

**CITY OF DAPHNE
CITY COUNCIL MEETING AGENDA
1705 MAIN STREET, DAPHNE, ALABAMA
JULY 18, 2016
6:30 P.M.**

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

INVOCATION / Shane Latta / Life Development Director at City Hope Church

PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council Meeting Minutes / July 5, 2016
Council Work Session Minutes / July 11, 2016

PUBLIC HEARINGS:

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

4. REPORTS OF STANDING COMMITTEES:**A. FINANCE COMMITTEE – Fry**Review minutes / July 11th**1.) Ordinances:**

- a.) Appropriation of Additional Funds / General Fund: Old Daphne Wharf ROW Drainage Improvements (*NRCS Project*) / **Ordinance 2016-47**

2.) Resolutions:

- a.) Bid Award: Police Vehicle Equipment / Firehouse Sales & Service, Inc. / **Resolution 2016-50**

- b.) Appointing the 7 Year Old All Star Baseball Team as Goodwill Ambassadors / **Resolution 2016-51**

3.) Financial Reports:

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

B. BUILDINGS & PROPERTY COMMITTEE - LakeReview Minutes / July 5th

- a.) **MOTION:** To relocate the hand statue donated by Dr. Booth to the KFC point subject to Dr. Booth's approval

- b.) **MOTION:** To authorize the Mayor to go forward with negotiations with the Lake Forest Property Owners Association lease agreement with regard to the Yacht Club Boat Ramp

- c.) **MOTION:** To name the KFC point to Veteran's Point

C. PUBLIC SAFETY - Conaway**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott****E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune**Review minutes / June 6thReview Environmental Advisory Committee minutes / June 20thReview Beautification Minutes / June 8thReview Museum Minutes / June 13th**5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:****A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones****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 2016-45.Authorizing All-Way Stops at the Intersection of Lawson Road and Ridgewood Drive (*motion from the June 20th Public Safety Mtg.*)
- b.) Resolution 2016-47.Declaring Certain Property Surplus / (10+) Radios (*some are parts only*) (2) ISI Escape Packs / (6) Masks & Equipment / 1 Crown Vic (*Patrol*)
- c.) Resolution 2016-48. Declaring Certain Property Surplus / (1) Popcorn Machine / (1) Reading Table / Donate to Ruff Wilson Youth Organization
- d.) Resolution 2016-49.Appointing Election Officials for the Municipal Election August 23, 2016 and Run-Off Election October 4, 2016
- e.) Resolution 2016-50. Bid Ward: Police Vehicle Equipment / Firehouse Sales & Service, Inc.
- f.) Resolution 2016-51.Appointing the 7 Year Old All Star Baseball Team as Goodwill Ambassadors
- g.) Resolution 2016-52. Calling for the Redemption of the City’s General Obligation and Improvement Warrants, Series 2006

ORDINANCES:

2ND READ

- a.) Ordinance 2016-40.Motor Vehicle Operating Policies, Motor Vehicle Take Home Policies and Motor Vehicle Marking/Logo Policies

1ST READ

- a.) Ordinance 2016-41.Rezone: Property Located Southeast of the Intersection of Pollard Road and Well Road / McBride; Romero
- b.) Ordinance 2016-42.Rezone: Property Located Southeast of the Intersection of County Road 64 and Friendship Road / AJD Family Limited Partnership, LLC

- c.) **Ordinance 2016-43**.....Rezone: Property Located Northwest of the Intersection of Halls Lane and U.S. 98 / Eastern Shore Associates, LLC
- d.) **Ordinance 2016-44**.....Rezone: Property Located Northwest of the Intersection of County Road 64 and Pollard Road / Anne K. Irvine
- e.) **Ordinance 2016-45**.....Annexation: Property Located at the Southwest Corner of the Intersection of Champions Way and Alabama Highway 181 / The Bill's No. 2, LLC
- f.) **Ordinance 2016-46**.....Amending the Land Use and Development Ordinance 2011-54 / Article 31, Homee Occupations, Automobile Service Stations, Cemeteries, Bed & Breakfast Establishments, Extended Stay Hotel Facilities, Section 31-1, Home Occupations
- g.) **Ordinance 2016-47**.....Appropriation of Additional Funds /General Funds: Old Daphne Wharf ROW Drainage Improvements / *(NRCS Project)*
- h.) **Ordinance 2016-48**.....Authorizing the Issuance of \$8,600,000 of General Obligation Refunding and Improvement Warrants, Series 2016

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

**JULY 5, 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; Kevin Boucher, City Attorney; James White, Fire Chief; David Carpenter, Police Chief; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Kelli Kichler, Finance Director/Treasurer; Tonja Young, Library Director; Vickie Hinman, HR Director; BJ Enringman, Deputy Public Works Director; Dorothy Morrison, Beautification Committee; Kiki Mikkelson, Beautification Committee; Victoria Phelps, Beautification Committee; Al Guarisco, Village Point Foundation.

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

INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Stuart Davidson of Eastern Shore Baptist Church gave the invocation.

3. APPROVE MINUTES:

MOTION BY Councilman LeJeune to approve the June 20, 2016 council meeting minutes. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

PRESENTATION: 3rd Quarter Beautification Award / Color Us Kids / District #1 / Annette Brumfield, Owner/Director

Mrs. Laurel Anderson, chairman of the award committee, presented the plaque to Ms. Annette Brumfield, Owner/Director of Color Us Kids while Mayor Haygood, Councilwoman Conaway, District 1, Dorothy Morrison and Kiki Mikkelson looked on.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Fry

No report. The next meeting will be July 11th at 4:30 p.m.

B. *BUILDINGS & PROPERTY COMMITTEE* – Lake

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

C. *PUBLIC SAFETY COMMITTEE* – Conaway

No report. The next meeting will be July 18th at 4:30 p.m.

**JULY 5, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

No report. The next meeting will be July 18th after the Public Safety meeting.

E. PUBLIC WORKS COMMITTEE – LeJeune

The committee met today, and the minutes will be in the next packet. The Gator Alley dedication is July 6th at 10:00 a.m. The next meeting will be August 1st.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

No report.

B. Downtown Redevelopment Authority – Conaway

The minutes for the June 22nd meeting are in the packet. The next meeting will be July 26th.

C. Industrial Development Board – Phillips

The board did not meet in June, and the next meeting will be July 25th.

D. Library Board – Lake

There were 17,320 people who utilized the Library, and there were 1,577 children in the reading program. The Library will be getting a three dimensional printer and software.

E. Planning Commission – Scott

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

MOTION BY Councilman Scott to set a Public Hearing date for August 15, 2016 and to advertise the hearing to consider:

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

Seconded by Councilwoman Phillips

MOTION CARRIED UNANIMOUSLY

F. Recreation Board – LeJeune

The Monday work session will be all about the new recreation facilities and designs. The soccer and football fields will be closed July 8-31 for maintenance.

G. Utility Board – Fry

The minutes for the May 25th meeting are in the packet. At the June meeting they will be voting for the General Manager to move forward with the agreement to complete the sewer system. The next meeting will be July 27th at 5:00 p.m.

6. MAYOR'S REPORT

- Reported the July 4th celebration at Trione was spectacular. He thanked the Recreation staff and Destiny Church who had 20-30 volunteers there helping out.

**JULY 5, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

- Reported the Gator Alley re-opening is tomorrow July 6th at 10:00 a.m. and that with the TAP grant from 2013 were able to provide improvement and more parking
- The closing date for the 12 acres from Liberty Bank is scheduled for July 20th. They are waiting for one issue to be cleared up on the title search

7. CITY ATTORNEY REPORT:

No report.

8. DEPARTMENT HEAD COMMENTS:

James White – Fire Chief – reported that Mrs. Toni Fassbender with Eastern Shore Toyota submitted a grant to the National Automobile Dealers Charitable Foundation for a CPR training grant on behalf of the Daphne Fire Department and was awarded the grant. He thanked Mrs. Fassbender and Eastern Shore Toyota for their help in obtaining this grant.

David McKelroy – Recreation Director – reported on the sports tournament schedule, and the registration for football and cheerleading. He thanked Destiny Church for their assistance with the Easter Egg Hunt, Art in the Park and Wet & Wild.

9. CITY CLERK’S REPORT:

No report.

10. PUBLIC PARTICIPATION

Mr. Johnny Johnson – Daphne – spoke regarding the Scenic Overlook. He said you cannot see the scenery because of the trees that block the view. He asked the city to do something about it.

Mr. Phil Erhardt – Mobile Press-Register – spoke regarding the handbill ordinance saying they are committed to the clean sweep project and asked council to vote down the ordinance.

Ms. Casey Callaway – Mobile Bay Keepers – spoke of her concerns as to the Press-Register keeping up with the clean sweep, and urged council to vote for the handbill ordinance.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Resolution 2016-45.** Authorizing All-Way Stops at the Intersection of Lawson Road and Ridgewood Drive (*motion from the June 20th Public Safety Mtg.*)
- b.) **Resolution 2016-46.** Bid Award: Disaster Debris Removal & Disposal Services / Crowder Gulf, LLC

a.) **Resolution 2016-45.** Authorizing All Way Stops at the Intersection of Lawson and Ridgewood Roads
MOTION BY Councilman LeJeune to postpone Resolution 2016-45 until the July 18, 2016 council meeting.
Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY

**JULY 5, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Resolution 2016-46Bid Award: Disaster Debris Removal & Disposal Services / Crowder Gulf, LLC

MOTION BY Councilman Scott to waive the reading of Resolution 2016-46. Seconded by Councilman Fry.

MOTION CARRIED UNANIMOUSLY

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

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2ND READ

- a.) **Ordinance 2016-28.**Rezone: Property Locater Southeast of the Intersection of Van Avenue and Main Street / 1204 Main Street / Elizabeth Wright
- b.) **Ordinance 2016-32.**Regulating the Distribution of Handbills in the City of Daphne
- c.) **Ordinance 2016-33.**Appropriation of General Funds: Olde Daphne Wharf ROW Drainage Improvements (NRCS Project) / (*Project at Lovett Lane – originally referred to as Fannon Porperty*)
- d.) **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*))
- e.) **Ordinance 2016-35.** Appropriation of Seven Cents Tax Fund: North Court / TimberCreek Drainage Project / Preliminary Engineering
- f.) **Ordinance 2016-36.** Appropriation of Seven Cents Tax Fund: Old County Road Drainage Improvements / Project 2015-PW-008
- g.) **Ordinance 2016-37.** Appropriation of Lodging Tax Funds: For Bayfront Grounds/Landscaping Improvements (*Richard Scardamalia Pavilion*)
- h.) **Ordinance 2016-38.** Rezone: Daphne Rudicell Robison / Property Located Southwest of the Intersection of Guarisco Street and Mancie Avenue / From B-2, General Business District to MU, Mixed Use District
- i.) **Ordinance 2016-39.** Amending the Land Use & Development Ordinance 2011-54 / New Zone: B-1(a), Limited Local Business District

**JULY 5, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Ordinance 2016-28.Rezone Property Located Southeast of the Intersection of Van Avenue and Main Street / 1204 Main Street / Elizabeth Wright

MOTION BY Councilman Scott to waive the reading of Ordinance 2016-28. *Seconded by Councilman LeJeune.*

MOTION BY Councilman Scott to withdraw his motion to waive the reading of Ordinance 2016-28. Councilman LeJeune withdrew his second.

Ordinance 2016-39.Amending the Land Use and Development Ordinance 2011-54 / New Zone: B-1(a), Limited Local Business

MOTION BY Councilman Scott to waive the reading of Ordinance 2016-39. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2016-39 with an amendment to ad the (a) to the new zoning. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

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

MOTION BY Councilman Scott to waive the reading of Ordinance 2016-28. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2016-28 with the amendment to add the (a) to the new B-1 zoning (B-1(a). (*Leaving the (a) off is a Clerical Error*) *Seconded by Councilman LeJeune.*

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

MOTION CARRIED

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

MOTION BY Councilman Scott to waive the reading of Ordinance 2016-32. *Seconded by Councilwoman Conaway.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2016-32 with the amendment to Sections Ten Penalties and Eleven Schedule of Fines which will read “not to exceed five hundred dollars (\$500.00)”. *Seconded by Councilman LeJeune.*

VOTE ON AMENDMENT

MOTION CARRIED UNANIMOUSLY

**JULY 5, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

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

VOTE ON ORIGINAL MOTION AS AMENDED

ROLL CALL VOTE

Conaway	Aye	LeJeune	Nay
Lake	Nay	Phillips	Aye
Fry	Aye	Rudicell	Nay
Scott	Aye		

MOTION CARRIED

Council requested the City Attorney to reach out to the attorney for the Press-Register

Ordinance 2016-33. Appropriation of General Funds: Olde Towne Daphne Wharf ROW Drainage Improvements (NRCS Project

MOTION BY Councilman LeJeune to waive the reading of Ordinance 2016-33. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt Ordinance 2016-33. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

Ordinance 2016-34. Appropriation of Seven Cents Tax Fund: MPO/ALDOT Project: RFP: Fiber One Infrastructure Network Support Services for the US 98 ASCT System (Traffic Signal Project for areas: Daphne, Fairhope, Spanish Fort

MOTION BY Councilwoman Phillips to waive the reading of Ordinance 2016-34. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Phillips to adopt Ordinance 2016-34. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

**JULY 5, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Ordinance 2016-35. Appropriation of Seven Cents Tax Fund: North Court/TimberCreek Drainage Project / Preliminary Engineering
Ordinance 2016-36. Appropriation of Seven Cents Tax Fund: Old County Road Drainage Improvements / Project 2015-PW-008

MOTION BY Councilman LeJeune to waive the reading of Ordinances 2016-35 and 2016-36. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Phillips to adopt Ordinance 2016-35. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt of Ordinance 2016-36. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to waive the reading of Ordinances 37 and 2016-38. *Seconded by Councilwoman Phillips.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Ordinance 2016-37. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

Council President Rudicell passed the gavel to Council Vice President Fry.

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

MOTION CARRIED UNANIMOUSLY

Councilman Fry passed the gavel back to Council President Rudicell.

ORDINANCES 2016-40 IS 1ST READ

12. COUNCIL COMMENTS

Mayor Haygood – mentioned that at next council meeting there will be several public hearings. He said that Resolution 2016-46 was a contingency plan and he hopes the city will not have to use it, but it is there if they need to.

Councilwoman Conaway – reported that the Children’s Reading Program ceremony will be tomorrow at 11:00 a.m. She thanked Ms. Victoria Phelps.

**JULY 5, 2016
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Councilman Lake – spoke regarding the handbill ordinances saying there is a lack of enforcement for this ordinance, and the Code Enforcement officer is off on the weekends. He feels this is hindering free speech.

Councilwoman Fry – Thanked everyone for their help with the fireworks display. He thinks it was the biggest crowd to date. He reminded everyone that the dedication of Gator Alley is tomorrow.

Councilman Scott – encouraged all to come out to the dedication tomorrow. He said that security cameras are needed at Gator Alley for security. He said Gator Alley is beautiful.

Councilman LeJeune – thanked Destiney Church for coming out and working with the community. The dedication is tomorrow at 10:00 a.m.

Councilwoman Phillips – thanked everyone for coming out tonight.

Council President Rudicell – mentioned that Tim Patton will be at the next work session giving an update on the recreation facilities, and in August discuss the budget if possible.

13. ADJOURN:

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:28 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes, City Clerk

Pat Rudicell, Council President

**JULY 11, 2016
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

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

ABSENT: Tommie Conaway.

Also present: Rebecca Hayes, City Clerk; Jenny White, Assistant City Clerk; Kevin Boucher, City Attorney; Kelli Kichler, Finance Director; Adrienne Jones, Planning Director; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Larry Chason, Planning Commission; Danny Lyndall, Daphne Utilities General Manager; John Peterson and Tom Jarman, Hatch Mott McDonald; Whit Alexander, Lose Engineering; Jay Robertson, Hutchinson, Moore and Rauch; Tim Patton, Volkert; Victoria Phelps, Lake Forest Property Owner's Association; Recreation Board members: Lawrence Yelding; David Dueitt; Kit Smith; Rick Cleveland; Lisa O'Hara;

Absent: Mayor Haygood; Jay Ross, City Attorney.

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

1. RECREATION FACILITIES UPDATE

Mr. Tim Patton made introductory comments and introduced:

Park Drive Facilities

Mr. Jay Robertson with Hutchinson, Moore and Rauch gave a presentation on the Park Drive facility's site plan, parking and layout of the fields and the roads in and out of the park.

Mr. Whit Alexander with Lose Engineering presented more information regarding the ball fields and concession areas and bleachers. He said that all cooking will be done outside the concession buildings.

Council asked about:

1. The placement of the Miracle field being at the back of the park. Mr. Alexander said that they are working with the Miracle League regarding the fields.
2. The elevation of the fields and parking lot. Mr. Robertson said there is a 5% fall between fields and is ADA compliant. The parking is staggered with a 1½ foot fall.
3. The roof designs to handle winds from hurricanes. Mr. Alexander said that they meet the wind codes.

Lott Park Facilities

Mr. John Peterson gave an overview of the master plan for the tennis courts showing 10 courts, revamped parking, sidewalks and bio-retention. He said that they are working with Riviera Utilities about putting the utilities underground if they can fit it into the budget.

Mr. Tom Jarman discussed the floor plan, restrooms and changing rooms.

Council asked about including showers in the changing rooms. Mr. Jarman said that is certainly something to include in the plans.

Trione Sports Complex Improvements, Phase I

Mr. Peterson gave a presentation on two (2) multi-purpose fields, connectors – entrances and exits, a maintenance building and new parking.

**JULY 11, 2016
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Mr. Jarman gave a presentation on the concessions, restrooms and maintenance building. All cooking will be done outdoors. He said the exterior of the buildings will be easy maintenance.

Council asked about:

1. Showers being included in the restrooms. Mr. Jarman said they could be considered.
2. The number of women’s restrooms to men’s restrooms as women are always standing in line for the restroom. Mr. Jarman said they will look into this problem.
3. Having cover for the bleachers. Mr. Peterson said that he will check it out.

Mr. Patton said that they will look at different leagues to see what is needed.

Project Schedule for Park Drive

Go out for bids	Late August 2016 / Early September 2016
Receive bids	September 2016
Begin Construction	November 2016
Complete Construction	September 2017

Project Schedule for Lott Park

Go out for bids	January 2017
Receive bids	February 2017
Begin Construction	July 2017
Complete Construction	November 2017

Project Schedule for Trione Sports Complex

Go out for bids	February 2017
Receive bids	March 2017
Begin Construction	July 2017
Complete Construction	November 2017

Park Improvement Budget Summary

	Park Drive	Lott Park	Trione
MP Construction	\$10,183,740	\$1,955,740	\$2,072,245
Design Phase Fees	\$ 822,670	\$ 161,350	\$ 159,905
Construction Phase Fees	\$ 761,000	\$ 145,250	\$ 157,250
Total Project Budget	\$11,767,410	\$2,262,340	\$2,389,400
TOTAL ALL PARKS	\$16,419,150		

**JULY 11, 2016
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Park Improvement Budget Summary / Detailed

	Park Drive	Lott Park	Trione
MP Construction			
• Construction	\$ 9,183,000	\$1,742,000	\$1,788,000
• Contingency	\$ 1,000,740	\$ 213,740	\$ 284,245
Total Construction	\$10,183,740	\$1,955,740	\$2,072,245
Design Phase Fees			
HMR/Lose	\$ 597,000	--	--
HMM	--	\$ 123,350	\$ 122,000
Volkert	\$ 172,000	\$ 33,000	\$ 34,000
Geotechnical	\$ 53,670	\$ 5,000	\$ 3,905
Total Design Phase	\$ 822,670	\$ 161,350	\$ 159,905
Construction Phase Fees			
HMR/Lose	\$ 136,000	--	--
HMM	--	\$ 28,250	\$ 32,250
Volkert	\$ 595,000	\$ 112,000	\$ 119,000
Geotechnical	\$ 30,000	\$ 5,000	\$ 6,000
Total Construction Phase	\$ 7,61,000	\$ 145,250	\$ 157,250
Total Project Budget	\$11,767,410	\$ 2,262,340	\$ 2,389,400

Mr. Patton discussed with council clear-cutting of the trees at Park Drive to enable geotech and bidders can walk the property.

Council asked about:

1. Splash pads at Trione and Park Drive / Is in next phase
2. Skate Park at Trione / Is in the next phase
3. Wi-Fi at parks / Internet is part of the package

Mr. Patton said that he will bring Phase II back as a reminder to council.

**JULY 11, 2016
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

2. PRESENTATION: DAPHNE STRIKE CLUB

Mrs. Ruth Seawell and Coach “G” informed council that they have a contract on acreage adjacent to Trione Sports Complex, and presented their vision for the property:

- The park will be called “Village Park”
- Will be the Official Training Facility of Daphne Strike SC
- Village Park will feature an attractive Clubhouse with offices, classrooms, locker rooms, café and soccer store
- On the property there will be a Championship Game Field complete with stadium seating and press box, as well as an all-weather training field and Futsal Courts
- Village Park will serve as a community gathering location for the entire soccer community from players to coaches, to parents and community soccer fans

The Daphne Strike Soccer Club currently works with over 1,200 soccer players from all over the Mobile Bay Area through the two aged programs; Strike SC (U4-U12) and Gulf Coast Ranges FC (U13-U19). In addition to these soccer programs, Strike also provides an adult league, a special needs program and an annual tournament attracting over 90 teams from five different states. Upon anticipated closing in late August on Village Park, Daphne Strike SC will present overall design concepts as well the details on pending capital campaign.

Mrs. Seawell asked for any financial support and any other support that the city can give toward the project.

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
JULY 18, 2016

TO CONSIDER:

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

Recommendation: Unanimous Favorable

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

MEMORANDUM

PRESENT ZONING: B-1, Local Business

PROPOSED B-2, General Business

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

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

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

Thank you,
ADJ/jv

cc: file

attachment(s)

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



REZONING OR PRE-ZONING APPLICATION

Office use only

Date Submitted April 24, 2015

Application Number:

Planning Commission Public

ZA-16-06 or PZA-

Hearing Date: May 26, 2015

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

SITE DATA

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

PPIN#(s):

South East Corner of Co Rd 64 Friendship

See Attached

Gross Site Area (acreage):

10.38

Requested Zoning or Pre-Zoning:

B2

Current Zoning Designation(s):

B1

Amended Request:

Initials:

Date:

Current Land Use:

Vacant Commercial

Anticipated Land Use:

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

attached

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

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

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

Name of Current Owner:

AJD Family Limited Partnership LLC

Patsy DeFilippi

Mailing Address:

P.O. Box 1472 Daphne AL 36526

Phone/Fax: 251-626-1538

E-mail: irispa@belbouth.com

Name of Authorized Agent:

CP 251-239-0615

Mailing Address:

Phone/Fax:

E-mail:

Name of Developer*:

Phone/Fax:

E-mail:

Other:

Phone/Fax:

E-mail:

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

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

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

07/01/14

AJD FAMILY LIMITED PARTNERSHIP

SOUTHEAST OF THE INTERSECTION OF COUNTY ROAD 64
AND FRIENDSHIP ROAD

ZONING AMENDMENT

EXHIBIT A

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

AJD FAMILY LIMITED PARTNERSHIP
ADJACENT PROPERTY OWNERS

AJD FAMILY PARTNERSHIP
PO BOX 1472
DAPHNE, AL 36526

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

RHONDA GIPSON GULLEDGE
8621 COUNTY RD 64
DAPHNE, AL 36526

GORDON SIRMON
25359 CO RD 54 EAST
DAPHNE, AL 36526

DAPHNE 64 COMPLEX LLC
PO BOX 1472
DAPHNE, AL 36526

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

GARY LAMBERT
25883 FRIENDHIP RD
DAPHNE, AL 36526

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

CARLOS LEE WRIGHT
25759 FRIENDSHIP RD
DAPHNE, AL 36526

ASHLEY ELLIS
25725 FRIENDSHIP RD
DAPHNE, AL 36526

ROBERT L JOHNSON
1960 STORY RD
SAN JOSE, CA 95122

GWENDOLYN EUGENE
25631 FRIENDSHIP RD
DAPHNE, AL 36526

HW HALL
112 THIRD ST
ITHACA, NY 14850

DELORIS E JOHNSON
25627 FRIENDSHIP RD
DAPHNE, AL 36526

HELEN YVONNE B DALE
25619 FRIENDSHIP RD
DAPHNE, AL 36526

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

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

PLANNING COMMISSION
REZONING REQUEST FOR
AJD FAMILY LIMITED PARTNERSHIP, LLC



COMMUNITY DEVELOPMENT

Rezoning Request AJD Family Limited Partnership, LLC 10.38 acres

Owner: AJD Family Limited Partnership, LLC

Existing Conditions: 10.38 acres+/- undeveloped

Existing Zoning: B-1, Local Business District

Proposed Zoning: B-2, General Business District

Surrounding Zonings/Uses:

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

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

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

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

Existing Utility Service Providers:

Water – Belforest Water

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

Baldwin County Schools—n/a

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

The Comprehensive Plan

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

Staff Comments

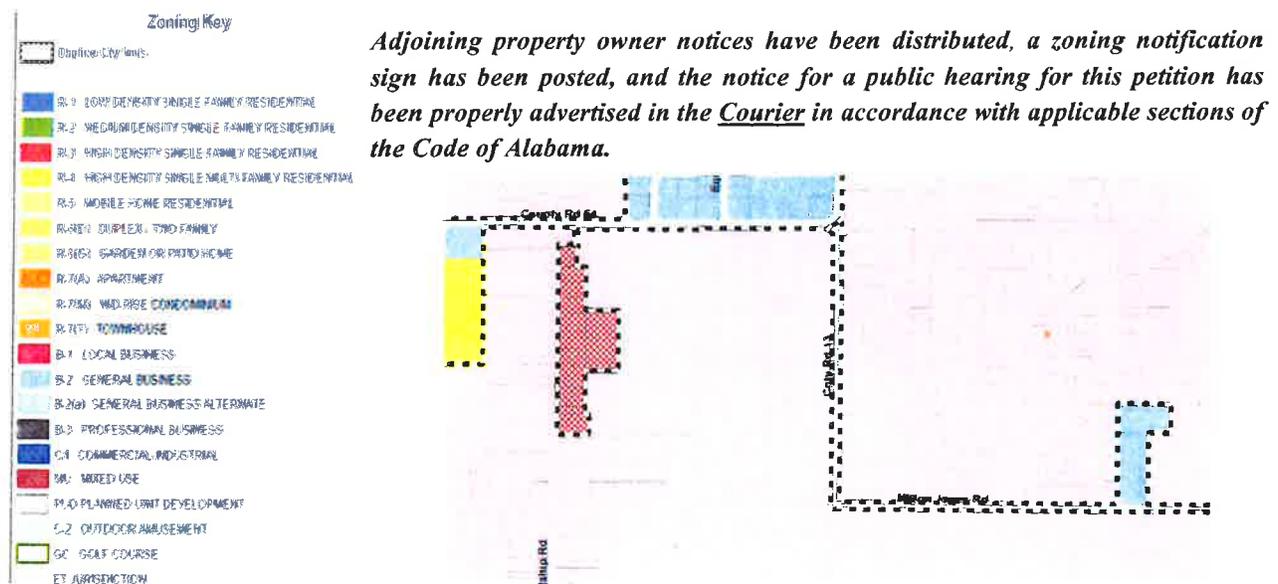
In 2009, this property was annexed into the Daphne City limits with B-1 zoning. The original zoning request was for B-2, General Business; however, after receiving an unfavorable recommendation from the Planning Commission, the applicant amended the petition requesting B-1, Local Business. One of the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

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

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

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

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



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

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

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

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

LEGAL DESCRIPTION

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

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

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

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

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

SECTION I: ZONING

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

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

**Dane Haygood,
Mayor**

ATTEST:

Rebecca A. Hayes, City Clerk

AJD FAMILY LIMITED PARTNERSHIP

SOUTHEAST OF THE INTERSECTION OF COUNTY ROAD 64
AND FRIENDSHIP ROAD

ZONING AMENDMENT

EXHIBIT B

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

MEMORANDUM

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

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

PROPOSED B-2, General Business

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

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

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

Thank you,
ADJ/jv

cc: file

attachment(s)

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



REZONING OR PRE-ZONING APPLICATION

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

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

SITE DATA

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

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

APPLICANT & AGENT INFORMATION

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

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

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

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

Exhibit A Legal Description

Romero-McBride Zoning Request

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

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

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

Beginning at the Northeast corner of the South Half of the North half of the South half of the Northwest Quarter of the Southwest Quarter of Section 16, Township 5 South, Range 2 East, run West 330 feet thence North 313.75 feet more or less, to the South line of H. W. Brantley, Jr. property; thence East 330 feet; thence South 313.75 feet, more or less, to the point of beginning.

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

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

PARCEL 28.005:

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

PARCEL 28.006:

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

PARCEL 026.000:

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

PARCEL 006.003:

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

PARCEL 005.001:

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

PARCEL 005.000:

MILSTEAD, STEPHEN
26682 POLLARD ROAD
DAPHNE, AL 36526

PARCEL 11:

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

PARCEL 028.036:

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

PARCEL 028.037:

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

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

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

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

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

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

PLANNING COMMISSION
REZONING REQUEST FOR
THE MCBRIDES & ROMEROS



The Jubilee City



COMMUNITY DEVELOPMENT

Rezoning Request McBrides & Romeros 5.93 acres

Owner: McBrides & Romeros

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

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

Proposed Zoning: B-2, General Business District

Surrounding Zonings/Uses:

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

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

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

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

Existing Utility Service Providers:

Water – Daphne Utilities

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

Baldwin County Schools—n/a

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

The Comprehensive Plan

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

Staff Comments

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

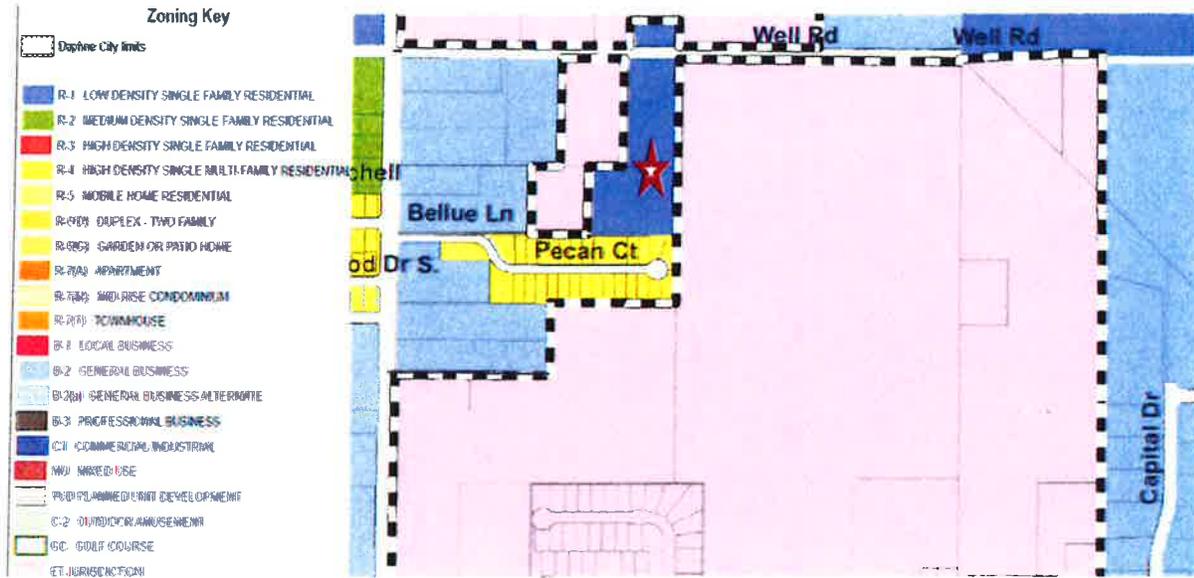
No conceptual master plan has been submitted for the site. B-2, General Business, is the least restrictive commercial district. Not all uses are compatible with residential uses (referring to the house to the west and the houses to the south, as well as considering the possibility of rezoning the property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

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

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

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

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



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

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

Robert McBride; Lissa McBride; David Romero; Ellen Romero

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

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

LEGAL DESCRIPTION

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

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

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

Beginning at the Northeast corner of the South Half of the North half of the South half of the Northwest Quarter of the Southwest Quarter of Section 16, Township 5 South, Range 2 East, run West 330 feet thence North 313.75 feet more or less, to the South line of H. W. Brantley, Jr. property; thence East 330 feet; thence South 313.75 feet, more or less, to the point of beginning.

TOGETHER WITH a twenty foot easement for ingress and egress along the West property line for ingress and egress on the following described property; Beginning at the Northeast corner of the South Half of the North Half of the Southwest Quarter of the Southwest Quarter of Section 16, Township 5 South, Range 2 East, run West 330 feet, thence North 313.75 feet more or less to the South line of W. Brantley, Jr., property, thence East 330 feet, thence South 313.75 feet, more or less, to the point of beginning.

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

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

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

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

SECTION I: ZONING

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

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Exhibit A Legal Description

Romero-McBride Zoning Request

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

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

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

Beginning at the Northeast corner of the South Half of the North half of the South half of the Northwest Quarter of the Southwest Quarter of Section 16, Township 5 South, Range 2 East, run West 330 feet thence North 313.75 feet more or less, to the South line of H. W. Brantley, Jr. property; thence East 330 feet; thence South 313.75 feet, more or less, to the point of beginning.

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

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

MEMORANDUM

PRESENT ZONING: B-2, General Business

PROPOSED R-7(T), Townhouse District

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

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

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

Thank you,
ADJ/jv

cc: file

attachment(s)

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



REZONING OR PRE-ZONING APPLICATION

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

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

SITE DATA

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

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

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

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

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

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

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

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

EXHIBIT A

Legal Description:

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

ADJACENT PROPERTY OWNERS TO LOT 2 OF SHORE OAKS SUBDIVISION

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

PLANNING COMMISSION
REZONING REQUEST FOR
EASTERN SHORE ASSOCIATES, LLC



COMMUNITY DEVELOPMENT

Rezoning Request Eastern Shore Associates, LLC 4.36 acres

Owner: Eastern Shore Associates, LLC

Existing Conditions: 4.36 acres+/- wooded/undeveloped

Existing Zoning: B-2, General Business District

Proposed Zoning: R-7(T) Townhouse District

Surrounding Zonings/Uses:

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

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

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

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

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

Existing Utility Service Providers:

Water – Daphne Utilities

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

Baldwin County Schools—n/a

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

The Comprehensive Plan

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

Staff Comments

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

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

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

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

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



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

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

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

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

Legal Description:

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

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

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

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

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

SECTION I: ZONING

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

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

**Dane Haygood,
Mayor**

ATTEST:

Rebecca A. Hayes, City Clerk

EXHIBIT A

Legal Description:

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

MEMORANDUM

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

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

PROPOSED B-2, General Business

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

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

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

Thank you,
ADJ/jv

cc: file

attachment(s)

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



REZONING OR PRE-ZONING APPLICATION

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

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

SEE DATA

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

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

APPLICANT & AGENT INFORMATION

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

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

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

ANNE K. IRVINE, OWNER

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

ZONING AMENDMENT REQUEST

EXHIBIT "A"

LEGAL DESCRIPTION

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

Anne K. Irvine
Zoning Amendment
Adjacent Property Owners:

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

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

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

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

CORY RUNYAN
26148 VIA DEL SAN FRANCESCO
DAPHNE, AL 36526

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

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

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

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

PLANNING COMMISSION
REZONING REQUEST FOR
ANNE K. IRVINE



COMMUNITY DEVELOPMENT

Rezoning Request Anne K. Irvine 1.19 acres

Owner: Anne K. Irvine

Existing Conditions: 1.19 acres+/- wooded/undeveloped

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

Proposed Zoning: B-2, General Business District

Surrounding Zonings/Uses:

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

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

East – B-2, General Business District

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

Existing Utility Service Providers:

Water – Daphne Utilities

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

Baldwin County Schools—n/a

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

The Comprehensive Plan

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

Staff Comments

The subject property was rezoned to R-4 with intentions to be developed as part of the original La Piazza di San Francisco subdivision. However, since those plans did not come to fruition, it remains an out-parcel which accesses Pollard Road by way of a 60-ft wide easement established in 2001. This site is 1.19 acres of a 4.88 acre site: 3.69 acres is already zoned B-2.

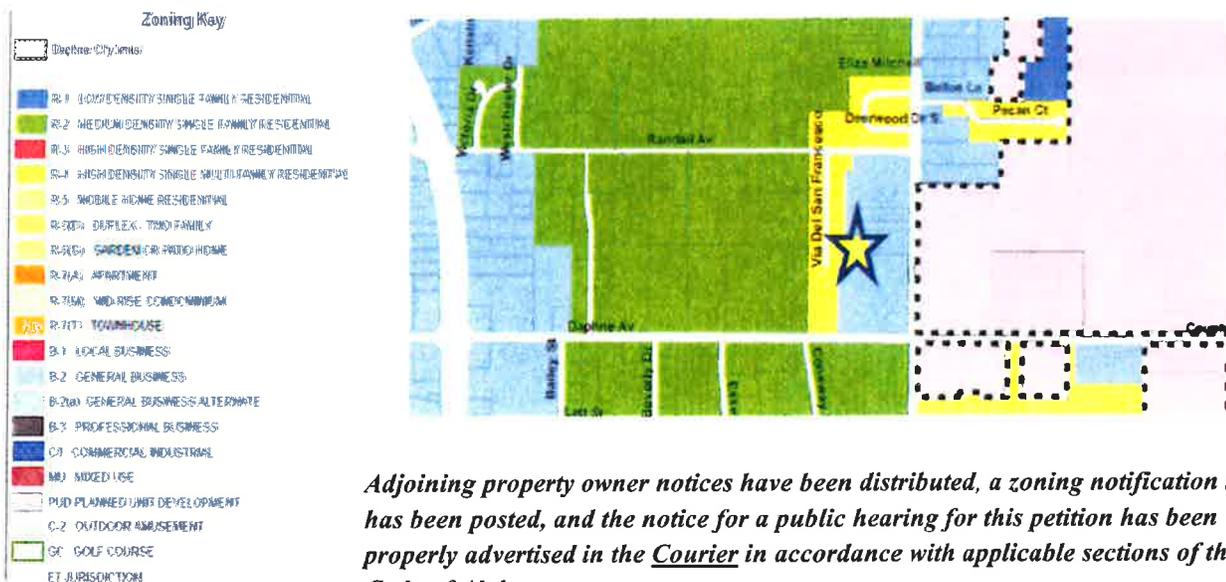
No conceptual master plan has been submitted for the site. B-2, General Business, is the least restrictive commercial district. Not all B-2 uses are compatible with residential uses (referring to the houses to the west). However, it is relatively common for residential rear yards to abut commercial property. The site is currently zoned R-4 which may not be viable at this location.

Rezoning the site would be consistent with zoning to the north, south and east.

Staff recommends approval. Because 3.69 acres of this tract of land is already zoned B-2, staff recommends approval to rezone the 1.19 acre portion from R-4 to B-2.

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

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



2059-B

La Piazza di San Francesco

A PLANNED UNIT DEVELOPMENT

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

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

2. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

3. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

4. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

5. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

6. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

7. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

8. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

9. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

10. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

11. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

12. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

13. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

14. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

15. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

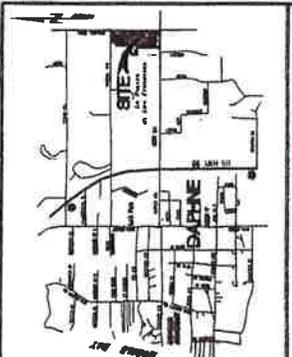
16. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

17. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

18. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

19. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.

20. The undersigned hereby certifies that the subdivision map shown on this certificate is in accordance with the provisions of the City of Daphne Ordinance No. 10, and that the same has been approved by the Planning Commission and the City Council of the City of Daphne, Alabama.



STATE OF ALABAMA
COUNTY OF BALDWIN
CITY OF DAPHNE

2059-B

NOTES

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



ADJACENT PROPERTY OWNERS

1. [Owner Name], [Address], [City, State, Zip]

2. [Owner Name], [Address], [City, State, Zip]

3. [Owner Name], [Address], [City, State, Zip]

4. [Owner Name], [Address], [City, State, Zip]

5. [Owner Name], [Address], [City, State, Zip]

6. [Owner Name], [Address], [City, State, Zip]

7. [Owner Name], [Address], [City, State, Zip]

8. [Owner Name], [Address], [City, State, Zip]

9. [Owner Name], [Address], [City, State, Zip]

10. [Owner Name], [Address], [City, State, Zip]



PLANNING COMMISSION AND AUTHORIZATION FOR INCORPORATION

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

HUTCHINSON MOORE & RAUCH, LLC
ENGINEERS & SURVEYORS
DAPHNE, ALABAMA

1300 MAIN STREET, SUITE 0
POST OFFICE BOX 2007
36526

TEL: (334) 626-2628
FAX: (334) 626-4834
hmr@hmrllc.com

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

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

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

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

LEGAL DESCRIPTION

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

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

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

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

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

SECTION I: ZONING

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

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

ANNE K. IRVINE, OWNER

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

ZONING AMENDMENT REQUEST

EXHIBIT "A"

LEGAL DESCRIPTION

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

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

MEMORANDUM

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

PROPOSED B-3, Professional Business

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

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

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

Thank you,
ADJ/jv

cc: file

attachment(s)

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

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

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

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

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

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

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

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

Requested zoning, if other than R-1:

Any other conditions which may apply upon annexation:

B-3, PROFESSIONAL OFFICE ZONING

ADDITIONAL INFORMATION

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

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

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

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

SELECT ONE OF THE FOLLOWING OPTIONS

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

Or

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

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

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

Legal Description Attached (Exhibit A)? yes Map or Survey Attached (Exhibit B)? yes
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission Attached (Exhibit C)? no Acreage 76
Subdivision Name n/a Lot Number(s) _____

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

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

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

DATED this 10th day of June, 2015

Respectfully submitted,

The Bills' No. 2, LLC
Name of Corporation

By: Michael C. Bill

Its: Manager

STATE OF ALABAMA
COUNTY OF BALDWIN

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

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

Donna Donald
NOTARY PUBLIC

My commission expires: February 24, 2018

Corporation's Address

PO BOX 1659

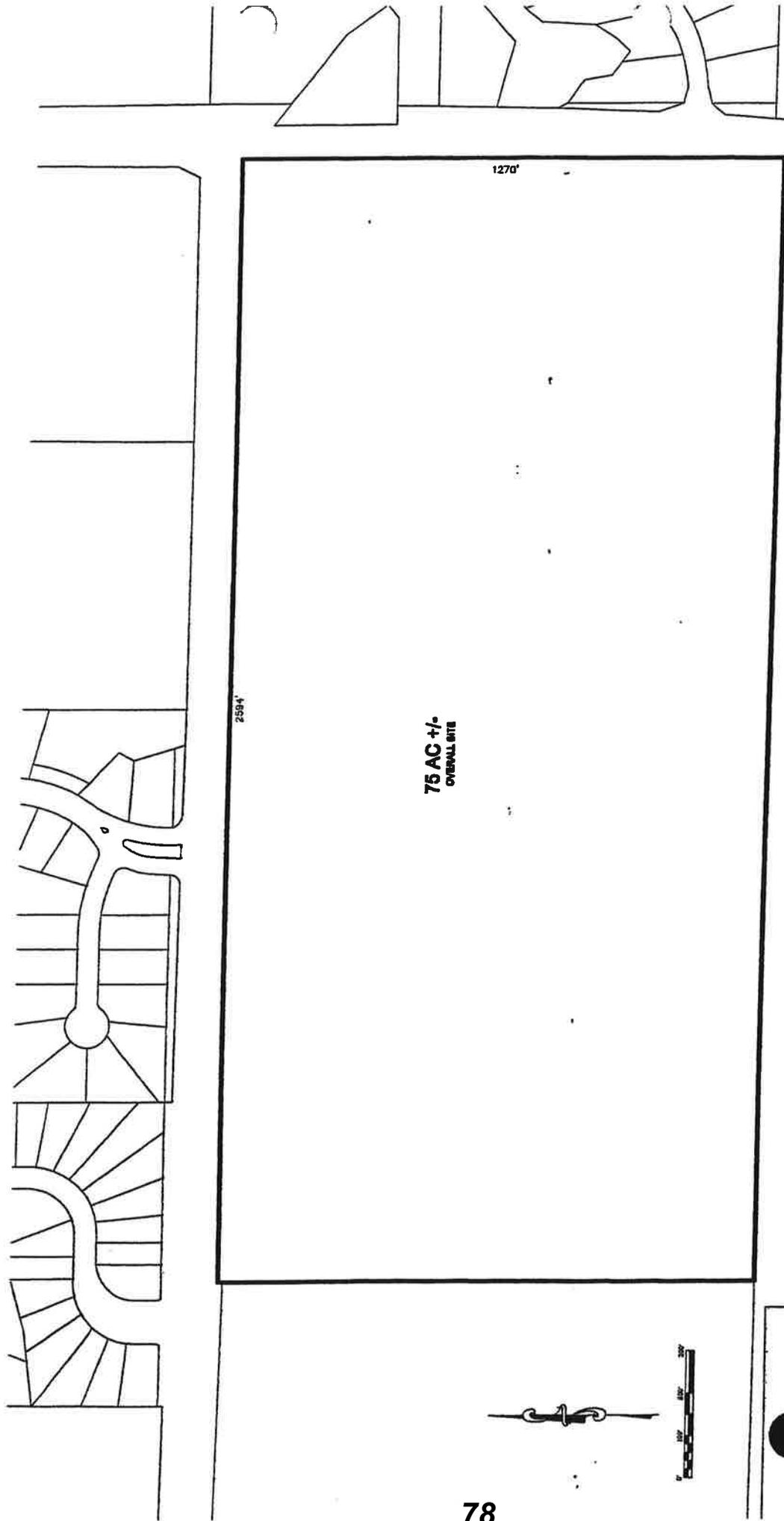
ROBERTSDALE, AL 36527-1659

EXHIBIT A

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

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:

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



COMMERCIAL & TECHNOLOGY COMPLEX





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



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



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

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

WHEREAS, The Bills' No. 2 as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RSF-1, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as B-3, Professional Business District, prior to annexing into the City of Daphne; and

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

Legal Description for Pre-zone:

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

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

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

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby pre-zoned to B-3, Professional Business District, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in

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

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RSF-1, Single Family District, Baldwin County District 15.

SECTION II: REPEALER.

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

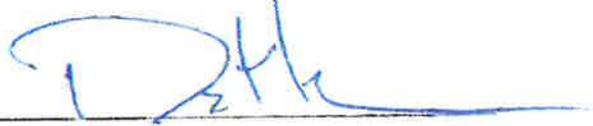
SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

This Ordinance, and in particular the pre-zoning shall take effect after the date of its approval by the City Council of the City of Daphne and publication as required by law. Pursuant to Code of Alabama (1975) Section 11-52-85, the zoning of the property, shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the territory is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law then this pre-zoning shall be null and void. Should the pre-zoning become null and void, the applicant may reapply for pre-zoning at any time as long as an annexation petition is pending.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 21st day of March, 2016.



Dane Haygood,
Mayor

ATTEST:



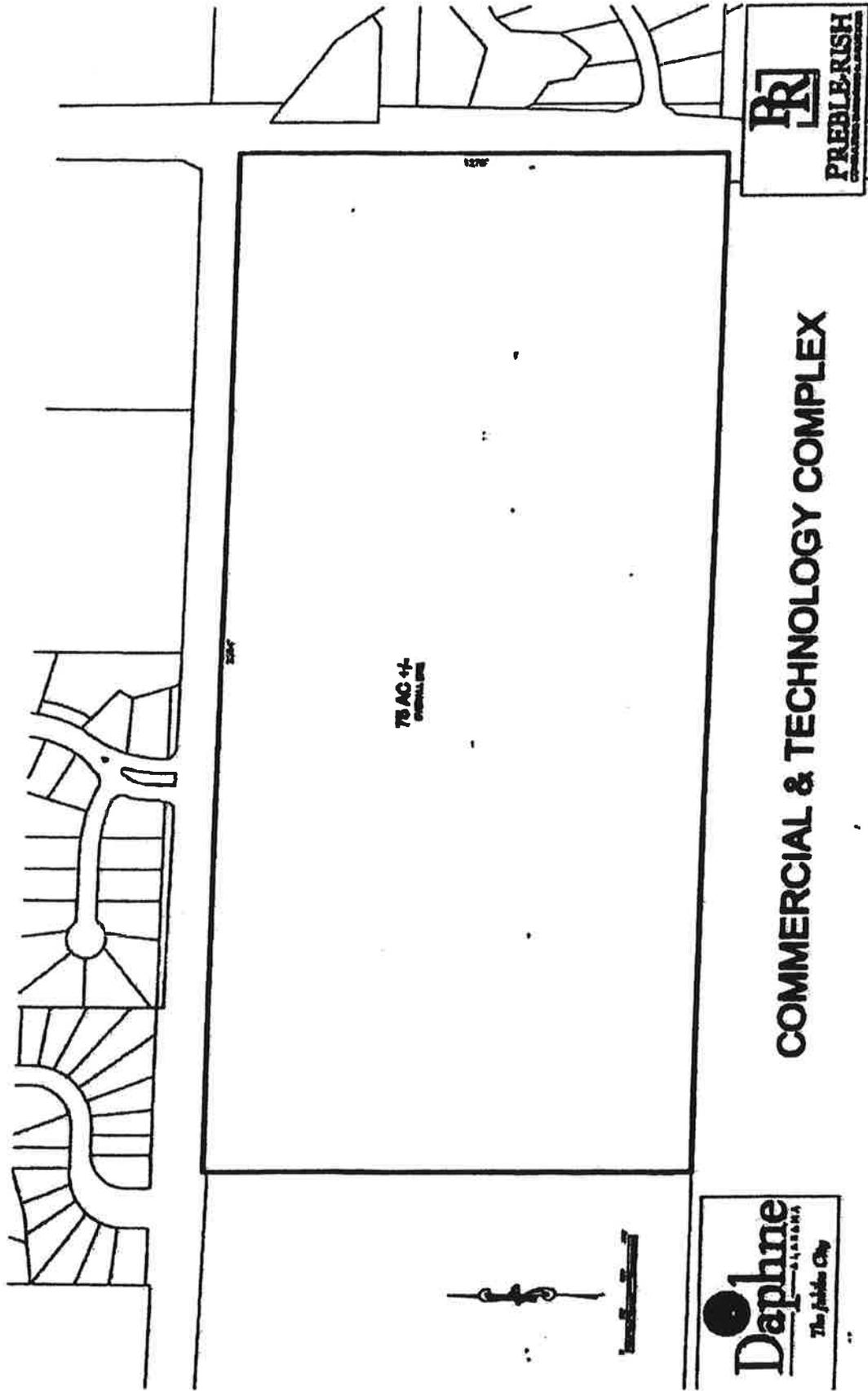
Rebecca A. Hayes,
City Clerk

EXHIBIT A

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

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:

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



PREBLE-RISH
COMMERCIAL REAL ESTATE

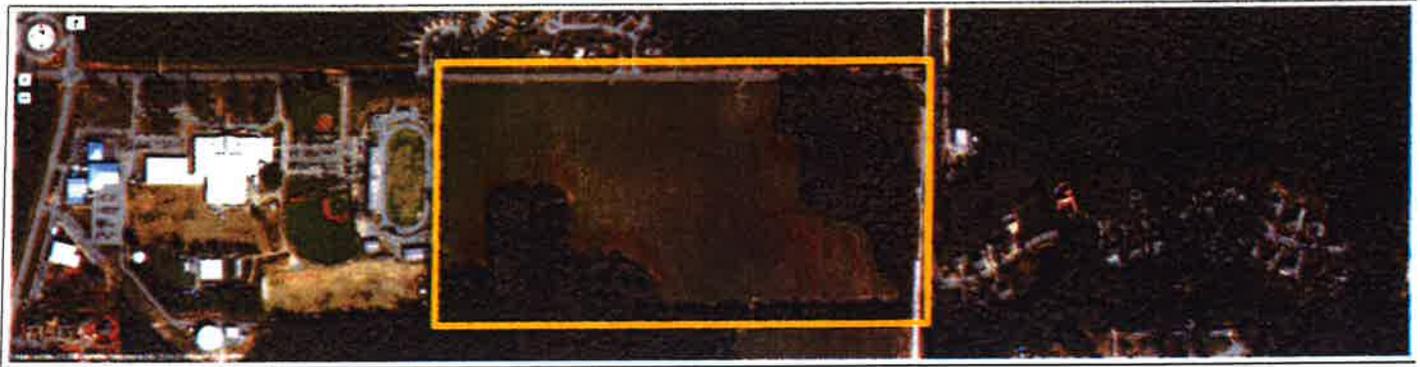
COMMERCIAL & TECHNOLOGY COMPLEX

75 AG +/-
OFFICE

Daphne
REAL ESTATE
The Jubilee City

PLANNING COMMISSION
ANNEXATION FOR
THE BILLS' NO. 2, LLC

City of Daphne Industrial Development Board



**COMMUNITY DEVELOPMENT
ANNEXATION REQUEST**

**Southwest Corner of the Intersection of Champions Way and Highway 181
(The Bills' No. 2, LLC & City of Daphne Industrial Development Board)
73.76 acres+/-**

EXCERPT FROM ARTICLE 23-1 PROCEDURE [FOR ANNEXATION REQUESTS]

The application shall be reviewed by the Planning Commission at its next regular meeting and said Commission shall have thirty (30) calendar days from said regular meeting within which to submit a recommendation to the City Council. If the Commission fails to submit a recommendation to the City Council within the thirty (30) calendar day period, it shall be deemed to have approved the proposed amendment...Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the City Council with proper notice as required by law. Said public hearing shall be held at the earliest possible time to consider the proposed annexation, and the Council shall take action on said proposed annexation within forty-five (45) calendar days from the date of the public hearing except in the case where the tentative action is not in accordance with the Planning Commission's certified recommendation.

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

Any land annexed to the City of Daphne hereafter shall be classified as an R-1, Low Density Single Family Residential District unless otherwise recommended by the Planning Commission through the zoning amendment procedure provided in *Article 22-1, Zoning Amendment Procedures*. In such case, City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications recommended by the Planning Commission.

REQUEST

The applicant has submitted a petition to annex 73.76 acres of land into the corporate limits of Daphne. On March 21, 2016, Daphne City Council approved a pre-zoning request for B-3, Professional Business. Additionally, on May 5, 2016, the Daphne Planning Commission approved a subdivision of the land into seven lots. Said subdivision is under review by Baldwin County. At this time, the entire property is subject to this annexation request. However, certain lots may be withdrawn from consideration prior to Council consideration.

RECOMMENDATION

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

Code of Alabama Section 11-52-85

PRE-ZONING TERRITORY PROPOSED FOR ANNEXATION

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

Code of Alabama Section 11-52-85

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

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

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

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

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

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

(Act 2009-629, p. 1926, §1.)

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

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

**Property Located at the Southwest Corner of the Intersection of Champions Way and
Alabama Highway 181
The Bills' No. 2, LLC**

WHEREAS, on the 10th day of June, 2015, being the owner of all real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, said petition did contain the signatures of all owners of the described territory, and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, after proper publication, a public hearing was held by the City Council on July 18, 2016 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on May 26, 2016, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

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

SECTION TWO: ZONING

At the March 21, 2016 regularly scheduled City Council meeting Ordinance 2016-21 was adopted pre-zoning the said property as B-3, Professional Business District.

SECTION THREE: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

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

SECTION FOUR: MAP OF PROPERTY

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

SECTION FIVE: PUBLICATION

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

EXHIBIT A

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

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:

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

MEMORANDUM

To: Office of the City Clerk

From: Adrienne D. Jones, 
Community Development Director

Subject: Proposed Amendments to Ordinance 2011-54,
Land Use and Development Ordinance,
Article 31-1(j) (18) (19), Home Occupations

Date: June 1, 2016

At the May 26, 2016, regular meeting of the City of Daphne Planning Commission, nine members were present. The motion to set forth a **favorable recommendation** carried unanimously of the above-mentioned revision to the Land Use and Development Ordinance.

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

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

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Draft Ordinance

PLANNING COMMISSION
LAND USE & DEVELOPMENT ORDINANCE
AMENDMENT REVIEW



AMENDMENT TO
ARTICLE 31-1(j)(18)(19) HOME OCCUPATIONS
(CORRECTION TO "PROHIBITED HOME OCCUPATIONS LIST")

CITY OF DAPHNE
ORDINANCE NO. 2016-

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance 2011-54 Article 31, Home Occupations, Automobile Service Stations,
Cemeteries, Bed & Breakfast Establishments, Extended Stay Hotel Facilities, Section 31-1, Home
Occupations**

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of May 26, 2016 set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on July 5, 2016.

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

SECTION I: This section hereby amends the City of Daphne Land Use and Development Ordinance by striking and replacing sections of Section 31-1 (j) as follows:

~~(18) Outdoor display or storage of materials, goods, supplies, or equipment used in the operation of the business shall be permitted outside the dwelling~~

(18) Outdoor display or storage of materials, goods, supplies, or equipment used in the operation of the business shall **not** be permitted outside the dwelling.

~~(19) Automobile/truck/boat/vehicle related business is permitted as a home occupation. Vehicle related businesses include but are not exclusive to: vehicle maintenance, repair, renovation, restoration and/or sales~~

(19) Automobile/truck/boat/vehicle related business **shall not be** permitted as a home occupation. Vehicle related businesses include but are not **limited** to: vehicle maintenance, repair, renovation, restoration and/or sales, **gas or diesel mechanic shops**.

SECTION II: CONFLICT WITH OTHER ORDINANCE

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

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

SECTION V: REPEALER

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

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

PROPOSED AMENDMENT TO ARTICLE 31, HOME OCCUPATIONS

ARTICLE XXXI

HOME OCCUPATIONS, AUTOMOBILE SERVICE STATIONS, CEMETERIES, BED & BREAKFAST ESTABLISHMENTS, EXTENDED STAY HOTEL FACILITIES

31-1 HOME OCCUPATIONS

Home occupations shall be incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which the home occupation is to occur. No home occupation shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic, or any other condition which would constitute an objectionable use of residentially zoned property. Limitations on the type of home occupations are as follows:

- (a) Area used shall not exceed twenty percent (20%) of the gross floor area in the principal building.
- (b) It shall be confined entirely to the principal building, accessory building, or outside storage building for which twenty percent (20%) of gross floor area would apply.
- (c) Employment shall be limited to members of the family residing in the dwelling. There shall be no employment of employees other than members of the resident family. In no case shall more than two (2) persons be engaged in the home occupation.
- (d) No internal or external addition, alteration, or remodeling of the dwelling is permitted in connection with the home occupation.
- (e) Chemical, mechanical, or electrical equipment that creates odors, light, glare, noises, or interference in radio or television reception detectable outside of the dwelling shall be prohibited.
- (f) No display of products shall be visible from the street and only articles made on the premises may be sold; except non-durable articles, consumable products, which are incidental to a service or which service shall be the principal use in the home occupation may be sold on the premises.
- (g) Instruction in music, dancing, and similar subjects shall be limited to two (2) students at a time.
- (h) The activity carried on as a home occupation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
- (i) One professional or announcement sign may be used to identify the customary

PROPOSED AMENDMENT TO ARTICLE 31, HOME OCCUPATIONS

home occupation. Such sign shall not exceed one and one-half (1-1/2) square feet in area exposed to view and must be mounted flat to the main wall of the principal building. No such sign shall be directly illuminated.

- (j) The nature of some uses tends to increase beyond the limits permitted for a home occupation and could impair the use and value of a residentially zoned area; therefore, the following shall not be permitted as a customary home occupation:
- (1) Uses which do not meet the provision listed above
 - (2) Automobile body and/or fender repairing
 - (3) Barber shops and beauty parlors
 - (4) Food handling on a large-scale basis, processing, or packing
 - (5) Repair, manufacturing and processing uses; however, this shall not exclude the home occupation of a dressmaker where goods are not manufactured for stock, sale, or distribution
 - (6) Restaurants
 - (7) Uses which entail the harboring, training, raising or treatment of dogs, cats, birds, or other animals
 - (8) Ammunition sales
 - (9) Acupuncture office and /or practice
 - (10) Dental offices and /or practice
 - (11) Gun sales
 - (12) Medical offices and /or practices
 - (13) Painting of vehicles
 - (14) Private schools with organized classes
 - (15) Small engine repairs
 - (16) Welding shop
 - (17) Contractors, provided no commercial trucks which exceed the criteria listed herein, materials or construction equipment are kept on premises. Commercial trailers shall not exceed sixteen (16) feet. Commercial trucks/vehicles shall have no more than six wheels.
 - (18) Outdoor display or storage of materials, goods, supplies, or equipment used in the operation of the business shall **not** be permitted outside the dwelling.

PROPOSED AMENDMENT TO ARTICLE 31, HOME OCCUPATIONS

- (19) Automobile/truck/boat/vehicle related business ~~shall not~~ permitted as a home occupation. Vehicle related businesses include but are not ~~limited~~ to: vehicle maintenance, repair, renovation, restoration and/or sales, ~~gas or diesel mechanic shops.~~
- (20) Flammable, caustic or noxious material not commonly found in the home may not be stored or kept on the premises

Deleted: is

Deleted: exclusive

CITY OF DAPHNE

ORDINANCE NO. 2016-

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance 2011-54 Article 31, Home Occupations, Automobile
Service Stations, Cemeteries, Bed & Breakfast Establishments, Extended Stay Hotel
Facilities, Section 31-1, Home Occupations**

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of May 26, 2016 set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on July 5, 2016.

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

SECTION I: This section hereby amends the City of Daphne Land Use and Development Ordinance by striking and replacing sections of Section 31-1 (j) as follows:

~~(18) Outdoor display or storage of materials, goods, supplies, or equipment used in the operation of the business shall be permitted outside the dwelling~~

(18) Outdoor display or storage of materials, goods, supplies, or equipment used in the operation of the business shall **not** be permitted outside the dwelling.

~~(19) Automobile/truck/boat/vehicle related business is permitted as a home occupation. Vehicle related businesses include but are not exclusive to: vehicle maintenance, repair, renovation, restoration and/or sales~~

(19) Automobile/truck/boat/vehicle related business **shall not be** permitted as a home occupation. Vehicle related businesses include but are not **limited** to: vehicle maintenance, repair, renovation, restoration and/or sales, **gas or diesel mechanic shops**.

SECTION II: CONFLICT WITH OTHER ORDINANCE

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

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

SECTION V: REPEALER

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

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

**Dane Haygood,
Mayor**

ATTEST:

**Rebecca A. Hayes,
City Clerk**

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
July 11, 2016
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:30 p.m. Present were Chairman Randy Fry, Councilwoman Angie Phillips, Councilman Ron Scott, Councilman Pat Rudicell, Councilman John Lake, Councilman Robin LeJeune, Finance Director Kelli Kichler, Senior Accountant Suzanne Henson, Human Resource Director Vickie Hinman, Revenue Officer Jamie Smith, and City Attorney Kevin Boucher. Councilwoman Mrs. Conaway and Mayor Haygood were absent. Also in attendance were, Public Works Director Richard Johnson, Civic Center Director Margaret Thigpen, Recreation Director David McKelroy, and City Clerk Rebecca Hayes.

I. PUBLIC PARTICIPATION

A. Grocery Sales Tax – Mr. Tim Swanson

Mr. Swanson handed out some new information he had obtained on regressive sales taxation and continued his discussion from the May and June 2016 Finance meeting when he asked that the City consider cutting or removing sales tax on groceries. Mr. Swanson noted this would help the 60% of lower income individuals/families. Mr. Scott noted that those individuals using food stamps are not paying tax and they are a part of the 60% of lower income families but noted the working poor would be affected. Mr. Scott had previously 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 and asked again. Discussion continued and Mr. Swanson stated we are smart enough to figure out how to overcome this issue. Discussion was made on how the loss of revenues would affect debt obligations.

B. Daphne 7 Year Old Baseball All Star Team – Ms. Lori Lightcap, parent of team player

Several parents and team players of the Daphne All Star baseball team attended the meeting. Ms. Lightcap discussed how hard the kids had worked and how proud they were to be representing Daphne at the Southwest Regional Championships in Bay St Louis, Mississippi. The team qualified to play in the Regional championship after playing in the State tournament in Florence, AL. Ms. Lightcap stated the team has done some fund raisers and received some sponsorships but the trip is very expensive so any financial assistance would be appreciated. Discussion continued on supporting the ball team. Ms. Kichler stated that the Mayor had requested Council approval to transfer \$1,000 from his training monies to contribute to the 7 year old All Star Team. Mr. McKelroy reviewed the teams schedule at Regionals.

MOTION BY Mr. Scott to recommend to Council to adopt a Resolution
1) approving a \$1,000 contribution to the Daphne 7 year old All Star Baseball team to attend the Southwest Regional Championships in Bay St. Louis, MS, and
2) approve a transfer of \$1,000 from the Mayor’s training budget to fund the contribution. Seconded by Mr. LeJeune. Motion carried.

II. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – June, 2016

Ms. Smith reviewed the Business License reports.

BUSINESS LICENSE COUNT through 06/30/2016	
Issued THIS MONTH:	
NEW Licenses	82
RENEWAL Licenses (2016)	40
PRIOR YEAR Licenses (2015 and Prior)	8
Total Issued THIS MONTH	130
Total Issued THIS MONTH - PREVIOUS YEAR	102
Net Gain/-Loss Current VS Previous Yr MONTH	+ 28
Total Issued YTD 2016	4,362
Total Issued YTD - PREVIOUS YEAR	4,167
Net Gain/-Loss Current VS Previous Yr YTD	+ 195

Code enforcement issued 30 warnings resulting in businesses becoming compliant and \$6,375.88 in revenue.

Mrs. Smith reviewed the following reports and information:

- Business License Fees report for March separated by Territory and Status.
- New Businesses with a physical location in Daphne - 6
- Total collections for June 2016 were \$32,559.45
- YTD collections are up \$61,522.78 from the previous year.
- Delinquency report showed 32 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 Maintenance Tech. (1)
 Events Assistant (Civic Center)
 Magistrate
 Mechanic
 Police Officer
 PSW (Mowing)
 Planner (Community Development)
 Police Dispatcher

Status

Reviewing Applications
 Reviewing Applications
 Reviewing Applications
 Posting: 6/30-7/14
 Written test: 7/8/2016
 Scheduling Interviews
 References
 Pre-employment/Background

Safety Committee

The Safety committee meeting was held on June 29 @ 10:00 a.m. – Property/injury reports were reviewed. Safety supplies (hats and insect repellent) were delivered and distributed to PW and Parks crew members. We had 245 employees remain accident free for the first half of 2016 and will receive a \$10 Wal-Mart gift card. Next Safety committee meeting is July 27 @ 10:00 a.m.

Other HR projects/meetings/events:

- New Employee Orientation July 19
- Kronos Upgrades are ongoing – (set up of pay structures, employee email addresses, etc).
- Employee Wellness/Benefits Fair meetings
- Munis upgrades scheduled for August
- Police Officer testing on July 8, 2016

IV. CURRENT BUSINESS

A. Approve previous months minutes

The previous minutes were approved.

B. Financial Reports

1. Treasurer’s Report: June, 2016

Mrs. Henson reviewed the Treasurer’s Report:

Account Type/Title	6/30/2016	5/31/2016	(Decrease) from last Month	6/30/2015	(Decrease) from Last Year
Total Unrestricted Cash Balance	<u>11,861,203</u>	<u>12,727,490</u>	<u>(866,287)</u>	<u>\$ 10,176,293</u>	<u>\$ 1,684,910</u>
Total Restricted Cash Balance	<u>8,300,725</u>	<u>7,650,454</u>	<u>650,271</u>	<u>8,005,573</u>	<u>295,152</u>
Total City Cash Balance	<u>\$ 20,161,928</u>	<u>\$ 20,377,944</u>	<u>\$ (216,016)</u>	<u>\$ 18,181,866</u>	<u>\$ 1,980,062</u>

Encumbrances FY 05 - FY 16: \$112,017 (as of 6/30/16)

Finance Minutes.doc

Mrs. Henson noted that the Encumbrance report was updated to show the last two months balances and which line items had activity. The current encumbrance balance as of 6/30/16 is \$112,017. Discussion was made on using the sign encumbrance monies from FY2005. Mr. Johnson discussed the location that would be seen the most is the intersection of US Hwy 98 and Whispering Pines. Mr. Johnson stated that an average of 39,000 vehicles pass through this intersection daily and at least half are stopped at the traffic light. Mr. Johnson noted that the wall will not have to be changed structurally, the sign would just be incorporated into the wall. Discussion continued on Mr. Johnson and Ms. Thigpen bringing information back to the committee on options for placing the sign.

Ms. Kichler noted that the transfer of \$500,000 from Reserves to the Capital Reserve account (*monies to be used for Daphne Park*) was done in June and is reflected in the balance shown on the report. Ms. Kichler noted that investment information from the City's investment portfolio is included in the packet as required by the City's newly adopted Investment policy. Ms. Kichler stated the bonds were priced last Thursday and savings amount that will be deposited is approximately \$840,000, up from the original estimate of \$640,000. Ms. Kichler said the closing on the refinancing of the 2006 bond refunding issue should be July 28, 2016 and a resolution will be presented to Council for approval.

The Treasurer's Report as of June, 2016 Total Unrestricted Cash Balance - \$11,861,203 and Total City Cash Balance - \$ 20,161,928 was presented to be filed for audit.

2. Sales and Use Taxes: May, 2016

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,209,149.30 was collected for May 2016:

- YTD Variance over Budget - \$539,845.25

3. Lodging Tax Collections, May, 2016

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for May, 2016 were \$104,483.34 which is down (\$4,232.40) from May 2015's collections of \$108,715.74.

- YTD Variance over Budget: \$ 22,724.20

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

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

- Unreserved balance for Bayfront related purchases - \$1,743,694.68
- Recreation related purchases - \$ 787,338.78

Mrs. Henson noted that recent expenditures for Gator Alley and park Gazebos *are* reflected in the report and noted the balances are down from May due to the expenditures.

5. Correction/Court Fund Report, May, 2016

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

- Court balance - \$200,817.50
- Corrections balance - \$4,719.72
- 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, April 2016

7. General Fund Balance Sheet, April

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

9. Debt Service Fund Statement of Rev Over Exp, April

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

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

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

13. Special Revenue Funds Balance Sheet, April 2016

- 14. Special Revenue Funds Stmt Rev, Exp,&Changes in Fund Balance, April 2016
- 15. Capital Projects Funds Balance Sheet, April 2016
- 16. Capital Projects Funds Statement of Rev Over Exp, April 2016
- 17. Enterprise Funds Statement of Net Position, April 2016
- 18. Enterprise Funds Stmt of Rev, Exp, & Changes in Net Position, April 2016

Ms. Kichler reviewed the financial reports:

General Fund

Unassigned fund balance - \$ 13,895,432

Total liabilities, deferred inflow, and fund balances - \$15,280,096

Based upon previous year FY2015's General Fund Revenues - \$26,071,360 the required 3 months Reserve per policy - \$6,517,840

Debt Service Fund

DEBT SERVICE FUND		AS OF 6/30/2016	
FY2016 YTD Principal payments made	\$	3,208,759	
FY2016 YTD Interest Payments made	\$	1,078,807	
FY2016 TOTAL YTD DEBT PAYMENTS	\$	4,287,566	
FY2016 Remaining Debt payments	\$	403,839	
Balance of Debt for Warr/Bond Issues	\$	33,091,730	
Balance of Debt for Capital Leases	\$	1,581,670	
TOTAL DEBT BALANCE	\$	34,673,400	

Ms. Kichler noted that in June some Jubilee Square some principal has been paid so all collections for July, August, and September will be applied to principal payments and estimated \$150,000-180,000 debt would be paid down by the end of the year on this bond.

Agency Funds

Fund balance for Agency Funds - \$117,322

Special Revenue Funds

Fund balance for Special Revenue Funds: : \$3,683,496

Capital Projects Funds

Capital Reserve Fund balance - \$2,829,459

Enterprise Funds

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

- Solid Waste (*Garbage & Recycling*) – (\$286,319)
- Civic Center – (\$189,459)
- Bayfront – (\$90,361)
- Total transfer to the Enterprise Funds – (\$566,139)

ENTERPRISE FUND - DEBT SUMMARY -		AS OF 6/30/2016	
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 – June, 2016

The Bills Paid Report was presented in the packet. Ms. Kichler noted that since the purchasing cards have been set up and the actual vendors that purchases are made from through the credit cards will be listed instead of just being all listed through BBVA Compass vendor. Ms. Kichler stated that the City has received approximately \$1,800 in rebates from using purchasing cards for the month of May.

C. Appropriation Request: *(Ordinance)*

1. Additional Appropriation: Old Daphne Wharf Drainage Improvements - NRCS Project *(Lovette Lane/Fannon Property)* - \$36,000

Mr. Johnson stated that this project has been before the Committee before and has been in litigation. Mr. Johnson stated the City just received the notification of final approval for funding from NRCS. Mr. Johnson discussed additional \$36,000 needs to be appropriated which includes a 5% contingency - which we hope will not be needed.

MOTION BY Mr. Scott to recommend to Council to adopt the Ordinance amending the budget to appropriate and additional \$ 36,000 from General Fund for the Old Daphne Wharf ROW Drainage Improvements (Lovette Lane/Fannon Property). Seconded by Mr. LeJeune . Motion carried.

D. Bids: *(Resolution)*

1. 2016-O-POLICE VEHICLE EQUIPMENT

Mrs. Henson noted this is an annual bid and that Chief Carpenter had submitted a memo recommending the bid be awarded to the one bidder who responded, Firehouse Sales and Service, Inc.. Mrs. Henson noted this vendor was awarded the last contract with the City and they had provided good service. Mr. Fry asked what did we typically spend outfitting a police vehicle. Mrs. Henson answered approximately \$15,000 per vehicle x 6 purchased/year = \$80,000.

MOTION BY Mr. Scott to recommend to Council to award the 2016- O-POLICE VEHICLE EQUIPMENT for unit cost as bid to Firehouse Sales & Service, Inc.. Seconded by Mrs. Phillips. Motion carried.

V. OLD BUSINESS

A. Health Care Analysis: Establishing Pre & Post-Retirement Benefit Plan

Ms. Kichler presented employee health card analysis as requested. Information is based upon the City's current cost for 240 active employee plans: 82 Single coverage, 158 Family coverage at an annual cost of \$1,987,197 (employees pay \$356,400 and the City pays \$1,987,197). Ms. Kichler presented some different flat rate options for discussion. Ms. Kichler noted she had evaluated a three tier structure but the cost to the City was higher. Discussion continued that setting a flat percentage that the employee pays would be a more acceptable process since employees will be aware that their contribution will increase when the rate increases. Mrs. Phillips said she would like to evaluate after the new insurance rates are received.

VI. ADJOURN The meeting adjourned at 5:30 p.m.

TREASURER'S REPORT						
As of June 30, 2016						
Account Type/Title	Bank / Brokerage	6/30/2016	5/31/2016	Increase (Decrease) from last Month	6/30/2015	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	Compass Bank1	\$ 6,380,399	\$ 7,246,109	\$ (865,710)	\$ 4,797,681	\$ 1,582,718
INVESTMENT FUND	Raymond James	5,392,318	5,394,834	(2,516)	\$ 5,276,842	\$ 115,476
CREDIT CARD ACCOUNT	Compass Bank3	1,265	484	781	\$ -	\$ 1,265
MUNICIPAL COURT	Compass Bank2	87,221	86,063	1,158	\$ 101,770	\$ (14,549)
Total Unrestricted Cash Balance		11,861,203	12,727,490	(866,287)	\$ 10,176,293	\$ 1,684,910
SPECIAL REVENUE FUNDS						
MUNICIPAL COURT	Compass Bank1	25,281	26,826	(1,545)	27,914	(2,633)
SELF INSURANCE	Compass Bank1	111,411	106,572	4,839	82,526	28,885
FLEX SPENDING	Compass Bank1	(2,712)	(10,355)	7,643	(492)	(2,220)
4 CENT GAS TAX	PNC Bank1	197,182	192,144	5,038	139,559	57,623
7 CENT GAS TAX	PNC Bank2	453,130	455,852	(2,722)	438,295	14,835
TREE & FLOWER	Compass Bank1	16,428	16,426	(0)	16,866	(240)
SAIL SITE	PNC3/Compass1	(1,436)	79	(1,515)	23	(1,459)
NON-MAJOR STORMS	Compass Bank1	(621,095)	(818,851)	197,756	(1,137,942)	516,847
BP OIL SPILL	Compass Bank1	426,768	426,768	0	426,768	0
FEDERAL DRUG FORFEITURES	Compass Bank1	242,926	242,797	129	19,793	223,133
LOCAL DRUG FORFEITURES	Compass Bank1	16	16	(0)	20,628	(20,612)
LIBRARY	Compass Bank1	6,219	10,878	(4,659)	(1,469)	7,888
CONCESSION STAND	Compass Bank1	-	-	-	(3,898)	3,898
COURT TRAINING & EQUIPMENT	Compass Bank2	36,052	35,872	180	31,084	4,968
COURT JUDICIAL ADMINISTRATIVE	Compass Bank2	108,200	104,012	4,188	121,373	(13,173)
COURT CORRECTION	Compass Bank2	207,621	206,065	1,556	179,527	28,094
LODGING TAX	Compass Bank1	2,470,248	2,651,407	(181,159)	2,580,554	(110,306)
		3,676,236	3,646,508	29,728	2,940,909	735,327
CAPITAL PROJECT FUNDS						
CAPITAL RESERVE	Wells Fargo Bank1	2,553,450	2,060,531	492,919	1,848,597	704,853
2012 CONSTRUCTION	Regions Bank	-	-	-	-	-
2014 CAPITAL IMPROVEMENTS	Compass Bank	782,411	782,393	18	782,204	207
		3,335,861	2,842,924	492,937	2,630,801	705,060
DEBT SERVICE FUNDS						
DEBT SERVICE	Wells Fargo Bank2	1,288,628	1,161,022	127,606	2,433,863	(1,145,235)
Total Restricted Cash Balance		8,300,725	7,660,464	650,271	8,005,573	296,162
Total City Cash Balance		\$ 20,161,928	\$ 20,377,944	\$ (216,016)	\$ 18,181,866	\$ 1,980,082
Encumbrances FY 06 - FY 16: \$112,017 (as of 6/30/16)						

SALES & USE TAXES

*Adjusted to accrued collections

ACTUAL COLLECTIONS

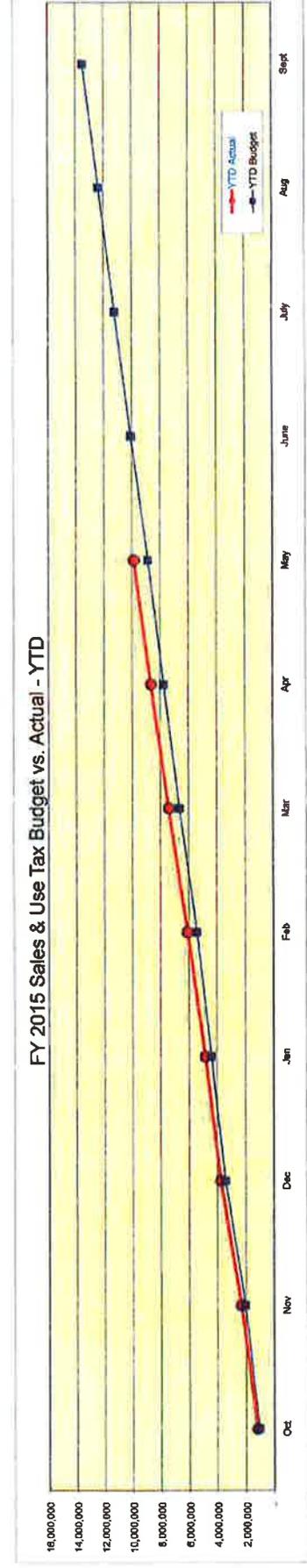
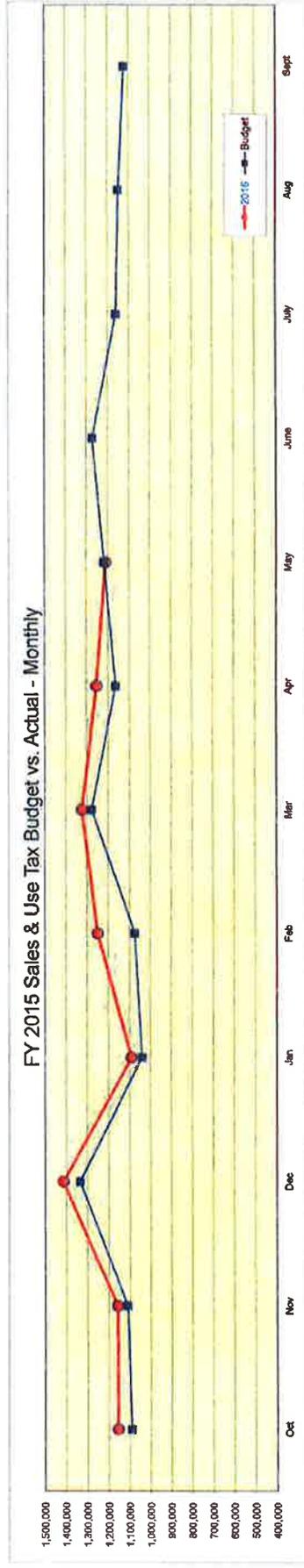
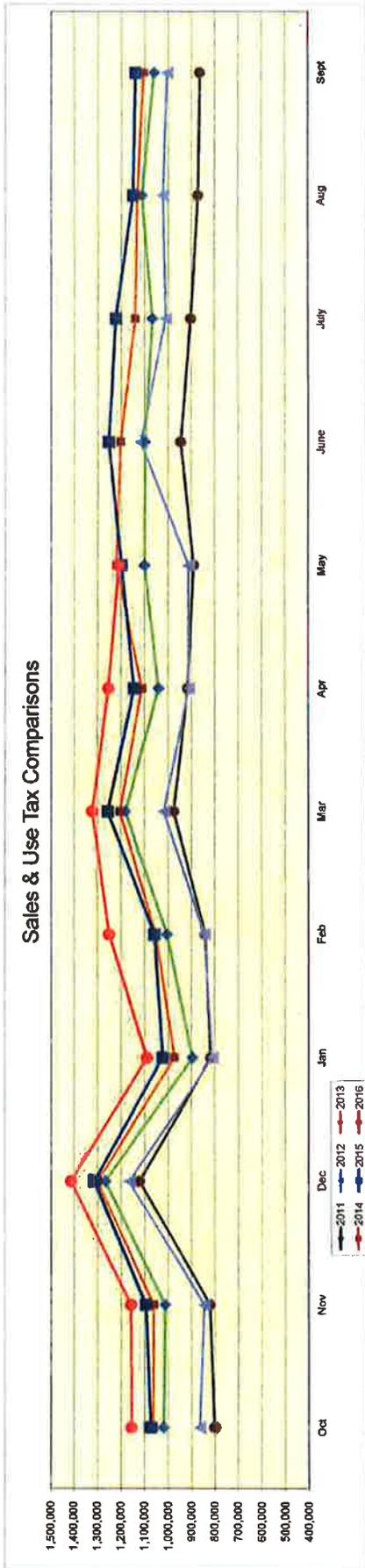
FY 2016 BUDGET vs ACTUAL

	7/8 Year					Sparklines	Budget	Monthly Variance	YTD Variance	% Over / (Under)
	2012	2013	2014	2015	2016					
October	864,727.27	1,019,065.37	1,062,861.14	1,073,290.88	1,154,933.34		1,091,054	63,879.34	63,879.34	5.9%
November	845,342.45	1,011,813.96	1,061,121.86	1,092,961.96	1,157,742.46		1,111,050	46,692.46	110,571.80	4.2%
December	1,165,135.62	1,266,051.50	1,299,075.20	1,312,012.89	1,411,946.31		1,333,727	78,219.31	188,791.11	5.9%
January	809,785.59	895,717.19	974,224.69	1,023,171.34	1,089,869.73		1,040,105	49,764.73	238,555.84	4.8%
February	845,101.34	1,004,349.50	1,051,602.29	1,056,996.02	1,250,035.09		1,074,489	175,546.09	414,101.93	16.3%
March	1,018,721.43	1,181,007.55	1,205,342.67	1,256,397.38	1,322,579.37		1,277,191	45,388.37	459,490.30	3.6%
April	911,438.60	1,039,769.87	1,110,085.05	1,144,698.61	1,252,906.65		1,163,643	89,263.65	548,753.95	7.7%
May	911,839.30	1,098,548.05	1,218,956.40	1,198,226.99	1,209,149.30		1,218,058	(8,908.70)	539,845.25	-0.7%
June	1,114,149.53	1,097,507.32	1,202,126.66	1,252,030.17			1,272,751			
July	1,010,193.08	1,065,215.02	1,139,120.72	1,222,993.95			1,160,473			
August	1,021,267.76	1,110,126.44	1,129,483.17	1,148,890.48			1,148,176			
September	1,004,661.04	1,058,958.43	1,104,411.74	1,138,473.73			1,122,690			
Totals	11,522,363.01	12,848,130.20	13,558,411.59	13,920,144.40	9,849,162.25		14,013,407	539,845.25		

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

Fiscal Year Changes Year Over Year

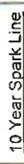
	\$ Change					Percent Change
	2012-2013	2013-2014	2014-2015	2015-2016	Annual % Change	
October	154,338.10	43,795.77	10,429.74	81,642.46	17.8%	
November	166,471.51	49,307.90	31,840.10	64,780.50	19.7%	
December	100,915.88	33,023.70	12,937.69	99,933.42	8.7%	
January	85,931.60	78,507.50	48,946.65	66,698.39	10.6%	
February	159,248.16	47,252.79	5,393.73	193,039.07	18.8%	
March	162,286.12	24,335.12	51,094.71	66,181.99	15.9%	
April	128,331.27	70,315.18	34,613.56	108,208.04	14.1%	
May	186,708.75	120,408.35	(20,729.41)	10,922.31	20.5%	
June	(16,642.21)	104,619.34	49,903.51	49,903.51	-1.5%	
July	55,021.94	73,905.70	83,873.23	83,873.23	5.4%	
August	88,858.68	19,356.73	19,407.31	19,407.31	8.7%	
September	54,297.39	45,453.31	34,061.99	34,061.99	5.4%	
Annual \$ Change	1,325,767.19	710,281.39	361,732.81	691,406.18	11.5%	
Annual % Change					5.5%	



MONTHLY LODGING TAX COLLECTIONS

**Based on Accrued Collections*

ACTUAL COLLECTIONS

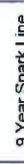
	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16	10 Year Spark Line
October	56,001.39	52,002.53	51,578.40	48,382.05	74,581.63	82,326.38	
November	48,329.73	47,568.08	43,459.48	43,912.92	77,288.64	77,075.08	
December	47,210.56	42,279.22	40,895.14	39,122.53	69,585.61	67,742.93	
January	49,005.12	41,917.34	47,548.01	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	70,059.33	64,325.47	71,954.97	112,752.43	104,422.79	
April	48,487.83	51,939.06	47,434.55	86,245.34	101,196.07	95,497.23	
May	57,880.48	54,740.45	68,448.49	107,155.55	108,715.74	104,483.34	
June	67,544.77	69,822.91	71,090.69	127,920.37	111,337.21		
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	90,758.34		
September	45,216.75	46,968.89	45,148.35	71,790.24	84,931.51		
Total	559,604.93	654,478.84	680,474.07	922,587.44	1,136,521.98	685,996.02	

Ord 1997-28 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	76,494.98	5,831.40	5,831.40	7.6%
November	70,694.40	6,380.68	12,212.08	9.0%
December	64,162.54	3,590.39	15,802.47	5.6%
January	70,905.79	(1,454.54)	14,347.93	-2.1%
February	84,192.65	804.37	15,152.30	1.0%
March	107,795.78	(3,372.99)	11,779.31	-3.1%
April	84,458.03	11,039.20	22,818.51	13.1%
May	104,577.65	(94.31)	22,724.20	-0.1%
June	113,382.33			
July	138,661.90			
August	86,164.99			
September	73,518.97			
Total	1,075,000.01	22,724.20		

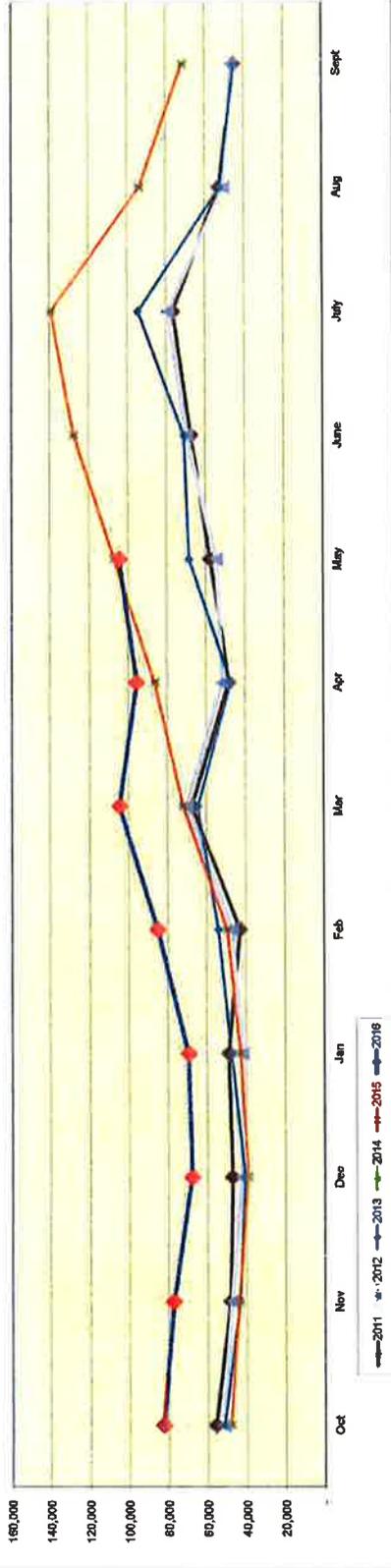
CHANGE IN DOLLARS

	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)	(1,784.06)	(1,372.61)	30,463.08	(1,842.68)	
January	6,122.42	(7,088.78)	5,630.67	(4,349.97)	29,125.05	(2,871.84)	
February	(3,945.64)	4,293.82	6,860.53	(4,422.32)	42,368.30	(7,155.98)	
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)	36,810.79	14,950.73	(5,698.84)	
May	(8,940.48)	(3,140.03)	13,708.04	36,707.06	1,560.19	(4,232.40)	
June	(12,278.07)	2,278.14	1,267.76	56,829.68	(16,583.16)		
July	(15,274.61)	2,785.94	14,862.67	45,066.80	1,500.33		
August	(10,503.25)	(2,402.60)	2,010.26	41,305.36	(2,975.01)		
September	(7,446.04)	1,752.14	(1,820.54)	26,641.89	13,141.27		
Total	16,143.39	(5,126.09)	25,995.23	242,123.37	213,924.54	(22,601.20)	

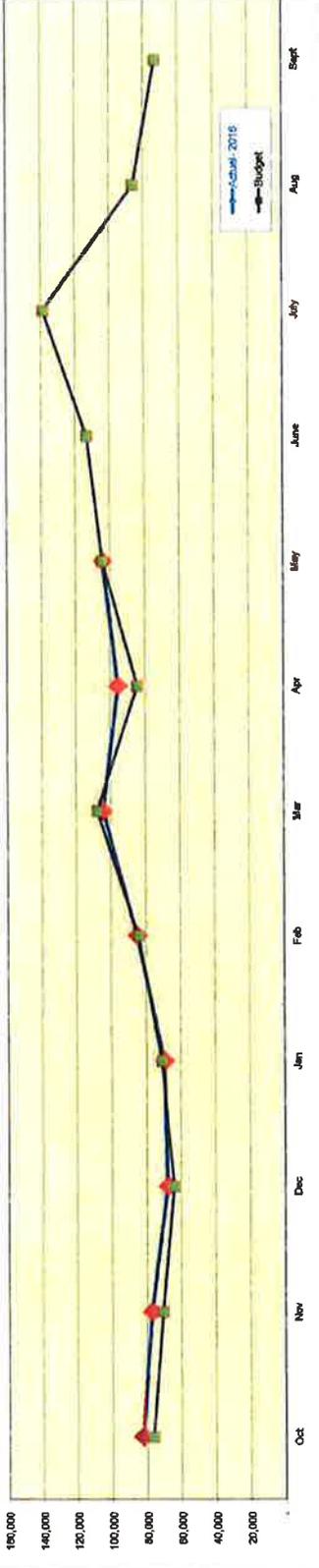
CHANGE IN PERCENTAGE

	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016
October	-7.7%	-0.8%	-6.6%	35.1%	9.4%
November	-1.6%	-9.5%	1.0%	43.2%	-0.3%
December	-11.7%	-4.4%	-3.5%	43.8%	-2.7%
January	-16.9%	11.8%	-10.1%	40.3%	-4.1%
February	9.1%	12.7%	-8.9%	46.0%	-8.4%
March	3.8%	-8.9%	10.6%	35.2%	-8.0%
April	6.6%	-9.5%	45.0%	14.8%	-6.0%
May	-5.7%	20.0%	36.1%	-14.9%	-4.1%
June	3.3%	1.8%	44.4%	1.1%	
July	3.5%	15.8%	32.3%	-3.3%	
August	-4.8%	3.8%	44.1%	-3.3%	
September	3.7%	-4.0%	37.1%	15.5%	
% Change	2.4%	-0.8%	3.8%	18.8%	

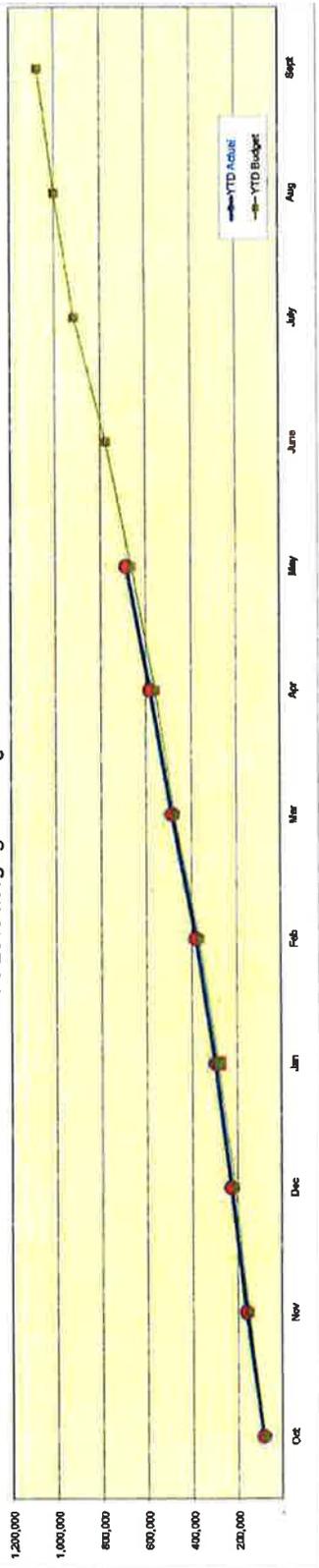
Lodging Tax Comparisons Year over Year



FY 2016 Lodging Tax Budget vs. Actual - Monthly



FY 2016 Lodging Tax Budget vs. Actual - YTD



Finance Committee Meeting 7-11-16
Lodging Tax Fund
Statement of Revenues Over(Under)Expenditures

	ACTUAL FY 1995-2004	ACTUAL FY 2005-2010	ACTUAL FY 2011-2013	ACTUAL FY 2014	ACTUAL FY 2015	DRAFT 6/30/2016	Total
Revenues							
Lodging Taxes	1,596,764.95	3,506,472.72	1,994,557.84	922,597.94	1,136,521.48	770,927.53	9,927,842.46
Settlement	30,000.00	-	-	-	-	-	30,000.00
Donations	240,300.00	10,000.00	-	-	-	-	250,300.00
Grants	498,100.00	1,390,048.13	172,458.01	-	80,961.99	-	2,141,568.13
Total Revenues	2,365,164.95	4,906,520.85	2,167,015.85	922,597.94	1,217,483.47	770,927.53	12,349,710.59
Expenditures							
Industrial Development Board	45,002.65	175,428.43	99,727.89	92,652.93	146,039.48	100,220.57	659,071.95
Downtown Redevelopment Authority	-	-	131,900.98	42,540.38	56,169.03	38,546.37	269,156.76
Cost of Debt Issuance	112,241.61	-	-	-	-	-	112,241.61
	157,244.26	175,428.43	231,628.87	135,193.31	202,208.51	138,766.94	1,040,470.32
BayFront Property Related Exp							
Bay Front Property	4,684,723.62	666,067.18	-	-	-	-	5,350,790.80
Bay Front Parking Lot	-	105,793.06	-	24,028.11	-	-	129,821.17
Bay Front Swing Bench	-	3,896.87	-	-	-	-	3,896.87
Bay Front Floors ('15), Windows ('16)	-	-	-	-	23,758.35	18,766.41	42,524.76
Bay Front Park Improvements	-	2,358.75	500.00	-	-	-	2,858.75
Bay Front Park Deck	-	-	20,000.00	-	-	-	20,000.00
Bay Front Restrooms	-	44,139.11	1,947.28	-	-	-	46,086.39
Bay Front/VP Invasive Species Grant	-	-	82,839.32	3,181.25	999.00	-	87,019.57
Boardwalk Parking Lot - Gator Alley	-	-	-	17,459.00	124,367.97	314,129.44	455,956.41
Boardwalks & Walking Trails	-	-	2,535.00	-	-	-	2,535.00
Building Improvements	48,956.54	56,000.97	44,158.00	-	-	-	149,115.51
Captain O'Neal Sidewalk	-	25,413.49	-	-	-	-	25,413.49
D'Ollve Creek Pedestrian Bridge	-	85,279.08	106,592.66	2,043.73	-	-	193,915.47
Gator Alley Bridge	-	-	8,174.90	1,097.45	-	4,377.99	13,650.34
May Day Playground Eqpt	-	30,792.49	-	-	-	-	30,792.49
May Day Boat Ramp	-	414,655.63	18,247.24	-	-	-	432,902.87
May Day Parking Lot	-	271,248.90	-	-	-	-	271,248.90
May Day Drainage	-	5,000.00	-	-	-	-	5,000.00
May Day Sand Movement Study	-	12,273.50	50,507.50	-	-	-	62,781.00
May Day Grounds & Landscaping	-	-	5,000.00	-	-	-	5,000.00
Mobile Bay NEP Contribution	-	-	7,000.00	-	-	15,000.00	22,000.00
Property Improvements	1,712.30	2,244.00	2,629.57	-	-	-	6,585.87
Village Point Grant - Brdwlk - ADECA	-	-	-	-	9,705.54	119,884.35	129,589.89
Village Point Park Preserve-Survey	-	-	-	-	-	990.00	990.00
Williams Property (1/2) Brdwlk Prkng Lot	-	-	-	47,138.87	-	-	47,138.87
Total Bay Front Related Exp	4,735,392.46	1,725,163.03	350,131.47	94,948.41	158,830.86	473,148.19	7,537,614.42
Recreation Exp							
(Rec Loan from GF-\$643,644 Forgiven 6/1/14)							
Sports Complex Entrance Rd (FY12-14)	-	-	831,091.88	48,517.98	-	-	879,609.86
Daphne Parks Master Plan-Survey	-	-	-	-	38,518.07	101,401.65	139,919.72
Daphne Parks Master Plan-Design Fees	-	-	-	-	-	180,245.00	180,245.00
Turf & Concrete-Batting Cages/HP Mats	-	-	-	-	9,605.03	2,860.00	12,465.03
Softball/Football Lighting (FY11)	-	-	449,084.04	-	-	-	449,084.04
Bathroom/Concessions (2) (FY10-11)	-	1,152.00	273,593.93	-	-	-	274,745.93
Bleachers (4) (FY11)	-	-	50,000.00	-	-	-	50,000.00
Fence/Net Replacmnt-net of Ins (FY11)	-	-	2,062.50	-	-	-	2,062.50
Repair-Blchr/Conces Roof-net of Ins(FY11)	-	-	23,197.52	-	-	-	23,197.52
Gazebos-Joe Lewis, Park Cily & Central	-	-	-	-	-	61,288.95	61,288.95
Total Recreation Exp	-	1,152.00	1,629,029.67	48,517.98	48,123.10	345,795.60	2,072,618.35
Other Financing Sources (Uses)							
Debt Proceeds	5,177,983.00	-	-	-	-	-	5,177,983.00
Transfers from General Fund	353,433.00	(353,433.00)	-	643,643.56	-	-	643,643.56
Transfers to Debt Service (Debt pd 9/20)	(3,042,540.12)	(1,080,638.30)	(436,283.22)	(137,838.00)	(151,628.00)	(115,826.22)	(4,964,753.86)
Transfers to Gen Fund	(20,322.18)	-	-	-	-	-	(20,322.18)
Other Financing Sources (Uses)	2,468,553.70	(1,434,071.30)	(436,283.22)	505,805.56	(151,628.00)	(115,826.22)	836,550.52
Rev & Financing Sources Over							
(Under) Expend & Financing Uses	(58,918.07)	1,570,706.09	(480,057.38)	1,149,743.80	656,693.00	(302,609.42)	2,535,558.02

Reserve: In-Progress BdWalk Repairs: as of 9/15

(4,524.56)

Reserve for Recreation

(787,338.78)

Unreserved

1,743,694.68

Lodging Taxes were levied 9/95 @ 3%
 12/97 increase to 4% (Ord 1997-28) / 4/14 increase to 6% (Ord 2014-06)
 FY 01 IDB Contributions started / DTR Authority added FY 10
 DTR: FY 10-\$32,173.09/ FY 11-\$32,980.25/FY 12-\$32,723.95=\$97,877.29
 Current Allocations: 13% IDB
 5% Downtown Redevelopment
 32% Debt Service & Bay Front Property Uses:
 Acq, Dev, & Maint
 50% Recreation Related Capital

As of June 1, 2014:

Original Recreation Loan	\$1,678,700
Repaid from Collections	\$ (1,035,056)
Loan Balance 6/1/14	\$643,644
Ord 2014-27 Debt Forgiven	\$ (643,644)
Recreation Balance Owed	\$0

Prior Mo Unreserved
1,828,977.45

Prior Mo Res for Rec
(885,641.87)

Buildings & Property Committee Meeting

Tuesday, July 5, 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); Mayor Haygood; BJ Enringman, Deputy Director Public Works; Margaret Thigpen, Civic Center Director; David McKelroy, Director Recreation; Vickie Hinman, HR Director; Suzanne Henson, Senior Accountant; Ashley Campbell, Environmental Programs Manager; Tonja Young, Library Director; Kevin Boucher, City Attorney; Jay Ross, City Attorney; Dorothy Morrison, DRA & Beautification Committee; Victoria Phelps, Beautification Committee; & Lake Forest Property Owners Association (LFPOA) representative; Tom Walker; and Liz Thompson, Eastern Shore Chamber of Commerce

Absent: Rebecca Hayes, City Clerk; Adrienne Jones, Planning Director; Richard Johnson, Public Works; Richard Merchant, Building Official; Rick Whitehead, IT Coordinator; Kelli Kichler, Finance Director/Treasurer; Danny Lyndall, Daphne Utilities General Manager; Selena Vaughn, Village Point Foundation

1. CALL MEETING TO ORDER / ROLL CALL

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

2. APPROVAL OF MINUTES: June 6, 2016

Councilman Randy Fry noted a correction in the June 6, 2016 minutes on Page 5, Section 8) Village Point Bayfront Properties, Paragraph 4.

Paragraph 4

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

Councilman Randy Fry asked that Councilman John Lake be removed from the committee as noted in Paragraph 4 above of the June 6, 2016 minutes. Councilman Fry commented that Councilman Lake was not appointed to committee. Councilman Lake commented he asked to be on the committee. Councilman Fry recommended giving opportunity to Councilman Ron Scott or Councilwoman Angie Phillips if committee chose a third council member. Councilman Scott declined at meeting. Councilman Fry would like council to vote on third council member at next meeting and give Councilwoman Angie Phillips 1st opportunity. If Councilwoman Phillips declines committee the council could vote on third council member to committee at next meeting on August 1, 2016. Councilman John Lake and Councilman Robin Lejeune expressed interest on committee.

MOTION BY Councilman Randy Fry to approve June 6, 2016 minutes with correction. Seconded by Councilman Ron Scott. Council will vote for potential third council member to be appointed to the Village Point Planning Committee at next meeting on August 1, 2016.

MOTION CARRIED

Councilman John Lake stated the June 6, 2016 minutes are approved with correction as noted.

3. DAPHNE CENTRAL PARK REPORT (JUNE): Dorothy Morrison

Dorothy Morrison spoke on behalf of Daphne Central Park Report. Dorothy commented Richard Johnson is out of the office. Dorothy commented Central Park is beautiful and functioning well.

Councilman Ron Scott asked if the temporary portable toilet will be removed from Central Park.

Ashley Campbell and Dorothy Morrison will follow-up on portable toilet.

Councilman John Lake asked about public restroom at Central Park.

Dorothy Morrison and Victoria Phelps commented the public restroom is on the books for Daphne Central Park.

4) SURPLUS PROPERTY (JUNE): Suzanne Henson

Suzanne Henson presented two surplus resolutions to committee.

Resolution 2016 – A resolution declaring certain personal property surplus and authorizing the mayor to dispose of such property.

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

DEPT.	EQ/VEH# - DESCRIPTION	VIN/SN
Dept. Fire Dept.	Kenwood Radios (10+ -some are parts only), Pagers & Misc. Equipment	
Dept. Fire Dept.	ISI Escape Pack (2) & Mask (6) & Equipment	
Patrol	EQ/VEH# 408, 2008 Ford Crown Vic	2FAFP71V98X161037

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

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

Resolution 2016 – A resolution declaring personal property surplus and authorizing disposition for donation to Ruff Wilson Youth Organization.

1- The Popcorn Machine and Reading Table is hereby declared to be surplus equipment and

2- The Mayor is authorized to donate the Popcorn Machine and Reading Table to the Ruff Wilson Youth Organization.

Councilman John Lake asked for recommendation to finance to sell items and donate.

**MOTION BY Councilwoman Tommie Conaway for recommendation to finance to sell items and donate.
Seconded by Councilman Ron Scott.
MOTION CARRIED UNANIMOUSLY**

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

Civic Center Report:

- June 2016 revenue for the Civic Center totaled \$8,045.00 / Decrease from June 2015
- FY 2016 YTD Projected Year End Revenue / \$164,324.00
- June 2016 Deposits / \$22,899.50
- FY 2015-2016 YTD Deposits / \$136,696.50

Bayfront Park Pavilion Report:

- June 2016 Revenue / \$2,570.00 / Decrease from June 2015
- FY 2015-2016 YTD Projected Year End Revenue / \$68,073.00
- June 2016 Deposits / \$4,129.00
- FY 2015-2016 YTD Deposits / \$49,953.00

Reminder Note: Bayfront – Per Richard Merchant

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

Daphne Convention & Visitor's Bureau

Advertising Placements

- AL Coasting – Includes feature article on Daphne
- Daphne Civic Center & Bayfront Pavilion advertisement
- Quarterly distribution
- 2,000 condo rooms
- 70+ hotels

Miscellaneous

- Taste of the Eastern Shore – August 12, 2016 – five (5) vendors – (0) tickets sold
- Jubilee Festival – September 24-25, 2016 – festival layout
- Ballroom Dance – September 30, 2016 – tickets go on sale August 30, 2016

Margaret Thigpen introduced Liz Thompson from the Eastern Shore Chamber of Commerce to discuss the upcoming Jubilee Festival. Liz discussed the Jubilee Festival will be more consolidated this year with artists. We plan to move festival to the north. All vendors are required to have a business license. Liz plans to have a City of Daphne Revenue Officer to run a check on vendors the morning of event.

Councilman Lake suggested Chamber as official vendor with incentive to rent. Liz will definitely look into with better signage.

Mayor Haygood asked about moving festival to the north in front of Centennial Park. Liz commented this will eliminate gap and bring vendors closer together preventing them from being on the outskirts of festival.

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

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

- Total Building Permits / 186
- Total Permit Building Permit Fees / \$40,675.54
- New Home Permits / 8
- CO's / 22

Building Inspection Monthly Report will be attached with July 5, 2016 minutes.

7) RECREATION REPORT – (JUNE): David McKelroy

David McKelroy gave Recreation Report for June. David commented the month of June was busy with \$4,000 in field rentals. David commented the month of July is busy with softball and baseball tournaments. David announced the Football and Soccer Complexes will be closed July 8 – 27, 2016 for maintenance.

Mayor Haygood asked David to contact Kara Wilbourn to place on website and Facebook.

8) LIBRARY REPORT: – Tonja Young

Tonja Young gave the Library Report for June.

- 17,320 people visited the library in June
- 1,577 children completed the Summer Reading Program
- Richard Johnson has vendor reviewing computer booths that require doors to be rehung and locked. Library is getting microfiche and 3D printer from grant. The booths are required to be locked.
- BJ Enringman fixed broken toilet at library

9) VILLAGE POINT BAYFRONT PROPERTIES: Selena Vaughn

There was no report given.

10) OLD BUSINESS

A) AMIC LOSS CONTROL AUDIT /EGRESS FOR HR DEPARTMENT: Richard Johnson

There was no report given.

B) STRIKE TEAM BUILDING REPORT AT TRIONE / LAND USE REQUIREMENTS

There was no report given.

C) D'OLIVE BAYFRONT PURCHASE: Ashley Campbell

Ashley Campbell reported their awaiting the mortgage to clear and be recorded on the 12 acres on bay. We've asked for an extension of two weeks on closing of property. We plan to close before the end of July.

Ashley mentioned the Forever Wild application. The state would like us to sit down with them and discuss. We're looking at Friday Construction Company land north of interstate along with another couple of parcels south on the eastside of Gator Alley on north of Main Street that would allow connectability of new sidewalks and boardwalks. Ashley is working on new map with neighboring property with permission to apply to application.

D) EASTERN STAR BUILDING REPORT: Richard Merchant

There was no report given.

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

**MOTION BY Councilman Robin LeJeune to authorize the mayor to move forward with Lake Forest Property Owners Association (LFPOA) agreement with regard to the Yacht Club Boat Ramp for council to vote. Seconded by Councilman Ron Scott.
MOTION CARRIED UNANIMOUSLY**

Councilman Pat Rudicell commented feasible numbers were previously discussed at work session on negotiation with no agreement.

Councilman Robin Lejeune commented we could price match.

Councilman Pat Rudicell commented we could discuss price match in executive session.

Councilman Ron Scott discussed identifying LFPOA loss.

Councilman Robin Lejeune commented we could go with 30 year lease or one-time payment.

Victoria Phelps wanted to pass on thanks for allowing the LFPOA Yacht Club Boat Ramp Presentation at the Work Session on June 13, 2016. We had good feedback from the city. We're looking forward to the lease negotiation process with range of 30 year lease. We have emergent needs for bulk head repair with regards to lease. Victoria shared preliminary drawing from Richard Johnson with fuel tank to relocate to another dock or removal. This fuel tank would tie up grant ability that needs to be worked out. This is an exciting opportunity for the City of Daphne and LFPOA.

Councilman Ron Scott compared the lease of Central Park as an outline to LFPOA Yacht Club Boat Ramp. Councilman Scott assumes the attorneys will work out the same.

Ashley Campbell wanted to clarify we're talking a 30 year lease. Ashley commented the state lands lease is a 25 year lease. Richard Johnson and I have discussed as a blueprint with a one-time financial contribution to LFPOA for 30 years.

Councilman Robin Lejeune commented going from 25 to 30 year provides additional grant money from state to cover 25 years.

F) LITTLE BETHEL BAPTIST CHURCH: JOHN LAKE

There was no report given.

11) NEW BUSINESS

A) KFC POINT / APPROVAL OF NAME TO VETERANS POINT: Dorothy Morrison

Dorothy Morrison presented two name options for approval on the hand statue relocated to KFC Point as Heritage Point and Veterans Point. Dorothy asked for comment or other name.

MOTION BY Councilman Pat Rudicell to name existing property Veterans Point. This motion will go before council at council meeting for vote. Seconded, by Councilman Randy Fry. AYE, all in favor, three (3) and NAY, opposed two (2).

MOTION CARRIED

Councilman John Lake asked for discussion on motion.

Councilman Robin Lejeune asked for public involvement with naming of location. There may be some confusion with other locations within vicinity of Patriots Point.

Councilman Ron Scott liked name Heritage Point with the oaks on Hwy 98 and entrance to Olde Towne Daphne. He also liked Councilman Pat Rudicell motion to name Veterans Point.

Councilman John Lake suggested the library as option for public involvement on name.

Dorothy Morrison commented Dr. Barry Booth likes the name Veterans Point.

Councilman John Lake asked for if another motion was on table to amend.

Councilwoman Angie Phillips asked of options on name.

Councilman John Lake gave options on table: (1) do nothing, (2) public involvement, (3) motion on table as Veterans Point, and (4) Heritage Point.

Mayor Haygood asked Chair, Councilman John Lake if this motion is to be voted on by council.

Councilman John Lake commented motion would go before council at council meeting for vote.

12) ANY OTHER BUILDINGS & PROPERTY BUSINESS

There was no other business discussed.

13) PUBLIC PARTICIPATION:

Dorothy Morrison commented on the Gazebos Dedication on June 8, 2016 at Central Park, Joe Louis Park, and Park City Park. Dorothy forwarded pictures of the Gazebos Dedication to committee for review.

Dorothy Morrison invited everyone out to the Gator Alley Boardwalk Dedication on Wednesday, July 6, 2016 at 10:00 am. If there is bad weather due to lightning and rain the event will move to Homewood Suites. The Beautification Meeting will follow after dedication at Homewood Suites. Dorothy commented there would be alligator cookies and water at event.

Councilman John Lake asked if we were going to replace the two oak trees taken down along Hwy 98. The oak trees were a barrier between Hwy. 98 and the park. The oak trees were an enhancement that created a park setting.

Councilman Ron Scott noted there was a site plan everyone had opportunity to review.

Councilman Robin Lejeune commented the trees taken down opened up area from interstate.

Dorothy Morrison will follow-up with Richard Johnson on trees.

Councilman John Lake complemented Dorothy Morrison on a beautiful job.

Victoria Phelps thanked everyone from the LFPOA for their attendance at the ribbon cutting ceremony at Central Park Gazebo Dedication. LFPOA wanted to pass along their gratitude as a whole for the gazebo at Central Park. We look forward to future projects with the new trail and the bridge across Tiawasee. Victoria commented she toured a councilman thru Lake Forest to show the latest sidewalks. She commented everything is coming alive with the Lake Forest sidewalks and Central Park along with the Gator Alley Boardwalk that allows walkability and connectability to Hwy. 13 and Hwy. 98. Thank you for your support on projects.

Councilman Ron Scott commented the sidewalks and gazebos were shown in the Lake Forester.

14) NEXT MEETING

The next meeting will be August 1, 2016.

15) ADJOURN

There was no further business to discuss Councilman John Lake adjourned meeting at 5:06 p.m.

Building Inspection Monthly Report
June 2016

Jenny Opal White

From: Kimberly Sparks
Sent: Thursday, July 07, 2016 3:13 PM
To: Jenny Opal White
Subject: Reports
Attachments: June 2016 City of Daphne Bldg Reports.pdf

- Total Building Permits / 186
- Total Permit Building Permit Fees / \$40,675.54
- New Home Permits / 8
- CO's / 22



Kimberly Sparks
Permit Tech / Admin Assistant
ksparks@daphneal.com
City of Daphne, Alabama - "The Jubilee City"
Phone: 251-621-9000 Web: www.daphneal.com

Permit Activity Report

June 2016 New Construction

Friday, July 01, 2016

Permit Code From: BL To: BL
 Issued Date From: 6/1/2016 To: 6/30/2016
 Improvement Type: NEW

Permit Code: BL

BUILDING PERMIT

Residential - NEW - R3 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5278-1	D R HORTON INC - BIRMINGHAM	16-856		24700 ADALADE LANE	Yes	A	06/30/2016	06/30/2016	\$192,780.00	\$980.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526		Sub Division:	Bellaton		SQ. FT	Lot: 71
5278-1	D R HORTON INC - BIRMINGHAM	16-686		10242 DUNMORE DRIVE	Yes	A	06/02/2016	06/02/2016	\$163,470.00	\$835.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526		Sub Division:	Dunmore		SQ. FT	Lot: 212
5278-1	D R HORTON INC - BIRMINGHAM	16-671		24682 CHANTILLY LANE	Yes	A	06/02/2016	06/02/2016	\$171,450.00	\$875.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526		Sub Division:	Bellaton		SQ. FT	Lot: 86

Total Residential - NEW - R3 BL Permit(s) 3 \$527,700.00

Residential - NEW - R2 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5278-1	D R HORTON INC - BIRMINGHAM	16-732		23848 TULLAMORE DRIVE	Yes	A	06/09/2016	06/09/2016	\$163,470.00	\$835.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526		Sub Division:	Dunmore		SQ. FT	Lot: 153

Total Residential - NEW - R2 BL Permit(s) 1 \$163,470.00

Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5278-1	D R HORTON INC - BIRMINGHAM	16-761		24545 HUXFORD STREET	Yes	A	06/16/2016	06/16/2016	\$126,900.00	\$650.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526		Sub Division:	Bellaton		SQ. FT	Lot: 147
84-1	ADAMS HOMES, LLC	16-820		27410 ELISE CT	Yes	A	06/29/2016	06/29/2016	\$134,970.00	\$690.00
	ADAMS HOMES, LLC			Daphne, AL 36526		Sub Division:	CAROLINE WOODS		SQ. FT	Lot: 65

84-1	ADAMS HOMES, LLC	16-819	27339 ELISE CT	Yes	A	06/29/2016	06/29/2016	\$125,610.00	\$645.00
	ADAMS HOMES, LLC		Daphne, AL 36526	Sub Division:	CAROLINE WOODS	SQ. FT	Lot:	56	56
84-1	ADAMS HOMES, LLC	16-818	27351 ELISE CT	Yes	A	06/29/2016	06/29/2016	\$111,360.00	\$575.00
	ADAMS HOMES, LLC		Daphne, AL 36526	Sub Division:	CAROLINE WOODS	SQ. FT	Lot:	54	54

Total Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permit(s)									
						4		\$498,840.00	\$2,560.00
Total Residential - NEW BL Permit(s)									
						8		\$1,190,010.00	\$6,085.00
Total Residential BL Permit(s)									
						8		\$1,190,010.00	\$6,085.00

Non Residential - NEW - B2 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5838-1	FULCRUM CONSTRUCTION GROU	16-809		810 MANCI AVE	Yes	A	06/24/2016	06/24/2016	\$600,000.00	\$3,600.00
	FULCRUM CONSTRUCTION GROU			Daphne, AL 36526	Sub Division:	FULCRUM CONSTRUCTI	SQ. FT	Lot:		
5838-1	FULCRUM CONSTRUCTION GROU	16-750		26264 PUBLIC WORKS RD	Yes	A	06/13/2016	06/13/2016	\$425,362.98	\$2,552.18
	FULCRUM CONSTRUCTION GROU			Daphne, AL 36526	Sub Division:	SITE ONE	SQ. FT	Lot:		

Total Non Residential - NEW - B2 BL Permit(s)									
						2		\$1,025,362.98	\$6,152.18
Total Non Residential - NEW BL Permit(s)									
						2		\$1,025,362.98	\$6,152.18
Total Non Residential BL Permit(s)									
						2		\$1,025,362.98	\$6,152.18
Total BL Permit(s)									
						10		\$2,215,372.98	\$12,237.18

Grand Totals

						10		\$2,215,372.98	\$12,237.18
--	--	--	--	--	--	----	--	----------------	-------------

June 2016

Periodic Report of Permits Issued by Improvement

07/01/2016

Issued Date From: 6/1/2016 To: 6/30/2016

		Code	Count	# Of Units	Valuation	Permit Fee
BUILDING PERMIT						
Residential						
NEW	R3	BL	3		\$527,700.00	\$2,690.00
NEW	R2	BL	1		\$163,470.00	\$835.00
NEW	R4 - HIGH DENSITY R	BL	4		\$498,840.00	\$2,560.00
REPAIR	R1	BL	1		\$1,853.02	\$25.00
REPAIR	R3	BL	2		\$6,950.00	\$65.00
REPAIR	R4 - MULTI-FAMILY	BL	1		\$2,000.00	\$25.00
REMODEL	R3	BL	3		\$102,719.00	\$580.00
RE-ROOF	R1	BL	2		\$23,480.00	\$150.00
RE-ROOF	R3	BL	15		\$146,034.95	\$990.00
RE-ROOF	R2	BL	1		\$9,700.00	\$65.00
RE-ROOF	R4 - HIGH DENSITY R	BL	1			\$20.00
POOL	R1	BL	1		\$11,398.00	\$75.00
POOL	R3	BL	2		\$113,136.00	\$600.00
STORAGE BUILDING	R1	BL	1		\$1,200.00	\$25.00
STORAGE BUILDING	R3	BL	1		\$3,440.00	\$35.00
MISCELLANEOUS	R3	BL	3		\$22,194.00	\$160.00
Non-Residential						
NEW	B2	BL	2		\$1,025,362.98	\$6,152.18
REPAIR	B2	BL	1		\$4,800.00	\$30.00
REPAIR	B1	BL	1		\$2,000.00	\$20.00
REPAIR	C-1	BL	1		\$13,574.18	\$84.00
RE-ROOF	B2	BL	2		\$329,968.00	\$1,980.00
DEMOLITION	B2	BL	1			\$50.00
INTERIOR BUILD OUT	B2	BL	4		\$362,422.00	\$2,179.57
ALTERATIONS	B2	BL	2		\$620,000.00	\$3,720.00
Total - BUILDING PERMIT			56		\$3,992,242.13	\$23,115.75
Grand Total			56	0.00	\$3,992,242.13	\$23,115.75

June 2016

Permit Activity Summary Report

Friday, July 01, 2016

Permit Code From: BL To: WP

Issued Date From: 6/1/2016 To: 6/30/2016

Permit Code	Description	# Of Permits	Job Cost/Value	Permit Fee
BL	BUILDING PERMIT	57	\$4,002,242.13	\$23,180.75
EL	ELECTRICAL PERMIT	26	\$144,057.00	\$2,278.83
EL-NEW	ELECTRICAL - NEW	30	\$0.00	\$3,300.00
LD	LAND DISTURBANCE	8	\$0.00	\$800.00
ME	MECHANICAL PERMIT	18	\$254,540.48	\$3,510.96
ME-NEW	MECHANICAL - NEW	23	\$0.00	\$2,530.00
PL	PLUMBING PERMIT	16	\$144,518.00	\$2,095.00
PL-NEW	PLUMBING - NEW RESIDENTIAL	8	\$0.00	\$880.00
Grand Totals		186	\$4,545,357.61	\$38,575.54

Additional fee's \$2100-
\$40,675.54

Certificate Of Occupancy Report

22

June 2016

Printed On : 7/1/2016

CO Issued Date From: 6/1/2016 To: 6/30/2016

Permit Number	CO Issued	Owner Name	Address	Sub Division	Status
15-88	6/2/2016	D R HORTON	23825 DORIEANN STREET	Dunmore	
15-994	6/2/2016	D R HORTON	23853 LIMERICK LANE	Dunmore	
16-36	6/2/2016	D R HORTON	10473 DUNMORE DRIVE	Dunmore	
15-1020	6/3/2016	M H MCLAUGHLIN LLC	30582 PINE COURT	Timber Creek	
16-126	6/3/2016	D R HORTON	23845 LIMERICK LANE	Dunmore	
16-112	6/8/2016	Truland Homes	8692 Rosedown Lane	French Settlement	
16-5	6/8/2016	TRULAND HOMES	30054 TAMARACK DRIVE	Timber Creek	
15-1077	6/8/2016	D R HORTON	10668 AHERN DRIVE	Dunmore	
15-956	6/13/2016	JOHN HOFFERBER	6415 CAPTAINS LANE	OaK KNOLL	
15-1167	6/13/2016	D R HORTON	9284 APPACHE LANE	Ottawa Springs	
16-99	6/15/2016	D R HORTON	10319 DUNMORE DRIVE	Dunmore	
16-35	6/15/2016	D R HORTON	23836 TULLAMORE DRIVE	Dunmore	
15-264	6/16/2016	PROVISION INVESTMENTS	8516 NORTH LAMHATTY LAN		
15-1163	6/16/2016	D R HORTON	9738 OTTAWA DRIVE	Ottawa Springs	
15-1014	6/17/2016	TRULAND HOMES	7809 ELDERBERRY DRIVE	Timber Creek	
15-1257	6/22/2016	D R HORTON	9758 OTTAWA DRIVE	Ottawa Springs	
15-1234	6/24/2016	D R HORTON	9479 BELLA DRIVE	Bellaton	
16-153	6/24/2016	D R HORTON	23876 DOIREANN STREET	Dunmore	
15-1362	6/28/2016	D R HORTON	10438 DUNMORE DRIVE	Dunmore	
16-118	6/28/2016	RITA BYERS	28180 NORTH MAIN STREET	RITA BYERS	
15-1243	6/28/2016	TRULAND HOMES	8654 DAINTREE COURT	RETREAT AT TIAWASEE	
15-535	6/29/2016	COLONNADE AT EASTERN	830 US HWY 98 (CLUBHOUS	COLONNADE AT EASTERN	

I. CALL TO ORDER

Meeting was called to order.

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

Others Present: Councilwoman Angie Phillips; Councilman Randy Fry; Councilman Pat Rudicell; BJ Eringman, PW Deputy Director; John Peterson-Mott McDonald; Andy Bobe-Preble Rish; Jaye Robertson-HMR; Randy Davis & Tim Patton-Volkert; Victoria Phelps-LFPOA; Selena Vaughn-Beautification Committee; Ashley Campbell, Environmental Program Coordinator; Sarah Hart, Eastern Shore MPO; Jay Ross, City Attorney; Elena Gardis, City Intern.

Russ Wood – 9058 North Court

II. PUBLIC PARTICIPATION & CORRESPONDENCE

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

B. Vehicle/Equipment Maintenance Report – The reports for April 2015-2016 and FY2015/2016 were reviewed.

C. Correspondence – No Correspondence.

D. Public Participation – Victoria Phelps – Lake Forest
Victoria thanked the council for the city does for Lake Forest.

III. OLD BUSINESS

A. Minutes – The minutes from the May 2, 2016 meeting were reviewed and approved.
Motion by Tommie Conaway, seconded by Ron Scott. All in favor. Motion carried.

B. Mosquito Report – Report for April and May will be provided next month.

C. Street Sweeper Report – April 2016 sweeper report was reviewed.

IV. NEW BUSINESS

A. Drainage Project North Court TimberCreek – Russ Wood 9058 North Court – Motion to Finance for Preliminary Engineering

Mr. Johnson reported that Mr. Wood’s house still continues to have flood issues. He has lived in this house for 12 years and it’s flooded 5 times. Mr. Johnson reviewed the probable causes for the flooding issue and requests the have a survey done to evaluate the current drainage system and provide 2 designs with cost estimates for the city to decide the best course of action. The cost for the survey, designs and construction inspection is \$25,000.

Motion by Ron Scott, Seconded by Angie Phillips to favorably recommend to the Finance Committee the appropriation of funds in the amount of \$25,000 for the survey, design and construction inspection for the Timber Creek – North Court Drainage Improvements.
All in favor. Motion carried.

B. Old County Road Drainage Project – Bayside to Participate \$17,000 – Motion to Finance for 4&7 cent Gas Tax Appropriation

Mr. Johnson reviewed the project details, stating that 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. This is a private-public partnership with Bayside Academy and work outside the project scope will be handled by the school. The request is for and appropriation of \$49,883.10 from the appropriate 4-cent and 7-cent Gas Tax fund for this roadway drainage improvement.

Motion by Ron Scott, Seconded by Angie Phillips to favorably recommend to the Finance Committee the appropriation of \$49,883.10 from the 4 and 7-cent gas tax for the improvement of the Old County Road Drainage project. All in favor. Motion carried.

- C. **ESMPO Dark Fiber Agreement and 20% Daphne Share \$33,119.00 – Motion to Finance**
Mr. Johnson introduced Sarah Hart, Eastern Shore MPO Coordinator. Mr. Johnson submitted to the committee for review an Authorization of agreement and funding for the utility work between the State of Alabama, the cities of Daphne, Spanish Fort and Fairhope for the Adaptive Signal Installation along Highway 98 in Baldwin County.
Motion by John Lake, Seconded by Angie Phillips to favorably recommend to the Finance Committee the appropriation of \$33,119.00 (20% of the total project cost), the agreement between the State of Alabama and the city of Fairhope and Spanish Fort to the installation of the dark fiber to support the Adaptive Intelligent Traffic Signals and the proposed Ordinance of Authorization. All in Favor. Motion carried.

V. **DIRECTOR'S REPORT**

- A. **Public Works Related Overtime Report** - Mr. Johnson reviewed the report. We used 42.11% of our budgeted overtime so far with 66.67% of the year completed.

VI. **DAPHNE SOLID WASTE DISPOSAL AUTHORITY**

- A. **Monthly Recycle Tonnage Report (Tonnage Comparison) – April 2016**
The committee reviewed the March report. Richard stated there is interest by the county and other cities to come up with a solution for recycling.
- B. **Solid Waste New Customer Report – April 2016**
The committee reviewed the March report. Richard reported that 14 residential customers and 1 business customer added this month. Business is booming in Daphne right now.
Mr. Lake asked if we have looked into the possibility of composting. Mr. Johnson said that we have looked into it but have not pursued anything further. It's a great idea but the biggest challenge is the manpower.

VII. **MUSEUM COMMITTEE**

- A. Minutes – April 11th minutes were reviewed by the committee.

VIII. **BEAUTIFICATION COMMITTEE**

- A. The May 4th minutes were reviewed by the committee. Dorothy stated things are really busy in Daphne. Invited everyone to the Gazebo Dedication on Wednesday, June 8th starting at 10 am at Joe Louis Patrick Park, then to Park City Park and ending at Daphne Central Park.

IX. **ENVIRONMENTAL ADVISORY COMMITTEE**

- A. Minutes – June 26, 2016 is the next meeting.

X. **ENGINEER'S REPORT**

- A. **Mott MacDonald** – Fire Station #2 Remodel documents are being prepared; Parks & Rec Improvements are on schedule.
- B. **HMR** – City wide sewage jobs had a pre-construction meeting for the Whispering Pines Project. Open bids for the Lovett Lane improvement project. Parks & Rec rough grading is done. Waiting for public hearing (ALDOT) for Tallent Lane.
- C. **Preble-Rish** – County Road 13 Turn Lanes - had a meeting with ALDOT; received traffic impact study for Hwy 98 Improvements, starting on the design.
- D. **Volkert** – 2015 TAP grant – sidewalk on 13 moving forward, looking for an August or September let; Park & Rec Improvements keeping on schedule, made a few adjustments. Will update council at the June Work Session.
- E. **Jade Consulting** – Gator Alley is close to finish line, should be done by July dedication.

OTHER BUSINESS:

May Day Boat Launch: Ashley reported that we are waiting on Marine Resources to execute the contract. We have the PR for the project, waiting on the paperwork from the State.

XI. FUTURE BUSINESS

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

XII. ADJOURNMENT

Meeting adjourned.

City of Daphne - Environmental Advisory Committee (EAC)
Daphne City Hall – Executive Boardroom

Meeting Minutes-Draft

Monday, June 20, 2016
4:30 P.M.

Attendees: Stan Arbaczauskas, Ashley Campbell, Amy Gohres, John Lake, John Peterson, Carl Pinyerd, Elliot Riser

Guest: Shannon McGlynn-ADEM, Heather LeGrand-ACES, Lee Rambo-Jade Consulting

- I. Call to Order at 4:30 P.M. at City Hall-Introduction of guest
- II. The meeting minutes were not provided at the meeting. The EAC will review the March 28, 2016 and April 25, 2016, and June 20, 2016 meeting minutes during the July meeting.
- III. Updates were given on Old Business:
 - a. Gator Alley Update: Lee Rambo stated that the project was nearing completion and the Grand Opening was scheduled for July 6th at 10:00am. The EAC is welcome to attend.
 - b. NFWF Project Update
Ashley Campbell reported the following:
 - Tiawasee Creek Restoration was complete except for a few plantings.
 - The Joe's Branch Project 3 is nearing completion.
 - D'Olive Creek at I-10 on Hwy 90 is very active. Site should be completed with 60days.
 - The CR13 DA3 (east) site is scheduled for construction in October
 - The CR 13 DAF(west) project most likely will not start until fall of 2017.
 - DAE no update.
 - c. ADEM 319 –Discussed Under New Business
 - d. MBNEP Water Quality-Sonde Rescue
One of the MBNEP's EXO water quality Sonde sampling devices that the City has been monitoring disappeared last month. It was determined that someone tried to steal the unit but dropped it instead. The City's Search and Rescue team used its new sonar equipment and found the Sonde on the bottom of D'Olive Creek.
 - e. D'Olive Bay-Bay Front Acquisition ~12 acres
The City anticipates closing on the land in July.
- IV. New Business:
 - a. Daphne High-Engaging Young Engineers (EYE)-Constructed Wetland Design
Ashley discussed the EYE program and asked if anyone on the EAC new anyone that worked with the group. No one was familiar with the group. Ashley

City of Daphne - Environmental Advisory Committee (EAC)
Daphne City Hall – Executive Boardroom

mentioned that Wade Burcham a local engineer would be willing to work with Jade Consulting to set up a workshop for high school students along the Eastern Shore who are interested in engineering. Heather stated that 4H had an engineering program. Ashley agreed to work with Heather and others on this effort and update EAC next month.

- b. Daphne Middle School-Alabama Cooperative Extension System(ACES)-4H Alabama Water Watch (AWW)-Partner- Heather Le Grand
The AWW volunteer program was discussed. Heather offered to partner with the ADEM 319 grant partners in this effort to bring 4H AWW to Daphne schools. Heather also mentioned that 4H had other programs that could compliment the grant effort; one of which “River Kids” involves Kayaking. Ashley Campbell expressed the City’s excitement about the 4H program and its interest in the grant opportunities.
 - c. Daphne Elementary-Constructed Wetland Planting and ACES Stormwater Education Program-Partner- Denise Huebach
Ashley mentioned Denise’s stormwater education outreach programs. Denise informed Ashley that she had several outreach tools that could help with the grant effort. Ashley informed the group that she would try to have Denise attend the next meeting.
- V. ADEM 319 Tiawasee Creek ADEM 319 Grant-Porous Paving at Trione Park-Guest-Jade Consulting
The paver retrofit of the existing asphalt entrance way to the concession stand was discussed. John Peterson informed the EAC that the recreation plans for the Trione Park had been modified and that a separate meeting between Jade, Daphne and Mott MacDonald needed to be held. Ashley informed the members that the current project would involve the removal of the asphalt entrance and walkway around the concession stand and the replacement of it with porous pavers. Ashley agreed to set up a meeting with Jade & MM prior to the next EAC meeting.
- VI. Other Business:
- a. Lake Forest Yacht Club Boat Ramp
John asked about the City’s boat ramp situation. Ashley informed the EAC that the City in 3-4 weeks would be tearing out the May Day boat ramp due to maintenance, permit compliance, and sand management issues. The ramp will be removed and left as a kayak beach launch. The City may rebuild at a later date. Since the City will taking out it only boat ramp, it is working on a partnership with the Lake Forest Property Owners Association (POA) to lease the existing boat ramp for citizen use. If a lease agreement is signed, the City will improve the parking area, boat ramp and piers.

Meeting adjourned at 5:30 P.M.

The next EAC meeting was scheduled for *fourth* Monday in July.
July 25, 2016

GAZEBO TRIFECTA DAY JUNE 8, 2016 MEETING MINUTES

A - Gator Alley Dedication schedule for July 6 at 10 AM meeting hosted by Homewood Suites to follow

B - Color us Kids winner off the Beautification Award

C - Treasurer's Report-Funds encumbered- \$500 for Art Center plantings; \$1000 Centennial Park Parking Lot; \$1000 for Children' Equipment [Demi-domes and tables].... Our new balance is

D - Top Ten List

Red Lined Gazebos Yea!!!...The next 32' Gazebo May Day Park in 2017 approved by the Council
E to L - not discussed this meeting

M - Mayor Comments- The Mayor announced the Hank Arron Land donation next to Park City Park...

Because of our schedule for the day other agenda items were reserved until the July meeting

N - Next meeting July 6 at Gator Alley 10 AM Meeting hosted by Homewood Suites following the Dedication

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



Old Methodist Church Museum of Daphne

Meeting Minutes

June 13, 2016

I. Call to order

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

II. Attendees Ken Balme,, Rachel Burt, Al Guarisco, Mickey Boykin, Pete Brantley, Betty Baker, Lee Swetman, Candice Bishop, Jeanne Nelson, Helen Baroco, Lucy Cunningham, Emily Hammond, Scott and Dooley Berry

III. Approval of minutes from last meeting: May 9,2016.

IV. Treasures Report: Period 4/30/16-5/31/16. Beginning balance \$5,441.00 Check to USA Children's Hospital (memorial Penny's father) \$50.00 Deposits (book/pic sales & donations) \$133.00 Ending balance \$5,524.00. Petty cash \$20.09

V. Volunteer Assignments/Schedules- Covered We will be open Father's Day.

VI. Committee Reports

- a) *Exhibits/Events:* Mickey & Emily working on it.
- b) *Publicity/Social Media*
- c) *Cemetery:*
- d) *Fund Raising & Volunteer Recruitment:* see ongoing business
- e) *Special Tours :* Lucy: 3rd grade DES field trips went well. Possibly follow up with the teachers for a longer visit for 4th Grade AL History.
- f) *Archives, Curation:* Laptop donated by John Burt (Rachel's husband). Ken will load software. Another computer and printer will possibly be donated by Councilman John Lake's employer Ingalls Shipbuilding.

VII. Unfinished/Ongoing business

- a) *Planning Calendar :* Open House/Stitch in Time postponed Sept. : Jubilee Festival and County Fair Dec.: Christmas Party
- b) *Building improvements:* No word on when improvements will be done. Work does need to be done on the sign. It needs cleaning and repairs.
- c) *Brick Fundraiser:* Emily spoke to Shannon Burroughs (Grounds Supervisor) He was very interested & would be glad to meet with us to help & thought we would not need to hire outside help. She will set up a meeting with him. Everyone agreed we want to go forward with the project.

d) *Impact 100*: Proposal filed & accepted. Waiting.

e) *May Day Film*: Rachel is working on. It was decided, the year is 1958. Not 1960 as thought.

VIII. New Business & Announcements

- *Purchase of a new TV and antenna*: Old TV is not digital and will not work with antennas. Approx. 43" smart TV. It could also be used in other capacities. To show films and slide shows for visitors. It would cost approximately \$450. Mickey motioned to buy, several seconds... motion passed. Pending a test to see if we get reception.
- *Daphne 50*: An idea via History of London in 100 objects. This would be to "show" the history of Daphne in 50 objects. (photos). Ken spoke with Hector, as he now has a bit of time to help the museum again and would help with this project. Then use for an exhibit and possible book/guide. Everyone agreed it would be a good project and gave ideas of objects. Eg. Pottery shards, bay boats, Court House/Normal School, city parks.
- *Misc. discussions*: WIFI not operational again. TV is not working, no channels. Fleas still a problem. BugMaster will spray 5/11 @ 8.

IX. Adjournment

Ken Balme adjourned the meeting.

Minutes submitted by: Rachel Burt

Next regular meeting: Monday July 11, 2016

RESOLUTION 2016-45

RESOLUTION AUTHORIZING ALL-WAY STOPS AT THE INTERSECTION OF LAWSON ROAD and RIDGEWOOD DRIVE – LAKE FOREST SUBDIVISION

WHERE AS, the citizens of Lake Forest Subdivision have described in detail to the Public Safety Committee the difficulty of traversing the intersection of Lawson Road and Ridgewood Drive during times of heavy traffic; and

WHERE AS, through the natural growth of the City of Daphne traffic volume has steadily increased impeding unprotected turning movements at the intersection of Lawson Road and Ridgewood Drive; and

WHERE AS, Lawson Road and Ridgewood Drive are City of Daphne Maintained public roads whose posted speed limits are 25 MPH; and

WHERE AS, following the reported concerns of Citizens and Public Safety Officials, the Property Owner Association of Lake Forest Subdivision has made a formal request to the City of Daphne to establish an all-way stop condition at intersection of Lawson Road and Ridgewood Drive; and

WHERE AS, the City of Daphne has determined that the establishments of an all-way stop condition at intersection of Lawson Road and Ridgewood Drive is warranted;

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

- 1.) Authorize Public Works to install the necessary signage, including temporary advance warning signage and flagging at the intersection of Lawson Road and Ridgewood Drive; and
- 2.) If decorative sign post are desired by the Property Owner Association of Lake Forest Subdivision, then those posts shall be provided by the POA at their cost; and
- 3.) New signage and all-way stop conditions at both intersections shall be installed and implemented by September 30, 2016.

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

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

ATTEST:

REBECCA HAYE, CITY CLERK

DANE HAYGOOD, MAYOR

RESOLUTION 2016 - 47

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

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

WHEREAS, the items listed below are recommended for disposal.

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

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

DEPT	EQ/VEH#	DESCRIPTION	VIN / SN
FD		Kenwood Radios (10+ - <i>some are parts only</i>), Pagers & Misc Equip	
FD		ISI Escape Pack (2) & Mask (6) & Equipment	
Patrol	408	2008 FORD CROWN VIC	2FAFP71V98X161037

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

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

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

RESOLUTION 2016 - 48

A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING DISPOSITION FOR DONATION TO RUFF WILSON YOUTH ORGANIZATION

WHEREAS, the City of Daphne has determined that there is a smaller Popcorn Machine and Reading Table for children that is no longer required for public or municipal purposes; and

WHEREAS, the Recreation Department has a larger popcorn machine that is used for City events; and

WHEREAS, the Library Department no longer needs the small reading table for the children's area; and

WHEREAS, the City has been made aware that Popcorn Machine and Reading Table can be utilized by the Ruff Wilson Youth Organization; and

WHEREAS, the Ruff Wilson Youth Organization provides certain quality of life services to the citizens and children of Daphne.

WHEREAS, the City of Daphne supports the efforts of Ruff Wilson Youth Organization in meeting the needs of families and children in Daphne; and

WHEREAS, the City of Daphne has determined that this organization could utilize the Popcorn Machine during activities and events and the Reading Table during daily activities; and

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

- 1- The Popcorn Machine and Reading Table is hereby declared to be surplus equipment and
- 2- The Mayor is authorized to donate the Popcorn Machine and Reading Table to the Ruff Wilson Youth Organization.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

RESOLUTION NO. 2016 -49

**APPOINTING ELECTION OFFICIALS
MUNICIPAL ELECTION AUGUST 23, 2016 AND
RUN-OFF ELECTION OCTOBER 4, 2016**

WHEREAS, a regular municipal election has been called to be held on the 23rd day of August, 2016, and a runoff election to be held if necessary, on the 4th of October, 2016; and

WHEREAS, Section 11-46-27 of the Alabama Code of 1975, as amended, provides in part, that the municipal governing body, not less than 15 days before the holding of any municipal election appoint from the qualified electors of the respective wards or voting districts officers to hold the election; and

WHEREAS, Section 11-46-24 of the Code of Alabama, 1975, as amended, provides that where voting places are designated within each district where voting machines are used that the municipal governing body shall appoint election officials to consist of one chief inspector, who shall supervise the conduct of all the other officials and the operation of the voting place, one chief clerk, one returning officer, and for each voting machine to be used at each voting place there shall be appointed two assistant clerks; and

WHEREAS, Section 11-46-27 requires the governing body of the municipality to appoint from the qualified electors of the City one inspector; one returning officer and two clerks who shall meet on the day of election at such place and hour as the municipal governing body may designate for the purpose of receiving, counting, and returning the ballots and absentee ballots at such election.

WHEREAS, the City Council of the City of Daphne recognizes the time spent by those who are to perform the duties of election officials and shall be compensated as follows:

- 1.) Head Inspector for Civic Center Polling Place \$500.00
- 2.) Inspector \$200.00
- 3.) Chief Clerk \$150.00
- 4.) Clerk \$125.00

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne, Alabama that the election officials for said election shall be as follows:

HEAD INSPECTOR FOR CIVIC CENTER		Mr. Carl Davis
<u>DISTRICT 1:</u>	Inspector	Ms. Denita Patterson
	Chief Clerk	Ms. Joann Wilson
	Clerk	Mrs. Arva Brown
	Clerk	Mrs. Jeanne Nelson
	Clerk	Mrs. Ella Fuller
	Clerk	Mrs. Jewel Lawson
<u>DISTRICT 2:</u>	Inspector	Mr. Jim Bodman
	Chief Clerk	Mrs. Jane Bodman
	Clerk	Mrs. Joyce Lawson
	Clerk	Mr. Art Hosey
	Clerk	Mrs. Rachael Hosey

DISTRICT 3:

Inspector	Mr. Willie Robison
Chief Clerk	Mrs. Brianna Patterson
Clerk	Mrs. Lillian White
Clerk	Mrs. Betty Baker
Clerk	Mrs. Joyce Moore
Clerk	Ms. Tara Packer

DISTRICT 4:

Inspector	Mrs. Inez Ishmael
Chief Clerk	Mr. Richard Keller
Clerk	Ms. Phyllis Johnson
Clerk	Ms. Shelia Nelson
Clerk	Mr. Herb Cole
Clerk	Ms. Cindy Brown
Clerk	Mr. Frank Lamb

DISTRICT 5:

Inspector	Mrs. Inez Ishmael
Chief Clerk	Mr. Denis Kearney
Clerk	Mrs. Jackie Kearney
Clerk	Mrs. Judy Wells
Clerk	Mrs. Julie Holden
Clerk	Mrs. Rachael Burt

DISTRICT 6:

Inspector	Mr. Kurt Myers
Chief Clerk	Ms. Victoria Phelps
Clerk	Mrs. Cassandra Becker
Clerk	Mr. James Odom
Clerk	Mrs. Lois Boykin
Clerk	Mrs. Diane Smalls

DISTRICT 7:

Inspector	Mr. Kurt Myers
Chief Clerk	Mrs. Jacquelyn Odom
Clerk	Mr. John Russos
Clerk	Mrs. Elaine Russos
Clerk	Mrs. Frieda Romanchuk
Clerk	Ms. Geri Andrews

ABSENTEE POLL WORKERS:

Inspector	Mr. Fred Fassbender
Chief Inspector	Ms. Diane Smalls
Clerk	Ms. Alice Freeman
Clerk	Mrs. Mary Jensen
Clerk	Mrs. Mabel Hobbs

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

RESOLUTION NO. 2016-50

BID AWARD: 2016-O-POLICE VEHICLE EQUIPMENT

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 POLICE VEHICLE EQUIPMENT will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the POLICE VEHICLE EQUIPMENT and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the POLICE VEHICLE EQUIPMENT be awarded to Firehouse Sales & Service, 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 bid of Firehouse Sales & Service, Inc. for unit cost as bid herein and made a part hereof for BID SPECIFICATION NO. 2016-O-POLICE VEHICLE EQUIPMENT.

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

MEMORANDUM

TO: SUZANNE HENSON
FROM: CHIEF CARPENTER *DC*
DATE: JUNE 29, 2016
RE: 2016-O-POLICE VEHICLE EQUIPMENT BID

PLEASE ACCEPT THE BID FROM FIREHOUSE SALES AND SERVICE, INC. FOR OUR VEHICLE EQUIPMENT NEEDS. THEY WERE THE ONLY COMPANY THAT BID ON THE EQUIPMENT AND WE HAVE ALWAYS BEEN PLEASED WITH THEIR SERVICE AND PRODUCTS.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT ME

2016 O-POLICE VEHICLE EQUIPMENT

THE BIDDER ACKNOWLEDGES WITH THE SUBMISSION OF A BID THAT HE/SHE HAS REVIEWED THE TERMS AND CONDITIONS OF THIS BID AND ACCEPTS THEM.

OPTION:

- Additional purchases may be required throughout the year for same unit cost as stated in bid. contract. Quantities and frequency of purchases will be at the City's discretion. Equipment must be of comparable quality or better (based on market availability). If equipment requirements change to accommodate a different year model then vendor will supply equipment of same quality with a cost not to exceed cost bid.

<u>X</u>	_____
Comply	Do not Comply
COMPANY NAME	<u>Firehouse Sales & Service, Inc.</u>
ADDRESS	<u>608 South Broad Street</u>
PHONE NUMBER	<u>251-432-1625</u>
FAX NUMBER	<u>251-431-0717</u>
E-MAIL	<u>jbethea@fyrfyterhillmarine.com</u>
FEDERAL ID#	<u>63-0941913</u>

 AUTHORIZED SIGNATURE
Jerry W. Bethea, Jr.
 PRINT NAME

Quotation for the described bid submitted to the City of Daphne, Alabama this 28 day of June, 2016.

[Handwritten Signature]
Notary Public

THE BID MUST BE RETURNED IN PERSON TO:
CITY OF DAPHNE
ATTENTION: SUZANNE HENSON
1705 MAIN STREET
DAPHNE, ALABAMA 36526

BY MAIL TO:
CITY OF DAPHNE
ATTENTION: SUZANNE HENSON
P.O. BOX 400
DAPHNE, ALABAMA 36526

(FAXED BIDS WILL NOT BE ACCEPTED)

DAPHNE POLICE DEPARTMENT



Equipment List 2016 Tahoe's (Light Bar)

If there is a cost reduction for purchasing multiple units please list the quantity & cost beside each item below – ex. \$cost for 1 / Qty: 3+ - \$ _____

	<u>DESCRIPTION</u>	<u>COST</u>
Cost of 1	SELF LOCKING 3-PIECE HORIZONTAL SLIDING CENTER SUV PARTITION WITH CLEAR COATED POLYCARBONATE WINDOW WITH LOWER EXTENSION PANELS AND MOUNTING HARDWARE #10-VS/RP FOR 2016 CHEVY TAHOE	\$ <u>656.25</u> each
Cost of 1	HIGH STRENGTH STEEL PUSH BUMPER WITH HEAVY DUTY 4 CAUGE STEEL UPRIGHTS, 2-3/4 RUBBER STRIPS, STAINLESS STEEL HARDWARE, E-COAT/BLACK POWDER COATED #PBX04/PBX-TCP-S FOR 2016 CHEVY TAHOE	\$ <u>330.40</u> each
Cost of 1	REAR CARGO PARTITION WITH SQUARE STEEL LOWER SECTION AND EXPANDABLE STEEL WIRE MESH UPPER SECTION WITH BLACK POWDER FINISH #938-0040A FOR 2016 CHEVY TAHOE SETINA #12-VS-#PK0123TAH152ND	\$ <u>328.50</u> each
Cost of 1	REAR SIDE PASSENGER WINDOW BARS, STEEL WITH ALL MOUNTING HARDWARE #PTWGS04 FOR A 2016 CHEVY TAHOE SETINA #WK0514TAH-16	\$ <u>185.00</u> per pair
Cost of 1	DUAL RAIL WEAPON SYSTEM T-PANEL WITH STANDARD SHOTGUN LOCK AND UNIVERSAL LOCK FOR A 2016 CHEVY TAHOE SETINA #GK103015USVSCA	\$ <u>324.00</u> each
Cost of 1	SUV ALUMINUM LAW ENFORCEMENT STORAGE AND SECURITY VAULT WITH SINGLE DRAWER SLIDE OUT SIZE: 48" W X 28.5" L X 12" H AMERICAN ALUMINUM ACCESSORIES FOR A 2016 CHEVY TAHOE	\$ <u>869.00</u> each
Cost of 1	SURFACE MOUNT 6-LED (GRILLE) LIGHTS WITH BUILT IN FLASHER 0.4 INCHES DEEP, COLOR BLUE #MPS600U-BB (QTY 2 PER VEHICLE REQUIRED)	\$ <u>88.00</u> each
Cost of 1	PAIR OF GRILLE BRACKETS WITH HARDWARE, HORIZONTAL MOUNT ORIENTATION, 2016 CHEVY TAHOE #IPX-GRL7	\$ <u>28.50</u> per pair
Cost of 1	SURFACE MOUNT 6-LED (FOG LIGHTS) WITH BUILT IN FLASHER 0.4	

2016-O-POLICE VEHICLE EQUIPMENT

	INCHES DEEP, COLOR BLUE #MPS600U-BB (QTY 2 PER VEHICLE REQUIRED)	\$ <u>88.00</u> each
Cost of 1	KIT OF FOUR 5-DEGREE RUBBER MOUNTING WEDGES FOR USE WITH MPS600U LIGHTS #MPSM6U-SPACRKT (QTY 2 PER VEHICLE REQUIRED)	\$ <u>29.90</u> each
Cost of 1	HEADLIGHT FLASHER 2015-2016 CHEVY TAHOE WITH "PLUG AND PLAY" CONNECTORS #FHLP-TAH	\$ <u>69.95</u>
Cost of 1	DYNAMAX SLIM AND LIGHT-WEIGHT COMPACT 100W SPEAKER, COMPOSITE HOUSING #ES100C	\$ <u>156.50</u>
Cost of 1	CHEVY TAHOE BRACKET FOR ES100C SPEAKER #ESB-TAH15	\$ <u>26.00</u>
Cost of 1	MICROPULSE WIDE ANGLE 9 LED LIGHTS WITH 180 DEGREE SPREAD (UNDER MIRROR) #MPSW9-B (QTY 2 PER VEHICLE REQUIRED)	\$ <u>130.50</u> each
Cost of 1	PAIR OF SIDE MIRROR BRACKETS FOR 2016 TAHOE, EACH HOLDS A SINGLE MPSW9 LIGHT #MPSMW9-TAH15MIR	\$ <u>28.00</u>
Cost of 1	SMART SIREN PLATINUM 2000 PROGRAMMABLE SIREN/LIGHT CONTROLLER WITH REMOTE MOUNT AMPLIFIER, USES CONVERGENCE NETWORK TO COMMUNICATE WITH THE LIGHT BAR, SIX HIGH SIDE RELAY OUTPUTS, TEN ELECTRONIC INPUTS, INCLUDES IGNITION TIMER FUNCTIONALITY #SSP2000B	\$ <u>492.00</u>
Cost of 1	INTERSECTION CLEARING SYSTEM, LOW FREQUENCY TONE SIREN AMP AND PAIR OF HIGH OUTPUT WOOFERS KIT #RUMBLER-3	\$ <u>424.00</u>
Cost of 1	MOUNT KIT RUMBLER, PAIR OF BRACKETS WITH HARDWARE FOR A 2016 CHEVY TAHOE #RBTAH15	\$ <u>18.00</u> per kit
Cost of 1	LOW PROFILE LINEAR SHAPED LED 51" LIGHT BAR, SPECTRALUX MULTICOLOR TECHNOLOGY INCLUDING BLUE/WHITE TO THE FRONT WITH FULL FLOOD AND BLUE WITH INTEGRATED SIGNAL MASTER IN AMBER TO THE REAR, USES CONVERGENCE NETWORK TO COMMUNICATE WITH THE SIREN, MUST USE SOLARIS REFLECTOR TECHNOLOGY #INTG51-DPD	\$ <u>1,699.00</u>
Cost of 1	SPECTRALUX VIPER S2 DUAL HEAD DUAL COLOR LIGHT (SIDE REAR CARGO AREA) DUAL HEAD DUAL COLOR INCLUDING 12 BLUE LEDS AND 12 WHITE LEDS, CAPABLE OF BEING USED AS A STEADY BURN ALLEY LIGHT, REMOVABLE FLASH GUARD #329242-#329252	\$ <u>189.50</u>
Cost of 1	SURFACE MOUNT 6-LED (SPOILER) LIGHTS WITH BUILT IN FLASHER 0.4 INCHES DEEP, COLOR BLUE #MPS600U-BB (QTY X ⁶ PER VEHICLE REQUIRED)	\$ <u>80.00</u>
Cost of 1	2016 CHEVY TAHOE SPOILER BRACKET KIT TO HOLD QTY 6 MPS600U-BB LIGHT HEADS, BLACK POWDER COATED #MPSM6-TA15RS	\$ <u>54.25</u>
Cost of 1	SURFACE MOUNT 6-LED (HATCH STEADY BURN) LIGHTS WITH BUILT IN FLASHER 0.4 INCHES DEEP, COLOR WHITE #MP600U-WW (QTY 1 PER VEHICLE REQUIRED)	\$ <u>88.00</u>

2016-O-POLICE VEHICLE EQUIPMENT

Cost of 1	KIT OF FOUR 5-DEGREE RUBBER MOUNTING WEDGES FOR USE WITH MPS600U LIGHT #MPSM6U-SPACRKT	\$ <u>29.90</u>
Cost of 1	SURFACE MOUNT 12-LED (TAG) LIGHTS WITH BUILT IN FLASHER 0.4 INCHES DEEP, COLOR BLUE #MPS1200U-BB (QTY 2 PER VEHICLE REQUIRED)	\$ <u>97.50</u> each
Cost of 1	HEAVY DUTY SUV CONSOLE C-1810 10" DEEP X 9" WIDE, COMPLETE WITH C-TMW-GMC-02 TUNNEL TRACK MOUNTING SYSTEM, (1) C-AP-0325 3" ACCESSORY POCKET, (1) C-ARM-105 FLIP ADJUSTABLE ARM REST COMPLETE WITH ALL FILLER PLATES AND EQUIPMENT BRACKET MOUNTS, ALSO WITH (1) C-HDM-204 HEAVY DUTY TELESCOPING SIDE MOUNT COMPUTER BASE WITH (1) C-MD-102 SWING ARM WITH MOTION ADAPTER AND (1) C-3090 UNIVERSAL LAPTOP TRAY AND (1) C-CUP2-1 DUAL CUP HOLDER FOR 2016 CHEVY TAHOE	\$ <u>1,227.50</u>
Cost of 1	WHELEN #WHE-RP45 OUTER EDGE REAR PILLAR LED LIGHTS WITH BRACKET, COLOR: BLUE	\$ <u>720.00</u>
Cost of 1	SOUND OFF #EAUSSMBOFWC - 45 DEGREE FLOOD LIGHT LED REAR HATCH MOUNT, COLOR: CLEAR	\$ <u>110.00</u>
Cost of 1	SOUND OFF #ECVDMLTALOO UNIVERSAL MOUNT LED INTERIOR DOME LIGHT	\$ <u>58.90</u>

Equipment List 2016 Tahoe's (Admin)

If there is a cost reduction for purchasing multiple units please list the quantity & cost beside each item below - ex. \$cost for 1 / Qty: 3+ - \$

	<u>DESCRIPTION</u>	<u>COST</u>
Cost of 1	SUV ALUMINUM LAW ENFORCEMENT STORAGE AND SECURITY VAULT WITH SINGLE DRAWER SLIDE OUT SIZE: 48" W X 28.5" L X 12" H AMERICAN ALUMINUM ACCESSORIES FOR A 2016 CHEVY TAHOE	\$ <u>869.00</u>
Cost of 1	SURFACE MOUNT 6-LED (GRILLE) LIGHTS WITH BUILT- IN FLASHER 0.4 INCHES DEEP, COLOR : BLUE #MPS600U-BB (QTY 2 PER VEHICLE REQUIRED)	\$ <u>88.00</u>
Cost of 1	PAIR OF GRILLE BRACKETS WITH HARDWARE, HORIZONTAL MOUNT ORIENTATION, 2016 CHEVY TAHOE #IPX-GRL7	\$ <u>28.50</u> pair
Cost of 1	HEADLIGHT FLASHER 2015-2016 CHEVY TAHOE WITH "PLUG AND PLAY" CONNECTORS #FHLP-TAH	\$ <u>69.95</u>
Cost of 1	DYNAMAX SLIM AND LIGHT-WEIGHT COMPACT 100W SPEAKER, COMPOSITE HOUSING #ES100C	\$ <u>156.50</u>

2016-O-POLICE VEHICLE EQUIPMENT

Cost of 1	CHEVY TAHOE BRACKET FOR ES100C SPEAKER #ESB-TAH15	\$ <u>26.00</u>
Cost of 1	SMART SIREN PLATINUM 2000 PROGRAMMABLE SIREN/LIGHT CONTROLLER WITH REMOTE MOUNT AMPLIFIER, USES CONVERGENCE NETWORK TO COMMUNICATE WITH THE LIGHT BAR, SIX HIGH SIDE RELAY OUTPUTS, TEN ELECTRONIC INPUTS, INCLUDES IGNITION TIMER FUNCTIONALITY #SSP2000B	\$ <u>492.00</u>
Cost of 1	INTERSECTION CLEARING SYSTEM, LOW FREQUENCY TONE SIREN AMP AND PAIR OF HIGH OUTPUT WOOFERS KIT #RUMBLER-3	\$ <u>424.00</u>
Cost of 1	MOUNT KIT RUMBLER, PAIR OF BRACKETS WITH HARDWARE FOR A 2016 CHEVY TAHOE #RB-TAH15	\$ <u>18.00</u>
Cost of 1	SOUND OFF #EAUSSMBOFFWC 45 DEGREE FLOOD LIGHT LED REAR HATCH MOUNT COLOR: CLEAR	\$ <u>110.00</u>
Cost of 1	SOUND OFF #ECVDMLTALOO UNIVERSAL LED DOME INTERIOR LIGHT	\$ <u>58.90</u>
Cost of 1	8 HEAD LED LIGHT BAR CN SIGNAL MASTER, SPECTRALUX MULTICOLOR TECHNOLOGY INCLUDING BLUE FLASHING AND AMBER SIGNAL MASTER, USES CONVERGENCE NETWORK TO COMMUNICATE WITH THE SIREN, MUST USE SOLARIS REFLECTOR TECHNOLOGY #CNSM8R-DPD	\$ <u>825.00</u>
Cost of 1	SHORT L-BRACKET PAIR FOR MOUNTING THE CNSM8R #SLB-002	\$ <u>25.50</u>
Cost of 1	LOW PROFILE INTERIOR LIGHT BAR, SPECTRALUX MULTICOLOR TECHNOLOGY INCLUDING BLUE/WHITE TO THE FRONT WITH FULL FLOOD, USES CONVERGENCE NETWORK TO COMMUNICATE WITH THE SIREN, MUST USE SOLARIS REFLECTOR TECHNOLOGY #SIFZS-DPD	\$ <u>620.00</u>
Cost of 1	SPECTRALUX VIPER S2 DUAL HEAD DUAL COLOR LIGHT (SIDE REAR CARGO AREA) DUAL HEAD DUAL COLOR INCLUDING 12 BLUE LEDS AND 12 WHITE LEDS, CAPABLE OF BEING USED AS A STEADY BURN ALLEY LIGHT, REMOVABLE FLASH GUARD #329252-BWBW (QTY 2 PER VEHICLE REQUIRED)	\$ <u>184.50</u>
Cost of 1	SURFACE MOUNT 6-LED (HATCH STEADY BURN) LIGHTS WITH BUILT IN FLASHER 0.4 INCHES DEEP, COLOR: WHITE #MPS600U-WW (QTY 1 PER VEHICLE REQUIRED)	\$ <u>88.00</u>
Cost of 1	KIT OF FOUR 5-DEGREE RUBBER MOUNTING WEDGES FOR USE WITH MPS600U LIGHT #MPSM6U-SPACRKT	\$ <u>29.90</u>
Cost of 1	HEAVY DUTY SUV CONSOLE C-1810 10" DEEP X 9" WIDE, COMPLETE WITH C-TMW-GMC-02 TUNNEL TRACK MOUNTING SYSTEM, (1) A-AP-0325 3" ACCESSORY POCKET, (1) C-ARM-105 FLIP ADJUSTABLE ARMREST COMPLETE WITH ALL FILLER PLATES AND EQUIPMENT BRACKET MOUNTS, ALSO WITH (1) C-HDM-204 HEAVY DUTY TELESCOPING SIDE MOUNT COMPUTER BASE WITH (1) C-MD-102 SWING ARM WITH MOTION ADAPTER AND (1) C-3090 UNIVERSAL LAPTOP TRAY AND (1) C-CUP2-1 DUAL CUP HOLDER FOR 2016 CHEVY TAHOE	\$ <u>1,227.50</u>

RESOLUTION 2016-51

A Resolution appointing the Daphne 7 Year Old All Star Baseball Team as Goodwill Ambassadors

WHEREAS, the Daphne 7 Year Old All Star Team is composed of members, many of whom are citizens of the City of Daphne; and

WHEREAS, the City of Daphne recognizes the valuable public function the Daphne 7 Year Old All Star Team provides as Goodwill Ambassadors for the promotion of the City of Daphne; and

WHEREAS, the Daphne All Star Team represented the City of Daphne at the State tournament in Florence, AL and qualified to represent the City of Daphne at the Southwest Regional Championships in Bay St Louis, Mississippi; and

WHEREAS, the City of Daphne has determined it is in the best interest of the citizens of Daphne to support the Daphne 7 Year Old All Star Team in its promotion of the City of Daphne.

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

1. In consideration of the services rendered to the City of Daphne by the Daphne 7 Year Old All Star Team during the 2016 Regional Play-Offs, the City of Daphne does hereby designate the Daphne 7 Year Old All Star Team as Goodwill Ambassadors for the City. AND

2. In consideration of the services rendered to the City of Daphne by the Daphne 7 Year Old All Star Team, the City hereby appropriates the sum of \$1,000 to for benefit of the Daphne 7 Year Old All Star Team. AND

3. \$1,000 will be transferred from the Mayor's training budget to the contributions budget to fund this appropriation.

APPROVED AND ADOPTED this _____ day of _____, 2016.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

EXCERPTS FROM THE MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA HELD ON JULY 18, 2016

The City Council of the City of Daphne, Alabama met at the City Hall in the City of Daphne on Tuesday, July 18, 2016 at 6:30 p.m., Central Time. The following members of the City Council of the City of Daphne, Alabama were:

PRESENT

ABSENT

_____ acted as Chairman of the meeting and Rebecca A. Hayes, City Clerk, acted as Clerk of the meeting. The chairman stated that a quorum was present and declared the meeting open for the transaction of business.

* * * * *

The Chairman then stated that it would be appropriate to consider a resolution providing for the early call and redemption of certain of the City's outstanding debt obligations. The following resolution and order was thereupon introduced in writing by Councilmember _____:

CITY OF DAPHNE

RESOLUTION 2016-52

**A RESOLUTION CALLING FOR THE REDEPTION OF THE CITY'S
GENERAL OBLIGATION AND IMPROVEMENT WARRANTS, SERIES 2006**

BE IT RESOLVED by the City Council of the City of Daphne, Alabama (the "Council"), 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 Series 2006 Warrants are currently outstanding in the aggregate principal amount of \$8,170,000.00.

(c) The City desires to refund all of the outstanding Series 2006 Warrants.

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

Section 2. Call for Redemption of the Series 2006 Warrants. Acting pursuant to the provisions of the Series 2006 Warrants and the 2006 Ordinance, the City does hereby elect to redeem and pay, and does hereby call for redemption and payment on August 29, 2016 (the "2006 Call Date") \$8,170,000.00 in aggregate principal amount of the Series 2006 Warrants (being all of the Series 2006 Warrants Outstanding), the redemption of which shall be effected at a redemption price equal to 100% of the principal amount of each Series 2006 Warrant so called for redemption plus accrued interest thereon to the 2006 Call Date.

Section 3. Provisions for Notice for the Series 2006 Warrants. The Bank of New York Mellon Trust Company, N.A. in Birmingham, Alabama is hereby directed, in its capacity as paying agent for the Series 2006 Warrants, to cause written notice of such redemption and prepayment to be given in the manner and at the time prescribed in the 2006 Ordinance.

Section 4. Authorization to Call. The Mayor of the City, the City Clerk of the City and the City Treasurer of the City are each hereby authorized and directed to take or cause to be taken, in the name and behalf of the City, all of the actions required by the provisions of the 2006 Ordinance under which the Series 2006 Warrants were issued to be taken in order to effect the redemption of the Series 2006 Warrants as herein called for.

Councilmember _____ moved that the forgoing resolution be adopted and spread upon the minutes of this meeting, which motion was seconded by Councilmember _____, and, on roll call the following vote was registered:

YEAS

NAYS

The Chairman thereupon announced that said resolution had been carried by _____ vote of the Council present.

RESOLUTION 2016-52

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

Dane Haygood, Mayor

[SEAL]

ATTEST:

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE

ORDINANCE NUMBER 2016-40

AN ORDINANCE REPEALING AND REPLACING RESOLUTION 1999-57 AND RESOLUTION 2003-30 REGARDING MOTOR VEHICLE OPERATIONS POLICIES, MOTOR VEHICLE TAKE HOME POLICIES, AND MOTOR VEHICLE MARKING/LOGO POLICIES

WHEREAS, Resolution No. 1999-57 established the policies and procedures for City of Daphne, (hereinafter referred to as “CITY”) employees who are authorized to take home City-owned vehicles; and

WHEREAS, Resolution No. 2003-30 amended certain provisions of Resolution 1999-57 specifying the only positions authorized to take home City owned vehicles as: All Public Safety Personnel, Public Works Director, Public Works Superintendent(s), Solid Waste Supervisor(s), and Code Enforcement Officer(s); and

WHEREAS, the CITY believes it is in the best interest of the City to repeal Resolution No. 1999-57 and Resolution No. 2003-30 and replace same with the following comprehensive motor vehicle operations policy; and

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

Resolution No.1999-57 and Resolution No. 2003-30 are hereby repealed and replaced by the following:

SECTION I: MOTOR VEHICLE OPERATIONS POLICY

A. Purpose. The Daphne City Council is committed to insuring that its fleet operations are conducted in a safe and efficient manner. This policy addresses specific responsibilities of those employees whose job duties require that they operate city vehicles and equipment. It is the responsibility of these employees to familiarize themselves with and follow these policies and its requirements.

B. Definition of City Vehicle. A City vehicle is any vehicle or equipment that is owned, leased, rented or loaned by the CITY

C. Definition of Motor Vehicles is for purposes of this policy, motor vehicles (or “vehicles”) shall mean and include all automobiles, motorcycles, mobile trailers, trucks, truck tractors, semitrailers, trailers and/or any other device that is self-propelled or drawn in, upon, or by which any person or property is or may be transported or drawn upon a public highway except such as is moved by animal power or used exclusively upon stationary rails or tracks.

D. Definition of Authorized Driver. An authorized driver is any employee who has been approved by his/her department head, Risk Manager and the CITY's Human Resources Department to operate a City vehicle.

Authorized drivers shall not allow an unauthorized individual to operate their assigned City vehicle. If an authorized driver allows an unauthorized individual to operate their assigned City vehicle, then their driving privileges may be suspended or terminated or other disciplinary action may be taken. Additionally, if unauthorized use results in an accident, the responsible employee may be required to make restitution for the damages.

E. Definition of Risk Manager. The Risk Manager shall be that City employee designated by the Mayor to handle issues related to minimizing employee liability. If no such employee is so designated, the Human Resource Manager shall assume those functions. Periodically but no less than semi-annually the Risk Manager will present a list of accidents involving City vehicles and/or employees to the buildings and property manager and the buildings and property committee.

F. Use of City Vehicles. City Vehicles shall be used exclusively for public good and benefit for the City of Daphne. Incidental personal use may be allowed in conjunction with take home vehicles in off duty or after-hours situations or during certain emergency situations. Employees are required to report any emergency to the employee's respective Department Head and Human Resources as soon as reasonably possible to document the emergency use. Use of the vehicle will be tracked through use of a global positioning satellite (GPS) technology. Any driver of a City vehicle must sign a release acknowledging that said GPS tracking is used and waiving any objection to same.

G. Driver Conduct. Every operator of a City vehicle has a duty to drive in a safe and courteous manner. Drivers are expected to drive defensively and not in an aggressive manner. Complaints from citizens of reckless driving by a City driver may result in the suspension or termination of driving privileges or other disciplinary action may be taken by the City.

H. Driver's License Requirements. Prospective and current employees whose job duties include the operation of a City vehicle must be in possession of a valid and current Alabama driver's license along with the appropriate class of commercial license for the vehicle being operated.

Any employee whose job duties include the operation of a City vehicle shall, within 24 hours, notify his/her department head and the Human Resources Department of any changes in status of their driver's license. This reporting requirement applies to violations incurred while driving any vehicle - personal or City. Failure to report within 24 hours any violations against his/her driver's license or status changes may result in the employee's loss of City driving privileges. Human Resources Department will report the change in status to the Mayor's office.

I. Motor Vehicle Record (MVR) Requirements. The Risk Manager will periodically review a current MVR for each employee authorized to drive a City vehicle to determine acceptability to drive said City vehicle. The Risk Manager, in concert with the Human Resources Department will also conduct such a review for any new employee whose job

requires the operation of a City vehicle or an existing employee who transfers to a position requiring the operation of a City vehicle. If the MVR contains violations that put the employee in “borderline” status as defined by the attached City guidelines, the employee will be placed on probationary driving status for one (1) year, conditional upon maintaining a clean motor vehicle record during that period. Additionally, the employee may be required at their own expense, to attend and complete a defensive driving course approved by the Risk Manager within thirty (30) days of notification.

If the MVR contains a Major Violation or multiple Minor Violations that put the employee in a “Poor” status as defined by the attached City guidelines, the employee may be disqualified from operating a City vehicle for up to three (3) years, conditional upon maintaining a clean motor vehicle record during that period. Additionally, the employee may be required to attend a City approved defensive driving class at his/her own expense.

K. The City Council reserves the right to refuse to allow any employee to drive a City vehicle for any reason.

L. Seat Belt Use. Seat belt use in City vehicles is mandatory for all drivers and passengers. Failure to utilize seat belts may result in suspension of driving privileges or other disciplinary action may be taken by the City.

M. Passengers. City Vehicles shall be utilized exclusively for the transportation of (i) City employees; (ii) non-city employees in conjunction with the Authorized Driver’s primary job duties (e.g. Police transport of arrestee or detainee); (iii) invitees and guests of the city in conjunction with normal business operations; (iv) non-city employees transported by Authorized Drivers who have been specifically designated for specific driving activities by their respective Department Head and approved in advance by the Mayor and Human Resources (e.g. Designated drivers for inmate transport, Seniors Program outings); (v) any passengers in conjunction with an emergency situation; (vi) an immediate family member of an Authorized Driver of a take-home vehicle in conjunction with a commute or trip for a City related business activity; (vii) commuters reasonably associated with a city related commute or trip with prior approval by the Mayor and filed with Human Resources; (viii) as otherwise approved in advance in writing by the Mayor and subsequently authorized by the City Council. All other transport of non-City employees is strictly prohibited. Advanced approvals should be kept on file with the Human Resources Department. Failure to adhere to this policy regarding the transport of non-City employees may result in suspension of driving privileges or other disciplinary action may be taken by the City. Non-City employees are prohibited from operating or riding in any large or specialized City vehicles. For purposes of this section, approvals for the transportation of passengers may be for a single occurrence, regular or otherwise recurring basis, or on a sporadic or infrequent basis as so defined in the approval.

N. Vehicle Maintenance and Inspection.

1. Each driver is responsible for periodic inspection of and insuring that their vehicle is in proper working condition prior to being placed in operation. All vehicles shall be inspected through routine service at the City’s maintenance center. This includes, but is not limited to, the following equipment:

- Brakes
- Tires and wheels
- Steering
- Lights and reflectors
- Horns
- Windshield wipers
- Mirrors

2. Each department will have inspection checklists for their large vehicles and specialized equipment. The operators of these vehicles will be responsible for vehicle inspection on a daily basis. Should any defects be discovered during these checks, it is the operator's responsibility to insure the problem is reported in a timely manner to their department head.

3. The driver is responsible for keeping the interior and exterior of the vehicle clean and neat in appearance. This means no trash or debris on the seats, floor or dash, and the exterior is not excessively dirty. Failure to properly maintain the interior and exterior of a City vehicle may result in disciplinary action.

4. **Smoking is prohibited inside a City vehicle.**

O. Accident Reporting.

1. All drivers shall follow all applicable state and local laws with respect to accident reporting. Any driver involved in a vehicular accident should take the following actions unless injuries or other circumstances reasonably prevent them from doing so:

- Immediately stop the vehicle. Do not leave the accident scene.
- Take whatever steps may safely be taken to prevent another accident from occurring.
- Notify law enforcement and supervisor and/or department head immediately or as soon as the employee can safely do so. Supervisor (or department head) will notify the Human Resources Department.

Failure to notify law enforcement will result in an at least an automatic one (1) month suspension of driving privileges and other possible disciplinary action.

2. The CITY's Drug and Alcohol Policy is incorporated herein by reference.

3. Employees who fail to properly report accidents involving City vehicles may have driving privileges suspended or terminated and may be subject to disciplinary action.

P. Review of Vehicle Accidents.

All accidents involving City vehicles will be reviewed by the Risk Manager for the purpose of determining if the accident was preventable. If the Human Resources Department

believes the accident was not preventable, a memo will be sent to the employee’s department head and Mayor’s office to that effect. If it is determined that the accident was preventable, it may, at the discretion of the Human Resources Department, be referred to the buildings and property committee of the City Council for further review.

Q. Motor Vehicle Record Guidelines. An acceptable driving record is one that does not include any of the following Major Violations in the past three (3) years:

- Driving under the influence of alcohol or drugs (DUI, DWI, or related offense)
- Homicide, manslaughter or assault arising out of the use of a vehicle
- Fleeing or eluding a police officer
- Chemical test refusal
- Leaving the scene of an accident
- Driving after suspension or revocation of license
- Three (3) or more preventable accidents (all accidents will be considered preventable unless documented proof can be produced to show the employee was not a fault.)
- Passing a stopped school bus
- Reckless driving
- Careless driving
- Any other violation or incident determined by the Human Resources Department to be a “major” violation

The chart below provides a guideline to determine acceptable driving records. Any major violation (as listed above) will automatically be considered “poor”. A Poor driving record will entail a mandatory suspension of driving privileges for a period of time to be determined by the Risk Manager. Multiple Major violations or an unacceptable driving record will require termination of driving privileges for a minimum of three years.

Motor Vehicle Grading Criteria (last three (3) years)

Number of Minor Violations*	Number of at-fault accidents			
	<u>0</u>	<u>1</u>	<u>2</u>	<u>3</u>
0	Clear	Acceptable	Borderline	Poor
1	Acceptable	Acceptable	Borderline	Poor
2	Acceptable	Borderline	Poor	Poor
3	Borderline	Poor	Poor	Poor
4	Poor	Poor	Poor	Poor
Any major violation	Poor	Poor	Unacceptable	Unacceptable

***A Minor Violation is any violation that is not a Major Violation except for the following: An employee's eligibility to drive a City vehicle will be determined on a case-by-case basis utilizing the above criteria and other pertinent information as a guide.**

R. Accident Reporting Procedures.

1. City Driver

- a. Assess for physical injuries and property damage.
- b. Do not admit fault at the time of the accident. "I'm sorry," could imply fault.
- c. Contact the following:
 - Medical assistance, if needed
 - Police (proper authority within the accident's jurisdiction)
 - Department head or designated department contact
- d. Identify by name, phone number and address as many witnesses as possible who can provide information.
- e. Request accident case number from on scene police officer for the accident report.
- f. Exchange the insurance card information with the other party.
- g. City driver is required to submit to drug and alcohol testing as soon as possible but not later than four (4) hours following the accident.
- h. Complete the following reports in detail and submit to department head within 24 hours of the accident:
 1. City's Vehicle Report Form
 2. Copy of Alabama Department of Public Safety SR-31 Form (Driver is required to complete the Alabama Department of Public Safety SR-31 Form if the City driver believes that the other driver is responsible for his or her damages and that City driver would file a claim for such damages or injuries.
3. Alcohol and Drug test reports.

2. Department Head or Designated Department Contact

a. Notify the Risk Manager of an accident immediately by telephone (251) 621-3075 or fax (251) 621-4506 within three (3) days of the accident. The Human Resource Department may require additional forms to be filled out by City driver.

SECTION II: TAKE-HOME VEHICLE POLICY

A. Purpose. This policy defines which CITY vehicles are authorized to be taken home by CITY employees and the manner in which said vehicles may be used, including any relevant exceptions related thereto. The only employees eligible to take home City vehicles are members of Public Works, Recreation, Police, and Fire Departments.

B. Generally. Vehicles or equipment owned or leased by the CITY may not be used for personal business, except for commuting purposes or de minimis personal use as defined herein. No CITY employee shall take a vehicle home without having a CITY Vehicle Take Home Authorization Form on file with the relevant department office. This policy replaces any and all prior take home vehicle policies.

C. Definition of Personal Business is any personal use or gain that does not pertain to CITY business.

D. Definition of Commuting is traveling from home to work or from work to home. Such use shall be restricted to those employees who do not report to work at a regularly scheduled time and place each day or as determined by the City Council.

E. Definition of De Minimis Personal Use is the use that the value and frequency of which is so minimal so as to make accounting for it unreasonable or unduly burdensome.

F. Definition of a Public Safety Vehicle is a vehicle within the public safety departments that respond to incidents away from their normal place of business. Public Safety Vehicles include vehicles used by Code Enforcement Officers.

G. Take Home Vehicle Policy

1. PUBLIC SAFETY VEHICLES -

Daphne Police Department:

- (a) Officers assigned marked vehicles and approved task specific unmarked vehicles may take their assigned vehicle to their place of residence when they are off-duty. Personal use is confined to being within the physical jurisdiction of the police officer's arrest powers. These approved individuals will complete a CITY Take Home Vehicle Authorization Form and a copy will be on file with the CITY Police Department.
- (b) Command level law enforcement officers and task specific law enforcement officers are authorized to take their approved unmarked

assigned vehicles to their place of residence. These vehicles are authorized to be taken to the officer's residence with the approval of the Chief of the Daphne Police Department. These approved individuals will complete a CITY Take Home Vehicle Authorization Form and a copy will be on file with the CITY Police Department.

Daphne Fire Department:

- (c) Command level positions and task specific positions within the Daphne Fire Department are authorized to take their vehicle to their place of residence when they are off-duty. These vehicles shall have prominent markings describing them as a CITY Fire or Rescue vehicle. Personal use is confined to being within the physical jurisdiction of the firefighter's obligation to respond to an emergency. These vehicles are authorized to be taken to the firefighter's residence with the approval of the Chief of the Daphne Fire Department. These approved individuals will complete a CITY Take Home Vehicle Authorization Form and a copy will be on file with the CITY Fire Department.

2. PUBLIC WORKS VEHICLES

Only the Public Works Director, Public Works Deputy Director, Street Supervisor(s), and Solid Waste Supervisor(s) may drive their assigned vehicle to their place of residence. The Public Works Director will make his/her recommendation to the City Council which shall have the authority to approve or disapprove the request. These approved individuals will complete a CITY Take Home Vehicle Authorization Form and a copy will be on file with the CITY Public Works Department.

3. OVERNIGHT / OUT OF TOWN TRAVEL

Other Employees may be authorized to take CITY vehicles to their residence for purposes of overnight or out-of-town CITY business when applicable. This authorization shall be requested in writing via the CITY "Request for Overnight or Out-of-Town Travel" form by the authorized employee to his/her respective department head for approval. A copy of the approval will be kept on file with the relevant City department and with the CITY Human Resources Department.

4. EXCEPTIONS

Any department head with the CITY may request an employee be added to the authorized Take Home Vehicle Policy. This request must be submitted in writing to the CITY Human Resources Department for approval and then forwarded to the Mayor for approval and subsequently to the City Clerk who will present the request to the City Council for approval..

SECTION III: MOTOR VEHICLE MARKING/LOGO POLICY

- A. Purpose. This policy defines the marking of CITY motor vehicles.
- B. City Vehicle Marking/Logo Policy
 - 1. Motor vehicles owned or leased by the CITY shall be clearly marked with the city logo and the assigned vehicle unit number appropriately displayed on the driver's side, passenger side and rear of the vehicle. Said markings must be of a sufficient size so that they can easily be read, excluding vehicles used by the CITY Police Department that have been designated and approved by the City Police chief as "unmarked vehicles" for confidential or investigative purposes.
 - 2. In order to maintain uniformity and professional appearance appropriate for municipal government, it is the intent that no stickers, flags, decals, non-state issued license plates, or other additions to the City vehicle are allowed. Certain decals, non-state issues license plates may be appropriate in certain circumstances and may be affixed with prior written approval from the Mayor on a case-by-case basis. Any such approved decoration shall be for a determined period of time maintained in a manner that is aesthetically pleasing and shall be immediately removed upon employee's own volition or upon direction of the Mayor.
 - 3. The Mayor shall ensure the vehicles are marked consistent with this policy.
 - 4. No CITY employee shall use a city vehicle except as provided in this written policy issued and approved by the City Council. Further, no City employee shall drive a vehicle without having CITY marking/logo, as defined by Section III of this policy, affixed thereto, excluding any vehicle designated and approved by the City Police Chief as an "unmarked vehicle" for confidential or investigative purposes.

SECTION IV: SEVERABILITY

If any article, section, sentence, clause or phrase in this Ordinance is, for any reason, held to be invalid or unconstitutional by declaration of any Court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this Ordinance.

SECTION V: 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 V: EFFECTIVE DATE

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

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

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-41**

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

Robert McBride; Lissa McBride; David Romero; Ellen Romero

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

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

LEGAL DESCRIPTION

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

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

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

Beginning at the Northeast corner of the South Half of the North half of the South half of the Northwest Quarter of the Southwest Quarter of Section 16, Township 5 South, Range 2 East, run West 330 feet thence North 313.75 feet more or less, to the South line of H. W. Brantley, Jr. property; thence East 330 feet; thence South 313.75 feet, more or less, to the point of beginning.

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

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

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

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

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

SECTION I: ZONING

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

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

AJD FAMILY LIMITED PARTNERSHIP
SOUTHEAST OF THE INTERSECTION OF COUNTY ROAD 64
AND FRIENDSHIP ROAD

ZONING AMENDMENT

EXHIBIT A

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

2437-C 2439-D

1238831 1245777

SLURF 000240 - C HP AND DEDICATION

CERTIFICATE OF DEDICATION

STATE OF ALABAMA

COUNTY OF BULLMOOSE

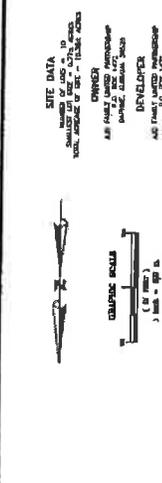
BEFORE ME, the undersigned authority, on this day personally appeared [Name], known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Notary Public in and for the State of Alabama

ITALIAN SETTLEMENT BUSINESS PARK - PHASE I



LEGEND

- 1. PROPERTY LINE
- 2. EXISTING ROAD
- 3. EXISTING UTILITY
- 4. EXISTING LOT
- 5. EXISTING BUILDING
- 6. EXISTING DRIVE
- 7. EXISTING FENCE
- 8. EXISTING CURB
- 9. EXISTING SIDEWALK
- 10. EXISTING DRIVEWAY
- 11. EXISTING WALKWAY
- 12. EXISTING BIKEWAY
- 13. EXISTING TRAIL
- 14. EXISTING CANAL
- 15. EXISTING DRAINAGE
- 16. EXISTING EROSION CONTROL
- 17. EXISTING LANDSCAPE
- 18. EXISTING TREES
- 19. EXISTING PLANTS
- 20. EXISTING ANIMALS
- 21. EXISTING PEOPLE
- 22. EXISTING CULTURE
- 23. EXISTING HISTORY
- 24. EXISTING ARTS
- 25. EXISTING RECREATION
- 26. EXISTING EDUCATION
- 27. EXISTING HEALTHCARE
- 28. EXISTING SOCIAL SERVICES
- 29. EXISTING COMMUNITY DEVELOPMENT
- 30. EXISTING ECONOMIC DEVELOPMENT
- 31. EXISTING ENVIRONMENTAL PROTECTION
- 32. EXISTING INFRASTRUCTURE
- 33. EXISTING TRANSPORTATION
- 34. EXISTING UTILITIES
- 35. EXISTING ENERGY
- 36. EXISTING WATER
- 37. EXISTING WASTE
- 38. EXISTING AIR
- 39. EXISTING CLIMATE
- 40. EXISTING RISK MANAGEMENT

GENERAL NOTES

1. ALL UTILITIES ARE TO BE MAINTAINED AND PROTECTED AT ALL TIMES.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.
3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE DEVELOPER SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES.
5. THE DEVELOPER SHALL MAINTAIN ALL EXISTING LANDSCAPE AND TREES.
6. THE DEVELOPER SHALL MAINTAIN ALL EXISTING PLANTS AND ANIMALS.
7. THE DEVELOPER SHALL MAINTAIN ALL EXISTING PEOPLE AND CULTURE.
8. THE DEVELOPER SHALL MAINTAIN ALL EXISTING HISTORY AND ARTS.
9. THE DEVELOPER SHALL MAINTAIN ALL EXISTING RECREATION AND EDUCATION.
10. THE DEVELOPER SHALL MAINTAIN ALL EXISTING HEALTHCARE AND SOCIAL SERVICES.
11. THE DEVELOPER SHALL MAINTAIN ALL EXISTING COMMUNITY DEVELOPMENT AND ECONOMIC DEVELOPMENT.
12. THE DEVELOPER SHALL MAINTAIN ALL EXISTING ENVIRONMENTAL PROTECTION AND INFRASTRUCTURE.
13. THE DEVELOPER SHALL MAINTAIN ALL EXISTING TRANSPORTATION AND UTILITIES.
14. THE DEVELOPER SHALL MAINTAIN ALL EXISTING ENERGY, WATER, WASTE, AIR, CLIMATE, AND RISK MANAGEMENT.

CERTIFICATE OF APPROVAL BY THE PUBLIC WORKS DIRECTOR

I, the undersigned, being duly qualified and sworn in as a Public Works Director for the County of Bullmoose, Alabama, do hereby certify that the above described project complies with all applicable codes and regulations of the County of Bullmoose, Alabama.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Public Works Director

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION AND ADOPTED BY THE BOARD OF COMMISSIONERS

The Planning Commission of the County of Bullmoose, Alabama, has reviewed the above described project and has approved the same. The Board of Commissioners of the County of Bullmoose, Alabama, has also approved the same.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Chairman, Planning Commission

CERTIFICATE OF APPROVAL BY THE BOARD OF HEALTH

The Board of Health of the County of Bullmoose, Alabama, has reviewed the above described project and has approved the same.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Chairman, Board of Health

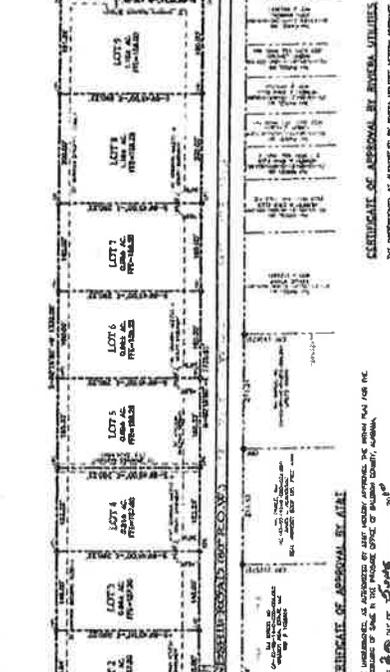
CERTIFICATE OF APPROVAL BY THE BOARD OF ZONING

The Board of Zoning of the County of Bullmoose, Alabama, has reviewed the above described project and has approved the same.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Chairman, Board of Zoning



CERTIFICATE OF APPROVAL BY THE BOARD OF UTILITIES

The Board of Utilities of the County of Bullmoose, Alabama, has reviewed the above described project and has approved the same.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Chairman, Board of Utilities

CERTIFICATE OF APPROVAL BY THE BOARD OF WATER SYSTEMS

The Board of Water Systems of the County of Bullmoose, Alabama, has reviewed the above described project and has approved the same.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Chairman, Board of Water Systems

CERTIFICATE OF APPROVAL BY THE BOARD OF PUBLIC HEALTH

The Board of Public Health of the County of Bullmoose, Alabama, has reviewed the above described project and has approved the same.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Chairman, Board of Public Health

CERTIFICATE OF APPROVAL BY THE BOARD OF COMMUNITY DEVELOPMENT

The Board of Community Development of the County of Bullmoose, Alabama, has reviewed the above described project and has approved the same.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Chairman, Board of Community Development

CERTIFICATE OF APPROVAL BY THE BOARD OF ECONOMIC DEVELOPMENT

The Board of Economic Development of the County of Bullmoose, Alabama, has reviewed the above described project and has approved the same.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Chairman, Board of Economic Development

CERTIFICATE OF APPROVAL BY THE BOARD OF ENVIRONMENTAL PROTECTION

The Board of Environmental Protection of the County of Bullmoose, Alabama, has reviewed the above described project and has approved the same.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Chairman, Board of Environmental Protection

CERTIFICATE OF APPROVAL BY THE BOARD OF TRANSPORTATION

The Board of Transportation of the County of Bullmoose, Alabama, has reviewed the above described project and has approved the same.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Chairman, Board of Transportation

CERTIFICATE OF APPROVAL BY THE BOARD OF INFRASTRUCTURE

The Board of Infrastructure of the County of Bullmoose, Alabama, has reviewed the above described project and has approved the same.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Chairman, Board of Infrastructure

CERTIFICATE OF APPROVAL BY THE BOARD OF ENERGY

The Board of Energy of the County of Bullmoose, Alabama, has reviewed the above described project and has approved the same.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Chairman, Board of Energy

CERTIFICATE OF APPROVAL BY THE BOARD OF WATER

The Board of Water of the County of Bullmoose, Alabama, has reviewed the above described project and has approved the same.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Chairman, Board of Water

CERTIFICATE OF APPROVAL BY THE BOARD OF WASTE

The Board of Waste of the County of Bullmoose, Alabama, has reviewed the above described project and has approved the same.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Chairman, Board of Waste

CERTIFICATE OF APPROVAL BY THE BOARD OF AIR

The Board of Air of the County of Bullmoose, Alabama, has reviewed the above described project and has approved the same.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Chairman, Board of Air

CERTIFICATE OF APPROVAL BY THE BOARD OF CLIMATE

The Board of Climate of the County of Bullmoose, Alabama, has reviewed the above described project and has approved the same.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Chairman, Board of Climate

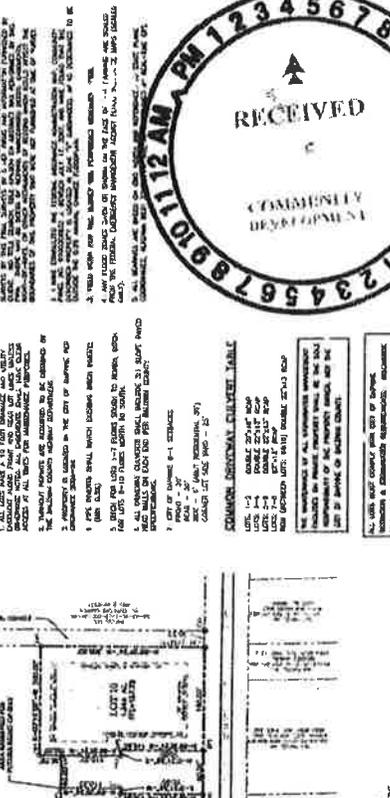
CERTIFICATE OF APPROVAL BY THE BOARD OF RISK MANAGEMENT

The Board of Risk Management of the County of Bullmoose, Alabama, has reviewed the above described project and has approved the same.

Given under my hand and seal of office this [Date] day of [Month], 2008.

[Signature]

Chairman, Board of Risk Management



RECEIVED

COMMUNITY DEVELOPMENT

11 23 4 5 6 7 8 9 10 11 12 1 2 3 4 5 6 7 8 9 10 11 12

FINAL PLAT

ITALIAN SETTLEMENT BUSINESS PARK - PHASE I

AJD FAMILY LIMITED PARTNERSHIP

APPROVED 2008

DATE: 11-23-08

BY: [Signature]

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-42**

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

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

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

LEGAL DESCRIPTION

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

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

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

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

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

SECTION I: ZONING

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

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Exhibit A Legal Description

Romero-McBride Zoning Request

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

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

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

Beginning at the Northeast corner of the South Half of the North half of the South half of the Northwest Quarter of the Southwest Quarter of Section 16, Township 5 South, Range 2 East, run West 330 feet thence North 313.75 feet more or less, to the South line of H. W. Brantley, Jr. property; thence East 330 feet; thence South 313.75 feet, more or less, to the point of beginning.

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

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-43**

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

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

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

Legal Description:

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

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

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

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

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

SECTION I: ZONING

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

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

EXHIBIT A

Eastern Shore Associates, LLC

Legal Description:

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

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2016-44**

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

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

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

LEGAL DESCRIPTION

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

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

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

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

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

SECTION I: ZONING

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

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

ANNE K. IRVINE, OWNER

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

ZONING AMENDMENT REQUEST

EXHIBIT "A"

LEGAL DESCRIPTION

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

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2016-45**

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

**Property Located at the Southwest Corner of the Intersection of Champions Way and
Alabama Highway 181
The Bills' No. 2, LLC**

WHEREAS, on the 10th day of June, 2015, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, said petition did contain the signatures of all owners of the described territory, and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, after proper publication, a public hearing was held by the City Council on July 18, 2016 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on May 26, 2016, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

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

SECTION TWO: ZONING

At the March 21, 2016 regularly scheduled City Council meeting Ordinance 2016-21 was adopted pre-zoning the said property as B-3, Professional Business District.

SECTION THREE: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

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

SECTION FOUR: MAP OF PROPERTY

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

SECTION FIVE: PUBLICATION

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

EXHIBIT A

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

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:

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

CITY OF DAPHNE

ORDINANCE NO. 2016-46

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance 2011-54 Article 31, Home Occupations, Automobile
Service Stations, Cemeteries, Bed & Breakfast Establishments, Extended Stay Hotel
Facilities, Section 31-1, Home Occupations**

WHEREAS, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of May 26, 2016 set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on July 5, 2016.

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

SECTION I: This section hereby amends the City of Daphne Land Use and Development Ordinance by striking and replacing sections of Section 31-1 (j) as follows:

~~(18) Outdoor display or storage of materials, goods, supplies, or equipment used in the operation of the business shall be permitted outside the dwelling~~

(18) Outdoor display or storage of materials, goods, supplies, or equipment used in the operation of the business shall **not** be permitted outside the dwelling.

~~(19) Automobile/truck/boat/vehicle related business is permitted as a home occupation. Vehicle related businesses include but are not exclusive to: vehicle maintenance, repair, renovation, restoration and/or sales~~

(19) Automobile/truck/boat/vehicle related business **shall not be** permitted as a home occupation. Vehicle related businesses include but are not **limited** to: vehicle maintenance, repair, renovation, restoration and/or sales, **gas or diesel mechanic shops**.

SECTION II: CONFLICT WITH OTHER ORDINANCE

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

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

SECTION V: REPEALER

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

ORDINANCE 2016-47

**Additional Appropriation 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 in Ordinance 2016-33 in the amount of \$46,868.75 for the estimated NRCS reimbursement; 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, the final Notice of Grant Award from NRCS (Natural Resources Conservation Service) was received with a Federal Funds Awarded amount of \$114,717 which was less than estimated; and

WHEREAS, an additional appropriation of \$36,000 will be needed for the 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 with a NRCS approved reimbursement of \$114,717.
3. Fiscal Year 2016 Budget is hereby amended to include an **additional appropriation** in the amount of **\$36,000 from the General Fund** (*including a 5% contingency*) 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

Suzanne Henson

From: Ashley Campbell
Sent: Thursday, July 07, 2016 11:54 AM
To: Suzanne Henson
Cc: William Eringman; Richard D. Johnson, P.E.
Subject: Old Daphne Wharf ROW Drainage
Attachments: Ord 2016-33 NRCS EWP Old Wharf.pdf; NRCS EWP Old Wharf Agreement-AL_68-4101-16-216 Daphne 093 (unsigned).pdf

Suzanne

We received the NRCS Emergency Watershed Protection agreement this week. NRCS approved \$114,717.00 for the project. After reviewing approved Ordinance 2016-15 & 2016-33, it appears that we will need to appropriate an additional funds for the project.

See the breakdown below.

Project Costs

Survey and Design	\$ 14,750.00
Construction	\$169,650.00
Engineering CE&I	<u>\$ 17,825.00</u>
	\$202,225.00

Funds Appropriated

Ordinance 2016-15	\$ 14,750.00
Ordinance 2016-33	\$ 46,868.75
NRCS EWP Funds	<u>\$114,717.00</u>
Funds Appropriated Total	\$176,335.75

Project Total	\$202,225.00
Funds Appropriated Total	<u>\$176,335.75</u>
<i>Difference</i>	\$ 25,889.25

Additional Needed	\$ 25,889.25
5% Contingency (Pending unforeseen litigation or change orders)	<u>\$ 10,111.25</u>
Total Requested	\$ 36,000.50

Ashley Campbell, CPESC
 Environmental Programs Manager
 City of Daphne
 1705 Main Street
 PO Box 400
 Daphne, Al 36526
 251-621-3080 (office)
 251-621-3719 (fax)
 251-234-7122 (cell)

NOTICE OF GRANT AND AGREEMENT AWARD

1. Award Identifying Number: 68-4101-16-216		2. Amendment No. N/A	3. Award/Project Period Date of NRCS signature -11/01/2016		4. Type of Award Instrument Cooperative Agreement																									
5. Agency: Natural Resources Conservation Service (NRCS) (Name and Address) 3381 Skyway Dr Auburn AL 36830			6. Recipient Organization: (Name and Address) City of Daphne P O Box 400, 1705 Main St Daphne AL 36526 <table border="1" style="width:100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td>DUNS: 800059230</td> <td>EIN: 630478139</td> </tr> </table>			DUNS: 800059230	EIN: 630478139																							
DUNS: 800059230	EIN: 630478139																													
7. NRCS Program Contact: Erika Justiniano-Velez 251-275-3185 erika.justiano-velez@al.usda.gov		8. NRCS Administrative Contact: Moi Sanford 614-255-2495 moira.sanford@wdc.usda.gov		9. Recipient Program Contact: Ashley Campbell 251-621-3980 acampbell@daphneal.com	10. Recipient Administrative Contact: Dane Haygood 251-621-8000 meyor@daphneal.com																									
11. CFDA Number 10.923	12. Authority Emergency Watershed Protection 7 CFR Part 624		13. Type of Action New Agreement		14. Project Director Bill Smith 334-887-4525 bill.smith@al.usda.gov																									
15. Project Title/Description: Emergency Watershed Protection - Baldwin County, AL, DSR DAP-15-001. TA and FA Funding. Complete agreement includes this NRCS-ADS-093 and attachments listed on page 2 of this form.																														
16. Entity Type: <input type="checkbox"/> Profit <input type="checkbox"/> Nonprofit <input type="checkbox"/> Higher Education <input type="checkbox"/> Federal <input checked="" type="checkbox"/> State/Local <input type="checkbox"/> Indian/Native American Other																														
17. Select Funding Type: <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> Non-Federal			18. Accounting and Appropriation Data																											
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>Original Funds Total:</td> <td style="text-align: right;">\$114,717.00</td> <td style="text-align: right;">\$34,762.00</td> </tr> <tr> <td>Additional Funds Total:</td> <td></td> <td></td> </tr> <tr> <td>Grand Total:</td> <td style="text-align: right;">\$114,717.00</td> <td style="text-align: right;">\$34,762.00</td> </tr> </table>			Original Funds Total:	\$114,717.00	\$34,762.00	Additional Funds Total:			Grand Total:	\$114,717.00	\$34,762.00	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Financial Code</th> <th>Amount</th> <th>Fiscal Year</th> <th>Treasury Symbol</th> </tr> </thead> <tbody> <tr> <td>NR.AI.EWMP.01.5099.16XXF (BOC 4115)</td> <td style="text-align: right;">\$104,288.00</td> <td style="text-align: center;">2016</td> <td style="text-align: center;">12X1072</td> </tr> <tr> <td>NR.AI.EWMP.01.5099.16XXI (BOC 2559)</td> <td style="text-align: right;">\$10,429.00</td> <td style="text-align: center;">2016</td> <td style="text-align: center;">12X1072</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>			Financial Code	Amount	Fiscal Year	Treasury Symbol	NR.AI.EWMP.01.5099.16XXF (BOC 4115)	\$104,288.00	2016	12X1072	NR.AI.EWMP.01.5099.16XXI (BOC 2559)	\$10,429.00	2016	12X1072				
Original Funds Total:	\$114,717.00	\$34,762.00																												
Additional Funds Total:																														
Grand Total:	\$114,717.00	\$34,762.00																												
Financial Code	Amount	Fiscal Year	Treasury Symbol																											
NR.AI.EWMP.01.5099.16XXF (BOC 4115)	\$104,288.00	2016	12X1072																											
NR.AI.EWMP.01.5099.16XXI (BOC 2559)	\$10,429.00	2016	12X1072																											
19. APPROVED BUDGET																														
Personnel		Fringe Benefits		\$																										
Travel		Equipment		\$																										
Supplies		Contractual		\$																										
Construction		Other		\$ 10,429 (TA)																										
Total Direct Cost\		Total Indirect Cost		\$																										
		Total Non-Federal Funds		\$ 34,762.00																										
		Total Federal Funds Awarded		\$ 114,717.00																										
		Total Approved Budget		\$ 149,479.00																										
<p>This agreement is subject to applicable USDA NRCS statutory provisions and Financial Assistance Regulations. In accepting this award or amendment and any payments made pursuant thereto, the undersigned represents that he or she is duly authorized to act on behalf of the awardee organization, agrees that the award is subject to the applicable provisions of this agreement (and all attachments), and agrees that acceptance of any payments constitutes an agreement by the payee that the amounts, if any found by NRCS to have been overpaid, will be refunded or credited in full to NRCS.</p>																														

U.S. Department of Agriculture
 Natural Resources Conservation Service

NRCS-ADS-093
 7/2012

(Continuation)

NOTICE OF GRANT AND AGREEMENT AWARD			
Award Identifying Number	Amendment No.	Award/Project Period	Type of Award Instrument
68-4101-16-216		Date of NRCS signature - 11/01/2016	Cooperative Agreement

Name and Title of Authorized Government Representative	Signature	Date
Name and Title of Authorized Recipient Representative	Signature	Date

NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

PRIVACY ACT STATEMENT

The above statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. Section 522a).

The following attachments are hereby made a part of this agreement:

- Attachment A: Statement of Work
- Attachment B: General Terms and Conditions
- Attachment C: Procurement Standards - 2 CFR 200.317 through 200.326
- Attachment D: Appendix II to 2 CFR Part 200
- Attachment E: NRCS Supplement to OSHA Parts 1910 and 1926

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 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 5th day of July, 2016.



Dane Haygood, Mayor

Attest:



Rebecca A. Hayes, City Clerk

ORDINANCE NO. 2016-48

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF
\$8,600,000 OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT
WARRANTS, SERIES 2016**

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

ARTICLE I

**DEFINITIONS, USE OF WORDS AND
PHRASES, AND FINDINGS BY THE CITY**

Section 1.1 Definitions. The following words and phrases and others evidently intended as the equivalent thereof shall, in the absence of clear implication herein otherwise, be given the following respective interpretations:

“**Bank**” means The Bank of New York Mellon Trust Company, N.A., in its role as Warrant Registrar and Paying Agent.

“**Business Day**” means any day other than a Saturday, Sunday or day on which banking institutions are required or authorized to close in the city in which the designated corporate trust agency office of the Bank is located, or on which the Federal Reserve Bank is closed.

“**Capital Improvements**” shall have the meaning given that term in Section 1.3(d) hereof, subject to being amended and supplemented as provided in Section 8.2 hereof.

“**City**” means the municipal corporation in the State of Alabama known as the City of Daphne, Alabama, as it now exists, and any political subdivision resulting from any merger or consolidation thereof with any other political subdivision.

“**City Clerk**” means the city clerk of the City.

“**Code**” means the Internal Revenue Code of 1986 as amended.

“**Council**” or “**City Council**” means the governing body of the City as from time to time constituted.

“**Direct Participant**” means securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations which participate in the Securities Depository with respect to the Warrants.

“Escrow Trustee” means The Bank of New York Mellon Trust Company, N.A., as escrow trustee for the Series 2006 Warrants under the terms of the 2006 Escrow Trust Agreement.

“Government Obligations” means direct obligations of the United States of America and obligations unconditionally guaranteed by the United States of America.

“Interest Payment Date” means, with respect to the Warrants, any April 1 or October 1, prior to payment thereof.

“Overdue Interest” means interest due but not paid on the Interest Payment Date on which such interest is required to be paid.

“Record Date” means, as to any Interest Payment Date, the March 15 or September 15 immediately preceding such Interest Payment Date.

“Redemption Date” means the date for redemption of the Warrants determined pursuant to the terms of this Ordinance and provided in the notice provided for in Section 5.2.

“Redemption Price” means the price for redemption of the Warrants determined pursuant to the terms of this Ordinance and provided in the notice provided for in Section 5.2.

“Securities Depository” has the meaning given that term in Section 3.5 hereof.

“Series 2006 Warrants” means the City’s Limited Obligation Special Tax Warrants, dated April 17, 2006, originally issued in the aggregate principal amount of \$25,230,000.

“Treasurer” shall mean the treasurer or any assistant treasurer of the City.

“Warrant Authorizing Law” means Section 4, Chapter 81 and Section 2, Chapter 47 of Title 11, Code of Alabama, 1975.

“Warrant Fund” means the special account created pursuant to Section 8.3 hereof.

“Warrant Holder” or **“Holder”** means the registered holder, from time to time, of any of the Warrants.

“Warrants,” unless otherwise indicated, means the \$8,600,000 in aggregate principal amount of the City's General Obligation Refunding and Improvement Warrants, Series 2016, as more particularly described in Article II hereof and issued hereunder.

“2006 Escrow Trust Agreement” means the Escrow Trust Agreement – 2006 Warrants, dated as of April 1, 2006, between the City and The Bank of New York Mellon Trust Company, N.A., the successor in interest to The Bank of New York Trust Company, N.A., as Escrow Trustee.

Section 1.2 Use of Words and Phrases. The following provisions shall be applied wherever appropriate herein:

Whenever used herein, any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

"Hereby", "herein", "hereinafter", "hereof", "hereunder" and other equivalent words refer to this Ordinance as a whole and not solely to any particular portion thereof in which any such word is used.

The definitions set forth in Section 1.1 hereof shall be deemed applicable whether the words defined are herein used in the singular or plural.

Section 1.3 Findings of Council. Having made due and proper investigation of the matters hereinafter referred to, the Council hereby finds and determines:

- (a) The City has heretofore issued the Series 2006 Warrants pursuant to an Ordinance adopted by the Council on April 17, 2006 (the "2006 Ordinance").
- (b) The City is not in default on the payment of the principal of and the interest on the the Series 2006 Warrants.
- (c) By a resolution previously adopted, the City has called all of the outstanding Series 2006 Warrants for redemption.
- (d) It is necessary, advisable and in the interest of the public that the City pay a portion of the costs of the acquisition, construction and installation of certain City recreation parks improvements and construction projects (the "Capital Improvements"), which acquisition, construction and installation are expected to cost approximately \$840,000 and/or any other authorized purposes pursuant to a later action by the Council and in compliance with the requirements of this Ordinance.
- (e) Pursuant to the Warrant Authorizing Law the City is authorized to issue its warrants, in order to refund outstanding indebtedness of the City and to finance the Capital Improvements.
- (f) It is necessary, advisable and in the interest of the public that the City issue its General Obligation Refunding and Improvement Warrants, Series 2016 to refund the Series 2006 Warrants, to pay costs of the Capital Improvements and to pay costs of issuance and sale of such Warrants.

ARTICLE II

AUTHORIZATION, DESCRIPTION, EXECUTION, PAYMENT AND FORM OF THE WARRANTS

Section 2.1 Authorization of the Warrants. Pursuant to the applicable provisions of the constitution and laws of the State of Alabama, and for the purposes of refunding all of Series 2006 Warrants and paying the costs of issuance thereof, there is hereby authorized to be issued by the City \$8,600,000 in aggregate principal amount of its General Obligation Refunding and Improvement Warrants, Series 2016.

Section 2.2 Description of the Warrants. The Warrants shall be issued only in fully registered form, without coupons, shall be dated as the date of their delivery, shall be issued in principal amounts of \$5,000 or any integral multiple thereof, and shall be numbered from R-1 upwards in the order of their issuance and delivery. The Warrants shall bear interest from the date of their delivery (or in the case of a Warrant registered in the name of a Holder after the date of their delivery from the Interest Payment Date next preceding the date of such registration or, if the date of such registration is an Interest Payment Date, from the date of registration) at the rates shown below (calculated on the basis of a 360-day year of twelve 30-day months), payable on each April 1 and October 1 until payment of the principal amount thereof, beginning October 1, 2016 and, subject to the redemption provisions hereinafter set forth, shall mature on April 1 in the years and amounts as follows:

Year of Maturity	Amount Maturing	Interest Rate
2017	\$1,445,000	3.000%
2018	1,195,000	3.000
2019	1,235,000	3.000
2020	950,000	3.000
2021	915,000	3.000
2022	315,000	3.000
2023	325,000	3.000
2024	330,000	4.000
2025	350,000	4.000
2026	360,000	4.000
2027	375,000	4.000
2028	395,000	4.000
2029	410,000	4.000

Section 2.3 Execution of the Warrants. The Warrants shall be executed in the name of the City by the manual or facsimile signatures of the Mayor of the City and its City Clerk inscribed or printed or otherwise reproduced thereon (it being herein provided that a condition to the validity of each Warrant is the manual execution on behalf of the Bank of the Registration Certificate endorsed on each Warrant). The Warrants shall be registered by the Treasurer of the City, in the records

maintained by the Treasurer, as a claim against the City and the Warrant Fund, which registration shall be made simultaneously as to all the Warrants. The certificate of registration on each of the Warrants shall be executed by the manual or facsimile signature of the Treasurer of the City. The official seal of the City shall be impressed or printed or otherwise reproduced thereon and shall be attested by the aforementioned signature of the City Clerk. The said officers are hereby directed to cause the Warrants to be executed, sealed and registered in the manner provided by this section. Anything herein to the contrary notwithstanding, any assistant city clerk shall be empowered to execute any Warrant in the absence or unavailability of the City Clerk and any assistant treasurer of the City shall be empowered to execute any Warrant in the absence or unavailability of the Treasurer.

Section 2.4 Places and Medium of Payment of the Warrants. Principal of and interest on the Warrants shall be payable in lawful money of the United States of America. The principal of the Warrants shall be payable at the designated corporate trust agency office of the Bank, upon presentation and surrender of the Warrants as the same become due and payable. Interest on the Warrants shall be payable by check or draft mailed by the Bank to the lawful holders of the Warrants at the address shown on the registry books of the Bank pertaining to the Warrants as of the Record Date and shall be deemed timely made if so mailed on the Interest Payment Date (or if such Interest Payment Date is not a Business Day, on the Business Day next following such Interest Payment Date).

Section 2.5 Forms of the Warrants and Related Certificates. The Warrants, the certificate of registration thereof, the registration thereof as a claim against the Warrant Fund, and the form of assignment thereof shall be in substantially the following forms, with appropriate changes therein to conform to the applicable provisions hereof:

[Remainder of this Page Intentionally Left Blank]

(Form of Series 2016 Warrant)

[FORM OF CAPTION FOR WARRANTS HELD IN BOOK ENTRY FORM]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R-_____ \$_____

UNITED STATES OF AMERICA
STATE OF ALABAMA
CITY OF DAPHNE
GENERAL OBLIGATION REFUNDING AND IMPROVEMENT WARRANT
SERIES 2016

MATURITY DATE

CUSIP NUMBER

INTEREST RATE

THE CITY OF DAPHNE, ALABAMA, a municipal corporation in the State of Alabama (the "City"), for value received, hereby acknowledges that it is indebted in the principal sum of

_____ DOLLARS

and hereby directs the Treasurer of the City to pay such principal sum to

or registered assigns, on the maturity date specified above or such earlier date as this Warrant may be called for redemption, and to pay (but solely out of the Warrant Fund) interest on such principal sum from the date hereof (or in the case of a Warrant registered in the name of the registered Holder hereof on or after the date hereof, as evidenced by the Certificate of Registration attached hereto, from the Interest Payment Date next preceding the date of such registration or, if the date of such registration is an Interest Payment Date, from the date of registration), until such principal sum shall become due and payable, at the per annum rate of interest specified above. Interest shall be payable on April 1 and October 1 in each year, beginning October 1, 2016 (each such date herein called an

"Interest Payment Date"), and shall be computed on the basis of a 360-day year with 12 months of 30 days each. Interest shall be payable on overdue principal (and premium, if any) on this Warrant and (to the extent legally enforceable) on any overdue installment of interest on this Warrant at the rate borne hereby.

The interest so payable, and punctually paid or duly provided for, on any Interest Payment Date will, as provided in the Authorizing Ordinance hereinafter described, be paid to the person in whose name this Warrant is registered at the close of business on the 15th day of the month next preceding such Interest Payment Date.

The Warrants are being issued by means of a book-entry system with no physical distribution of warrant certificates to be made except as provided in the Authorizing Ordinance (as hereinafter defined). One warrant certificate, in the aggregate principal amount of each maturity of the Warrants, registered in the name of Cede & Co. as nominee of the DTC, is being issued and required to be deposited with DTC (or an authorized banking institution acceptable to DTC) and immobilized in its custody. The book-entry system will evidence ownership of the Warrants, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. Transfer of principal, interest and any redemption premium payments to beneficial owners of the Warrants by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. The City will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, and to participants or persons acting through such participants. While Cede & Co. is the registered owner of this Warrant, notwithstanding the provisions hereinabove contained, payments of principal, interest and any redemption premium on this Warrant will be made in accordance with the existing arrangements between the Paying Agent and DTC.

Subject to the foregoing paragraph, payment of interest on this Warrant due on each Interest Payment Date shall be made by check or draft mailed by the Paying Agent to the person entitled thereto at his address appearing in the Warrant Register maintained with respect to the Warrants. Such payments of interest shall be deemed timely made if so mailed on the Interest Payment Date (or, if such Interest Payment Date is not a business day, on the business day next following such Interest Payment Date). Payment of the principal of (and premium, if any, on) this Warrant and payment of accrued interest on this Warrant due upon redemption shall be made only upon surrender of this Warrant at the designated corporate trust agency office of the hereinafter described Bank. Upon the terms and conditions provided in the Authorizing Ordinance, the Holder of any Warrant or Warrants in an aggregate principal amount of not less than \$100,000 may request that payment of interest on such Warrant or Warrants be made by wire transfer to an account of such Holder maintained at a bank in the continental United States or by any other method providing for same-day funds that is acceptable to the Bank. All such payments shall be made in such coin or currency of the United States of America as at the time of payment is legal tender for the payment of public and private debts.

This Warrant is one of the duly authorized issue of warrants of the City, aggregating \$8,600,000 in principal amount, entitled "General Obligation Refunding and Improvement Warrants, Series 2016" (the "Warrants") and issued under and pursuant to an ordinance duly adopted by the governing body of the City (the "Authorizing Ordinance") and the constitution and laws of the State of Alabama, including particularly Section 4, Chapter 81, and Section 2, Chapter 47, of Title 11 of the Code of Alabama, 1975. Capitalized terms not otherwise defined herein shall have the meanings assigned in the Authorizing Ordinance.

The Authorizing Ordinance provides that The Bank of New York Mellon Trust Company, N.A. (the "Bank"), will serve as Paying Agent and Registrar with respect to the Warrants unless and until a successor is appointed pursuant to the terms and conditions of the Authorizing Ordinance. For purposes of this Warrant and the Authorizing Ordinance, the principal office of the Bank shall mean the office where the Bank maintains its designated corporate trust agency office, as shall be designated by the Bank by written notice to the City and the Holders of the Warrants.

The indebtedness evidenced by the Warrants is a general obligation of the City for the payment of which the full faith and credit of the City have been irrevocably pledged, pro rata and without preference or priority of one Warrant over another.

Pursuant to the Authorizing Ordinance, the City has established a special fund for the payment of debt service on the Warrants (the "Warrant Fund") that will be held by the Bank. The City has obligated itself to pay or cause to be paid into the Warrant Fund from the taxes, revenues or other funds of the City sums sufficient to provide for the payment of debt service on the Warrants as the same becomes due and payable.

The Warrants, maturing on or after April 1, 2027 are subject to redemption prior to their maturity, at the option of the City, in whole or in part, on April 1, 2026, and on any date thereafter (in principal amounts of \$5,000 and any integral multiple thereof and if less than all of the Warrants are to be redeemed, those maturities or portions thereof to be called for redemption shall be selected by the City in its discretion, and if less than all the Warrants of a single maturity are to be redeemed, those to be called for redemption shall be selected by lot), at and for a redemption price equal to 100% of the principal amount of each Warrant or portion thereof redeemed, plus accrued interest to the date fixed for redemption.

Written notice of the call for redemption of this Warrant (or portion of the principal thereof) shall be forwarded by United States registered or certified mail to the registered owner hereof, not less than thirty (30) days prior to the date fixed for redemption. Such notice of redemption relative to the Warrants shall state that it is conditioned on there being sufficient money on deposit to pay the full redemption price of the Warrants on the redemption date. In the event that less than all the outstanding principal of this Warrant is to be redeemed, the registered Holder hereof shall surrender this Warrant to the Bank in exchange for a new Warrant of like tenor herewith except in a principal amount equal to the unredeemed portion hereof. Upon the giving of notice of redemption in accordance with the provisions of the Authorizing Ordinance, the Warrants (or principal portions thereof) so called for redemption and prepayment shall become due and payable on the date specified

in such notice, anything herein or in the Authorizing Ordinance to the contrary notwithstanding, and the Holders thereof shall then and there surrender them for payment, and all future interest on the Warrants (or principal portion thereof) so called for prepayment shall cease to accrue after the date specified in such notice, whether or not the Warrants are so presented.

This Warrant is transferable by the registered holder hereof, in person or by authorized attorney, only on the books of the Bank, as Registrar and Transfer Agent of the City, and only upon surrender of this Warrant to such Registrar for cancellation, and upon any such transfer a new Warrant of like tenor herewith will be issued to the transferee in exchange therefor, all as more particularly described in the Authorizing Ordinance. Each Holder hereof, by receiving or accepting this Warrant, shall consent and agree and shall be estopped to deny that this Warrant may be transferred only in accordance with the provisions of the Authorizing Ordinance. Provision is also made in the Authorizing Ordinance for the exchange of Warrants for a like aggregate principal amount and in authorized denominations, all upon the terms and subject to the conditions set forth in the Authorizing Ordinance.

The Registrar shall not be required to transfer or exchange this Warrant during the period of fifteen (15) days next preceding any interest payment date; and, in the event that this Warrant (or any principal portion hereof) is duly called for redemption and prepayment, the Registrar shall not be required to register or transfer this Warrant during the period of sixty (60) days next preceding the date fixed for such redemption and prepayment.

Registration, transfer and exchange of Warrants, other than to replace mutilated, lost, stolen or destroyed Warrants, shall be without expense to the Holder or transferee, but the Holder shall pay all taxes and other governmental charges, if any, required to be paid in connection with such transfer, registration or exchange.

It has been ascertained and found, and it is hereby certified and recited, that all conditions, actions and things required by the constitution and laws of Alabama to exist, be performed or happen precedent to or in the issuance of this Warrant and the creation of the indebtedness evidenced and ordered paid, hereby exist, have been performed and have happened, that such indebtedness has been registered as a claim against the Warrant Fund and is lawfully due without condition, and that the indebtedness evidenced and ordered paid by this Warrant, together with all other indebtedness of the City, was when incurred and is now within every debt and other limit prescribed by the constitution and laws of Alabama.

Unless the Registration Certificate hereon has been executed by the Bank, as Registrar for the Warrants, by manual signature, this Warrant shall not be entitled to any benefit under the Authorizing Ordinance or be valid or obligatory for any purpose.

IN WITNESS WHEREOF, the City has caused this Warrant to be executed in its behalf by the Mayor and by the City Clerk of the City, each of whom have caused their facsimile signatures to be hereunto imprinted, has caused the official seal of the City to be imprinted hereon, and has caused this Warrant to be dated _____, 2016.

CITY OF DAPHNE, ALABAMA

(SEAL)

By _____
Its Mayor

ATTEST:

By _____
City Clerk

* * * * *

(Form of Registration as Claim against Warrant Fund)

I hereby certify that this Warrant has been registered by me as a claim against the Warrant Fund referred to in this Warrant.

Treasurer of the
City of Daphne, Alabama

[Form of Registration Certificate]

This Warrant was registered in the name of the above-registered owner on the date hereinafter set forth.

THE BANK OF NEW YORK MELLON TRUST
COMPANY, N.A.

By _____
Its Authorized Officer

DATE OF REGISTRATION: _____

(Form of Assignment)

For value received _____ hereby sell(s), assign(s) and transfer(s) unto _____ the within Warrant and hereby irrevocably constitute(s) and appoint(s) _____, as attorney and Warrant Registrar and Transfer Agent, with full power of substitution in the premises, to transfer the Warrant on the books of the within mentioned Bank.

Dated this the ____ day of _____, ____.

NOTE: The signature on this assignment must correspond with the name of the registered owner as it appears on the face of the within Warrant in every particular, without alteration, enlargement or change whatsoever.

Signature guaranteed:
(Bank, Trust company or Firm)

By: _____
(Authorized Officer)

Its Medallion Number _____

Signature(s) must be guaranteed by an eligible guarantor institution which is a member of a recognized signature guarantee program, i.e., Securities Transfer Agents Medallion Program (STAMP), Stock Exchanges Medallion Program (SEMP), or New York Stock Exchange Medallion Signature Program (MSP)

ARTICLE III
FURTHER PROVISIONS WITH RESPECT TO
WARRANTS

Section 3.1 Home Office Payment Agreement. Upon the written request of the Holder of any Warrant or Warrants in an aggregate principal amount of not less than \$100,000, the Bank will make payment of interest due on such Warrant or Warrants upon any Interest Payment Date by wire transfer to an account of such Holder maintained at a bank in the continental United States or by any other method providing for payment in same-day funds that is acceptable to the Bank, provided that payment of the principal of and redemption premium (if any) on such Warrant or Warrants shall be made only upon surrender of such Warrant or Warrants to the Bank, as Paying Agent.

Section 3.2 Interest After Payment Due Date. The Warrants, any premiums thereon and, to the extent legally enforceable, overdue installments of interest thereon, shall bear interest after the maturity dates thereof or such earlier date as they may be called for redemption, until paid or until money sufficient for the payment thereof shall have been deposited for that purpose with the Bank, at the respective rates borne thereby.

Any provision hereof to the contrary notwithstanding, Overdue Interest shall not be payable to the Warrant Holder solely by reason of such Warrant Holder having been the Holder on the Record Date next preceding the Interest Payment Date on which such interest became due and payable, but shall be payable by the Bank as follows:

- (a) Not less than ten (10) days following receipt by the Bank of immediately available funds in an amount sufficient to enable the Bank to pay all Overdue Interest, the Bank shall fix an Overdue Interest Payment Date for payment of such Overdue Interest, which date shall be not more than twenty (20) days following the expiration of the ten-day period after receipt of funds by the Bank;
- (b) Overdue Interest shall be paid by check or draft mailed by the Bank to the persons in whose names the Warrants were registered in the registry books of the Bank pertaining to the Warrants on the Overdue Interest Payment Date.

Payment of Overdue Interest in the manner herein prescribed to the persons in whose names the Warrants were registered on the Overdue Interest Payment Date shall fully discharge and satisfy all liability for the same.

Section 3.3 Temporary Certificates. Pending the preparation of definitive Warrants the City may execute, and upon request of the City, the Bank shall register and deliver, temporary certificates which are printed, lithographed, typewritten, mimeographed or otherwise produced, in any authorized denomination, substantially of the tenor of the definitive Warrants in lieu of which they are issued, but numbered from R-1 upwards, without other identification numbers, and with such other appropriate insertions, omissions, substitutions and other variations as the officers

executing such temporary certificates may determine, as evidenced by their execution of such temporary certificates.

Any such temporary certificates shall be executed by the manual signatures of the appropriate officers of the City as required in Article II of this Ordinance and be executed and attested by the City Clerk. All such temporary certificates shall have impressed thereon the seal of the City.

If temporary Warrants are issued, the City will cause definitive Warrants to be prepared without unreasonable delay. After the preparation of definitive Warrants, the temporary Warrants shall be exchangeable for definitive Warrants upon surrender of the temporary Warrants at the principal office of the Bank, without charge to the Holder. Upon surrender for cancellation of any one or more temporary Warrants the City shall execute and the Bank shall authenticate and deliver in exchange therefor a like principal amount of definitive Warrants of like tenor, and in authorized denominations. Until so exchanged, temporary Warrants shall in all respects be entitled to the security and benefits of this Ordinance.

Section 3.4 Payments Due on a Day Other Than a Business Day. If any payment on the Warrants is due on a day which is not a Business Day, such payment shall be made on the first succeeding date which is a Business Day with the same effect as if made on the day such payment was due.

Section 3.5 Book Entry System. The City may from time to time enter into, and discontinue, an agreement with a “clearing agency” (securities depository) registered under Section 17A of the Securities Exchange Act of 1934, as amended (a “Securities Depository”), which is the owner of the Warrants, to establish procedures with respect to the Warrants, not inconsistent with the provisions of this Ordinance; provided, however, that any such agreement may provide:

- (a) that such Securities Depository is not required to present a Warrant to the Paying Agent in order to receive partial payment of principal;
- (b) that a legend shall appear on each Warrant so long as the Warrants are subject to such agreement; and
- (c) that different provisions for notice to such Securities Depository may be set forth therein.

So long as an agreement with a Securities Depository is in effect, the City, the Bank and any paying agent or bond registrar shall not have any responsibility or liability with respect to the payment of principal, purchase price, premium, if any, or interest on the Warrants to the beneficial owners or for maintaining, supervising or reviewing any records relating to such beneficial ownership interests or any payments made to such beneficial owners.

ARTICLE IV

GENERAL OBLIGATION; PROVISION FOR PAYMENT OF OBLIGATIONS

Section 4.1 General Obligation. The indebtedness evidenced by the Warrants is and shall be a general obligation of the City and the full faith and credit of the City are hereby irrevocably pledged to the payment of the principal thereof and interest thereon.

Section 4.2 Continued Levy of Taxes; Maintenance of Warrant Fund. The City agrees that, so long as the principal of or interest on any of the Warrants remains unpaid, the City will annually levy and collect taxes, insofar as such taxes may be permitted by the present or any future provisions of the Constitution of Alabama, in such amounts as may be necessary to provide for the payment of the principal of and interest on the Warrants. The City further agrees that so long as the principal of or interest on any of the Warrants remains unpaid it will deposit in the Warrant Fund with respect to such Warrants, not later than the 25th day of the month next preceding an Interest Payment Date, an amount which, when added to the amounts then on deposit in such Warrant Fund, will equal the principal, interest and redemption premium (if any) to come due with respect to the Warrants on such Interest Payment Date.

Section 4.3 Provision for Payment. (a) If the principal of and interest and redemption premium (if any) on the Warrants is paid in accordance with the terms thereof and this Ordinance, then all covenants, agreements and other obligations of the City to the Holders of such Warrants shall thereupon cease, terminate and become void and be discharged and satisfied. In the event the Warrants are so paid the Bank shall pay to the City any surplus remaining in the Warrant Fund.

(b) Warrants shall, prior to the maturity or redemption date thereof, be deemed to have been paid within the meaning and with the effect expressed in subsection (a) of this Section 4.3 if

- (1) the City and the Bank (or another bank acting as trustee) enter into an appropriate trust agreement under which there shall be deposited, for payment or redemption of such Warrants and for payment of the interest to accrue thereon until maturity or redemption, and any redemption premium thereon, Government Obligations and cash or any combination of cash and Government Obligations which, together with the income to be derived from such, will produce monies sufficient to provide for the payment, redemption and retirement of such Warrants as and when the same become due;
- (2) the City shall have adopted all necessary proceedings providing for the redemption of any such Warrants that are required to be redeemed prior to their respective maturities and shall have instructed the Bank or other trustee under the aforesaid trust agreement to provide such notices of redemption as are required under this Ordinance;

- (3) the City and the Bank shall have been furnished with an opinion of nationally recognized bond counsel to the effect that the creation of any such trust will not result in subjecting to federal income taxation the interest on any of the Warrants that are to be paid in accordance with such trust; and
- (4) the City and the Bank shall have been furnished a certificate of a firm of certified public accountants satisfactory to the Bank stating that such trust will produce monies sufficient to provide for the full payment and retirement of such Warrants as and when the principal of and interest and redemption premium (if any) on such Warrants shall come due.

ARTICLE V

REDEMPTION PROVISIONS

Section 5.1 Optional Redemption. The Warrants, maturing on or after April 1, 2027 are subject to redemption prior to their maturity, at the option of the City, in whole or in part, on April 1, 2026, and on any date thereafter (in principal amounts of \$5,000 and any integral multiple thereof and if less than all of the Warrants are to be redeemed, those maturities or portions thereof to be called for redemption shall be selected by the City in its discretion, and if less than all the Warrants of a single maturity are to be redeemed, those to be called for redemption shall be selected by lot), at and for a redemption price equal to 100% of the principal amount of each Warrant or portion thereof redeemed, plus accrued interest to the date fixed for redemption.

Section 5.2 Procedure for Redemption; Resolution Authorizing Redemption. Not less than thirty (30) days prior to the Redemption Date, the City (or the Bank on behalf of the City) shall give, or cause to be given, written notice of such redemption and prepayment by United States mail, registered or certified, to the Holders of each of the Warrants to be redeemed, in whole or in part, at the address of such registered Holder as such address appears on the registry books of the Registrar, stating that the Warrants (or principal portions thereof) have been called for redemption and will become due and payable at the Redemption Price, on a specified Redemption Date and that all interest thereon will cease to accrue after the Redemption Date. Such notice of redemption relative to the Warrants shall state that it is conditioned on there being sufficient money on deposit on the redemption date to pay the full redemption price of the Warrants so called for redemption on the redemption date. The holders of any of the Warrants to be redeemed may waive the requirements for notice with respect to the Warrants held by them without affecting the validity of the call for redemption of any other Warrants. The City shall cause to be paid and made available at the office of the Bank, on or prior to the Redemption Date, the total Redemption Price of the Warrants (or portions thereof) so called for redemption on such date. Out of the moneys so deposited with it, the

Bank shall make provision for payment of the Warrants (or principal portions thereof) so called for redemption at the Redemption Price and on the Redemption Date.

In addition to the foregoing notice, further notice shall be given by the City to all registered securities depositories and to one or more national information services that disseminate notices of redemption of obligations such as the Warrants. No defect in the further notice required in this paragraph, and no failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as described in the first paragraph of this Section 5.2.

Any optional redemption or prepayment of the Warrants or any portion thereof shall be effected upon a call by the City, as evidenced by a resolution of the Council, for redemption and prepayment of the Warrants to be so redeemed. Any such resolution pertaining to the Warrants shall state (i) that the City is not in default in the payment of the principal of or interest on any of the Warrants to be redeemed or (ii) that all of the Warrants then outstanding are to be retired on the Redemption Date.

If Warrants have been redeemed pursuant to optional redemption as described above, or if the City has delivered Warrants to the Trustee for cancellation, the City may direct that any sinking fund amount be reduced by any amount equal to all or a portion of the principal amount of any Warrants so redeemed or delivered for cancellation (and not previously used to reduce any sinking fund amount). The City shall deliver any such direction at least 75 days before the redemption date.

If amounts are being held in the Warrant Fund to be used to redeem Warrants pursuant to a mandatory sinking fund redemption provision, in lieu of such redemption, the City may, no later than 75 days before the redemption date, direct the Bank in writing to use part or all of such moneys to purchase such Warrants, in a principal amount not to exceed the next sinking fund amount, which Warrants are presented to the City by the owners of the Warrants for purchase and which the City directs the Bank to purchase. The purchase price of such Series 2016 Warrants shall not exceed the redemption price of the Warrants which would be redeemed but for the operation of this paragraph (accrued interest to be paid from the same fund or account from which accrued interest would be paid upon the redemption of such Warrants). Any such purchase shall be completed prior to the time notice would otherwise be required to be given to redeem Warrants. All Warrants so purchased shall be cancelled and applied as a credit (in an amount equal to the principal amount of such Warrants) against the next sinking fund amount.

Section 5.3 Result of Redemption of Warrants. Upon compliance with the requirements set forth in this Article V, and if the City is not on the Redemption Date in default in the payment of the principal of or interest on the Warrants, the Warrants (or principal portions thereof) called for redemption shall become due and payable at the Redemption Price and on the Redemption Date specified in the notice provided for in Section 5.2, and the Holders thereof shall then and there surrender them for redemption; provided, however, that in the event that less than all of the outstanding principal of any Warrant is to be redeemed, the registered Holder thereof shall surrender the Warrant that is to be prepaid in part to the Bank in exchange, without expense to the Holder, for a

new Warrant of like tenor except in a principal amount equal to the unredeemed portion thereof. All future interest on the Warrants (or principal portions thereof) so called for redemption shall cease to accrue after the Redemption Date.

ARTICLE VI

REGISTRATION AND TRANSFER OF THE WARRANTS

Section 6.1 Registration and Transfer of the Warrants. The Warrants shall be registered as to both principal and interest. Each Warrant shall have endorsed thereon a registration certificate substantially in the form provided in Section 2.5 hereof, and a condition to the validity of each Warrant shall be the manual execution of such certificate on behalf of the Bank. The Bank is hereby appointed as the Registrar and Transfer Agent for the Warrants, and shall be authorized to keep at its designated corporate trust agency office proper registry books in which it shall register the Warrants, as to both principal and interest, noting the registry on the Warrants so presented. Such registration shall conclusively designate the Warrant Holder as the sole person to whom or on whose order the payment of the principal of and interest on the Warrants so registered may be made. After such registration no transfer of a Warrant so registered shall be valid unless it is presented at the said office with written power to transfer, properly stamped if required, in form and with guaranty of signature satisfactory to the Registrar, and such new registration noted thereon by the Registrar. The Registrar shall not be required to transfer or exchange such Warrant during the period of fifteen (15) days next preceding any interest payment date. If any Warrant shall be duly called for redemption pursuant to the provisions hereof, the Registrar shall not be required to transfer such Warrant during the period of sixty (60) days next preceding the date fixed for its redemption.

Section 6.2 Exchange of Warrants. Upon request of the Holder of any Warrant, the City shall execute, and the Bank shall register and deliver, upon surrender to the Bank of the Warrant or Warrants, in exchange therefor, a Warrant or Warrants of the same tenor in different authorized principal amounts (of \$5,000 or integral multiples thereof), together aggregating the same principal amount as the then unpaid principal of the Warrant or Warrants so surrendered, all as may be requested by the persons surrendering such Warrant or Warrants.

Section 6.3 Costs of Registration, Transfer and Exchange. The registration, transfer and exchange of Warrants (other than pursuant to Section 6.5 hereof) shall be without expense to the Holder or transferee. In every case involving a transfer, registration or exchange, such Holder shall pay all taxes and other governmental charges, if any, required to be paid in connection with such transfer, registration or exchange.

Section 6.4 Effect of Registration. The City, the Registrar, and the Paying Agent may deem and treat the person in whose name a Warrant is registered on the books of the Registrar as the absolute owner thereof for all purposes; they shall not be affected by notice to the contrary; and all payments by any of them to the person in whose name a Warrant is registered shall, to the extent of such payment, fully discharge all liability thereof.

Section 6.5 Replacement of Mutilated, Lost, Stolen or Destroyed Warrants. In the event that any Warrant is mutilated, lost, stolen or destroyed, the City may execute and deliver a new Warrant of like tenor as that mutilated, lost, stolen or destroyed; provided, that (a) in the case of any such mutilated Warrant, such Warrant is first surrendered to the City and the Bank, and (b) in the case of any such lost, stolen or destroyed Warrant, there is first furnished to the City and the Bank evidence of such loss, theft or destruction satisfactory to each of them, together with indemnity satisfactory to each of them. The City may charge the Holder with the expense of issuing any such new Warrant.

Section 6.6 Provisions with Respect to Bank. (a) Appointment of Bank and Acceptance of Duties. The Bank is herein designated and appointed and shall act as registrar, transfer agent and payment agent with respect to the Warrants. By its acceptance of such duties hereunder, the Bank shall accept and agree to perform the duties required by this Ordinance, subject, however, to the following conditions:

- (i) The Bank shall undertake to perform such duties and only such duties as are specifically set forth in this Ordinance, and no implied covenants or obligations shall be read into this Ordinance against the Bank.
- (ii) In the absence of bad faith or negligence on its part, the Bank may conclusively rely, as to the truth of the statements and the correctness of the opinions expressed therein, upon certificates or opinions furnished to the Bank and conforming to the requirements of this Ordinance; provided, however, that in the case of any such certificates or opinions which by any provision hereof are specifically required to be furnished to the Bank, the Bank shall be under a duty to examine the same to determine whether or not they conform to the requirements of this Ordinance.
- (iii) The Bank shall not be answerable for other than its gross negligence or willful default and the Bank may act through its agents and attorneys with respect to any of its duties hereunder.
- (iv) No provision of this Ordinance shall be construed to relieve the Bank from liability for its own gross negligence or willful misconduct, except that no provision of this Ordinance shall require the Bank to expend or risk its own funds or otherwise incur any financial liability in the performance of any of its duties hereunder, or in the exercise of any of its rights or powers, if it shall have reasonable grounds for believing that repayment of such funds or adequate indemnity against such risk or liability is not reasonably assured to it.
- (v) The Bank may consult counsel on any matters connected herewith and shall not be answerable for any action taken or failure to take any action in good faith on the advice of counsel, provided that its action or inaction is not contrary to any express provision hereof.
- (vi) The Bank need not recognize a Holder of a Warrant as such without the satisfactory

establishment of his title to such Warrant.

- (vii) Any action taken by the Bank at the request of and with the consent of the Holder of a Warrant will bind all subsequent Holders of the same Warrant and any Warrant issued hereunder in lieu thereof.
- (viii) The Bank may be a Holder or a pledgee of any of the Warrants as if not the Bank hereunder.
- (ix) The Bank shall not be liable for the proper application of any moneys other than those that may be paid to or deposited with it.
- (x) The Bank shall not be liable to pay or allow interest on any moneys to be held by it under this Ordinance or otherwise to invest any such moneys, except as specifically required by this Ordinance or as may be required by law or other written agreement between the City and the Bank.
- (xi) The Bank may make any investments permitted or required hereby through its own investment department, and any eligible investments issued or held by it hereunder shall be deemed investments and not deposits.
- (xii) The Bank shall, upon reasonable written request, inform the City of the amount at the time on deposit in any of the special funds or accounts created hereunder.
- (xiii) The recitals of fact herein and in the Warrants are statements by the City and not by the Bank, and the Bank is in no way responsible for the validity or security of the Warrants or the validity of the security afforded hereby.

(b) Resignation by Bank. The Bank and any successor Bank may resign and be discharged from the duties under this Ordinance by causing written notice specifying the effective date, postage prepaid, to the City and to every Holder of a Warrant. Unless the effective date of the Bank's resignation shall coincide with the appointment of a successor Bank by the Holders of the Warrants as herein provided, such date shall be at least sixty (60) days after the date on which notice to the City and the Holders of the Warrants shall have been mailed.

(c) Removal of Bank. The Bank may be removed at any time by an instrument or concurrent instruments in writing delivered to the Bank and to the City and signed by the Holders of a majority in aggregate principal amount of the Warrants then outstanding.

(d) Appointment of Successor Bank; Interim Bank. In case the Bank shall resign, be removed, be dissolved, be in course of dissolution or liquidation, or otherwise become incapable of acting hereunder, or in case it shall be taken under the control of any public officer or officers or of a receiver appointed by a court, a successor may be appointed by Holders of a majority in aggregate principal amount of Warrants then outstanding through an instrument or concurrent instruments in writing signed by such Holders. In case of any such resignation or event which causes the Bank to

be incapable of acting, the City, by an instrument signed by the Mayor, shall appoint an interim Bank to serve until a successor Bank shall be appointed by the Holders of a majority in aggregate principal amount of the Warrants, as provided above. Whenever necessary to avoid or fill a vacancy in the office of Bank, the City will appoint an interim Bank in order that there shall at all times be a Bank hereunder. Any interim Bank so appointed by the City shall immediately and without further act be superseded by the Bank appointed by the holders of the Warrants.

The City shall cause notice of the appointment of an interim Bank, in the event that such an appointment is made, to be forwarded by United States registered or certified mail, postage prepaid, to every Holder of a Warrant. When the appointment of a successor Bank, as selected by the Holders of a majority in principal amount of the Warrants then outstanding, becomes effective, the City shall also cause notice of that fact to be given in the manner provided above for the notice required to be given upon the appointment of an interim Bank. Every interim or successor Bank appointed pursuant to this Section shall be a trust company or bank which is qualified to perform all duties of the Bank under this Ordinance and which has, at the time of its acceptance of such appointment, capital, surplus and undivided profits of not less than \$25,000,000, if there be such an institution willing, qualified and able to accept appointment as Bank upon reasonable or customary terms.

(e) Concerning any Successor Bank. Every successor Bank shall execute, acknowledge and deliver to its predecessor and also to the City an instrument in writing accepting its appointment as Bank hereunder, and thereupon such successor Bank, without any further act, deed or conveyance, shall become fully vested with all the rights, powers and duties of its predecessor. Such predecessor shall nevertheless, on the written request of the City or such successor Bank, execute and deliver an instrument transferring to such successor Bank all rights, powers and interests of such predecessor hereunder; and every predecessor Bank shall deliver all securities and moneys held by it as Bank hereunder to its successor.

(f) Merger or Consolidation of Bank. Any corporation into which the bank may be merged or with which it may be consolidated, or any corporation resulting from any merger or consolidation to which the Bank shall be a party, or any corporation succeeding to all or substantially all of the corporate trust business of the Bank, shall be the successor of the Bank hereunder, without the execution or filing of any paper or any further act on the part of any of the parties hereto. In case the registration certificates with respect to any Warrants shall have been executed by the Bank then in office, any successor by merger or consolidation to such Bank may adopt the registration of such Warrants and deliver such Warrants with the same effect as if such successor Bank had itself registered such Warrants.

(g) Compensation of Bank. Subject to the provisions of any separate agreement with the Bank, the City shall pay to the Bank from time to time reasonable compensation for all services rendered by it under this Ordinance, including its services as registrar and paying agent for the Warrants, and also all its reasonable expenses, charges, counsel fees, costs and expenses and other disbursements and those of its attorneys, agents and employees, incurred in and about the performance of its duties hereunder.

(h) Extraordinary Expenses. If the Bank is required by a governmental agency or court proceeding initiated by a third party to undertake efforts beyond that which is set forth herein but related thereto (other than due to the Bank's negligence or willful misconduct), the Bank shall notify the City of the same in writing and the City shall promptly pay the Bank for such extraordinary fees, costs and expenses (including reasonable attorney's fees, costs and expenses) reasonably and necessarily incurred in connection therewith.

ARTICLE VII

EXECUTION AND DELIVERY OF THE WARRANTS; APPROVAL OF SALE; USE OF PROCEEDS THEREFROM

Section 7.1 Authority to Execute and Deliver the Warrants. The Mayor of the City, the City Clerk and the Treasurer are hereby authorized and directed to cause the Warrants to be executed, sealed, attested and registered as a claim against the City and the Warrant Fund as provided herein and delivered to the purchaser thereof upon payment to the City of the sale price therefor.

Section 7.2 Application of Proceeds of Sale; Additional Sums. The gross proceeds derived from the sale of the Warrants shall be used solely for the following purposes:

- (i) The amount of \$65,000.00 shall be deposited with Wells Fargo in the Issuance Expense Fund and applied for the purposes described in Section 8.1.
- (ii) The amount of \$8,315,386.88 shall be paid to the Escrow Agent and deposited into the 2006 Escrow Fund created under the Escrow Trust Agreement to provide for the refunding of the Series 2006 Warrants.
- (iii) The remaining amount of proceeds shall be deposited with Wells Fargo, a depository, in the Capital Improvements Account and applied for the purposes described in Section 8.2.

ARTICLE VIII

CREATION OF ISSUANCE EXPENSE FUND, CAPITAL IMPROVEMENT ACCOUNT AND WARRANT FUND; COVENANTS WITH RESPECT TO WARRANT PROCEEDS, DESIGNATION OF WARRANTS

Section 8.1 Issuance Expense Account. There is hereby created a special fund of the City designated the "Series 2016 Warrant Issuance Expense Account" (herein called the "Issuance Expense Account") which shall be maintained until the costs and expenses incurred by the City in connection with the issuance and sale of the Warrants shall be paid in full. Wells Fargo shall be the depository for the Issuance Expense Account.

Simultaneously with the issuance and delivery of the Warrants, the City shall deposit or cause to be deposited into the Issuance Expense Account, out of proceeds derived from the sale of the Warrants, an amount equal to the amount required for payment of the expenses of issuing the Warrants. The City will apply the moneys deposited into the Issuance Expense Account solely for payment of the expenses of issuing the Warrants, as and when such expenses become due and payable.

The Mayor, the Finance Director or any other person designated in writing by the Mayor or the Finance Director, are hereby authorized and directed to cause the said expenses to be paid, as promptly as may be feasible following the closing of the sale of the Warrants, and to make withdrawals from the Issuance Expense Account for the said purpose. In the event that the moneys deposited into or transferred into the Issuance Expense Fund are not sufficient to pay all expenses of issuing the Warrants, the Mayor is hereby authorized and directed to pay, out of any funds of the City available therefor, the balance of the expenses of issuing the Warrants. Any amount remaining in the Issuance Expense Account after the City certifies that all issuance expenses have been paid in full, but in no event later than sixty days after the date of delivery of the Warrants, shall be transferred and deposited into the Capital Improvements Account.

Section 8.2 Capital Improvements Account. There is hereby created a special account the full name of which shall be the "2016 Capital Improvements Account." The 2016 Capital Improvements Account shall be maintained as a separate account until the moneys in said account shall have been fully expended as hereinafter provided. Except as hereinafter provided, the City will apply the moneys in the 2016 Capital Improvements Account solely for payment of the costs of the Capital Improvements described in Section 1.3(d) hereof. Wells Fargo shall be the depository for the 2016 Capital Improvements Account.

Upon later action of the City Council authorizing same, the Mayor, the Finance Director or any other person designated in writing by the Mayor or the Finance Director, are hereby authorized and directed to make withdrawals from the 2016 Capital Improvements Account for the purpose of paying the costs of the Capital Improvements described in Section 1.3(d) hereof, and to make any transfer that may be made pursuant to the succeeding sentence of this Section. The City shall have the right to supplement or revise the list of Capital Improvements described in Section

1.3(d) hereof to be paid from proceeds of the Warrants by resolution or ordinance; provided, that no revisions or addition to the Capital Improvements as herein approved shall adversely affect the excludability of interest on the Warrant for federal income tax purposes.

Section 8.3 Warrant Fund. There is hereby created a special account, the full name of which shall be the "City of Daphne Warrant Fund, 2016." The Warrant Fund shall be maintained as a separate fund until payment in full of the principal of and interest on the Warrants. The Bank is hereby designated as the custodian of the Warrant Fund.

On or before the 25th day of the month next preceding any Interest Payment Date, the City shall deposit into the Warrant Fund an amount which, when added to the amounts already on deposit therein, will be sufficient to provide for the payment of all principal of and interest and redemption premium on the Warrants coming due on such Interest Payment Date. Monies deposited in the Warrant Fund shall be used by the Bank for the payment of principal, interest and redemption premium (if any) on, the Warrants, and for no other purpose until the payment in full of the Warrants.

Section 8.4 Investment of Moneys in Accounts. Pending the expenditure of moneys in the Warrant Fund for any other purpose, the City shall have the privilege at any time and from time to time of investing and reinvesting, or causing to be invested and reinvested, all or part of the moneys at any time on deposit in such account, in Government Obligations or in money market funds of the Bank consisting of Government Obligations. Pending the expenditure of moneys in the Issuance Expense Account and the Capital Improvements Account for any other purpose, the City shall have the privilege at any time and from time to time of investing and reinvesting, or causing to be invested and reinvested, all or part of the moneys at any time on deposit in such account in Government Obligations, money market funds of the Bank consisting of Government Obligations, or certificates of deposit issued by banks or trust companies having at the time of the deposit combined capital, surplus and undivided profits of not less than \$5,000,000.

The Bank is hereby directed to invest and reinvest such amounts promptly upon receipt of, and in accordance with, the written instructions of the City. The Bank may conclusively rely upon the City's written instructions as to both the suitability and legality of the directed investments. In the absence of written investment instructions from the City, the Bank shall not be responsible or liable for keeping the moneys held by it hereunder fully invested. The Bank shall not be liable for any losses from such directed investments.

Section 8.5 Security for Funds. Any money on deposit in any fund or account or held by the Bank pursuant to this Ordinance shall, unless invested as provided herein or secured by the Federal Deposit Insurance Corporation (or any successor agency of the United States of America) or under the State of Alabama Security for Alabama Funds Enhancement Program, be secured for the benefit of the City and the Holders by holding on deposit as collateral security direct obligations of the United States of America or obligations unconditionally guaranteed by the United States of America, or other marketable securities eligible as security for the deposit of public funds under the

regulations of the Comptroller of the Currency, having a market value (exclusive of accrued interest) not less than the amount of money being secured.

Section 8.6 Covenants with Respect to Exemption of Interest from Federal Income Taxation; Non-Arbitrage Covenant. The City acknowledges and agrees that the Warrants are to be issued in compliance with the conditions necessary for the interest income thereon to be exempt from federal income taxation pursuant to the relevant provisions of the Code. The City hereby covenants and agrees as follows:

- (a) It will not use or apply the proceeds of the Warrants or direct the investment of moneys in any funds or accounts established or maintained with respect to the Warrants in such manner as to constitute any Warrant an "arbitrage bond" within the meaning of Section 148 of the Code;
- (b) It will make timely rebate payments to the United States of America with respect to any "excess" arbitrage profits as required by Section 148(f) of the Code;
- (c) It will maintain all records required by Section 148(f) of the Code and the applicable regulations thereunder and shall furnish such data or information regarding compliance with Section 148(f) of the Code as any Holder shall reasonably request in writing, which records shall be furnished to any Holder upon its request;
- (d) It will, within 60 days after a written request of the Bank therefor, furnish to the Bank and to any Holder a certificate by an independent certified public accountant or opinion of nationally recognized bond counsel stating that as of such date it had made all rebate payments to the United States of America necessary to prevent the Warrants from becoming "arbitrage bonds" under Section 148(f) of the Code;
- (e) It will comply with the terms of the City's Tax Certificate and Agreement with regard to use of proceeds of the Warrants in any private business use; payment of the Warrants shall not be secured by, or derived from, property used in a private business use; proceeds of the Warrants shall not be used to make or finance loans to persons other than governmental units; and proceeds of the Warrants shall not be used in any manner that would cause the Warrants to be or become private activity bonds, as defined in Section 141 of the Code;

- (f) It will not cause or permit the Warrants to be federally guaranteed, within the meaning of Section 149(b) of the Code; and
- (g) It will not in any other way cause or permit the proceeds of the Warrants to be used in a manner which would cause the interest on the Warrants to lose the exemption from federal income taxation as provided under the Code and the applicable regulations thereunder and will comply with all applicable provisions of the Code (including, without limitation, the provisions relating to post-issuance actions affecting tax exemption) to the extent necessary for interest on the Warrants to be excludable from gross income of the holders thereof.
- (h) It has in place procedures providing for compliance with each of the matters described above and for keeping records with respect to such compliance.

ARTICLE IX

APPROVAL OF OFFICIAL STATEMENT; AUTHORIZATION OF CONTINUING DISCLOSURE AGREEMENT; AUTHORIZATION OF DISCLOSURE DISSEMINATION AGREEMENT; APPROVAL OF ESCROW TRUST AGREEMENT; APPROVAL OF SALE; MISCELLANEOUS PROVISIONS

Section 9.1 Approval of Official Statement. An official statement with respect to the Warrants, in substantially the form presented at the meeting at which this Ordinance is adopted and attached hereto as Exhibit A, is hereby approved, and the Mayor of the City is hereby authorized and directed to sign an official statement on behalf of the City in substantially the form herein approved, with such changes therein and additions thereto as shall be necessary to conform to the provisions of this Ordinance authorizing the Warrants and such other changes and additions as the Mayor of the City shall deem necessary and appropriate. The preparation and distribution of such official statement on behalf of the City by Harbor Financial Services, LLC is hereby ratified and approved and such Official Statement is hereby deemed final within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission. The final official statement shall be in substantially the same form as the official statement herein approved, with such additions, insertions, omissions or other changes as may be approved by the Mayor of the City and the execution of the final official statement by the Mayor of the City as hereby authorized shall be conclusive evidence of any such approval.

Section 9.2 Authorization of Continuing Disclosure Certificate. Upon delivery of the Warrants to the purchaser thereof, the Mayor and Finance Director of the City are hereby authorized and directed to execute and deliver for and on behalf of the City, the Continuing Disclosure Agreement in substantially the form presented at the meeting of the Council at which this Ordinance is adopted and attached hereto as Exhibit B. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Agreement. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Agreement shall not be considered a default hereunder or with respect to the Warrants; provided, however, any Holder or Beneficial Owner may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section 9.2. For purposes of this Section, "Beneficial Owner" means any person which (a) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Warrants (including persons holding Warrants through nominees, depositories or other intermediaries), or (b) is treated as the owner of any Warrants for federal income tax purposes.

Section 9.3 Authorization of Disclosure Dissemination Agreement. Upon the delivery of the Warrants to the purchaser thereof, the Mayor and City Clerk of the City are hereby authorized and directed to execute and deliver for and on behalf of the City, the Disclosure Dissemination Agreement in substantially the form presented at the meeting of the Council at which this Ordinance is adopted and attached hereto as Exhibit C.

Section 9.4 Authorization of Escrow Trust Agreement. Upon the delivery of the Warrants to the purchaser thereof, the Mayor and City Clerk of the City are hereby authorized and directed to execute and deliver for and on behalf of the City the 2006 Escrow Trust Agreement in substantially the form presented at the meeting of the Council at which this Ordinance is adopted and attached hereto as Exhibit D. The Bank of New York Mellon Trust Company, N.A., as the Escrow Trustee under the 2006 Escrow Trust Agreement, is authorized and directed to cause the monies held by it thereunder to be invested in the manner specified therein.

Section 9.5 Sale of Warrants. The City does hereby approve (i) the sale of the Warrants to Harbor Financial Services, LLC at a purchase price of \$9,221,537.10, which amount reflects an underwriter's discount of \$60,200.00 and original issue premium of \$681,737.10, and (ii) the execution of the Purchase Agreement dated July 7, 2016 between the City and Harbor Financial Services, LLC in the form presented at the meeting at which this Ordinance is adopted and attached hereto as Exhibit E.

Section 9.6 Further Acts. From and after the execution and delivery of the documents hereinabove authorized, the proper officers, directors, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed and are further authorized to take any and all further actions and execute and deliver any and all other documents as may be necessary in the issuance of the Warrants and in the delivery of the Official Statement or as contemplated by this Ordinance.

The Mayor and City Clerk are authorized and directed to prepare and furnish to the purchaser of the Warrants, when the Warrants are issued, certified copies of all the proceedings and records of the Council relating to the Warrants, and such other affidavits and certificates as may be required to show the facts relating to the legality and marketability of the Warrants as such facts appear from the books and records in such officers' custody and control or as otherwise known to them.

Section 9.7 Contractual Provisions. The provisions of this Ordinance shall constitute a contract between the City and the Holders at any time of the Warrants. Upon payment in full of the principal of and interest on the Warrants the obligations of the City hereunder shall cease with respect thereto.

Section 9.8 Warrants Payable at Par. Each bank at which the Warrants may at any time be payable, by acceptance of its duties as Paying Agent therefor, shall be construed to have agreed thereby with the Holders of the Warrants that all remittances made by it on the Warrants shall be made in bankable funds at par and without deduction for exchange, fees or expenses.

Section 9.9 Severability. The various provisions of this Ordinance are hereby declared to be severable. In the event any provisions hereof shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect any other portion of this Ordinance.

Section 9.10 Repeal of Conflicting Provisions. All resolutions, orders or parts thereof in conflict with this Ordinance are to the extent of such conflict hereby repealed.

After discussion, Councilmember _____ moved that the foregoing ordinance and order be adopted and spread upon the minutes of this meeting, which motion was seconded by Councilmember _____, and, on roll call the following vote was registered:

YEAS

NAYS

The Chairman thereupon announced that the said ordinance had been carried by unanimous vote of the Council present.

* * * * *

There being no further business to come before the meeting, the meeting was, upon motion duly made, seconded and unanimously carried, adjourned.

Dane Haygood, Mayor

[SEAL]

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 foregoing pages of typewritten material constitute excerpts from the minutes of a regular meeting of the City Council of Daphne, Alabama, held on _____, 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 minutes 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.

[SEAL]

City Clerk of the City of Daphne, Alabama

Exhibit A

Preliminary Official Statement

(See Attached)

Exhibit B

Continuing Disclosure Certificate

(See Attached)

Exhibit C

Disclosure Dissemination Agreement

(See Attached)

Exhibit D

2006 Escrow Trust Agreement

(See Attached)

Exhibit E

Warrant Purchase Agreement

(See Attached)