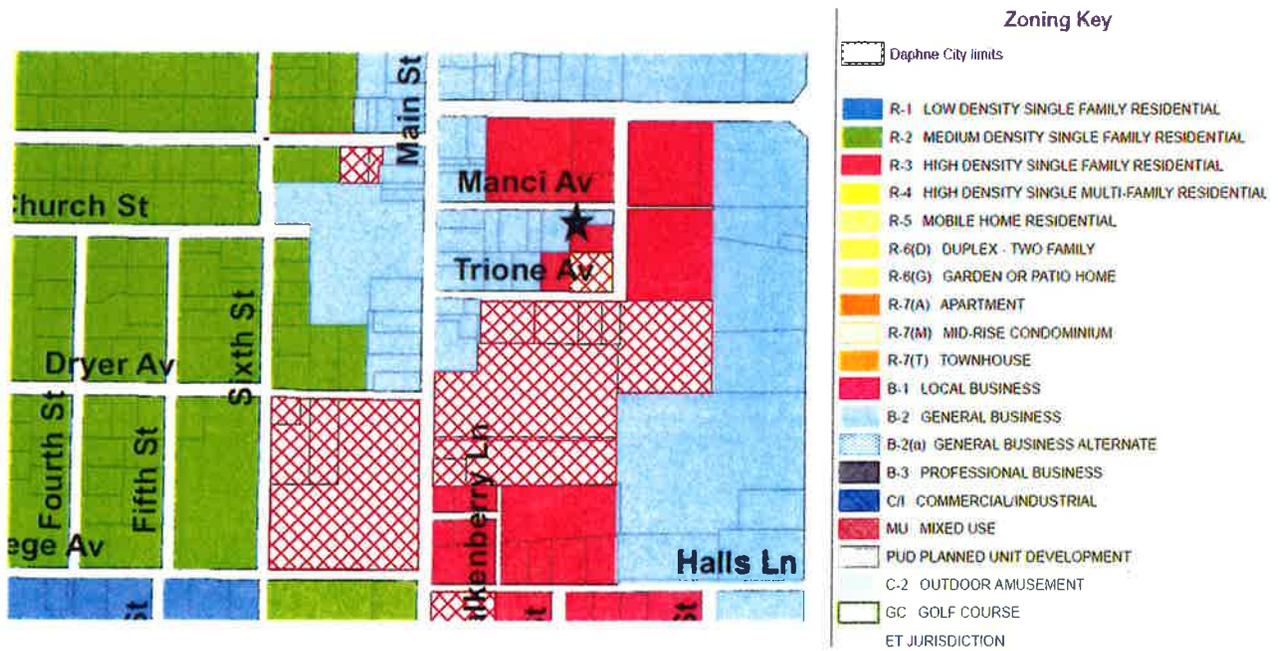
GUARISCO STREET
30' R.O.W.



PROPOSED SITE PLAN

SCALE 1" = 20'-0"

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

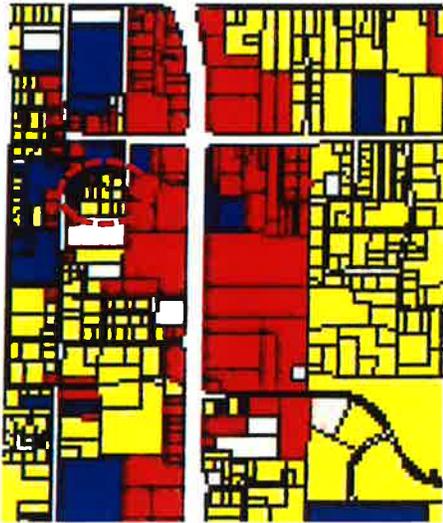
Baldwin County Schools—n/a

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

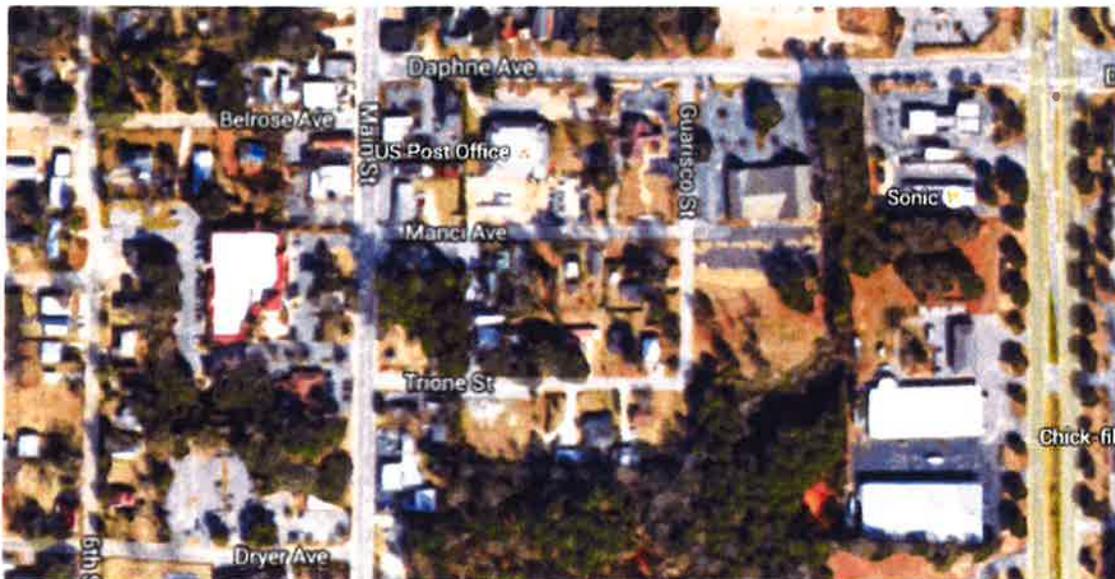
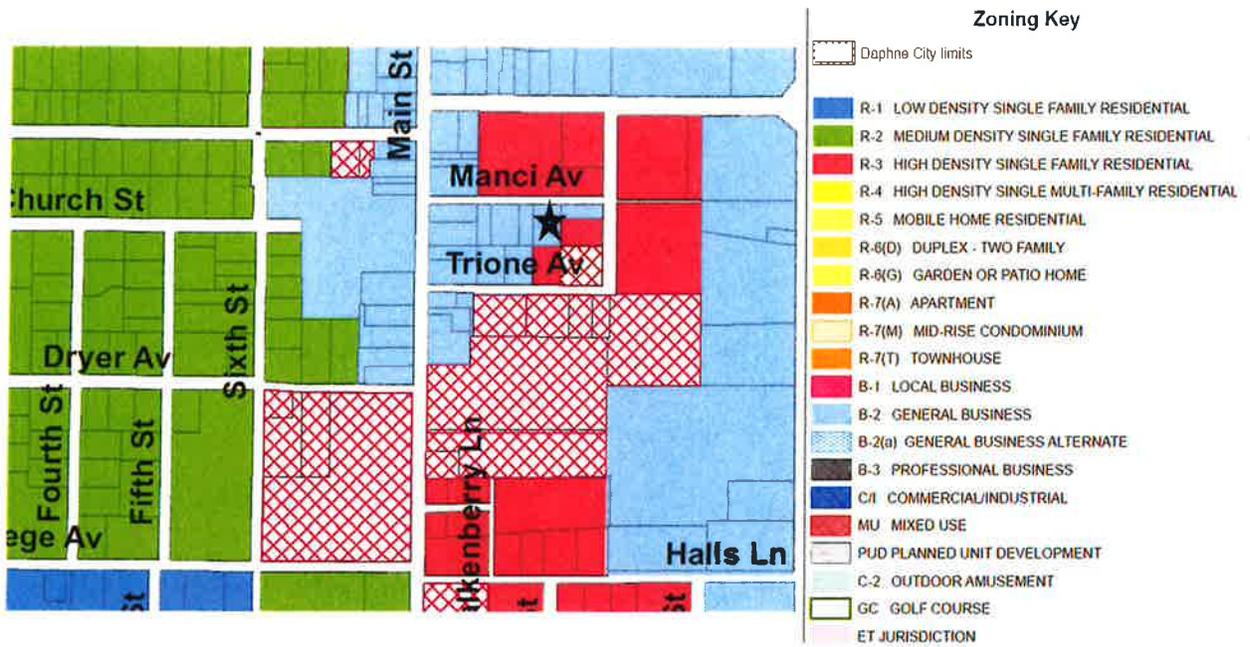
The intent of this Article is to provide for the creation of the district in order to establish minimum standards and provisions for residential, business, or commercial development in the areas outlined the map provided herein and to achieve a healthy, beautiful, and safe community by the following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

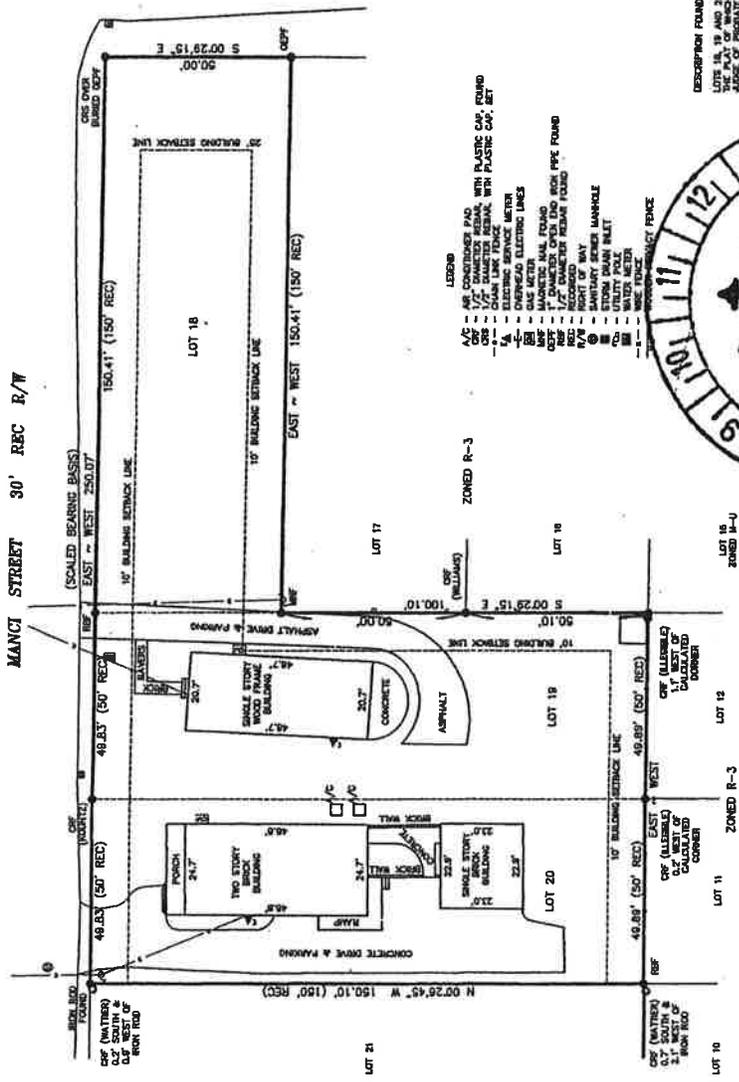
Lots 18, 19 and 20 in Block 2 of Mancie-Trione Addition to Daphne, Alabama, the Plat of which is recorded in Map Book 1 Page 41, in the office of the Judge of Probate of Baldwin County, Alabama.

EXHIBIT "B"

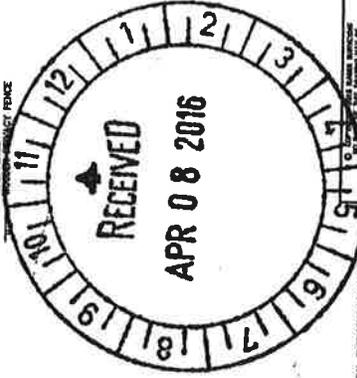


GUARISCO STREET 60' REC R/W

MANCI STREET 30' REC R/W



- LEGEND**
- AC --- AIR CONDITIONER PAD WITH PLASTIC CAP, FOUND
 - AS --- ASPHALT DRIVE
 - CB --- 1/2" DIAMETER CEMENT WITH PLASTIC CAP, SET
 - CH --- CHAIN LINK FENCE
 - CL --- CONCRETE
 - CS --- CONCRETE SETBACK LINES
 - DA --- DRAINAGE
 - EM --- EASEMENT
 - EP --- 1" DIA. 1/2" WALL THICKNESS PIPE FOUND
 - ES --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - EV --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - FW --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - HW --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - IS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - MS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - NS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - OS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - PS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - RS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - SS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - TS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - US --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - VS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - WS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - XS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - YS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - ZS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - AS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - BS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - CS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - DS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - ES --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - FS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - GS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - HS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - IS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - JS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - KS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - LS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - MS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
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 - YS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND
 - ZS --- 1/2" DIA. 1/2" WALL THICKNESS REBAR FOUND



DESCRIPTION FOUND IN REAL PROPERTY BOOK 808, PAGE 1467:
 LOT 10, 11 AND 20 IN BLOCK 2 OF MANCI STREET ADDITION TO IMPROVE ALABAMA
 STATE OF PROBATE OF BALDWIN COUNTY, ALABAMA.
 STATE OF ALABAMA
 COUNTY OF BALDWIN
 F. WILLIAM BARBER, P.L.L. ALABAMA LICENSE NO. 18283
 THIS PLAT IS INVALID WITHOUT THE PRESENCE OF AN EMBOSSED SEAL AND AN ORIGINAL SIGNATURE
 FIELD WORK FOR THIS SURVEY WAS COMPLETED OCTOBER 31, 2011.

BOUNDARY SURVEY FOR:
STEVE ROBINSON

PROJECT NUMBER: REF NUMBER: DPO NUMBER:
 150101 150101 150101

RABER SURVEYING
 14670-A MAHER ROAD
 DUNWOODY, GA 30115
 PHONE: 404-488-3000
 FAX: 404-488-3001
 WWW.RABERSURVEYING.COM

DATE: 11/02/2015
 SCALE: 1" = 20'
 DRAWN BY: F.M.
 CHECKED BY: J.E.

NOTES:
 THIS PROPERTY WAS SCALED ONTO THE ORIGINAL SURVEY MAP IN CONNECTION WITH THE FLOOD INSURANCE RATE MAP NUMBER 0800-C-0431-1-0001-0002 AND REVISED 04/11/17, 2007 AND FOUND TO BE IN ZONE X1 (FIELD DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN). INFORMATION FOR SETBACK LINES PROVIDED BY CLIENT.

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

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
June 13, 2016
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

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

Councilman John Lake was absent. Also in attendance were, Public Works Deputy Director William Eringman, Civic Center Director Margaret Thigpen, Library Director Tonja Young, Recreation Director David McKelroy, City Clerk Rebecca Hayes and Scott Hutchinson, HMR Engineers.

I. PUBLIC PARTICIPATION

A. Mr. Tim Swanson – Discussed Regressive Sales Taxation

Mr. Swanson handed out some new information he had obtained on regressive sales taxation and continued his discussion from the May 2016 Finance meeting when he asked that the City consider cutting or removing sales tax on groceries. Mr. Swanson stated that he had approximately 150 signatures in favor of not charging sales tax on groceries. Mr. Scott asked Mr. Swanson if he had compared AD Valorem rates for other municipalities/states taxes that did not have a grocery tax and noted that Alabama had one of the lowest Ad Valorem taxes. Mr. Scott asked Mr. Swanson if he had any proposals on how the City would make up for the \$2.5 million in lost revenue from the grocery sales taxes. Discussion continued that these taxes help fund city services (i.e. police, fire, roads...) for citizens and businesses in Daphne. Mr. LeJeune discussed that businesses collect sales tax for the government and discussed a reduction in the groceries sales tax across the board – to citizens and businesses. Discussion continued that there is a collection fee percentage included in the collections for the businesses.

Mrs. Smith, Revenue Officer presented a Study on Sales Taxes collected from Groceries handout and reviewed the information. Mrs. Smith noted the information is estimated from the research she could find from other studies performed on grocery sales and from the city’s top 100 tax payer collections data.

Facts regarding Sales Tax and Grocery Sales:

| | | |
|--|-------------------------|---|
| Total Sales Tax for 2015 - | \$ 13,703,939.03 | Sales Tax remitted for 2015 calendar year. Includes auto, machine, and general sales tax. |
| Top 100 Taxpayer Revenue 2015 - | \$ 11,961,291.89 | Top 100 Taxpayers (of 1,420) account for 87% of all Sales Tax revenue. |
| ***Sales Tax Paid 2015 - | \$ 4,584,092.33 | Taxpayers included in this study account for 33.5% of total sales tax. |
| Sales Tax from Grocery Sales - | \$ 2,440,386.19 | Grocery sales account for 18% of total sales tax remitted. |

*Annual Report to Stockholders for each company listed was used to attain percentage of "grocery" sales.

**Rank in sales tax standings for 2015.

***Only accounts listed above are included in this total.

Convenience Stores account for approximately \$52,922.28 in sales tax revenue. Based upon a study in 2013 by IRI Information Resources Inc, grocery sales account for 17% of convenience store sales.

B. CDBG Grant – Sewer hookups: Whispering Pines and Pollard Road – Ms. Stacy McKean, Grant Management

Ms. McKean stated the purpose of the CDBG Grant is to help fund sewer hookups for citizens who qualify according to HUD (U.S Department of Housing and Urban Development) standards. **Ms. McKean stated the grant application is due July 1, 2016 and a 10% match, approximately \$25,018, is required from the City if awarded.** (10% match will be addressed if the grant is awarded). Mr. Scott spoke in favor of the grant. Mrs. Conaway stated she had gathered information from the citizens in the area.

MOTION BY Mr. Scott to recommend to Council to adopt the Resolution authorizing the submission of the 2016 Community Development Block Grant (CDBG) for Sewer hookups in the Whispering Pines and Pollard Road community grant application and authorizing the Mayor to execute all agreement, contracts, and documents related to the grant. Seconded by Mrs. Conaway . Motion carried.

II. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – May, 2016

| BUSINESS LICENSE COUNT through 05/31/2016 | |
|--|--------------|
| Issued THIS MONTH: | |
| NEW Licenses | 99 |
| RENEWAL Licenses (2016) | 60 |
| PRIOR YEAR Licenses (2015 and Prior) | 6 |
| Total Issued THIS MONTH | 165 |
| Total Issued THIS MONTH - PREVIOUS YEAR | 147 |
| Net Gain/-Loss Current VS Previous Yr MONTH | + 18 |
| Total Issued YTD 2016 | 4,230 |
| Total Issued YTD - PREVIOUS YEAR | 4,065 |
| Net Gain/-Loss Current VS Previous Yr YTD | + 165 |

Code enforcement issued 61 warnings resulting in businesses becoming compliant and \$9,618 in revenue.

Mrs. Smith reviewed the following reports and information:

- Business License Fees report for Month separated by Territory and Status.
- Total collections for April 2016 were \$27,396.28
- YTD collections are up \$45,168.41 from the previous year.
- Delinquency report showed 33 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

Building Inspector
 School Crossing Guard
 Police Dispatcher
 Planner (Community Development)
 PSW (Mowing)
 Civic Center Events Assistant
 Building Maintenance Tech. (2)

Status

Promotion
 DOH: New school term
 Testing, interviews
 Interviewing
 Posting: 6/7-6/21
 Posting: Until Filled
 Posting: Until Filled

Safety Committee

The Safety committee meeting was held on May 25 @ 10:00 a.m. –

- Property/injury reports were reviewed. Signs have been placed in the back parking lot of City Hall due to safety concerns of children skate boarding and cars speeding when using it as a cut through.
- Workers Comp physician visit: Medical Accident reports filed by firefighters from FS#2 concerning mold in the station. The Safety Committee is asking the Council if the firefighters can be moved to a portable in FS# north parking lot until station is cleared of mold or to another location.
- Next Safety committee meeting is June 29 @ 10:00 a.m.

Other HR projects/meetings/events:

- New Employee Orientation – May 24
- Next New Employee Orientation July 19
- Kronos Upgrades are ongoing – (set up of pay structures)
- Scheduling Alabama Deferred Compensation meetings for departments
- Employee Benefits and Wellness Fair – “Save the Date” notices for July 27 were sent to vendors and employees.
- Dispatcher written test administered to 20 applicants
- Auditing I-9’s

Mrs. Hinman discussed the issues at Fire Station #2. Mrs. Hinman noted that some of the firemen had filed medical accident reports. Discussion continued on placing a portable for employees to be housed in next to Fire Station #2 and continue using the truck bays if they were found to be free of mold. The Mayor noted we need to move forward with finding a solution for this issue. Discussion continued on whether the current Fire Station should be renovated like Fire Station #3 or if a complete new building needed to be constructed. Mr. Scott asked if a mold remediation consultant could attend the next Building and Properties or Public Safety meeting to discuss what could be done immediately and recommend a long term solution. Discussion continued that since Public Safety is the next scheduled meeting it was recommended to be on that agenda.

IV. CURRENT BUSINESS

A. Approve previous Months minutes

The previous minutes were approved.

B. Financial Reports

1. Treasurer’s Report: May, 2016

Mrs. Henson reviewed the Treasurer’s Report:

| Account Type/Title | 5/31/2016 | 4/30/2016 | Increase (Decrease) from last Month | 5/31/2015 | Increase (Decrease) from Last Year |
|---------------------------------|---------------|-----------------|---|---------------|--|
| Total Unrestricted Cash Balance | 12,727,490 | 12,949,860 | (222,370) | \$ 10,840,698 | \$ 1,886,792 |
| Total Restricted Cash Balance | 7,650,453 | 7,532,278 | 118,175 | 8,421,288 | (770,835) |
| Total City Cash Balance | \$ 20,377,943 | \$ 20,482,138 | \$ (104,195) | \$ 19,261,986 | \$ 1,115,957 |
| | 5.8 | 5.9 | | 4.9 | |
| Encumbrances FY 05 - FY 16: | \$142,877 | (as of 3/31/16) | | | |

The Treasurer’s Report as of May, 2016 Total Unrestricted Cash Balance - \$12,727,490 and Total City Cash Balance - \$ 20,377,943 was presented to be filed for audit.

2. Sales and Use Taxes: April, 2016

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,252,906.65 was collected for April 2016:

- YTD Variance over Budget - \$ 548,753.95.

3. Lodging Tax Collections, April, 2016

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for April, 2016 were \$95,497.23 which is down \$5,698.84 from April 2015’s collections of \$101,196.07 .

- YTD Variance over Budget: \$22,818.51.

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

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

Balances as of April, 2016:

- Unreserved balance for Bayfront related purchases - \$1,828,977.45
- Recreation related purchases - \$ 885,641.87

Mrs. Henson noted the Bayfront balance was lower from last month due to expenditures for Gator Alley parking lot and Village Point Park survey and the same for the Recreation balance with expenditures for Daphne Park

Design fees. Ms. Kichler noted that another invoice for the design of Daphne Park was just received and this expenditure will be reflected in next month's report.

5. Correction/Court Fund Report, April, 2016

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

- Court balance - \$199,222.14
- Corrections balance - \$4,232.94

Mrs. Henson noted there are no transfers to date from the court portion of the fund to the corrections for the purchase of inmate meals.

- 6. General Fund Budgetary Comparison Schedule, March 2016**
- 7. General Fund Balance Sheet, March 2016**
- 8. General Fund Statement of Rev Over Exp, March 2016**
- 9. Debt Service Fund Statement of Rev Over Exp, March 2016**
- 10. Debt Service Summary Activity for General Fund through May 2016**
- 11. Debt Service Summary Activity for Enterprise Funds through May 2016**
- 12. Agency Funds Combining Statement of Assets and Liabilities, March 2016**
- 13. Special Revenue Funds Balance Sheet, March, 2016**
- 14. Special Revenue Funds Stmt Rev, Exp,&Changes in Fund Balance, March 2016**
- 15. Capital Projects Funds Balance Sheet, March 2016**
- 16. Capital Projects Funds Statement of Rev Over Exp, March 2016**
- 17. Enterprise Funds Statement of Net Position, March, 2016**
- 18. Enterprise Funds Stmt of Rev, Exp, & Changes in Net Position, March 2016**

Ms. Kichler reviewed the financial reports:

General Fund

Unassigned fund balance - \$14,231,272

Total liabilities, deferred inflow, and fund balances - \$15,622,933

Ms. Kichler noted the net change in fund balance (\$3,281,862) was up from the previous year's balance (\$2,482,141).

Budgetary Comparison Schedule

Ms. Kichler noted the percent used shows the budget expenditures are basically on track for mid-point in the budget year. She noted that total expenditures showed usage of: Personnel -45%, Operating – 44%, and Capital – 57%.

Ms. Kichler stated that the department's budget information for FY2017 was sent out last week so the new budget process has begun.

Debt Service Fund

| DEBT SERVICE FUND | AS OF 5/31/2016 |
|---------------------------------------|------------------------|
| FY2016 YTD Principal payments made | \$ 3,197,221 |
| FY2016 YTD Interest Payments made | \$ 826,295 |
| FY2016 TOTAL YTD DEBT PAYMENTS | \$ 4,023,516 |
| FY2016 Remaining Debt payments | \$ 596,405 |
| Balance of Debt for Warr/Bond Issues | \$ 33,103,268 |
| Balance of Debt for Capital Leases | \$ 1,263,487 |
| TOTAL DEBT BALANCE | \$ 34,366,755 |

Discussion was made on the pending new bond issue for Daphne Park improvements and that a Resolution would be presented soon. Ms. Kichler stated that the City has received its Bond rating back from Standard and Poor's and the previous bond rating of AA+ was upheld.

Ms. Kichler provided requested debt comparison information of 2012 to current as follows:

- Total outstanding bonds at 9/30/2012: \$42,109,755
- Total outstanding bonds at 5/31/2016: \$33,103,268
Change: (\$ 9,006,487)

- General Fund Unassigned Balance at 9/30/2012: \$ 9,660,627
- General Fund Unassigned Balance at 9/30/2015: \$10,967,353

Agency Funds

Fund balance for Agency Funds - \$111,963

Special Revenue Funds

Fund balance for Special Revenue Funds: : \$3,720,608

Capital Projects Funds

Capital Reserve Fund balance - \$2,665,035

Enterprise Funds

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

- Solid Waste (*Garbage & Recycling*) – (\$232,475)
- Civic Center – (\$177,759)
- Bayfront – (\$83,049)
- Total transfer to the Enterprise Funds – (\$493,283)

| ENTERPRISE FUND - DEBT SUMMARY - AS OF 5/31/2016 | |
|---|-------------------|
| FY2016 YTD Principal payments made | \$ 139,193 |
| FY2016 YTD Interest Payments made | \$ 7,032 |
| FY2016 TOTAL YTD DEBT PAYMENTS | \$ 146,225 |
| FY2016 Remaining Debt payments | \$ 6,525 |
| TOTAL DEBT BALANCE FOR CAPITAL LEASES | \$ 276,686 |

19. Bills Paid Reports – May, 2016

The Bills Paid Report was presented in the packet.

C. Bids: (Resolution)

1. PW-UNIFORM RENTALS: NJPA contract–Need (Motion) to authorize Mayor to execute contract

Mrs. Henson stated the uniform rental contract is generally bid out and the current contract will expire on June 30, 2016. The City's current provider for uniform rentals is Unifirst. Mrs. Henson noted that Unifirst now has a contract through National Joint Power Alliance (NJPA), who is on the State of Alabama approved list of cooperative agencies. Mrs. Henson noted that Public Works staff has evaluated the NJPA contract and found it to be very competitive with the City's current contract as stated in the Public Works Director's memo. Mrs. Henson stated that there is a contract that needs to be signed to receive the NJPA pricing and the City will spend over \$15,000 annually on this contract. Mrs. Henson noted that since Council has to approve all contracts signed that are over \$15,000 a Resolution has been prepared to authorize the Mayor to sign the Unifirst agreement.

MOTION BY Mr. Scott to recommend to Council to authorize the Mayor to execute all agreements, contracts, and documents related to the NJPA Unifirst contract. Seconded by Mrs. Phillips. Motion carried.

2. Recycling Compactor Trailer – 15CY w/Cart Tipper-Sole Source

Mrs. Henson stated that Mr. Richard Johnson, Public Works Director had submitted a memo stating that the Recycling Compactor Trailer was a sole source purchase. Mrs. Henson stated she and Mr. Johnson had discussed the sole source purchase requirements with the City attorney and this purchase matches all

requirements. Discussion continued that this compactor trailer was on wheels and could be moved to different locations and it has a cart tipper. Mr. Eringman stated this trailer is able to be placed in size restricted areas.

MOTION BY Mr. Scott to recommend to Council to award the Recycling Compactor Trailer purchase to Pro-Tainer, Inc. as the Sole Source. Seconded by Mrs. Phillips. Motion carried.

3. 2016-N-OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS

Mrs. Henson stated that the Old Daphne Wharf ROW Drainage Improvements project was bid out and the recommendation is to award to the low bidder Ammons & Blackmon Construction, LLC. The Mayor stated that this is the project referred to as the Fannon property that has been in recent discussions.

MOTION BY Mr. Scott to recommend to Council to award the 2016-N-OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS in the amount of \$169,650 as bid to Ammons & Blackmon Construction, LLC. . Seconded by Mr. LeJeune. Motion carried.

D. Appropriation Request: (Ordinance)

1. 2016-N-OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS - \$46,869

Mrs. Henson stated that this project is eligible for NRCS reimbursement of \$140,606 and an additional appropriation is needed in the amount of \$46,869. (Total project cost is \$202,225 and the previous Ordinance 2016-15 appropriated \$14,750 for preliminary survey and design). Discussion continued on the project.

MOTION BY Mr. Scott to recommend to Council to adopt the Ordinance amending the budget to appropriate \$46,869 from the General Fund for Old Daphne Wharf ROW Drainage Improvements. Seconded by Mr. LeJeune. Motion carried.

2. MPO / ALDOT PROJECT: Fiber Optic Infrastructure Network Support Services for the US-98 ASCT System (Traffic Signal Project for the areas: Daphne / Fairhope / Spanish Fort) - \$33,119

Mrs. Henson reviewed the Eastern Shore Metropolitan Planning Organization (MPO) project for the US98 ASCT Traffic Signal System. Mrs. Henson noted that Mr. Richard Johnson had provided a memo explaining the project would provide dark fiber to connect traffic lights along U.S. Highway 98 to improve traffic flow. The City assisted with the RFP for the project and Southern Light was the sole bidder to respond. The MPO presented a memo on awarding the project to Southern Light. The installation of the dark Fiber will be a cost sharing project with the City of Fairhope and Spanish Fort with the City of Daphne's share being \$33,119.

Mrs. Henson stated that ALDOT also needs a Resolution passed to enter into an agreement with the State of Alabama Department of Transportation to participate in the utility work/cost sharing as required for the US98 ASCT System: Adaptive Signal Installation project STPOA-0042 (529). Mrs. Henson noted that the estimated annual cost for utilities is \$9,035 which will be budgeted in the FY17 Budget since installation will not be completed until close to that timeframe.

MOTION BY Mr. Scott to recommend to Council to adopt the Ordinance amending the budget to appropriate \$33,119 from the Seven Cent Gas Tax Fund for MPO / ALDOT PROJECT: Fiber Optic Infrastructure Network Support Services for the US-98 ASCT System. Seconded by Mrs. Phillips. Motion carried.

MOTION BY Mr. Scott to recommend to Council to adopt the Resolution to enter into an agreement with the State of Alabama Department of Transportation to participate in the utility work/cost sharing as required for the US98 ASCT System: Adaptive Signal Installation project STPOA-0042 (529). Seconded by Mrs. Phillips. Motion carried.

3. Timber Creek (North Court (Road)) Drainage Project – Preliminary Engineering - \$16,500

Mr. Eringman reviewed the Timber Creek Drainage project. Mayor Haygood stated that Mr. Russ Williams, citizen had attended June's Building and Property meeting and discussed the flooding on his property in this Finance Minutes.doc

area. The project is estimated to cost \$120,000 including engineering. Discussion continued on the funding of this project from the Seven Cent Gas Tax fund since the repair was road related drainage issue. The city attorney Kevin Boucher stated this project can be funded from the Seven Cent Gas tax since it is a road related repair.

MOTION BY Mrs. Phillips to adopt an ordinance appropriating \$16,500 out of the Seven Cents Gas Tax Fund for Preliminary Engineering for the Timber Creek (North Court (Road)) Drainage Project. Seconded by Mrs. Conaway. Motion carried.

4. Old County Road Drainage Improvements-Project: 2015-PW-008 - \$49,833
(In-House project)

Mr. Eringman reviewed the Old County Road Drainage Improvement project and the erosion problem in that area. Mr. Richard Johnson submitted a memo recommending this project be funded from the Seven Cent Gas Tax Fund. Mayor Haygood stated that this is a joint project with Bayside Academy and that Bayside would be paying the labor related charges. The City will be providing materials under current bid contract.

MOTION BY Mrs. Conaway to adopt an ordinance appropriating \$49,833 out of the Seven Cent Gas Tax Fund for Old County Road Drainage Improvements. Seconded by Mrs. Phillips. Motion carried.

5. Lodging Tax Fund-Bayfront Grounds Improvements - \$2,000

Mrs. Thigpen reviewed the need for some shrubbery cover around the Richard Scardamalia Pavilion. Mrs. Thigpen stated that currently there is just orange clay around the concrete foundation under the pavilion. Mrs. Thigpen stated she has been working with the Grounds supervisor to find an appropriate shrubbery and she presented a picture showing the improvement the shrubbery would make.

MOTION BY Mr. Scott to adopt an ordinance appropriating \$2,000 out of the Lodging Tax Fund (Bayfront portion) for landscaping improvements around the Richard Scardamalia Pavilion. Seconded by Mrs. Conaway. Motion carried.

E. Discussion on Sales Tax Collection by the State of Alabama

Mrs. Smith reviewed some information from the State of Alabama as requested on switching to the State collecting Sales Tax instead of the City. Mrs. Smith said the State charges \$6.54/account for collections made. Mrs. Smith stated the state charges for \$7.75/account for Lodging Tax collections but that will change to \$6.54 soon. Lodging Tax annual fee would be \$150. Mrs. Smith stated the cap for collection fees is 2% of the city's collections which she estimated could range from \$130,000 - \$350,000. Mrs. Smith noted there are pros and cons for letting the State collect the tax and noted there would not be personal contact with the businesses. Mrs. Phillips discussed the pro for letting the state collect is they would catch business is the business submitted taxes to the state but not to Daphne. Mrs. Phillips stated that the last time the state option was looked at the Revenue department had one less employee but now they have the manpower to manage the collections. Mrs. Kichler stated that if the City decides to allow the State to collect the Sales Tax then the Revenue Department will not need three employees. Discussion continued that the cost for the State to collect the tax is far more than one employee's salary and therefore far more than the cost for the City to collect .

V. OLD BUSINESS

A. Daphne Park Improvement Funding Process / Identifying source of funds (Resolution)

Ms. Kichler reviewed the resolution that was presented in the April Council packet and tabled. Ms. Kichler stated the resolution basically lists funding sources to fund the Daphne Park improvements. Ms. Kichler stated that \$1.3 million had already been appropriated to fund preliminary engineering. Mrs. Rudicell discussed that the resolution needs to reference a pledge from lodging tax allocation for recreation for debt payments. Discussion continued on the pending \$12 million bond debt reference in the resolution. City attorney Mr. Kevin Boucher stated the resolution would be a statement of intention and after the official bond amount is determined an Ordinance would be required to actually appropriate the monies.

MOTION BY Mr. Rudicell to recommend to Council to adopt the Resolution to identify the source of funds for the Daphne Park Improvements and for Recreation's portion of the Lodging Tax to be pledged toward the pending \$12,000,000 debt service. Seconded by Mr. Scott. Motion carried.

B. Encumbered sign monies

Mr. LeJeune discussed that the encumbered sign monies need to be used. Discussion continued on using the monies for a sign at the Kentucky Fried Chicken location and sign ordinance restrictions.

VI. ADJOURN The meeting adjourned at 6:15 p.m.

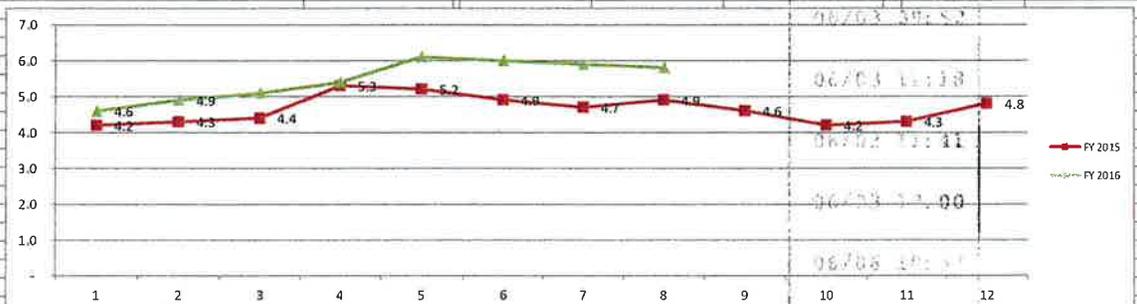
TREASURER'S REPORT

As of May 31, 2016

| Account Type/Title | Bank / Brokerage | 5/31/2016 | 4/30/2016 | Increase (Decrease) from last Month | 5/31/2015 | Increase (Decrease) from Last Year |
|--|-------------------|----------------------|----------------------|-------------------------------------|----------------------|------------------------------------|
| GENERAL FUND & ENTERPRISE FUNDS | Compass Bank1 | \$ 7,246,109 | \$ 7,452,607 | \$ (206,498) | \$ 5,471,455 | \$ 1,774,654 |
| INVESTMENT FUND | Raymond James | 5,394,834 | 5,406,997 | (12,163) | \$ 5,272,916 | \$ 121,918 |
| CREDIT CARD ACCOUNT | Compass Bank3 | 484 | 484 | 0 | \$ - | \$ 484 |
| MUNICIPAL COURT | Compass Bank2 | 86,063 | 89,772 | (3,709) | \$ 96,327 | \$ (10,264) |
| Total Unrestricted Cash Balance | | 12,727,490 | 12,949,860 | (222,370) | \$ 10,840,698 | \$ 1,886,792 |
| SPECIAL REVENUE FUNDS | | | | | | |
| MUNICIPAL COURT | Compass Bank1 | 26,826 | 31,083 | (4,257) | 23,906 | 2,920 |
| SELF INSURANCE | Compass Bank1 | 106,572 | 102,967 | 3,605 | 59,993 | 46,579 |
| FLEX SPENDING | Compass Bank1 | (10,355) | (12,915) | 2,560 | (4,584) | (5,771) |
| 4 CENT GAS TAX | PNC Bank1 | 192,144 | 187,370 | 4,774 | 135,135 | 57,009 |
| 7 CENT GAS TAX | PNC Bank2 | 455,852 | 457,555 | (1,703) | 432,160 | 23,692 |
| TREE & FLOWER | Compass Bank1 | 16,426 | 16,426 | (0) | 19,700 | (3,274) |
| SAIL SITE | PNC3/Compass1 | 79 | 573 | (494) | 1,706 | (1,627) |
| NON-MAJOR STORMS | Compass Bank1 | (818,851) | (796,310) | (22,541) | (1,055,032) | 236,181 |
| BP OIL SPILL | Compass Bank1 | 426,768 | 426,768 | (0) | 426,768 | 0 |
| FEDERAL DRUG FORFEITURES | Compass Bank1 | 242,797 | 242,797 | (0) | 20,544 | 222,253 |
| LOCAL DRUG FORFEITURES | Compass Bank1 | 16 | 11,217 | (11,201) | 20,628 | (20,612) |
| LIBRARY | Compass Bank1 | 10,878 | 16,785 | (5,907) | (10,286) | 21,164 |
| CONCESSION STAND | Compass Bank1 | - | - | - | (3,867) | 3,867 |
| COURT TRAINING & EQUIPMENT | Compass Bank2 | 35,872 | 35,440 | 432 | 3,605 | 5,287 |
| COURT JUDICIAL ADMINISTRATIVE | Compass Bank2 | 104,012 | 100,512 | 3,500 | 117,159 | (13,147) |
| COURT CORRECTION | Compass Bank2 | 206,065 | 203,930 | 2,135 | 173,567 | 32,498 |
| LODGING TAX | Compass Bank1 | 2,651,407 | 2,727,141 | (75,734) | 2,445,385 | 206,022 |
| | | 3,646,507 | 3,751,339 | (104,833) | 2,833,467 | 813,040 |
| CAPITAL PROJECT FUNDS | | | | | | |
| CAPITAL RESERVE | Wells Fargo Bank1 | 2,060,531 | 2,047,083 | 13,448 | 2,187,152 | (126,621) |
| 2012 CONSTRUCTION | Regions Bank | - | - | - | - | - |
| 2014 CAPITAL IMPROVEMENTS | Compass Bank | 782,393 | 782,376 | 17 | 782,204 | 189 |
| | | 2,842,925 | 2,829,459 | 13,466 | 2,969,356 | (126,431) |
| DEBT SERVICE FUNDS | | | | | | |
| DEBT SERVICE | Wells Fargo Bank2 | 1,161,022 | 951,480 | 209,542 | 2,618,465 | (1,457,443) |
| Total Restricted Cash Balance | | 7,650,453 | 7,532,278 | 118,175 | 8,421,288 | (770,835) |
| Total City Cash Balance | | \$ 20,377,943 | \$ 20,482,138 | \$ (104,195) | \$ 19,261,986 | \$ 1,115,957 |

of Months of UNRESTRICTED Cash to cover monthly Operating Expenses & Debt Service

| | | |
|-----|-----|-----|
| 5.8 | 5.9 | 4.9 |
|-----|-----|-----|



Encumbrances FY 05 - FY 16: \$142,877 (as of 3/31/16)

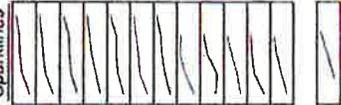
SALES & USE TAXES

*Adjusted to accrued collections

FY 2016 BUDGET vs ACTUAL

ACTUAL COLLECTIONS

| | 7/8 Year | | | | | | | | | | | | YTD Variance | % Over / (Under) Monthly Budget | |
|---------------|----------------------|----------------------|----------------------|----------------------|---------------------|---------------------|-------------------|-------------------|------------|-------|--|--|--------------|---------------------------------|------|
| | 2012 | | | 2013 | | | 2014 | | | 2015 | | | | | 2016 |
| October | 884,727.27 | 1,019,065.37 | 1,062,861.14 | 1,073,290.88 | 1,154,933.34 | 1,154,933.34 | 1,091,054 | 63,879.34 | 63,879.34 | 5.9% | | | | | |
| November | 845,342.45 | 1,011,813.96 | 1,061,121.86 | 1,092,961.96 | 1,157,742.46 | 1,157,742.46 | 1,111,050 | 46,692.46 | 110,571.80 | 4.2% | | | | | |
| December | 1,165,135.62 | 1,266,051.50 | 1,299,075.20 | 1,312,012.89 | 1,411,946.31 | 1,411,946.31 | 1,333,727 | 78,219.31 | 188,791.11 | 5.9% | | | | | |
| January | 809,785.59 | 895,717.19 | 974,224.69 | 1,023,171.34 | 1,089,869.73 | 1,089,869.73 | 1,040,105 | 49,764.73 | 238,555.84 | 4.8% | | | | | |
| February | 845,101.34 | 1,004,349.50 | 1,051,602.29 | 1,056,996.02 | 1,250,035.09 | 1,250,035.09 | 1,074,489 | 175,546.09 | 414,101.93 | 16.3% | | | | | |
| March | 1,018,721.43 | 1,181,007.55 | 1,205,342.67 | 1,256,397.38 | 1,322,579.37 | 1,322,579.37 | 1,277,191 | 45,388.37 | 459,490.30 | 3.6% | | | | | |
| April | 911,438.60 | 1,039,769.87 | 1,110,085.05 | 1,144,698.61 | 1,252,906.65 | 1,252,906.65 | 1,163,643 | 89,263.65 | 548,753.95 | 7.7% | | | | | |
| May | 1,114,149.53 | 1,098,548.05 | 1,218,956.40 | 1,198,226.99 | | | 1,218,058 | | | | | | | | |
| June | 1,010,193.08 | 1,097,507.32 | 1,202,126.66 | 1,252,030.17 | | | 1,272,751 | | | | | | | | |
| July | 1,021,267.76 | 1,065,215.02 | 1,139,120.72 | 1,222,993.95 | | | 1,160,473 | | | | | | | | |
| August | 1,004,661.04 | 1,110,126.44 | 1,129,483.17 | 1,148,890.48 | | | 1,148,176 | | | | | | | | |
| September | 1,522,363.01 | 1,058,958.43 | 1,104,411.74 | 1,138,473.73 | | | 1,122,690 | | | | | | | | |
| Totals | 11,522,363.01 | 12,848,130.20 | 13,558,411.59 | 13,920,144.40 | 8,640,012.95 | 8,640,012.95 | 14,013,407 | 548,753.95 | | | | | | | |

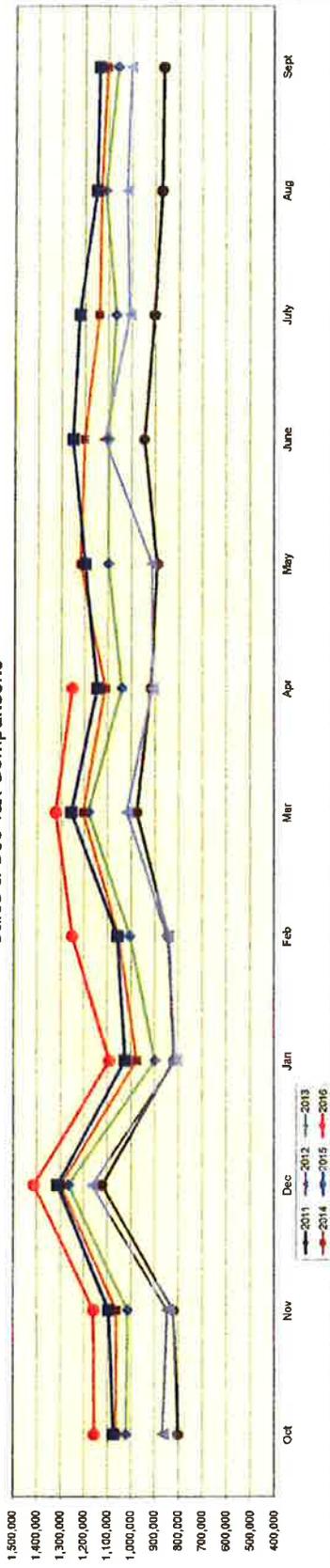


| | |
|---|--------|
| Budgeted Dollar Increase (Actual) FY15 vs (Budgeted) FY16 | 93,263 |
| Budgeted Percent Increase FY15 vs FY16 | 0.7% |

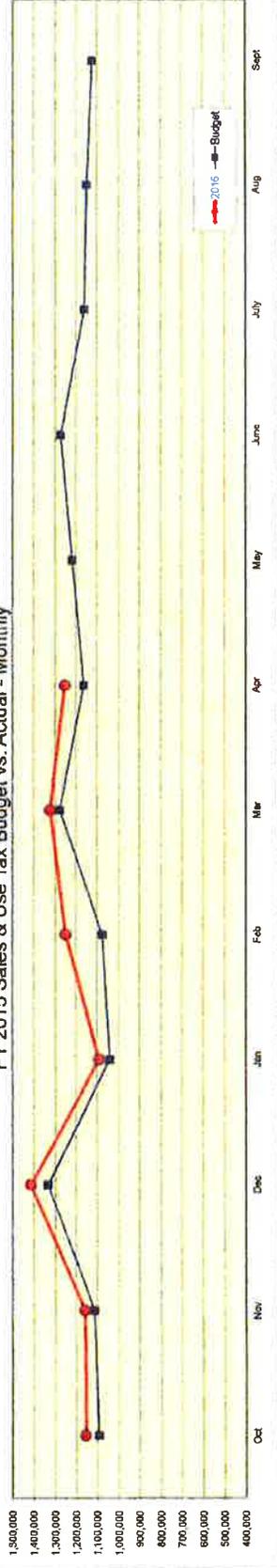
Fiscal Year Changes Year Over Year

| | \$ Change | | Percent Change | |
|-----------------|-------------|-------------|----------------|-----------|
| | 2013-2014 | 2014-2015 | 2013-2014 | 2014-2015 |
| October | 43,795.77 | 10,429.74 | 4.3% | 1.0% |
| November | 49,307.90 | 31,840.10 | 4.9% | 3.0% |
| December | 33,023.70 | 12,937.69 | 2.6% | 1.0% |
| January | 78,507.50 | 48,946.65 | 8.8% | 5.0% |
| February | 47,252.79 | 5,393.73 | 4.7% | 0.5% |
| March | 24,335.12 | 51,054.71 | 2.1% | 4.2% |
| April | 70,315.18 | 34,613.56 | 6.8% | 3.1% |
| May | 128,331.27 | (20,729.41) | 11.0% | -1.7% |
| June | 186,708.75 | 120,408.35 | 20.5% | 4.2% |
| July | (16,642.21) | 49,903.51 | -1.5% | 7.4% |
| August | 55,021.94 | 83,873.23 | 6.9% | 1.7% |
| September | 88,858.68 | 19,407.31 | 8.7% | 3.1% |
| Annual \$ Cha | 710,281.39 | 361,732.81 | 11.5% | 2.7% |
| Annual % Change | 680,483.87 | | 5.5% | |

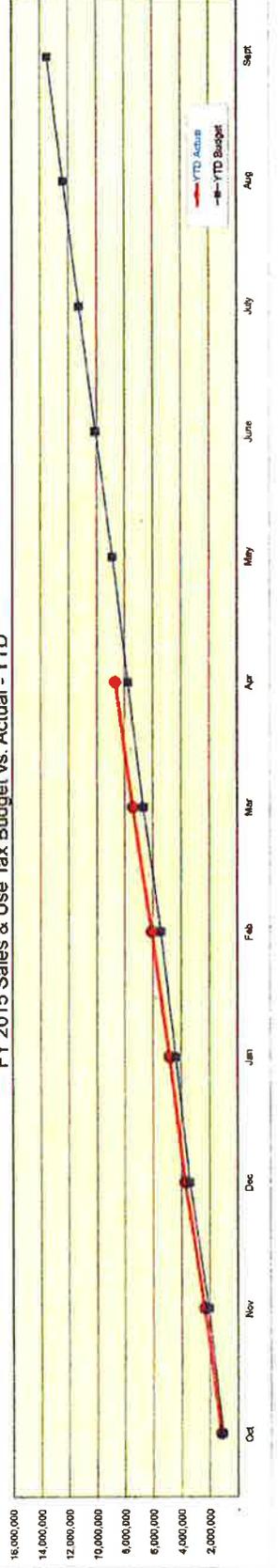
Sales & Use Tax Comparisons



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



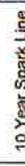
FY 2015 Sales & Use Tax Budget vs. Actual - YTD



MONTHLY LODGING TAX COLLECTIONS

*Based on Accrued Collections

ACTUAL COLLECTIONS

| | FY 11 | FY 12 | FY 13 | FY 14 | FY 15 | FY 16 | 10 Year Spark Line |
|--------------|-------------------|-------------------|-------------------|-------------------|---------------------|-------------------|--|
| October | 58,001.39 | 52,002.53 | 51,578.40 | 48,382.05 | 74,581.63 | 82,326.38 |  |
| November | 48,329.73 | 47,568.08 | 43,459.48 | 43,912.92 | 77,289.64 | 77,075.08 |  |
| December | 47,210.56 | 42,279.22 | 40,495.14 | 39,122.53 | 69,595.61 | 67,742.93 |  |
| January | 49,006.12 | 41,917.34 | 47,548.01 | 43,198.04 | 72,323.09 | 69,451.25 |  |
| February | 43,052.68 | 47,346.50 | 54,207.03 | 49,784.71 | 92,153.01 | 84,987.02 |  |
| March | 67,422.43 | 70,058.33 | 64,325.47 | 71,954.97 | 112,752.43 | 104,422.79 |  |
| April | 48,487.83 | 51,939.06 | 47,434.55 | 86,245.34 | 101,195.07 | 95,497.23 |  |
| May | 57,880.48 | 54,740.45 | 68,448.49 | 107,155.55 | 108,715.74 | |  |
| June | 67,544.77 | 69,822.91 | 71,090.69 | 127,920.37 | 111,337.21 | |  |
| July | 76,631.86 | 79,417.80 | 94,310.47 | 139,397.37 | 140,897.70 | |  |
| August | 52,820.33 | 50,417.73 | 52,427.99 | 93,733.35 | 90,756.34 | |  |
| September | 45,216.75 | 46,968.89 | 45,148.35 | 71,790.24 | 84,931.51 | |  |
| Total | 659,604.93 | 654,478.64 | 680,474.07 | 922,597.44 | 1,136,521.98 | 581,512.68 |  |

Ord 1897-28 adopted December 8, 1997 incr levy from 3% to 4%
 Ord 2014-05 adopted February 17, 2014 incr levy from 4% to 6% - effective for Collections for April 2014 reflected in May 2014

FY 2016 BUDGET vs. ACTUAL

| | Budget | Monthly Variance | YTD Variance | % Over / (Under) Monthly Budget |
|--------------|---------------------|------------------|--------------|---------------------------------|
| October | 76,484.98 | 5,831.40 | 5,831.40 | 7.6% |
| November | 70,694.40 | 6,380.68 | 12,212.08 | 9.0% |
| December | 64,152.54 | 3,590.39 | 15,802.47 | 5.6% |
| January | 70,905.79 | (1,454.54) | 14,347.93 | -2.1% |
| February | 64,192.65 | 804.37 | 15,152.30 | 1.0% |
| March | 107,795.78 | (3,372.98) | 11,779.31 | -3.1% |
| April | 84,458.03 | 11,039.20 | 22,818.51 | 13.1% |
| May | 104,577.65 | | | |
| June | 113,382.33 | | | |
| July | 138,651.90 | | | |
| August | 86,164.99 | | | |
| September | 73,518.97 | | | |
| Total | 1,075,000.01 | 22,818.51 | | |

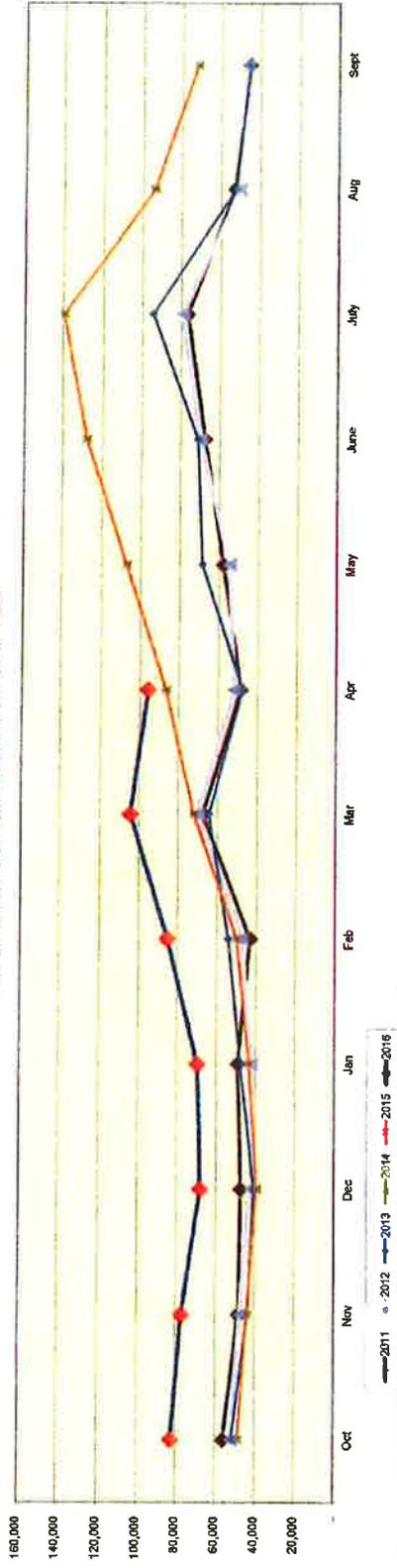
CHANGE IN DOLLARS

| | 2010-2011 | 2011-2012 | 2012-2013 | 2013-2014 | 2014-2015 | 2015-2016 | 9 Year Spark Line |
|--------------|------------------|-------------------|------------------|-------------------|-------------------|--------------------|--|
| October | 16,595.63 | (3,998.86) | (424.13) | (3,196.35) | 26,199.58 | 7,744.75 |  |
| November | 14,566.36 | (761.65) | (4,108.60) | 453.44 | 33,376.72 | (214.56) |  |
| December | 15,639.18 | (4,931.34) | (1,784.08) | (1,372.61) | 30,463.08 | (1,942.58) |  |
| January | 5,122.42 | (7,098.78) | 5,630.67 | (4,349.97) | 29,125.05 | (2,871.84) |  |
| February | (3,946.64) | 4,293.82 | 6,860.53 | (4,422.32) | 42,368.30 | (7,155.99) |  |
| March | 14,650.91 | 2,635.90 | (5,732.86) | 7,629.50 | 40,797.46 | (8,329.64) |  |
| April | 6,956.78 | 3,451.23 | (4,504.51) | 38,810.79 | 14,950.73 | (5,698.84) |  |
| May | (8,940.48) | (3,140.03) | 13,708.04 | 38,707.06 | 1,560.19 | |  |
| June | (12,278.07) | 2,278.14 | 1,287.78 | 55,829.68 | (16,583.16) | |  |
| July | (15,274.61) | 2,785.94 | 14,892.67 | 45,086.90 | 1,500.33 | |  |
| August | (10,503.25) | (2,402.60) | 2,010.26 | 41,305.35 | (2,975.01) | |  |
| September | (7,446.04) | 1,752.14 | (1,820.54) | 26,641.89 | 13,141.27 | |  |
| Total | 16,143.99 | (5,126.09) | 25,995.23 | 242,123.37 | 213,924.54 | (16,368.90) |  |

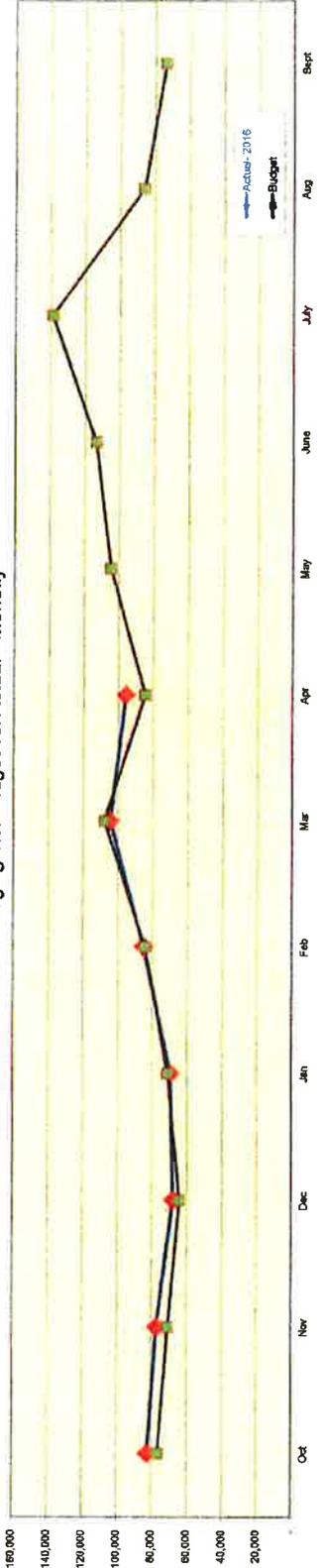
CHANGE IN PERCENTAGE

| | 2011-2012 | 2012-2013 | 2013-2014 | 2014-2015 | 2015-2016 |
|-----------------|-------------|--------------|-------------|--------------|-----------|
| October | -7.7% | -0.8% | -0.6% | 35.1% | 9.4% |
| November | -1.6% | -9.5% | 1.0% | 43.2% | -0.3% |
| December | -11.7% | -4.4% | -3.5% | 43.8% | -2.7% |
| January | -16.9% | 11.6% | -10.1% | 40.3% | -4.1% |
| February | 9.1% | 12.7% | -9.9% | 46.0% | -8.4% |
| March | 3.8% | -8.9% | 10.6% | 36.2% | -8.0% |
| April | 6.6% | -9.5% | 45.0% | 14.8% | -6.0% |
| May | -5.7% | 20.0% | 35.1% | 1.4% | |
| June | 3.3% | 1.6% | 44.4% | -14.9% | |
| July | 3.5% | 15.8% | 32.3% | 1.1% | |
| August | -4.8% | 3.6% | 44.1% | -3.3% | |
| September | 3.7% | -4.0% | 37.1% | 15.5% | |
| % Change | 2.4% | -0.8% | 3.8% | 18.8% | |

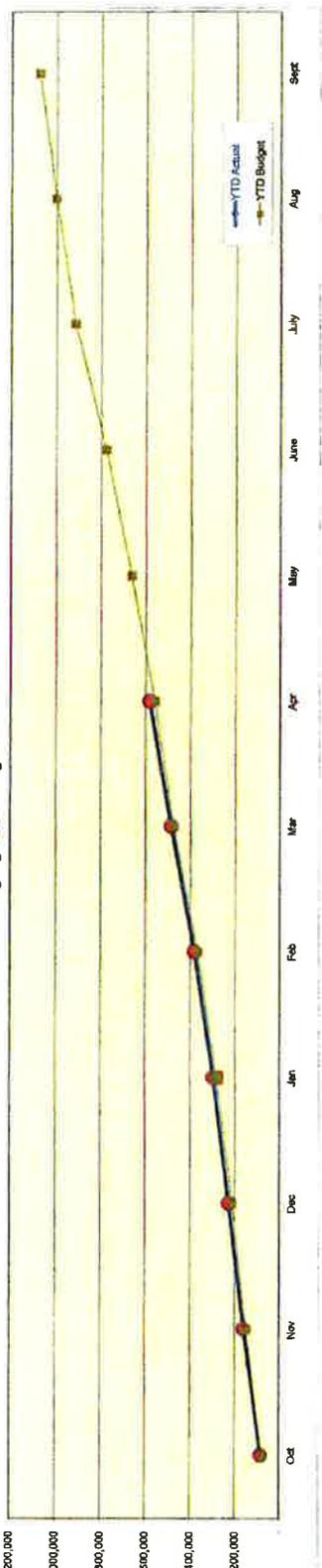
Lodging Tax Comparisons Year over Year



FY 2016 Lodging Tax Budget vs. Actual - Monthly



FY 2016 Lodging Tax Budget vs. Actual - YTD



Buildings & Property Committee Meeting

Monday, June 6, 2016

4:30 p.m.

1705 Main Street, Daphne, AL 36526

Committee Minutes:

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

Also Present: Jenny White, Assistant City Clerk (*Recording Secretary*); Rebecca Hayes, City Clerk; Mayor Haygood; Richard Johnson, Public Works Director; BJ Eringman, Deputy Director Public Works; Michelle Hanson, Public Works; Richard Merchant, Building Official; Margaret Thigpen, Civic Center Director; David McKelroy, Director Recreation; Vickie Hinman, HR Director; Suzanne Henson, Senior Accountant; Adrienne Jones, Planning Director; Tonja Young, Library; Elena Garidas, Intern; Jay Ross, City Attorney; Al Gaurisco, Village Point Foundation; Selena Vaughn, Village Point Foundation; Dorothy Morrison, DRA & Beautification Committee; Victoria Phelps, Beautification Committee; & Lake Forest Property Owners Association (LFPOA) representative; Herb Cole, Marine Corps League; Andy Bobe, Dewberry Preble-Rish; Russell Dyess; Shawn Gibbs;

Absent: Ashley Campbell, Environmental Programs Manager; Rick Whitehead, IT Coordinator; Kelli Kichler, Finance Director/Treasurer; Danny Lyndall, Daphne Utilities General Manager; Kevin Boucher, City Attorney

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

1. APPROVAL OF MINUTES: May 2, 2016

There were no amendments to the May 2, 2016 minutes, the minutes stand as written.

MOTION BY Councilman Tommie Conaway to approve minutes. Seconded by Councilman Robin Lejeune.

MOTION CARRIED UNANIMOUSLY

a) **PRESENTATION: Elena Garidas, City of Daphne Intern**

Mayor Haygood introduced Elena Garidas as a former 2014 graduate from Daphne High School. Mayor commented Elena worked at City Hall a couple of years back in mock student government. Elena's passion is renewable energy and solar energy. Elena will study the parks and buildings as samples to see if there is a cost benefit for installation and implementation of solar energy. Elena will look at geo-thermal pending time constraints.

Elena gave introduction of herself as a Daphne High School IB graduate of 2014. Elena commented she had completed her sophomore year at Tulane University in New Orleans. Elena is excited to volunteer at City Hall to work on a situational study to see the possibility of solar power generation. Elena will look at the financial and state framework that would make such a development viable for the future. She will also look at different assets of the City of Daphne such as buildings, complexes, or unusable land, and traffic lights to see how profitable and feasible solar energy would be at each location. At the end of the study she will be able to conclude how much megawatt we should install to make Daphne a front runner in environmental and economic development in Alabama.

Councilman John Lake commented on Duke Energy and Solar City reference solar energy partnership 50/50 programs. Councilman Lake will forward information to Elena for her study.

b) **PRESENTATION: Russell Dyess, 118 Lakeview Loop**

Councilman Lake commented to Russell Dyess that Richard Merchant had discussed his property 118 Lakeview Loop and house does qualify for program. Councilman Lake requested Russell to contact Richard Merchant reference process on how to proceed with program.

Russell Dyess gave presentation on home at 118 Lakeview Loop reference his repetitive loss on home five (5) times since 2003. Russell commented he had four (4) flood insurance claims and one (1) city sewer back up. Russell commented there is a major problem with the city drainage. Russell's last flood was May 3, 2016 with over \$100,000 damage. Richard Merchant did speak with me on house qualifying for program; however, Richard informed me that property would need to be added to the Buildings and Property Committee meeting for sponsorship of home. Councilman Lake informed Russell that Richard Merchant would provide proper documents to go before council. Councilman Lake spoke for his self as a positive move. Councilman Scott commented we pay for the tear down not to exceed \$10,000. Mayor Haygood recommended the property would be handled the same as the White's previously to be torn down not to exceed \$10,000.

2. DAPHNE CENTRAL PARK REPORT: Richard Johnson

Richard Johnson reported on the dedication of the City of Daphne Gazebos on Wednesday, June 8, 2016. The tour of gazebos will start at 10:00 a.m. at Joe Louis Patrick Park; 10:30 a.m. at Park City Park; and 11:00 a.m. at Daphne Central Park. Refreshments will be served at the conclusion of our dedications at Daphne Central Park. Richard commented the gazebos are attractive and pleasing to everyone.

Richard commented the paving of the trails at Central Park should be completed by June 7th. We're working on the next 9 (nine) holes of disc golf adjacent to gazebo.

Councilman Robin Lejeune asked about the time frame on connecting the tennis court for bottom half. Richard commented he's working with Lake Forest on a path. We'll start with a walk thru trail that will be cleared and mulched. If the trail is working once established will hard surface trail.

Councilman Ron Scott inquired about whether an easement would be added. Richard commented if trail is paved an easement will be added.

3. SURPLUS PROPERTY: Suzanne Henson, Senior Accountant

Suzanne Henson had no report at meeting. Suzanne included a thank you letter in the Buildings and Property Packet from Chief Bernard Parrish of the City of Prichard thanking the City of Daphne for the donation of cars and all help provided to the City of Prichard. Chief Parrish gave Captain Walter Knight the rights to sign the bill of sale. Chief Parrish also gave the following the rights to pick up the cars with whomever they see fit to help them: Captain Walter Knight, Lt. Robert Thompson, and Lt. Michael Knight.

4) CIVIC CENTER, BAYFRONT, AND CVB REPORT - MAY 2016: Margaret Thigpen

Civic Center Report:

- May 2016 revenue for the Civic Center totaled \$11,453.00 / Decrease from May 2015
- FY 2016 YTD Projected Year End Revenue / \$156,298.00
- May 2016 Deposits / \$17,501.50
- FY 2015-2016 YTD Deposits / \$113,797.00

Bayfront Park Pavilion Report:

- May 2016 Revenue / \$7,562.00 / Increase from May 2015
- FY 2016 Projected Year End Revenue / \$64,365.00
- May 2016 Deposits / \$5,407.00
- FY 2015-2016 YTD Deposits / \$45,824.00

Margaret Thigpen placed request on table for Bayfront project to utilize lodging tax dollars for improvement for the Bayfront Pavilion grounds for plantings in the amount of \$2,000.00. Councilman John Lake asked if there was a conceptual drawing for improvements. Margaret confirmed there was a drawing.

MOTION BY Councilman Ron Scott to recommend council to use up to \$2,000.00 of Bayfront lodging tax for Bayfront improvement for grounds. Seconded by Councilman Pat Rudicell.

MOTION CARRIED UNANIMOUSLY

Reminder: Bayfront – Richard Merchant

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

Daphne Convention & Visitor's Bureau:

- Website: Launched...www.DiscoverDaphne.org
- Visitors Guide: Quotes received, selecting vendor, collecting information
- Taste of the Eastern Shore, August 12, 2016
- Jubilee Festival, September 24-25, 2016

Councilman Robin Lejeune asked if we heard back from legislator reference ABC Board for city. Mayor Haygood commented we have contacted the government liaison at governor's office and raised awareness a couple of months back. We have not received feedback. Margaret commented were dealing with the definition of selling alcohol. Councilman Lejeune will follow up with Representative Randy Davis.

5) BUILDING INSPECTION MONTHLY REPORT - MAY 2016: Richard Merchant

Richard Merchant reported on Building Inspection for the month of May.

- Total Building Permits / 150
- Total Permit Building Permit Fees / \$45,233
- New Home Permits / 19
- CO's / 13

Richard Merchant commented Russell Dyess house at 118 Lakeview Loop does qualify for buyout. According to the state the property has repetitive loss. Richard stated there is no hazard money available at this time. Richard discussed property with the mayor. Russell house will need to be taken down not to exceed \$10,000. Russell will need to prepare grant to administer buyout.

Councilman Ron Scott asked City Clerk, Rebecca Hayes if she provided a report to the school board for new subdivisions being built in the City of Daphne. Rebecca commented the City Clerk's Office has not

provided report. Richard Johnson commented that the school board works heavily with GIS and county GIS and there should be some coordination. Councilwoman Tommie Conaway said information is required for the school buses. Mayor Haygood noted Bill Harbour is the GIS Coordinator of Baldwin County Board of Education. Councilman Lake requested Rebecca contact the school board to see if they're receiving this information on new subdivisions.

6) RECREATION REPORT – MAY 2016: *David McKelroy*

David McKelroy gave Recreation Report for May. David reported the senior program is growing. They served 950 meals for the month of May. Senior Yoga Fit and Fun has taken off.

David invited everyone to the senior's March of Dimes fish fry event this Friday, June 10th from 10:00 a.m. – 1:00 p.m. at Village Point gazebo. Seniors have raised their dimes for this event over the last six months.

Projects

- Art in the Park, Thursday, June 9, 2016, 10:00 a.m. – 1:00 p.m. at Lott Park
- Wet 'N Wild Wednesdays, June 15th, 22nd, and 29th, 10:00 a.m.– 1:00 p.m. at Lott Park
- City of Daphne July 4th Celebration, 5:00 – 8:00 p.m. at Trione Sports Complex

Dave commented that Councilman Robin Lejeune and he are working with the engineers on new facilities.

Councilman Ron Scott mentioned we were told four (4) months on engineering. Councilman Scott asked if four (4) months were accurate.

Richard Johnson discussed the objective is to complete the first park at the Park City facility. Park City facility is 75-80% complete with drainage, parking lots, and roads. Architects are coming along with architectural. Planning Commission deadline is June 26th for July hearing. A complete site plan is due before July. We anticipate the Planning Commission will approve in July with contract documents in the month of August with sending bids out in September.

7) LIBRARY REPORT: – *Tonja Young*

Tonja Young gave the Library Report. Tonja reported the Summer Reading kicked off today at the Civic Center with 500 children and their parents. Tonja said this was a success and the girls did a great job. She is looking forward to a great summer.

Tonja submitted a grant with Impact 100 this afternoon.

Councilman John Lake commented this was good news.

8) VILLAGE POINT BAYFRONT PROPERTIES: *Selena Vaughn*

Selena gave report on Village Point Bayfront properties. Selena reported they would meet with the Alabama Forestry Commission tomorrow. They are measuring the trees in Baldwin County. The City of Daphne has two (2) trees nominated for award at Village Point and on the new property (12 acres) for awards.

Andy Bobe with Dewberry Preble-Rish gave presentation on the Bay Front Park Village Point Preserve Master Plan to include the Ariel view, national wetland inventory, Village Point Preserve Boardwalk/Trail extension, current flood zone, GIS topography, amphitheater place holder, streetscape, parking,

additional parking, and signage. Andy would like to move forward with project by getting all together to discuss general concepts.

Councilman Pat Rudicell addressed chair when would be the appropriate time to setup a Parks Planning Team.

Councilman Randy Frye commented a committee had been setup to allocate money. Committee members are Councilwoman Tommie Conaway, Councilman Randy Frye, Councilman John Lake, Village Point Representatives, Richard Johnson, Margaret Thigpen, Ashley Campbell, Public Works, and Recreation.

Councilman Robin Lejeune would like Parks Planning Team to look at the Bay Front Pavilion tear down or relocation. Margaret reported we had \$10,000 in report until 2019 for new improvements to facility. Councilman Lejeune asked team to review combination of the old building with proposed plan.

Richard Johnson discussed concept of phasing the streetscape, amphitheater, and building. The steps are in succession of each other and will complement progress of project. Richard discussed options of formal and informal amphitheater for team to discuss. Richard discussed amphitheater on river in Montgomery is an example designed for flooding.

Councilman John Lake commented the Montgomery amphitheater is a good example to review.

Councilman Ron Scott discussed the structure needs to be flexible for urban and flood plain. Councilman Scott listened to the Big Bands a few weeks back and emphasized it would be a jewel to our city to have an amphitheater overlooking Mobile Bay.

Councilman Randy Frye discussed funding to finalize a conceptual master plan. We're looking at pursuing grant opportunities to fund the amphitheater and streets.

Mayor Haygood asked Planning Team to review two (2) amphitheaters at Rosemary Beach and Alice Beach east of Exit 30A Destin. He noted Alice Beach has portable stage brought into amphitheater. Mayor asked Planning Team to review conceptual plan with concepts and costs.

9) OLD BUSINESS

AMIC LOSS CONTROL AUDIT /EGRESS FOR HR DEPARTMENT: Vickie Hinman

Vickie Hinman reported no further information at this time.

UPDATE ON 12 ACRES ON BAY BEHIND ZAXBY'S:

Mayor Haygood discussed the property is under contract. Mayor commented Ashley Campbell has taken lead on project. Title work on property has been received with title exceptions. We have 90 days due diligence to determine if they apply. Jay Ross will review title exceptions to see if they're applicable.

Councilman John Lake discussed the old easements within city that were vacated. Jay Ross will review title exceptions reported.

Councilman Randy Frye asked should we hold off on appropriated funds on property at tonight's council meeting. Jay Ross didn't see a problem with appropriating funds. Jay commented this would be a mayor's decision. Councilman Frye asked if there would be a title. Mayor Haygood confirmed there would be a title reference title policy.

LAKE FOREST MARINA: Victoria Phelps

Victoria Phelps notified committee that Lake Forest Property Owners Association (LFPOA) has submitted letter of intent for LFPOA board to work with the city on the joint Yacht Club Project at the Marina. Victoria noted this would be discussed further at the June 13, 2016 Work Session meeting.

Director Richard Johnson commented the state is agreeable with additional opportunities.

LITTLE BETHEL BAPTIST CHURCH: Chair Councilman John Lake

Chair Councilman John Lake discussed the Little Bethel Baptist Church is still working on design. There is a problem with boundary lines. Lott Park adjacent is zoned residential and the church is zoned business. They want to build a new sanctuary and are having a problem with the 10 ft. setback. Councilman Lake has met with the Architects and Engineers and informed them we would add to B&P agenda. They will go to BZA for variance on buffer.

Councilman Ron Scott commented the church could be rezoned residential. This would go thru planning and/or BZA for approval.

Councilwoman Tommie Conaway spoke with Pastor Parker today. They're processing paperwork now on property from residential to commercial.

10) NEW BUSINESS

KFC POINT: Ms. Dorothy Morrison

Dorothy Morrison discussed agreement with committee on relocating the hand statue donated by Dr. Booth to the KFC Point. Dorothy requested a vote on relocation of statue. Dorothy commented Victoria is working on names for new park. Suggestions now are Heritage Point and Veterans Point.

Councilman Pat Rudicell discussed the landscaping for 2017 budget. Dorothy confirmed this is in planning.

Richard Johnson confirmed this is FY 2017. They're going to build a new pediment with Old Mobile brick. Higher pedestal for statue. Dr. Booth has volunteered to landscape with material recommended.

Councilman Robin Lejeune is not in favor of placement of statue. This is my first formal discussion on statue. He would like to see the statue at the civic center with memorial. Councilman Lejeune discussed welcome point with a fountain to Old Towne Daphne with bright color landscape. This would be a focal point to city.

Mayor commented that Dr. Booth is very passionate about sculpture and design. He wants a simple design with greenery backdrop. He would like to add input into the selection of plant material.

Councilman John Lake is there was a motion to concur with statue at this location.

MOTION BY Councilwoman Tommie Conaway to concurred with hand statue being relocated to KFC Point. Seconded by Councilwoman Angie Phillips.

MOTION CARRIED UNANIMOUSLY

Councilman Ron Scott commented we don't have an official welcome to Old Towne Daphne.

Councilman Lejeune commented this is a focal point to our city and is emotional. Councilman Lejeune opinion is to see bright colors versus green to make softer, colorful, and inviting.

Councilwoman Angie Phillips appreciated Councilman Lejeune comments and asked if he had seen photos provided from previous discussion.

Victoria shared envision of Fairhope's flower clock in front of our statue that identifies Daphne and complements Councilman Lejeune and Dr. Booth's request. This is a significant piece and maybe we can compromise request.

Councilman Lejeune commented the donation was donated to the City of Daphne and there is dictation on setting of statue.

Mayor Haygood commented there was an agreement of donation with Dr. Booth blessing.

Jay Ross agreed to mayor's comment on agreement.

Councilman Randy Frye offered to amend language in motion subject to Dr. Booth's approval.

Councilman John Lake asked for vote on amended language of subject to Dr. Booth approval.

AMENDED MOTION BY Councilwoman Tommie Conaway to concur with hand statue being relocated to KFC Point subject to Dr. Booth approval. Seconded by Councilwoman Angie Phillips.

MOTION CARRIED UNANIMOUSLY

Councilman John Lake asked Councilman Robin Lejeune to discuss his thoughts with the Beautification Committee. Councilman Lake said Councilman Lejeune had some valid points he shared with committee.

Dorothy commented we would discuss the name of park at later date.

11) ANY OTHER BUILDINGS & PROPERTY BUSINESS

No other business.

12) PUBLIC PARTICIPATION:

Victoria Phelps shared the Lake Forester for June 2016 with new sidewalks in Lake Forest and discussed the ribbon cutting at the Daphne Central Park Gazebo on Wednesday June 8, 2016 with refreshments provided. Victoria shared the LFPOA is looking forward to working with the City of Daphne on potential of water front property.

13) NEXT MEETING

The next meeting will be July 5, 2016.

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

BZA SUPERNUMERARY NOMINATION

Herbert E. Cole

8903 Bainbridge Dr.

Daphne, AL 36526

Home: (251) 377-4047

Email: hcole40@bellsouth.net

EDUCATION:

University of South Alabama-Social Science Certification (History Concentration).

Graduation Date: (May 20009) Overall G.P.A. 3.75 G.P.A(Education classes) 4.0

Alabama State University: Masters Degree, Early Childhood Education (May1998) G.P.A. 3.9

University of South Alabama: Bachelors Degree, Early Childhood Education (May1993) G.P.A. 3.61

TEACHING/WORK EXPERIENCE:

Starbase Atlantis Instructor: Instructional Systems Specialist 1750

NAS Pensacola- December 20, 2010-May 31, 2013

I taught a STEM (Science, Technology, Engineering and Math) based curriculum to area fifth graders via field trips, hands-on and classroom instruction. I maintained and utilized various instructional equipment (PCs, Smart Boards, LCD projectors). I developed tests to measure the effectiveness of our program (Pre and Post Tests). I developed instructional materials to be used in our STEM lessons utilizing Microsoft Word, PowerPoint and Excel. I helped train and supervise new instructors. I worked closely with Navy and civilian personnel to accomplish Starbase Atlantis' mission.

Substitute Teacher:

Fairhope High School- February 2010- May 2010

Student Teaching: Daphne Middle School Grade 8 Social Studies (Jan.2009-April 2009)

- Worked with Daphne Middle School's After School Tutoring Program
- Volunteered to coach and supervise Daphne Middle School's Chess Team

Student Observations: August-November 2008

- Daphne Middle School: Grade 8 Social Studies
- Foley High School: Grade 11 History and Grade 12 Government

Vaughn Elementary School: February 2006-May 2006

- Library/Tutoring Aide: Worked in the library and computer lab.
- Supervised the After School Tutoring Program

Substitute Teacher:

Substituted for Daphne Elementary (K-3) and Daphne High School (9-12) January-May 2005

Computer Lab Teacher:

Bay Minette Elementary School- August 1999-2001

- Taught computer basics and keyboarding skills to Grades 2 and 3.
- Served as Technology Coordinator supervising a staff of 76 teachers.
- Implemented training schedule for teachers and paraprofessional staff.
- Helped install software and hardware on teacher computers.
- Wrote the school's yearly technology plan.
- Independently raised funds to support Internet access through business donations and grants.

Classroom Teacher-First Grade:

Bay Minette Elementary School- September 1993-May 1998

- Served as Grade Level Chair for 2 years.
- As a Grade Level Chair, I acted as a liaison between teachers and administration.
- Wrote and received a grant for Math manipulatives for Kindergarten and First Grade
- Received an award for efforts to better Bay Minette Elementary School.

P.E. Aide: Daphne Elementary School August-September 1993

MILITARY SERVICE: *10 Veteran Preference*

United States Marine Corps 4 JAN 1984-14 DEC 1987

MOS: Aviation Electrician 6433

Military Experience:

MCAS New River MAG-26 H&MS-26 7 Jan 1985-14 Dec 1987

- Aviation Electrician (6433): As an aircraft/instrumentation systems technician at the IMA level I inspected, tested, maintained and repaired components, assemblies, subassemblies, modules, cards, printed circuit boards and ancillary equipment.
- Utilized electronic schematics, block diagrams, wiring diagrams, color codes and other technical data contained in appropriate technical publications pertaining to aircraft electrical systems/subsystems and test and measuring equipment.
- Served as the Nuclear, Biological and Chemical (NBC) Training NCO. My duties included numerous instructional training sessions regarding various aspects of working in and surviving a nuclear, chemical or biological attack.
- Maintained, inspected and inventoried a variety of tools required to accomplish our mission.
- Maintained records regarding the issuance and inventory of various tools or equipment.

Military Awards, Honors, and Recognitions:

Honorable Discharge

2 Letters of Appreciation

Meritorious Mast for outstanding performance at H&MS-26 (22 Jan 1987)

Good Conduct Award

Sea Service Ribbon

Affiliations:

Marine Corps League Jesse Andrews Detachment #1378 member (Daphne, AL)

- Currently serving as the Fundraising Committee Chair
- Recently elected as our Senior Vice Commandant
- Toys For Tots Assistant Coordinator

**RESOLUTION 2016-22
DAPHNE PARK IMPROVEMENT FUNDING PROCESS AND
AUTHORIZATION FOR BANK ACCOUNT SETUP**

WHEREAS, the City of Daphne desires to provide upgrades, improvements and expansion to the City of Daphne Parks and Recreation facilities; and

WHEREAS, the City Council has previously selected the Volkert, Inc. as the lead design firm and project manager for the proposed park improvements; and

WHEREAS, the City Council has previously selected a conceptual master plan via Resolution 2016-04 to proceed with recreational improvements at Trione Sports Complex, Lott Park, Park Drive Park; and

WHEREAS, the Daphne Park Improvement projects are estimated to cost \$16.4 million, with \$1,151,350 of that total being for design engineering services; and

WHEREAS, the appropriation of design engineering services are critical for the Daphne Park Improvement projects to proceed and are being currently considered for appropriation in Ordinance 2016-24; and

WHEREAS, it is prudent for the source of funds for the Daphne Park Improvement to be formalized prior to the appropriation of funds for the engineering design services;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne, Alabama that the following sources of funds are intended to be utilized to fund the Daphne Park Improvement projects:

- 1) \$800,000 from the Lodging Tax Fund as contemplated by Ordinance 2016-24
- 2) \$500,000 from the General Fund Reserves as contemplated by Ordinance 2016-24
- 3) \$500,000 from the Debt Service Fund to be appropriated in the future
- 4) An additional \$1,500,000 from the General Fund Reserves to be appropriated in the future
- 5) Savings from the proposed 2006 Bond Refunding (estimated to be \$636,450)
- 6) Future borrowing in the amount of \$12,000,000 with Recreation's allocation of Lodging Tax collections to be pledged toward debt payments
- 7) The source of the remaining estimated balance of \$463,550 is to be determined after the bidding process is completed
- 8) The Mayor and Finance Director are authorized to select and setup new bank accounts as required related to the Daphne Park Improvement Project

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

CITY OF DAPHNE

RESOLUTION NO. 2016-39

**Appointing the City Clerk to Perform All the Duties
Otherwise Required to Be Performed by the Mayor
In the 2016 Municipal Election and Run-Off Election**

WHEREAS, a General Municipal Election will be held in the City of Daphne on the 23rd of August 2016, and if necessary a Run-off Election will be held in the City of Daphne on the 4th of October 2016; and,

WHEREAS, the Mayor of the City of Daphne is a candidate in said election, and is thereby disqualified to perform certain duties per Code of Alabama, 1975.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DAPHNE, ALABAMA, that Rebecca A. Hayes, City Clerk, is hereby appointed to perform all the duties otherwise required to be performed by the Mayor per Code of Alabama, 1975 with respect to the Municipal Election to be held in the City of Daphne on the 23rd of August 2016 and any Run-off Election ordered held with respect thereto.

ADOPTED this the ____ day of _____, 2016.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

RESOLUTION 2016-40

**2016 Community Development Block Grant (CDBG) for: Sewer Hookups in the
Whispering Pines & Pollard Road community**

WHEREAS, a grant is available from the Alabama Department of Economic and Community Affairs (ADECA) for Program Year 2016 Community Development Block Grant (CDBG) funds made available through the United States Department of Housing and Urban Development (HUD); and

WHEREAS, the City of Daphne has identified community development needs and determined that there is a critical need to provide hookups to the public sewer for the low to moderate income persons in the Whispering Pines/Pollard Road community; and

WHEREAS, a public hearing was held on May 16, 2016 informing the public of the availability of the funds and identifying the project that the City would address with the funds;

NOW, THEREFORE IT BE RESOLVED that the City of Daphne authorizes the submission of a grant application to ADECA requesting \$225,163.80 in 2016 CDBG Funds; and

1. the City of Daphne agrees to provide a \$25,018.20 cash match toward the project (*total project cost -\$250,182*) if awarded; and
2. the City Council authorizes the Mayor to sign all required grant application documents on behalf of the City.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk



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

PRELIMINARY ENGINEERING COST ESTIMATE

City of Daphne
 Whispering Pines Area Sewer House Connections 2016 Application
 June 10, 2016

| ITEM # | DESCRIPTION | UNIT | QTY | UNIT PRICE | AMOUNT |
|--------|--|------|-------|-------------|---------------|
| 1 | 1 1/2" PVC SEWER SERVICE LINE FORCE MAIN (TO HOUSE FROM STREET ROW LINE) | LF | 4,500 | \$ 4.00 | \$ 18,000.00 |
| 2 | 4" PVC SEWER PIPE (FROM 5' OUTSIDE HOUSE TO ROW LINE OF STREET) | LF | 2,000 | \$ 5.00 | \$ 10,000.00 |
| 3 | SANITARY SEWER GRINDER PUMP STATION | EA | 25 | \$ 5,000.00 | \$ 125,000.00 |
| 4 | SEEDING AND MULCHING | ACRE | 2 | \$ 2,000.00 | \$ 4,000.00 |
| 5 | HOUSEHOLD CONNECTION TO GRAVITY SEWER & ABANDONMENT OF EXISTING SEPTIC SYSTEM (LOW TO MODERATE INCOME) | EA | 12 | \$ 2,000.00 | \$ 24,000.00 |
| 6 | 2" SEWER SERVICE CONNECTION FOR LOW PRESSURE FORCE MAIN CONNECTIONS & ABANDONMENT OF EXISTING SEPTIC SYSTEM (LOW TO MODERATE INCOME) | EA | 25 | \$ 1,500.00 | \$ 37,500.00 |

| | | |
|--|----|------------|
| Total Construction Cost | \$ | 218,500.00 |
| Engineering Design | \$ | 20,757.00 |
| Construction Engineering & Inspection | \$ | 10,925.00 |
| Total Project Cost | \$ | 250,182.00 |

CDBG Funds 90% (not to exceed \$450,000) \$ 225,163.80

Daphne Match 10% \$ 25,018.20

RESOLUTION NO. 2016-41

RECYCLING COMPACTOR TRAILER -15CY W/CART TIPPER

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

WHEREAS, The City of Daphne acknowledges that the cost for the RECYCLING COMPACTOR TRAILER -15CY W/CART TIPPER will exceed this amount; and

WHEREAS, Staff has researched and found that only one bidder manufactures and sells a Recycling Compactor Trailer -15CY with a Cart Tipper and determined that the this item is a Sole Source purchase; and

WHEREAS, Staff recommends the bid for the RECYCLING COMPACTOR TRAILER -15CY W/CART TIPPER be purchased from Pro-Tainer, Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the Sole Source proposal for the RECYCLING COMPACTOR TRAILER - 15CY W/CART TIPPER from Pro-Tainer, Inc. in the amount of \$43,551 (*the GSA contract amount as submitted*).

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

Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

Memorandum

To: Finance Director

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

CC: BJ Eringman, PE, Deputy Director; Buck Conaway, SW Supervisor; Tracey Miller, SW Coordinator

Date: May 26, 2016

Re: Pro-Tainer: PRO-PACTOR/COMPACTOR TRAILER with CART TIPPER - Sole Source for Capital Equipment

Mrs. Kichler:

For the above referenced Capital Equipment purchase is has been my findings that no equivalent product is available in our market. Unique features of the Pro-Pactor/Compactor Trailer with Cart Tipper are as follows:

- Self-contained trailer with onboard power unit
- Solid Waste Trailer with compactor and cart tipper
- May be pulled with a light to mid-duty pickup truck (bumper tow)

It has been my determination that Pro-Tainer is the only known manufacturer of compactor trailer with cart tipper with these described attributes. The Pacific Compactor Corporation at one time offered the Pac Mac Model 12000 – a compactor trailer with tipper, though it required a 5th wheel (gooseneck) hitch and a heavy-duty truck. They no longer manufacture this trailer.

It is my recommendation that we Sole Source this capital equipment and would certify that this request for Sole Sourcing complies with Ala. Code § 41-16-51, which states:

“Contractual services and purchases of commodities for which there is only one vendor or supplier and contractual services and purchases of personal property which by their very nature are impossible to award by competitive bidding.”

I am requesting your approval for sole sourcing based on the fact that no other vendor offers substantially equivalent goods that can accomplish the purpose for which the goods are required.

Respectfully Submitted,

RDJ

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

RESOLUTION 2016-42

2016-N- OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS
(project at Lovette Lane – originally referred to as Fannon property)

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

WHEREAS, the City of Daphne acknowledges that the OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS will exceed \$50,000; and

WHEREAS, the City of Daphne did receive and review bids for the OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS and has determined that the bid as presented is reasonable; and

WHEREAS, the OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS project is eligible for partial funding from NRCS (Natural Resources Conservation Service); and

WHEREAS, staff recommends the bid for OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS be awarded to Ammons & Blackmon Construction, LLC...

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid from Ammons & Blackmon Construction, LLC.. in the amount of \$169,650 as specified in BID SPECIFICATION NO. 2016-N- OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS and for the project to proceed upon appropriation of required funds.

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

Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

Memorandum

To: Councilman Randy Fry - Chairman, Finance Committee
Thru: The Honorable Mayor Dane Haygood
From: Richard D. Johnson, P.E.; Public Works Director 
CC: HMR Engineers; Finance; File
Date: June 9, 2016
Re: Project 2016-N-OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS

Mr. Mayor:

Based upon the bid tabulations provided by the Project Engineer, HMR Engineers, on June 1, 2016, it is my recommendation to award the Contract to Ammons and Blackmon Construction for the restoration of the historic gulley contained within the Old Daphne Wharf Right-of-Way. They are the qualifying low bidder.

I further recommend the following appropriations be made:

- Stream Channel/Gulley Restoration (Construction) \$ 169,650.00*
 *Note: 75% reimbursable NRCS EWP Funds
 (NRCS: \$127,237.50 City Match: \$42,412.50)
 - Construction Engineering Inspection & Testing (HMR): \$ 17,825.00**
 **75% reimbursable NRCS EWP Funds
 (NRCS: \$13,368.75 City Match: \$4,456.25)
- | | |
|----------------|---------------|
| Project Total: | \$ 187,475.00 |
| City Match: | \$ 46,868.75 |

Note: This Old Daphne Wharf ROW is Bay Access and City Owned; it may qualify for Lodging Tax Funding at the discretion of the Council.

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



HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

Telephone: (251) 626-2626
Fax: (251) 626-6934

June 2, 2016

Mayor Dane Haygood
City of Daphne
PO Box 400
Daphne, AL 36526

RE: Bid Document No.: 2016-N-Old Daphne Wharf ROW Drainage Improvements

Dear Mayor Haygood:

Enclosed is the Tabulation of Bids received June 1, 2016 for the subject project.

We recommend that you award the Contract to Ammons & Blackmon Construction at their submitted lowest bid of \$169,650.00.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC

A handwritten signature in black ink, appearing to read 'James H. Robertson, II', written over the printed name.

James H. Robertson, II, P.E.
Project Manager

\big

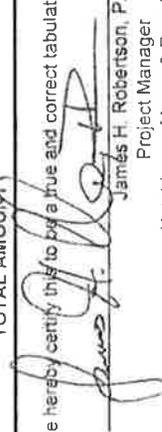
Enclosure
D250014262

Engineers • Surveyors • Land Planners

CITY OF DAPHNE
BID DOCUMENT NO.: 2016-N-OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS
JUNE 1, 2016

| ITEM# | DESCRIPTION | UNIT | QTY | BIDDER #1 AMMONS & BLACKMON | | BIDDER #2 BLADE CONSTRUCTION | | BIDDER #3 POPE CONTRACTING | |
|---------------------|---|------|-----|--------------------------------|----------------------|---------------------------------|----------------------|-------------------------------|----------------------|
| | | | | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT |
| 1 | CLEARING AND GRUBBING (201-C) | LS | 1 | \$ 7,500.00 | 7,500.00 | 15,000.00 | 15,000.00 | 20,000.00 | 20,000.00 |
| 2 | PIPE AND HEADWALL REMOVAL | LS | 1 | \$ 2,200.00 | 2,200.00 | 9,500.00 | 9,500.00 | 3,000.00 | 3,000.00 |
| 3 | BORROW EXCAVATION (210-D) | CY | 350 | \$ 25.00 | 8,750.00 | 18.00 | 6,300.00 | 40.00 | 14,000.00 |
| | (TBM) | | | | | | | | |
| 4 | CONCRETE FLUME | LF | 5 | \$ 492.00 | 2,460.00 | 500.00 | 2,500.00 | 75.00 | 375.00 |
| 5 | 48" STORM SEWER PIPE (CLASS 3, R.C.) (533-A) | LF | 80 | \$ 367.00 | 29,360.00 | 145.00 | 11,600.00 | 200.00 | 16,000.00 |
| 6 | CONCRETE WEIR INLET | EA | 1 | \$ 6,323.00 | 6,323.00 | 15,185.00 | 15,185.00 | 15,000.00 | 15,000.00 |
| 7 | CONCRETE SLOPE PAVED HEADWALL (48" RCP) | EA | 2 | \$ 2,740.00 | 5,480.00 | 3,850.00 | 7,700.00 | 5,000.00 | 10,000.00 |
| 8 | FLEX-A-MAT EROSION CONTROL BLANKET | SY | 235 | \$ 54.00 | 12,690.00 | 80.00 | 18,800.00 | 75.00 | 17,625.00 |
| 9 | CAP EXISTING 16" PIPE | LS | 1 | \$ 1,300.00 | 1,300.00 | 950.00 | 950.00 | 300.00 | 300.00 |
| 10 | MOBILIZATION (600-A) | LS | 1 | \$ 25,000.00 | 25,000.00 | 13,000.00 | 13,000.00 | 30,000.00 | 30,000.00 |
| 11 | LOOSE RIPRAP, CLASS 2 (610-C) | LS | 320 | \$ 80.00 | 25,600.00 | 94.50 | 30,240.00 | 200.00 | 64,000.00 |
| 12 | FILTER BLANKET, GEOTEXTILE (NON-WOVEN) (610-D) | TON | 320 | \$ 3.00 | 960.00 | 6.10 | 1,952.00 | 5.00 | 1,600.00 |
| 13 | TOP SOIL (650-A) | CY | 40 | \$ 96.00 | 3,840.00 | 28.00 | 1,120.00 | 50.00 | 2,000.00 |
| 14 | SEEDING (652-A) | AC | 0.5 | \$ 2,993.00 | 1,496.50 | 1,000.00 | 500.00 | 2,000.00 | 1,000.00 |
| 15 | SOLID SODDING (654-A) | SY | 110 | \$ 13.00 | 1,430.00 | 4.75 | 522.50 | 8.00 | 880.00 |
| 16 | MULCHING (656-A) | AC | 0.5 | \$ 2,993.00 | 1,496.50 | 1,300.00 | 650.00 | 2,000.00 | 1,000.00 |
| 17 | EROSION CONTROL (665-0) | LS | 1 | \$ 5,450.00 | 5,450.00 | 10,000.00 | 10,000.00 | 7,500.00 | 7,500.00 |
| 18 | WATER REMOVAL | LS | 1 | \$ 1,000.00 | 1,000.00 | 6,500.00 | 6,500.00 | 3,000.00 | 3,000.00 |
| 19 | DRIVEWAY REPAIR (INCLUDE REMOVAL AND PLACEMENT) | LS | 1 | \$ 8,500.00 | 8,500.00 | 10,000.00 | 10,000.00 | 6,000.00 | 6,000.00 |
| 20 | LANDSCAPE REPAIR (INCLUDES REPAIR OF DAMAGE FROM CONSTRUCTION AND JASMIN PLANTED ON FLEX-A-MAT) | LS | 1 | \$ 18,814.00 | 18,814.00 | 16,000.00 | 16,000.00 | 7,500.00 | 7,500.00 |
| TOTAL AMOUNT | | | | | \$ 169,650.00 | | \$ 178,019.50 | | \$ 220,780.00 |

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


 James H. Robertson, P.E.
 Project Manager
 Hutchinson, Moore & Rauch, LLC

From: Jaye Robertson <jaye@hmreengineers.com>
Sent: Monday, December 07, 2015 3:17 PM
To: Richard D. Johnson, P.E.
Cc: sah@hmreengineers.com; tim@hmreengineers.com
Subject: FW: Old Wharf ROW - North End of Lovett Lane

Richard,

We have taken a look at this site and come up with some numbers based on your parameters below.

Option 1 (Access from south property owner)

- Construction Cost = \$155,000

Option 2 (Access from City Property)

- Construction Cost = \$175,000

Based upon these estimates the Engineering Cost are as follows:

- Survey, Design and Letting: \$14,750
- CE&I : \$17,825
- Permitting: Hourly

Thanks again for the opportunity,

James H. Robertson, PE

Hutchinson, Moore & Rauch, LLC

2039 MAIN STREET

P.O. Box 1127

DAPHNE, AL 36526

jaye@hmreengineers.com

(251)626-2626 (TEL)

(251)380-8740 (DIR)

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RESOLUTION #2016-43

Agreement with the State of Alabama Department of Transportation to participate in the Annual Utility work/cost sharing as required for the US98 ASCT System: Adaptive Signal Installation project STPOA-0042 (529)

BE IT RESOLVED, by the City Council of the City of Daphne, Alabama as follows:

1. That the City enters into an Agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:

Utility program for Project STPOA-0042 (529), Project Reference Number 100065671 for adaptive signal installation along SR-42 (US-98) in Baldwin County (28 intersections); which Agreement is before this Council.
2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

Passed, adopted and approved this ____ day of _____, 2016

ATTESTED:

City Clerk

Mayor

I, the undersigned qualified and acting clerk of the City of Daphne, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the ____ day of _____, 20 ____, and that such resolution is on file in the City Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this ____ day of _____, 2016

City Clerk

**AGREEMENT
FOR
UTILITY WORK**

**BETWEEN THE STATE OF ALABAMA
AND
THE CITY OF SPANISH FORT
THE CITY OF DAPHNE
THE CITY OF FAIRHOPE**

**Project STPOA-0042 (529)
Project Reference Number 100065671
Adaptive Signal Installation along SR-42 (US-98)
in Baldwin County (28 intersections)**

This Agreement is made and entered into by and between the State of Alabama, acting by and through the Alabama Department of Transportation, hereinafter referred to as STATE; and the Cities of Spanish Fort, Daphne, and Fairhope, Alabama, hereinafter referred to as CITIES; in cooperation with the United States Department of Transportation, Federal Highway Administration, hereinafter referred to as the FHWA; and

WHEREAS, a Transportation Improvement Program has been developed for the Eastern Shore Urbanized Area and certain transportation improvements and priorities are listed therein; and

WHEREAS, it is in the public interest for the STATE and the CITIES to cooperate toward the implementation of the Transportation Improvement Program; and

WHEREAS, the STATE and the CITIES desire to cooperate in a utility program for adaptive signal installation along SR-42 (US-98) in Baldwin County (28 intersections).

NOW, THEREFORE, the parties hereto, for, and in consideration of the premises stated herein do hereby mutually promise, stipulate, and agree as follows:

- (1) This Agreement will cover all aspects of utility work for the proposed improvements, all in accordance with plans approved by the STATE.

- (2) Funding for this Agreement is subject to availability of Federal Aid funds at the time of authorization by FHWA. Any deficiency in Federal Aid or overrun in the Project costs will be borne by the CITIES. In the event of an under run in the Project costs, the amount of Federal Aid funds will be 80 percent of eligible costs.
- (3) The Project will be administered by the City of Daphne and all cost will be financed, when eligible for Federal participation, on the basis of 80 percent Federal funds and 20 percent CITIES funds. Federal funds will not exceed \$239,009.60 unless the Eastern Shore Metropolitan Planning Organization agrees, subject to the approval of the STATE, to reprogram the Federal funds allocated for the Eastern Shore area in an amount sufficient to cover 80 percent of the Project cost. The estimated cost and participation by the various parties is as follows:

| | <u>Total Estimated Cost</u> | <u>Estimated Federal Funds</u> | <u>Estimated Spanish Fort Funds</u> | <u>Estimated Daphne Funds</u> | <u>Estimated Fairhope Funds</u> |
|-----------|-------------------------------------|--|---|---------------------------------------|---|
| Utilities | <u>\$298,762.00</u> | <u>\$239,009.60</u> | <u>\$4,907.40</u> | <u>\$33,119.00</u> | <u>\$21,726.00</u> |
| TOTAL | \$298,762.00 | \$239,009.60 | \$4,907.40 | \$33,119.00 | \$21,726.00 |

It is understood that the above is an estimate only, and in the event the final cost exceeds the estimate, the CITIES will be responsible for and will pay all cost in excess of \$239,009.60 unless the Eastern Shore Metropolitan Planning Organization agrees, subject to the approval of the STATE, to reprogram the Federal funds allocated for the Eastern Shore area, in an amount sufficient to pay 80 percent of Project cost. In that event, the CITIES will also pay its additional proportional share. The administrative cost will be a part of the Project cost.

- (4) The City of Daphne will invoice the STATE for the Federal share and CITIES' matching

share of the utility costs not more frequent than monthly. Request for reimbursement will be made on forms provided by the STATE and submitted through the Southwest Region Engineer for payment.

- (5) The CITIES, upon notification, will provide their shares of estimated matching funds to the STATE before the STATE will authorize the City of Daphne to proceed with the utility described by this Agreement.
- (6) Invoices for work performed by the City of Daphne under the terms of this Agreement will be submitted within twelve (12) months after the completion of work. Any invoices submitted after this twelve-month period will not be eligible for payment.
- (7) Any cost for work not eligible for Federal participation will be financed 100 percent by the CITIES, which payment will be reflected by the final audit.
- (8) The performance of the work covered by this Agreement will be in accordance with the current requirements of the STATE and FHWA.
- (9) The City of Daphne will coordinate any required adjustments to utilities with the utility company involved in accordance with usual STATE procedures. Any utility expenses involved which are eligible for STATE reimbursement or payment under State law will be considered as a part of the Project cost and will be paid from funds provided herein with the CITIES paying for its proportional share. The STATE will not be liable for utility expenses which are not eligible for STATE reimbursement or payment under State law.
- (10) Upon completion and acceptance of the work by the STATE, the CITIES will assume full responsibility for maintenance of that part of the improvements which are not a part of the State Highway Maintenance System.
- (11) The CITIES agree that in the event the FHWA determines, under its rules and/or

regulations that Federal funds expended on this Project (including but not limited to delay of the projects, or delay of projects contemplated to be developed and accomplished in sequence to the current projects) that the Federal funds expended on this Project must be refunded to the FHWA. The CITIES will reimburse and pay to the STATE a sum of money equal to the total amount of STATE and Federal funds expended under this Agreement.

- (12) It is clearly understood by both parties that the STATE does not commit any STATE or Federal funds beyond those mentioned herein.
- (13) A final audit will be made of all Project records after the completion of the Project and a copy will be furnished to the Department of Examiners of Public Accounts, in accordance with Act 1994, No. 94-414. A final financial settlement will be made between the parties as reflected by the final audit and this Agreement.
- (14) Subject to the limitations on damages applicable to municipal corporations under Ala. Code § 11-47-190 (1975), the CITIES shall indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, its officers, officials, agents, servants, and employees from and against (1) claims, damages, losses, and expenses, including but not limited to attorney's fees arising out of, connected with, resulting from or related to the work performed by the CITIES, or their officers, employees, contracts, agents or assigns; (2) the provision of any services or expenditure of funds required, authorized, or undertaken by the CITIES pursuant to the terms of this Agreement; or (3) any damage, loss, expense, bodily injury, or death, or injury or destruction of tangible property (other than the work itself), including loss of use therefrom, and including but not limited to attorney's fees, caused by the negligent, careless or unskillful acts of the CITIES, their agents, servants, representatives or employees, or the misuse,

misappropriation, misapplication, or misexpenditure of any source of funding, compensation or reimbursement by the CITIES, their agents, servants, representatives or employees, or anyone for whose acts the CITIES may be liable.

- (15) By entering into this Agreement, the CITIES are not agents of the STATE, its officers, employees, agents or assigns. The CITIES are independent entities from the STATE and nothing in this Agreement creates an agency relationship between the parties.
- (16) By signing this contract, the contracting parties affirm, for the duration of the Agreement, that they will not violate Federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the Agreement and shall be responsible for all damages resulting therefrom.
- (17) The terms of this Agreement may be modified by supplemental agreement duly executed by the parties hereto.
- (18) This Agreement will remain in effect, unless otherwise terminated by either party upon the delivery of a thirty (30) day notice of termination.
- (19) Nothing will be construed under the terms of this agreement by the STATE or the CITIES that will cause any conflict with Section 23-1-63, Code of Alabama (7/24th Law).
- (20) Exhibits M and N are attached and hereby made a part of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by those officers, officials and persons thereunto duly authorized, and the Agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Governor of Alabama.

SEAL

ATTEST:

CITY OF SPANISH FORT, ALABAMA

City Clerk (Signature)

BY: _____
Mayor (Signature)

Type name of Clerk

Type name of Mayor

ATTEST:

CITY OF DAPHNE, ALABAMA

City Clerk (Signature)

BY: _____
Mayor (Signature)

Type name of Clerk

Type name of Mayor

ATTEST:

CITY OF FAIRHOPE, ALABAMA

City Clerk (Signature)

BY: _____
Mayor (Signature)

Type name of Clerk

Type name of Mayor

THIS AGREEMENT HAS BEEN LEGALLY
REVIEWED AND APPROVED AS TO FORM
AND CONTENT:

RECOMMENDED FOR APPROVAL:

BY: _____
Chief Counsel, Jim R. Ippolito, Jr.

Southwest Region Engineer, Vincent E. Calametti, P.E.

Chief Engineer, Don T. Arkle, P. E.

Multimodal Transportation Engineer,
Robert J. Jilla

STATE OF ALABAMA
ACTING BY AND THROUGH THE
ALABAMA DEPARTMENT OF TRANSPORTATION

Transportation Director, John R. Cooper

The foregoing Agreement is hereby approved by the Governor of the State of Alabama
this ____ day of _____, 20 ____.

GOVERNOR OF ALABAMA, ROBERT BENTLEY

CERTIFICATION

This certification is applicable to the instrument to which it is attached whether attached directly or indirectly with other attachments to such instrument.

The prospective participant/recipient, by causing the signing of and the submission of this Federal contract, grant, loan, cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, and the person signing same for and on behalf of the prospective participant/recipient each respectively certify that to the best of the knowledge and belief of the prospective participant or recipient and of the person signing for and on behalf of the prospective participant/recipient, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the prospective participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this AGREEMENT shall contravene any statute or Constitutional provision of amendment, either now in effect or which may, during the course of this AGREEMENT, be enacted, then the conflicting provision in the AGREEMENT shall be deemed null and void.

When considering settlement of controversies arising from or related to the work covered by this AGREEMENT, the parties may agree to use appropriate forms of non-binding alternative dispute resolution.

TERMINATION DUE TO INSUFFICIENT FUNDS

- a. If the agreement term is to exceed more than one fiscal year, then said agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the agreement in subsequent fiscal years.
- b. In the event of proration of the fund from which payment under this AGREEMENT is to be made, agreement will be subject to termination.

NO GOVERNMENT OBLIGATION TO THIRD PARTY CONTRACTORS

The STATE and CONSULTANT acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations of or liabilities to the STATE, CONSULTANT, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

The CONSULTANT agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided to FHWA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

EASTERN SHORE MPO
BALDWIN COUNTY SATELLITE COURTHOUSE
1100 FAIRHOPE AVENUE
FAIRHOPE, ALABAMA 36532
TELEPHONE: (251) 990-4640
FAX: 251-580-2590
WWW.EASTERNSHOREMPO.ORG

June 9, 2016

VIA U.S. MAIL:
Mrs. Suzanne Henson
Senior Accountant
P.O. Box 400
Daphne, AL 36526

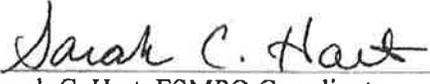
***Re: Award of Contract to Southern Light for Project STPOA-0042 (529) (Ref. # 100065671)
Adaptive Signal Installation***

Dear Mrs. Henson:

The Eastern Shore MPO has read and reviewed the sole submittal received from the Request for Proposals regarding fiber infrastructure for project STPOA-0042 (529) (Ref. # 100065671). MPO staff is pleased to issue this letter supporting the award of the contract to Southern Light to install Dark Fiber in the ESMPO area for the adaptive signal system.

Thank you for your time and effort on the Request for Proposals and making the installation of the fiber possible. Please let me know if I can be of further assistance.

Sincerely,


Sarah C. Hart, ESMPO Coordinator

cc:
Richard Johnson via email
File

Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

Memorandum

To: Participating Communities in the Eastern Shore MPO
From: Richard D. Johnson, P.E., Public Works Director/TAC Chairman 
CC: ALDOT; ESMPO Director; Sain & Assoc.; File
Date: May 26, 2016
Re: STPOA-0042(); BCP 02-063-15P – Adaptive Signal Installation along SR-42 (US-98) Baldwin County – Dark Fiber to Connect Traffic Lights

On behalf of the ESMPO the City of Daphne hosted and received a RFP to provide the required dark fiber connectivity to support the Adaptive ITS Project for U.S. Highway 98. Southern Light was the only qualified provider who submitted a proposal (attached). The proportional cost by City is:

| City | NRC of Intersection | NRC for Fiber | Total NRC | ESMPO 80% | City 20% Match | Annual Maintenance of Fiber |
|--------------|---------------------|---------------|--------------|--------------|----------------|-----------------------------|
| Spanish Fort | \$21,585.00 | \$2,952.00 | \$24,537.00 | \$19,629.60 | \$4,907.40 | \$1,155.00 |
| Daphne | \$142,505.00 | \$23,090.00 | \$165,595.00 | \$132,476.00 | \$33,119.00 | \$9,035.00 |
| Fairhope | \$80,675.00 | \$27,955.00 | \$108,630.00 | \$86,904.00 | \$21,726.00 | \$10,939.00 |
| Totals | \$244,765.00 | \$53,997.00 | \$298,762.00 | \$239,009.60 | \$59,752.40 | \$21,129.00 |

ALDOT mistakenly prepared the cost sharing agreement with the City of Daphne covering 100% of the required match (attached). This is a simple oversight that requires correction. ALDOT will need to prepare a separate agreement to each City with their respective proportional share of the match. This project is scheduled for an August 2016 letting and we need to get these agreements created, processed, approved and funded well prior to that date.

In addition you have been provided the cost of your City's proportional share of the annual maintenance of the fiber. I do not know if it was ever resolved as to if this cost can be funded with ESMPO dollars with the City matching the 20%. I will ask Sarah to follow up.

Please use this information to prepare you upcoming budgets and start your City's processes to execute the forthcoming agreements and fund your match amounts.

If you have any questions, feel free to contact me.

Yours,

RDJ

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

Suzanne Henson

Subject: FW: RFP US-98 ASCT System - Final Answer

From: Sarah C. Hart [<mailto:SHART@baldwincountyal.gov>]
Sent: Tuesday, May 24, 2016 10:38 AM
To: Suzanne Henson; Richard D. Johnson, P.E.
Cc: Stephenson, Jeff; 'Driskell, Daniel'; Matthew S. Brown
Subject: RE: RFP US-98 ASCT System - Final Answer

Hi Mrs. Suzanne,

**The MPO would like to accept the submittal, and award the contract to Southern Light.
Can you submit this to the Daphne City Council and have them award the project contract?
Let me know if you have questions or if I can be of further assistance in moving this forward. Thanks so much!
Sarah**

From: Stephenson, Jeff [<mailto:jstephenson@sain.com>]
Sent: Monday, May 16, 2016 1:21 PM
To: Richard D. Johnson, P.E.; Suzanne Henson; 'Sarah C. Hart'; 'Driskell, Daniel'; 'Matthew S. Brown'
Subject: RE: RFP US-98 ASCT System

Attached is lat/lon info for each site.

Jeff Stephenson
205.263.2172 | direct
205.746.9242 | cell
jstephenson@sain.com

From: Richard D. Johnson, P.E. [<mailto:rjohnson@daphneal.com>]
Sent: Monday, May 16, 2016 10:56 AM
To: Stephenson, Jeff; Suzanne Henson; 'Sarah C. Hart'; 'Driskell, Daniel'; 'Matthew S. Brown'
Subject: RE: RFP US-98 ASCT System

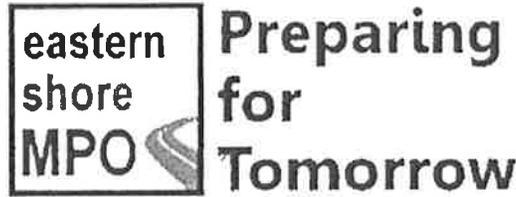
Getting close -- see the current response.
RDJ

Richard D. Johnson, P.E.
Public Works Director
26435 Public Works Road
Daphne, AL 36526

From: Driskell, Daniel [<mailto:driskelld@dot.state.al.us>]
Sent: Friday, May 13, 2016 11:42 AM
To: Jeff Stephenson; Richard D. Johnson, P.E.; Suzanne Henson; Sarah C. Hart
Subject: RE: RFP US-98 ASCT System

Daniel E. Driskell, PE
Traffic Engineer - Mobile
ALDOT - Southwest Region
Office: (251) 470-8231
Cell: (251) 331-3089
Linc: 1*99*9009

SECTION 1: COVER PAGE



**REQUEST FOR PROPOSAL
 FIBER OPTIC INFRASTRUCTURE NETWORK SUPPORT SERVICES
 FOR THE US-98 ASCT SYSTEM**

**11:30 AM CST
 MAY 19, 2016**

PRESENTED BY:



**SOUTHERN LIGHT, LLC
 107 ST. FRANCIS STREET
 SUITE 1800
 MOBILE, AL 36602
 TELEPHONE: (251) 662-1170
 TAX-ID NUMBER: 63-1224091**

Scott McMahan
 Government and Education
 Sales Manager



GSA Contract #: GS-25F-5248A

smcmahan@slfiber.com
 southernlightfiber.com

o: 251-645-1807
 c: 251-776-8131
 f: 251-445-0542
 tech support (noc): 877-652-2321

107 St. Francis Street
 Suite 1800
 Mobile, AL 36602

Southern Light Contact – Authorized to Contractually Obligate Proposer

| Name | Title | Address | Telephone | Fax | Email Address |
|-----------------|-------|--|--|--------------|--|
| Andy Newton | CEO | 107 St. Francis St, Suite 1800 Mobile, AL 36602 | Work: 251-662-1510 Cell: 251-583-4440 | 251-445-0646 | anewton@slfiber.com |
| Paul Bullington | CFO | 107 St. Francis St, Suite 1800 Mobile, AL 36602 | Work: 251-662-1512 Cell: 251-583-4445 | 251-445-0646 | pbullington@slfiber.com |

Southern Light Response

RFP: Fiber Optic Infrastructure Network Support Services for the US-98 ASCT System

May 19, 2016



May 19, 2016

Suzanne Henson, Senior Accountant
City of Daphne, Finance Department
1705 Main Street
Daphne, AL 36526

REF: US-98 ASCT System

Dear Mrs. Henson,

Enclosed you will find Southern Light's response to RFP entitled "Fiber Optic Infrastructure Network Support Services for US-98 ASCT, Split Cycle Offset Optimization Technique (SCOOT)". Southern Light understands the purpose of the project and scope of work required to provide the underlying infrastructure, across which, this proposed traffic signaling system will operate.

Having completed similar projects of this nature, and having long standing relationships with the municipalities involved, as well as the Alabama Department of Transportation and Baldwin County, we feel well positioned to be your preferred telecommunications service provider. We are excited at the prospect of being chosen to perform the work and look forward to seeing the result of this effort.

Southern Light is pleased to offer pricing for a 10 Year IRU for 2 strands of Dark Fiber that will be daisy chained down Highway 98 using existing and new network to connect all of the Communication Boxes along the route. Annual Maintenance of the network has also been priced and will assure the ESMPO that all locates will be cleared in detail, and that scheduled integrity checks and maintenance of the network will be performed. Do not hesitate to contact me if you have any questions.

Respectfully,

A handwritten signature in black ink that reads 'Scott McMahan'.

Scott McMahan
Government and Education Sales Manager



o: 251-445-1807
c: 251-776-8131
smcmahan@slfiber.com
southernlightfiber.com

Southern Light Response

RFP: Fiber Optic Infrastructure Network Support Services for the US-98 ASCT System

SECTION 1. Company Overview and History

Company History: Southern Light was founded in 1998 in Mobile, Alabama, as a dark fiber company aimed at serving the communications needs of the Mobile and Pensacola markets. Today, Southern Light is classified as an "Alternate Access Vendor" and "Alternate Local Exchange Carrier", meaning we build, own and operate our own fiber optic networks, and provide facilities-based high capacity transport as an alternative to the legacy incumbent telecommunications carrier in each market. In 2007 and 2008, Southern Light was included in Inc. Magazine's "Inc 500" list of the fastest growing privately held companies, and we have maintained a position in the top 5000, every year since that time.

Company Overview:

Southern Light is the leading provider of fiber optic infrastructure solutions along the Gulf Coast. Our company has and will continue to build expansive metropolitan networks in underserved markets throughout the region when it makes economic sense. Southern Light's network covers several major metropolitan areas along the Gulf Coast, and will continue to expand across the states of LA, MS, AL and FL. Southern Light is a privately held company whose core business focus is to serve as a backbone provider for (1) telecommunications carriers, (2) government entities such as the Department of Defense, both county and municipal governing entities, and school systems within our geography, as well as (3) large enterprise customers. Southern Light is able to meet our customer's mission-critical needs as a result of the extraordinarily robust design and capabilities of our fiber optic infrastructure, the quality of the people we have serving on our team, and a corporate fervor for providing the most reliable in the Southeast.

Southern Light brings an extremely focused and experienced operations group to ESMPO while maintaining the unique ability to make all corporate decisions locally. There will never be a time when Southern Light is waiting for decisions from unfamiliar management located outside our footprint. Many of our most senior management grew up along the Gulf Coast and enjoy contributing to our area by providing the most reliable telecommunications infrastructure and services available anywhere in the country.

Our mission at Southern Light is to bring next-generation fiber optic solutions to customers in our markets by using our own assets and staying diverse from LEC and Cable Company infrastructure wherever possible. Southern Light's fiber optic infrastructure allows our customers to move massive amounts of data at very high speeds, removing restrictive communications bottlenecks, and better enabling them to achieve the full potential of their communications plan. By creating their own private networks over Southern Light's fiber, our customers can achieve greater levels of control and reliability as their traffic never has to enter the public switched network. Southern Light provides a full range of infrastructure options from dark fiber infrastructure to fully-managed lit solutions ranging in transmission speeds from 1 Mbps to 100 Gbps networks.

All of our networks are monitored inside our hardened facility that houses a large portion of our backbone gear. The facility is manned 24x7x365 by Level 1 technicians capable of quickly identifying problems and gathering data for the next level of support. Southern Light uses multiple Network Management Systems to monitor the health of our networks. These applications provide graphical displays for alarms and events, but in addition, the applications are configured to email and text message technical staff of any critical or service affecting alarms and events on core network devices. The goal is to identify and resolve issues before the customer does.

Statements of Compliance and Understanding

Southern Light, LLC has read, understands the RFP and if selected as your vendor will design, permit, build, and splice a designated 2 fiber network that will connect all of the 28 intersections back to a meet point with the ALDOT. Southern Light will allow for a transfer of service from Dark Fiber to Managed Lit Service upon request from the ESMPO. Southern Light can confirm that all elements of the fiber optic infrastructure network allocated for support of the US-98 ASCT system will meet or exceed current ALDOT Standards for fiber connectivity. Once the Network becomes lit, the locations in this network will have the ability to run the capacity circuits required to meet or exceed the minimum communication requirements of the SCOOT system.

Southern Light can commit to delivery of the network no later than November 30, 2016 as long as we are in receipt of the orders by Mid July 2016.

RFP: Fiber Optic Infrastructure Network Support Services for the US-98 ASCT System

EVALUATION: SECTION 1. Experience

- Southern Light has maintained relationships and customers in the government vertical since our inception. The City of Pensacola was one of our first customers and to this day we still maintain their Dark Fiber Infrastructure between municipal buildings. Their survivability post Hurricane Ivan led to the exponential growth of Southern Light as a company.
- Since 2010, Southern Light has logged over 350 permits with ALDOT, the majority of which are for projects within Mobile and Baldwin Counties. We have a very good relationship with ALDOT and are a respected Telecommunication Company within the State as a whole. Currently we provide connectivity from the ALDOT office in downtown Mobile out to the television stations that like to utilize their traffic cameras during their broadcasts and on the websites.
- Currently the City of Gulf Shores utilizes Southern Light Infrastructure to manage traffic signaling within their city limits.

EVALUATION: SECTION 2. Key Staff Involved In the Project

SOUTHERN
LIGHT TEAM:**Account Management****Scott McMahan, Government and Education Sales Manager**smcmahan@slfiber.com

Office: 251-445-1675

Cell: 251-776-8131

Fax: 251-662-0642

Responsibilities include pulling together all relative bid information regarding the ESMPO RFP, from all of the Southern Light Departments affected by the project including, Construction, Site Acquisition, Engineering, Operations, Provisioning, Circuit Management, Network Operations Center activity and Finance. He will act as first point of contact for any adjustment to existing services or requests in addition to previously contracted services from HQ in Mobile, AL. Scott will act as liaison for all other Southern Light Departments and the customer.

David Loeffler, Director of Salesdloeffler@slfiber.com

Office: 251-445-1675

Cell: 813-505-5676

Fax: 251-662-0642

The Director of Sales provides guidance and resources to allow for competitive pricing as well as knowledge pertaining to other geographically associated sales opportunities that may work in concert with the ESMPO RFP. Mr. Loeffler will act as the 1st level of Escalation within the sales department to help internally prioritize sales efforts for this project.

Engineering**Gabe Watson, Senior Sales Engineer**gwatson@slfiber.com

Office: 251-662-1435

Cell: 251-391-8759

Fax: 251-662-0642

Mr. Watson has over 12 years of experience in design and implementation of WANs for several existing School Systems and Municipalities along the Gulf Coast. He will pull together the technical design associated with the specific RFP and the associated costs as well as the anticipated timeline for delivery once the construction of the network to each site is complete. He is responsible for the details and configuration that will allow for the scalability of the bandwidth. Since this project will originate as a dark fiber plant, Operations will have less to do with this project than other departments. However, should the entity responsible for lighting the network need consulting, Gabe is the best place to start.

Jack De La Garza, Chief Technical Officerjdelagarza@slfiber.com

Office: 251-662-1509

Cell: 850-499-1020

Fax: 251-445-0646

May 19, 2016

Southern Light Response

RFP: Fiber Optic Infrastructure Network Support Services for the US-98 ASCT System

Mr. De La Garza is a Cisco Certified Internetwork Expert ("CCIE"), a certification that less than 3% of those who attempt actually achieve. CISCO refers to the CCIE as the most respected IT certification. For Southern Light, his responsibilities revolve around the overall health of the network from an Operations perspective as well as managing its healthy growth. He can be perceived as the highest level of Operational Escalation for services delivered across the Southern Light Network, both at the pre-sale and post-sale stages.

Site Acquisition

Jason Wells, Director of Inside Plant

jwells@slfiber.com

Office: 251-445-1671

Cell: 251-583-1524

Fax: 251-445-1653

Mr. Wells will be well acquainted with your project from the start. He has put together a team of Engineers, CAD Specialists, construction crews and splicers that are well respected industry wide. He works well with both helping sales to create the right expectations and delivering services on time. He will review weekly the progress and schedule the work as the permits are released. He has overseen dozens of projects with 100 or more locations to be delivered on a schedule. He will be critical in revealing the expected delivery dates as the schools start to roll over to the Southern Light Network.

Cathy De La Garza, Service Delivery Manager

cdegarza@slfiber.com

Office: 251-445-1805

Cell: 850-543-6409

As head of Service Delivery, Cathy has a team of Project Managers who on a weekly basis are updating progress reports on fiber build projects, ordering off-net support circuits, and setting FOC dates for customers. Each in individual MCSD Project will be assigned to someone within her group and their job will be to keep the Sales Department aware of progress and help to define roadblocks so that we can stay ahead of schedule. They will be responsible for creating the Circuit IDs for each order and sending over completion notices to the customer.

Outside Plant

Andru Bramblett, VP, Director of OSP, EXEC

abramblett@slfiber.com

Office: 251-882-1514

Cell: 251-583-4444

Fax: 251-445-9988

Andru is well versed on your project and has oversight of all construction performed along the Right of Way. He is intimately familiar with all of the permitting authorities that will be involved in the project. Andru has now been with the company for almost 18 years and has built the network, and more importantly his department, from scratch. He now has over 6000 miles of network build to add to his accomplishments. His team is assembled out of the facility in Spanish Fort, and he is a resident of Baldwin County.

John Scott Hixon OSP Manager, State of AL

jhixon@slfiber.com

Cell: 251-510-0080

John Hixon has over 7 years of experience in extending the Southern Light footprint across the state of Alabama. Also a resident of Baldwin County, John will be involved in the design and management of each fiber build, which to us is each fiber extension from our backbone infrastructure. He will insure that the laterals are engineered and drawn to permit specifications and will oversee the project from start to finish.

EVALUATION: SECTION 3. Estimated Cost Elements

Three more meaningful industry specific measurements that can easily be used for budgetary purposes would be labor per foot and fiber build per foot as well as "Splicing and Site Work". Labor costs vary between \$7.25 and \$12.00 per foot, depending on the type of work being performed and the method of construction. Obviously a Boring Rig, once set up, can cover more feet quickly and go further driving the cost of Labor per foot down. Where there is strictly a hand digging scenario, usually the distances are shorter but the cost per foot goes up. Also we are very fortunate that the terrain we are working in is both flat and soft. In other parts of the state building in the hilly areas and through rocks can easily double or triple the pricing.

Material Costs can vary significantly as well. The longer of reel of fiber you purchase the lower the price per foot. In this case since we would be installing Pre-Terminated Cabling, and going relatively short distances the price per foot will be much higher. Including the conduit and the fiber the price per foot will vary between \$1.50 and \$12.50, depending on the individual lengths of each needed segment.

The Splicing and Site Work required at each intersection once the fiber infrastructure is in place has been standardized for this project to be on Average \$750/splicing event and \$500/location respectively and can for the time being be considered a fixed cost for any additional projects. Again, since we intend to use preterm cables, the splicing involved is associated with the connection back to the part of the Southern Light Fiber Backbone that will continue on to the next intersection where the next job is located. The Site Work would involve the placement of Southern Light Hand Holes in close proximity to the Communication Boxes at each intersection where the equipment used to utilize the ASCT is housed.

EVALUATION: SECTION 4. Availability of Equipment & Necessary Special Services

The footprint of this particular project works well for Southern Light in that our headquarters is within 10 miles of the northern most portion of the network and our Spanish Fort Office is approximately 4 miles to west of the northern most portion of the project. Our reaction time during times of need are extraordinary and your ability to speak with top management in times of need should almost be immediate. Most of the resources required for this project will launch out of the Spanish Fort Yard. Pre-terminated cables will be ordered at appropriate lengths and inventoried until such time they are delivered to each of the 28 Job sites. Spares will also remain in inventory in case there is an incident at one of your intersections that would require a quick replacement. Our splicing team is also trained at the Spanish Fort Yard and deployed from there as well.

We take great pride in serving the community projects in what we would consider our front yard. Many of our employees live in Baldwin County and will enjoy our involvement in this project and also benefit from the results. There will not be a problem with the availability of equipment, quality and availability of material, experienced labor, and expertise in design and execution to make this a successful project.

The Following pricing has been broken out by Municipality, and represents a 120 month IRU agreement where the deployment of the initial network will be funded upon completion, and the maintenance of the network will be invoiced on an annual basis for the next 10 years

EVALUATION: SECTION 5. Pricing

Southern Light Offer for Dark Fiber to Connect Traffic Lights

Eastern Shore MPO

May 19, 2016

2 Fiber connecting 28 Intersections along/near Business US Highway 98 - 120 Month IRU

| City | NRC of Intersections | NRC for Fiber | Total NRC | ANNUAL Maintenance of Fiber |
|--------------|----------------------|------------------|-------------------|-----------------------------|
| Spanish Fort | \$ 21,585 | \$ 2,952 | \$ 24,537 | \$ 1,155 |
| Daphne | \$ 142,505 | \$ 23,090 | \$ 165,595 | \$ 9,035 |
| Fairhope | \$ 80,675 | \$ 27,955 | \$ 108,630 | \$ 10,939 |
| Total | \$ 244,765 | \$ 53,996 | \$ 298,761 | \$ 21,129 |

THERE'S NOTHING REGULAR ABOUT THIS FIBER

Southern Light exists to provide resilient and scalable fiber optic networks that satisfy the most demanding customers. Headquartered in Mobile, Ala., Southern Light has built and operates the largest and most extensive fiber optic infrastructure in the southern United States. Our network continues to expand, bringing lightning fast speeds to customers large and small.

THINGS MOVE SLOWER IN THE SOUTH? INCORRECT

Across our network, cities like New Orleans, Mobile, Tallahassee, Pensacola and Jacksonville are only milliseconds apart. Resources once separated by distance or physical barriers now function as if in the same location. But we're not just about bringing the speed of fiber optics to the big city. Southern Light provides fiber services to many of the underserved small towns and rural areas in the southern United States. Across its SuperMetro™ network, Southern Light provides a full suite of fiber optic services to wholesale carrier, commercial and government entities. Our networks allow customers to move data at incredibly high speeds, removing restrictive bottlenecks and enabling your business to achieve its full potential.

EXPERTS

Southern Light brings unparalleled expertise to the scene. We design networks using a wide range of equipment and technologies that meet our customers' toughest requirements. Consistent, reliable connections and comprehensive coverage are the result. In addition to traditional telecommunications services across dedicated networks, Southern Light provides Small Cell solutions, Radio Frequency (RF) Engineering support, Microwave transport, EF&I services and much more.

COME INTO THE LIGHT

107 St. Francis Street, Ste. 1800, Mobile, AL 36602
Office: 251-662-1170 | Tech Support (NOC): 877-652-2321
southernlightfiber.com

SOUTHERN LIGHT® SERVICES

PRIVATE LINE TRANSPORT

- High-capacity, private transport between customer locations
- Ethernet, wavelength and TDM services
- Dedicated point-to-point and point-to-multipoint solutions
- Connect LANs across town, across the region or across the country
- Highly reliable and scalable services
- Ability to reach a high percentage of businesses on the Gulf Coast

DARK FIBER

- Control, flexibility and scalability for customers with the resources to light and maintain their own networks
- Expansive metro and SuperMetro™ rings with high-count fiber in large and underserved markets
- Willingness to construct custom networks based on customer requirements

OPTICAL + INTERNET™ ACCESS

- Dedicated, not shared, and provides a consistent experience regardless of time of day or number of users on the network
- Sourced from multiple Tier 1 providers with diverse International Internet peering points
- Available in increments of 25 Mbps to 10 Gbps
- Direct access to content providers
- Not limited by distance or affected by weather (as are copper and wireless delivery)
- More secure because access is not shared with other users (as are cable modem and wireless solutions)
- Optical IP Backbone is equipment- and path-protected for failsafe reliability

DATA CENTER SERVICES

- Newly Constructed Colocation Facility
- 24 x 7 x 365 Access to Cabinets & Equipment
- 24 x 7 x 365 Security & Monitoring
- Redundant Primary & Backup Power Infrastructure
- Conditioned Space with Optimal Humidity & Temperature Controls
- Dual Fiber Entrances on Southern Light's Central Business Ring
- Diverse Internet / Ethernet Transit Option

MANAGED SERVICES

- Networking expertise available on recurring or ad hoc basis
- Managed firewall and router services
- Network consulting for WAN and LAN environments

CITY OF DAPHNE

RESOLUTION 2016-44

RESOLUTION TO AUTHORIZE THE MAYOR TO HAVE PROCEEDINGS AND OFFERING DOCUMENT PREPARED WITH RESPECT TO THE SERIES 2016 WARRANTS

BE IT RESOLVED by the City Council (the "Council") of Daphne, Alabama (the "City"), as follows:

Section 1. Findings of Fact. The Council has determined and hereby finds and declares that the following facts are true and correct:

(a) The City has heretofore issued, pursuant to an Ordinance adopted by the Council on April 17, 2006 (the "2006 Ordinance"), its City of Daphne General Obligation Refunding and Improvement Warrants, Series 2006, dated April 1, 2006, originally issued in the aggregate principal amount of \$25,230,000 (the "Series 2006 Warrants").

(b) The City is not in default in the payment of principal of or interest on the Series 2006 Warrants or under the 2006 Ordinance.

(c) It is necessary, advisable and in the interest of the public that the City issue its General Obligation Refunding and Improvement Warrants, Series 2016 (the "Series 2016 Warrants") to provide funds to refund the Series 2006 Warrants, to pay the costs of certain improvements and to pay the costs of issuance and sale of such Warrants.

Section 2. Authorization with respect to the Series 2016 Warrants. The Mayor is hereby authorized to take all such actions as are necessary and appropriate to present the Series 2016 Warrants to the Council, including, without limitation, having bond counsel prepare authorizing proceedings for presentation to and approval of the Council. In the event he determines that it is desirable to do so in order to obtain favorable interest rates with respect to the Series 2016 Warrants, the Mayor is hereby authorized to execute a Warrant Purchase Agreement between the City and Harbor Financial Services, LLC with respect to the sale of the Series 2016 Warrants, which Warrant Purchase Agreement shall be subject, however, to final approval by the Council of an Authorizing Resolution with respect to the Series 2016 Warrants.

Section 3. Approval and Authorization of the Preliminary Official Statement. A Preliminary Official Statement with respect to the Series 2016 Warrants, in substantially the form attached hereto as Exhibit "A" (the "Preliminary Official Statement"), is hereby approved. The preparation and distribution of the Preliminary Official Statement is hereby ratified and approved and such Preliminary Official Statement is hereby deemed final within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission. The final Preliminary Official Statement shall be in substantially the same form as the Preliminary Official Statement herein approved, with such additions, insertions, omissions or other changes as may be approved by the Mayor of the City and the Mayor is hereby authorized to deem the Preliminary Official Statement final with such additions, insertions, omissions or other changes approved by the Mayor.

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

CITY OF DAPHNE, ALABAMA AN
ALABAMA MUNICIPAL CORPORATION

DANE HAYGOOD,
MAYOR

ATTEST:

REBECCA A. HAYES,
CITY CLERK

CLERK'S CERTIFICATE

I, Rebecca A. Hayes, City Clerk of the City of Daphne, Alabama, DO HEREBY CERTIFY that the attached Resolution 2016-____ is from the minutes of a regular meeting of the City Council of Daphne, Alabama, held on _____, 2016, pertaining to the City's General Obligation Refunding and Improvement Warrants, Series 2016, which meeting was called and assembled and was open to the public and at which a quorum was present and acting throughout, and that the original of said Resolution 2016-____ appears of record in the minute books of the City Council of Daphne, Alabama, which are in my custody and control.

Given under my hand and the seal of the City of Daphne, Alabama, this _____ day of _____, 2016.

Rebecca A. Hayes, Clerk
City of Daphne

[SEAL]

CITY OF DAPHNE
ORDINANCE 2016-32
AN ORDINANCE TO REGULATE THE DISTRIBUTION OF HANDBILLS
IN THE CITY OF DAPHNE

WHEREAS, the City Council of the City of Daphne, Alabama deems it to be in the best interest of public health, safety, and the general welfare of its citizens to regulate the distribution of commercial handbills within the City of Daphne.

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

SECTION ONE DEFINITIONS

For the purposes of this Ordinance the following terms, phrases, words and their derivatives shall have the meaning given herein. The word “shall” always mandatory and not merely directory.

1. “Commercial handbill” means any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature which does any of the following:
 - A. Advertises for sale any merchandise, product, commodity or thing; or,
 - B. Directs attention to any business or mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting interest thereof by sales; or,
 - C. Directs attention to or advertises any meeting, theatrical performance exhibition or event of any kind for which an admission fee is charged for private gain or profit; or,
 - D. While containing reading matter other than advertising matter is predominantly and essentially an advertisement, and is distributed or circulated solely for advertising purposes or for the benefit and gain of any person, business or commercial establishment engaged in the advertising therein.
2. “Newspaper” means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and in addition, thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

3. “Noncommercial handbill” means any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the definition of a “commercial handbill.”
4. “Occupant” means the owner, tenant or person in possession or charge of any house, dwelling unit, building, lot or premises.
5. “Owner” means any person who alone or jointly or severally with others has legal title to real property including any person serving as employee or agent of the title holder or as a trustee or guardian of the estate or person of the title holder.
6. “Person” means any individual, partnership, association, syndicate, company, firm, trust, corporation, business, entity or organization of any kind.
7. “Private premises” means any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, and shall include the yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging to or appurtenant to such dwelling, house, building or other structure.
8. “Public place” means any area that is used or held out for use of the public and includes streets, sidewalks, street rights-of-ways, alleys,. Public ways and all public parks, squares, grounds and playgrounds.

SECTION TWO

HANDBILL DISTRIBUTION – PUBLIC PLACES

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the City; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute any such handbills to any person willing to accept it.

SECTION THREE

HANDBILL DISTRIBUTION – VACANT PROPERTY

No person shall knowingly throw, deposit or distribute any commercial or noncommercial handbill in or upon any private premises which are uninhabited or vacant in any of the following circumstances:

- a) Where it is apparent that such property is unoccupied; or
- b) Where it is apparent that handbills placed or delivered on previous days have not been removed.

SECTION FOUR HANDBILL DISTRIBUTION – POSTED PREMISES

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises if requested by the owner, occupant or person in control of such premises not to do so, or if there is posted on said premises in a conspicuous position a sign bearing the words “No Trespassing”, “No peddlers or Agents”, “No Advertisements” or any similar notice indicating in any manner that the occupants of the premises do not desire to have their privacy disturbed or to have any such handbills left or deposited on such premises.

SECTION FIVE HANDBILL DISTRIBUTION – INHABITED PREMISES

No person shall throw, deposit deliver or distribute or cause to be thrown, deposited, delivered or distributed any commercial or noncommercial handbill in or upon private premises which are inhabited, and which are not posted as provided in Section Four of this Ordinance except in the following manner:

- a) By delivering any such handbill directly into the personal possession of the owner, occupant or other person then present in or upon such private premises; or,
- b) By leaving such handbill on the private premises provided that it is wrapped, tied folded or otherwise secured so that it will not be blown loose by the wind or other elements.

**SECTION SIX HANDBILL DISTRIBUTION – INHABITED PREMISES –
DO NOT DELIVER REQUESTS**

No person shall throw, deposit, deliver, or distribute or cause to be thrown, deposited delivered, or distributed any commercial or noncommercial handbill in or upon private premises if the owner, occupant or person in control of the premises has requested that such handbill not be delivered to his or her premises.

A distributor of any commercial or noncommercial handbill may establish a system (including by telephone, a website or email) for required use by the owner, for developing and maintaining a list of those persons who have requested that such a handbill not be delivered to his or her premises. If the distributor of such handbill chooses to develop and maintain such a list a copy of such list shall be provided to the City of Daphne in an electronic and searchable format in intervals of no less than thirty (30) days. The distributor shall have a period of fourteen (14) days to cease delivery to the premises of any person who has requested that such handbill not be delivered to his or her premises after which period of time no person shall throw, deposit deliver or distribute or cause to be thrown, deposited, delivered or distributed that handbill in or on the premises.

SECTION SEVEN HANDBILL DISTRIBUTION – MAIL EXEMPTED

The provisions of this Ordinance shall not apply to the distribution of mail by the United States.

**SECTION EIGHT HANDBILL DISTRIBUTION – SUBSCRIPTION
PUBICATION EXEMPTED**

The provisions of this Ordinance shall not apply to the distribution of newspapers, commercial handbills or noncommercial handbills in or upon private premises when an occupant or owner of said private premises is currently subscribing to such newspapers or such handbills or has requested that such newspapers or such handbills be delivered. A newspaper, commercial handbill or noncommercial handbill may be delivered to private premises when an occupant or owner of the private premises is not currently subscribing to such newspaper or such handbill or has not requested that such newspaper or such handbill be delivered provided that such is delivered or distributed in compliance with Section Five of this Ordinance, and not otherwise left or thrown upon the premises, and provided further that the owner, occupant or other person in charge of the premises has not requested that such handbill not be delivered to his or her premises as provided in Section Six of this Ordinance.

**SECTION NINE HANDBILL DISTRIBUTION – ENFORCEMENT
PROCEDURES**

- A. A City of Daphne police officer may choose to cite and release a person accused of violating this Ordinance. The “Uniform Non-traffic Citation and Complain” (“UNTCC”) shall serve as the charging instrument and shall be issued in accordance with Rule 20 of the Alabama Rules of Judicial Administration.
- B. A city employee designated as an enforcement officer may issue a municipal offense ticket (“MOT”) for a violation of this Ordinance. The person charged with a violation must within the time period specified on the MOT or within seventy-two (72) hours before the court date shown on the MOT:
 - 1) Appear in person before a Magistrate Judge, sign a plea of guilty waiver of rights on the MOT, and pay the fine and applicable court costs. The Magistrate shall retain a copy of the MOT; or
 - 2) Sign the plea of guilty waiver of rights provision on the MOT and mail or hand deliver to the Clerk of the Municipal Court the signed page and payment of the amount of the fine and applicable court costs. Remittance by mail or hand delivery of the fine and costs constitutes a guilty plea and waiver of trial even if the “plea of guilty waiver of rights” provision of the ticket has not been signed by the defendant. If the amount sent is insufficient then the money received by the clerk shall be considered to be a partial payment, it shall be applied by the clerk to the fine and costs, and shall be deposited as required by law. The clerk may give notice of the insufficiency, and a supplemental summons or warrant of arrest may

- 3) be issued for the defendant’s arrest, and a judgment shall be entered for the balance due; or
 - 4) Sign the MOT and agree to appear in court on the date and at the time shown on the MOT to protest the charges. If the defendant fails to appear, the court may, in its discretion issue further notice or a supplemental summons or warrant of arrest.
- C. Employees of the city designated as enforcement officers who observe violations of this Ordinance are further authorized to appear before the magistrate and request a summons or warrant to be issued pursuant to Rule 3.1 of the Alabama Rules of Criminal Procedure.
- D. Employees of the city, designated as enforcement officers may issue corrective notice to persons suspected of violating this Ordinance. The issuance of a corrective notice is, however, not required prior to the issuance of a MOT, UNTCC or warrant.

SECTION TEN PENALTIES

Any person who pleads guilty or is found guilty of a violation of this Ordinance may be punished by a fine of not less than two hundred and fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00), by imprisonment for not more than six (6) months or may be sentenced to perform community service as directed by the judge or to take other remedial action to comply with the terms of this Ordinance in lieu of a fine or imprisonment. Each day a violation of this Ordinance is committed or permitted to continue shall constitute a separate offense.

SECTION ELEVEN SCHEDULE OF FINES

Ordinance 2010-46, Establishing Penalties and Enforcement Procedures for Violation of Municipal Ordinances be amended so as to provide for a fine in the amount of \$250.00 for violation of this Ordinance by adding the following to the schedule of fines:

Distribution of Handbills Ordinance Violations. \$250.00

SECTION TWELVE SEVERABILITY CLAUSE

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections since the same would have been enacted by the municipality council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION THIRTEEN EFFECTIVE DATE

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

ADOPTED AND APPROVED ON THIS _____ DAY OF _____, 2016.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

ORDINANCE 2016-33

**Appropriating Funds for OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS
(project at Lovette Lane – originally referred to as Fannon property)**

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

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

WHEREAS, an appropriation was approved in Ordinance 2016-15 in the amount of \$ 14,750 for Engineering services: survey, design, & letting of the bid; and

WHEREAS, the City of Daphne did receive and review bids for the OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS and has determined that the bid as presented is reasonable (*Construction- \$169,650 + CE&I-\$ 17,825 + Survey & Design-\$14,750= \$202,225 Total project cost*); and

WHEREAS, NRCS (Natural Resources Conservation Service) will reimburse 75% of of the construction and CE&I cost - \$187,475 (*NRCS-\$140,606.25 . / **City Match-\$46,868.75***) for: OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS project; and

NOW, THEREFORE, BE IT ORDAINED, that:

1. The City Council of the City of Daphne deems this project is key to the recovery efforts associated with drainage issues in this area and the repair of this public infrastructure is necessary to preserve the health, safety, and convenience of the public.
2. This project's total cost is \$202,225 and is a qualifying NRCS at a guaranteed total reimbursement of \$140,606.25.
3. Fiscal Year 2016 Budget is hereby amended to include an appropriation in the amount of **\$46,868.75 from the General Fund** for the OLD DAPHNE WHARF ROW DRAINAGE IMPROVEMENTS cost not reimbursed by NRCS.
4. The Mayor is hereby authorized to make application with NRCS for the reimbursement of such funds and to sign and execute all documents associated with the described projects.

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

Dane Haygood, Mayor

Attest:

Rebecca A. Hayes, City Clerk

Ordinance 2016-34

Authorization of an Agreement and Funding Between the State of Alabama and the City of Daphne for Utility Work (Dark Fiber) in Support of Project STPOA-0042 (529) (Ref. # 100065671) Adaptive Signal Installation along SR-42 (US-98) in Baldwin County (28 intersections) – funded by the Eastern Shore Metropolitan Planning Organization

WHEREAS, the City of Daphne is a member Government of the Eastern Shore Metropolitan Planning Organization (ESMPO) which is the organization designated by the Governor of the State of Alabama as being responsible, together with the State of Alabama, for implementing the applicable provisions of 23 USC 134 and 135 (amended by MAP-21 Sections 1201 and 1202, July 2012); 42 USC 2000d-1, 7401; 23 CFR 450 and 500; 40 CFR 51 and 93; and

WHEREAS, the Eastern Shore MPO was formed in June 2012 and has three years to allocate MPO Surface Transportation Project funds through the adoption of the 2040 Long Range Transportation Plan and FY16-19 Transportation Improvement Program (TIP); and

WHEREAS, the Cities of Daphne, Fairhope and Spanish in conjunction with the Alabama Department of Transportation (ALDOT) through the Eastern Shore MPO has a funded project (Project STPOA-0042 (529)) to install Adaptive Intelligent Traffic Signals (ITS) along the length of U.S. Highway 98 on the Eastern Shore for inclusion in the FY 2016-2019 Transportation Improvement Program; and

WHEREAS, the Cities of Daphne, Fairhope and Spanish have committed to share the twenty percent (20%) local match for the installation of the required Utilities (Dark Fiber) to support the Adaptive ITS; and

WHEREAS, the City of Daphne's share of the twenty percent (20%) local match for the installation of the required Utilities (Dark Fiber) to support the Adaptive ITS is \$33,119.00; and

WHEREAS, ALDOT is the lead agency for the ESMPO and the Cities of Daphne, Fairhope and Spanish for the Adaptive ITS and the installation of the required Utilities (Dark Fiber) for the Project and require each City to enter into a funding agreement for their portion of the twenty percent (20%) local match;

WHEREAS, a Request for Proposal RFP was sent out with only one qualified bidder responding, Southern Light, LLC.; and

WHEREAS, the Eastern Shore MPO has issued a letter to award the REP to Southern Light, LLC..

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

- 1.) The Mayor is hereby authorized to execute all agreements, contracts and related documents for Project STPOA-0042 (529) Adaptive Signal Installation along SR-42 (US-98) including the installation of the required Utilities (Dark Fiber) to support the Adaptive ITS; and
- 2.) Appropriate funds for the City of Daphne's share of the twenty percent (20%) local match for the installation of the required Utilities (Dark Fiber) to support the Adaptive ITS Project in the amount of \$33,119.00 from the Seven Cent Gas Tax Fund.

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

ATTEST:

Dane Haygood, Mayor

Rebecca A. Hayes, City Clerk

ORDINANCE 2016-35

**TimberCreek (North Court (Road)) Drainage Improvements –
Engineering: Survey & Design**

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 Timber Creek (North Court) area has had repetitive drainage issues; and

WHEREAS, the repair of this public infrastructure is necessary to preserve the health, safety, and convenience of the public; and

WHEREAS, engineering for the initial survey and design of the project is necessary to decide the best course of action to make these repairs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$16,500 from the Seven Cent Gas Tax Fund are hereby appropriated and made a part of the Fiscal Year 2016 budget for Engineering: Survey & Design fees for the Timber Creek (North Court) Drainage Improvements.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

ORDINANCE 2016-36

**Appropriating Funds for OLD COUNTY ROAD DRAINAGE IMPROVEMENTS
(Joint project with Bayside Academy)**

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 Old County Road Drainage Improvements will be an in-house City of Daphne project with an estimated project cost of \$49,883; and

WHEREAS, this is a private-public partnership with Bayside Academy and work outside the attached scope (City will purchase materials) will be handled by Bayside Academy under their own separate contract; and

WHEREAS, the City Council of the City of Daphne deems this project is key to the recovery efforts associated with drainage issues in this area and the repair of this public infrastructure is necessary to preserve the health, safety, and convenience of the public.

NOW, THEREFORE, BE IT ORDAINED, that

1. Fiscal Year 2016 Budget is hereby amended to include an appropriation in the amount of \$49,883 from the Seven Cents Gas Tax Fund for the OLD COUNTY ROAD DRAINAGE IMPROVEMENTS project and
2. The Mayor is hereby authorized to sign and execute all documents associated with the described project.

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

Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

Memorandum

To: Randy Fry, Chairman, Finance Committee
Thru: Public Works Committee
From: Richard D. Johnson, P.E.; Public Works Director
CC: Jaye Robertson, PE - HMR; Finance; File
Date: June 6, 2016
Re: Project 2015 PW-008 Old County Road Drainage Improvements

A handwritten signature in blue ink that reads "Richard D. Johnson".

This is an "In-House" drainage project that the City has been working on for over a year.

Work consists of adding standup curb/gutter to the west margin of Old County Road between Belrose and Dryer Avenue to direct storm water runoff to three new flumed weir inlets connected by new RCP side drains and all tied into the existing City storm water sewer system. City will provide concrete pipe and ready mix concrete to the site under its contract - selected contractor shall be responsible for coordinating ordering, scheduling and all logistics of delivery of these provided materials with the Street Supervisor.

This is a private-public partnership with Bayside Academy and work outside the attached project scope will be handled by school under their own separate contract.

I am requesting an appropriation of \$49,883.10 from the appropriate 4-cent and 7-cent Gas Tax Fund for the roadway drainage improvements.

Yours,

RDJ

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



PUBLIC WORKS DEPARTMENT
 REQUEST FOR PRICE
 QUOTATION FOR CAPITAL
 IMPROVEMENT PROJECTS

Project: 2015 PW-008 Old County Road Drainage Improvements

| ITEM # | DESCRIPTION | UNIT | QTY | UNIT PRICE | QUOTE |
|--------------|--|------|-----|--|-------------|
| 1 | Concrete Curb Removal (205-D) | LF | 20 | \$8.00 | \$160.00 |
| 2 | Unclassified Excavation (210-A) | CY | 340 | \$8.00 | \$2,720.00 |
| 3 | Borrow Excavation, A-2-4 or Better (210-D) | CY | 420 | \$16.50 | \$6,930.00 |
| 4 | Crushed Aggregate Base, Type B, Plant Mixed, 6" Compacted Thickness (301-A) | SY | 330 | \$15.00 | \$4,950.00 |
| 5 | Superpave Bit. Conc. Wearing Surface Layer, Patching, 1/2" Max Aggregate size mix, ESAL Range A/B, (424-A) | TON | 17 | \$175.00 | \$2,975.00 |
| 6 | 18" Storm Sewer Pipe (Class 3 R.C.) (533-A) - Installation Only - City will provide 18" RCP | LF | 380 | \$24.00 | \$9,120.00 |
| 7 | Mobilization/Demobilization (600-A) | LS | 1 | \$5,000.00 | \$5,000.00 |
| 8 | Concrete Flume - Installation Only - City will provide concrete | SY | 11 | \$37.00 | \$407.00 |
| 9 | Concrete Weir Inlet (621-C) - City will provide concrete for bottoms and tops | EA | 3 | \$2,600.00 | \$7,800.00 |
| 10 | Concrete Junction Box - City will provide concrete for bottom and top | EA | 1 | \$2,100.00 | \$2,100.00 |
| 11 | Connect to Existing Junction Box | EA | 1 | \$610.00 | \$610.00 |
| 12 | Underground Utility Adjustment (Water) (640-A) | EA | 1 | \$1,013.00 | \$1,013.00 |
| 13 | Topsoil (650-A) | CY | 90 | Work & Materials Provided by the City (Do Not Quote) | |
| 14 | Seeding (652-A) | ACRE | 1 | | |
| 15 | Solid Sodding (654-A) | SY | 700 | | |
| 16 | Mulching (656-A) | ACRE | 1 | | |
| 17 | S&T Fence (665-J) | LF | 800 | \$5.00 | \$4,000.00 |
| 18 | S&T Fence Removal (665-O) | LF | 800 | \$1.25 | \$1,000.00 |
| 19 | Wattles (665-P) | LF | 100 | \$5.50 | \$550.00 |
| 20 | Solid White, Class 1, Type A Traffic Stripe (701-G) | LF | 783 | \$0.70 | \$548.10 |
| Quote Total: | | | | | \$49,883.10 |

Notes:

- Contractor will be required to be Licensed, Bonded, and Insured. Documents will be required at time of quote acceptance and purchase order.
- Work must be completed 28 calendar days from the "Notice to Proceed" date.
- Enclosed plans and quantities are "good faith" estimates only. Prior to submitting quotations contractor should field measure and verify all quantities.
- The City will provide the following materials: 18" RCP (T&G C-3: 380 L.F.) and Concrete (Type 1 - Mix "A", Minimum 3000 PSI at 28 days). Do not include these material costs in your submitted quote.
- Items 13-16 - these work functions/material quantities will be completed by the City and are not included in the Scope of Work.
- Quotes will be treated and considered based on quantity pricing and the sum total for all described work. Quantities may be adjusted.
- Only one pay request will be accepted and processed upon final acceptance of work.
- Job quoted are subject to the GENERAL CONDITIONS, SPECIAL PROVISIONS and SUPPLEMENTAL SPECIFICATIONS as attached.
- Questions, Inquiries and requests for clarification should be directed to Richard D. Johnson, PE; Director of Public Works; Phone - (251) 621-3182; Fax (251) 621-3189; Email rjohnson@daphneal.com
- Full size plan sets may be purchased for \$25.00 at the Offices of HMR Engineers - 2039 Main Street; Daphne, AL 36526 - Phone: 251-626-2626
- Quotes must be received by 4:00 PM - Thursday, August 6, 2015, at the Department of Public Works; 26435 Public Works Road; Daphne, AL 36526

Company: Ammonst-Blackmon Construction LLC
P.O. Box 7486
Spanish Fort AL 36577

Phone: 251-626-0656

Signed: [Signature]

Title: Member

OLD COUNTY ROAD DRAINAGE IMPROVEMENTS

CITY OF DAPHNE
CIVIL CONSTRUCTION PLANS

MAYOR
DANE HAYGOOD
COUNCIL MEMBERS
TOMMIE DONAWAY

PAT RUDDELL
DISTRICT 2

JOHN LANE
DISTRICT 3

RANNEY FRY
DISTRICT 4

RON SCOTT
DISTRICT 5

ROBIN LEVINE
DISTRICT 6

JOE DAVIS, III
DISTRICT 7

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

CITY CLERK
REBECCA HAYES



JUNE 2015



VICINITY MAP

N.T.S.

INDEX TO SHEETS

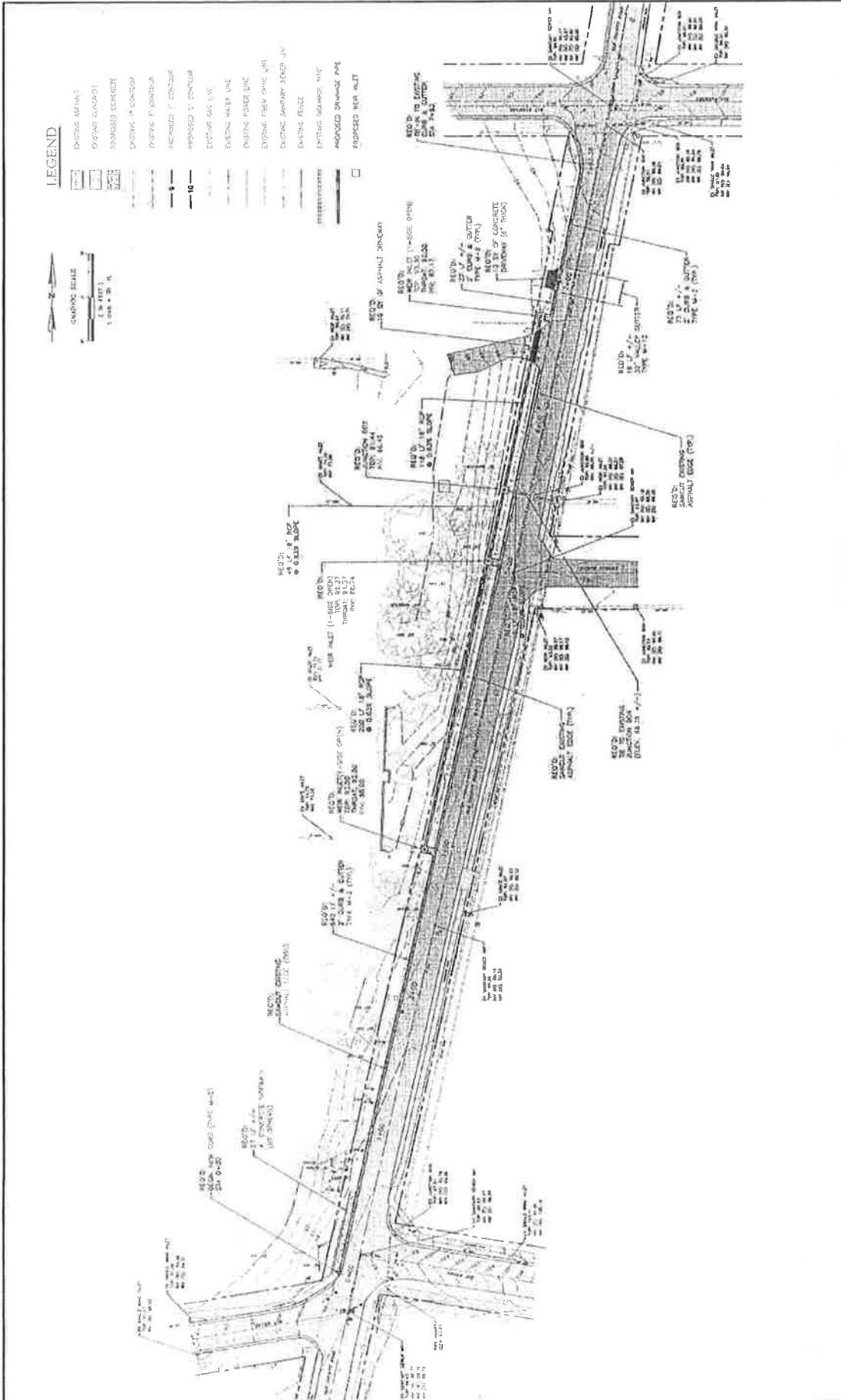
| SHEET | DESCRIPTION |
|-------|----------------------------|
| 1 | TITLE SHEET |
| 2 | CIVIL CONSTRUCTION NOTES |
| 3 | EXISTING CONDITIONS |
| 4 | PROPOSED SITE IMPROVEMENTS |
| 5-6 | CROSS SECTIONS |
| 9 | CIVIL CONSTRUCTION DETAILS |
| 10 | EROSION CONTROL PLAN |
| 11 | EROSION CONTROL DETAILS |

2015 MARK SHEET
DAPHNE, ALABAMA
SHEET

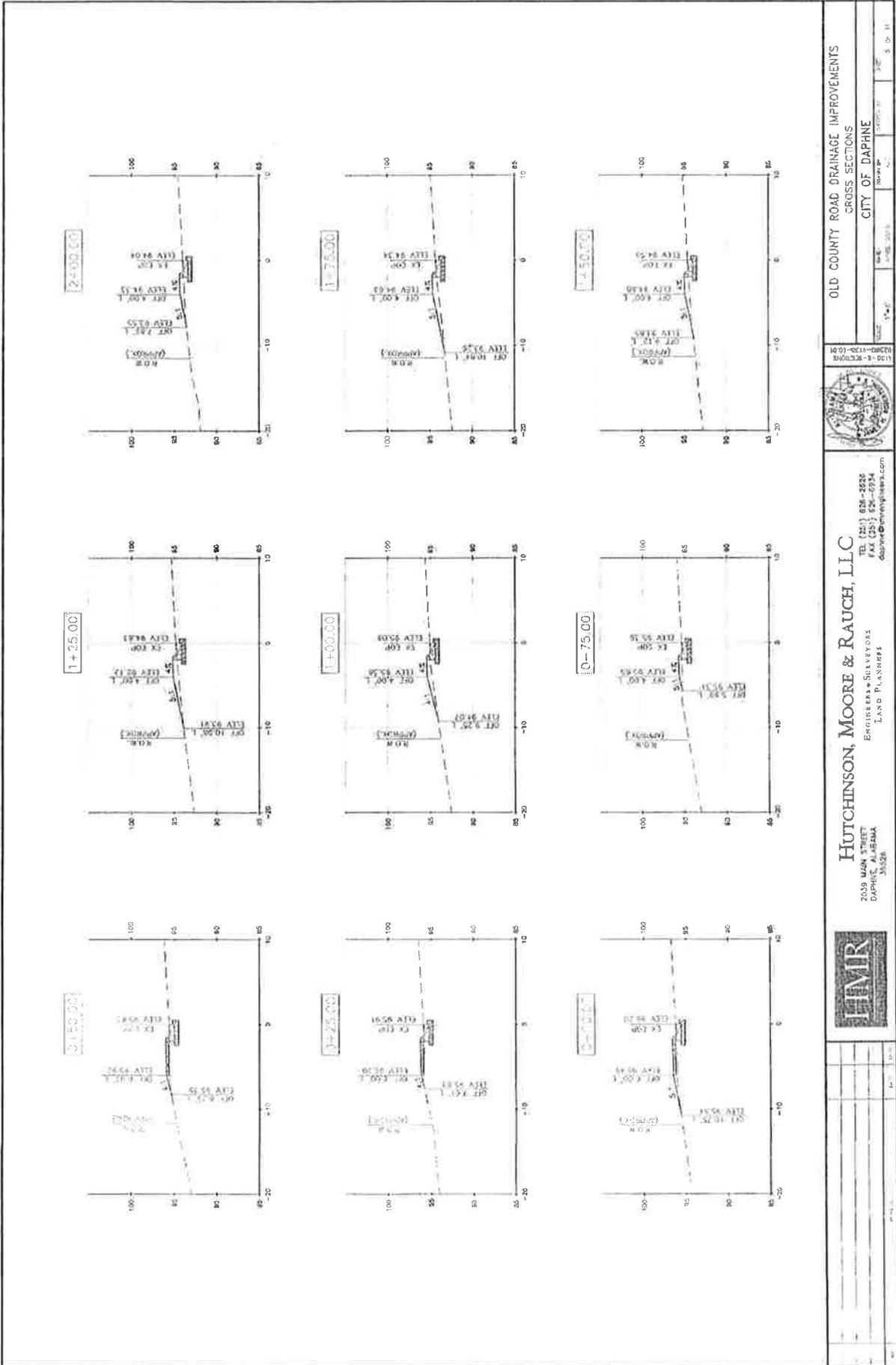


HUTCHINSON, MOORE & RAUCH, LLC
ENGINEERS-SURVEYORS
LAND PLANNERS

(205) 854-2076
FAX (205) 855-8534
daphne@hmr-engineers.com



| | | | |
|--|--|---|-----------------------|
| | | OLD COUNTY ROAD DRAINAGE IMPROVEMENTS PROPOSED SITE IMPROVEMENTS CITY OF DAPHNE | |
| | | SCALE: 1"=50' DATE: APRIL 2015 DRAWN BY: JAT | SHEET NO. 11 OF 11 |
| | | HUTCHINSON, MOORE & RAUCH, LLC ENGINEERS & SURVEYORS LAND SURVEYORS 2039 MAIN STREET DAPHNE, ALABAMA 36526 TEL: (205) 870-2626 FAX: (205) 432-8574 ephillips@hmr-engineers.com | |



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

2039 MAIN STREET
 DAPHNE, ALABAMA
 36528

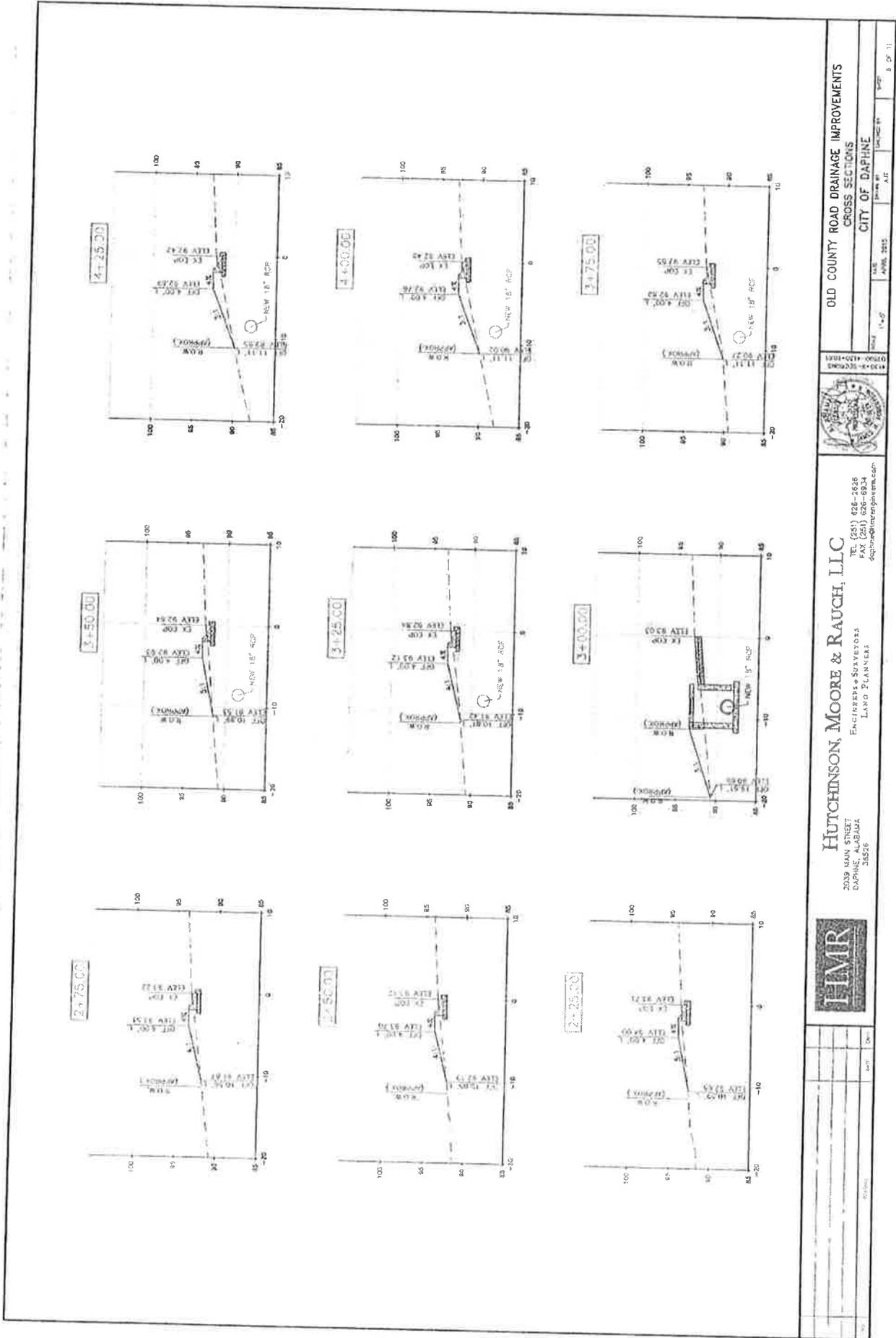
TEL (251) 626-2826
 FAX (251) 626-0934
 hmr@hmrplanners.com



10130-R-2016-010
 10130-R-2016-010

OLD COUNTY ROAD DRAINAGE IMPROVEMENTS
 CROSS SECTIONS
 CITY OF DAPHNE

DATE: 11-05-2016
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: 1"=25.00'



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

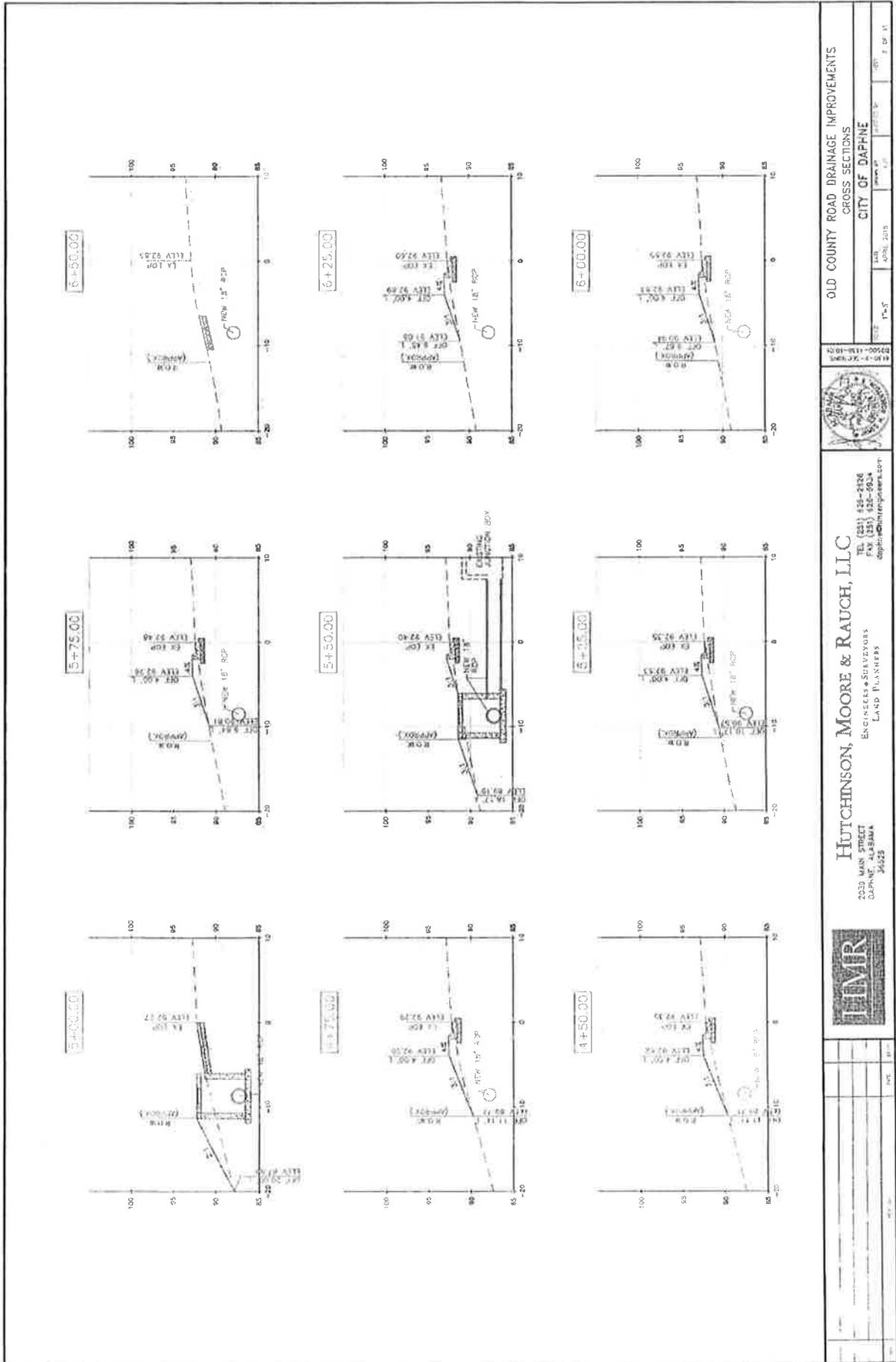
2039 MAIN STREET
 DAPHNE, ALABAMA 36526
 TEL (251) 826-2626
 FAX (251) 826-8834
 dmr@hmrinc.com



PROJECT: OLD COUNTY ROAD DRAINAGE IMPROVEMENTS
 CROSS SECTIONS
 CITY OF DAPHNE

DATE: APRIL 2015

SCALE: 1"=5'



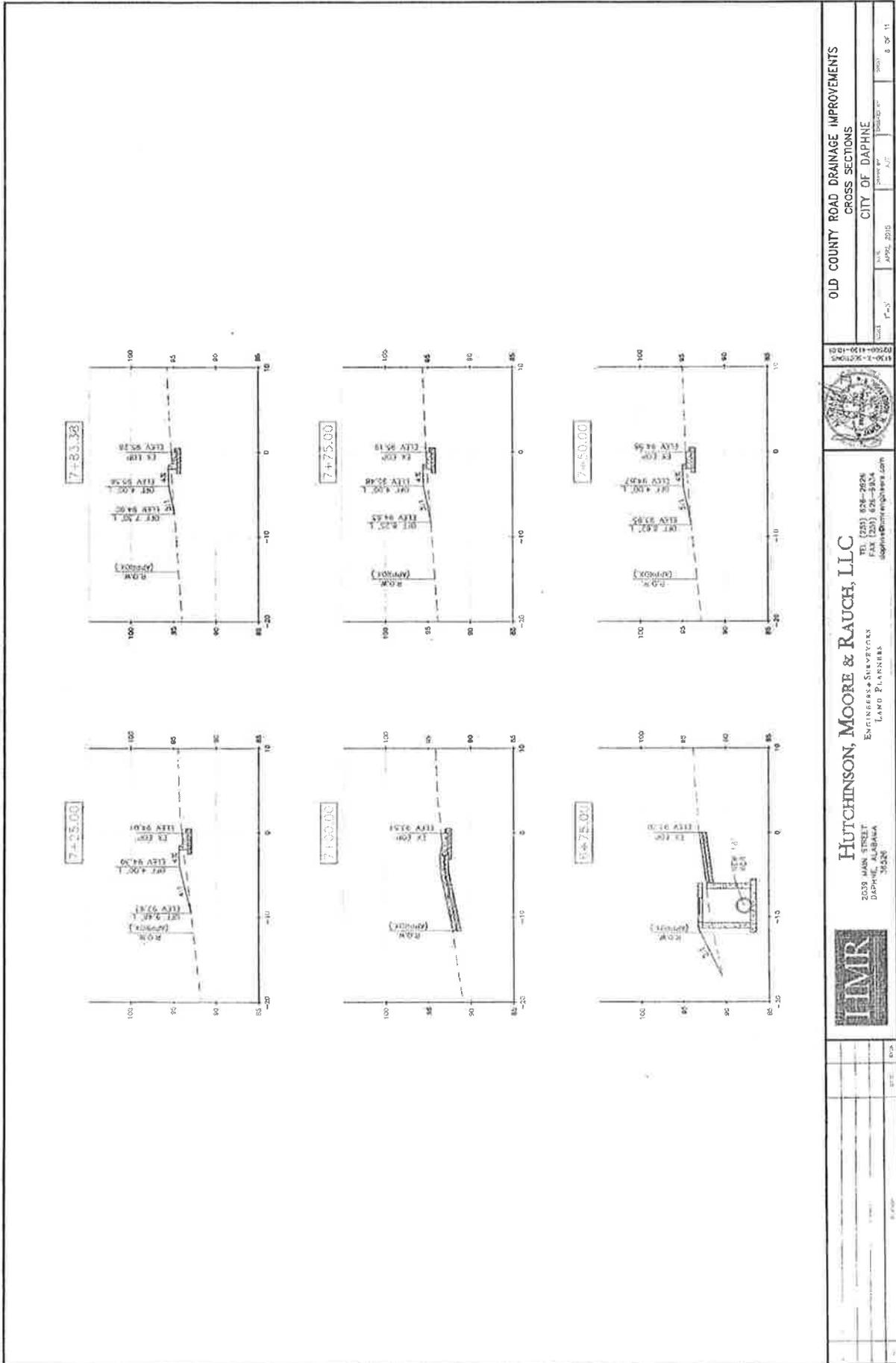
HUTCHINSON, MOORE & RAUCH, LLC
 ENGINEERS & SURVEYORS
 LAND PLANNERS
 2030 MAIN STREET
 DAPHNE, ALABAMA 36528
 TEL: (251) 455-4456
 FAX: (251) 455-4461
 info@hmr-engineers.com

OLD COUNTY ROAD DRAINAGE IMPROVEMENTS
 CROSS SECTIONS
 CITY OF DAPHNE

DATE: APRIL 2015
 DRAWN BY: J.P.
 CHECKED BY: J.P.
 PROJECT NO: 15-001

SCALE: 1" = 4'

1 OF 11



OLD COUNTY ROAD DRAINAGE IMPROVEMENTS
 CROSS SECTIONS
 CITY OF DAPHNE

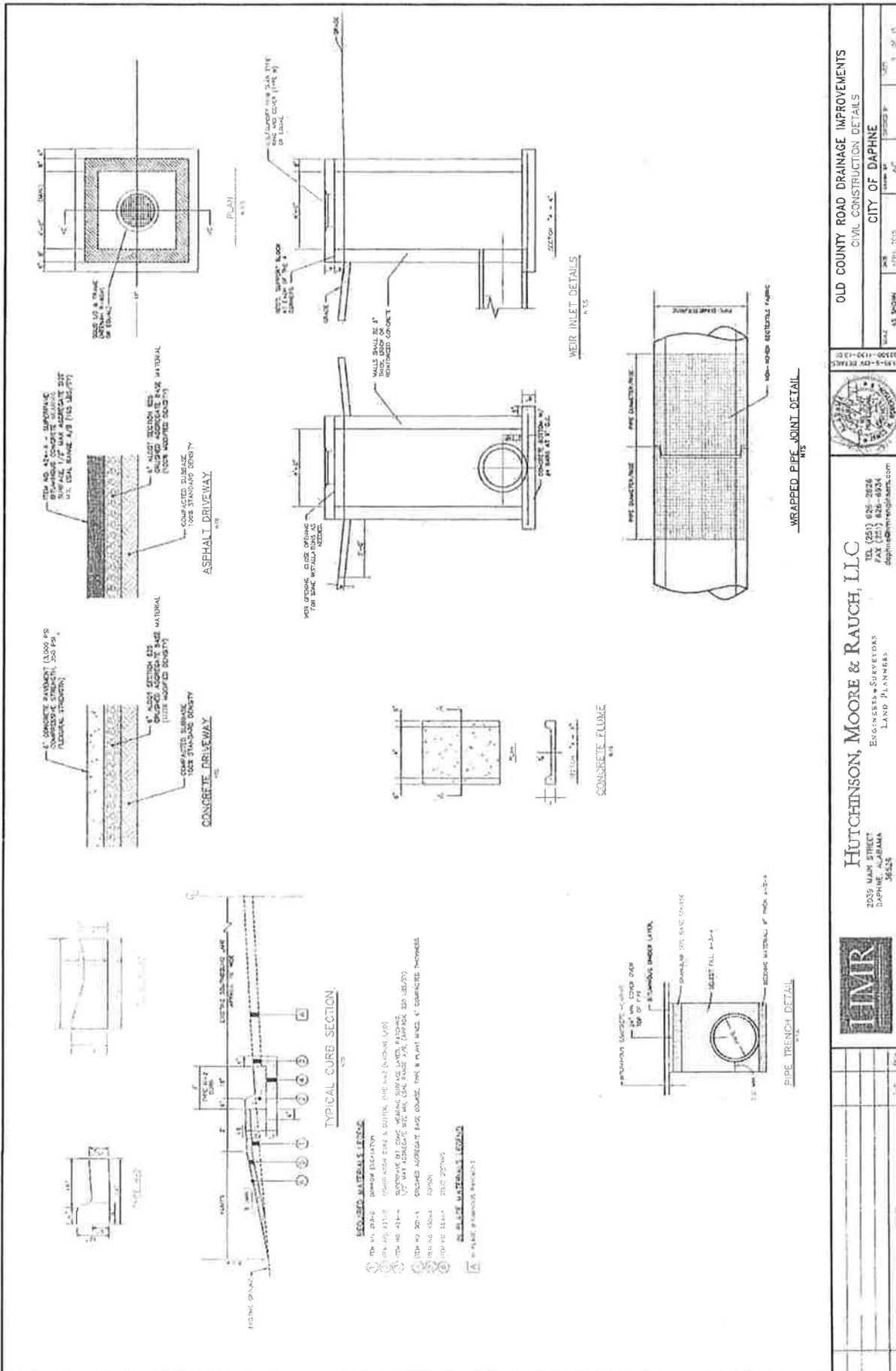


DATE: APRIL 2015
 DRAWN BY: J.J.T.
 CHECKED BY: J.J.T.
 SCALE: 1"=5'-0"

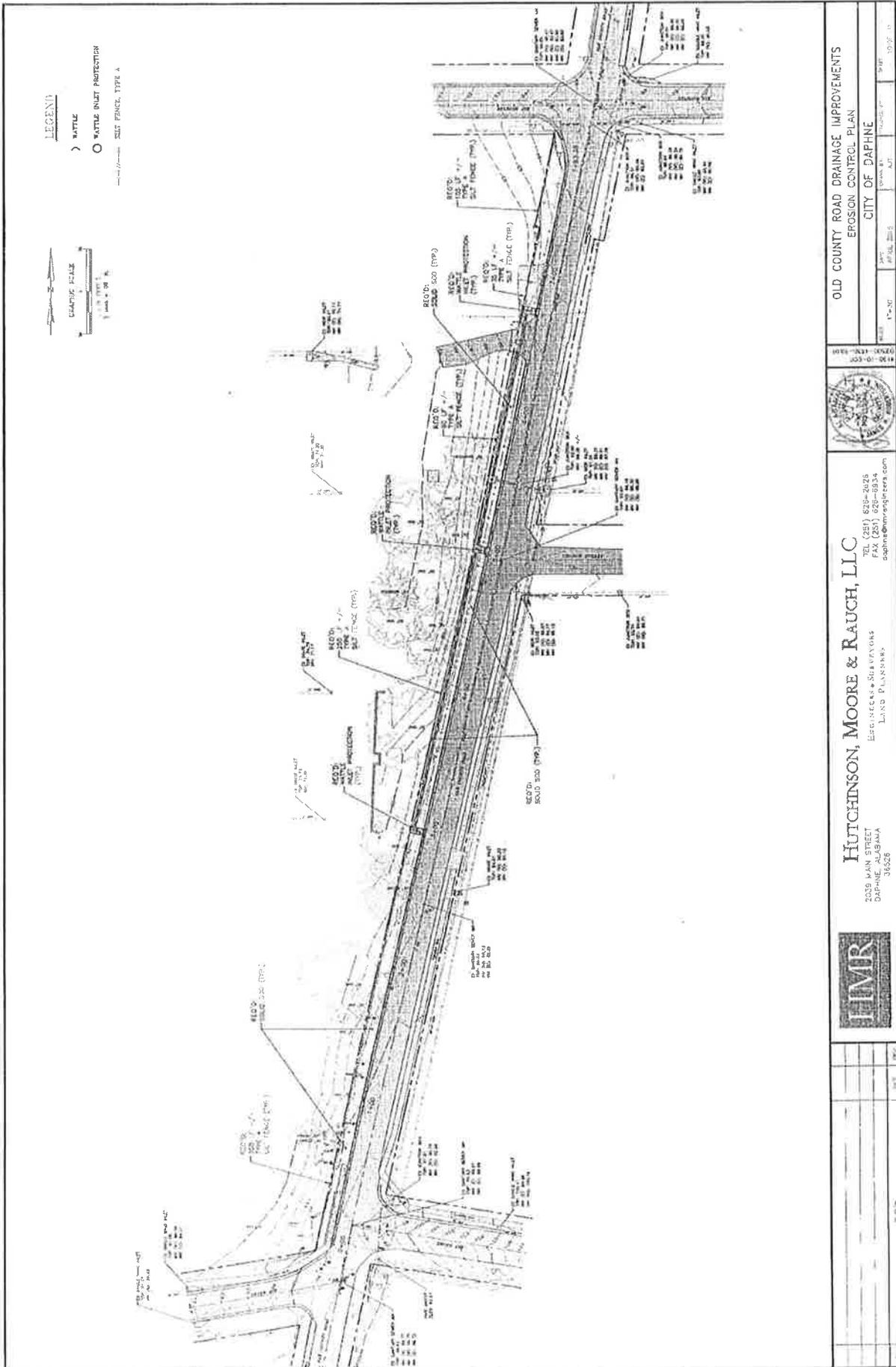
HUTCHINSON, MOORE & RAUCH, LLC
 ENGINEERS & SURVEYORS
 LAKE PLAINFIELD, ALABAMA
 2039 MAIN STREET
 DAPHNE, ALABAMA 36526
 TEL (205) 826-2626
 FAX (205) 826-9304
 info@hmr-engineers.com



| | | | |
|-----|------|----|------|
| NO. | DATE | BY | APP. |
| | | | |
| | | | |
| | | | |



| | | | |
|--|---|---|---|
| | | OLD COUNTY ROAD DRAINAGE IMPROVEMENTS CIVIL CONSTRUCTION DETAILS CITY OF DAPHNE | |
| 2038 MAIN STREET DAPHNE, ALABAMA 36525 | HUTCHINSON, MOORE & RAUCH, LLC ENGINEERS & SURVEYORS LAND PLANNERS | TEL (251) 626-8828 FAX (251) 626-8824 dh@hmr-engineers.com | 15-03-07-0000 03-00-15-01-0000 03-00-15-01-0000 |



HUTCHINSON, MOORE & RAUCH, LLC

2039 MAIN STREET
 DAPHNE, ALABAMA 36526
 ENGINEERS & SURVEYORS
 LICENSE # 14330-0000000000
 TEL (251) 828-2025
 FAX (251) 828-8834
 hmoore@hmr-engineers.com



0000-0000-00000
 0000-00-0000

OLD COUNTY ROAD DRAINAGE IMPROVEMENTS
 EROSION CONTROL PLAN
 CITY OF DAPHNE
 PROJECT NO. 15-07
 DATE: 07/04/15
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: 1" = 50'

4- Cent Gas Tax Funds:

Use of Funds Restricted - Section 40-17-224, Code of Alabama 1975, imposes even more severe limitations on municipal use of state-shared revenue from the 4-cents per gallon tax on gasoline and lubricating oils than the restrictions on the 7-cents per gallon gasoline tax. Note: These restrictions also apply to the 6-cents per gallon tax on motor fuels provided for in Section 40-17-220, Code of Alabama 1975. Prior to 2004, the tax on motor fuels was 4 cents but was increased in 2004 to 6 cents per gallon. The section provides that revenue from the 4-cent (and 6-cent) tax may only be used for resurfacing, restoration and rehabilitation of roads, bridges and streets, and for bridge replacement within the municipality. A 1987 amendment allows the proceeds of the 4-cents per gallon tax to be used to construct new roads. A municipality's share of the proceeds from the 5-cent tax shall be used for the same purposes and deposited in the same municipal fund as the 4-cents per gallon gasoline and lubricating oil tax and the 6 cents per gallon motor fuels tax.

Opinions on the Use of the 4-Cent and 5-Cent Tax Revenues -

- Proceeds from the 4-cent per gallon gasoline tax may be used for equipment rental for the purposes of restoring, resurfacing, and rehabilitating roads. AGO 1981-254 (to Hon. Hiram Pitts, February 19, 1981).
- Proceeds from the 4-cent gas tax may be used to repair culverts as well as highways and bridges. AGO 1982-030 (to Hon. William P. Smith, October 21, 1981).
- A town may spend 4-cent gas tax revenues to pay a note for monies borrowed in anticipation of such revenues to be used for resurfacing the main street in town. AGO 1982-155 (to Mrs. Martha F. Kelley, January 26, 1982).
- A county may not use 4-cent gas tax revenue to cut and maintain a right of way. AGO 1982-332 (to Hon. Gerald Dial, May 11, 1982).
- Proceeds from the 4-cents per gallon gasoline tax may be used to pay for labor and fuels needed to repair or restore streets. AGO 1982-469 (to Hon. Kenneth H. Sanders, July 23, 1982).
- Four-cents gasoline tax funds may not used to pay for water pipe. AGO 1985-238 (to Hon. Glenn Fuller, March 5, 1985).
- Four-cents gasoline tax funds may be used for restriping and re-signing county roads. AGO 1985-241 (to Hon. Richard H. Ramsey, III, March 12, 1985).
- Four-cents gasoline tax funds may be used to widen the shoulders of a Federal Aid Security Secondary Route in advance of a resurfacing project. AGO 1985-409 (to Hon. F. R. Albritton, Jr., June 26, 1985).
- Four-cents gasoline tax funds cannot be used to mow the shoulders of a road for normal road maintenance. AGO 1985-493 (to Hon. Jack Floyd, September 3, 1985).
- Four-cents gas tax funds may be used for repairing storm drains. AGO 1986-020 (to Hon. David Money, October 23, 1985).
- Funds from the 4-cent gas tax cannot be commingled with funds from a Community Development Block Grant. AGO 1986-314.
- A municipality may not use proceeds of the 4-cent tax to resurface, restore and rehabilitate driveway accesses located on the city's right-of-way. AGO 1989-159.
- Both the 7-cent gasoline tax and the 4-cent gasoline tax may be used to build an access road to the municipal fire station. AGO 1991-071.
- The 4-cent gasoline tax may be used to pave a dirt road. AGO 1993-046.
- A county commission may use 4-cent gasoline tax funds to remove debris, resulting from the recent winter storm, from county roads. AGO 1993-172.
- A city may not use four-cent gasoline tax funds to purchase property on which a private road is located. AGO 1996-022.

- Four and 7-cent gasoline tax funds may be used to repair, maintain, and construct ditches and culverts along street rights-of-way. AGO 1998-189.
- A municipality may not use 4-cent gasoline tax proceeds to repair and restore the runway of a regional airport. AGO 1998-179.
- A municipality may not use four-cent gasoline tax proceeds to pay for the removal of trash and debris from public streets on a daily basis, nor may a municipality use 4-cent money to pay for the operation and maintenance of lighting along an interstate highway or public street. AGO 1999-270.
- The 4-cent and 5-cent gasoline tax proceeds may not be used for landscaping alongside state highways because this is not restoration or rehabilitation of a road. The 4-cent and 5-cent gasoline tax proceeds may be used for a one-time cleaning of the street and adjoining parking and sidewalk area only if this work is part of the restoration, rehabilitation or resurfacing of the road AGO 2001-078.
- Four-cent gasoline tax funds can be used by a municipality to purchase a dump truck for street repair work and for removing debris from streets when the restoration, rehabilitation or resurfacing of streets is involved. Four-cent gasoline tax funds can be used to pay for lighting along an interstate road for streets within the municipality when the lighting is part of the construction of the road, or when it is part of the restoration, rehabilitation or resurfacing of the street or road. AGO 1999-252.
- A municipality may use the proceeds from a four cent gasoline tax to install speed bumps on streets. AGO 2007-125.

Source January 20, 2010 Alabama Municipal Journal – Attached.

7- Cent Gas Tax Funds:

The legislative limitation on the expenditure of 7-cent gasoline tax funds is found at Section 40-17-78(3), Code of Alabama 1975, and reads, in pertinent part, as follows:

“Where the use is by a municipality, such use shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways, including payment of the principal of and interest on any securities at any time issued by the municipality pursuant to law for the payment of which any part of the net tax proceeds were or may be lawfully pledged; provided, that no part of the net tax proceeds referred to in this section shall be expended contrary to the provisions of the Constitution.”

Section 40-17-79, Code of Alabama 1975, authorizes a county governing body to expend proceeds from the state-shared gasoline tax for the construction and maintenance of streets within the corporate limits of any municipality located within the county. Note: Municipalities in Jefferson County should consult their local act on this matter.

Opinions on the Use of 7-Cent Gasoline Tax Revenue - The Attorney General has been asked frequently to rule on the legality of certain uses by municipalities of the 7-cent gas tax. The following opinions are the most important ones issued on the subject:

- *A municipality may invest surplus gasoline tax funds in U.S. Treasury notes as long as the gas tax funds are not commingled with other municipal funds. AGO to Hon. Bob A. Davis, October 30, 1969.*
- *Salaries of employees who perform work necessary for enumerated purposes listed in Section 40-17-78, Code of Alabama 1975, may be paid from funds derived from the state highway gasoline tax. If an employee works only part-time on such purposes, then a proportionate share*

of his salary may be paid from gasoline tax funds. AGO to Hon. Cecil Gardner, November 6, 1969.

- Improvement bonds were issued covering street improvements but the collections were insufficient to pay the principal and interest of such bonds. The Attorney General held that gasoline tax funds could be used to pay the installments AGO to Hon. W. H. McDermott, December 15, 1969.
- A city may purchase from gasoline tax funds a truck to service traffic control signals. AGO to Hon. Jack B. Rucker, March 24, 1970.
- Gasoline tax funds may be used in lighting streets. AGO to Hon. James M. White, April 30, 1970.
- Gasoline tax funds may not be used for "routine street cleaning" but can be used to pay the expense of removing objects interfering with traffic. AGO to Hon. John F. Watkins, May 21, 1970 and AGO to Hon. John Gaither, September 4, 1970.
- A city may not use gasoline tax funds to construct offstreet parking facilities. AGO to Hon. H. E. Swearingen, May 31, 1971.
- State gasoline tax funds may be used to "rough-in and pave" a street if the street is dedicated for public use. AGO to Hon. Edward Minyard, December 2, 1971.
- Gasoline tax funds may not be put into the general fund and used for general purposes. AGO to Hon. B. H. Reynolds, March 10, 1972.
- Gasoline tax funds may be used to pay a portion of the cost of the annual audit provided the employee donates a part of his time to purposes which may be paid from gasoline tax funds. AGO to Hon. W. J. Coker, September 28, 1972.
- A municipality may use general funds for a paving project and reimburse the fund from future collections of gas tax funds. The minutes should reflect the arrangement. AGO to Hon. John A. Hughes, Jr., January 29, 1973.
- State gasoline tax funds distributed to a municipality may be used to improve, maintain and repair a street. AGO to Hon. A. N. Roberts, May 18, 1973.
- A municipality may use its state-shared gas tax funds to purchase machinery and equipment to be used in construction, reconstruction, maintenance, widening and improvement of public roads, bridges, streets and other public ways. AGO to Hon. Cecil Gardner, September 9, 1969 and AGO to Hon. Gene L. Hughes, May 26, 1977.
- Proceeds from the state gasoline tax fund may be used to construct a building to house those municipal vehicles which are used to construct and maintain the streets and other public ways of the municipality. However, the building may not be used to house other municipal vehicles. AGO to Mrs. Carole Dykes, August 14, 1972.
- The Attorney General has held that Alabama municipalities may expend state-shared gasoline tax funds for lighting and traffic control. AGO to Hon. Herman Nelson, March 20, 1968.
- State gas tax funds cannot be used on a city water project. AGO to Hon. J. W. Donahoe, November 9, 1977.
- State gas tax funds may be used to purchase a town map and erect street signs. AGO to Hon. Janice L. Gurley, October 27, 1977.
- Proceeds from the state gasoline tax cannot be used to pay off a loan for a police car and fire truck. AGO 1981-282 (to Hon. J. G. Morse, March 11, 1981).
- The 7-cents per gallon gasoline tax cannot be used for sidewalks. AGO 1983-115 (to Mr. James R. Stone, December 22, 1982).
- Proceeds from the 7-cents per gallon gasoline tax cannot be used to purchase computer equipment to process and record the tax proceeds. AGO 1984-085 (to Hon. Mac Smith, December 1, 1983).
- The 7-cents per gallon gasoline tax money may be used for drainage improvements if such improvements are directly connected with and necessary for the maintenance and repair of a road. AGO 1984-193 (to Hon. Kenneth Moss, March 5, 1984).

- *The 7-cent gasoline tax may be used to maintain structures and equipment which control flood waters which cause road and bridge damage. AGO 1986-387.*
- *A county commission may not use gasoline tax funds to operate the sheriff's department or jail. AGO 1993-037.*
- *A county commission may not use gas tax funds to hire deputies or maintain sheriff's department vehicles absent local legislation authorizing the expenditure. AGO 1993-394.*
- *A municipality may use 7-cent gasoline tax funds to construct new curbs and gutters on existing municipal streets. AGO 1997-170.*
- *Seven-cent gasoline tax funds may be used to cut grass on the rights of way of public roads. AGO 1999-062*
- *A municipality may not use gasoline tax proceeds to repair and restore the runway of a regional airport. AGO 1998-179*
- *Four and 7-cent gasoline tax funds may be used to repair, maintain and construct ditches and culverts along street rights of way. AGO 1998-189.*
- *Proceeds from the 2-cent fee and the seven-cent gasoline tax may be used by a municipality for a one-time cleaning of the street and the adjoining sidewalk and parking area. These funds may also be used for landscaping along a state right-of-way. AGO 2001-078.*
- *Gasoline tax funds cannot be used to purchase scales and hire personnel to enforce weight limits on county roads. AGO 1989-442.*
- *Labor costs, including pension increases and insurance premiums, associated with the general scheme of constructing, maintaining and supervising public roads may be paid from appropriate gasoline tax funds. AGO 1991-267.*
- *A municipality may use the proceeds of the seven cent gasoline tax to purchase a leaf vacuum truck. AGO 2006-083.*

RDJ

ORDINANCE 2016-37

LODGING TAX FUND APPROPRIATION FOR: BAYFRONT LANDSCAPING IMPROVEMENTS

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, Ordinance 2012-48 sets forth an allocation of Lodging Tax proceeds that may be used for Bayfront grounds/property improvements; and

WHEREAS, some shrubbery/landscaping improvements are needed surrounding the Richard Scardamalia Pavilion.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2016 Budget is hereby amended to include an appropriation from the Lodging Tax Fund for landscaping improvements on the Bayfront property in the amount of \$2,000.

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

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-38**

**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.

CITY OF DAPHNE

ORDINANCE NO. 2016-39

**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.
- 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