

**CITY COUNCIL BUSINESS MEETING AGENDA**  
**1705 MAIN STREET, DAPHNE, AL**  
**OCTOBER 17, 2011**  
**BUSINESS MEETING**  
**6:30 P.M.**

**1. CALL TO ORDER**

**2. ROLL CALL/INVOCATION / PLEDGE OF ALLEGIANCE**

**3. APPROVE MINUTES:** Council meeting minutes / October 3, 2011 / *No Quorum / NO ACTION*  
Special Called Council meeting minutes / October 10, 2011  
City Council Work Sessions minutes / October 10, 2011

**PRESENTATION:** Bradley Byrne / Eastern Shore Chamber of Commerce Economic Development Summit /  
November 16, 2011

**PRESENTATION:** Mercy Medical / TEFRA Hearing / Richard Lacey / *Resolution 2011-71*

**NOMINATIONS TO FILL MAYORS POSITION**

**PUBLIC HEARINGS:**

- 1.) Rezone:                   Hearthstone Multi-Asset Entity  
Location:                   On the East side of AL Hwy 181, South of Austin Road, North of Dick Higbee Rd.  
                                  Lot, 1, Dunmore Subdivision, Phase Two, Part C  
Present Zoning:           R-1, Low Density Single Family Residential and R-2, Medium Density Single Family  
                                  Residential  
Requested Zoning:       R-3, High Density Single Family Residential  
Recommendation:       Unanimous Favorable       /       *Ordinance 2011-70*
- 2.) Rezone:                   Hearthstone Multi-Asset Entity  
Location:                   On the East side of AL Hwy 181, South of Austin Road, North of Dick Higbee Rd.  
                                  Lot, 2, Dunmore Subdivision, Phase Two, Part C  
Present Zoning:           R-1, Low Density Single Family Residential  
Requested Zoning:       R-2, Medium Density Single Family Residential  
Recommendation:       Unanimous Favorable       /       *Ordinance 2011-71*
- 3.) Rezone:                   Hearthstone Multi-Asset Entity  
Location:                   On the East side of AL Hwy 181, South of Austin Road, North of Dick Higbee Rd.  
                                  Lot, 3, Dunmore Subdivision, Phase Two, Part C  
Present Zoning:           R-1, Low Density Single Family Residential  
Requested Zoning:       R-4, High Density Single Family Residential  
Recommendation:       Unanimous Favorable       /       *Ordinance 2011-72*
- 4.) Amend Land Use  
    & Development Ordinance    Revision to Zoning Map  
Recommendation:           Unanimous Favorable       /       *Ordinance 2011-73*

**4. REPORT STANDING COMMITTEES:**

**A. FINANCE COMMITTEE / Boulware**

Review minutes / October 10<sup>th</sup>

**1.) Ordinances:**

- a.) Appropriation of Funds: TimberCreek Emergency Drainage Repairs / *Ordinance 2011-74*  
b.) Appropriation of Funds: Feasibility Study for Solid Waste (*Garbage*) Transfer Station /  
*Ordinance 2011-75*  
c.) Appropriation of Funds: Justice Center R-Roof Project / *Ordinance 2011-76*

- d.) Appropriation of Funds: Two (2) Extended Cab Trucks / **Ordinance 2011-77**
- c.) Appropriation of Funds: Fuel Management System / **Ordinance 2011-78**

**2.) Resolution:**

- a.) Bid Award: 2011-AA Fuel Management System / McKinney Petroleum Equipment /  
**Resolution 2011-72**
- b.) Bid Award: 2011-BB-PD/Justice Center Re-Roof Project / ACME Roofing & Sheet Metal Co.  
**Resolution 2011-73**
- c.) Bid Award: 2011-DD-Fuel / Minto Energy Corp. / **Resolution 2011-74**
- d.) Prepaid Travel / John Lake / NLC / November 9-13, 2011 / Phoenix, AZ / \$175.00 / **Resolution 2011-75**
- e.) ALDOT Agreement US Hwy 98 Safety Project / Authorize Mayor to sign agreement /  
**Resolution 2011-70**
- f.) MBNEP Grant / Authorize the Mayor to enter into an agreement & approve Jade Engineering for consulting on project / **Resolution 2011-76**
- g.) Declare City Property Surplus / 1998 Crown Vic / **Resolution 2011-77**

**3.) MOTIONS:**

- 1.) Motion to recommend for Council approve the City Prosecutor contract for FY 2012, for \$30,000 annually to be paid upon receipt of a monthly itemized statement with an additional sum of \$100/ hour for appeals, not to exceed \$10,000, upon receipt of a monthly itemized statement, for representation of the City of Daphne and to authorize the Mayor to enter into this agreement.
- 2.) Motion to approve any remaining previously Encumbered monies in the Lodging Tax Fund for the following projects: Building Foundation - \$29,354, Scardamalia Pavilion – \$33,819 (*subfloor/insulation*) restrooms - \$57,317 be utilized for other building repairs needed for the Scardamalia Pavilion after initial state projects have been completed.
- 3.) Motion to recommend Council reject Bid: 2011-CC-PW/Extended Cab-4Door Truck Bid and purchase off state bid list.

**4.) Financial Reports**

- a) Treasurers Report / September 30, 211
- b.) Sales & Use Tax Collections / August 31, 2011
- c.) Lodging Tax Collections / August 31, 2011
- d) Lodging Tax Fund Summary / August 2011

**B. BUILDINGS & PROPERTY COMMITTEE - Lake****C. PUBLIC SAFETY COMMITTEE – Boulware****D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Boulware**

Review minutes / October 12<sup>th</sup>

**E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding**

**Nomination:** Environmental Advisory Board: Bret W. Webb

**5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:****A. Board of Zoning Adjustments – Jones**

Review minutes / August 4<sup>th</sup>

**B. Downtown Redevelopment Authority – Barnette**

**Nomination:** Dayna Oldham

- C. Industrial Development Board – Yelding
- D. Library Board – Lake
- E. Planning Commission – Barnette
- F. Recreation Board – Reese
- G. Utility Board - Scott

**6. REPORTS OF OFFICERS:**

**A. Mayor’s Report**

**MOTION:** Approve request from Eastern Shore Chamber of Commerce for 2012 Jubilee Festival

**B. City Attorney’s Report**

**C. Department Head Comments**

**7. PUBLIC PARTICIPATION:**

**8. RESOLUTIONS & ORDINANCES:**

**RESOLUTIONS:**

- a.) **Modification of existing Median Crossover and Accesses to the West Service Road on US Hwy 98 between D’Olive Creek Bridge and Van Buren Street. .... /Resolution 2011-70**
- b.) **Authorizing the City Council to Hold a TEFRA Hearing Pursuant to Section 147(F) of the Internal Revenue Code of 1986, As Amended. .... /Resolution 2011-71**
- c.) **Bid Award: Fuel Management System. .... /Resolution 2011-72**
- d.) **Bid Award: Justice Center Re-Roof Project. .... /Resolution 2011-73**
- e.) **Bid Award: Fuel. .... /Resolution 2011-74**
- f.) **Prepaid Travel / John Lake. .... /Resolution 2011-75**
- g.) **MBNEP National Estuary Program Matching Funds to Create Low Impact Development/Green Infrastructure Regulations and Incentives Program. .... /Resolution 2011-76**
- h.) **Declare Certain Personal Property Surplus. .... /Resolution 2011-77**

**ORDINANCES:**

**2<sup>ND</sup> READ**

- a.) **Annexation: Right-of-Way of AL State Highway 181 from Lawson Road South to the Southernmost Corporate Limits of the City of Daphne. .... /Ordinance 2011-64**
- b.) **Appropriation of Funds: Lott Park Tennis Courts Resurfacing. .... /Ordinance 2011-68**

**1<sup>ST</sup> READ**

- c.) **Rezone: Hearthstone Multi-Asset Entity / Lot 1, Dunmore Subdv.  
Phase Two, Part C. .... /Ordinance 2011-70**
- d.) **Rezone: Hearthstone Multi-Asset Entity / Lot 2, Dunmore Subdv.  
Phase Two, Part C. .... /Ordinance 2011-71**
- e.) **Rezone: Hearthstone Multi-Asset Entity / Lot 3, Dunmore Subdv.  
Phase Two, Part C. .... /Ordinance 2011-72**
- f.) **Revision to Zoning Map. .... Ordinance 2011-73**
- g.) **Appropriation of Funds: TimberCreek Emergency  
Drainage Repairs. .... /Ordinance 2011-74**
- h.) **Appropriation of Funds: Feasibility Study: Transfer Station –  
Garbage. .... /Ordinance 2011-75**
- i.) **Appropriation of Funds: Justice Center Roof Repairs. .... /Ordinance 2011-76**
- j.) **Appropriation of Funds: PW Crew Cab Trucks. .... /Ordinance 2011-77**
- k.) **Appropriation of Funds: Fuel Management System. .... /Ordinance 2011-78**

**9. COUNCIL COMMENTS**

**10. ADJOURN**

**CITY OF DAPHNE  
CITY COUNCIL MEETING**

**ROLL CALL**

**CITY COUNCIL:**

**CALL VOTES**

|                       |           |          |    |
|-----------------------|-----------|----------|----|
| COUNCILMAN YELDING    | PRESENT__ | ABSENT__ | __ |
| COUNCILWOMAN BARNETTE | PRESENT__ | ABSENT__ |    |
| COUNCILMAN LAKE       | PRESENT__ | ABSENT__ | __ |
| COUNCILMAN REESE      | PRESENT__ | ABSENT__ | __ |
| COUNCILMAN SCOTT      | PRESENT__ | ABSENT__ | __ |
| COUNCILMAN BOULWARE   | PRESENT__ | ABSENT__ | __ |
| COUNCILMAN PALUMBO    | PRESENT__ | ABSENT__ | __ |

**MAYOR**

|             |           |          |    |
|-------------|-----------|----------|----|
| MAYOR SMALL | PRESENT__ | ABSENT__ | __ |
|-------------|-----------|----------|----|

**CITY CLERK:**

|                |           |          |    |
|----------------|-----------|----------|----|
| DAVID L. COHEN | PRESENT__ | ABSENT__ | __ |
|----------------|-----------|----------|----|

**CITY ATTORNEY:**

|                        |           |        |  |
|------------------------|-----------|--------|--|
| CITY ATTORNEY JAY ROSS | PRESENT__ | ABSENT |  |
|------------------------|-----------|--------|--|

**MINUTE NOTES:**

**CITY COUNCIL MEETING  
MINUTES**

**NOTES:**

COMMITTEE RECOMMENDATIONS

**OCTOBER 3, 2011  
CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

**1. CALL TO ORDER**

Council President Pro tem Boulware called the meeting to order at 6:30 p.m.

**COUNCIL MEMBERS PRESENT:** Bailey Yelding; John Lake; Derek Boulware.

**ABSENT:** Cathy Barnette; Kelly Reese; Ron Scott; August Palumbo.

Also present: David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; David Carpenter, Police Chief; Adrienne Jones, Planning Director; Tonja Young, Library Director; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Christine Ciancetta, Deputy Finance Director; Officer Jonathan Thompson; Dorothy Morrison, Beautification Committee; Willie Robison, BZA; Joe Lemoine, Planning Commission.

Absent: Mayor Small; Richard Johnson, Public Works Director; Vickie Hinman, Human Resources Director; Richard Merchant, Building Official; Kim Briley, Finance Director.

**There was not a quorum for the October 3, 2011 City Council meeting.**

Councilman Lake and Councilman Yelding called for a Special Called Council meeting to be held on October 10, 2011 at 6:30 p.m. to consider the October 3, 2011 agenda, selection of mayor and to set a new Public Hearing for the annexation of Audubon Holding.

**2. ADJOURN**

**The meeting adjourned at 6:40 p.m.**

**OCTOBER 10, 2011  
SPECIAL CALLED CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

**1. CALL TO ORDER**

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

**2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE**

Invocation was given Councilman Scott.

**COUNCIL MEMBERS PRESENT:** Bailey Yelding; Cathy Barnette; John Lake; Kelly Reese; Ron Scott; Derek Boulware; August Palumbo.

Also present: David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; James White, Fire Chief; David Carpenter, Police Chief; Adrienne Jones, Planning Director; Vickie Hinman, Human Resources Director; Richard Merchant, Building Official; Tonja Young, Library Director; Richard Johnson, Publics Works Director; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Suzanne Henson, Senior Accountant; Jane Ellis, Mayors Assistant; Ashley Campbell, Environmental Programs Manager; Officer Mike Dawson, Police Department; Al Guarisco, Village Point Foundation; Joe Lemoine, Planning Commission; Dorothy Morrison, Beautification Committee.

Absent: Mayor Small; Kim Briley, Finance Director.

**3. APPROVE MINUTES**

**MOTION BY Councilman Boulware to adopt the September 19, 2011 Council meeting minutes.  
Seconded by Councilman Scott.**

|            |                     |            |                     |                       |
|------------|---------------------|------------|---------------------|-----------------------|
| <b>AYE</b> | <b>ALL IN FAVOR</b> | <b>NAY</b> | <b>NONE OPPOSED</b> | <b>MOTION CARRIED</b> |
|------------|---------------------|------------|---------------------|-----------------------|

**PROCLAMATION: Literacy Awareness Week / October 3-9, 2011**

Councilman Boulware read the proclamation. The proclamation was presented to the Literacy Awareness group on October 3, 2011.

**SET A NEW PUBLIC HEARING DATE FOR NOVEMBER 7 TO CONSIDER:**

|                   |  |
|-------------------|--|
| Annexation:       | Audubon Holding, LLC   |
| Present Zoning:   | Property Located: Southeast of the intersection of County Road 64 and Pollard Road |
| Requested Zoning: | RMF-6, Multiple Family District in Baldwin County District 15                      |
| Recommendation:   | R-4, High Density Multi-Family Residential District                                |
|                   | Unanimous Favorable  |

**OCTOBER 10, 2011  
 SPECIAL CALLED CITY COUNCIL MEETING  
 1705 MAIN STREET  
 DAPHNE, AL  
 6:30 P.M.**

**MOTION BY Councilman Scott to set a Public Hearing for November 7, 2011 to consider:**

**Annexation: Audubon Holding, LLC  
 Property Located: Southeast of the intersection of County Road 64 and Pollard Road  
 Present Zoning: RMF-6, Multiple Family District in Baldwin County District 15  
 Requested Zoning: R-4, High Density Multi-Family Residential District  
 Recommendation: Unanimous Favorable**

*Seconded by Councilman Boulware.*

**AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED**

**PRESENTATION:** D'Olive Watershed Management Plan / Mrs. Ashley Campbell

Mrs. Campbell presented a resolution in support of the D'Olive Watershed Management Plan. Components of the plan are to repair immediate problems, strengthen regulatory controls and restore watershed hydrology. There will be a Task Force created, and the resolution will give the Mayor the authority to appoint someone from council to be on the Task Force.

**NOMINATIONS TO FILL MAYOR POSITION**

**Councilman Lake nominated Council President Barnette.  
 Councilman Reese nominated Councilman Boulware.**

**ROLL CALL VOTE FOR COUNCIL PRESIDENT BARNETTE:**

|                |                |                 |                |
|----------------|----------------|-----------------|----------------|
| <b>Yelding</b> | <b>Abstain</b> | <b>Boulware</b> | <b>Nay</b>     |
| <b>Lake</b>    | <b>Abstain</b> | <b>Palumbo</b>  | <b>Aye</b>     |
| <b>Reese</b>   | <b>Nay</b>     | <b>Barnette</b> | <b>Abstain</b> |
| <b>Scott</b>   | <b>Abstain</b> |                 |                |

**AYE Palumbo NAY Reese, Boulware**

**ABSTAIN Yelding, Lake, Scott, Barnette NOMINATION FAILED**

**ROLL CALL VOT FOR COUNCILMAN BOULWARE:**

|                |                |                 |                |
|----------------|----------------|-----------------|----------------|
| <b>Yelding</b> | <b>Abstain</b> | <b>Boulware</b> | <b>Abstain</b> |
| <b>Lake</b>    | <b>Abstain</b> | <b>Palumbo</b>  | <b>Abstain</b> |
| <b>Reese</b>   | <b>Aye</b>     | <b>Barnette</b> | <b>Nay</b>     |
| <b>Scott</b>   | <b>Abstain</b> |                 |                |

**AYE Reese NAY Barnette**

**ABSTAIN Yelding, Lake, Scott, Boulware, Palumbo NOMINATION FAILED**

**OCTOBER 10, 2011  
SPECIAL CALLED CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

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**MOTION BY Councilman Lake to carry the selection of Mayor to the October 17, 2011 council agenda. Seconded by Councilman Palumbo.**

**AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED**

**4. REPORT OF STANDING COMMITTEES:**

**A. FINANCE COMMITTEE – Boulware**

No report.

**B. BUILDINGS AND PROPERTY COMMITTEE – Lake**

No report.

**C. PUBLIC SAFETY COMMITTEE – Boulware**

The minutes for the September 14<sup>th</sup> meeting are in the packet. Council President Barnette asked how many tickets have been issued for texting while driving. Chief Carpenter said none have been issued.

**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Boulware**

The minutes for the September 14<sup>th</sup> meeting are in the packet. The committee recommended that the waiving of sewer tap fees be the responsibility of the BZA, and that the Land Use ordinance be amended.

Mr. Ross stated that this could not come before the BZA.

**E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding**

The minutes for the September 19<sup>th</sup> meeting are in the packet.

**MOTION BY Councilman Yelding to appoint Matthew Locke and Dr. Thomas Bailey to the Environmental Advisory Board. Seconded by Councilman Palumbo.**

**AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED**

Councilman Yelding said they still need members.

Councilman Boulware said that Fred Nation would be a good candidate, and Councilman Palumbo said that he had another nominee Dr. Brad Webb.

Councilman Yelding asked them to send their resumes to the City Clerk to be on the next agenda.

**OCTOBER 10, 2011  
SPECIAL CALLED CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

**5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:**

**A. Board of Zoning Adjustments – Mrs. Jones**

No report.

**B. Downtown Redevelopment Authority – Barnette**

The visioning meeting for Olde Towne Daphne is October 26<sup>th</sup> at Vino e Bira.

**C. Industrial Development Board – Yelding**

**MOTION BY Council Yelding to appoint Mr. Joe Davis to the Industrial Development Board. Seconded by Councilman Palumbo.**

**AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED**

**D. Library Board – Lake**

No report.

**E. Planning Commission – Jones**

The minutes for the August 25<sup>th</sup> meeting are in the packet. Site Review meeting is next Wednesday, and the Planning Commission meeting is on Thursday, October 27<sup>th</sup>.

**F. Recreation Board - Reese**

**MOTION BY Councilman Reese to appoint Mr. Frank Pierce and Mrs. Lisa O’Hara to the Recreation Board. Seconded by Councilman Scott.**

**AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED**

Councilman Reese stated that the By-Laws are in the packet. He asked whether council is supposed to approve them or not.

Councilman Reese asked Mr. Ross to research this to see whether council has to approve them.

**G. Utility Board – Scott**

No report. The next meeting will be the last Wednesday of the month.

OCTOBER 10, 2011  
SPECIAL CALLED CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.

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**6. REPORTS OF THE OFFICERS:**

*A. Mayor's Report*

- 1.) *Parade Permit / American Foundation of Suicide Prevention / Memory Walk / October 23, 2011*
- 2.) *Parade Permit / Daphne High School / Homecoming Parade / October 27, 2011*

**MOTION BY Councilman Palumbo to approve the Parade Permits for American Foundation of Suicide Prevention / Memory Walk / October 23, 2011 and Daphne High School / Homecoming Parade / October 27, 2011. *Seconded by Councilman Boulware.***

**AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED**

- 3.) *Voting Delegate / National League of Cities / November 9-12, 2011*

**MOTION BY Councilman Palumbo to appoint Councilman Lake as the Voting Delegate to the National League of Cities Conference being held November 9-12, 2011. *Seconded by Councilman Reese.***

**AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED**

- 4.) *ABC License / Duck's Unlimited / 240 – Non-Profit Tax Exempt*

**MOTION BY Councilman Palumbo to approve the ABC License for Duck's Unlimited / 240 – Non-Profit Tax Exempt. *Seconded by Councilman Lake.***

**AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED**

***B. City Attorney Report***

Mr. Ross reported that council needs to meet in Executive Session prior to the work session to discuss pending litigation, and that it will take about 20-30 minutes.

Mr. Ross addressed the Hiring Freeze ordinance stating that after reviewing the ordinance and the Fairfield Supreme Court case he made a mistake in advising the Mayor and Human Resources that the decision by the Supreme Court governed the hiring of employees. He said he should have reviewed the court decision and the ordinance governing the hiring freeze before giving the advice. In his opinion that because this is a budgetary issue the decision rest with council.

Council asked Mr. Ross how to resolve the issue to date.

Mr. Ross stated 1) They could ask the Mayor to recall the approval to hire outside, 2) Amend the budget to un-fund the position or 3) Wait until the new Mayor is chosen and let him recall it.

**OCTOBER 10, 2011  
SPECIAL CALLED CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.**

Councilman Reese stated after discussion regarding the Hiring Freeze ordinance that council should revisit the ordinance.

***C. Department Head Comments***

***David Carpenter – Police Chief*** – reported that there was a bank robbery last week, and with the help of the Mississippi Police they solved the crime.

***David McKelroy – Recreation Director*** – reminded everyone that Brown Bag by the Bay is Thursday at May Day Park 11:30 – 1:30. The Daphne / Fairhope football game will be televised Thursday. Friday there will be a Columbus Day Bocce celebration at the Lott Park court. Saturday there will be 34 teams coming for a girl’s fast pitch softball tournament. Saturday and Sunday is the Baldwin County Cross Country meet.

***Margaret Thigpen – Civic Center Director*** - reported that Duck’s Unlimited is having their membership banquet on October 13<sup>th</sup>, October 18<sup>th</sup> they will have a Drive thru Flu Clinic, October 20<sup>th</sup> there will be a book signing with Emeril Lagasse and October 28<sup>th</sup> is the Habitat for Humanity Banquet.

**7. PUBLIC PARTICIPATION**

***Mr. Chester McConnell – 8803 Pine Run*** – spoke regarding the D’Olive Watershed Management Plan.

**8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS**

**RESOLUTIONS:**

a.) **D’Olive Watershed Management Plan...../Resolution 2011-69**

|  |                     |            |                     |                       |
|--|---------------------|------------|---------------------|-----------------------|
| <b>MOTION BY Councilman Palumbo to <u>waive the reading</u> of Resolution 2011-69. <i>Seconded by Councilman Lake.</i></b> |                     |            |                     |                       |
| <b>AYE</b>   | <b>ALL IN FAVOR</b> | <b>NAY</b> | <b>NONE OPPOSED</b> | <b>MOTION CARRIED</b> |

|   |                     |            |                     |                       |
|---|---------------------|------------|---------------------|-----------------------|
| <b>MOTION BY Councilman Lake to <u>adopt</u> Resolution 2011-69. <i>Seconded by Councilman Palumbo.</i></b> |                     |            |                     |                       |
| <b>AYE</b>  | <b>ALL IN FAVOR</b> | <b>NAY</b> | <b>NONE OPPOSED</b> | <b>MOTION CARRIED</b> |

OCTOBER 10, 2011  
SPECIAL CALLED CITY COUNCIL MEETING  
1705 MAIN STREET  
DAPHNE, AL  
6:30 P.M.

**ORDINANCES:**

**2<sup>ND</sup> READ**

- a.) Daphne Real Property Transfer...../Ordinance 2011-65
- c.) Lodging Tax Appropriation: Bay Front Richard Scardamalia Pavilion Building / Stair Replacement ...../Ordinance 2011-66

**1<sup>ST</sup> READ**

- c.) Appropriation of Funds: Lott Park Tennis Courts Resurfacing. .... /Ordinance 2011-68
- d.) Appropriation of Funds: Randall Avenue Sidewalks. .... /Ordinance 2011-69

MOTION BY Councilman Lake to waive the reading of Ordinances 2011-65 and 2011-66. Seconded by Councilman Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to adopt ordinances 2011-65 and 2011-66. Seconded by Councilman Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Yelding to suspend the rules to consider Ordinance 2011-69. Seconded by Councilman Lake.

**ROLL CALL VOTE**

|         |     |          |     |
|---------|-----|----------|-----|
| Yelding | Aye | Boulware | Aye |
| Lake    | Aye | Palumbo  | Aye |
| Reese   | Aye | Barnette | Aye |
| Scott   | Aye |          |     |

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Ordinance 2011-69. Seconded by Councilman Yelding.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Yelding to adopt of Ordinance 2011-69. Seconded by Councilman Scott.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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**ORDINANCE 2011-68 WAS MADE 1<sup>ST</sup> READ.**

**8. COUNCIL COMMENTS**

**NO COMMENTS**

**9. ADJOURN**

**MOTION BY Councilman Lake to adjourn into Executive Session to discuss pending litigation. The City Attorney certified that the reason given above is according to the Open Meetings Act, and the session will last between 20-30 minutes. *Seconded by Councilman Scott.***

**ROLL CALL VOTE**

|                |            |                 |            |
|----------------|------------|-----------------|------------|
| <b>Yelding</b> | <b>Aye</b> | <b>Boulware</b> | <b>Aye</b> |
| <b>Lake</b>    | <b>Aye</b> | <b>Palumbo</b>  | <b>Aye</b> |
| <b>Reese</b>   | <b>Aye</b> | <b>Barnette</b> | <b>Aye</b> |
| <b>Scott</b>   | <b>Aye</b> |                 |            |

**AYE ALL IN FAVOR                      NAY NONE OPPOSED                      MOTION CARRIED**

**There being no further business to discuss the meeting adjourned at 7:38 p.m.**

Respectfully submitted by,

\_\_\_\_\_  
David L. Cohen,  
City Clerk, MMC

Certification by Presiding Officer:

\_\_\_\_\_  
Cathy S. Barnette,  
Council President

**OCTOBER 10, 2011**  
**CITY COUNCIL WORK SESSION**  
**1705 MAIN STREET**  
**DAPHNE, AL**  
**8:12 P.M. (AFTER THE SPECIAL CALLED COUNCIL MEETING)**

1

**COUNCIL MEMBERS PRESENT:** Bailey Yelding; Cathy Barnette; John Lake; Kelly Reese; Ron Scott; Derek Boulware; August Palumbo.

Also present: David Cohen, City Clerk; Rebecca Hayes, Assistant City Clerk; Jay Ross, City Attorney; Richard Johnson; Public Works Director; Adrienne Jones, Planning Director; David Carpenter, Police Chief; James White, Fire Chief; David McKelroy, Recreation Director; Tonja Young, Library Director; Vickie Hinman, Human Resources Director.

Absent: Mayor Fred Small.

Council President Barnette called the meeting to order at 8:12 p.m.

**1. ANNEXTION OF AL HIGHWAY 181 RIGHT-OF-WAY**

Chief Carpenter discussed the statistics they received from the state:

Daphne Police Department (Hwy 181 from I-10 to Lawson Road)

|                         |     |
|-------------------------|-----|
| Total Calls for Service | 501 |
| Traffic Stops           | 178 |
| Citations Issued        | 140 |
| Traffic Accidents       | 67  |

Alabama State Troopers

I have coordinated the requests for data with the Mobile Post supervisor Sgt. Joe Picket. Sgt. Picket has the opinion that Highway 181 is a significant drain on his resources. They have maintained a presence on 181 over the last several months to bring this under control.

The troopers maintain data on all their enforcement action and traffic investigations. However, they are unable to pull that current data for a single roadway.

Alabama Department of Transportation

2010 traffic study – According to their 2010 traffic study 15,550 vehicles travel on Highway 181 between Highway 90 and County Road 64. DOT did not have a current 2011 traffic study but they expect this number to increase as the roadway widening project has been completed. DOT expects to have a new traffic study done in the near future.

Chief Carpenter stated that they will need four (4) cars, four (4) officers at a minimum plus salaries and equipment.

Chief White stated that they will need nine (9) firefighters. He also said that the annexation would affect the ISO rating. The city has a 4 rating right now, but if it is configured to be five (5) miles outside the rating will change, and insurance premiums will rise.

**OCTOBER 10, 2011**  
**CITY COUNCIL WORK SESSION**  
**1705 MAIN STREET**  
**DAPHNE, AL**  
**8:12 P.M. (AFTER THE SPECIAL CALLED COUNCIL MEETING)**

2

Consensus of council is to put the annexation ordinance on the agenda for the October 17<sup>th</sup> council meeting.

The City Clerk reminded council that they are entering an election year, and they will have to cut off annexations at some point.

Council President Barnette requested that he bring the cutoff dates to a work session for consideration.

**2. FY 2012 BUDGET:**

Mrs. Henson gave an overview of the budget. It is \$300,000 budget over revenues.

**NOTE:** Councilman Yelding left the meeting at 8:40 p.m.

Council asked if step increases were included in the budget.

Mrs. Henson said she did not know, but would find out and let the council know.

Council discussed with department heads the significant increases in some departments.

Councilman Lake stated that the city is supposed to receive cable for free.

Council asked Mr. Ross to research the franchise agreement with Mediacom.

Council discussed revamping the city's Comprehensive Plan.

Councilman Palumbo wants to look at ways of keeping the Library open longer during the week and on Saturday, and being open on Sunday's and holiday's.

Council requested that Chief White do a vehicle inventory with how old the trucks are and cost of maintaining them.

**NOTE:** Councilman Palumbo left the meeting at 9:45 p.m.

Council discussed recouping the cost of cleaning the restrooms and concession stands at the parks by including that in the fees for using the facilities.

**OCTOBER 10, 2011**  
**CITY COUNCIL WORK SESSION**  
**1705 MAIN STREET**  
**DAPHNE, AL**  
**8:12 P.M. (AFTER THE SPECIAL CALLED COUNCIL MEETING)**

**3. ADJOURN**

There being no further business to discuss the meeting adjourned at 9:56 p.m.

Respectfully submitted by,

---

**David L. Cohen,**  
**City Clerk, MMC**

Certification of Presiding Officer:

---

**Cathy S. Barnette,**  
**Council President**

**PUBLIC HEARING  
FOR COUNCIL MEETING  
OCTOBER 17, 2011**

**TO CONSIDER:**

- 1.) Rezone:                   Hearthstone Multi-Asset Entity  
Location:                   On the East side of AL Hwy 181, South of Austin Road, North of  
Dick Higbee Rd.  
                                  Lot, 1, Dunmore Subdivision, Phase Two, Part C  
Present Zoning:            R-1, Low Density Single Family Residential and R-2, Medium  
Density Single Family Residential  
Requested Zoning:        R-3, High Density Single Family Residential  
Recommendation:         Unanimous Favorable        /        **Ordinance 2011-70**
- 
- 2.) Rezone:                   Hearthstone Multi-Asset Entity  
Location:                   On the East side of AL Hwy 181, South of Austin Road, North of  
Dick Higbee Rd. Lot, 2, Dunmore Subdivision, Phase Two, Part C  
Present Zoning:            R-1, Low Density Single Family Residential  
Requested Zoning:        R-2, Medium Density Single Family Residential  
Recommendation:         Unanimous Favorable        /        **Ordinance 2011-71**
- 
- 3.) Rezone:                   Hearthstone Multi-Asset Entity  
Location:                   On the East side of AL Hwy 181, South of Austin Road, North of  
Dick Higbee Rd. Lot, 3, Dunmore Subdivision, Phase Two, Part C  
Present Zoning:            R-1, Low Density Single Family Residential  
Requested Zoning:        R-4, High Density Single Family Residential  
Recommendation:         Unanimous Favorable        /        **Ordinance 2011-72**
- 
- 4.) Amend                    Land Use & Development Ordinance / Revision to Zoning Map  
Recommendation:         Unanimous Favorable        /        **Ordinance 2011-73**

To: Office of the City Clerk  
From: Adrienne D. Jones,  
Director of Community Development  
Subject: Hearthstone Multi-Asset Entity  
Zoning Amendment Review  
Date: August 31, 2011

AG MEMORANDUM

**PRESENT ZONING:** R-1, Low Density Single Family Residential, and R-2, Medium Density Single Family Residential

**PROPOSED ZONING:** R-3, High Density Multi-Family Residential

**LOCATION:** East side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road

**REFERENCE:** Proposed Lot 1, Dunmore Subdivision, Phase Two, Part C

**RECOMMENDATION:** At the August 25, 2011, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a ***favorable recommendation*** of the above-mentioned petition.

Attached please find said documentation for placement on the Tuesday, September 6, 2011 City Council agenda to set the public hearing for Monday, October 17, 2011.

The Ordinance will be provided by the City Attorney's office.

Thank you,  
ADJ/jd

cc: file

attachment(s)

1. Planning Report
2. Petition
3. Legal Description
4. Map of Property
5. Adjacent Property Owners List

# Planning Commission



## Zoning Amendment Review

*August 2011 Planning Report*

**COMMUNITY DEVELOPMENT**  
**PROPOSED LOT 1, DUNMORE PHASE 2C**  
**ZONING AMENDMENT REVIEW**

**Owner:** Hearthstone Multi-Asset Entity

**Existing Conditions:** 34.48 acres of vacant land

**Existing Zoning:** R-2, Medium Density Single Family Residential and R-1, Low Density Single Family Residential

**Proposed Zoning:** R-3, High Density Single Family Residential district

**Surrounding Zonings/Uses:**

North - (R-2) Single family zoned lots and houses

South- (R-A) Rural Agricultural Baldwin County District 15, undeveloped land

East- (R-1) Low density single family residential, undeveloped land

West-(R-2) Medium density single family residential zoned lots and houses

**Existing Utility Service Providers:**

Sewer - Baldwin County Sewer

Gas- Daphne Utilities

Electric—Riviera Utilities

**Affected City Service Providers:**

Fire Protection—Station 2 (North Main Street)

Police Protection—Police Beat 1

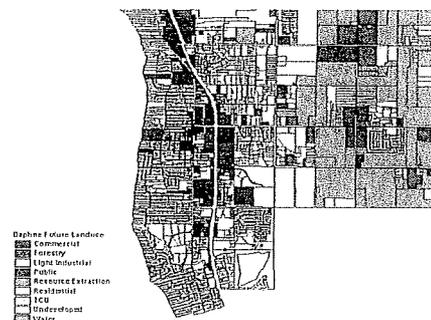
Public Works

**Baldwin County Schools**—School district zones are not set by municipal boundaries, therefore school districting will not be affected by annexation.

**Comprehensive Plan**

The current Comprehensive Plan does not account for property located within the corporate limits along Highway 181.

*August 2011 Planning Report*



EXCERPT FROM MASTER PLAN DISCUSSION

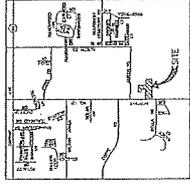
| Zoning                 | Zoning Amendment (see Ordinance 2007-08 -exhibit B) |                   |                 | Dunmore Subdivision Final Record Plats |           |           | Proposed Addition 8/11/11 |  |                                |
|------------------------|---|-------------------|-----------------|--|-----------|-----------|---------------------------|--|--------------------------------|
|                        | Acres   | Lots              | % of Total Lots | Phase 1                                | Phase 2A  | Phase 2B  | Phase 2C                  | Final Lot Count with Proposed Phase 2c | Change from Original Ordinance |
| R-1 Low Density        | 55.4  | 96                | 31.68           | 39                                     | 0         | 0         | 0                         | 39                                     | -59.38%                        |
| R-2 Med. Density       | 35.1  | 80                | 26.40           | 47                                     | 0         | 0         | 24                        | 71                                     | -11.25 %                       |
| R-3 High Density       | 27.1  | 60                | 19.80           | 32                                     | 0         | 28        | 84                        | 144                                    | +140 %                         |
| R-4 High Density       | 16.7  | 59                | 19.47           | 33                                     | 26        | 0         | 15                        | 74                                     | 25.42 %                        |
| <b>Total</b>           | <b>1165</b>   | <b>303</b>        |                 | <b>151</b>                             | <b>26</b> | <b>28</b> | <b>136</b>                | <b>328</b><br>Lots                     | <b>8.2%</b>                    |
| <b>Overall Density</b> |   | <b>1.836 u/ac</b> |                 |  |           |           | <b>Overall Density</b>    | <b>1.987u/ac</b>                       | <b>2.7%</b>                    |

Source: Staff Calculations are based upon Ordinance 2007-08 and drawings provided by Rester & Coleman Engineers regarding Dunmore Subdivision Proposed Revised Master Plan (8/11), Instrument 2414-B, 2414-A, 2443-B, 2448-A as recorded in Baldwin County Probate Records. For Planning Commission's consideration only.



**Community Development Recommendation:** Dunmore is a mixed development comprised of single family residences. Although there is a significant reduction in the number of R-1 and R-2 zoned lots, the overall density of the subdivision would remain that of an R-1 development. The proposal would add 38 more lots than originally proposed. No commercial use or zone, no town homes or multi-family uses are proposed or introduced as part of Dunmore. This proposal would change the number and arrangement of the same types of single family zonings already present in the development adding a green space to separate the low and higher density lots. Additionally, although the overall density of the proposed layout exceeds the overall subdivision density of Oldfield and Bellaton, it remains close in range. Therefore, I recommend approval of the revised master plan and subsequent zoning amendments. Approval contingent upon approval of the proposed master plan and the proposed Dunmore, Phase 2C preliminary/final plat.

August 2011 Planning Report



ZONING LEGEND

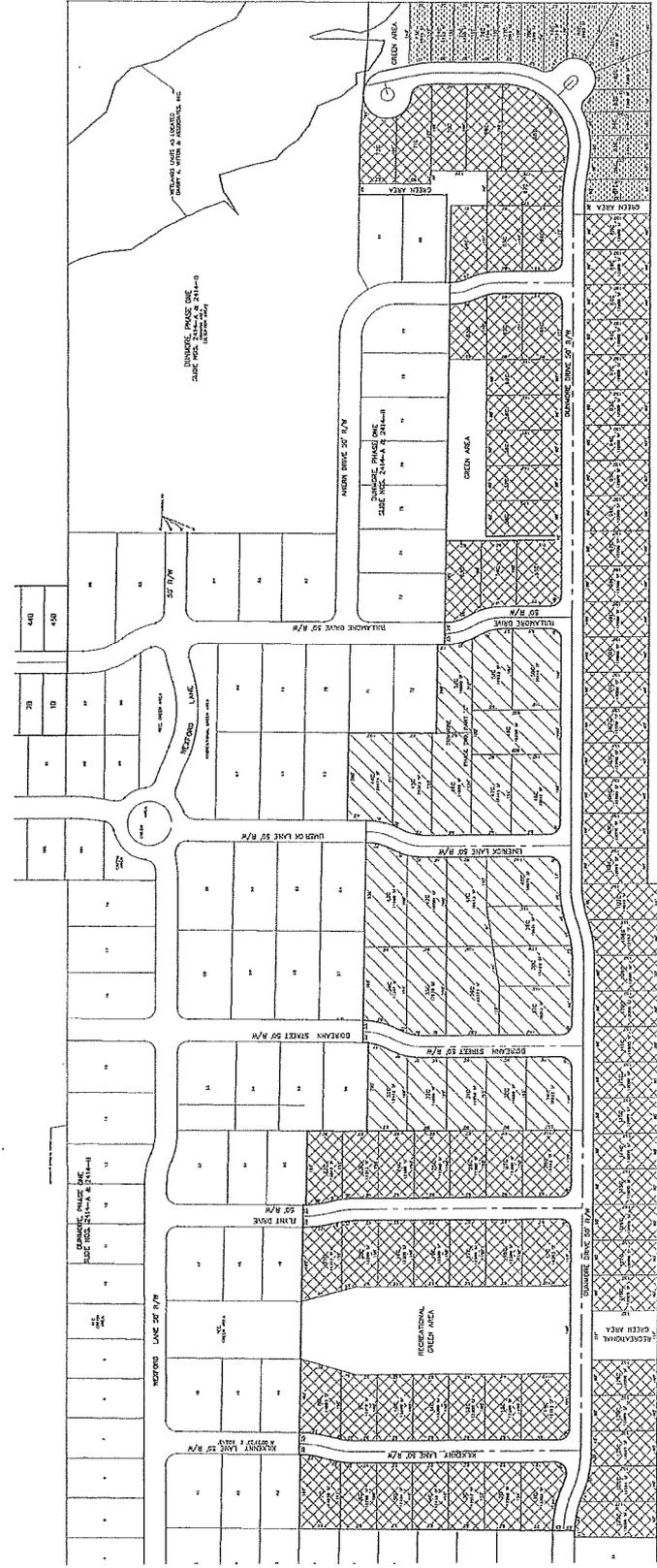
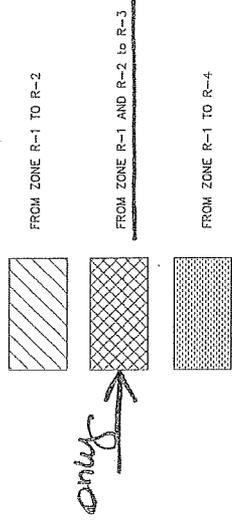


EXHIBIT B  
HEARTHSIC MULTI-ASSET ENTITY LOT 1

RESTER AND COLEMAN  
ENGINEERS, INC.  
65 WESTERN BLVD.  
BIRMINGHAM, AL 35202-1148

| NO. | DATE     | BY                 | DATE     | BY                 | DATE     | SCALE     |
|-----|----------|--------------------|----------|--------------------|----------|-----------|
| 1   | 10/15/10 | RESTER AND COLEMAN | 10/15/10 | RESTER AND COLEMAN | 10/15/10 | 1" = 100' |
| 2   |          |                    |          |                    |          |           |
| 3   |          |                    |          |                    |          |           |
| 4   |          |                    |          |                    |          |           |
| 5   |          |                    |          |                    |          |           |
| 6   |          |                    |          |                    |          |           |
| 7   |          |                    |          |                    |          |           |
| 8   |          |                    |          |                    |          |           |
| 9   |          |                    |          |                    |          |           |
| 10  |          |                    |          |                    |          |           |



LOT 1

**THE CITY OF DAPHNE  
PLANNING DEPARTMENT  
APPLICATION FOR ZONING AMENDMENT**

Application Number: Z11-02 Date Plat Submitted: 07/25/11  
Revised Date Presented: 08/25/11

Name of Owner: Hearthstone Multi-Asset Entity D L P Attn: Steve Mathison

Address: 220 N. Smith St., Suite 406 Palatine, IL 60067 Telephone# (847) 658-3107  
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Rester and Coleman Engineers, Inc.

Address: 66 Midtown Park West Mobile, AL 36606 Telephone# (251) 479-4518  
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Dunmore

Lot(s): 1 lot - Lot #1 Unit Phase Two, Part "C"

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: 07/25/11).

Meeting Dates:

Planning Commission: \_\_\_\_\_

City Council: \_\_\_\_\_

Reason(s) for requesting the Zoning Amendment:

\_\_\_\_\_  
Due to current economic situation, a smaller lot is more in demand.  
\_\_\_\_\_

D. Paul Coleman  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

(Application for a Zoning Amendment information shall be that of the owner of the subject property).

Revised: March 18, 2004

APPLICATION FOR ZONING AMENDMENT

STATE OF ALABAMA)  
COUNTY OF BALDWIN)  
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

- 1) Description of property for which amendment is requested:
- a) Address Dunmore Drive, South Portions of Kilkenny Drive, and Flynt Drive
  - b) Name of Subdivision Dunmore, Phase Two, Part "C"
  - c) Lot numbers involved in change 1 lot - Lot #1
  - d) Total acreage of change 34.4817 Acres
  - e) Recorded in Map Book Instrument #1056845 Page \_\_\_\_\_
  - f) Owned in whole by the undersigned? yes
  - g) If owned in part, name(s) of co-owner(s) :  
N/A
- 2) Zoning change requested:
- a) Present classification of property R-1 & R-2
  - b) Reclassification desired R-3
  - c) Character of neighborhood Single Family Residential
- 3) Certifications:
- a) Owner's Name Hearthstone Multi-Asset Entity D L P Attn: Steve Mathison
  - b) Address 220 N. Smith St., Suite 406 Palatine, IL 60067
  - c) Telephone Number (847) 658-3107
  - d) Date 07/25/11

Signature of Property Owner



Signature of Property Owner

(Authorized Agent)

AGREEMENT

...ALLOWING THE CITY OF DAPHNE TO POST PUBLIC NOTICE SIGNS ON THE PROPERTY FOR WHICH AN APPLICATION FOR A ZONING AMENDMENT HAS BEEN SUBMITTED TO THE CITY COUNCIL.

I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed period of time and remove the same.

07/25/11

Date

  
Signature of Property Owner  
(Authorized Agent)

HEARTHSTONE MULTI-ASSET ENTITY  
ZONING AMENDMENT  
THE EAST SIDE OF ALABAMA HIGHWAY 181, SOUTH OF AUSTIN ROAD,  
NORTH DICK HIGBEE ROAD

EXHIBIT "A"

DESCRIPTION OF PROPOSED LOT 1, DUNMORE, PHASE TWO, PART "C":

BEING ALL OF LOT 10 AND A PORTION OF LOTS 6, 7, 8, 9, 11, 12, 13, 14, 22, 23, AND 24 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.0 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET TO A POINT; THENCE RUN S 00° 02' 10" E 490.18 FEET TO A POINT; THENCE RUN N 89° 57' 50" E 382.13 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY A DISTANCE OF 87.04 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY A DISTANCE OF 87.04 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 89° 57' 50" E 605.48 FEET TO POINT; THENCE RUN N 00° 02' 10" W 158.05 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 30° 46' 34" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY A DISTANCE OF 67.14 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 31° 28' 07" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY A DISTANCE OF 68.65 FEET TO A POINT ON THE AFOREMENTIONED SOUTH BOUNDARY OF DUNMORE, PHASE ONE; THENCE ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN AS FOLLOWS: S 89° 20' 37" E 797.82 FEET, N 00° 39' 23" E 10.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 200.00 FEET, S 89° 20' 37" E 140.00 FEET, S 85° 31' 51" E 109.46 FEET TO A POINT; THENCE RUN S 11° 12' 24" E 119.11 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 12° 01' 52" AND A RADIUS OF 275.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 57.75 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 00° 40' 28" W 143.11 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 76° 41' 31" AND A RADIUS OF 175.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWESTWARDLY 234.24 FEET TO THE P.C.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 17° 02' 37" AND A RADIUS OF 150.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 44.62 FEET TO THE P.C.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 07° 26' 11" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 45.43 FEET TO THE P.R.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 11° 52' 57" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 72.59 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 89° 57' 50" W 27.96 FEET TO A POINT; THENCE RUN S 00° 02' 10" E 175.00 FEET TO A POINT ON THE NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY; THENCE ALONG SAID NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS AND THE NORTH BOUNDARY OF LOTS 20 AND 21 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS, RUN S 89° 57' 50" W 1520.48 FEET TO THE NORTHEAST CORNER OF LOT 22 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS; THENCE ALONG THE EAST BOUNDARY OF SAID LOT 22 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS, RUN S 00° 39' 55" W 30.00 FEET TO A POINT; THENCE RUN S 89° 57' 50" W 1472.45 FEET TO THE POINT OF BEGINNING. CONTAINING 34.4817 ACRES.

REFERENCE: DUNMORE SUBDIVISION, PHASE TWO, PART C

FRED SMALL  
MAYOR

DAVID L. COHEN, MMC  
CITY CLERK

KIMBERLY M. BRILEY  
FINANCE DIRECTOR/TREASURER

ADRIENNE D. JONES  
DIRECTOR/COMMUNITY DEVELOPMENT



COUNCIL MEMBERS  
BAILEY YELDING, JR.  
DISTRICT 1  
CATHY BARNETTE  
DISTRICT 2  
JOHN L. LAKE  
DISTRICT 3  
KELLY REESE  
DISTRICT 4  
RON SCOTT  
DISTRICT 5  
DEREK BOULEWARE  
DISTRICT 6  
AUGUST A. PALUMBO  
DISTRICT 7

August 12, 2011

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for Proposed Lot 1 of Dunmore Subdivision, Phase Two, Part C containing 34.48 acres +/- located on the east side of Alabama Highway 181, south of Austin Road, north of Dick Higbee Road to be rezoned from an R-1, Low Density Single Family Residential, and an R-2, Medium Density Single Family Residential, to a R-3, High Density Single Family Residential, zone.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-79. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, Wednesday, August 17, 2011 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, August 25, 2011 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,  
Adrienne D. Jones  
Director of Community Development

Hearthstone Multi-Family Asset – Steven Mathison

**HEARTHSTONE MULTI-ASSET ENTITY D L P  
DUNMORE, PHASE TWO, PART "C"  
REZONE R-1 AND R-2 TO R-3  
ADJACENT PROPERTY OWNERS LIST**

HEARTHSTONE MULTI-ASSET ENTITY D L P  
781 LINCOLN AVE., SUITE 300  
SAN RAFAEL, CA 94901

HIGBEE, RICHARD S  
11844 CANEY CREEK DR  
DAPHNE, AL 36526

MANCI, JOSEPH & BARBARA  
307 BELROSE AVE  
DAPHNE, AL 36526

D R HORTON INC-BIRMINGHAM  
6451 BERRITT BLVD, STE B  
DAPHNE, AL 36526

MOSE, DAVID D SR & PENNY K  
23862 DUBLIN DR  
DAPHNE, AL 36526

PRESTON, KENNETH O & STACY M  
23916 KILKENNY LN  
DAPHNE, AL 36526

BOSTWICK, LAURA MARIE  
23915 FLYNT DRIVE  
DAPHNE, AL 36526

MERRIWEATHER, DONALD K & ANITA J  
23916 FLYNT DR  
DAPHNE, AL 36526

KRAWCZYK, KENNETH E & DOROTHY Z  
10514 AHERN DR  
DAPHNE, AL 36526

PFLEEGOR, MICHAEL R & JOYCE  
10534 AHERN DR  
DAPHNE, AL 36526

ORDINANCE NO. 2011 - \_\_\_\_\_

**Ordinance to Rezone Property Located East Side of Alabama Highway 181, South of Austin Road , North of Dick Higbee Road (34.48 Acres)  
Hearthstone Multi-Asset Entity, Lot 1, Dunmore Subdivision, Phase Two, Part C (A)**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-1, Low Density Single Family Residential District and R-2 Medium Density Single Family Residential District, to a R-3, High Density Multi-Family Residential District, to said property is located East Side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road being more particularly described as follows:

**Legal Description:**

BEING ALL OF LOT 10 AND A PORTION OF LOTS 6, 7, 8, 9, 11, 12, 13, 14, 22, 23, AND 24 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.0 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET TO A POINT; THENCE RUN S 00° 02' 10" E 490.18 FEET TO A POINT; THENCE RUN N 89° 57' 50" E 382.13 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY A DISTANCE OF 87.04 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY A DISTANCE OF 87.04 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 89° 57' 50" E 605.48 FEET TO POINT; THENCE RUN N 00° 02' 10" W 158.05 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 30° 46' 34" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY A DISTANCE OF 67.14 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 31° 28' 07" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY A DISTANCE OF 68.65 FEET TO A POINT ON THE AFOREMENTIONED SOUTH BOUNDARY OF DUNMORE, PHASE ONE; THENCE ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN AS FOLLOWS: S 89° 20' 37" E 797.82 FEET, N 00° 39' 23" E 10.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 200.00 FEET, S 89° 20' 37" E 140.00 FEET, S 85° 31' 51" E 109.46 FEET TO A POINT; THENCE RUN S 11° 12' 24" E 119.11 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 12° 01' 52" AND A RADIUS OF 275.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 57.75 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 00° 40' 28" W 143.11 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 76° 41' 31" AND A RADIUS OF 175.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWESTWARDLY 234.24 FEET TO THE P.C.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 17° 02' 37" AND A RADIUS OF 150.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 44.62 FEET TO THE P.C.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 07° 26' 11" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 45.43 FEET TO THE P.R.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 11° 52' 57" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 72.59 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 89° 57' 50" W 27.96 FEET TO A POINT; THENCE RUN S 00° 02' 10" E 175.00 FEET TO A POINT ON THE NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY; THENCE ALONG SAID NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND

FARMS AND THE NORTH BOUNDARY OF LOTS 20 AND 21 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS, RUN S 89° 57' 50" W 1520.48 FEET TO THE NORTHEAST CORNER OF LOT 22 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS; THENCE ALONG THE EAST BOUNDARY OF SAID LOT 22 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS, RUN S 00° 39' 55" W 30.00 FEET TO A POINT; THENCE RUN S 89° 57' 50" W 1472.45 FEET TO THE POINT OF BEGINNING. CONTAINING 34.4817 ACRES.

**WHEREAS**, the Planning Commission of the City of Daphne on August 25, 2011 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, October 17, 2011 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from R-1, Low Density Single Family Residential District and R-2 Medium Density Single Family Residential District, to a R-3, High Density Multi-Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_ day of \_\_\_\_\_, 2011.**

\_\_\_\_\_  
**Cathy S. Barnette, Council President**  
Date & Time Signed:\_\_\_\_\_

\_\_\_\_\_  
**Fred Small, Mayor**  
Date & Time Signed:\_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
**David L. Cohen**  
City Clerk, MMC

To: Office of the City Clerk  
From: Adrienne D. Jones,  
Director of Community Development  
Subject: Hearthstone Multi-Asset Entity  
Zoning Amendment Review  
Date: August 31, 2011

## MEMORANDUM

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

**PROPOSED ZONING:** R-2, Medium Density Single Family Residential

**LOCATION:** East side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road

**REFERENCE:** Proposed Lot 2, Dunmore Subdivision, Phase Two, Part C

**RECOMMENDATION:** At the August 25, 2011, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a ***favorable recommendation*** of the above-mentioned petition.

Attached please find said documentation for placement on the Tuesday, September 6, 2011 City Council agenda to set the public hearing for Monday, October 17, 2011.

The Ordinance will be provided by the City Attorney's office.

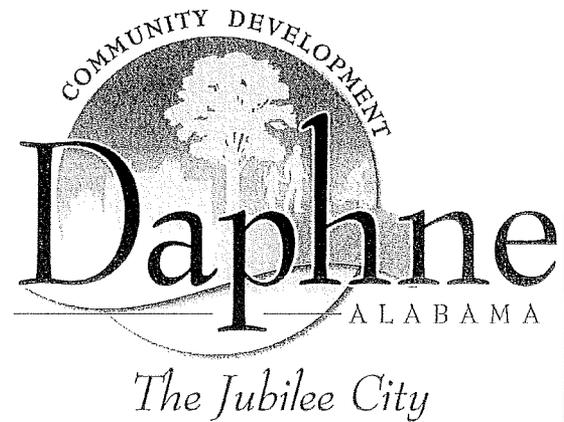
Thank you,  
ADJ/jd

cc: file

attachment(s)

1. Planning Report
2. Petition
3. Legal Description
4. Map of Property
5. Adjacent Property Owners List

# Planning Commission



## Zoning Amendment Review

*August 2011 Planning Report*

## COMMUNITY DEVELOPMENT

### PROPOSED LOT 2, DUNMORE PHASE 2C ZONING AMENDMENT REVIEW

**Owner:** Hearthstone Multi-Asset Entity

**Existing Conditions:** 11.84 acres of vacant land

**Existing Zoning:** Lot 2 is zoned R-1, Low Density Single Family Residential

**Proposed Zoning:** R-2, Medium Density Single Family Residential

**Surrounding Zonings/Uses:**

North - (R-1) Low density single family residential zoned lots and houses

South - (R-1) Low density single family residential, undeveloped land (currently proposed R-3 zoning district)

East - (R-1) Low density single family residential, undeveloped land

West - (R-2) Medium density single family residential zoned lots and houses

**Existing Utility Service Providers:**

Sewer Baldwin County Sewer

Gas- Daphne Utilities

Electric—Riviera Utilities

**Affected City Service Providers:**

Fire Protection—Station 2 (North Main Street)

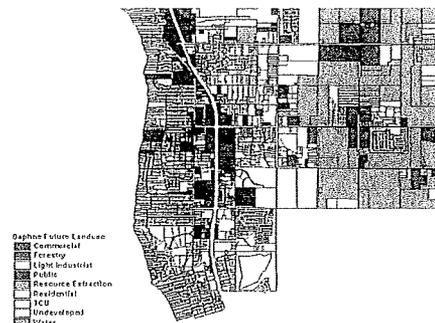
Police Protection—Police Beat 1

Public Works

**Baldwin County Schools**—School district zones are not set by municipal boundaries, therefore school districting will not be affected by annexation.

**The current Comprehensive Plan does not account for property located within the corporate limits along Highway 181.**

*August 2011 Planning Report*



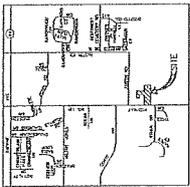
EXCERPT FROM MASTER PLAN DISCUSSION

| Zoning                 | Zoning Amendment (see Ordinance 2007-08 -exhibit B) |                   |                 | Dunmore Subdivision Final Record Plats |           |           | Proposed Addition 8/11/11 |  |                                |
|------------------------|---|-------------------|-----------------|--|-----------|-----------|---------------------------|--|--------------------------------|
|                        | Acres   | Lots              | % of Total Lots | Phase 1                                | Phase 2A  | Phase 2B  | Phase 2C                  | Final Lot Count with Proposed Phase 2c | Change from Original Ordinance |
| R-1 Low Density        | 55.4  | 96                | 31.68           | 39                                     | 0         | 0         | 0                         | 39                                     | -59.38%                        |
| R-2 Med. Density       | 35.1  | 80                | 26.40           | 47                                     | 0         | 0         | 24                        | 71                                     | -11.25 %                       |
| R-3 High Density       | 27.1  | 60                | 19.80           | 32                                     | 0         | 28        | 84                        | 144                                    | + 140 %                        |
| R-4 High Density       | 16.7  | 59                | 19.47           | 33                                     | 26        | 0         | 15                        | 74                                     | 25.42 %                        |
| <b>Total</b>           | <b>165</b>  | <b>303</b>        |                 | <b>151</b>                             | <b>26</b> | <b>28</b> | <b>136</b>                | <b>328 Lots</b>                        | <b>8.2%</b>                    |
| <b>Overall Density</b> |   | <b>1.836 u/ac</b> |                 |  |           |           | <b>Overall Density</b>    | <b>1.987u/ac</b>                       | <b>2.7%</b>                    |

Source: Staff Calculations are based upon Ordinance 2007-08 and drawings provided by Rester & Coleman Engineers regarding Dunmore Subdivision Proposed Revised Master Plan (8/11), Instrument 2414-B, 2414-A, 2443-B, 2448-A as recorded in Baldwin County Probate Records. For Planning Commission's consideration only.



**Community Development Recommendation:** Dunmore is a mixed development comprised of single family residences. Although there is a significant reduction in the number of R-1 and R-2 zoned lots, the overall density of the subdivision would remain that of an R-1 development. The proposal would add 38 more lots than originally proposed. No commercial use or zone, no town homes or multi-family uses are proposed or introduced as part of Dunmore. This proposal would change the number and arrangement of the same types of single family zonings already present in the development adding a green space to separate the low and higher density lots. Additionally, although the overall density of the proposed layout exceeds the overall subdivision density of Oldfield and Bellaton, it remains close in range. Therefore, I recommend approval of the revised master plan and subsequent zoning amendments. Approval contingent upon approval of the proposed master plan and the proposed Dunmore, Phase 2C preliminary/final plat.



ZONING LEGEND

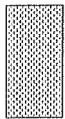
*only* →



FROM ZONE R-1 TO R-2



FROM ZONE R-1 AND R-2 to R-3



FROM ZONE R-1 TO R-4

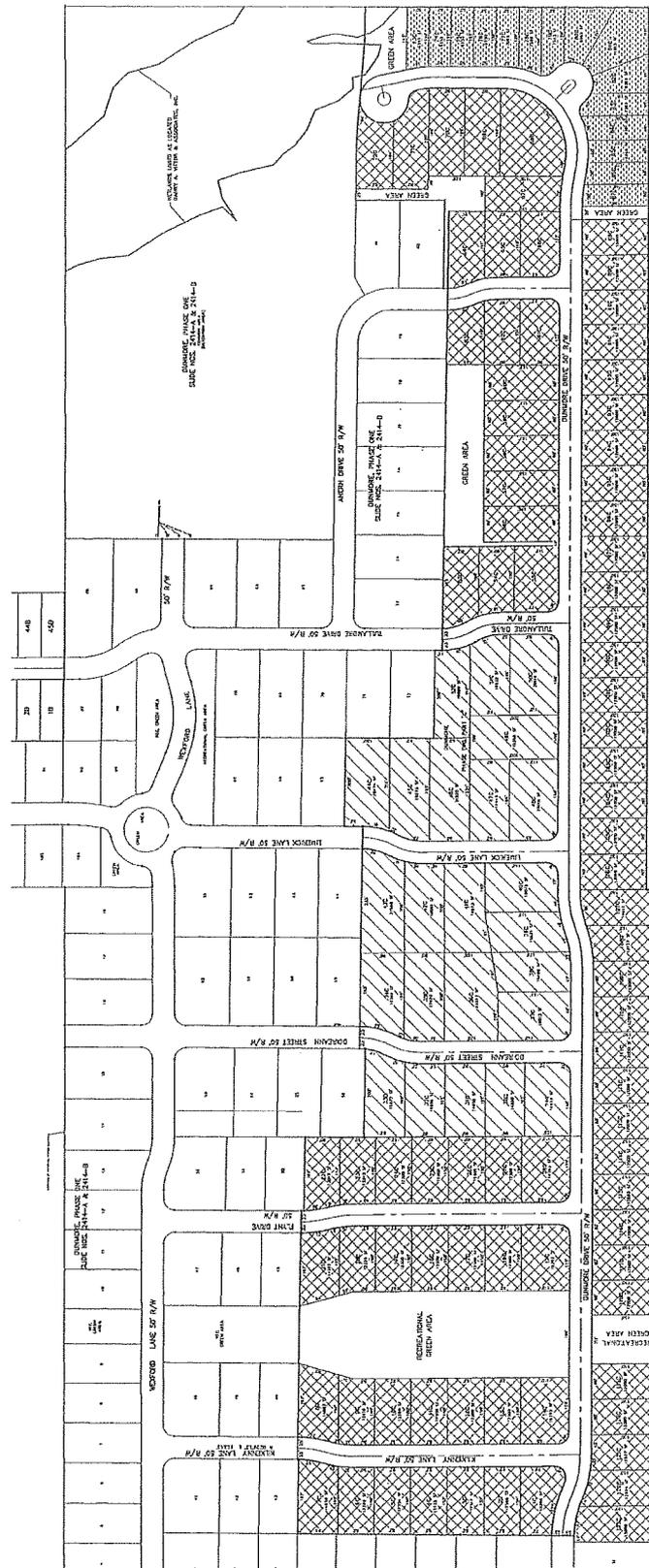


EXHIBIT B  
HEARTSTONE MULTI-ASSET ENTITY LOT 2

HESTER AND COLEMAN  
ENGINEERS, INC.

DATE: 11/11/11  
SCALE: AS SHOWN

| NO. | DATE | BY | DATE | REVISION |
|-----|------|----|------|----------|
| 1   |      |    |      |          |
| 2   |      |    |      |          |
| 3   |      |    |      |          |
| 4   |      |    |      |          |
| 5   |      |    |      |          |
| 6   |      |    |      |          |
| 7   |      |    |      |          |
| 8   |      |    |      |          |
| 9   |      |    |      |          |
| 10  |      |    |      |          |



LOT 2

**THE CITY OF DAPHNE  
PLANNING DEPARTMENT  
APPLICATION FOR ZONING AMENDMENT**

Application Number: Z11-03 Date Plat Submitted: 07/25/11  
Revised Date Presented: 8/25/11

Name of Owner: Hearthstone Multi-Asset Entity D L P Attn: Steve Mathison

Address: 220 N. Smith St., Suite 406 Palatine, IL 60067 Telephone# (847) 658-3107  
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Rester and Coleman Engineers, Inc.

Address: 66 Midtown Park West Mobile, AL 36606 Telephone# (251) 479-4518  
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Dunmore

Lot(s): 1 lot - Lot #2 Unit Phase Two, Part "C"

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: 07/25/11).

Meeting Dates:

Planning Commission: \_\_\_\_\_

City Council: \_\_\_\_\_

Reason(s) for requesting the Zoning Amendment:

\_\_\_\_\_  
Due to current economic situation, a smaller lot is more in demand.  
\_\_\_\_\_

D. Joel Coleman  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

(Application for a Zoning Amendment information shall be that of the owner of the subject property).

Revised: March 18, 2004

APPLICATION FOR ZONING AMENDMENT

STATE OF ALABAMA)  
COUNTY OF BALDWIN)  
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

1) Description of property for which amendment is requested:

- a) Address South Portions of Doireann Street, Limerick Lane, and Tullamore Drive
- b) Name of Subdivision Dunmore, Phase Two, Part "C"
- c) Lot numbers involved in change 1 lot - Lot #2
- d) Total acreage of change 11.8461 Acres
- e) Recorded in Map Book Instrument #1056845 Page
- f) Owned in whole by the undersigned? yes
- g) If owned in part, name(s) of co-owner(s) :  
N/A

2) Zoning change requested:

- a) Present classification of property R-1
- b) Reclassification desired R-2
- c) Character of neighborhood Single Family Residential

3) Certifications:

- a) Owner's Name Hearthstone Multi-Asset Entity D L P Attn: Steve Mathison
- b) Address 220 N. Smith St., Suite 406 Palatine, IL 60067
- c) Telephone Number (847) 658-3107
- d) Date 07/25/11

Signature of Property Owner



Signature of Property Owner

(Authorized Agent)

AGREEMENT

...ALLOWING THE CITY OF DAPHNE TO POST PUBLIC NOTICE SIGNS ON THE PROPERTY FOR WHICH AN APPLICATION FOR A ZONING AMENDMENT HAS BEEN SUBMITTED TO THE CITY COUNCIL.

I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed period of time and remove the same.

07/25/11

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Property Owner  
(Authorized Agent)

HEARTHSTONE MULTI-ASSET ENTITY  
ZONING AMENDMENT  
THE EAST SIDE OF ALABAMA HIGHWAY 181, SOUTH OF AUSTIN ROAD,  
NORTH DICK HIGBEE ROAD

EXHIBIT "A"

DESCRIPTION OF PROPOSED LOT 2, DUNMORE, PHASE TWO, PART "C":

BEING A PORTION OF LOTS 5, 11, AND 12, SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.0 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN AS FOLLOWS: S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 12.98 FEET, S 89° 20' 37" E 500.00 FEET, N 00° 39' 23" E 42.90 FEET, S 89° 20' 37" E 250.00 FEET, S 00° 39' 23" W 200.00 FEET, S 89° 20' 37" E 200.00 FEET, S 00° 39' 23" W 15.00 FEET, S 89° 20' 37" E 25.00 FEET TO A POINT ON THE ARC OF A 125.00 FOOT CURVE HAVING A CENTRAL ANGLE OF 31° 28' 07" AND BEING CONCAVE EASTWARDLY; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 68.65 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 30° 46' 34" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 67.14 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 00° 02' 10" E 158.05 FEET TO A POINT; THENCE RUN S 89° 57' 50" W 605.48 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY A DISTANCE OF 72.59 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY A DISTANCE OF 87.04 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 89° 57' 50" W 382.13 FEET TO A POINT; THENCE RUN N 00° 02' 10" W 490.18 FEET TO THE POINT OF BEGINNING. CONTAINING 11.8461 ACRES.

REFERENCE: DUNMORE, PHASE TWO, PART A

FRED SMALL  
MAYOR  
DAVID L. COHEN, MMC  
CITY CLERK  
KIMBERLY M. BRILEY  
FINANCE DIRECTOR/TREASURER  
ADRIENNE D. JONES  
DIRECTOR/COMMUNITY DEVELOPMENT



COUNCIL MEMBERS  
BAILEY YELDING, JR.  
DISTRICT 1  
CATHY BARNETTE  
DISTRICT 2  
JOHN L. LAKE  
DISTRICT 3  
KELLY REESE  
DISTRICT 4  
RON SCOTT  
DISTRICT 5  
DEREK BOULEWARE  
DISTRICT 6  
AUGUST A. PALUMBO  
DISTRICT 7

August 12, 2011

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for Proposed Lot 2 of Dunmore Subdivision, Phase Two, Part C containing 11.84 acres +/- located on the east side of Alabama Highway 181, south of Austin Road, north of Dick Higbee Road to be rezoned from a R-1, Low Density Single Family Residential, to an R-2, Medium Density Single Family Residential.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-79. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, Wednesday, August 17, 2011 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, August 25, 2011 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,  
Adrienne D. Jones  
Director of Community Development

Hearthstone Multi-Family Asset – Steven Mathison

HEARTHSTONE MULTI-ASSET ENTITY D L P  
DUNMORE, PHASE TWO, PART "C"  
REZONE R-1 TO R-2  
ADJACENT PROPERTY OWNERS LIST

HEARTHSTONE MULTI-ASSET ENTITY D L P  
781 LINCOLN AVE., SUITE 300  
SAN RAFAEL, CA 94901

ORDINANCE NO. 2011 - \_\_\_\_\_

**Ordinance to Rezone Property Located East Side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road (11.84 Acres)  
Hearthstone Multi-Asset Entity, Lot 2, Dunmore Subdivision, Phase Two Part C (B)**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-1, Low Density Single Family Residential District to R-2 Medium Density Single Family Residential District said property is located East Side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road, being more particularly described as follows:

**Legal Description:**

BEING A PORTION OF LOTS 5, 11, AND 12, SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.0 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN AS FOLLOWS: S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 12.98 FEET, S 89° 20' 37" E 500.00 FEET, N 00° 39' 23" E 42.90 FEET, S 89° 20' 37" E 250.00 FEET, S 00° 39' 23" W 200.00 FEET, S 89° 20' 37" E 200.00 FEET, S 00° 39' 23" W 15.00 FEET, S 89° 20' 37" E 25.00 FEET TO A POINT ON THE ARC OF A 125.00 FOOT CURVE HAVING A CENTRAL ANGLE OF 31° 28' 07" AND BEING CONCAVE EASTWARDLY; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 68.65 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 30° 46' 34" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 67.14 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 00° 02' 10" E 158.05 FEET TO A POINT; THENCE RUN S 89° 57' 50" W 605.48 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY A DISTANCE OF 72.59 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY A DISTANCE OF 87.04 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 89° 57' 50" W 382.13 FEET TO A POINT; THENCE RUN N 00° 02' 10" W 490.18 FEET TO THE POINT OF BEGINNING. CONTAINING 11.8461 ACRES.

**WHEREAS**, the Planning Commission of the City of Daphne on August 25, 2011 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, October 17, 2011 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from R-1, Low Density Single Family Residential District, to a R-2 Medium Density Single Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS** \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
**Cathy S. Barnette, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

\_\_\_\_\_  
**David L. Cohen**  
City Clerk, MMC

To: Office of the City Clerk  
From: Adrienne D. Jones,  
Director of Community Development  
Subject: Hearthstone Multi-Asset Entity  
Zoning Amendment Review  
Date: August 31, 2011

## MEMORANDUM

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

**PROPOSED ZONING:** R-4, High Density Single Family Residential

**LOCATION:** East side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road

**REFERENCE:** Proposed Lot 3, Dunmore Subdivision, Phase Two, Part C

**RECOMMENDATION:** At the August 25, 2011, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a ***favorable recommendation*** of the above-mentioned petition.

Attached please find said documentation for placement on the Tuesday, September 6, 2011 City Council agenda to set the public hearing for Monday, October 17, 2011.

The Ordinance will be provided by the City Attorney's office.

Thank you,  
ADJ/jd

cc: file

attachment(s)

1. Planning Report
2. Petition
3. Legal Description
4. Map of Property
5. Adjacent Property Owners List

# Planning Commission



## Zoning Amendment Review

*August 2011 Planning Report*

**COMMUNITY DEVELOPMENT**

**PROPOSED LOT 3, DUNMORE PHASE 2C  
ZONING AMENDMENT REVIEW**

**Owner:** Hearthstone Multi-Asset Entity

**Existing Conditions:** 3.77 acres of vacant land

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

**Proposed Zoning:** R-4, High Density Single Family Residential district

**Surrounding Zonings/Uses:**

North - (R-1) Low density single family residential zoned lots, houses, and common area

South- (R-A) Rural Agricultural Baldwin County District 15, undeveloped land

East- (R-A) Rural Agricultural Baldwin County District 15, undeveloped land

West-(R-1) Low density single family residential land (currently subject to rezoning to R-2 district)

**Existing Utility Service Providers:**

Sewer Baldwin County Sewer

Gas- Daphne Utilities

Electric—Riviera Utilities

**Affected City Service Providers:**

Fire Protection—Station 2 (North Main Street)

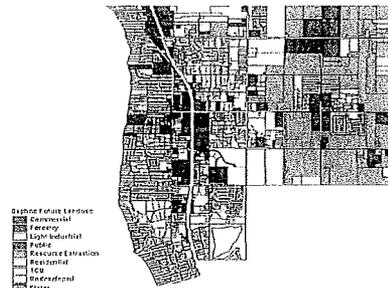
Police Protection—Police Beat 1

Public Works

**Baldwin County Schools**—School district zones are not set by municipal boundaries, therefore school districting will not be affected by annexation.

**The current Comprehensive Plan does not account for property located within the corporate limits along Highway 181.**

*August 2011 Planning Report*



EXCERPT FROM MASTER PLAN DISCUSSION

| Zoning                 | Zoning Amendment (see Ordinance 2007-08 -exhibit B) |                   |                 | Dunmore Subdivision Final Record Plats |           |           | Proposed Addition 8/11/11 |  |                                |
|------------------------|---|-------------------|-----------------|--|-----------|-----------|---------------------------|--|--------------------------------|
|                        | Acres   | Lots              | % of Total Lots | Phase 1                                | Phase 2A  | Phase 2B  | Phase 2C                  | Final Lot Count with Proposed Phase 2c | Change from Original Ordinance |
| R-1 Low Density        | 55.4  | 96                | 31.68           | 39                                     | 0         | 0         | 0                         | 39                                     | -59.38%                        |
| R-2 Med. Density       | 35.1  | 80                | 26.40           | 47                                     | 0         | 0         | 24                        | 71                                     | -11.25 %                       |
| R-3 High Density       | 27.1  | 60                | 19.80           | 32                                     | 0         | 28        | 84                        | 144                                    | +140 %                         |
| R-4 High Density       | 16.7  | 59                | 19.47           | 33                                     | 26        | 0         | 15                        | 74                                     | 25.42 %                        |
| <b>Total</b>           | <b>165</b>  | <b>303</b>        |                 | <b>151</b>                             | <b>26</b> | <b>28</b> | <b>136</b>                | <b>328 Lots</b>                        | <b>8.2%</b>                    |
| <b>Overall Density</b> |   | <b>1.836 u/ac</b> |                 |  |           |           | <b>Overall Density</b>    | <b>1.987u/ac</b>                       | <b>2.7%</b>                    |

Source: Staff Calculations are based upon Ordinance 2007-08 and drawings provided by Rester & Coleman Engineers regarding Dunmore Subdivision Proposed Revised Master Plan (8/11), Instrument 2414-B, 2414-A, 2443-B, 2448-A as recorded in Baldwin County Probate Records. For Planning Commission's consideration only.



**Community Development Recommendation:** Dunmore is a mixed development comprised of single family residences. Although there is a significant reduction in the number of R-1 and R-2 zoned lots, the overall density of the subdivision would remain that of an R-1 development. The proposal would add 38 more lots than originally proposed. No commercial use or zone, no town homes or multi-family uses are proposed or introduced as part of Dunmore. This proposal would change the number and arrangement of the same types of single family zonings already present in the development adding a green space to separate the low and higher density lots. Additionally, although the overall density of the proposed layout exceeds the overall subdivision density of Oldfield and Bellaton, it remains close in range. Therefore, I recommend approval of the revised master plan and subsequent zoning amendments. Approval contingent upon approval of the proposed master plan and the proposed Dunmore, Phase 2C preliminary/final plat.



Lot 3

**THE CITY OF DAPHNE**  
**PLANNING DEPARTMENT**  
**APPLICATION FOR ZONING AMENDMENT**

Application Number: Z11-04 Date Plat Submitted: 07/25/11  
Revised Date Presented: 0/25/11

Name of Owner: Hearthstone Multi-Asset Entity D L P Attn: Steve Mathison

Address: 220 N. Smith St., Suite 406 Palatine, IL 60067 Telephone# (847) 658-3107  
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Rester and Coleman Engineers, Inc.

Address: 66 Midtown Park West Mobile, AL 36606 Telephone# (251) 479-4518  
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Dunmore

Lot(s): 1 lot - Lot #3 Unit Phase Two, Part "C"

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: 07/25/11).

Meeting Dates:

Planning Commission: \_\_\_\_\_

City Council: \_\_\_\_\_

Reason(s) for requesting the Zoning Amendment:

\_\_\_\_\_  
Due to current economic situation, a smaller lot is more in demand.  
\_\_\_\_\_

D. Jack Coleman  
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

(Application for a Zoning Amendment information shall be that of the owner of the subject property).

Revised: March 18, 2004

APPLICATION FOR ZONING AMENDMENT

STATE OF ALABAMA)  
COUNTY OF BALDWIN)  
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

1) Description of property for which amendment is requested:

- a) Address The East portion of Dunmore Drive and the South portion of Ahern Drive
- b) Name of Subdivision Dunmore, Phase Two, Part "C"
- c) Lot numbers involved in change 1 lot - Lot #3
- d) Total acreage of change 3.7791 Acres
- e) Recorded in Map Book Instrument #1056845 Page
- f) Owned in whole by the undersigned? yes
- g) If owned in part, name(s) of co-owner(s) :  
N/A

2) Zoning change requested:

- a) Present classification of property R-1
- b) Reclassification desired R-4
- c) Character of neighborhood Single Family Residential

3) Certifications:

- a) Owner's Name Hearthstone Multi-Asset Entity D L P Attn: Steve Mathison
- b) Address 220 N. Smith St., Suite 406 Palatine, IL 60067
- c) Telephone Number (847) 658-3107
- d) Date 07/25/11

Signature of Property Owner



Signature of Property Owner

(Authorized Agent)

AGREEMENT

...ALLOWING THE CITY OF DAPHNE TO POST PUBLIC NOTICE SIGNS ON THE PROPERTY FOR WHICH AN APPLICATION FOR A ZONING AMENDMENT HAS BEEN SUBMITTED TO THE CITY COUNCIL.

I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed period of time and remove the same.

07/25/11  
Date

*D. Joel Coleman*  
Signature of Property Owner  
(Authorized Agent)

HEARTHSTONE MULTI-ASSET ENTITY  
ZONING AMENDMENT  
THE EAST SIDE OF ALABAMA HIGHWAY 181, SOUTH OF AUSTIN ROAD,  
NORTH DICK HIGBEE ROAD

EXHIBIT "A"

DESCRIPTION OF LOT 3, DUNMORE, PHASE TWO, PART "C":

BEING A PORTION OF LOTS 13 AND 14 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.00 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 12.98 FEET, S 89° 20' 37" E 500.00 FEET, N 00° 39' 23" E 42.90 FEET, S 89° 20' 37" E 250.00 FEET, S 00° 39' 23" W 200.00 FEET, S 89° 20' 37" E 200.00 FEET, S 00° 39' 23" W 15.00 FEET, S 89° 20' 37" E 822.82 FEET, N 00° 39' 23" E 10.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 200.00 FEET, S 89° 20' 37" E 140.00 FEET, S 85° 31' 51" E 109.46 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING S 85° 31' 51" E ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN A DISTANCE OF 116.12 FEET TO A POINT; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN S 89° 20' 37" E 75.00 FEET TO A POINT ON THE WEST BOUNDARY OF LOT 15 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY; THENCE ALONG SAID WEST BOUNDARY OF LOT 15 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, RUN S 00° 40' 28" W 683.58 FEET TO THE NORTHEAST CORNER OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS; THENCE ALONG THE NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, RUN S 89° 57' 50" W 482.01 FEET TO A POINT; THENCE RUN N 00° 02' 10" W 175.00 FEET TO A POINT; THENCE RUN N 89° 57' 50" E 27.96 FEET TO THE P.C. OF A CURVEY TO THE RIGHT HAVING A CENTRAL ANGLE OF 11° 52' 57" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 72.59 FEET TO THE P.R.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 07° 26' 11" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 45.43 FEET TO THE P.C.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 17° 02' 37" AND A RADIUS OF 150.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 44.62 FEET TO THE P.C.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 76° 41' 31" AND A RADIUS OF 175.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHEASTWARDLY 234.24 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 00° 40' 28" E 143.11 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 12° 01' 52" AND A RADIUS OF 275.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY 57.75 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 11° 12' 24" W 119.11 FEET TO THE POINT OF BEGINNING. CONTAINING 3.7791 ACRES.

FRED SMALL  
MAYOR  
DAVID L. COHEN, MMC  
CITY CLERK  
KIMBERLY M. BRILEY  
FINANCE DIRECTOR/TREASURER  
ADRIENNE D. JONES  
DIRECTOR/COMMUNITY DEVELOPMENT



COUNCIL MEMBERS  
BAILEY YELDING, JR.  
DISTRICT 1  
CATHY BARNETTE  
DISTRICT 2  
JOHN L. LAKE  
DISTRICT 3  
KELLY REESE  
DISTRICT 4  
RON SCOTT  
DISTRICT 5  
DEREK BOULEWARE  
DISTRICT 6  
AUGUST A. PALUMBO  
DISTRICT 7

August 12, 2011

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for Proposed Lot 3 of Dunmore Subdivision, Phase Two, Part C containing 3.77 acres +/- located on the east side of Alabama Highway 181, south of Austin Road, north of Dick Higbee Road to be rezoned from a R-1, Low Density Single Family Residential, to an R-4, High Density Single Family Residential.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-79. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, Wednesday, August 17, 2011 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, August 25, 2011 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,  
Adrienne D. Jones  
Director of Community Development

Hearthstone Multi-Family Asset – Steven Mathison

**HEARTHSTONE MULTI-ASSET ENTITY D L P  
DUNMORE, PHASE TWO, PART "C"  
REZONE R3 TO R4  
ADJACENT PROPERTY OWNERS LIST**

HEARTHSTONE MULTI-ASSET ENTITY D L P  
781 LINCOLN AVE., SUITE 300  
SAN RAFAEL, CA 94901

HIGBEE, RICHARD S  
11844 CANEY CREEK DR  
DAPHNE, AL 36526

HIGBEE, RICHARD E  
11011 HIGBEE RD  
FAIRHOPE, AL 36532

ORDINANCE NO. 2011 - \_\_\_\_\_

**Ordinance to Rezone Property Located East Side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road (3.77 Acres)  
Hearthstone Multi-Asset Entity, Lot 3, Dunmore Subdivision, Phase Two, Part C (C)**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-1, Low Density Single Family Residential District to R-4 High Density Single Family Residential District to said property is located East Side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road being more particularly described as follows:

**Legal Description:**

BEING A PORTION OF LOTS 13 AND 14 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.00 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 12.98 FEET, S 89° 20' 37" E 500.00 FEET, N 00° 39' 23" E 42.90 FEET, S 89° 20' 37" E 250.00 FEET, S 00° 39' 23" W 200.00 FEET, S 89° 20' 37" E 200.00 FEET, S 00° 39' 23" W 15.00 FEET, S 89° 20' 37" E 822.82 FEET, N 00° 39' 23" E 10.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 200.00 FEET, S 89° 20' 37" E 140.00 FEET, S 85° 31' 51" E 109.46 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING S 85° 31' 51" E ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN A DISTANCE OF 116.12 FEET TO A POINT; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN S 89° 20' 37" E 75.00 FEET TO A POINT ON THE WEST BOUNDARY OF LOT 15 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY; THENCE ALONG SAID WEST BOUNDARY OF LOT 15 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, RUN S 00° 40' 28" W 683.58 FEET TO THE NORTHEAST CORNER OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS; THENCE ALONG THE NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, RUN S 89° 57' 50" W 482.01 FEET TO A POINT; THENCE RUN N 00° 02' 10" W 175.00 FEET TO A POINT; THENCE RUN N 89° 57' 50" E 27.96 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 11° 52' 57" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 72.59 FEET TO THE P.R.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 07° 26' 11" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 45.43 FEET TO THE P.C.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 17° 02' 37" AND A RADIUS OF 150.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 44.62 FEET TO THE P.C.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 76° 41' 31" AND A RADIUS OF 175.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHEASTWARDLY 234.24 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 00° 40' 28" E 143.11 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 12° 01' 52" AND A RADIUS OF 275.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY 57.75 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 11° 12' 24" W 119.11 FEET TO THE POINT OF BEGINNING. CONTAINING 3.7791 ACRES.

**WHEREAS**, the Planning Commission of the City of Daphne on August 25, 2011 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, October 17, 2011 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from R-1, Low Density Single Family Residential District, to R-4 High Density Single Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_ day of \_\_\_\_\_, 2011.**

\_\_\_\_\_  
**Cathy S. Barnette, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

\_\_\_\_\_  
**David L. Cohen**  
City Clerk, MMC

To: Office of the City Clerk  
From: Adrienne D. Jones,  
Community Development Director  
Subject: Revised City of Daphne Zoning Map  
Date: August 31, 2011

## MEMORANDUM

At the August 25, 2011, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a **favorable recommendation** of the above-mentioned map revision.

Attached please find said documentation for placement on the Tuesday, September 6, 2011 City Council agenda to set the public hearing for Monday, October 17, 2011.

The Ordinance will be provided by the City Attorney's office.

Thank you,  
ADJ/jd

cc: file

attachment(s)

1. Zoning Map Six-Month Report (Copy/Digital)
2. Zoning Map (Display)

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2011-**

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

**WHEREAS**, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on August 25, 2011 , favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2002-22, referenced in Appendix H "Exhibit A" thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, Ordinance No. 2005-42, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance, 2007-48, Ordinance 2008-56, Ordinance 2009-19, Ordinance 2009-60, Ordinance 2010-66, 2011-20; and

**WHEREAS**, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2002-22, Ordinance 2003-06, Ordinance 2005-11, Ordinance 2005-42, Ordinance 2006-24, Ordinance 2006-73, Ordinance 2007-15, Ordinance 2007-48, Ordinance 2008-56, Ordinance 2009-19 and Ordinance 2009-60, 2010-66, 2011-20; and

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

**WHEREAS**, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on October 17, 2011; and

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

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

**SECTION I: ZONING DISTRICT MAP**

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit "A" of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2002-22 and its amendments.

**SECTION II: REPEALER**

Ordinances Nos. 2002-22, Appendix H "Exhibit A", 2003-06, 2005-11, 2005-42, 2006-24, 2006-73, 2007-15, 2007-48, 2008-56, 2009-19, 2009-60 and 2010-66 are specifically repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

**SECTION III: EFFECTIVE DATE**

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,  
ALABAMA ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2011.**

---

**CATHY S. BARNETTE,  
COUNCIL PRESIDENT**

---

**FRED SMALL,  
MAYOR**

**ATTEST:**

---

**DAVID L. COHEN,  
CITY CLERK, MMC**

**CITY COUNCIL MEETING  
STANDING COMMITTEE RECOMMENDATIONS:**

**FINANCE COMMITTEE REPORT**

**BUILDINGS & PROPERTY COMMITTEE REPORT**

**PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT**

**PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT**

**PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT**

**CITY OF DAPHNE**  
**FINANCE COMMITTEE MINUTES**  
**October 10, 2011**  
**4:00 P.M.**

**I. CALL TO ORDER/ROLL CALL**

The meeting was called to order at 4:01 pm. Present were Chairman Derek Boulware, Councilman Ron Scott, Councilman Bailey Yelding, Senior Accountant Suzâne Henson, and Accountant Donna Page.

Finance Director Kim Briley was absent.

Also in attendance were Human Resources Director Vickie Hinman, Public Works Director Richard Johnson, Revenue Officer Heather Gwynn, Civic Center Director Margaret Thigpen, Police Lieutenant Ric Yelding, Building Maintenance Supervisor Frank Barnett, Community Development Director Adrienne Jones, and Mayor's Assistant Jane Ellis.

**II. PUBLIC PARTICIPATION**

There was no public participation.

**III. HUMAN RESOURCES BUSINESS**

**Update on Human Resources Department Activity**

Ms. Vickie Hinman presented the Human Resources activity update. The Revenue Accounting Tech position is open until October 19. Discussion was made on the Revenue Tech position. Ms. Hinman explained that the Mayor stated the City could advertise for a budgeted position per the Supreme Court ruling and he further advised that HR could speak with the City attorney for final clarification. Ms. Hinman continued to explain that the reason for the clarification was due to the new Supreme Court ruling. City Attorney, Jay Ross was asked about the legality of filling this position. Mr. Ross advised that the Mayor could authorize the advertising for a budgeted position so the position was advertised.

Ms. Hinman noted that Ms. Briley had noted in her e-mail to Mr. Ross.... as you recall earlier in the year the Revenue Tech position was vacated and Council did not authorize the City to fill the position so we are running the dept with one person and it is causing an undue hardship. The position is budgeted and funded can we advertise and get someone in this position.

Ms. Hinman noted the she and the Finance Director went by directive of the Mayor and further directive of City attorney before advertising.

Mr. Yelding noted that Mr. Ross had noted in an e-mail to Council that after later reviewing the Ordinance adopted by the City on the FY2011 Budget Hiring Freeze and he would not have advised to advertise.

Mr. Scott noted that the Council has the right to appropriate fund and as he understands it the Mayor has the right to hire if it is a budgeted position. Mr. Scott stated he felt we needed to hire a person for this position and noted that this is a department where you need more than one person. Mr. Scott discussed that the City spent a lot of money on a forensic audit on this department. Mr. Scott discussed legality of not funding certain positions crucial to City operations. Discussion continued that clarification is needed on this process from the City attorney.

Ms. Hinman noted that changes have been made to the Pay Table for the \$.50/hour increase and that Ms. Briley was reviewing the updated pay table and any updates would be presented.

The Safety Committee discussed personal injuries and property damages for the month. Discussion continued that the stairs at the back of the Bay Front facility will be replaced.

Ms. Hinman reported on the following HR department projects:  
Flu Shots for Employees and Council – October 6, 2011  
Reviewing Personnel Policies – Transitional Duty, FMLA, Social Media  
Pay Table Revision – to reflect the \$.50 per hour increase  
Performance Review Audit

## **IV. CURRENT BUSINESS**

### **A. Financial Reports**

#### 1. Treasurer's Report: September 30, 2011

The Treasurer's Report totaling \$18,502,352.25 was presented.

***Motion by Mr. Yelding to accept the Treasurer's Report as of September 30, 2011, in the amount of \$18,502,352.25. Seconded by Mr. Scott. Motion carried.***

#### 2. Sales and Use Taxes: August 31, 2011

Sales and Use Tax Collected for August 2011 - \$888,625  
Sales and Use Tax Budgeted for August 2011 - \$781,228  
Over Budget (for August) - \$107,397

YTD Budget Collections Variance – Over Budget - \$935,090

#### 3. Lodging Tax Collections, August 2011

The Lodging Tax Collections report shows \$52,820.33 collected for August, 2011

#### 4. Lodging Tax Fund Balance Summary, August 2011

The Lodging Tax Fund Balance Summary as of August 31, 2011 was presented, showing an unreserved fund balance of \$1,180,616. It was discussed that some of the encumbrances may be able to be released if the projects have been completed, such as the Nicholson Center Architectural Plans. Ms. Henson noted she would check with Ms. Briley on the status of the projects on the list. Mr. Frank Barnett noted that stage 1 of the Scardamalia Pavilion has been completed, but not stage 2. Mr. Scott asked about the possibility of installing an elevator at the pavilion. Mr. Richard Johnson noted he would check into it.

*(Additional request for repairs on Scardamalia Pavilion roof was previously discussed at the Building & Property Meeting at an estimated cost of \$49,500)*

#### 5. Report: New Business Licenses – September 2011

The list of new businesses, and businesses closed, in September was presented.

#### 6. Bills Paid Reports – September 2011

The September Bills Paid Report was included in Packet #2.

### **B. Appropriation Request**

General Fund -

➤ Timber Creek Emergency Drainage Repairs - \$23,400

Mr. Johnson discussed that approximately 120 linear feet of 18 inch diameter HDPE (High-Density Polyethylene) pipe has failed between two properties (8643 & 8659 Pine Run) in the Timber Creek Subdivision causing sinkholes to form. Mr. Johnson noted that there are no reports of structural damage

to the houses yet, but due to the close proximity to the houses and the depth of the pipe, it was considered beyond the technical abilities of the Public Works personnel to replace. Five quotes to perform the work have been obtained with the lowest quote from Asphalt Services, Inc. in the amount of \$23,400.

***Motion by Mr. Scott to recommend Council appropriate \$23,400 from the FY 2012 budget for emergency replacement and repair of the piping at 8643 & 8659 Pine Run, Timbercreek Subdivision. Seconded by Mr. Yelding. Motion carried.***

- Feasibility Study for Solid Waste (Garbage) Transfer Station - \$11,500

Mr. Johnson discussed the need for a garbage transfer station at Public Works. He noted that each garbage truck currently has to make the 90 minute round trip to Bay Minette daily to discharge their load. HMR Engineering will do a feasibility study for the conversion/construction of a transfer station at Public Works. Mr. Johnson stated that this feasibility study will provide all the needed information for Council to make an informed decision as to the cost vs. benefits of such an addition.

***Motion by Mr. Scott to recommend Council appropriate \$11,500 from the FY 2012 budget for professional services to generate a feasibility study for the conversion/construction of a Transfer Station at Public Works for the Solid Waste Division. Seconded by Mr. Yelding. Motion carried.***

- American Coed Pageants - \$20

A request from Miss Alabama Preteen for 2011-2012 Lauryn Ashley Chadwick for a \$20 donation to help defray the costs incurred as she competes at the American Coed's National Pageant in Orlando, Florida, November 21-26, 2011 was presented.

***Motion by Mr. Yelding to recommend Council authorize the Mayor's Assistant to write a letter to Ms. Chadwick declining the \$20 donation request due to it not being in the City's budget. Seconded by Mr. Scott. Motion carried.***

- Justice Center Re-Roof Project - \$579,000 – Bid 2011-BB-PD/JUSTICE CENTER RE-ROOF PROJECT

The need for roof repairs at the Justice Center was discussed. It was noted that 15 bid invitations were sent out, with four sealed bids received. Staff recommends the low bid from ACME Roofing & Sheet Metal in the amount of \$579,000 be accepted. Lieutenant Ric Yelding stated that, in addition to the bid work, another \$5,500 is needed for a lightening rod, and estimated \$5,500 for decking making the total request \$590,000.

***Motion by Mr. Scott to recommend Council adopt an ordinance appropriating \$590,000 from the FY 2012 budget for the Justice Center Re-Roof Project and adopt a resolution awarding bid 2011-BB-PD/JUSTICE CENTER RE-ROOF PROJECT to ACME Roofing & Sheet Metal in the amount of \$579,000. Seconded by Mr. Yelding. Motion carried.***

- Two (2) Crew Cab Trucks – PW - \$44,424 – Bid 2011-CC-PW/EXTENDED CAB – 4 DOOR TRUCK

Mr. Johnson discussed the need for two supervisor replacement trucks in Public Works departments: Street & Solid Waste. Nine bid invitations were sent out, with five sealed bids received. The low bid of \$22,696.56 each from Joe Usry is more than the state bid price of \$21,270 (total of \$22,212 with tool box and warning lights that are required). Mr. Johnson also noted that the bid included a 3% preference for local bidders but the bid received from the local dealer, Bayview Ford (\$24,282) was more than 3% over the lowest bid and over state bid cost. Mr. Johnson's recommendation is that all bids be rejected and the vehicles purchased from the State bid list.

**Motion by Mr. Scott to recommend Council adopt an ordinance appropriating \$44,424 from the FY 2012 budget for the purchase of two (2) PW Super Crew Cab Trucks and that all bids be rejected and the trucks purchased from the State bid list. Seconded by Mr. Yelding. Motion carried.**

➤ Fuel Management System - \$31,995 – Bid 2011-AA-FUEL MANAGEMENT SYSTEM

The need for a new fuel management system was discussed. Mr. Johnson stated that the current system is outdated and cost too much to repair and maintain. The new system would use a card key and would be current with technology. Six bid invitations were sent out, with two sealed bids received. Staff recommends the low bid from McKinney Petroleum Equipment in the amount of \$31,994.40 (including a 2<sup>nd</sup> year maintenance contract) be accepted.

**Motion by Mr. Yelding to recommend Council adopt an ordinance appropriating \$31,995 from the FY 2012 budget for the purchase of a new fuel management system and a resolution awarding bid 2011-AA-FUEL MANAGEMENT SYSTEM to McKinney Petroleum Equipment in the amount of \$31,994.40. Seconded by Mr. Scott. Motion carried.**

### C. Bid

1. 2011-DD- FUEL

Eight bid invitations were sent out, with four sealed bids received. Staff recommends the low bid from Minto Energy Corporation be accepted.

- **Unleaded (89+ Octane)** : \$ .034 (30 day payment) & \$ .03 (15 day payment) above unit cost
- **Diesel Fuel** : \$ .037 (30 day payment) & \$ .033 (15 day payment) above unit cost

**Motion by Mr. Yelding to recommend Council adopt an resolution awarding Bid 2011-DD-Fuel to Minto Energy Corporation for a margin of \$ .034 (30 day payment) & \$ .03 (15 day payment) above unit cost for UNLEADED (89+ Octane); and \$ .037 (30 day payment) & \$ .033 (15 day payment) above unit cost for DIESEL: . Seconded by Mr. Scott. Motion carried.**

2. 2011-CC-PW/EXTENDED CAB – 4 DOOR TRUCK

**Motion by Mr. Yelding to recommend Council reject the PW/Extended Cab-4 Door Truck Bid and purchase off state bid list. Seconded by Mr. Scott. Motion carried.**

### D. Prepaid Travel

- John Lake, Council, National League of Cities, Phoenix, AZ, November 9 – 13, 2011 - \$175

**Motion by Mr. Yelding to recommend Council adopt a resolution approving prepaid travel for John Lake, Councilman, National League of Cities, Phoenix, AZ, November 9 – 13, 2011 - \$175. Seconded by Mr. Scott. Motion carried.**

### E. ALDOT Agreement US 98 Safety Project – Authorize Mayor to Sign Agreement

Mr. Johnson noted this project has been ongoing and the agreement needs to be signed by the City.

***Motion by Mr. Scott to recommend Council authorize the Mayor to sign the agreement with ALDOT for the US 98 Safety Project. Seconded by Mr. Yelding. Motion carried.***

**F. MBNEP Grant – Approve In-kind Match (Labor) - \$15,000 / Authorize the Mayor to enter into agreement / Authorize the Mayor to enter into a contract with JADE Consulting**

Ms. Henson and Ms. Adrienne Jones discussed that the in-kind match would be regular labor and would not involve overtime. Ms. Jones noted she would be the liaison between Dauphin Island Sea Lab (DISL) and the Mobile Bay National Estuary Program (MBNEP) on behalf of the City of Daphne.

***Motion by Mr. Scott to recommend Council approve labor for in-kind match for the MBNEP Grant and authorize the Mayor to enter into agreement and contract with JADE Consulting, LLC. Seconded by Mr. Yelding. Motion carried.***

**G. City Prosecutor Contract – FY 2012**

The 2012 service contract with the City Prosecutor was discussed. Ms. Henson noted that the current contract is for an annual fee of \$30,000 paid on a monthly basis (\$2,500/month) and an additional fee of \$100/hour for cases appealed. Ms Henson noted that the appeal fees are paid upon receipt of a monthly itemized statement and that this fee cannot exceed \$10,000 in a year. Ms. Henson submitted a summary by month of appeal fees billed showing the \$10,000 was met in June, 2011 and that an additional 42.20 hours were not billed from June – September, 2011. Ms. Henson noted that a motion was needed to authorize the Mayor to enter into a new contract for FY2012.

***Motion by Mr. Scott to recommend Council approve the City Prosecutor contract for FY 2012, for \$30,000 annually to be paid upon receipt of a monthly itemized statement with an additional sum of \$100 per hour, not to exceed \$10,000, upon receipt of a monthly itemized statement, for representation of the City of Daphne in cases appealed to Baldwin County and to authorize the Mayor to enter into this agreement.. Seconded by Mr. Yelding. Motion carried.***

**H. Declare City Property Surplus:**

The following equipment was presented for surplus:

| Dept                                | Tag/Veh# | Description         | Vin# / Serial #   |
|-------------------------------------|----------|---------------------|-------------------|
| Building Maintenance/<br>Janitorial | 698      | 1998 Ford Crown Vic | 2FAFP71W1WX122691 |

***Motion by Mr. Yelding to recommend Council adopt a resolution declaring the listed property surplus and authorizing the Mayor to dispose of such equipment. Seconded by Mr. Scott. Motion carried.***

**V. ADJOURN**

The meeting was adjourned at 4:55p.m.

**Fred Small**  
Mayor  
**Vickie Hinman**  
Human Resources Director



**Sherree Hilburn**  
Payroll and Benefits Coordinator

**Michele Hanson**  
Human Resources Assistant

*The Jubilee City*  
the jubilee city

October 6, 2011

**HUMAN RESOURCES DEPARTMENT ACTIVITY UPDATE**

**Revenue Accounting Tech**

**Open: September 26, 2011**

**Advertised: October 5-October 19**

**Safety Committee Meeting on September 28, 2011:** Discussed personal injuries and property damages for the month. The stairs at the Bay Front facility are to be replaced. They are located at the back of the facility.

*Next meeting will be Wednesday, October 26, 2011 at 8:15 a.m.*

**Human Resources Department Projects:**

- Final - Open Enrollment until October 1, 2011
- Flu Shots – Employees & Council – October 6, 2011
- Reviewing Personnel policies – (Transitional Duty, FMLA, Social Media)
- Pay Table Revision
- Performance Review Audit

| ● —

Human Resources Department  
P.O. Box 400 Daphne, Alabama 36526  
Phone: (251) 621-3075<sup>68</sup> Fax: (251) 621-4506

# TREASURER'S REPORT

As of September 30, 2011

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

| <u>ACCT TITLE</u>                          | <u>BANK</u>                                  | <u>BALANCE</u>         |
|--|--|------------------------|
| <b>GENERAL FUND &amp; ENTERPRISE FUNDS</b> |  |                        |
| MMA ACCT                                   | COMPASS                                      | \$7,734,134.18         |
| OPERATING ACCT                             | COMPASS                                      | (\$426,908.58)         |
| PAYROLL ACCT                               | COMPASS                                      | \$0.00                 |
|  |  | <hr/>                  |
|  |  | \$7,307,225.60         |
| <b>INVESTMENT FUND</b>                     | RAYMOND JAMES<br>(investment \$4,828,875.15) | \$5,068,023.31 *       |
| <b>AGENCY FUNDS</b>                        |  |                        |
| MUNICIPAL COURT                            | COMPASS                                      | \$332,857.05           |
| <b>SPECIAL REVENUE FUNDS</b>               |  |                        |
| SAIL SITE                                  | RBC BANK                                     | \$1,897.42             |
| 4 CENT GAS TAX                             | RBC BANK                                     | \$355,800.83           |
| 7 CENT GAS TAX                             | RBC BANK                                     | \$308,890.77           |
|  |  | <hr/>                  |
|  |  | \$666,589.02           |
| <b>CAPITAL PROJECT FUNDS</b>               |  |                        |
| CAPITAL RESERVE                            | WACHOVIA                                     | \$2,112,796.02         |
| 2006 CONSTRUCTION                          | WACHOVIA                                     | \$584,445.97           |
|  |  | <hr/>                  |
|  |  | \$2,697,241.99         |
| <b>DEBT SERVICE FUNDS</b>                  |  |                        |
| DEBT SERVICE                               | WACHOVIA                                     | \$1,264,874.23         |
| 2006 DEBT SERVICE                          | RBC BANK                                     | \$1,165,541.05         |
|  |  | <hr/>                  |
|  |  | \$2,430,415.28         |
|  |  | <hr/>                  |
|  |  | <u>\$18,502,352.25</u> |

\*Investment Fund balance as of 8/31/2011. September 30  
Raymond James statement has not yet been received.

**SALES & USE TAXES**

**ACTUAL COLLECTIONS**

|           | 2004         | 2005          | 2006          | 2007          | 2008          | 2009          | 2010         | 2011         | Actual-2011  | Budget    | Monthly Variance | YTD Variance | % of Budget |
|-----------|--------------|---------------|---------------|---------------|---------------|---------------|--------------|--------------|--------------|-----------|------------------|--------------|-------------|
| October   | 667,830.56   | 833,700.71    | 932,634.66    | 944,542.36    | 867,190.18    | 806,503.85    | 764,641.13   | 800,512.03   | 800,512.03   | 755,468   | 45,044.03        | 45,044.03    | 5.96%       |
| November  | 710,788.74   | 814,666.03    | 901,512.38    | 918,837.95    | 915,690.97    | 801,075.91    | 761,935.37   | 819,834.09   | 819,834.09   | 752,814   | 67,020.09        | 112,064.12   | 8.90%       |
| December  | 941,151.87   | 1,091,073.78  | 1,168,443.68  | 1,182,584.39  | 1,120,005.09  | 1,078,330.45  | 1,004,037.20 | 1,121,383.45 | 1,121,383.45 | 991,992   | 129,391.45       | 241,455.57   | 13.04%      |
| January   | 667,063.66   | 771,837.83    | 887,468.11    | 914,876.33    | 822,020.87    | 755,541.41    | 723,504.28   | 817,230.14   | 817,230.14   | 714,825   | 102,405.14       | 343,860.71   | 14.33%      |
| February  | 668,421.54   | 768,825.08    | 878,123.66    | 877,975.60    | 865,625.83    | 748,620.87    | 733,335.60   | 840,768.01   | 840,768.01   | 724,538   | 116,230.01       | 460,090.72   | 16.04%      |
| March     | 848,156.86   | 917,832.17    | 878,123.66    | 1,071,598.38  | 998,616.04    | 863,535.78    | 916,657.55   | 976,181.39   | 976,181.39   | 905,661   | 70,520.39        | 647,271.70   | 7.79%       |
| April     | 752,039.55   | 863,144.81    | 968,760.72    | 960,140.54    | 963,691.85    | 823,173.33    | 809,588.73   | 916,536.59   | 916,536.59   | 799,876   | 116,660.59       | 647,271.70   | 14.58%      |
| May       | 818,209.20   | 867,446.44    | 1,000,424.48  | 1,021,498.14  | 957,167.20    | 829,099.81    | 862,254.54   | 889,945.33   | 889,945.33   | 851,910   | 38,035.33        | 685,307.03   | 4.46%       |
| June      | 803,051.14   | 908,576.13    | 941,407.68    | 1,066,433.92  | 997,274.15    | 868,309.52    | 887,262.68   | 946,355.76   | 946,355.76   | 876,618   | 69,737.76        | 75,044.79    | 7.96%       |
| July      | 745,320.33   | 803,051.14    | 908,576.13    | 993,216.66    | 888,690.34    | 808,113.93    | 839,192.33   | 901,772.80   | 901,772.80   | 829,125   | 72,647.80        | 827,692.59   | 8.76%       |
| August    | 830,260.80   | 869,818.11    | 950,539.01    | 964,421.57    | 964,626.26    | 831,984.35    | 790,713.80   | 888,624.95   | 888,624.95   | 781,228   | 107,396.95       | 935,089.54   | 13.75%      |
| September |              | 998,476.08    | 967,616.16    | 965,107.35    | 918,351.15    | 825,257.74    | 841,035.40   |              |              | 830,946   |                  | 935,089.54   | 0.00%       |
| Totals    | 9,289,924.78 | 10,708,260.63 | 11,702,796.44 | 11,871,233.19 | 11,279,349.93 | 10,039,546.95 | 9,934,178.61 | 9,919,144.54 | 9,919,144.54 | 9,815,001 | 935,089.54       | 935,089.54   | 8.31%       |

**FY 2011 BUDGET/ACTUAL COMPARISONS**

|                  | 2004-2005    | 2005-2006   | 2006-2007   | 2007-2008    | 2008-2009      | 2009-2010    | 2010-2011  | 2011            | Actual-2011  | Budget  | Monthly Variance | YTD Variance | % of Budget |        |       |
|------------------|--------------|-------------|-------------|--------------|----------------|--------------|------------|-----------------|--------------|---------|------------------|--------------|-------------|--------|-------|
| October          | 135,870.13   | 98,933.95   | 11,907.70   | (77,352.16)  | (60,866.33)    | (41,862.72)  | 35,870.90  | 800,512.03      | 800,512.03   | 755,468 | 45,044.03        | 45,044.03    | 5.96%       |        |       |
| November         | 103,877.29   | 86,846.35   | 17,325.57   | (2,946.98)   | (114,815.06)   | (39,120.54)  | 57,878.72  | 819,834.09      | 819,834.09   | 752,814 | 67,020.09        | 112,064.12   | 8.90%       |        |       |
| December         | 149,921.91   | 77,369.90   | 14,140.71   | (62,579.30)  | (41,674.64)    | (74,293.25)  | 117,346.26 | 1,121,383.45    | 1,121,383.45 | 991,992 | 129,391.45       | 241,455.57   | 13.04%      |        |       |
| January          | 74,754.15    | 115,630.28  | 27,408.22   | (92,865.46)  | (66,479.46)    | (32,037.13)  | 107,432.41 | 817,230.14      | 817,230.14   | 714,825 | 102,405.14       | 343,860.71   | 14.33%      |        |       |
| February         | 100,403.54   | 89,298.58   | (148.06)    | (12,349.77)  | (117,004.96)   | (15,286.27)  | 93,725.88  | 840,768.01      | 840,768.01   | 724,538 | 116,230.01       | 460,090.72   | 16.04%      |        |       |
| March            | 69,675.31    | 163,942.66  | (10,176.45) | (72,982.34)  | (135,080.26)   | 53,121.77    | 59,523.84  | 976,181.39      | 976,181.39   | 905,661 | 70,520.39        | 647,271.70   | 7.79%       |        |       |
| April            | 111,105.26   | 105,615.91  | (8,620.18)  | 3,551.31     | (140,518.52)   | (13,584.60)  | 106,947.86 | 916,536.59      | 916,536.59   | 799,876 | 116,660.59       | 647,271.70   | 14.58%      |        |       |
| May              | 109,835.95   | 132,978.04  | 21,073.66   | (64,330.94)  | (128,067.39)   | 33,154.73    | 27,690.79  | 916,536.59      | 916,536.59   | 799,876 | 116,660.59       | 647,271.70   | 14.58%      |        |       |
| June             | 164,654.26   | 41,227.61   | 42,342.85   | (69,159.77)  | (128,964.63)   | 18,953.16    | 59,093.08  | 889,945.33      | 889,945.33   | 851,910 | 38,035.33        | 685,307.03   | 4.46%       |        |       |
| July             | 105,524.99   | 32,831.55   | 51,808.98   | (104,526.32) | (80,576.41)    | 31,078.40    | 62,380.47  | 946,355.76      | 946,355.76   | 876,618 | 69,737.76        | 75,044.79    | 7.96%       |        |       |
| August           | 124,467.78   | 80,720.90   | 3,882.56    | (10,204.69)  | (132,641.91)   | (41,270.55)  | 97,911.15  | 901,772.80      | 901,772.80   | 829,125 | 72,647.80        | 827,692.59   | 8.76%       |        |       |
| September        | 168,215.28   | (30,859.92) | (2,508.81)  | (46,556.20)  | (93,293.41)    | 15,777.66    |            |                 |              |         |                  |              |             |        |       |
| Annual \$ Change | 1,418,335.85 | 994,535.81  | 168,436.75  | (591,883.26) | (1,239,802.98) | (105,368.34) | 826,001.33 | Annual % Change | 15.27%       | 9.29%   | 1.44%            | -4.99%       | -10.99%     | -1.05% | 8.31% |

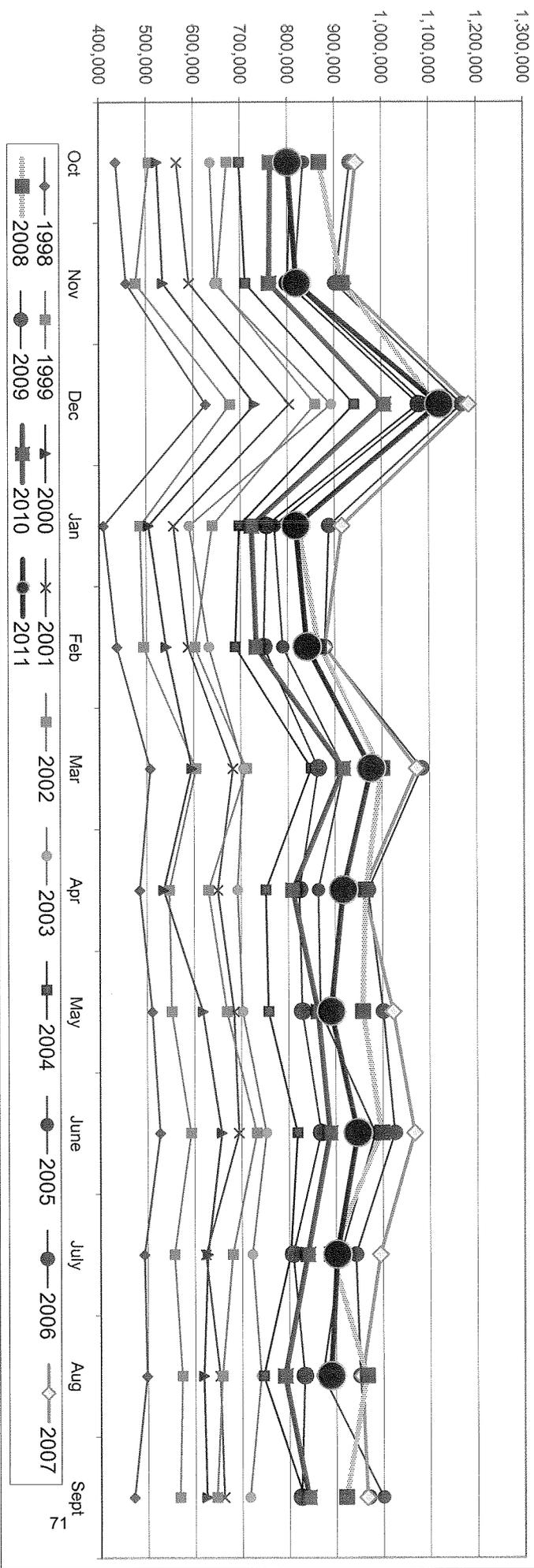
**FISCAL YEAR COMPARISONS**

|                  | 2004-2005    | 2005-2006   | 2006-2007   | 2007-2008    | 2008-2009      | 2009-2010    | 2010-2011  | 2011            | Actual-2011  | Budget  | Monthly Variance | YTD Variance | % of Budget |        |       |
|------------------|--------------|-------------|-------------|--------------|----------------|--------------|------------|-----------------|--------------|---------|------------------|--------------|-------------|--------|-------|
| October          | 135,870.13   | 98,933.95   | 11,907.70   | (77,352.16)  | (60,866.33)    | (41,862.72)  | 35,870.90  | 800,512.03      | 800,512.03   | 755,468 | 45,044.03        | 45,044.03    | 5.96%       |        |       |
| November         | 103,877.29   | 86,846.35   | 17,325.57   | (2,946.98)   | (114,815.06)   | (39,120.54)  | 57,878.72  | 819,834.09      | 819,834.09   | 752,814 | 67,020.09        | 112,064.12   | 8.90%       |        |       |
| December         | 149,921.91   | 77,369.90   | 14,140.71   | (62,579.30)  | (41,674.64)    | (74,293.25)  | 117,346.26 | 1,121,383.45    | 1,121,383.45 | 991,992 | 129,391.45       | 241,455.57   | 13.04%      |        |       |
| January          | 74,754.15    | 115,630.28  | 27,408.22   | (92,865.46)  | (66,479.46)    | (32,037.13)  | 107,432.41 | 817,230.14      | 817,230.14   | 714,825 | 102,405.14       | 343,860.71   | 14.33%      |        |       |
| February         | 100,403.54   | 89,298.58   | (148.06)    | (12,349.77)  | (117,004.96)   | (15,286.27)  | 93,725.88  | 840,768.01      | 840,768.01   | 724,538 | 116,230.01       | 460,090.72   | 16.04%      |        |       |
| March            | 69,675.31    | 163,942.66  | (10,176.45) | (72,982.34)  | (135,080.26)   | 53,121.77    | 59,523.84  | 976,181.39      | 976,181.39   | 905,661 | 70,520.39        | 647,271.70   | 7.79%       |        |       |
| April            | 111,105.26   | 105,615.91  | (8,620.18)  | 3,551.31     | (140,518.52)   | (13,584.60)  | 106,947.86 | 916,536.59      | 916,536.59   | 799,876 | 116,660.59       | 647,271.70   | 14.58%      |        |       |
| May              | 109,835.95   | 132,978.04  | 21,073.66   | (64,330.94)  | (128,067.39)   | 33,154.73    | 27,690.79  | 916,536.59      | 916,536.59   | 799,876 | 116,660.59       | 647,271.70   | 14.58%      |        |       |
| June             | 164,654.26   | 41,227.61   | 42,342.85   | (69,159.77)  | (128,964.63)   | 18,953.16    | 59,093.08  | 889,945.33      | 889,945.33   | 851,910 | 38,035.33        | 685,307.03   | 4.46%       |        |       |
| July             | 105,524.99   | 32,831.55   | 51,808.98   | (104,526.32) | (80,576.41)    | 31,078.40    | 62,380.47  | 946,355.76      | 946,355.76   | 876,618 | 69,737.76        | 75,044.79    | 7.96%       |        |       |
| August           | 124,467.78   | 80,720.90   | 3,882.56    | (10,204.69)  | (132,641.91)   | (41,270.55)  | 97,911.15  | 901,772.80      | 901,772.80   | 829,125 | 72,647.80        | 827,692.59   | 8.76%       |        |       |
| September        | 168,215.28   | (30,859.92) | (2,508.81)  | (46,556.20)  | (93,293.41)    | 15,777.66    |            |                 |              |         |                  |              |             |        |       |
| Annual \$ Change | 1,418,335.85 | 994,535.81  | 168,436.75  | (591,883.26) | (1,239,802.98) | (105,368.34) | 826,001.33 | Annual % Change | 15.27%       | 9.29%   | 1.44%            | -4.99%       | -10.99%     | -1.05% | 8.31% |

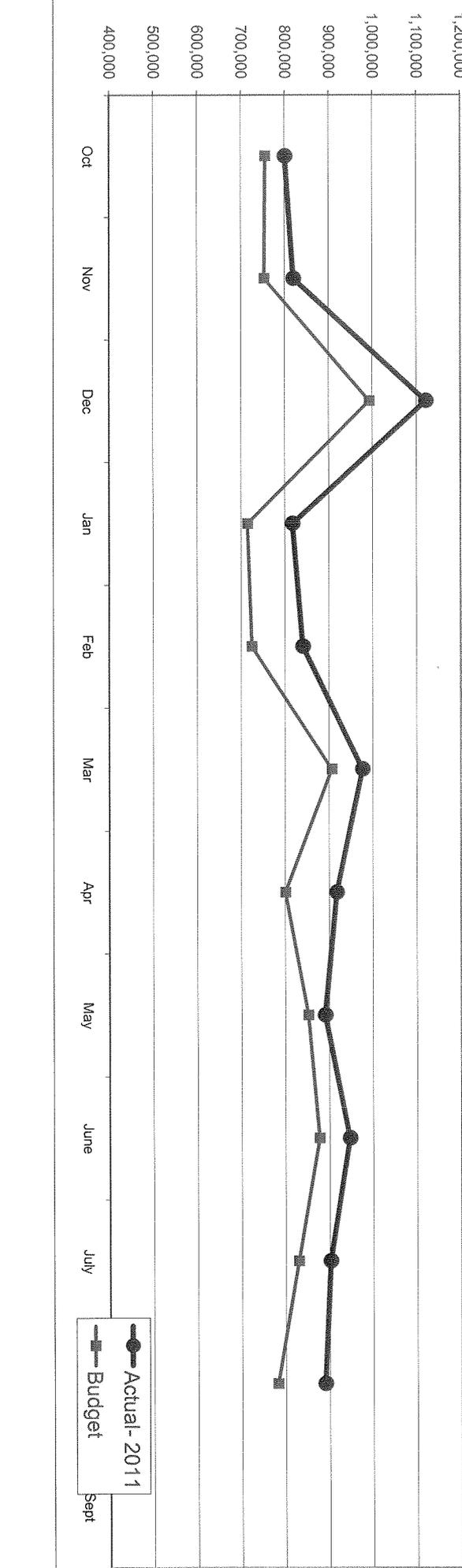
TOTAL collections: FY 10 9,934,179  
 TOTAL est. bdgt coll: FY 11 9,815,001  
 Budgeted Dollar Variance 10/11 (119,178)  
 Budgeted Percent Variance 10/11 -1.20%

TOTAL collections: 8-31-11 9,919,145  
 Budgeted: 10-1-10 to 8-31-11 8,984,055  
 Actual Coll(<)Budget, 8-31-11 935,090  
 % Over/(Under) Budget, 8-31-11 10.41%

## Sales & Use Tax Comparisons



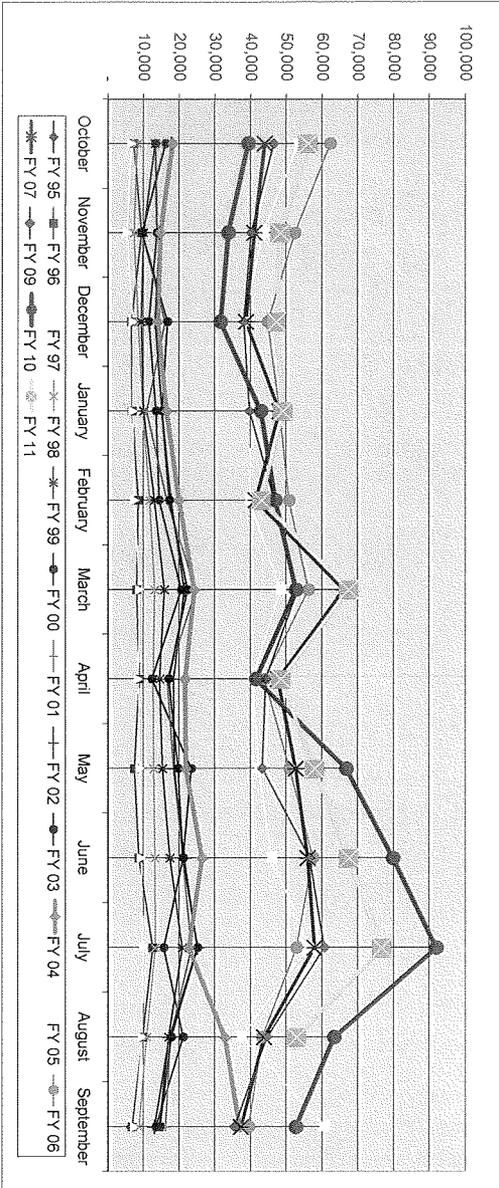
## Fiscal 2011: Sales & Use Tax Budget vs. Actual Comparison



Monthly Lodging Tax Collections

|           | FY 95     | FY 96      | FY 97     | FY 98      | FY 99      | FY 00      | FY 01      | FY 02      | FY 03      | FY 04      | FY 05      | FY 06      | FY 07      | FY 08      | FY 09      | FY 10      | FY 11 |
|-----------|-----------|------------|-----------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|-------|
| October   | 7,228.60  | 6,701.69   | 8,042.55  | 13,241.96  | 13,344.97  | 16,021.98  | 17,757.16  | 16,103.81  | 18,110.90  | 53,490.95  | 62,191.49  | 43,874.01  | 46,360.47  | 46,543.20  | 39,405.56  | 56,001.39  |       |
| November  | 9,371.57  | 5,419.99   | 7,156.30  | 9,963.87   | 13,712.88  | 9,378.73   | 14,346.00  | 9,488.82   | 14,652.46  | 43,652.17  | 52,326.23  | 41,028.15  | 42,599.84  | 40,178.69  | 33,763.37  | 48,329.73  |       |
| December  | 6,580.10  | 7,076.44   | 8,327.51  | 9,303.23   | 11,505.34  | 15,885.37  | 13,257.40  | 16,693.64  | 13,940.92  | 38,197.96  | 44,694.55  | 38,605.47  | 31,081.14  | 38,144.69  | 31,571.38  | 47,210.56  |       |
| January   | 6,765.39  | 6,990.72   | 9,704.80  | 9,934.03   | 13,517.89  | 10,802.39  | 15,150.55  | 15,089.26  | 16,416.20  | 40,334.81  | 48,014.80  | 48,012.19  | 45,607.80  | 39,706.04  | 42,883.70  | 49,006.12  |       |
| February  | 8,466.36  | 7,536.69   | 11,579.98 | 13,024.87  | 14,425.61  | 16,462.91  | 17,680.30  | 17,174.37  | 19,952.91  | 39,797.68  | 50,694.11  | 41,381.78  | 47,340.33  | 46,699.01  | 46,998.32  | 43,052.68  |       |
| March     | 8,017.74  | 8,902.63   | 13,048.18 | 15,837.90  | 20,536.51  | 24,601.77  | 21,371.61  | 22,248.25  | 24,206.01  | 48,474.92  | 56,076.62  | 66,060.49  | 53,123.15  | 53,230.85  | 52,771.52  | 67,422.43  |       |
| April     | 8,802.85  | 8,533.40   | 12,559.65 | 14,513.45  | 12,327.50  | 16,532.24  | 18,354.06  | 16,974.57  | 21,626.29  | 40,666.33  | 43,813.91  | 47,594.84  | 46,736.02  | 44,277.75  | 41,531.05  | 48,487.83  |       |
| May       | 7,427.26  | 8,958.97   | 12,786.85 | 15,280.40  | 23,309.92  | 18,386.51  | 18,526.24  | 19,610.83  | 21,785.09  | 42,479.97  | 50,871.74  | 52,564.61  | 46,145.12  | 43,293.74  | 56,494.11  | 66,820.96  |       |
| June      | 8,672.68  | 9,359.82   | 13,101.68 | 17,379.01  | 21,073.57  | 20,948.57  | 21,322.07  | 21,031.35  | 26,336.81  | 46,037.59  | 57,338.25  | 55,924.22  | 64,626.19  | 55,924.22  | 79,822.84  | 67,544.77  |       |
| July      | 12,566.56 | 9,975.46   | 13,200.77 | 20,840.98  | 15,680.49  | 23,389.72  | 25,013.71  | 25,026.81  | 22,654.15  | 56,266.23  | 52,752.31  | 57,842.80  | 62,036.23  | 60,619.78  | 91,906.47  | 76,631.86  |       |
| August    | 9,721.13  | 9,549.66   | 10,730.24 | 17,009.26  | 21,117.00  | 17,432.39  | 17,223.03  | 17,749.12  | 32,788.35  | 37,501.21  | 43,139.77  | 43,701.41  | 55,792.89  | 44,636.82  | 63,323.58  | 52,820.33  |       |
| September | 6,371.27  | 6,806.02   | 7,400.70  | 8,586.97   | 14,397.17  | 16,116.04  | 12,997.60  | 14,563.86  | 36,847.13  | 60,635.33  | 39,398.90  | 37,180.99  | 49,698.91  | 35,430.62  | 52,662.79  | 614,388.18 |       |
| Total     | 6,371.27  | 100,428.26 | 96,406.17 | 128,825.48 | 170,726.13 | 193,945.54 | 205,978.62 | 212,999.73 | 211,754.69 | 269,317.22 | 547,535.15 | 601,302.68 | 573,770.96 | 591,147.09 | 549,255.30 | 643,461.54 |       |

Ordinance 1997-28 adopted December 8, 1997 increased levy from 3% to 4%.



| FY 2011 Budget                |
|-------------------------------|
| 545,000                       |
| % Budget Collected, 8/31/2011 |
| 113%                          |

Lodging Tax Fund  
Fund Balance Summary  
as of August 31, 2011

|                                      |                  |
|--------------------------------------|------------------|
| Total Assets, 8-31-2011              | 1,104,433        |
| Sports Complex General Fund Advance* | 374,833          |
| Due to IDB                           | (15,898)         |
| Reserve for DRA                      | (60,251)         |
| Liabilities & Fund Balance Reserves  | 298,683          |
| Other Encumbrances:                  |                  |
| Bay Front Park Restrooms             | (57,317)         |
| May Day Sand Mgt Study               | (28,000)         |
| Scardamalia Pavillion                | (33,819)         |
| Scardamalia Bldg Foundation          | (29,354)         |
| Nicholson Ctr Architectural Plans    | (50,000)         |
| Pedestrian Bridge @ D'Olive Creek    | (8,375)          |
| Captain O'Neal Sidewalks             | (15,637)         |
|                                      | <u>(222,501)</u> |
| Unreserved Fund Balance, 8-31-2011   | 1,180,616        |

lost  
\$32,516

\*Loan Due to Gen Fund: Avg 15,000 applied monthly to this balance due to General Fund. Estimated "pay-off" date: Feb 2014

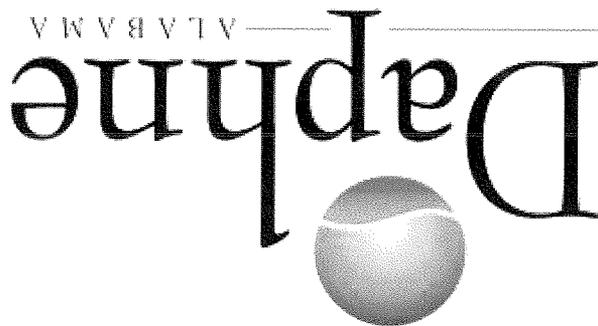
Suzanne

Subject: FW: Item for Finance Committee

**From:** Jane Ellis - City of Daphne [mailto:mayorassist@bellsouth.net]  
**Sent:** Tuesday, October 11, 2011 1:51 PM  
**To:** hensonsm@bellsouth.net  
**Subject:** Item for Finance Committee

Suzanne,  
 There was a recommendation from the Buildings & Property Committee that met on October 3<sup>rd</sup> – last week. A motion was made that the funds for the new roof at Bayfront be appropriated by the Finance Committee. Frank already has quotes and the amount of \$44,570.00 was chosen and they would like to add \$5,000 and any possible replacement of the decking that may be needed once the job has started. This total amount of \$49,570 is under the \$50,000 so a bid is not required. This money can come out of the lodging tax.

Jane Ellis  
 Assistant to Mayor Fred Small  
 City of Daphne  
 P. O. Box 400  
 Daphne, AL 36526  
 251.621.9000  
[www.daphneal.com](http://www.daphneal.com)



The Jubilee City

No virus found in this message.  
 Checked by AVG - [www.avg.com](http://www.avg.com)  
 Version: 10.0.1410 / Virus Database: 1522/3943 - Release Date: 10/07/11

# NEW BUSINESSES September-11

| CONTRACTORS |                             | CITY LIMITS |  |
|-------------|-----------------------------|-------------|--|
| 1           | ELECTRIC SOUTH              | 1           | JUBILEE SWEET ARTS LLC                   |
| 1           | DAVID WILSON MASONRY        | 1           | 1ST CHOICE MOTORCARS                     |
| 1           | EM PLUMBING                 | 1           | BLING ETC                                |
| 1           | THE SOUTHEAST COMPANY       | 1           | ADVANCE AUTO PARTS # 8942                |
| 1           | ULTIMATE AIR                | 4           | <b>ALL OTHER</b>                         |
| 1           | MONTRÖSE LANDSCAPING        | 1           | UNCLE MAWK'S NATURE                      |
| 1           | BRITE LITE SERVICE CO. INC. | 1           | HIBACHI ON THE GO                        |
| 1           | COOSA HEATING & COOLING     | 1           | ULTA BEAUTY                              |
| 1           | BAY TOWN BUILDERS           | 1           | CHILL YOGURT CAFE                        |
| 1           | DIAMOND HEATING & COOLING   | 1           | HRC MEDICAL                              |
| 1           | UNIVERSAL SERVICES LLC      | 1           | HARRY'S SOUND BAR                        |
| 1           | SUB FLOOR SOLUTIONS         | 1           | KAY BUSH SORRELLS                        |
| 1           | SHORELINE ENVIRONMENTAL     | 1           | FIVE GUYS                                |
|             |                             | 1           | NATIONAL ENTERTAINMENT NETWORK           |
|             |                             | 1           | BENEDETTO LLC                            |
|             |                             | 1           | SPRINGHILL BEHAVIORAL HEALTH             |
|             |                             | 1           | DONALD MULKERE PHD                       |
|             |                             | 1           | DC HAND WASHING MOBILE DETAIL            |
|             |                             | 1           | BROTHERS CAR AUDIO & WINDOW TINTING      |
|             |                             | 1           | UNIVERSITY LENDING GROUP LLC             |
|             |                             | 1           | EDEN MATTHEWS                            |
|             |                             | 1           | TROPICAL SNO                             |
|             |                             | 1           | DIXIE LIMITS                             |
|             |                             | 1           | LONG RIDERS SADDLE CLUB                  |
|             |                             | 1           | HUNGRY HOWIES                            |
|             |                             | 1           | RAINBOW SALES & SERVICE                  |
|             |                             | 1           | TOTAL CARE SOLUTIONS                     |
|             |                             | 1           | INSPIRATIONS                             |
|             |                             | 1           | <b>TOTAL CITY LIMITS</b>                 |
|             |                             | 23          | <b>TOTAL CITY LIMITS</b>                 |
|             |                             |             | <b>OUTSIDE CITY LIMITS</b>               |
|             |                             | 1           | BEACH BUGGY TAXI                         |
|             |                             | 1           | DELL FINANCIAL SERVICES LLC              |
|             |                             | 1           | NATURE'S SUNSHINE PRODUCTS               |
|             |                             | 1           | SEARS AUTHORIZED STORES                  |
|             |                             | 1           | HYDRO-ENGINEERING SOLUTIONS              |
|             |                             | 1           | TOUCHSTONE CRYSTAL                       |
|             |                             | 1           | KEELING COMPANY                          |
|             |                             | 1           | GEORGIA ROUSSO'S CATERING                |
|             |                             | 1           | APPLE INC                                |
|             |                             | 1           | SPENCER LONN                             |
|             |                             | 1           | CINCINNATI BELL TECHNOLOGIES             |
|             |                             | 1           | KAY CHEMICAL COMPANY                     |
|             |                             | 1           | GOVCONNECTION                            |
|             |                             | 1           | GREENBRIER OF CENTRAL FL                 |
|             |                             | 1           | FEDERATED NATIONAL INSURANCE CO.         |
|             |                             | 1           | HARLEYSVILLE INSURANCE CO.               |
|             |                             | 1           | HARLEYSVILLE WORCESTER INSURANCE         |
|             |                             | 1           | IA AMERICAN LIFE INSURANCE               |
|             |                             | 1           | KNIGHTBROOK INSURANCE CO.                |
|             |                             | 1           | PREFERRED PROFESSIONAL INSURANCE         |
|             |                             | 1           | OLD UNITED CASUALTY                      |
|             |                             | 21          | <b>TOTAL OUTSIDE CITY LIMITS</b>         |
|             |                             |             | <b>TOTAL CLOSED BUSINESSES IN DAPHNE</b> |
|             |                             |             | <b>CLOSED BUSINESSES IN DAPHNE</b>       |
|             |                             |             | <b>TOTAL NEW BUSINESSES IN DAPHNE</b>    |
|             |                             | 61          | <b>TOTAL NEW BUSINESSES IN DAPHNE</b>    |
|             |                             |             | <b>TOTAL CONTRACTORS</b>                 |
|             |                             | 13          | <b>TOTAL CONTRACTORS</b>                 |

RDJ

Yours,

Delays could result in potential private property damage beyond the nuisance of the sinkholes.

I am requesting an emergency acceptance of the quote and appropriation for the job in the amount of \$23,400.00 to Asphalt Services, Inc. Furthermore, time being of the essence, I am requesting expedited appropriation by the full City Council by the act of waiving the first read of the proposed Ordinance.



Quotes for contract services were solicited and are attached. The low quote for \$23,400.00 was received from Asphalt Services, Inc. The specification and quote was solicited as a "Lump Sum" or "Turn Key" bid. On or about September 20, 2011, the property owner residing at 8643 Pine Run in Timbercreek Subdivision call the Division of Public Works concerning a sinkholes that had formed along his side lot

line. Upon investigation by Public Works Personnel it was observed and documented that approximately 120 linear feet of 18 inch diameter HDPE (High-Density Polyethylene) pipe had failed. Due to the depth of the pipe and its proximity to the residential structures, it was considered beyond the technical abilities of Public Works Personnel to replace. Unfortunately, these types of plastic pipe failures have become all too common. Photos of the damaged pipe are attached.

Councilman Boulware:

**Re: Emergency Drainage Repairs – 8643 & 8659 Pine Run – Timbercreek Subdivision**

Date: October 4, 2011

From: Richard D. Johnson, P.E., Public Works Director  
Richard D. Johnson, PE  
PE, on Richard D. Johnson, PE, c.e.us.  
City of Daphne, our Public Works  
Director, email:rdjohn@bellsouth.net  
Date: 2011.10.04 12:55:05 -0500

Cc: Kim Briley, Finance Director; Bailey Yelding, Chairman; P.W. Committee; File

Thru: Honorable Fred Small, Mayor

To: Derek Boulware, Chairman Finance Committee

- Bailey Yelding, Jr. District 1
- Cathy Bannette District 2
- John L. Lake District 3
- Kelly D. Reese District 4
- Ronald Scott District 5
- Derek Boulware District 6
- August Palumbo District 7



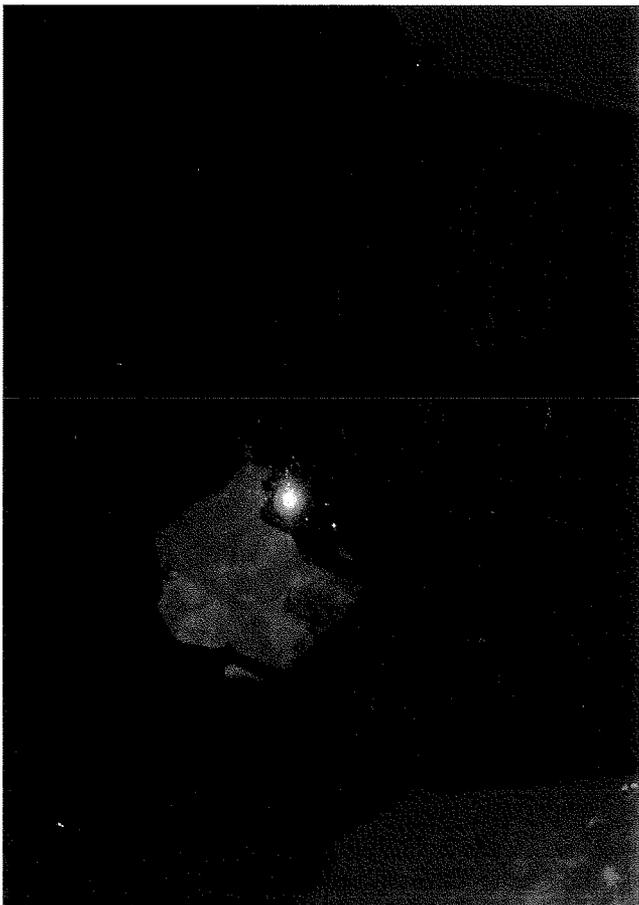
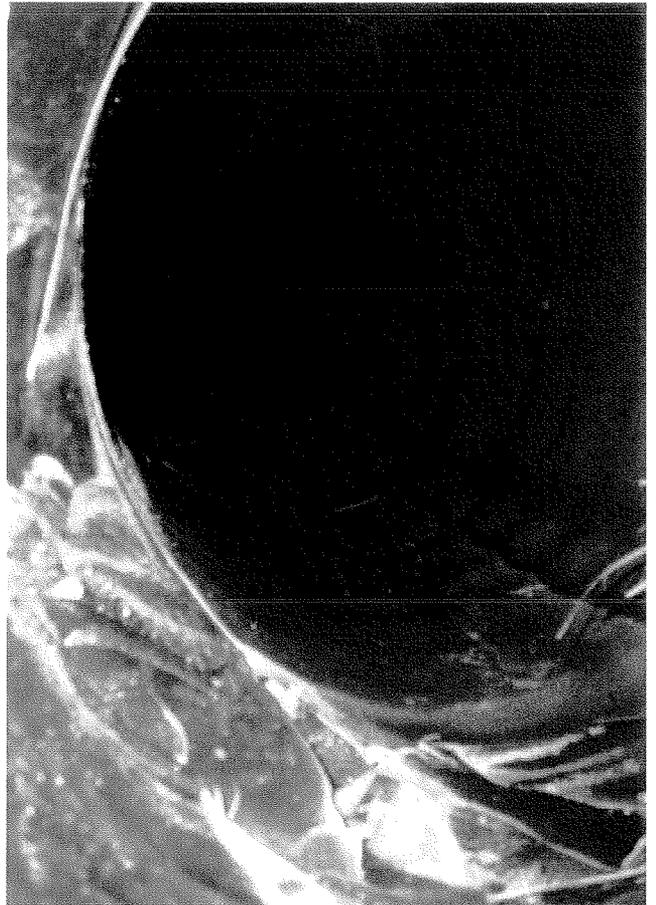
- Fred Small Mayor
- David Cohen City Clerk
- Kimberly Briley Finance Director/Treasurer
- Richard D. Johnson, P.E. Director of Public Works

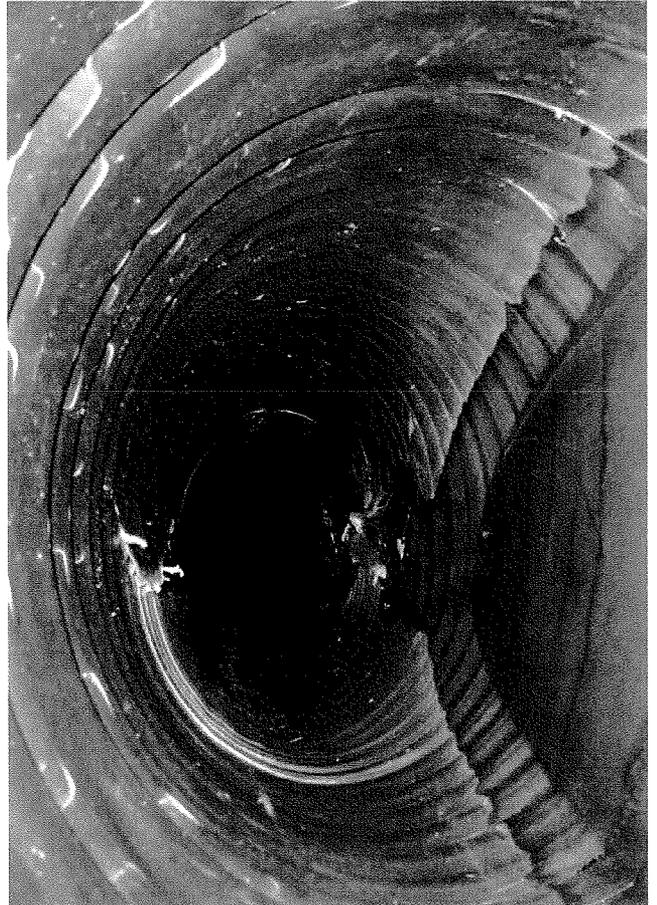
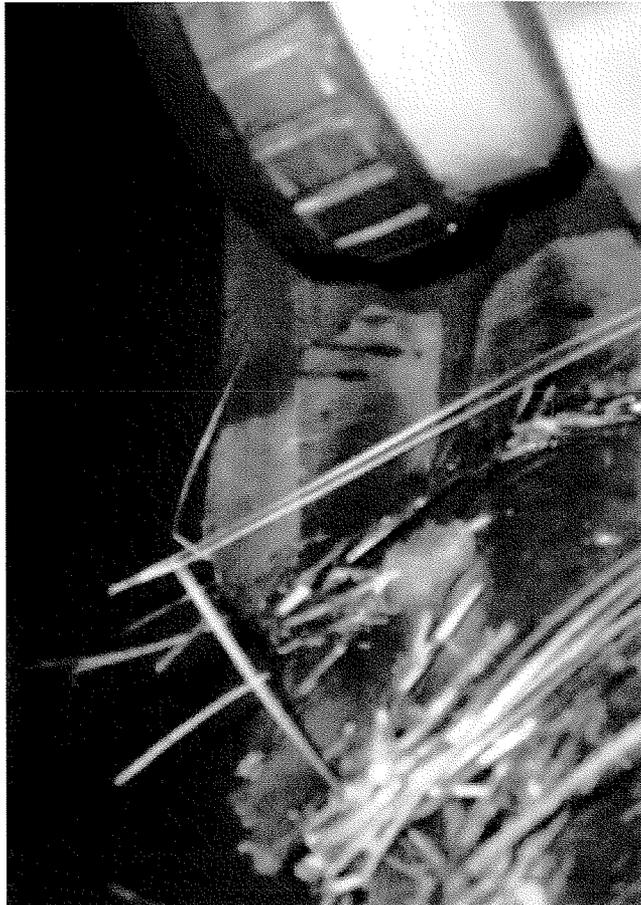
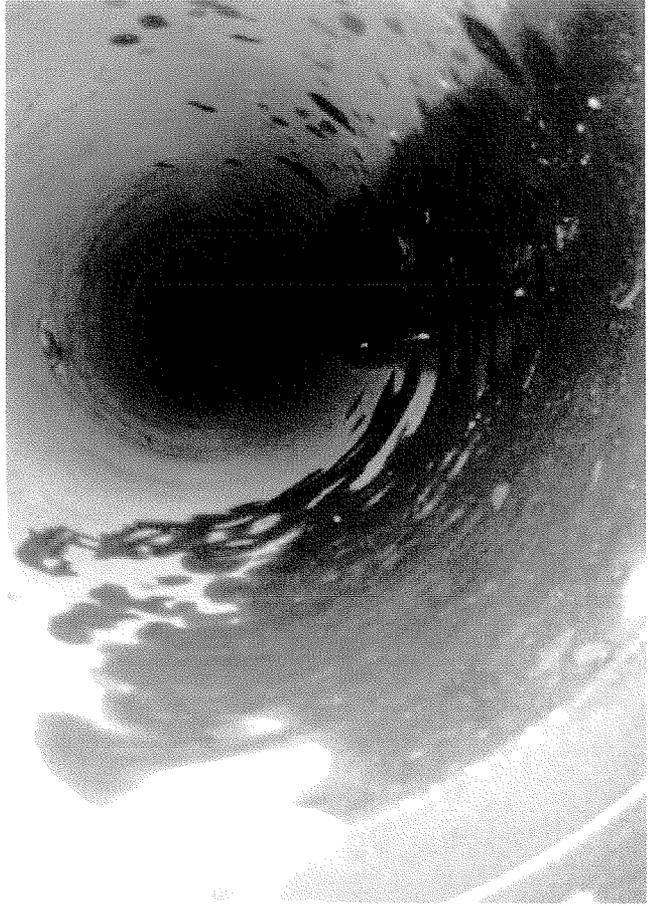
**8643 & 8659 Pine Run- Timbercreek- Drainage Project  
QUOTE TALLY SHEET**

**Project Details:**

1. Excavation, demolition, removal and disposal of existing 18" dia. HDPE pipe. 120 LF
2. #57 Stone for pipe bedding (6" of under bedding and filled and compacted to haunch of pipe). 21 CY
3. 18" dia. T&G Class 3 Reinforced Concrete Pipe (installed with all joints wrapped). 120 LF
4. Connection to and modification of existing junction boxes (Watertight connections). 2 EA
5. Structural trench backfill- compacted in 8" lifts (Excavated borrow material may be used if deemed suitable by PW Director). 120 CY
5. Topsoil and sod (all disturbed areas). 160 SY
6. Erosion Control Measures (BMP's). 1 LS
7. Mobilization/Demobilization. 1 LS

| Vendor                           | 1                     | 2          | 3           | 4          | 5          | 5          | 6          | 7           |                    |
|----------------------------------|-----------------------|------------|-------------|------------|------------|------------|------------|-------------|--------------------|
| Asphalt Services, Inc            | Unit Price<br>\$30.00 | \$80.00    | \$65.00     | \$750.00   | \$20.00    | \$12.00    | \$2,000.00 | \$2,500.00  |                    |
|                                  | Quote<br>\$3,600.00   | \$1,680.00 | \$7,800.00  | \$1,500.00 | \$2,400.00 | \$1,920.00 | \$2,000.00 | \$2,500.00  | <b>\$23,400.00</b> |
| Peavy Construction Company, Inc  | Unit Price<br>\$29.50 | \$45.00    | \$48.00     | \$1,500.00 | \$52.00    | \$7.00     | \$500.00   | \$6,000.00  |                    |
|                                  | Quote<br>\$3,540.00   | \$945.00   | \$5,760.00  | \$3,000.00 | \$6,240.00 | \$1,120.00 | \$500.00   | \$6,000.00  | <b>\$27,105.00</b> |
| Roads Inc of NWF                 | Unit Price<br>\$25.00 | \$48.00    | \$36.50     | \$2,000.00 | \$14.50    | \$3.00     | \$2,800.00 | \$10,000.00 |                    |
|                                  | Quote<br>\$3,000.00   | \$1,008.00 | \$4,380.00  | \$4,000.00 | \$1,740.00 | \$480.00   | \$2,800.00 | \$10,000.00 | <b>\$27,408.00</b> |
| Ammons and Blackmon Construction | Unit Price<br>\$7.00  | \$64.00    | \$130.00    | \$1,250.00 | \$8.00     | \$9.50     | \$350.00   | \$5,000.00  |                    |
|                                  | Quote<br>\$840.00     | \$1,344.00 | \$15,600.00 | \$2,500.00 | \$960.00   | \$1,520.00 | \$350.00   | \$5,000.00  | <b>\$28,114.00</b> |
| Summit Industries, LLC           | Unit Price<br>\$43.00 | \$96.60    | \$102.00    | \$2,670.00 | \$20.65    | \$16.25    | \$2,023.00 | \$7,500.00  |                    |
|                                  | Quote<br>\$5,160.00   | \$2,028.60 | \$12,240.00 | \$5,340.00 | \$2,478.00 | \$2,600.00 | \$2,023.00 | \$7,500.00  | <b>\$39,369.60</b> |





(4) automated trucks. We pick up curbside at each residence weekly, four routes per day, and Currently we have no garbage transfer facility. We collect the city's household garbage with four

generated by our community drop-off on Public Works Road. only remaining recyclables that must be handled through our facility are those products by delivering directly to our buyer we have increased the amount paid per ton by \$12.50. The product to a transfer truck. This has eliminated the need to handle the stream multiple times and no longer are tipping the stream onto the floor of the facility and mechanically moving the single stream recyclables from the City of Daphne directly to our buyer in Loxley, Alabama. We arrival of the two new 20 cubic yard recycle trucks we are delivering the collected curbside We are currently underutilizing our 80,000 square foot Recycling Facility and Staff. With the

Background:

I am requesting the Public Works Committee recommend to the Finance Committee an Appropriation of \$11,500.00 for Professional Services to generate a Feasibility Study for the conversion/construction of a Transfer Station at Public Works for the Solid Waste Division.



RE: Request for Professional Services – Feasibility Study for Transfer Station – Public Works, Solid Waste Division

Date: August 8, 2011

From: Richard D. Johnson, P.E. Public Works Director  
Cc: Kim Briley – Finance Director

*Garbage*

Thru: Honorable Mayor Fred Small  
To: Councilman Yelding, Chairman  
Public Works Committee

- Bailey Yelding, Jr. District 1
- Cathy Barnett District 2
- John L. Lake District 3
- Kelly D. Reese District 4
- Ronald Scott District 5
- Derek Boulware District 6
- August Palumbo District 7



- Fred Small Mayor
- David Cohen City Clerk
- Kimberly Briley Finance Director/Treasurer
- Richard D. Johnson, P.E. Director of Public Works

RDJ

Yours,

This feasibility study would provide all with the needed information for the Council to make an informed decision as to the cost vs. benefits of such an addition.

However, by conversion or addition to the existing Recycle Facility we could construct a garbage transfer station we could reclaim 6 hours of collection time daily. This is a mere half hour short of adding a full new truck, operator and routes without the expense of equipment or personnel. There would also be significant cost savings in the wear and maintenance of the current fleet by eliminating the daily 54 mile round-trip to Bay Minette. The current staff of the Recycle Facility would be utilized in the transfer and haul process as well as continuing the support of recycling. The County has made verbal commitments to provide haul equipment as they do for the City of Fairhope.

The only way to increase capacity is to add equipment, operator(s) and routes or find a means to get additional efficiency (collection time) from our current fleet and staff. Cost of a 25-28 cubic yard automated truck is \$233,000.00 and the average Solid Waste Senior (CDL) cost with benefits is 44,000.00 annually. The first year cost to add a truck and driver would be \$277,000.00 not including maintenance, fuel and other overhead. The lifecycle cost of equipment, staff and route capacity of 15 years (based on 140 new customers per year) would be \$1,126,000.00 (15 X \$44,000.00 + 2(trucks) X \$233,000.00) in today's dollars. This represents a significant cost.

four days per week. Wednesday is reserved for commercial accounts and truck maintenance. Each day, each truck and driver makes a 54 mile round-trip to the County Transfer Station in Bay Minette to discharge their load. This trip averages 90 minutes on average. In a typical 8 hour garbage shift less than 6.5 hours are applied to actual garbage collection. The Division of Solid Waste has added an average of 140 new residential customers each year for the past three years. All excess collection capacity built into our current equipment and routes when the City converted to full automation will be consumed by the end of calendar year 2013.



**Hatch Mott MacDonald**  
 5111 North 12th Ave  
 Pensacola, FL 32504  
 T 850.484.6011 www.hatchmott.com  
 AAC000035 ER0000155 LR00006783

July 21, 2011

Mr. Richard Johnson, PE  
 Daphne Public Works Director  
 26435 Public Works Road  
 Daphne, Alabama 36526

**Re: Conversion of Recycling Facility to Transfer Station  
 Professional Engineering Services  
 HMM FLD050P01D001**

Dear Mr. Johnson,

Hatch Mott MacDonald (HMM) thanks you for the opportunity to provide Professional Engineering Services for the City of Daphne Public Works Department. The City has identified a need to convert its current recycle facility to a solid waste transfer station. The existing facility is a five-bay single story pre-engineered metal building supported on shallow foundations and concrete slab-on-grade. The anticipated work includes installation of a new loading dock bay, new push walls, increased building height in one bay for dump trucks to tip inside the building, washdown and leachate collection drains and piping, slope existing slabs, and leachate containment within building as required.

HMM's scope of work is to provide basic civil, structural, and MEP engineering services along with miscellaneous Architecture for the proposed project described herein. This proposal is based on our understanding of this project, the level of effort required to complete the scope of services defined below, as well as past experience with projects of similar size and scope. The design shall be based on the 2006 International Building Code, Alabama Department of Environmental Management (ADEM), and Alabama Administrative Code Chapter 420-3-5, Solid Waste Collection and Transportation.

HMM proposes to first perform a feasibility study to determine a cost effective approach for converting the existing facility to a Transfer Station. The feasibility study shall include initial planning and coordination with the City prior to start of final design to insure the City's vision of the project is met. During this phase HMM engineers will visit the site and document existing conditions and verify field dimensions. A review of ADEM regulations will be made to determine what (if any) additional permitting is required for the conversion. Schematic designs of options along with an opinion of probable cost and recommendations will be provided in a written Engineer's Report. The following tasks are anticipated:

- Site Visit / Field Observations
- Structural analysis to modify existing structure
- Structural analysis for new addition(s)
- Permit review

**Ordinance Committee**

*Wednesday, October 12, 2011*

*City Hall Council Chambers*

*5:30 p.m.*

*Councilman Kelly Reese*

*Councilman Ron Scott*

*Councilman Derek Boulware*

**I. CALL TO ORDER/MEMBERS PRESENT**

Members Present: Derek Boulware and Ron Scott

Others Present: David Cohen and Eric Bussey

**II. PUBLIC PARTICIPATION**

None

**III. ORDINANCE REVIEW/DISCUSSION**

a. Waiver of Sewer Tap Fee

Will be discussed at next Ordinance Committee Meeting

b. Workers Comp Insurance Procedures

The committee discussed the revised draft presented by Eric Bussey

Motion by Mr. Boulware      Seconded by Mr. Reese      To have Vickie Hinman post for  
ten days and have on the November 7 city council agenda.

ALL IN FAVOR                  NONE OPPOSED                  MOTION CARRIED

c. Any other actions or discussions deemed necessary for the Ordinance Committee to consider.

The hiring freeze ordinance was discussed and the need to add the passage as when a position is vacated the position would automatically be defunded from the budget.

**IV. OTHER BUSINESS**

None

**V. ADJOURN**

Motion by Mr. Boulware      Seconded by Mr. Reese      To adjourn at 5:27 P.M.

ALL IN FAVOR                  NONE OPPOSED                  MOTION CARRIED



# ENVIRONMENTAL ADVISORY BOARD

## CURRICULUM VITAE

Bret M. Webb, Ph.D.

Assistant Professor of Civil Engineering

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### 1. Education

- B.S. (Civil Engineering), University of Florida, Gainesville, Florida 2001
- M.S. (Coastal & Ocean Eng.), University of Florida, Gainesville, Florida 2004
- Ph.D. (Coastal & Ocean Eng.), University of Florida, Gainesville, Florida 2008

### 2. Academic Experience

- Department of Civil Engineering, University of South Alabama, Assistant Professor, August 2008 – Present, full time
- Department of Civil Engineering, University of South Alabama, Instructor, August 2007 – August 2008, full time

### 3. Non-academic Experience

- National Highway Institute, Instructor, Course No. 135082, “Highways in the Coastal Environment,” 2008 – Present
- Naval Research Laboratory – Littoral Dynamics Team, Stennis Space Center, Mississippi, Research Assistant, May 2002 – August 2002
- Coastal Engineering Consultants, Inc., Naples, Florida, Field Technician, May 1999 – September 1999
- SubOceanic Consultants, Inc., Naples, Florida, Field Technician, May 1996 – September 1996

### 4. Certifications or Professional Registrations

- Engineering Intern, Florida, No. 1100006920

### 5. Current Membership in Professional Organizations

- American Geophysical Union (member)
- American Shore and Beach Preservation Association (member)
- American Society of Civil Engineers (associate member)
- ASCE – Coasts, Oceans, Ports, and Rivers Institute
- Association of Coastal Engineers (member)
- Chi Epsilon Civil Engineering National Honor Society (member)
- Coastal Education & Research Foundation (member)
- Society of American Military Engineers (young member)

### 6. Honors and Awards

- Instructor for NHI Course of Excellence, “Highways in the Coastal Environment,” 2011
- eLeader Recognition, University of South Alabama, February 2011
- “Top Prof” Award, The Azalea Chapter of Mortar Board, University of South Alabama, February 2010
- ASCE ExCEED Fellow, 2008
- Civil & Coastal Engineering Alumni Fellowship Award, University of Florida, 2003 – 2007

- Student Research Grant, Association of Western Universities, May 2002 – August 2002
- Presidential Recognition for Academic Excellence and Leadership, University of Florida, 2001

## 7. Service Activities

- Member, Society of American Military Engineers Mobile Post Student Chapter Committee, University of South Alabama, January 2011 – Present
- Member, Advisory Board, Program for the Enhancement of Teaching and Learning, University of South Alabama, December 2010 – Present
- Co-Chair, Alabama Marine Environmental Science Consortium BP Gulf Research Initiative, Theme 2: Physical Transport, September 2010 – Present
- Faculty Advisor, USA Sailing Club, August 2010 – Present
- Faculty Advisor, USA Student Chapter of the Society of American Military Engineers, August 2010 – Present
- Executive Vice President, Smart Home Alabama 501(c)(3), January 2010 – Present
- Member, Board of Directors, Smart Home Alabama 501(c)(3), 2009 – Present
- Member, Undergraduate Affairs Committee, College of Engineering, 2010 – 2011
- Featured in “Gambling Against Mother Nature,” a three-part television series created by *grass roots, inc.* focused on resiliency and sustainability of coastal communities (2009)
- Member, Computing Committee, College of Engineering, 2009 – 2011
- Associate Member, USA Graduate Faculty, October 2008 – Present
- Technical Advisor, Mobile Area Education Foundation, 2008 – Present
- Member, Academic Standards Committee, College of Engineering, 2008 – 2010
- Member, Library Committee, University of South Alabama, 2008 – 2010
- Convener, Nearshore Processes, American Geophysical Union Fall Meeting, 2008
- Member, Science Advisory Committee, Mobile Bay National Estuary Program, 2008 – Present
- Reviewer, *Journal of Fluid Mechanics*; *Journal of Ocean Technology*; *Journal of Waterway, Port, Coastal, and Ocean Engineering*, 2008 - Present

## 8. Journal Publications

### *Peer Reviewed Journal*

1. Douglass, S. L., Webb, B. M., Dixon, C. R., Buhring, T. 2011. Beach profile and island cross-section manipulations in response to the oil spill. *Shore & Beach* (in press).
2. Webb, B. M., Slinn, D. N. Numerical simulation of orbital, suborbital, and anorbital ripples using a three-dimensional live bed model: Part 1, Hydrodynamic Model. *Coastal Engineering* (accepted pending revision).
3. Webb, B. M., Slinn, D. N. Numerical simulation of orbital, suborbital, and anorbital ripples using a three-dimensional live bed model: Part 2, Morphology Model. *Coastal Engineering* (accepted pending revision).
4. Webb, B. M., King, J. N., Tutak, B., Valle-Levinson, A. 2007. Flow structure at a trifurcation near a North Florida inlet. *Continental Shelf Research* 27, 1528-1547.

**Book Chapters**

5. Russ, S. H., Webb, B. M., Holifield, J., Walker, J. 2011. PILS: Low-Cost Water-Level Monitoring, In: *Environmental Monitoring*, E. O. Ekundayo, (Ed.), pp. XX-XX, InTech, ISBN 978-953-307-661-4, Vienna, Austria.

**Peer Reviewed and Published Proceedings**

6. Allen, R., Webb, B. M. 2011. Determination of wave transmission coefficients for oyster shell bag breakwaters. In: *Proceedings of the Conference on Coastal Engineering Practice*, ASCE, Reston, VA.
7. Webb, B. M., Douglass, S. L., Dixon, C. R., Buhring, B. 2011. Application of coastal engineering principles in response to the Deepwater Horizon disaster: lessons learned in coastal Alabama. In: *Proceedings of the Conference on Coastal Engineering Practice*, ASCE, Reston, VA.
8. Russ, S.H., Perepa, V., Leavesly, S., Webb, B.M. 2010. Novel low-cost salinity sensor for embedded environmental monitoring. In: *Proceedings of the IEEE SoutheastCon 2010*.
9. Webb, B. M., Slinn, D. N. 2008. Phase-resolving sediment transport and morphology model, In: *Proceedings of the 31st International Conference on Coastal Engineering*, Hamburg, Germany.
10. Webb, B. M., Slinn, D. N. 2006. Modeling bed morphology under waves and currents, In: *Proceedings of the 30th International Conference on Coastal Engineering*, Vol. 4, 3254-3261. San Diego, CA.
11. Puleo, J. A., Holland, T., Slinn, D. N., Smith, E., Webb, B.M. 2002. Numerical modeling of swash zone hydrodynamics. In: *Proceedings of the 28th International Conference on Coastal Engineering*, Cardiff, Wales.

**Conference Papers, Posters & Presentations**

12. Webb, B. M. 2011. Linking objectives and outcomes assessment in electronic learning. South Alabama Conference on Teaching and Learning, Mobile, AL.
13. Webb, B. M., Russ, S., Holifield, J., Walker, J. 2011. Improving predictions of wind-generated water levels and salinity distributions in Mobile Bay. University of South Alabama Spring Research Forum, Mobile, AL.
14. Webb, B. M. 2010. Wave induced scour at coastal infrastructure. National Hydraulic Engineering Conference, Park City, UT.
15. Webb, B. M., Rogers, S., Kennedy, A. 2010. Improving wave height prediction during barrier island overtopping. Alabama-Mississippi Bays and Bayous Symposium, Abstract 56. Mobile, AL.
16. Webb, B. M. 2010. Improving parameterizations of stress and transport in the rippled bed regime under combined wave-current flows. *Eos. Trans. AGU XX (xx)*, Ocean Sci. Meet. Suppl., Abstract GO35A-09.
17. Webb, B. M., Slinn, D.N. 2008. Modeling small-scale sediment transport and morphology. *Eos. Trans. AGU XX (xx)*, Ocean Sci. Meet. Suppl., Abstract OSXXX-XX.
18. Webb, B. M., Slinn, D. N. 2006. Modeling bed morphology under waves and currents. *Eos. Trans. AGU 87 (36)*, Ocean Sci. Meet. Suppl., Abstract OS35E-26.
19. Webb, B. M., Slinn, D. N. 2004. Vertical distribution of radiation stress for non-linear shoaling waves. *Eos. Trans. AGU 85 (47)*, Fall Meet. Suppl., Abstract OS14B-05.
20. Webb, B. M., Slinn, D. N. 2003. Three-dimensional modeling of the swash zone. *Eos.*

*Trans. AGU 84 (52)*, Ocean Sci. Meet. Suppl., Abstract OS12E-09.

21. Puleo, J. A., Slinn, D. N., Holland, K. T., Webb, B.M. 2002. A volume of fluid model for surf and swash zones. *Eos. Trans. AGU 83 (47)*, Fall Meet. Suppl., Abstract OS71A-0250.

### **Technical Reports**

22. Webb, B. M., Douglass, S. L. 2011. *Exploratory Research on Wave Induced Scour at Coastal Bridges*. Technical Report for Federal Highway Administration (in preparation).
23. Webb, B. M. 2011. *Wind, Wave, Water Level, and Sediment Transport Analysis for Mon Louis Island, Alabama*. Technical Report for Mobile Bay National Estuary Program (in preparation).
24. Webb, B. M. 2010. *Shoreline Stabilization Strategies for Steele Creek Lodge – Satsuma, Alabama*. Technical Report for Mobile Bay National Estuary Program.

### **9. Recent Professional Development Activities**

- Presenter, Innovations in Learning Center, University of South Alabama, “Designing Effective Instruction,” September 2011
- Presenter, South Alabama Conference on Teaching and Learning, University of South Alabama, “Linking Objectives & Outcomes Assessment in Electronic Learning,” May 2011
- Panel member/participant, PowerPETAL II, Program for the Enhancement of Teaching and Learning, University of South Alabama, “Engaging Students,” January 2011
- Presenter/participant, PowerPETAL, Program for the Enhancement of Teaching and Learning, University of South Alabama, “Effective Assessment Techniques,” August 2010
- Instructor, Alabama Stormwater Management Continuity Education Seminar, “Stormwater Management using Wet and Dry Detention Facilities,” October 2009
- Participant, NOAA/NGI Unstructured Grid workshop, March 2009
- Instructor, National Highway Institute Course No. 135082, “Highways in the Coastal Environment,” Louisiana Department of Transportation, Baton Rouge, March 2009
- Participant, NOAA/NGS Tidal and Vertical Datums workshop, January 2009
- Participant, ASCE Excellence in Civil Engineering Education workshop, University of Arkansas, Fayetteville, July 2008
- Workshop Participant, Writing Across the Curriculum, University of South Alabama, Mobile, May 2008
- Instructor, National Highway Institute Course No. 135082, “Highways in the Coastal Environment,” Florida Department of Transportation, Gainesville, February 2008
- Workshop Participant, Mobile Bay National Estuary Program, “Flooding Along the Coast: Building a Resilient Alabama,” February 2008

**CITY COUNCIL MEETING  
REPORTS OF SPECIAL COMMITTEES**

**NOTES:**

**BOARD OF ZONING ADJUSTMENTS REPORT:**

**DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:**

**INDUSTRIAL DEVELOPMENT BOARD:**

**LIBRARY BOARD:**

**PLANNING COMMISSION REPORT:**

**RECREATION BOARD REPORT:**

**UTILITY BOARD REPORT:**

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CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF AUGUST 4, 2011 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

The Chairman stated the number of members present constituted a quorum and the special called meeting of the Board of Zoning Adjustment was called to order at 6:00 p.m. Let us have roll call.

**Call of Roll:**

Members Present:

Willie Robison, Chairman  
Jeri Hargiss, Secretary  
Glen Swaney  
Jim Moss  
Tony Felts

Members Absent:

Frank Lamb  
Billy Mayhand, Vice Chairman

Staff Present:

Adrienne D. Jones, Director of Community Development  
Tony Hoffman, BZA Attorney  
Pat Houston, Recording Secretary

The Chairman stated since there are five of us present tonight I would like to state that it will take four of the five to approve the appeal. Am I correct, Ms. Pat?

Ms. Houston stated yes, sir.

The Chairman stated before we get started tonight, I would like to welcome our newest member, Mr. Tony Felts, to the BZA, and I look forward to working with him. Also, since we are doing this now, you may or may not know this, but his father had a massive heart attack several weeks ago, and he is doing much better now, however, we would like for each of you to remember Calvin Felts in your prayers. Once again, thanks Tony, and welcome to the Board.

Mr. Felts stated thanks, I appreciate that.

The Chairman stated next item on the agenda is the approval of the April 7th, 2011 meeting minutes. There is one correction that has been made. Where it states Robbins it should be Dobbins. The Chair will entertain a motion to approve the minutes as corrected.

**Approval of Minutes:**

The minutes of the April 7th, 2011 meeting were considered for approval.

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF AUGUST 4, 2011 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

A Motion was made by Mr. Moss and Seconded by Mr. Swaney to approve the minutes as written.

The Motion carried unanimously.

New Business:

Appeal #2011-03 Taylor & Kristan Culpepper

The Chairman stated next is new business on the agenda, Appeal #2011-03 Taylor & Kristan Culpepper, a variance to allow a covered front porch to encroach one-foot into the front setback line. The property is located at 209 Maplewood Loop, and it is in an R-3, High Density Single Family Residential Zone. Ms. Jones, if you would take us through this please.

Ms. Jones displayed a Power Point Presentation of 209 Maplewood Loop, Lot 40, Unit 11, Lake Forest Subdivision. She stated that the minimum setback on the front of this property is thirty-feet on the front and rear with ten-feet on the sides. What we have for the actual setback on the front of the property is nineteen-feet. It is actually a little over nineteen-feet, but I stuck with nineteen to have a benchmark and some clarity. Therefore, what is requested is just a one-foot encroachment into the front setback. The property is located within the Lake Forest Subdivision and it is completely within a residential development on Maplewood Loop, and this is the subject property. As you can see this is the covered porch, and this is the property looking northward, and it is basically a couple of inches that is just beyond the pillar that is holding up the front part of the porch that is encroaching. So that area you see, the porch area, it is the area of encroachment. What we found was that in May the Building Inspection Department issued a Certificate of Occupancy for this site, and a little bit later a survey was done, in order to acquire a mortgage, and at that time they discovered that there was an encroachment on the front setback. The encroachment is minor and I would chalk it up to an error on behalf of the builder. The encroachment does not violate the intent of the Land Use Ordinance. I would recommend approval, and that is it in a nutshell.

Mr. Moss stated short and sweet. Way to go.

The Chairman stated I believe we have Ms. Culpepper, the owner, here and Mr. Art Lami, who will be representing her. Mr. Lami, do you have anything you would like to say to the Board? If you will, step to the podium and state your name for the record, please.

Mr. Lami stated no, sir. She basically covered the main points. I built the home and made the error that I was not aware of it until the day of closing, and that is it. I would just like for her to be able to have a clear title to the property.

CITY OF DAPHNE  
BOARD OF ZONING ADJUSTMENT MINUTES  
REGULAR MEETING OF AUGUST 4, 2011 - 6:00 P.M.  
COUNCIL CHAMBERS, CITY HALL

The Chairman stated did you get that Ms. Pat?

Ms. Houston stated yes.

The Chairman stated let the record show that there are no adjacent property owners here to speak in opposition to this variance. At the time the Chair will entertain a motion, and remember the motion must be made in the affirmative.

A Motion was made by Mr. Swaney and Seconded by Mr. Moss to approve Appeal #2011-03, Taylor & Kristan Culpepper, for a variance to allow the front porch at 209 Maplewood Loop to encroach the front setback line by one-foot. The property is located in an R-3, High Density Single Family Residential Zone.

Upon roll call vote, the motion carried unanimously.

|             |     |
|-------------|-----|
| Ms. Hargiss | Aye |
| Mr. Swaney  | Aye |
| Mr. Felts   | Aye |
| Mr. Robison | Aye |
| Mr. Moss    | Aye |

The Chairman stated the appeal is granted. You may go by the Community Development Department here in city hall in the morning around 9:00 a.m. and pick up your paperwork. If there is no other business, the Chair will entertain a motion to adjourn.

Adjournment:

A Motion was made by Mr. Moss and Seconded by Mr. Felts to adjourn.

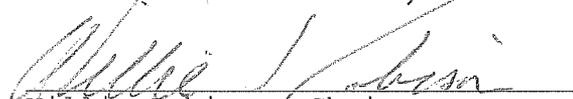
The Motion carried unanimously.

There being no further business the meeting was adjourned at 6:10 p.m.

Respectfully submitted by:

  
Pat Houston, Recording Secretary

APPROVED: October 6, 2011

  
Willie Robison, Chairman

/ph

# Downtown Redevelopment Authority

## Dayna Cantin Oldham

### Buckle My Shoe LLC (Owner)

#### Current Home Address

1618 Sixth Street

Daphne Alabama 36526

Phone: 251-751-6726

Email: daynaoldham@yahoo.com

#### Current Business Address

1716 Main Street Suite A

Daphne Alabama 36526

Phone: 251-621-8743

Email:  
bucklemyshoe2008@yahoo.com

**Objective:** A position on the board of the Downtown Redevelopment Authority that represents the retail interests of the downtown Daphne area.

#### Personal Information:

DOB: 06-13-1977

Resident of Daphne since 1993

Single parent of 2 boys:

Bryar (5yrs) (Attends Daphne Elementary School Kindergarden)

Brady (3yrs) (Attends Daphne United Methodist Church MDOP)

Attends COT ES Church

Active in SEEDS

#### Education:

Spring Hill College Graduate Class of 06'

Daphne High School Graduate



**CITY COUNCIL MEETING  
MAYOR'S REPORT**

**NOTES:**

# MAYORS REPORT

October 6, 2011

City of Daphne  
Mayor & City Council  
Post Office Box 400  
Daphne, Alabama 36526

**Re: 24th Annual Jubilee Festival – September 29 & 30, 2012**

Dear Mayor Small and City Council Members:

The 24th Annual Jubilee Festival is scheduled to be held September 29 & 30, 2012. As always, the continued support of the Mayor and City Council is essential. At this time the festival committee would like to request the following from the City of Daphne:

1. Permission to block Main Street from Magnolia Avenue South to Dryer Avenue. The closing of this area would still allow access by area residents and church visitors.
2. Permission to use Centennial Park for KidsART.
3. Permission to allow children to paint on the back fence in Centennial Park.
4. Assistance from Police and Street Department with street closings and barricades from Friday, September 28, 2012 after 5:00 p.m. until Sunday, September 30, 2012 after 6:00 p.m.
5. Coordination by the Mayor with Riviera Utilities for additional electrical power access at the City Hall entrance utility pole.
6. Permission to use City Hall as headquarters for the festival staff and volunteers.
7. Permission to place temporary banners to help promote the 24th Annual Jubilee Festival.

Specifics of the banners are as follows:

- Banners to read: *Jubilee Festival, September 29th & 30th*
- Banners to be posted 2 weeks prior to event
- Size of Banners to be 120" x 34"
- Locations to include:

Santa Rosa & Main Street

Jubilee Mall

Lawson Road

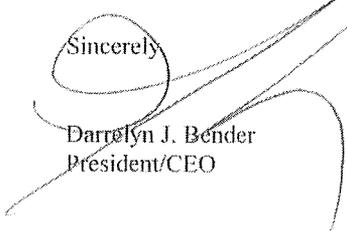
Highway 98 at Montrose Welcome Sign

8. Permission to place banners within the site of the festival.

Please place this request on the agenda for the next available City Council Meeting. Please contact Ginger Parnell at the Eastern Shore Chamber of Commerce (621-8222) with the date of the meeting.

The Eastern Shore Chamber of Commerce and the Jubilee Festival Committee greatly appreciate the City's continued support of this annual event. We are looking forward to another successful event for both the Chamber and the City. The Festival continues to grow each year, but success of the event is only possible with the combined effort of the City, the Chamber and the volunteers.

Sincerely,

  
Darrellyn J. Bender  
President/CEO

cc: City Council, Eastern Shore Chamber of Commerce Board of Directors, Jubilee Chair Shea Dean.



**EASTERN  
SHORE**  
CHAMBER OF  
COMMERCE

P.O. Drawer 310  
Daphne, Alabama 36526-0310

Overlook  
29750 Larry Dee Cawyer Drive  
Daphne, Alabama  
251.621.8222  
FAX 251.621.8001

Downtown Fairhope  
327 Fairhope Avenue  
251.928.6387  
FAX 251.928.6389

www.ESchamber.com  
email: office@ESchamber.com



**CITY ATTORNEY'S REPORT**

**NOTES:**

**DEPARTMENT HEAD'S COMMENTS**

**CITY COUNCIL MEETING  
RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS**

**NOTES:**

RECOMMENDATIONS

**COUNCIL COMMENTS:**

**CITY OF DAPHNE**

**RESOLUTION 2011-70**

**Modification of existing Median Crossover and Accesses to the West Service Road on US 98 between D'Olive Creek Bridge and Van Buren Street**

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

1. That the City of Daphne, Alabama enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:  
Modification of existing Median Crossover and Accesses to the West Service Road on US 98 between D'Olive Creek Bridge and Van Buren Street

Which Agreement is before this Council;

2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf; and
3. That the signature of the Mayor be attested by the City Clerk and that the seal of the City be affixed to the Agreement.

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

**ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Cathy Barnette, Council President

\_\_\_\_\_  
Fred Small, Mayor

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk

**A G R E E M E N T (CONTRACT)**

**HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP)  
HES (Hazard Elimination Safety) TYPE PROJECT**

Project No. HSIP-0042( )  
CPMS NO. 100056132  
BALDWIN COUNTY

This agreement is made and entered into by and between the State of Alabama, acting by and through the Alabama Department of Transportation, (hereinafter the "STATE") and the City of Daphne, (hereinafter the "CITY").

**WITNESSETH:**

**WHEREAS**, the STATE and CITY agree to

*Modify existing Median Crossover and Accesses to the West Service Road on US 98  
between D'Olive Creek Bridge and Van Buren Street.*

**WHEREAS**, the STATE has identified the project as a Highway Safety Improvement Program (HSIP) site as Project No. HSIP-0042,  
(BALDWIN County) (hereinafter the "PROJECT")

**WHEREAS**, the CITY or its representative will adjust and/or relocate all utilities on the PROJECT without cost to the STATE or this PROJECT;

**WHEREAS**, the CITY or its representative will make the survey, complete the design plans and furnish all preliminary engineering for the project without cost to the STATE for this PROJECT.

**WHEREAS**, the CITY will acquire all right-of-way for the PROJECT without cost to the STATE;

**WHEREAS**, the CITY or its representative will be responsible for all construction engineering for the PROJECT. The cost of the construction engineering shall be included as part of the engineering cost of the PROJECT.

**WHEREAS**, The Construction for this PROJECT will be by Contract and the CITY will be responsible for advertisement and receipt of bids, and for the award of the Contract.

**WHEREAS**, the CITY will furnish the necessary inspection and testing of materials when needed as part of the engineering cost of the PROJECT.

**WHEREAS**, the CITY or its representative will be responsible for the cost of modifying or installing any sidewalks or curb ramps associated with this PROJECT.

**NOW, THEREFORE,** the STATE and CITY do hereby covenant and agree with each other as follows:

1. This agreement is made and expressly executed in the names of the parties hereto by their respective officers, officials or other persons who are authorized to execute it, and it is deemed by the parties to be an agreement or contract under seal.
2. The STATE will not be liable for Federal Aid Funds in any amount. Any deficiency in Federal Aid, or overrun in construction costs will be borne by the CITY from City Federal Aid Funds, if available, and otherwise paid from CITY funds. In the event of an under-run in construction costs, the amount of Federal Aid Funds will be the amount stated below, or 90% of eligible costs, Whichever is less.
3. The estimated cost of construction of this PROJECT will be provided from the funds outlined as follows:

|  |                   |
|--|-------------------|
| FA Federal Aid (HES or HSIP) Funds (90%) | \$ 135,000        |
| <u>State Funds (10%)</u>                 | <u>\$ 15,000</u>  |
| <b>Total (Including E &amp; I)</b>       | <b>\$ 150,000</b> |
4. The CITY will be responsible for advertisement and receipt of bids, and the award of the Contract.
5. The CITY will submit reimbursement invoices for the work performed under the terms of this agreement to the STATE within six (6) months after the completion and acceptance of the project. Any invoices submitted after this six (6) month period will not be eligible for payment.
6. The work will be performed according to the approved plans and they will comply with the STATE'S Standard Specifications for Highway Construction, 2008 Edition, whichever is applicable on this PROJECT.
7. The CITY will maintain the project in satisfactory condition in accordance with the requirements of the STATE after the PROJECT is completed and approved.
8. It is agreed that the terms and commitments contained in this agreement shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of the State of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this agreement shall contravene any statute or Constitutional provision or amendment, either now in effect or which may, during the course of this agreement, be enacted, then the conflicting provision in this agreement shall be deemed null and void.
9. If the agreement term is to exceed more than one fiscal year, then said agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the agreement in subsequent fiscal years.

10. In the event of the proration of the fund from which payments of the State's obligations are to be made, this agreement will be subject to termination.
11. Exhibits "F", "M", and "N" are hereby attached to and made a part of this agreement.
12. This agreement will terminate September 30, 2012 for project if project is not actually authorized.

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

SEAL

ATTEST:

City of Daphne, Alabama

\_\_\_\_\_  
City Clerk (Signature)

BY: \_\_\_\_\_

Mayor (Signature)

\_\_\_\_\_  
Print Name of City Clerk

\_\_\_\_\_  
Print Name of Mayor

APPROVED AS TO FORM:

BY: \_\_\_\_\_

Jim Ippolito, Chief Legal Counsel

RECOMMENDED FOR APPROVAL:

BY: \_\_\_\_\_

Vincent E. Calametti  
Division Engineer

BY: \_\_\_\_\_

Robert J. Jilla  
Transportation Planning and Modal Programs Engineer

BY: \_\_\_\_\_

Don W. Vaughn, Chief Engineer/Deputy Director

STATE OF ALABAMA, Acting by and through  
the Alabama Department of Transportation

BY: \_\_\_\_\_

John R. Cooper, Transportation Director

The within and forgoing agreement is hereby approved on the \_\_\_\_ day of \_\_\_\_, 20\_\_.

BY: \_\_\_\_\_

Robert Bentley, Governor of Alabama

**CITY OF DAPHNE**

**RESOLUTION NO. 2011-71**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF DAPHNE, ALABAMA, AUTHORIZING THE CITY  
COUNCIL TO HOLD A TEFRA HEARING PURSUANT TO  
SECTION 147(F) OF THE INTERNAL REVENUE  
CODE OF 1986, AS AMENDED**

**WHEREAS**, The Special Care Facilities Financing Authority of the City of Daphne, Villa Mercy (the “Authority”) has been established pursuant to Section 11-62-1 *et seq.* of the Code of Alabama, 1975, as amended, to assist nonprofit entities in the financing and refinancing of healthcare and related facilities; and

**WHEREAS**, the Authority has heretofore issued its Revenue Bonds (Mercy Medical Project), Series 1997 and Series 2000 (the “Bonds”) for the benefit of Mercy Medical, A Corporation, a nonprofit corporation organized under the laws of the State of Alabama (the “Corporation”) which owns and operates assisted living facilities, independent living facilities and skilled nursing facilities in Daphne, Fairhope and Mobile, Alabama (collectively, the “Facilities”); and

**WHEREAS**, a portion of the proceeds of the Bonds were used by the Corporation to finance and refinancing capital expenditures at the Facilities; and

**WHEREAS**, the Corporation has requested the assistance of the Authority and the City Council of the City of Daphne with respect to certain requirements of the Internal Revenue Code of 1986, as amended (the “Code”) relating to the sale of the Facilities; and

**WHEREAS**, pursuant to the provisions of the Code, the Corporation intends to keep the Bonds outstanding pursuant to their terms and has elected to utilize the “alternate qualified use of proceeds” provisions of the Code whereby the proceeds of the sale of the Facilities will be applied by the Corporation to other qualified capital expenditures; and

**WHEREAS**, Section 147(f) of the Code requires that a public hearing be held by or on behalf of the Authority (the “TEFRA Hearing”) relating to the application of the sale proceeds of the Facilities to the alternate qualified uses as shall be described in the notice of the TEFRA Hearing (the “TEFRA Notice”); and

**WHEREAS**, Section 147(f) of the Code requires approval by the City Council of the City of Daphne following the TEFRA Hearing of the application of the sale proceeds of the Facilities to the alternate qualified uses as shall be described in the TEFRA Notice; and

**WHEREAS**, the Corporation has requested that the City Council of the City of Daphne hold a TEFRA Hearing relating to the application of the sale proceeds of the Facilities as shall be described in the TEFRA Notice and, following the TEFRA Hearing, grant approval of

the application of the sale proceeds of the Facilities as shall be described in the TEFRA Notice, all as required by Section 147(f) of the Code.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Daphne that the TEFRA Hearing as required by Section 147(f) of the Code shall be held by the City Council of the City of Daphne at its regularly scheduled meeting to be held on October 17, 2011.

**BE IT FURTHER RESOLVED** by the City Council of the City of Daphne that the Corporation shall be authorized to publish the TEFRA Notice within the time and in such publications as may be required by Section 147(f) of the Code.

This Resolution shall take effect immediately.

**ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Cathy S. Barnette, Council President

\_\_\_\_\_  
Fred Small, Mayor

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk

**RESOLUTION NO. 2011-72  
2011-AA-FUEL MANAGEMENT SYSTEM**

**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 FUEL MANAGEMENT SYSTEM will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the FUEL MANAGEMENT SYSTEM and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the FUEL MANAGEMENT SYSTEM be awarded to McKinney Petroleum Equipment.

**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 McKinney Petroleum Equipment for a cost of \$29,984.40 + Second year Maintenance cost of \$2,010 as specified in BID SPECIFICATION NO: 2011-AA-FUEL MANAGEMENT SYSTEM.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS** \_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
**Cathy S. Barnette, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk CMC

**RESOLUTION NO. 2011-73  
2011-BB-JUSTICE CENTER RE-ROOF PROJECT**

**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 50,000; and

**WHEREAS**, The City of Daphne acknowledges that the cost for the JUSTICE CENTER RE-ROOF PROJECT will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the JUSTICE CENTER RE-ROOF PROJECT and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the JUSTICE CENTER RE-ROOF PROJECT be awarded to ACME Roofing & Sheet Metal Co., 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 Inland Air Systems for the amount of \$579,000 as specified in BID SPECIFICATION NO. 2011-BB-JUSTICE CENTER RE-ROOF PROJECT.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS** \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
**Cathy S. Barnette, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk MMC

**RESOLUTION NO. 2011-74  
2011-DD-FUEL**

**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 FUEL will exceed this amount; and

**WHEREAS**, Staff has reviewed the bids for the FUEL and determined that the bid as presented is reasonable; and

**WHEREAS**, Staff recommends the bid for the FUEL be awarded to Minto Energy Corporation.

**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 Minto Energy Corporation for margin cost of:

- **Unleaded (89+ Octane)** : \$ .034 *(30 day payment)* & \$ .03 *(15 day payment)* above unit cost
- **Diesel Fuel** : \$ .037 *(30 day payment)* & \$ .033 *(15 day payment)* above unit cost

as bid in BID SPECIFICATION NO. 2011-DD-FUEL.

**ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_ day of \_\_\_\_\_, 2011.**

\_\_\_\_\_  
**Cathy S. Barnette, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk MMC

**RESOLUTION 2011-75  
PREPAID TRAVEL**

**BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA  
HEREBY AUTHORIZES THE FOLLOWING:**

Prepaid travel expenses are approved for the purpose and amount indicated below for the following:

1. **John Lake, Councilman**, National League of Cities Conference, Phoenix, AR,  
November 9-13, 2011 - \$175

A complete expense summary with receipts will be submitted and approved by the Mayor upon return from the above.

**APPROVED AND ADOPTED BY THE CITY COUNCIL, CITY OF DAPHNE, ALABAMA on  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.**

\_\_\_\_\_  
**Cathy S. Barnette, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

\_\_\_\_\_  
**David L. Cohen, City Clerk MMC**

**City of Daphne**

**RESOLUTION 2011-76**

**Mobile Bay National Estuary Program Matching Grant Funds to create  
Low Impact Development/Green Infrastructure  
Regulations (LID/GI) and Incentives Program**

**WHEREAS**, pursuant to Resolution 2011-14, the City of Daphne did heretofore make application for funding in the amount of \$22,500 - \$75,000 from the United States Environmental Protection Agency (US EPA), through Mobile Bay National Estuary Program (MBNEP) to assist in the development of alternatives to traditional stormwater management measures; and,

**WHEREAS**, the City of Daphne has received notification that such grant application has been approved and funding available for the creation of LID/GI provisions and incentives; and,

**WHEREAS**, the City of Daphne is aware there is a required City match: 1:1 Ratio of in-kind services in the amount of \$15,000; and,

**WHEREAS**, professional consulting services will be required in developing said provisions and incentives, and a request for qualifications was distributed by Community Development; and,

**WHEREAS**, the City of Daphne received statements of qualifications for professional services and such proposals were reviewed by the LID/GI Selection Committee and Community Development; and,

**WHEREAS**, upon evaluations and interviews with candidates, the committee determined that Jade Consulting, LLC met requirements for providing professional services necessary to carry out the project's scope of work;

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

- 1) The City of Daphne hereby accepts the contract with MBNEP attached hereto and made a part hereof; and,
- 2) The Mayor and City Clerk are hereby authorized to execute and affix the city seal to such grant contract for and on behalf of the City of Daphne; and,
- 3) The Mayor and City Clerk are hereby authorized to enter into agreement with Jade Consulting, LLC in the amount of \$15,000 for professional consulting services regarding site design, stormwater management, low impact development and green infrastructure design, practices, and implementation.

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

**ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
**Cathy S. Barnette, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk, MMC

Low Impact Development/Green Infrastructure Regulations and Incentives Program

CONTRACT FOR PROFESSIONAL SERVICES  
BY AND BETWEEN

DAUPHIN ISLAND SEA LAB/MOBILE BAY NATIONAL ESTUARY PROGRAM  
AND  
City of Daphne, Alabama

This Contract is entered into between Dauphin Island Sea Lab (DISL) on behalf of the Mobile Bay National Estuary Program (MBNEP) and City of Daphne, Alabama (Project Director). This Contract will provide funding for the Low Impact Development/Green Infrastructure Regulations and Incentives Program project.

**Whereas**, DISL is the administrative host of MBNEP and received funding from the U.S. Environmental Protection Agency on behalf of the MBNEP to implement the objectives set forth in its Comprehensive Conservation and Management Plan (CCMP); and

**Whereas**, MBNEP desires to address the Human Uses objective of its CCMP as follows: to spearhead the process of developing LID/GI practices to be used to supplement the City Subdivision Regulations and to provide alternatives to traditional stormwater management practices.; and

**Whereas**, the **Project Director** agrees to undertake said project;

**Now**, therefore, in consideration of the mutual promises set forth herein, the **Project Director** and **DISL/MBNEP** hereby agree as follows:

ARTICLE 1 - SCOPE OF SERVICES

**Project Director** will provide services as set out in the *Attachment A, Scope of Service and Budget* which is included with this Contract and which is incorporated as if fully set out herein and shall provide all the necessary personnel and facilities to conduct the work of this contract.

ARTICLE 2 - PERIOD OF PERFORMANCE

This contract shall be in force from **June 1, 2011** to **May 31, 2012**. If the term of this Agreement extends beyond May 31, 2011 this Agreement may be amended by the mutual written agreement of both parties.

ARTICLE 3 - KEY PERSONNEL

**Adrienne Jones** is considered to be essential to the work performed hereunder. In the event that **Adrienne Jones** becomes unable or unwilling to continue the project, Project Director shall notify DISL/MBNEP in writing to propose an individual to replace such Key Person. In the event a mutually acceptable replacement is not available, DISL/MBNEP shall have the option to terminate the project.

ARTICLE 4 - PAYMENT

DISL agrees to pay Project Director an amount not to exceed **\$ 15,000 (fifteen thousand dollars)** for the services performed under this Agreement contingent upon approval by DISL/MBNEP and as per the *Attachment A, Scope of Services and Budget*. The Contractor shall submit invoices in duplicate and will be compensated for actual costs incurred only. The final invoice shall be submitted with final report on project activities and success.

Project Director will submit all invoices outlining sufficient detail to describe activities that have taken place to DISL/MBNEP. All activity generated by this contract shall be charged to DISL account number(s):

Match Requirement- Project Director agrees to provide \$ 15,000 in non-federal funds or in-kind services as match on this project. Match must be expended as part of the total project costs and documentation must certify its expenditure for said purpose. Project Director shall provide documentation of this match using the form provided as *Attachment B* or other form which includes signed certification of match expenditures. The final invoice shall not be processed until match documentation has been submitted.

Procurement- In the case of non governmental agencies, prior to the purchase of any items or the execution of any printing contracts under this agreement with a value less than \$1,000.00, one quote or attempt for a quote of outside costs, including but not limited to copying costs and freight terms, must be obtained. For items with a value from \$1,000.00 to \$3,000.00, two such quotes or attempts for quotes must be obtained. For items with a value of \$3,000.00 or greater, three such quotes or attempts for quotes must be obtained. For purchases over and above \$7,500, any purchase of any items or the execution of any contract shall comply with the Alabama Bid Laws Sections 41-16-20 et. Seq. of the Code of Alabama(1975).

#### ARTICLE 5 - REBUDGETING

No re-budgeting of costs under this contract is allowed without prior approval from DISL/MBNEP.

#### ARTICLE 6 - INDEPENDENT CONTRACTOR STATUS

For all purposes under this Contract, Project Director is serving exclusively as an independent contractor and accepts all responsibilities of an independent contractor, including but not limited to tax responsibilities, control over its own personnel, control over its own use of materials and equipment, and purchase and maintenance of any and all employee and other insurance as may be required by law or hereinafter.

#### ARTICLE 7 - DUTIES OF DISL/MBNEP

The Mobile Bay National Estuary Program Director or designee shall provide such information and documentation as to appropriately assist Project Director in the carrying out of its duties under this contract. Mobile Bay National Estuary Program will monitor progress on the project on an ongoing basis, by requesting information from time to time and will conduct at least one site visit during the project period.

#### ARTICLE 8 - COOPERATION AND ASSISTANCE

Project Director agrees and covenants to fully cooperate with DISL, the State of Alabama, and all relevant agencies of the United States Government with regard to any regular, random, other examinations, inspections, audits, and reporting requirements conducted by one or more of them, and shall furnish such information regarding this project as is requested.

#### ARTICLE 9 - FINDINGS CONFIDENTIAL

It is the intent of the DISL/MBNEP that all information and data generated by this project will be in the public domain. However, any reports, information, data, etc., given to or prepared or assembled under this contract shall not be made available to any individual or organization until accepted by the DISL/MBNEP.

#### ARTICLE 10 - PUBLICATION

Should Project Director publish the results of work under this Contract, DISL/MBNEP support should be acknowledged as follows: *"This project was supported wholly or in part by Mobile Bay National Estuary Program as part of a grant from U. S. Environmental Protection Agency."* All publications funded from this contract shall include the MBNEP logo.

#### ARTICE 11 - COPYRIGHT

No reports, maps, or other documents or products produced in whole or in part under this Agreement shall be the subject of an application for copyright by Project Director or on behalf of the DISL/MBNEP.

ARTICLE 12 - REPORTING REQUIREMENTS

Project Director shall provide DISL/MBNEP progress reports and a final report on work performed under this Contract. In addition, for projects that entail a habitat conservation, restoration, or protection component, the **Project Director will enter this project in the Mississippi Alabama Habitat Database.** This database is located at <http://restoration.disl.org/www>.

ARTICLE 13 - CIVIL RIGHTS AND EQUAL EMPLOYMENT OPPORTUNITY

Project Director shall comply with title VI of the Civil Rights Act of 1974 and Executive Order No. 11246 of September 24, 1965 by the U.S. President.

ARTICLE 14 – FLOW DOWN PROVISIONS

The terms and conditions of the EPA are included by reference in this contract and shall be binding to the extent that they are applicable to Project Director.

ARTICLE 15 - SUBCONTRACTORS

Project Director shall not subcontract for any of the services to be performed under this Contract without the prior consent of DISL/MBNEP.

ARTICLE 16 - MBE/WBE

Project Director will assure that minority business enterprises (MBE) and woman business enterprises (WBE) are given the opportunity to participate in contract and procurement for supplies, construction, equipment and services under this contract. In the event that no enterprises are available or qualified, Project Director will make good faith efforts to recruit as per the six affirmative steps described in the regulations at 40 C.F.R. '35.3145(d)(1)-(6), such that these represent good faith efforts to attract and utilize MBE/WBEs.

ARTICLE 17 - TERMINATION

In the event that EPA terminates the grant or funding thereunder, or for any other significant reason, DISL/MBNEP may terminate this Contract upon thirty (30) days written notification to Project Director which, in the event of termination, will be reimbursed for any non-cancelable obligations properly incurred prior to the date of notice of termination.

ARTICLE 18 - MODIFICATIONS

Modifications to this contract may be made only in writing signed by authorized representatives by both parties.

ARTICLE 19 - DEBARMENT, SUSPENSION

Project Director hereby represents and certifies that neither it nor its organization presently:

- (1) is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency;
- (2) have within a 3-year period preceding this contract been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (3) are presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in (b) above; and
- (4) have within a 3-year period preceding this contract had one or more public transactions (Federal, State, or local) terminated for cause of default.

#### ARTICLE 20 - NON-DELINQUENCY ON FEDERAL DEBT

Project Director certifies that it is not delinquent on the repayment of any federal debt. For the purposes of this certification, the following definitions of delinquency apply:

(1) For direct loans and fellowships (whether awarded directly to the applicant by the Federal Government or by an institution using Federal funds), a debt more than 31 days past due on a scheduled financial payment. (This definition excludes "service" payback under the National Research Service Award).

(2) For guaranteed and insured loans, recipients of a loan guaranteed by the Federal Government that the Federal Government has repurchased from lender because the borrower breached the loan contract and is in default.

(3) For grants, organizations in receipt of a "Notice of Grants Cost Disallowance" which have not repaid the disallowed amount or which have not resolved the disallowance. (This definition excludes disallowances in an "appeal" status.)

#### ARTICLE 21 - NOT TO CONSTITUTE A DEBT OF THE STATE/SETTLEMENT OF CLAIMS

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

For any disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such disputes, to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation by and through the Attorney General's Office of Administrative hearings or where appropriate, private mediators.

#### ARTICLE 22 - LOBBYING CERTIFICATION

Project Director by signing this contract makes the certification regarding lobbying that no Federal appropriated funds have been or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or intending to influence an officer or employee or any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant loan, or cooperative agreement, the collaborator shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying" to DISL/MBNEP.

#### ARTICLE 23 - DRUG-FREE WORKPLACE CERTIFICATION

By signing this Contract, Project Director certifies that it is in compliance with the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F.

ARTICLE 24 - CONTACT INFORMATION

FOR Mobile Bay National Estuary Program  
Roberta Swann, Director  
4172 Commanders Drive  
Mobile, AL 36615  
251.431-6409 [rswann@mobilebaynep.com](mailto:rswann@mobilebaynep.com)

FOR City of Daphne, Alabama  
Adrienne Jones  
PO Box 400  
Daphne, AL 36526  
251-621-9000 [ajonesdpln@bellsouth.net](mailto:ajonesdpln@bellsouth.net)

ARTICLE 25 - ENTIRE CONTRACT

This Contract consists of the Articles 1-25, Attachment A: Scope of Work and Budget, and Attachment B: Match Form and constitutes the entire Contract of the parties. Any other contract, written or oral, is hereby superseded.

Attachment A  
Scope of Services

## LOW IMPACT DEVELOPMENT/GREEN INFRASTRUCTURE REGULATIONS AND INCENTIVES PROGRAM

### *The City of Daphne* PURPOSE

The purpose of this project is to develop a program which will initiate and encourage the use of low impact development practices, green infrastructure (LID/GI) and incentives for the City of Daphne. These practices will be used to supplement the City Subdivision Regulations and to provide alternatives to traditional stormwater management practices.

### SCOPE OF SERVICES TO BE PERFORMED

The Daphne Community Development Department proposes to spearhead the process of developing a LID/GI program. A consultant with a strong background and with current certifications in site design, stormwater management, low impact development and green infrastructure design/practices will be hired. The consultant will: (1) educate those involved in making regulatory and land development decisions; (2) evaluate existing stormwater management regulations and existing plans for stormwater management, (3) devise appropriate goals, objectives, and LID/GI policies, alternatives, and incentives for implementation; and, (4) assist in adoption of these policies into law.

### PROJECT DESIGN AND PERFORMANCE MEASURES

The project will follow the rational planning model and performance will be measured by the delivery of draft policies/regulations and final adoption by City Council as an amendment to the Daphne Land Use and Development Ordinance.

**GEOGRAPHIC AREA SERVED:** Daphne, Alabama, the extraterritorial planning jurisdiction.

**PRINCIPAL INVESTIGATOR:** Adrienne Jones, Director of Community Development.

**PROJECT PARTNERS:** Ashley Campbell, Daphne Environmental Programs Manager; Richard Johnson, P.E., Director of Daphne Public Works

### RATIONALE

The City of Daphne has long been concerned about stormwater management, especially in regards to the impaired drainage basins of D'Olive Creek, the Unnamed Tributary of D'Olive Creek, Tiawasee Creek, Yancey Branch and Joe's Branch. In 2010, the City collaborated with other local municipalities and local governmental agencies in developing a Watershed Management Plan for D' Olive Watershed. Several critical coastal issues were identified in the Plan: one was the need to "*reduce outgoing sediment loads into D' Olive Bay and Mobile Bay estuary.*" Also identified in the Plan was a way to accomplish that goal—"to develop smart growth concepts for new development and re-developments using LID/GI techniques."

We anticipate that program implementation will reduce outgoing sediment loads, improve water quality, reduce runoff volume and mitigate future impacts of development in the watershed. Lasting and sustainable benefits of this project will be a **restored coastal habitat and significantly reduced pollutant loading of the bay**. An additional benefit will be the availability of a **model ordinance** for low impact development and green infrastructure regulations and incentives that could be used by other municipalities within Mobile and Baldwin County.

# LOW IMPACT DEVELOPMENT/GREEN INFRASTRUCTURE REGULATIONS AND INCENTIVES PROGRAM

## PROJECT TIME FRAME-KEY PROGRESS BENCH MARKS

| ACTIVITY   | MONTH |     |     |     |     |     |     |     |     |      |      |      |
|--|-------|-----|-----|-----|-----|-----|-----|-----|-----|------|------|------|
|  | 1st   | 2nd | 3rd | 4th | 5th | 6th | 7th | 8th | 9th | 10th | 11th | 12th |
| <i>Identify steering committee</i>   | x     |     |     |     |     |     |     |     |     |      |      |      |
| <b>Hire consultant</b>   |       |     | x   |     |     |     |     |     |     |      |      |      |
| <i>Develop questionnaire</i>   |       |     | x   |     |     |     |     |     |     |      |      |      |
| <b>Meeting No.1 steering committee (intro/education workshop and presentation)</b>                         |       |     |     | x   |     |     |     |     |     |      |      |      |
| <i>Compile info from questionnaire and Meeting No. 1</i>   |       |     |     | x   |     |     |     |     |     |      |      |      |
| <i>Summarize findings; develop LID/GI techniques and recommendations.</i>                                  |       |     |     | x   |     |     |     |     |     |      |      |      |
| <b>Meeting No. 2 Presentation of findings and recommendations/develop incentives program</b>               |       |     |     |     | x   |     |     |     |     |      |      |      |
| <i>Compile info from questionnaire and Meeting No. 2</i>   |       |     |     |     | x   |     |     |     |     |      |      |      |
| <b>1st draft of LID/GI regs and incentives. Distribute for comments.</b>                                   |       |     |     |     | x   |     |     |     |     |      |      |      |
| <i>Comment deadline. Review comments from 1st draft and create 2nd draft of LID/GI regs and incentives</i> |       |     |     |     |     | x   |     |     |     |      |      |      |
| <b>Meeting No. 3 steering committee (work session to finalize draft of LID/GI regs and incentives)</b>     |       |     |     |     |     | x   |     |     |     |      |      |      |
| <i>Final draft of LID/GI regs and incentives</i>   |       |     |     |     |     |     |     | x   |     |      |      |      |
| <b>Present Ordinance amendment for LID/GI regs and incentives to Planning Commission</b>                   |       |     |     |     |     |     |     | x   |     |      |      |      |
| <b>Present Ordinance of LID/GI regs and incentives City Council work session</b>                           |       |     |     |     |     |     |     |     |     | x    |      |      |
| <b>Present for public hearing</b>  |       |     |     |     |     |     |     |     |     |      |      | x    |

**Key benchmarks are in bold type. Benchmarks may change due to council scheduling and other unforeseen complications.**

**Attachment B**  
**Match Documentation**

The following matching sources of cash or in-kind services were provided by **City of Daphne, Alabama** as part of undertaking the **Low Impact Development/Green Infrastructure Regulations and Incentives Program** project.

**1. Non-Federal Cash Expended on Project**

| <i>Source of funding</i> | <i>What was it used for? i.e., supplies, services, equipment</i> | <i>Amount Expended</i> |
|--------------------------|--|------------------------|
|                          |  |                        |
|                          |  |                        |
|                          |  |                        |

**2. Contributed use of equipment, services, other**

| <i>Date</i> | <i>Item, Service, etc</i> | <i>Dollar Value</i> |
|-------------|---------------------------|---------------------|
|             |                           |                     |
|             |                           |                     |
|             |                           |                     |
|             |                           |                     |
|             |                           |                     |

**3. Contributed, Non-federal cash paid Labor Hours**

| <i># of worked hours</i> | <i>Rate/hr or (% effort)</i> | <i>Associated Fringe Cost</i> | <i>Total dollar value</i> |
|--------------------------|------------------------------|-------------------------------|---------------------------|
|                          |                              |                               |                           |
|                          |                              |                               |                           |
|                          |                              |                               |                           |
|                          |                              |                               |                           |
|                          |                              |                               |                           |
|                          |                              |                               |                           |
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|                          |                              |                               |                           |
|                          |                              |                               |                           |
|                          |                              |                               |                           |

*Please attach volunteer logs, sign-in sheets, or other originally signed documentation of volunteer hours.*

Total value of Match Expended on Project: \$ \_\_\_\_\_  
*Total Match Value*

I, \_\_\_\_\_, certify on behalf of **City of Daphne, Alabama**, that no federal dollars were used to cover this match obligation nor will these sources of match be used to cover any other federal grant match requirement.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

**RESOLUTION 2011 - 77**

**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

---

| <b>DEPT</b>                               | <b>TAG/VEH#</b> | <b>DESCRIPTION</b>  | <b>VIN # / SERIAL #</b> |
|---|-----------------|---------------------|-------------------------|
| <i>Trans to BM-<br/>Jani. fr Rev 8/07</i> | 698             | 1998 FORD CROWN VIC | 2FAFP71W1WX122691       |

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- 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.

**ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
**Cathy S. Barnette, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk, MMC

**CITY OF DAPHNE, ALABAMA  
ORDINANCE 2011-64**

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**AN ORDINANCE TO ANNEX THE RIGHT OF WAY OF ALABAMA STATE  
HIGHWAY 181 FROM LAWSON ROAD SOUTH TO THE SOUTHERNMOST  
CORPORATE LIMITS OF THE CITY OF DAPHNE**

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**WHEREAS**, on the 25<sup>th</sup> day of May, 2011, the State of Alabama, being the owner of the real property herein described, did file with the City a letter containing the signature of Vincent E. Calametti, P.E., an authorized agent of the State of Alabama Department of Transportation, and a map of said property showing its proximity to the corporate limits of the City of Daphne, Alabama, whereby the State of Alabama provided its consent to the annexation of said real property into the corporate limits of the City of Daphne, Alabama; and,

**WHEREAS**, the City of Daphne, Alabama, desires to utilize said real property for the health, safety, and welfare purposes of providing fire and police protection; and,

**WHEREAS**, the Planning Commission of the City of Daphne, Alabama, at its regularly scheduled meeting of June 23, 2011, forwarded a unanimous favorable recommendation to the City Council of the City of Daphne, Alabama for annexation of the areas shown in Exhibit "A"; and,

**WHEREAS**, after proper publication, a public hearing was held on August 1, 2011, by the City Council of the City of Daphne concerning said letter for annexation; and,

**WHEREAS**, the City Council of the City of Daphne determined it is in the public interest that said real property be annexed into the City of Daphne, Alabama and that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, Code of Alabama (1975).

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

**SECTION I: ANNEXATION**

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

Name: Right-of-Way of Alabama State Highway 181 from Lawson Road southward unto the southernmost City limits

Legal Description: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF LAWSON ROAD AND THE WEST RIGHT-OF-WAY LINE OF STATE HIGHWAY 181 (FORMERLY COUNTY ROAD 27), SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, FOR THE POINT OF BEGINNING; THENCE RUN SOUTHERLY ALONG THE WEST RIGHT-OF-WAY BOUNDARY LINE OF STATE HIGHWAY 181 TO THE POINT OF INTERSECTION OF THE SOUTH PROPERTY LINE OF OLDFIELD SUBDIVISION, PHASE ONE AS RECORDED WITH THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA ON SLIDE 2328-C&D, SECTION 34, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE EASTERLY TO THE POINT OF INTERSECTION OF THE SOUTH PROPERTY LINE OF DUNMORE SUBDIVISION, PHASE ONE AS RECORDED WITH THE JUDGE OF PROBATE BALDWIN COUNTY, ALABAMA ON SLIDE 2414-A&B, SECTION 35, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE NORTHERLY ALONG THE EAST RIGHT-OF-WAY BOUNDARY LINE OF STATE HIGHWAY 181 TO THE POINT OF THE PROJECTED INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 181 AND THE SOUTH RIGHT-OF-WAY LINE OF LAWSON ROAD; THENCE WEST TO THE POINT OF BEGINNING.

Being contiguous to the Corporate Limits of the City of Daphne, Alabama.

#### **SECTION II: PUBLICATION**

This ordinance shall be published as provided by law, and a certified copy of the same shall be filed with the Probate Court of Baldwin County, Alabama.

#### **SECTION III: SEVERABILITY**

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

#### **SECTION IV: EFFECTIVE DATE**

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

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2011.**

\_\_\_\_\_  
**CATHY S. BARNETTE  
COUNCIL PRESIDENT**

\_\_\_\_\_  
**FRED SMALL,  
MAYOR**

**ATTEST:**

\_\_\_\_\_  
**DAVID COHEN,  
CITY CLERK, MMC**

**ORDINANCE 2011-68**

**Lott Park Tennis Courts Resurfacing**

**WHEREAS**, the Fiscal Year 2012 Budget is being considered by the City Council; and

**WHEREAS**, prior to the adoption of the Fiscal Year 2012 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2012 budget; and

**WHEREAS**, the adopted budget does not include an appropriation for Lott Park Tennis Courts Resurfacing; and

**WHEREAS**, the Lott Park Tennis Courts need resurfacing to maintain the courts for future use by the citizens of Daphne.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2011 Budget is hereby amended to include a General Fund appropriation in the amount of \$9,700 for the resurfacing of the Lott Park Tennis Courts.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
**Cathy S. Barnette, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk MMC

## ORDINANCE NO. 2011 - 70

### Ordinance to Rezone Property Located East Side of Alabama Highway 181, South of Austin Road , North of Dick Higbee Road(34.48 Acres) Hearthstone Multi-Asset Entity, Lot 1, Dunmore Subdivision, Phase Two, Part C (A)

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-1, Low Density Single Family Residential District and R-2 Medium Density Single Family Residential District, to a R-3, High Density Multi-Family Residential District, to said property is located East Side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road being more particularly described as follows:

#### Legal Description:

BEING ALL OF LOT 10 AND A PORTION OF LOTS 6, 7, 8, 9, 11, 12, 13, 14, 22, 23, AND 24 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.0 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET TO A POINT; THENCE RUN S 00° 02' 10" E 490.18 FEET TO A POINT; THENCE RUN N 89° 57' 50" E 382.13 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY A DISTANCE OF 87.04 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY A DISTANCE OF 87.04 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 89° 57' 50" E 605.48 FEET TO POINT; THENCE RUN N 00° 02' 10" W 158.05 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 30° 46' 34" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY A DISTANCE OF 67.14 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 31° 28' 07" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY A DISTANCE OF 68.65 FEET TO A POINT ON THE AFOREMENTIONED SOUTH BOUNDARY OF DUNMORE, PHASE ONE; THENCE ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN AS FOLLOWS: S 89° 20' 37" E 797.82 FEET, N 00° 39' 23" E 10.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 200.00 FEET, S 89° 20' 37" E 140.00 FEET, S 85° 31' 51" E 109.46 FEET TO A POINT; THENCE RUN S 11° 12' 24" E 119.11 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 12° 01' 52" AND A RADIUS OF 275.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 57.75 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 00° 40' 28" W 143.11 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 76° 41' 31" AND A RADIUS OF 175.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWESTWARDLY 234.24 FEET TO THE P.C.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 17° 02' 37" AND A RADIUS OF 150.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 44.62 FEET TO THE P.C.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 07° 26' 11" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 45.43 FEET TO THE P.R.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 11° 52' 57" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 72.59 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 89° 57' 50" W 27.96 FEET TO A POINT; THENCE RUN S 00° 02' 10" E 175.00 FEET TO A POINT ON THE NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY; THENCE ALONG SAID NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND

FARMS AND THE NORTH BOUNDARY OF LOTS 20 AND 21 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS, RUN S 89° 57' 50" W 1520.48 FEET TO THE NORTHEAST CORNER OF LOT 22 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS; THENCE ALONG THE EAST BOUNDARY OF SAID LOT 22 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS, RUN S 00° 39' 55" W 30.00 FEET TO A POINT; THENCE RUN S 89° 57' 50" W 1472.45 FEET TO THE POINT OF BEGINNING. CONTAINING 34.4817 ACRES.

**WHEREAS**, the Planning Commission of the City of Daphne on August 25, 2011 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, October 17, 2011 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from R-1, Low Density Single Family Residential District and R-2 Medium Density Single Family Residential District, to a R-3, High Density Multi-Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_ day of \_\_\_\_\_, 2011.**

\_\_\_\_\_  
**Cathy S. Barnette, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

\_\_\_\_\_  
**David L. Cohen**  
**City Clerk, MMC**

HEARTHSTONE MULTI-ASSET ENTITY  
ZONING AMENDMENT  
THE EAST SIDE OF ALABAMA HIGHWAY 181, SOUTH OF AUSTIN ROAD,  
NORTH DICK HIGBEE ROAD

EXHIBIT "A"

DESCRIPTION OF PROPOSED LOT 1, DUNMORE, PHASE TWO, PART "C":

BEING ALL OF LOT 10 AND A PORTION OF LOTS 6, 7, 8, 9, 11, 12, 13, 14, 22, 23, AND 24 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.0 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET TO A POINT; THENCE RUN S 00° 02' 10" E 490.18 FEET TO A POINT; THENCE RUN N 89° 57' 50" E 382.13 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY A DISTANCE OF 87.04 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY A DISTANCE OF 87.04 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 89° 57' 50" E 605.48 FEET TO POINT; THENCE RUN N 00° 02' 10" W 158.05 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 30° 46' 34" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY A DISTANCE OF 67.14 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 31° 28' 07" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY A DISTANCE OF 68.65 FEET TO A POINT ON THE AFOREMENTIONED SOUTH BOUNDARY OF DUNMORE, PHASE ONE; THENCE ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN AS FOLLOWS: S 89° 20' 37" E 797.82 FEET, N 00° 39' 23" E 10.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 200.00 FEET, S 89° 20' 37" E 140.00 FEET, S 85° 31' 51" E 109.46 FEET TO A POINT; THENCE RUN S 11° 12' 24" E 119.11 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 12° 01' 52" AND A RADIUS OF 275.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 57.75 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 00° 40' 28" W 143.11 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 76° 41' 31" AND A RADIUS OF 175.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWESTWARDLY 234.24 FEET TO THE P.C.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 17° 02' 37" AND A RADIUS OF 150.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 44.62 FEET TO THE P.C.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 07° 26' 11" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 45.43 FEET TO THE P.R.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 11° 52' 57" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY 72.59 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 89° 57' 50" W 27.96 FEET TO A POINT; THENCE RUN S 00° 02' 10" E 175.00 FEET TO A POINT ON THE NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY; THENCE ALONG SAID NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS AND THE NORTH BOUNDARY OF LOTS 20 AND 21 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS, RUN S 89° 57' 50" W 1520.48 FEET TO THE NORTHEAST CORNER OF LOT 22 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS; THENCE ALONG THE EAST BOUNDARY OF SAID LOT 22 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS, RUN S 00° 39' 55" W 30.00 FEET TO A POINT; THENCE RUN S 89° 57' 50" W 1472.45 FEET TO THE POINT OF BEGINNING. CONTAINING 34.4817 ACRES.

REFERENCE: DUNMORE SUBDIVISION, PHASE TWO, PART C



**ORDINANCE NO. 2011 - 71**

**Ordinance to Rezone Property Located East Side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road (11.84 Acres)  
Hearthstone Multi-Asset Entity, Lot 2, Dunmore Subdivision, Phase Two Part C (B)**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-1, Low Density Single Family Residential District to R-2 Medium Density Single Family Residential District said property is located East Side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road, being more particularly described as follows:

**Legal Description:**

BEING A PORTION OF LOTS 5, 11, AND 12, SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.0 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN AS FOLLOWS: S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 12.98 FEET, S 89° 20' 37" E 500.00 FEET, N 00° 39' 23" E 42.90 FEET, S 89° 20' 37" E 250.00 FEET, S 00° 39' 23" W 200.00 FEET, S 89° 20' 37" E 200.00 FEET, S 00° 39' 23" W 15.00 FEET, S 89° 20' 37" E 25.00 FEET TO A POINT ON THE ARC OF A 125.00 FOOT CURVE HAVING A CENTRAL ANGLE OF 31° 28' 07" AND BEING CONCAVE EASTWARDLY; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 68.65 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 30° 46' 34" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 67.14 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 00° 02' 10" E 158.05 FEET TO A POINT; THENCE RUN S 89° 57' 50" W 605.48 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY A DISTANCE OF 72.59 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY A DISTANCE OF 87.04 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 89° 57' 50" W 382.13 FEET TO A POINT; THENCE RUN N 00° 02' 10" W 490.18 FEET TO THE POINT OF BEGINNING. CONTAINING 11.8461 ACRES.

**WHEREAS**, the Planning Commission of the City of Daphne on August 25, 2011 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, October 17, 2011 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,** that said property described above is hereby rezoned from R-1, Low Density Single Family Residential District, to a R-2 Medium Density Single Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_ day of \_\_\_\_\_, 2011.**

\_\_\_\_\_  
**Cathy S. Barnette, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

\_\_\_\_\_  
**David L. Cohen**  
**City Clerk, MMC**

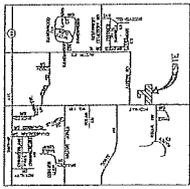
HEARTHSTONE MULTI-ASSET ENTITY  
ZONING AMENDMENT  
THE EAST SIDE OF ALABAMA HIGHWAY 181, SOUTH OF AUSTIN ROAD,  
NORTH DICK HIGBEE ROAD

EXHIBIT "A"

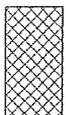
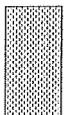
DESCRIPTION OF PROPOSED LOT 2, DUNMORE, PHASE TWO, PART "C":

BEING A PORTION OF LOTS 5, 11, AND 12, SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.0 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN AS FOLLOWS: S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 12.98 FEET, S 89° 20' 37" E 500.00 FEET, N 00° 39' 23" E 42.90 FEET, S 89° 20' 37" E 250.00 FEET, S 00° 39' 23" W 200.00 FEET, S 89° 20' 37" E 200.00 FEET, S 00° 39' 23" W 15.00 FEET, S 89° 20' 37" E 25.00 FEET TO A POINT ON THE ARC OF A 125.00 FOOT CURVE HAVING A CENTRAL ANGLE OF 31° 28' 07" AND BEING CONCAVE EASTWARDLY; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 68.65 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 30° 46' 34" AND A RADIUS OF 125.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN SOUTHWARDLY 67.14 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 00° 02' 10" E 158.05 FEET TO A POINT; THENCE RUN S 89° 57' 50" W 605.48 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 19° 56' 52" AND A RADIUS OF 250.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY A DISTANCE OF 72.59 FEET TO THE P.R.C. OF A CURVE TO THE RIGHT; THENCE ALONG THE ARC OF SAID CURVE, RUN WESTWARDLY A DISTANCE OF 87.04 FEET TO THE P.T. OF SAID CURVE; THENCE RUN S 89° 57' 50" W 382.13 FEET TO A POINT; THENCE RUN N 00° 02' 10" W 490.18 FEET TO THE POINT OF BEGINNING. CONTAINING 11.8461 ACRES.

REFERENCE: DUNMORE, PHASE TWO, PART A



ZONING LEGEND

-  FROM ZONE R-1 TO R-2
-  FROM ZONE R-1 AND R-2 to R-3
-  FROM ZONE R-1 TO R-4

*only* →

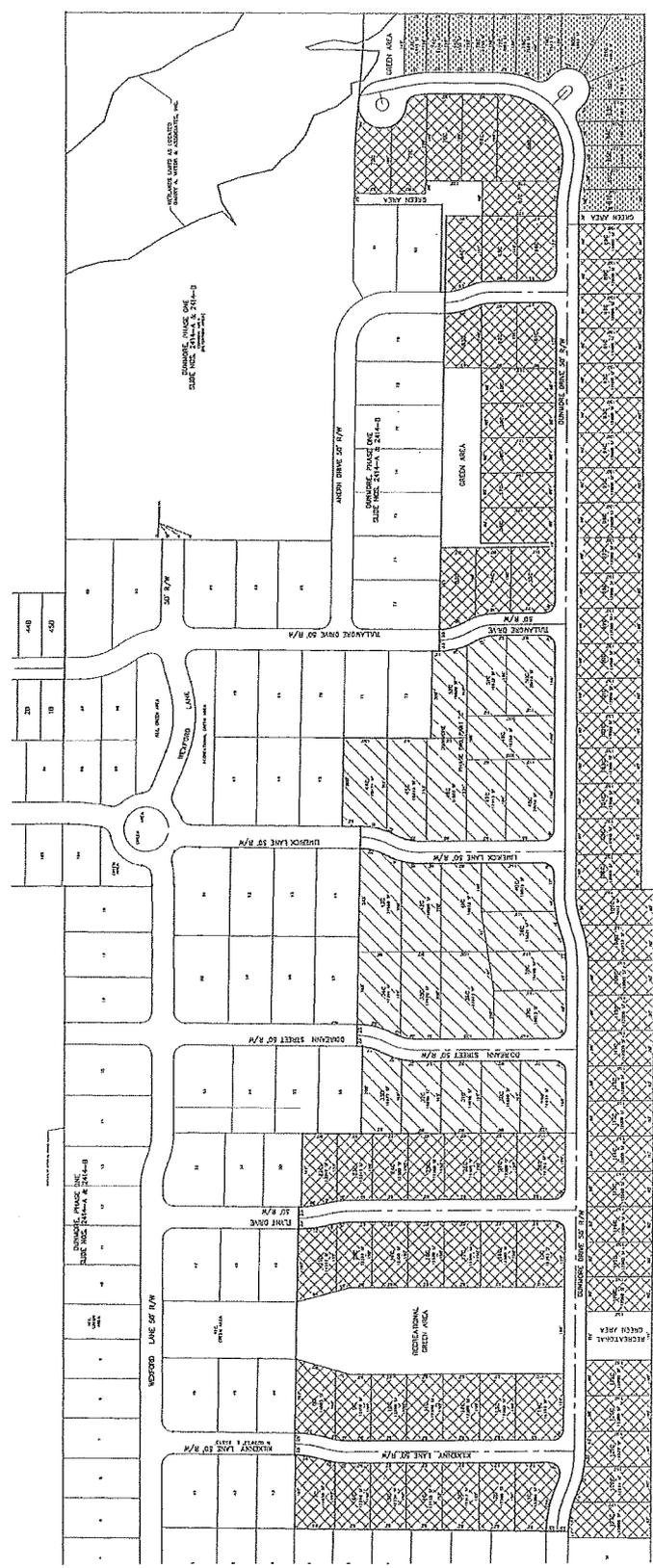


EXHIBIT B  
HEARTSTONE MULTI-ASSET ENTITY LOT 2

RESTER AND COLEMAN  
REGISTERED PROFESSIONAL ENGINEERS  
1405 WESTON PARK WEST, MOBILE, ALABAMA 36688-1418  
PHONE: (904) 727-1777  
FAX: (904) 727-1772

| DATE     | BY   | DATE     | BY  | DATE     | BY  | DATE     | BY  |
|----------|------|----------|-----|----------|-----|----------|-----|
| 10-10-09 | D.M. | 10-10-09 | DEC | 10-10-09 | DEC | 10-10-09 | DEC |
| 10-10-09 | D.M. | 10-10-09 | DEC | 10-10-09 | DEC | 10-10-09 | DEC |
| 10-10-09 | D.M. | 10-10-09 | DEC | 10-10-09 | DEC | 10-10-09 | DEC |

SCALE: 1" = 100'

FILE NO. 5-000



**ORDINANCE NO. 2011 - 72**

**Ordinance to Rezone Property Located East Side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road (3.77 Acres)  
Hearthstone Multi-Asset Entity, Lot 3, Dunmore Subdivision, Phase Two, Part C (C)**

**WHEREAS**, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-1, Low Density Single Family Residential District to R-4 High Density Single Family Residential District to said property is located East Side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road being more particularly described as follows:

**Legal Description:**

BEING A PORTION OF LOTS 13 AND 14 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.00 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 12.98 FEET, S 89° 20' 37" E 500.00 FEET, N 00° 39' 23" E 42.90 FEET, S 89° 20' 37" E 250.00 FEET, S 00° 39' 23" W 200.00 FEET, S 89° 20' 37" E 200.00 FEET, S 00° 39' 23" W 15.00 FEET, S 89° 20' 37" E 822.82 FEET, N 00° 39' 23" E 10.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 200.00 FEET, S 89° 20' 37" E 140.00 FEET, S 85° 31' 51" E 109.46 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING S 85° 31' 51" E ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN A DISTANCE OF 116.12 FEET TO A POINT; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN S 89° 20' 37" E 75.00 FEET TO A POINT ON THE WEST BOUNDARY OF LOT 15 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY; THENCE ALONG SAID WEST BOUNDARY OF LOT 15 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, RUN S 00° 40' 28" W 683.58 FEET TO THE NORTHEAST CORNER OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS; THENCE ALONG THE NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, RUN S 89° 57' 50" W 482.01 FEET TO A POINT; THENCE RUN N 00° 02' 10" W 175.00 FEET TO A POINT; THENCE RUN N 89° 57' 50" E 27.96 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 11° 52' 57" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 72.59 FEET TO THE P.R.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 07° 26' 11" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 45.43 FEET TO THE P.C.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 17° 02' 37" AND A RADIUS OF 150.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 44.62 FEET TO THE P.C.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 76° 41' 31" AND A RADIUS OF 175.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHEASTWARDLY 234.24 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 00° 40' 28" E 143.11 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 12° 01' 52" AND A RADIUS OF 275.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY 57.75 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 11° 12' 24" W 119.11 FEET TO THE POINT OF BEGINNING. CONTAINING 3.7791 ACRES.

**WHEREAS**, the Planning Commission of the City of Daphne on August 25, 2011 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

**WHEREAS**, after proper publication, a public hearing was held by the City Council on Monday, October 17, 2011 concerning the requested rezoning.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA**, that said property described above is hereby rezoned from R-1, Low Density Single Family Residential District, to R-4 High Density Single Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS \_\_\_\_ day of \_\_\_\_\_, 2011.**

\_\_\_\_\_  
**Cathy S. Barnette, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

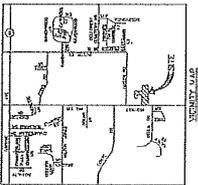
\_\_\_\_\_  
**David L. Cohen**  
**City Clerk, MMC**

HEARTHSTONE MULTI-ASSET ENTITY  
ZONING AMENDMENT  
THE EAST SIDE OF ALABAMA HIGHWAY 181, SOUTH OF AUSTIN ROAD,  
NORTH DICK HIGBEE ROAD

EXHIBIT "A"

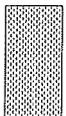
DESCRIPTION OF LOT 3, DUNMORE, PHASE TWO, PART "C":

BEING A PORTION OF LOTS 13 AND 14 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 31, DUNMORE, PHASE ONE, AS PER PLAT RECORDED ON SLIDE NOS. 2414-A AND 2414-B OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE SOUTH BOUNDARY OF SAID DUNMORE, PHASE ONE, RUN AS FOLLOWS: N 00° 39' 23" E 188.58 FEET, S 89° 20' 37" E 14.00 FEET, N 00° 39' 23" E 625.34 FEET, S 89° 20' 37" E 167.00 FEET, N 00° 39' 23" E 2.80 FEET, S 89° 20' 37" E 217.00 FEET, N 00° 39' 23" E 0.95 FEET, S 89° 20' 37" E 347.00 FEET, S 00° 39' 23" W 6.40 FEET, S 89° 20' 37" E 167.00 FEET, S 00° 39' 23" W 135.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 12.98 FEET, S 89° 20' 37" E 500.00 FEET, N 00° 39' 23" E 42.90 FEET, S 89° 20' 37" E 250.00 FEET, S 00° 39' 23" W 200.00 FEET, S 89° 20' 37" E 200.00 FEET, S 00° 39' 23" W 15.00 FEET, S 89° 20' 37" E 822.82 FEET, N 00° 39' 23" E 10.00 FEET, S 89° 20' 37" E 200.00 FEET, N 00° 39' 23" E 200.00 FEET, S 89° 20' 37" E 140.00 FEET, S 85° 31' 51" E 109.46 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING S 85° 31' 51" E ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN A DISTANCE OF 116.12 FEET TO A POINT; THENCE CONTINUING ALONG SAID SOUTH BOUNDARY OF DUNMORE, PHASE ONE, RUN S 89° 20' 37" E 75.00 FEET TO A POINT ON THE WEST BOUNDARY OF LOT 15 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, AS RECORDED IN MISCELLANEOUS BOOK 1, PAGES 290 AND 291 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY; THENCE ALONG SAID WEST BOUNDARY OF LOT 15 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, RUN S 00° 40' 28" W 683.58 FEET TO THE NORTHEAST CORNER OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON SAID PLAT OF HIGHLAND FARMS; THENCE ALONG THE NORTH BOUNDARY OF LOT 19 SITUATED IN SECTION 35, T5S-R2E, AS SHOWN ON PLAT OF HIGHLAND FARMS, RUN S 89° 57' 50" W 482.01 FEET TO A POINT; THENCE RUN N 00° 02' 10" W 175.00 FEET TO A POINT; THENCE RUN N 89° 57' 50" E 27.96 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 11° 52' 57" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 72.59 FEET TO THE P.R.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 07° 26' 11" AND A RADIUS OF 350.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 45.43 FEET TO THE P.C.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 17° 02' 37" AND A RADIUS OF 150.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN EASTWARDLY 44.62 FEET TO THE P.C.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 76° 41' 31" AND A RADIUS OF 175.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHEASTWARDLY 234.24 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 00° 40' 28" E 143.11 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 12° 01' 52" AND A RADIUS OF 275.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, RUN NORTHWARDLY 57.75 FEET TO THE P.T. OF SAID CURVE; THENCE RUN N 11° 12' 24" W 119.11 FEET TO THE POINT OF BEGINNING. CONTAINING 3.7791 ACRES.



ZONING LEGEND

- FROM ZONE R-1 TO R-2
- FROM ZONE R-1 AND R-2 TO R-3
- FROM ZONE R-1 TO R-4



*Shaw*

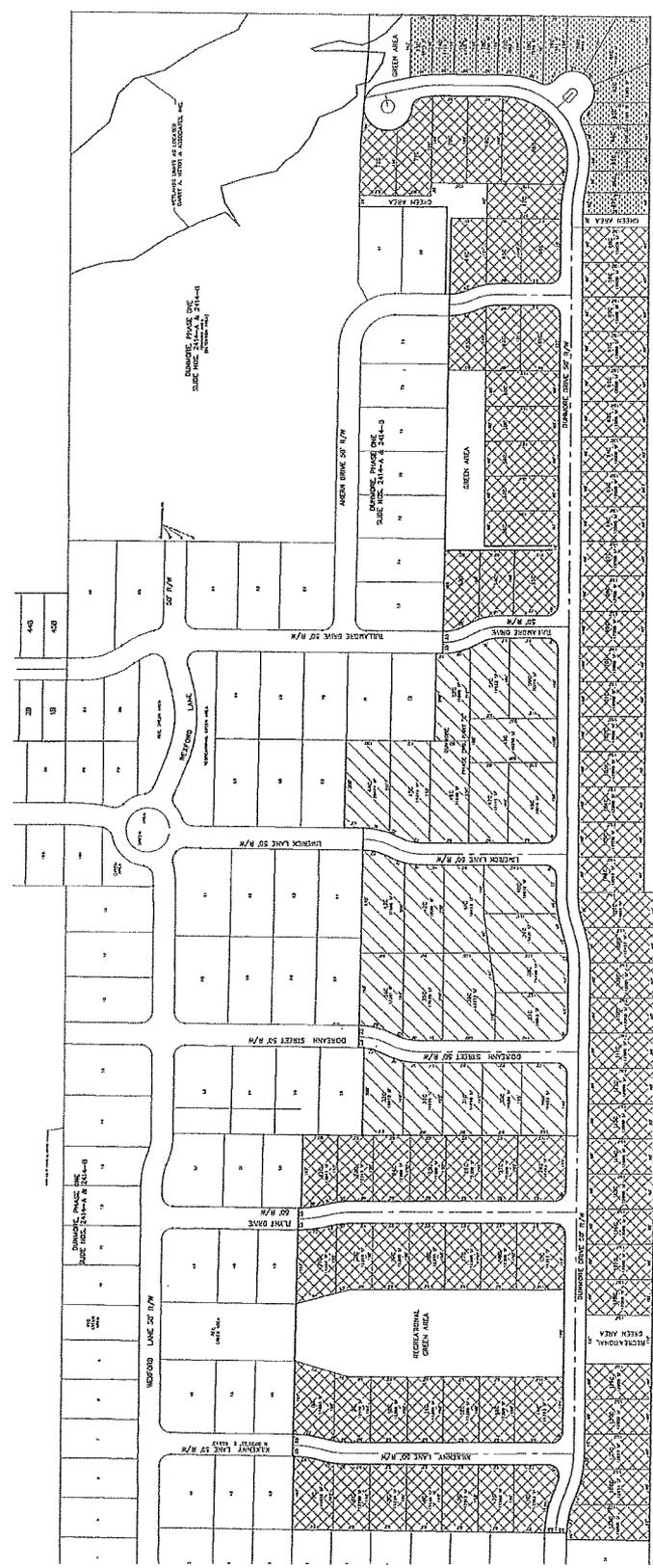
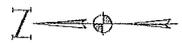


EXHIBIT B  
HEARTHSTONE MULTI-ASSET ENTRY LOT 3

REGISTERED PROFESSIONAL ENGINEER  
REGISTERED LANDSCAPE ARCHITECT  
REGISTERED SURVEYOR

DATE: 10/1/10  
SCALE: 1" = 100'  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
DATE: [Date]

**CITY OF DAPHNE, ALABAMA  
ORDINANCE NO. 2011-73**

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

**WHEREAS**, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on August 25, 2011 , favorably recommended to the City Council of the City of Daphne certain amendments to the Zoning District Map approved and adopted by the Daphne Land Use and Development Ordinance No. 2002-22, referenced in Appendix H "Exhibit A" thereof and amended by Ordinance No. 2003-06, Ordinance No. 2005-11, Ordinance No. 2005-42, Ordinance No. 2006-24, Ordinance No. 2006-73, Ordinance No. 2007-15, Ordinance, 2007-48, Ordinance 2008-56, Ordinance 2009-19, Ordinance 2009-60, Ordinance 2010-66, 2011-20; and

**WHEREAS**, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2002-22, Ordinance 2003-06, Ordinance 2005-11, Ordinance 2005-42, Ordinance 2006-24, Ordinance 2006-73, Ordinance 2007-15, Ordinance 2007-48, Ordinance 2008-56, Ordinance 2009-19 and Ordinance 2009-60, 2010-66, 2011-20; and

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

**WHEREAS**, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on October 17, 2011; and

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

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

**SECTION I: ZONING DISTRICT MAP**

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of Exhibit "A" of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2002-22 and its amendments.

**SECTION II: REPEALER**

Ordinances Nos. 2002-22, Appendix H "Exhibit A", 2003-06, 2005-11, 2005-42, 2006-24, 2006-73, 2007-15, 2007-48, 2008-56, 2009-19, 2009-60 and 2010-66 are specifically repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

**SECTION III: EFFECTIVE DATE**

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

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,  
ALABAMA ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2011.**

---

**CATHY S. BARNETTE,  
COUNCIL PRESIDENT**

---

**FRED SMALL,  
MAYOR**

**ATTEST:**

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**DAVID L. COHEN,  
CITY CLERK, MMC**

**ORDINANCE 2011-74**

**Timber Creek Emergency Drainage Repairs**

**WHEREAS**, the Fiscal Year 2012 Budget is being considered by the City Council;  
and

**WHEREAS**, prior to the adoption of the Fiscal Year 2012 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2012 budget; and

**WHEREAS**, certain drainage repairs are necessary in the Timber Creek Subdivision.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$23,400 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2012 budget for the drainage repairs in Timber Creek Subdivision (property: 8643 & 8659 Pine Run).

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
**Cathy S. Barnette, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk, MMC

**ORDINANCE 2011-75**

**Feasibility Study: Transfer Station - Garbage**

**WHEREAS**, the Fiscal Year 2012 Budget is being considered by the City Council; and

**WHEREAS**, prior to the adoption of the Fiscal Year 2012 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2012 budget; and

**WHEREAS**, the feasibility study for a Transfer Station at Public Works will provide the needed information to evaluate if constructing a transfer station would be cost effective.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$11,500 are hereby appropriated and made a part of the Fiscal Year 2012 budget for the Feasibility Study for the Transfer Station.

**APPROVED AND ADOPTED** by the Mayor and City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
**Cathy S. Barnette, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk, MMC

**ORDINANCE 2011-76**

**Justice Center Roof Repairs Appropriation**

**WHEREAS**, the Fiscal Year 2012 Budget is being considered by the City Council; and

**WHEREAS**, prior to the adoption of the Fiscal Year 2012 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2012 budget; and

**WHEREAS**, the Justice Center has had several issues with the roof leaking during rain storms, and

**WHEREAS**, certain improvements and repairs are needed at the Justice Center to maintain and protect the building.

**WHEREAS**, this project has been bid: Bid document # 2011-BB-PD/Justice Center Re-Roof Project, and

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$590,000 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2012 budget for the repair and maintenance of the Justice Center Roof .

**APPROVED AND ADOPTED** by the Mayor and City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_ , 2011.

\_\_\_\_\_  
**Cathy S. Barnette, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk MMC

**ORDINANCE 2011-77**

**PW Crew Cab Trucks**

**WHEREAS**, the Fiscal Year 2012 Budget is being considered by the City Council; and

**WHEREAS**, prior to the adoption of the Fiscal Year 2012 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2012 budget; and

**WHEREAS**, certain truck replacements are needed for Public Works daily operations.

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$44,424 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2012 budget for two (2) PW Super Crew Cab Trucks.

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
**Cathy S. Barnette, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk MMC

**ORDINANCE 2011-78**

**Fuel Management System Appropriation**

**WHEREAS**, the Fiscal Year 2012 Budget is being considered by the City Council; and

**WHEREAS**, prior to the adoption of the Fiscal Year 2012 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2012 budget; and

**WHEREAS**, this equipment has been bid: Bid document # 2011-AA-Fuel Management System, and

**WHEREAS**, the current Fuel Management System needs to be updated to stay current with technology, and

**NOW, THEREFORE**, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$31,994.40 (*System -\$29,984.40 + Maintenance-\$2,010*) from the General Fund are hereby appropriated and made a part of the Fiscal Year 2012 budget for the repair and maintenance of the Fuel Management System Roof Roof.

**APPROVED AND ADOPTED** by the Mayor and City Council of the City of Daphne, Alabama, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
**Cathy S. Barnette, Council President**

\_\_\_\_\_  
**Fred Small, Mayor**

**ATTEST:**

\_\_\_\_\_  
David L. Cohen, City Clerk, MMC