

**CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
FEBRUARY 18, 2013
6:30 P.M.**

- 1. CALL TO ORDER**
- 2. ROLL CALL/INVOCATION
PLEDGE OF ALLEGIANCE**

- 3. APPROVE MINUTES:** Council meeting minutes / February 4, 2013
Council Work Session minutes / February 11, 2013

SWEARING IN: Judge Michael Hoyt / Judge Jody Bishop

PRESENTATION: Ruff Wilson Youth Organization / Starke Irvine / Tom Lott / Barbara Brown

PROCLAMATION: Arbor Day / February 23, 2013

PRESENTATION: Beautification Quarterly Award / Rebecca Trosclair

PRESENTATION: Baldwin County Board of Education / David Tarwater / Jonathon Ellis – Daphne Elementary / Dana Horst Bottoms – W.J. Carroll Elementary / Mark Doherty – Daphne East Elementary / Tom Hartner – Daphne Middle School / Dr. Meredith Foster – Daphne High School / Denise D’Oliveira – S.E.E.D.S.

PUBLIC HEARINGS:

1. Revisions to Zoning Map
Recommendation: Unanimous Favorable / **Ordinance 2013-11**
2. 5th Amendment to Ordinance 2011-54, Land Use & Development Ordinance / Appendix O, Low Impact Development & Green Infrastructure / **Ordinance 2013-12**

MOTION: Set Special Called Council Meeting Date to Interview for District 7 Vacancy

MOTION: Elect Council President Pro tem

CITY CLERK POSITION CANDIDATES

MOTION: Set Special Called Council Meeting Date to Interview for City Clerk Position

MOTION: Set Council Retreat Date for March 24, 2013 1:00 p.m. at the Bayfront Park Pavilion

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Conaway
Review minutes / February 11th

1. Resolutions:

- a.) Bid Award: (3) Hydraulic Recycling Trailers 16’ / Pro-Trainer, Inc. / **Resolution 2013-10**
- b.) Prepaid Travel / Rick Whitehead / Florida Digital Governmental Summit / Tallahassee, FL / May 15-18, 2013 / \$140 / **Resolution 2013-11**
- c.) Designate HMR, LLC as the project consultant for the ATRIP project / Lake Forest Phase III / Consulting Services / **Resolution 2013-12**

2.) Motions:

- a.) Motion to go out to Bid/Obtain quotes as required for roof repairs for City Hall (old part of building) and Nicholson Center

3.) Financial Reports:

- a.) Treasurers Report / January 31, 2013
- b.) Sales and Use Tax Collections / December 31, 2012
- c.) Lodging Tax Collections / December 31, 2012
- d.) Summary Statement: Revenues & Expenditures w/Comparatives / December 2012

B. BUILDINGS & PROPERTY - Haygood
Review minutes / January 7th

C. PUBLIC SAFETY - LeJeune

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Fry
Review minutes / February 13th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - LeJeune

MOTION: Authorizing the Mayor to approve the Change Order #1 (Attached), in the amount of \$61,150.00, to SJ&L, Inc., Civil Contractors, for Phase 1 of the Daphne Sports Complex Project expanding the scope of work to include the downstream channel and wetland restoration with the understanding that the change in scope of work is less than 10% of the project total and there is no conflict with public bid law.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments** – Adrienne Jones
- B. Downtown Redevelopment Authority** - Conaway
- C. Industrial Development Board** - Haygood
- D. Library Board** - Lake
- E. Planning Commission** – Scott

Review minutes / December 20, 2012

- a.) Set a Public Hearing date for **March 18, 2013** to consider:

Rezoning Amendment / Lynne R. Brown

Location: Northwest of the intersection of 6th Street and Dryer Avenue

Present Zoning: R-2, Medium Density Single Family Residential District

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

Recommendation: Favorable

F. Recreation Board - LeJeune

G. Utility Board - Fry

6. REPORTS OF OFFICERS:

- A. Mayors Report**
- B. City Attorney's Report**
- C. Department Head Comments**

City Clerk Report:

- a.) Band Permit / Extend stop time for music one (1) hour / Beth Pierce / Wedding Reception / June 15, 2013
- b.) Parade Permit / Daphne United Methodist Church / Annual 5K and Fun Run / March 30, 2013

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Repealing Resolution 2009-73 and Establishing Policy for Procurement of "On Call" and Project Engineering Services for the City of Daphne. /Resolution 2013-08**
- b.) **Recognizing the Daphne High School International Baccalaureate Program Class of 2013. /Resolution 2013-09**
- c.) **Bid Award: (3) Hydraulic Recycling Trailers 16' / Pro-Trainer, Inc. /Resolution 2013-10**
- d.) **Prepaid Travel / Rick Whitehead. /Resolution 2013-11**
- e.) **ATRIP / Resurface Ridgewood Drive & Bayview Drive from Dunbar Loop to Rolling Hill Drive (Lake Forest Phase III) / Consulting Services. /Resolution 2013-12**

ORDINANCES:

IST READ

- a.) **Revisions to Zoning Map. /Ordinance 2013-11**
- b.) **Amend Land Use & Development Ordinance / Appendix O, Impact Development & Green Infrastructure. /Ordinance 2013-12**

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING
ROLL CALL**

CITY COUNCIL:

COUNCILWOMAN CONAWAY	PRESENT __	ABSENT __
COUNCILMAN RUDICELL	PRESENT __	ABSENT __
COUNCILMAN LAKE	PRESENT __	ABSENT __
COUNCILMAN FRY	PRESENT __	ABSENT __
COUNCILMAN SCOTT	PRESENT __	ABSENT __
COUNCILMAN LEJEUNE	PRESENT __	ABSENT __
COUNCILMAN	PRESENT __	ABSENT __

MAYOR:

MAYOR HAYGOOD	PRESENT __	ABSENT __
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INTERIM CITY CLERK:

REBECCA HAYES	PRESENT __	ABSENT __
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CITY ATTORNEY:

JAY ROSS	PRESENT __	ABSENT __
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**FEBRUARY 4, 2013
CITY COUNCIL MEETING
BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

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1. CALL TO ORDER

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Councilman John Lake gave the invocation.

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

Also present: Rebecca Hayes, Interim City Clerk; Jay Ross, City Attorney; Adrienne Jones, Planning Director; David Carpenter, Police Chief; James White, Fire Chief; Richard Johnson, Public Works Director; Vickie Hinman, Human Resource Director; Margaret Thigpen, Civic Center Director; Richard Merchant, Building Official; Tonja Young, Library Director; David McKelroy, Recreation Director; Suzanne Henson, Senior Accountant; Jane Ellis, Mayors Assistant; Rick Whitehead, IT Coordinator; Officer Houston Sanders, Police Department; Larry Cooke, BZA; Bob Segalla, Utility Board; Willie Robison, BZA; Philip Durant, BZA; Dorothy Morrison, Beautification Committee; Selena Vaughn, Beautification Committee; Darrelyn Bender, Eastern Shore Chamber of Commerce

Absent: Kim Briley, Finance Director.

**3. APPROVE MINUTES: JANUARY 22, 2013 COUNCIL MEETING & JANUARY 29, 2013
SPECIAL CALLED COUNCIL MEETING MINUTES**

There were no corrections to the January 22, 2013 council meeting minutes or the January 29, 2013 Special Called council meeting minutes, and they stand as approved.

ATTORNEY GENERALS OPINION ON FILLING VACANCY OF

Mr. Ross discussed the opinion from the Attorney General on the process for filling the Mayor's position. The process will be as out lined in the AL Code §11-44G-2. According to that code section for Class 7 & 8 cities of 12,000 or more the selection of the Mayor lies with the city council for appointment. The process Mr. Ross outlined for council to consider is as follows:

- Each member will nominate one (1) person from council or any qualified elector, they cannot nominate themselves nor vote for themselves
- No requirement for a second to be made for nominations
- When concluded chairman closes nominations. There is no requirement that the chairman have a second to open or close nominations. If there is a default or someone wants to make another nomination after nominations are closed it can be reopened or closed by a 2/3 vote of council.
- The suggested process, as has been done in the past, is each council member nominated one (1) person, and the votes will start with the first person nominated, then to the next one nominated, so if there are seven (7) people, say Jay Ross is nominated first, and he gets four (4) votes then there would be no other votes for the other nominees. So the first person to get four (4) votes becomes Mayor.
- If after nominations and votes are taken and someone gets four (4) votes the City Clerk is empowered by state law to swear that person in, and that person will become the Mayor upon swearing in.
- If the Mayor is Mr. Scott then Mr. Haygood would assume the position of Council President, unless or until, council decides otherwise.

**FEBRUARY 4, 2013
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Mr. Ross asked council if a vacancy occurs on council this evening that council declare that seat vacant, and council will have 60 days from this date to fill the seat for the rest of the term.

MOTION BY Councilwoman Conaway to adopt the following process for appointing someone to fill the office of the Mayor:

- 1. Each member will nominate one (1) person from council or any qualified elector, they cannot nominate themselves nor vote for themselves**
- 2. No requirement for a second to be made for nominations**
- 3. When concluded chairman closes nominations. There is no requirement that the chairman have a second to open or close nominations. If there is a default or someone wants to make another nomination after nominations are closed it can be reopened or closed by a 2/3 vote of council.**
- 4. The suggested process, as has been done in the past, is each council member nominated one (1) person, and the votes will start with the first person nominated, then to the next one nominated, so if there are seven (7) people, say Jay Ross is nominated first, and he gets four (4) votes then there would be no other votes for the other nominees. So the first person to get four (4) votes becomes Mayor.**
- 5. If after nominations and votes are taken and someone gets four (4) votes the City Clerk is empowered by state law to swear that person in, and that person will become the Mayor upon swearing in.**
- 6. If the Mayor is Mr. Scott the Mr. Haygood would assume the position of Council President, unless or until, council decides otherwise.**

Seconded by Councilman Lake

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Council President Scott opened the floor for nominations.

- Councilman Rudicell nominated Ron Scott.
- Councilman Haygood nominated John Lake.
- Councilman LeJeune nominated Dane Haygood.

There were no other nominations.

Council President Scott closed the nominations.

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VOTING FOR MAYOR

RON SCOTT

NAME	VOTES	TOTAL
Conaway	NAY	0
Rudicell	NAY	0
Lake	NAY	0
Fry	AYE	1
Scott	ABSTAIN	0
LeJeune	AYE	1
Haygood	AYE	1

TOTAL 3

FAILED

**FEBRUARY 4, 2013
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VOTING FOR MAYOR

JOHN LAKE

NAME	VOTES	TOTAL
Conaway	AYE	1
Rudicell	NAY	0
Lake	ABSTAIN	0
Fry	NAY	0
Scott	AYE	1
LeJeune	NAY	0
Haygood	AYE	1

TOTAL 3

FAILED

VOTING FOR MAYOR

DANE HAYGOOD

NAME	VOTES	TOTAL
Conaway	NAY	0
Rudicell	AYE	1
Lake	AYE	1
Fry	AYE	1
Scott	AYE	1
LeJeune	AYE	1
Haygood	ABSTAIN	0

TOTAL 5

COUNCILMAN HAYGOOD BECOMES THE MAYOR

Mr. Haygood was sworn into office by the City Clerk, Rebecca A. Hayes.

Mr. Haygood took the seat of the Mayor.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Conaway

There is a resolution to be considered later in the meeting. The next meeting will be February 11th at 4:00 p.m.

B. Buildings and Property Committee – Lake

The committee met earlier this evening, and the minutes will be in the next packet.

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C. PUBLIC SAFETY COMMITTEE – Rudicell

No report. The next meeting will be February 13th.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Fry

The committee reviewed the Trash ordinance and made some revisions to the debris pickup fees which is on the agenda tonight for approval. The next meeting will follow the Public Safety meeting February 13th.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – LeJeune

The minutes for the January 22nd meeting are in the packet. Phase II of the Lake Forest project is moving along smoothly. The next meeting will be February 18th.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

No report.

B. Downtown Redevelopment Authority – Conaway

The minutes for the November 26, 2012 meeting are in the packet.

C. Industrial Development Board – Haygood

The minutes for the January 28th meeting are in the packet.

D. Library Board – Lake

The next meeting will be February 14th at 4:00 p.m. There are two (2) more seminars on WWII.

E. Planning Commission – Scott

The Site Review meeting will be February 20th, and there is a Special Called Planning Commission meeting on February 7th at 4:00 p.m.

F. Recreation Board - LeJeune

No report.

G. Utility Board – Fry

There is an ordinance on the agenda tonight regarding easements for the Jubilee Square Shopping Center, and the next meeting will be February 27th at 5:00 p.m.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

No report.

B. City Attorney's Report

Mr. Ross congratulated Mr. Haygood on becoming Mayor. He asked council to declare Mr. Haygood's council seat vacant.

MOTION BY Councilman Lake to declare Council District 7 seat vacant. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman LeJeune to set a deadline of Monday February 18, 2013 5:00 p.m. as the cutoff date to receive resumes for the Council District 7 seat vacancy. *Seconded by Councilman Rudicell.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mr. Ross stated that the approval by council for the easements are required by state law for closing the sale of Jubilee Square Shopping Center.

Mr. Ross asked Mrs. Jones to discuss the reason for the six month moratorium on adult entertainment and tattoo establishments.

Mrs. Jones said that she had a call regarding establishment of a tattoo parlor, and had a visit in her office from someone asking about establishment of a lingerie and novelty shop. Currently the Land Use Ordinance does not have provisions that directly address this. There are regulations in the business license information that talks about adult establishments. So in order for staff not to be in a position of not knowing what to do when an application comes forward she recommends council setting a moratorium on both of those uses so that they can develop language that would be easy to follow, and to make sure not to get the city in a position where it ends up in a lawsuit. In most cases adult establishments cannot be prohibited so there has to be language in the ordinance that allows them to go somewhere, and at this time the ordinance does not have that language. She thinks the city is in a vulnerable position, and in order to get the city out of that they need to come up with some language in the ordinance.

Mr. Ross recommended a six (6) month moratorium, and if the amendment to the Land Use Ordinance is not ready by that time council can extend it.

MOTION BY Councilman Lake to approve a moratorium on establishment of adult entertainment stores and tattoo parlors in the City of Daphne for 180 days starting today February 4, 2013. *Seconded by Councilman LeJeune.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Mr. Ross asked council to adjourn into executive session at the end of the meeting to discuss the sale or purchase of real estate.

C. Department Head Comments

David McKelroy – Recreation Director – reported that spring registration is going on. The Southern Shootout Soccer Tournament is next weekend, February 15th and 16th with 50 teams registered and 30 are out of town teams.

Richard Johnson – Public Works Director – reported that the Governor awarded the second phase of the ATRIIP funds. The project selected was the intersection of County Road 13 and County Road 64 which will be a county and city project with the county taking the lead. He said there is one more round of ATRIP to come. He will be coming to council to discuss which project they want to submit.

Adrienne Jones – Planning Director – reported that the zoning and annexation of The Retreat at Tiawasee that was pulled from the agenda has been submitted to the county and city as a subdivision plan. They have also received an application for a Popeye’s Chicken restaurant.

Rebecca Hayes – Interim City Clerk – reported that there is a parade permit that needs council approval on the agenda and asked council for a motion to approve.

MOTIONBY Councilwoman Conaway to approve the permit for the Loyal Order of the Fire Truck Parade / February 10, 2013. *Seconded by Councilman LeJeune.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

7. PUBLIC PARTICIPATION

Mr. Douglas Dugat - Sehoj Subdivision - commended council for the appointment tonight, and is proud to live in Daphne, and spoke of changing the way the Mayor is replaced.

Mr. Rod Drummond – 367 Ridegwood Drive – congratulated the new Mayor, and spoke of the five (5) year old hostage being released today, and was disappointed that no one nominated the person that received 50% of the vote during the election.

Mr. Kevin Spriggs – Business Owner in Daphne – congratulated the new Mayor, and spoke regarding business logo’s on exit 35 and asked that a slide show be given at a work session on rejuvenation of blighted areas. He feels the money is wasted by giving \$35,000 to the Chamber for Blue Print for a Better Tomorrow.

Mr. David Preston – Daphne – congratulated the new Mayor, and spoke regarding filling the vacancy of the Mayor.

Mr. Kerry O’Connor – Eastern Shore Chamber of Commerce –congratulated the new Mayor, and thanked council for their past and continued support of the Chamber.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

**a.) Approve Lease Purchase Agreement with Hancock Bank /
Garbage Truck & Mowers/Resolution 2013-06**

b.) Engineering Analysis for City’s Communication Tower...../Resolution 2013-07

MOTION BY Councilwoman Conaway to waive the reading of Resolutions 2013-06 and 2013-07. *Seconded by Councilman Fry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Conaway to adopt Resolution 2013-06. *Seconded by Councilman Fry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Conaway to adopt Resolution 2013-07. *Seconded by Councilman Fry.*

MOTION BY Councilman LeJeune to amend the dollar amount not to exceed \$12,000 instead of \$25,000. *Seconded by Councilman Rudicell.*

VOTE ON AMENDMENT

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

VOTE ON ORIGINAL MOTION AS AMENDED

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

- 2ND READ**
- a. **Trash Ordinance/Ordinance 2013-04**
 - b.) **Rezone: GCOF Retreat at Tiawasee, LLC/Ordinance 2013-05**
 - c.) **Annexation: GCOF Retreat at Tiawasee, LLC/Ordinance 2013-06**
 - d.) **Appropriation of Funds: Bullet Proof Vests Replacement/Ordinance 2013-07**
 - e.) **Job Reclassification: Mayors Assistant. /Ordinance 2013-08**
 - f.) **Contribution: Blue Print for a Better Tomorrow/Ordinance 2013-09**
- 1ST READ**
- g.) **Consenting to the Vacation and Conveyance of Certain Easements
 by the Utilities Board of the City of Daphne. /Ordinance 2013-10**

MOTION BY Councilman LeJeune to waive the reading of Ordinances 2013-04, 2013-05, 2013-06, 2013-07, 2013-08 and 2013-09. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Rudicell to adopt Ordinance 2013-04, 2013-05, 2013-06, 2013-07, 2013-08 and 2013-09. *Seconded by Councilman Haygood.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman LeJeune to suspend the rules to consider Ordinance 2013-10. *Seconded by Councilman Fry.*

ROLL CALL VOTE

Conaway	Aye	LeJeune	Aye
Rudicell	Aye	Scott	Aye
Lake	Aye		
Fry	Aye		

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Fry to waive the reading of Ordinance 2013-10. *Seconded by Councilman LeJeune.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Fry to adopt Ordinance 2013-10. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

9. COUNCIL COMMENTS

Mayor Haygood thanked council for entrusting him with this great opportunity. He is grateful and humbled for the opportunity to serve the City of Daphne. He is certainly not the most experienced on the council, and he pledged to work with council hand in hand, and he will work hard, and he thinks they can continue to work as a team just as Mayor Yelding had envisioned. He thinks they can accomplish a lot working together. He said the emotions are still tempered with a little bit of heavy heart and sadness that they had to go through this process. He thinks that they all wished that they did not have to have this appointment. Mayor Yelding left some BIG shoes to fill, shoes that he cannot fill, not just what he accomplished while in office, but what he accomplished as a man. He certainly looks forward to working with council, hopefully, they will have a great relationship, and continue what they started in moving Daphne forward, and will continue to move Daphne forward.

Councilwoman Conaway congratulated Mayor Haygood, and look forward to working with him.

Councilman Rudicell congratulated Mayor Haygood, and said as long as he considered all the opinions and considered all the facts he will do fine.

Councilman Lake congratulated Mayor Haygood. He said that there was a lot of talking around City Hall, and he thinks no one can say that he did not keep his word. He said the city will be well served, and he hopes they will look back at this in four (4) years and all will say they made the right decision. He looks forward to serving and seeing what they can do in the next four (4) years.

Councilman Fry congratulated Mayor Haygood. He said they have full faith and confidence in him. He appreciated that he spoke well of Mayor Yelding on unity, and the city moving forward. He will tell all, that at least as from his standpoint, all options were considered and he has faith in the decision that was made, and he asked that they come together and support the city which they all care about so deeply

Councilman LeJeune congratulated Mayor Haygood, and wished him good luck.

Councilman President Scott congratulated Mayor Haygood, and said he has had the opportunity of working with him in the last three (3) plus months, and found him to be extremely bright and extremely detailed oriented. He knows Mayor Yelding wanted to move the city forward, and he thinks Mayor Haygood will take the same attitude. He appreciates the councils demeanor and professionalism in the selection process.

10. ADJOURN

MOTION BY Councilman Lake to adjourn into Executive Session to discuss the purchase or sell of real estate. *Seconded by Councilwoman Conaway.*

The City Attorney certified that the above mentioned reason is an appropriate reason to enter into Executive Session according to the Open Meetings Act.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:35 P.M.

Respectfully submitted by,

Certification of Presiding Officer:

Rebecca A. Hayes,
Interim City Clerk

Ron Scott,
Council President

FEBRUARY 11, 2013
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1

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

Also present: Mayor Dane Haygood; Rebecca Hayes, Interim City Clerk; Scott Hetrick, Attorney; Britton Bonner, Attorney, Kyle Navarro, Attorney; Richard Johnson, Public Works Director; Vickie Hinman, Human Resources Director; Sherree Hilburn, Payroll and Benefits; Rick Whitehead, IT Coordinator; Joe Lemoine, Planning Commission; Selena Vaughn, Beautification Committee; Willie Robison, BZA; Douglas Dugat.

Absent: Jay Ross, City Attorney.

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

1. RETAIL STRATEGIES / CHUCK BRANCH, CHARLES BRANCH & ROBERT JOLLY:

Mr. Chuck Branch and Mr. Robert Jolly gave a power point presentation on a plan to bring businesses into the City of Daphne.

2. REVISIONS TO THE EMPLOYEE HANDBOOK / VICKIE HINMAN / HUMAN RESOURCE DIRECTOR & SCOTT HETRICK, CITY ATTORNEY

Mr. Hetrick stated the revisions are to Chapter 9 of the handbook dealing with the attendance policy, FMLA and military leave. These revisions are needed to make it compliant as Federal laws have changed since 2009 when the handbook was last revised.

3. CREATING A STRATEGIC PLAN / ERIC NAGER, ERNIE BERGER & TIM SWANSON

Mr. Nager presented their plan for drafting a strategic plan for the city. They will be contacting department heads for their input.

4. ENGINEERING SERVICES / RICHARD JOHNSON / PUBLIC WORKS DIRECTOR

Mr. Johnson discussed a procurement plan for hiring engineers for city projects to make it more equitable for area engineering firms in the area. He said in no way is this a criticism of Hutchinson, Moore and Rauch. He recommended two types of agreements:

1. Rotation of Projects
2. On Call Services

He said that Request For Qualifications will be sent out to area engineering firms. The agreements will be brought to council for approval.

Council President Scott allowed representatives of area engineering firms to speak.

Mr. John Peterson with Hatch Mott McDonald spoke giving a synopsis of his company.

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CITY COUNCIL WORK SESSION
1705 MAIN STREET
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Mr. Joe Bullock with Preble Rish spoke giving a synopsis of his company

Mr. Andy James with Volkert & Associates spoke giving a synopsis of his company.

Mr. Ray Moore with Hutchinson, Moore & Rauch spoke giving a synopsis of his company.

Council President Scott said that Resolution 2009-73 naming Hutchinson, Moore & Rauch as sole engineer for the city will be rescinded at a future council meeting.

5. SIGN ORDINANCE / HANDOUT OF PLANNING COMMISSION RECOMMENDATIONS ON MONDAY

Council received the handout of the recommendations by the Planning Commission detailing the revisions. They addressed A-Frame (sandwich board) signs, banners and promotional advertising. Council wants to consider all the changes to the sign provisions at the same time instead of piece milling it.

Council President Scott requested that the City Clerk position be on the agenda to narrow down the candidates for interviewing.

6. ADJOURN

There being no further business to discuss the meeting adjourned at 8:51 p.m.

Respectfully submitted by,

**Rebecca A. Hayes,
Interim City Clerk**

Certification of Presiding Officer:

**Ron Scott,
Council President**

Office of the Mayor
City of Daphne

PROCLAMATION

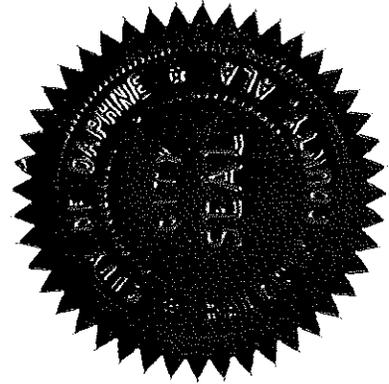
ARBOR DAY
February 23, 2013

WHEREAS, the City of Daphne has been recognized
by *The National Arbor Day Foundation* as a *Tree City USA*, and

WHEREAS, trees reduce erosion, cut heating and cooling costs, clean the air,
produce oxygen and provide habitat for wildlife, and

WHEREAS, trees in our City increase property values and beautify our community.

NOW THEREFORE, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DAPHNE do hereby proclaim
February 23, 2013 as ARBOR DAY in the City of Daphne, and urge all citizens to plant trees, and to support efforts to
protect our trees and woodlands for this and future generations.




Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, Interim City Clerk

**PUBLIC HEARING
FOR COUNCIL MEETING
FEBRUARY 18, 2013**

TO CONSIDER:

- 1. Revision to Zoning Map
Recommendation: Unanimous Favorable**

- 2. 5th Amendment to Ordinance 2011-54 / Land Use &
Development Ordinance / Appendix O, Low Impact
Development & Green Infrastructure
Recommendation: Unanimous Favorable**

To: Office of the City Clerk
From: Adrienne D. Jones, 
Community Development Director
Subject: Revised City of Daphne Zoning Map
Date: December 28, 2012

MEMORANDUM

At the December 20, 2012, 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 revision to the zoning map.

Attached please find the appropriate documentation and action of the Daphne Planning Commission for placement on the City Council agenda of Monday, January 7, 2013 City Council agenda to set the public hearing for Monday, February 4, 2013.

The City Attorney has been given the pertinent information to prepare said Ordinance.

Thank you,
ADJ/jv

cc: file

attachment(s)

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

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2013-11**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on December 20, 2012, 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. 2011-54 and amended by Ordinances No. 2011-73 and 2012-19 and 2012-54; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinances 2011-73 and 2012-19 and 2012-54; 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 February 18, 2013; 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. 2011-54 and its amendments.

SECTION II: REPEALER

Ordinance No. 2011-54, Appendix H "Exhibit A", Ordinances No. 2011-73 and 2012-19 and 2012-54 is hereby repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE ____ DAY OF _____, 2013.

**DANE HAYGOOD,
MAYOR**

ATTEST:

**REBECCA A. HAYES,
INTERIM CITY CLERK**

To: Office of the City Clerk

MEMORANDUM

From: Adrienne D. Jones,
Community Development Director

Subject: 5th Amendment to Ordinance 2011-54, Land
Use and Development Ordinance, Appendix
O, Low Impact Development & Green
Infrastructure

Date: December 27, 2012

At the December 20, 2012, 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 revision to the Land Use and Development Ordinance.

Attached please find the appropriate documentation and action of the Daphne Planning Commission for placement on the City Council agenda of Monday, January 7, 2013 City Council agenda to set the public hearing for Monday, February 4, 2013.

The City Attorney has been given the pertinent information to prepare said Ordinance.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Community Development Report

AMENDMENT #1
to
CONTRACT FOR PROFESSIONAL SERVICES
between
THE MOBILE BAY NATIONAL ESTUARY PROGRAM and
City of Daphne, Alabama

RE: **"Low Impact Development/Green Infrastructure Regulations and Incentives Program"**

This amendment to the contract for professional services made by and between the Mobile Bay National Estuary Program (herein referred to as "Agency") and City of Daphne (herein referred to as Sub Contractor) is hereby incorporated into the original contract as follows:

Changes to be made:

ARTICLE 2 - PERIOD OF PERFORMANCE

This contract shall be in force from June 1, 2011 to March 31, 2013. If the term of this Agreement extends beyond March 31, 2013 this Agreement may be amended by the mutual written agreement of both parties.

In witness whereof, the parties hereto have executed this amendment on this 1 day of October, 2012.

By: John Valentine
John Valentine, Ph.D, Executive Director
Dauphin Island Sea Lab

By: Roberta A. Swann
Roberta Arena Swann, Director
Mobile Bay National Estuary Program

By: Bailey Yelding, Sr.
Bailey Yelding, Sr., Mayor
City of Daphne, Alabama

extension approved - deadline March 31, 2013

LOW IMPACT DEVELOPMENT/GREEN INFRASTRUCTURE REGULATIONS AND INCENTIVES PROGRAM

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."

*excerpt
from
application*

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

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.

PROJECT TIME FRAME-KEY PROGRESS BENCH MARKS

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

Note: Benchmarks may change due to council scheduling and other unforeseen complications.

Planning Commission



Low Impact Development & Green Infrastructure Amendment to Land Use & Development Ordinance

December 2012 Planning Report

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2013-12_**

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance
Appendix O, Low Impact Development & Green Infrastructure**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regular meeting held on December 20, 2012, considered certain proposed amendments to the City of Daphne Land Use and Development Ordinance, Ordinance No. 2011-54, and any amendments to the same; and,

WHEREAS, after such consideration the Planning Commission sent a favorable recommendation to the City Council of the City of Daphne for the approval of said amendments to the City of Daphne Land Use and Development Ordinance; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on February 18, 2013; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission, deemed that said amendments to the City of Daphne Land Use and Development Ordinance are proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and,

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

SECTION I. AMENDMENT

- a. Table of Contents to said Ordinance shall be amended to include **Appendix O: Low Impact Development/Green Infrastructure (LID/GI) Project Application;**
- b. Article 18-1(A) shall be amended to read in its entirety as follows:

18-1 GENERAL

A. Purpose:

The purpose of this section is to provide a guide for development wherein the ecological impacts to the environment are minimized through appropriate design, landscaping, erosion control, stormwater management, and proper planning. The intent of the City of Daphne is to protect valuable natural resources, the natural environment and the quality of life for all its citizens. In order to preserve the integrity, stability and the value of land, the City encourages the use of innovative, LEED-certified (Leadership in Energy and Environmental Design) and/or other "green" practices in development design. Where such methods/practices are proposed for a development said practices shall be designed in accordance with Appendix O, The Low Impact Development and Green Infrastructure Project application and certified by a credentialed professional in his/her design field.

- c. Appendix O: Low Impact Development/Green Infrastructure (LID/GI) Project Application as attached to this Ordinance, shall be added to the Land Use Ordinance in its entirety.

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

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2013.

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

DANE HAYGOOD, MAYOR

ATTEST:

**REBECCA A. HAYES,
INTERIM CITY CLERK**

**Low Impact Development / Green Infrastructure (LID/GI)
Project Application**

APPENDIX O

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1. Bioretention

Refer to Chapter 1 of Low Impact Development Guidebook, Phase I Edition V1.0, September 30, 2010.

2. Rainwater Harvesting

Refer to Chapter 2 of Low Impact Development Guidebook, Phase I Edition V1.0, September 30, 2010.

3. Constructed Stormwater Wetlands

Refer to Chapter 3 of Low Impact Development Guidebook, Phase I Edition V1.0, September 30, 2010.

4. Permeable / Porous Pavement

Refer to Chapter 4 of Low Impact Development Guidebook, Phase I Edition V1.0, September 30, 2010.

5. Riparian Buffers

5.1 Overview

Riparian buffer areas protect water quality by cooling water, stabilizing banks, mitigating flow rates, and providing for pollution and sediment removal by filtering overland sheet runoff before it enters the water. The Environmental Protection Agency defines buffer areas as, "areas of planted or preserved vegetation between developed land and surface water, [which] are effective at reducing sediment and nutrient loads." (SEMCOG, 2008)

5.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Low/Med	<ul style="list-style-type: none"> • Improves water quality; • Reduces runoff velocity and flow; • Enhances aesthetics, habitat; • Reduces shore/bank erosion; • Improves flood control; and • Reduces water temperature. 	<ul style="list-style-type: none"> • Limited in reducing total runoff volumes; and • Size of lot and/ or project may reduce ability to protect riparian buffers.
Commercial	Yes	Maintenance	Low		
Industrial	Yes	Soils	All		
Retrofit	Yes	Sun/Shade	Sun/p. shade		
Highway/Road	Limited	Stormwater Quantity Function	Low/ Med		
Recreational	Yes	Stormwater Quality Function	High/Med High		
Steep slopes	No	Habitat	Med/high		
Shallow Water Table	Yes	Drainage area	Small/med		
Poorly Drained Soils	Yes	Space required	med		

Source: SEMCOG, 2008.

5.3 Design Considerations

Applicant shall consider the following when protecting the proper riparian buffer area width and related specifications:

- Existing or potential value of the resource to be protected,
- Site, watershed, and buffer characteristics,
- Intensity of adjacent land use, and
- Specific water quality and/or habitat functions desired.

Riparian buffers shall be divided into different zones that include vegetation to enhance the quality of the body of water.

Zone 1

Also termed the "streamside zone," shall begin at the edge of the stream bank of the active channel and extend a minimum distance of 50 feet (*City of Daphne Land Use & Development Ordinance Article 18-3 C(3)*), measured horizontally on a line perpendicular to the water body. Undisturbed vegetated area shall protect the physical and ecological integrity of the stream ecosystem. The vegetative target for the streamside zone is undisturbed native woody species with native plants forming canopy, understory, and duff layer. Where such forest does not grow naturally, native vegetative cover appropriate for the area (such as grasses, forbs, or shrubs) shall be installed.

Zone 2

Also termed the "middle zone," shall extend immediately from the outer edge of Zone 1 for a minimum distance of 55 feet (ADEM 20-100'). This managed area of native vegetation shall protect key components of the stream ecosystem and provide distance between upland development and the streamside zone. The vegetative target for the middle zone is either undisturbed or managed native woody species or, in its absence, native vegetative cover of shrubs, grasses, or forbs. Undisturbed forest, as in Zone 1, is encouraged strongly to protect future water quality and the stream ecosystem. Otherwise, native vegetative cover appropriate for the area (such as grasses, forbs, or shrubs) shall be installed.

Zone 3

Also termed the "outer zone," shall extend a minimum of 20 feet immediately from the outer edge of Zone 2. This zone prevents encroachment into the riparian buffer area, filters runoff from adjacent land, and encourages sheet flow of runoff into the buffer. The vegetative target for the outer zone shall consist of native woody and herbaceous vegetation to increase the total width of the buffer; native grasses and forbs are acceptable.

5.4 Maintenance

The following maintenance activities are required with riparian buffers:

Task	Frequency/Notes
Irrigation	Twice per week for 6 weeks after planting; continued as needed during severe drought.
Dead vegetation removal and replacement	Annual.
Check for streambank erosion or gullies	Annual, repair as needed.
Mowing of turfgrass	As needed, more often in summer months. Minimum 3-5", max 12".
Check for invasive / nonnative plants	Annual, remove as needed.
Mowing of native grasses	Annual, before new growth in spring.
Correction of wildlife damage	As needed.
Repair damaged fencing	As needed (as applicable).
Tree thinning	As needed. Those with >2" diameter should not be removed. Thinning shall not occur until proper tree density or cover is present.

6. Level Spreaders

6.1 Overview

Level spreaders promote infiltration and improve water quality by evenly distributing flows over a stabilized, vegetated surface. This allows for better infiltration and treatment. There are two types of level spreaders:

Inflow

Inflow level spreaders are meant to evenly distribute flow entering into another structural BMP, such as a filter strip, infiltration basin, or vegetated swale. Examples of this type of level spreader include concrete sills and earthen berms.

Outflow

Outflow level spreaders are intended to reduce the erosive force of high flows while at the same time enhancing natural infiltration opportunities. Examples of this second type include earthen berms and a level, perforated pipe in a shallow aggregate trench and flow reaches the spreader via the solid pipe. (SEMCOG, 2008).

6.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Low	<ul style="list-style-type: none"> • Low cost; • Wide applicability; • Ability to work with other BMPs in a treatment train; and • Avoids concentrated discharges and their associated potential erosion. 	<ul style="list-style-type: none"> • Low stormwater benefits by itself; and • Careful construction and design required to function properly.
Commercial	Yes	Maintenance	Low		
Industrial	Yes	Soils	sandy		
Retrofit	Yes	Sun/Shade	Either		
Highway/Road	Yes	Stormwater Quantity Function	Low		
Recreational	Yes	Stormwater Quality Function	Low		
Steep slopes	No	Habitat	Med		
Shallow Water Table	No	Drainage area	Small		
Poorly Drained Soils	No	Space required	Large		

Source: SEMCOG, 2008.

6.3 Design Considerations

Level spreaders are considered a permanent part of a site's stormwater management system. Therefore, uphill development should be stabilized before any dispersing flow techniques are installed. If the level spreader is used as an erosion and sedimentation control measure, it must be reconfigured (flush perforated pipe, clean out all sediment) to its original state before use as a permanent stormwater feature. All contributing stormwater elements (infiltration beds, inlets, outlet control structures, pipes, etc) should be installed first. In addition, the following shall be implemented:

1. Provide as many outfalls as possible and avoid concentrating stormwater. This can reduce or eliminate the need for engineered devices to provide even distribution of flow.
2. Level spreaders are not applicable in areas with easily erodible soils and/or little vegetation. The slope below the level spreader shall be at a maximum eight percent in the direction of flow to discourage channelization. More gentle slopes (e.g., as low as one percent) are also acceptable.
3. The minimum length of flow after the level spreader (of the receiving area) shall be 15 feet.

4. Level spreaders shall not be constructed in uncompacted fill. Undisturbed virgin soil and compacted fill is much more resistant to erosion and settlement than uncompacted fill.
5. Most variations of level spreaders should not be used alone for sediment removal. Significant sediment deposits in a level spreader will render it ineffective. A level spreader may be protected by adding a forebay to remove sediment from the influent. This can also make sediment cleanout easier.
6. Perforated pipe used in a level spreader may range in size from 4-12 inches in diameter. The pipe is typically laid in an aggregate envelope, the thickness of which is left to the discretion of the engineer. A deeper trench will provide additional volume reduction and shall be included in such calculations. A layer of nonwoven geotextile filter fabric shall separate the aggregate from the adjacent soil layers, preventing migration of fines into the trench.
7. The length of level spreaders is primarily a function of the calculated influent flow rate. The level spreader shall be long enough to freely discharge the desired flow rate. At a minimum, the desired flow rate shall be that resulting from a 10-year design storm. This flow rate shall be safely diffused without the threat of failure (i.e., creation of erosion, gullies, or rills). Diffusion of the storms greater than the 10-year storm is possible only if space permits. Generally, level spreaders should have a minimum length of 10 feet and a maximum length of 200 feet.
8. Conventional level spreaders designed to diffuse all flow rates shall be sized based on the following:
 - For grass or thick ground cover vegetation:
 - 13 linear feet of level spreader for every one cubic feet per second (cfs)
 - Slopes of eight percent or less from level spreader to toe of slope
 - For forested areas with little or no ground cover vegetation:
 - 100 linear feet of level spreader for every one cfs flow
 - Slopes of six percent or less from level spreader to toe of slope

For slopes up to 15 percent for forested areas and grass or thick ground cover, level spreaders may be installed in series. The above recommended lengths should be followed.
9. The length of a perforated pipe level spreader may be further refined by determining the discharge per linear foot of pipe. A level spreader pipe should safely discharge in a distributed manner at the same rate of inflow, or less. If the number of perforations per linear foot (based on pipe diameter) and average head above the perforations are known, then the flow can be determined by the following equation:

Where: $L = Q_P / Q_L$

L = length of level spreader pipe (ft.)

Q_P = design inflow for level spreader (cfs)

Q_L = level spreader discharge per length (cfs/ft.)

AND $Q_L = Q_0 \times N$

Where:

Q_L = level spreader discharge per length (cfs/ft.)

Q₀ = perforation discharge rate (cfs.)

N = number of perforations per length of pipe, provided by manufacturer based on pipe diameter (#/ft)

AND $Q_0 = C \times A \times \sqrt{2gH}$

Where:

Q₀ = perforation discharge rate (cfs)

Cd = Coefficient of discharge (typically 0.60)

A = Cross sectional area of one perforation (ft²)

g = acceleration due to gravity, 32.2 ft./sec²

H = head, average height of water above perforation (ft.) (provided by manufacturer)

10. Flows may bypass a level spreader in a variety of ways, including an overflow structure or upturned ends of pipe. Cleanouts/overflow structures with open grates can also be installed along longer lengths of perforated pipe. Bypass may be used to protect the level spreader from flows above a particular design storm.
11. Erosion control matting, compost blanketing, or riprap on top of filter fabric shall be implemented immediately downhill and along the entire length of the level spreader, particularly in areas that are unstable or have been recently disturbed by construction activities. Generally, low flows that are diffused by a level spreader do not require additional stabilization on an already stabilized and vegetated slope.

6.4 Maintenance

The following maintenance activities are required with level spreaders:

Task	Frequency/Notes
Inspect diverter box, clean and make repairs	Monthly and after rainfall >2". Look for clogged inlet/outlet pipes and trash/debris in box.
Inspect forebay and level spreader, clean and make repairs	Monthly and after rainfall >2". Look for: <ul style="list-style-type: none"> • Sediment in forebay and along level spreader lip; • Trash and/or leaf buildup; • Scour, undercutting; • Settlement of structure (see silt downhill below spreader) • Fallen trees; and • Stone from below the spreader lip washing downhill.
Inspect the filter strip and the bypass swale and make repairs as needed	Monthly and after rainfall >2". Look for: <ul style="list-style-type: none"> • Damaged turf reinforcement or riprap rolling downhill; • Erosion within the buffer or swale; and • Gullies or sediment flows from concentrated flows downhill of level spreader.
Remove any weeds or shrubs growing on level spreader or in swale	Annual.

7. Maximize Native Plants / Minimize Sod

7.1 Overview

The goal of utilizing and maximizing native plants while minimizing sod area in the landscape is set forth to:

- Improve developed green space as habitat
- Improve water quality
- Lessen water consumption, and
- Reduce long-term maintenance costs.

This goal is applicable to all landscape/green space requirements set forth currently by the Zoning Ordinance of the City of Daphne. This allows for space that is already allocated as green space to achieve additional performance benefits through the use of LID techniques.

7.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Low/Med	<ul style="list-style-type: none"> • Improves water quality; • Reduces runoff velocity and flow; • Enhances aesthetics, habitat; • Lessens fertilizer usage and subsequent runoff; and • Reduces maintenance requirements over time, thereby reducing pollution, etc. 	<ul style="list-style-type: none"> • Limited where open field recreation and/or land uses are required; and • Projects with phased construction or large lots that would normally employ turfgrass will incur higher front end costs.
Commercial	Yes	Maintenance	Low		
Industrial	Yes	Soils	All		
Retrofit	Yes	Sun/Shade	All		
Highway/Road	Yes	Stormwater Quantity Function	Med/High		
Recreational	Yes	Stormwater Quality Function	Med/High		
Steep slopes	Yes	Habitat	High		
Shallow Water Table	Yes	Drainage area	All		
Poorly Drained Soils	Yes	Space required	N/A		

7.3 Design Considerations

When utilizing this method, a sequence of performance criteria shall be met as follows:

- First, the required landscape/green space area for the project shall be a maximum of 20% turfgrass. This satisfies the "Minimize Sod" goal of the credit.
- Second, the 80% balance of the landscape/green space area for the project shall be planting area. Planting area is defined as a planting space that has trees, shrubs, groundcover, and other plants that are located within a bed area that has a reasonable continuous organic mulch layer throughout.
- Finally, within the planting area, 70% of the area shall utilize native plant species. The native species shall be designated as such in the plant schedule on the required landscape planting plan for the project. The City reserves the right to reject a species submitted as "native" at its discretion.

A landscape plan implementing this method shall include a landscape area diagram that shows sod area vs. native species planting area vs. ornamental species planting area for the site with percentage calculations included. Note: include prohibition on invasive species? References list source.

7.4 Maintenance

The following maintenance activities are required when this technique is employed:

Task	Frequency/Notes
Irrigation	Deep, frequent irrigation to supplement inadequate rainfall is needed in the first year of planting. After this, irrigation should only be needed during extended drought periods if at all.
Dead vegetation removal and replacement	Periodic, as needed for aesthetics.
Mowing of turfgrass	As needed, more often in summer months.
Check for invasive / nonnative plants	Remove as needed.
Correction of wildlife damage	As needed.

8. Swales / Dry Swales

8.1 Overview

A swale is a narrow, gently sloping landscaped depression that collects and conveys stormwater runoff. The densely planted swale filters stormwater as it flows the length of the structure and allows infiltration of water into the ground. The swale discharges to a storm sewer or other approved discharge point. Compared to vegetated swales, LID/GI swales may be shorter and narrower, but require deeper levels of amended soil and a subsurface drain rock layer to compensate for the smaller size and to function effectively (Clean Water Services, et. al, 2009).

8.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Low	<ul style="list-style-type: none"> • Can replace curb and gutter for site drainage and provide significant cost savings; • Water quality; and • Peak and volume control with infiltration. 	<ul style="list-style-type: none"> • Limited application in areas where space is a concern; and • Unless designed for infiltration, there is limited peak and volume control.
Commercial	Yes	Maintenance	Low		
Industrial	Yes	Soils	Any		
Retrofit	Limited	Sun/Shade	Any		
Highway/Road	Yes	Stormwater Quantity Function	Low/med		
Recreational	Yes	Stormwater Quality Function	Medium		
Steep slopes	Yes	Habitat	Low		
Shallow Water Table	Yes	Drainage area	Small		
Poorly Drained Soils	Yes	Space required	Low		

Source: Clean Water Services, et. al, 2009 and SEMCOG, 2008.

8.3 Design Considerations

The following design factors shall be considered when implementing this methodology:

Sizing

The size of the swale shall depend upon the infiltration rate of existing soils. A sizing factor of 0.06 assumes the site infiltration rate is less than 2 in/hr. For example, the size of a swale managing 1,500 square feet of total impervious area would be 90 square feet (1,500 x 0.06). Size may be decreased if:

- Demonstrated infiltration rate is greater than 2 in/hr using ASTM D3395-09 method; or
- Amended soil depth is increased.

Geometry/Slopes

A swale's slope end to end shall be at least 0.5% and no more than 6%. For sites with steeper slopes, check dams may be incorporated into the design. Side slopes from the bottom to the top of the swale shall be 3:1 or less. The minimum bottom width shall be 2 feet with a minimum depth of 1 foot.

Piping for LIDA Swales

If needed, stormwater may be directed from impervious surfaces to swales by piping per plumbing code requirements, or may flow directly into the swale via curb openings. A LID/GI swale shall have no underdrain. An overflow drain shall allow no more 6 inches of water depth to collect in the swale. The overflow drain and piping must meet plumbing code requirements and direct excess stormwater to an approved disposal point.

Setbacks

The City of Daphne Land Use & Development Ordinance site-specific setback requirements shall apply.

Soil Amendment/Mulch

Amended soils with appropriate compost serve numerous benefits: infiltration; detention, retention; better plant establishment and growth; reduced summer irrigation needs; reduced fertilizer need; increased physical/chemical/microbial pollution reduction; and reduced erosion potential. Primary treatment shall occur in the top 18 inches of the swale. Amended soil in the treatment area shall be composed of imported soil, mix of one part organic compost, one part gravelly sand, and one part top soil. Compost shall be weed-free, decomposed, non-woody plant material; animal waste is not allowed. Water velocities and potential erosion shall be reduced by providing energy dissipaters such as river rock at entrances to the swale. Check with the District or local jurisdiction for Seal of Testing Approval Program (STA) Compost provider – Chad checking into this. To avoid erosion, appropriate erosion control BMPs shall be implemented.

Vegetation

The entire swale area including side slopes and treatment areas shall be planted with vegetation appropriate for the soil conditions. Planting conditions vary from wet to relatively dry within the swale. The flat bottom will be inundated frequently and shall be planted with species such as rushes, sedges, perennials, ferns, and shrubs well-suited to wet-to-moist soil conditions. The side slope moisture gradient varies from wet at the bottom to relatively dry near the top where inundation rarely occurs. The moisture gradient will vary depending upon the designed water depth, the swale depth, and side slope steepness. The transition zone from the bottom of the swale to the designed high water line or top of freeboard shall be planted with sedges, rushes, perennials, ferns, and shrubs that can tolerate occasional standing water and wet-to-moist planting conditions. The areas above the designed high water line and immediately adjacent to the swale will not be regularly inundated and shall be planted with self-sustaining, low maintenance grasses, perennials, and shrubs suitable for the local climate and site.

Native plants are encouraged, but appropriate, noninvasive ornamentals are acceptable for aesthetic and functional value. All vegetation should be densely and evenly planted to ensure proper hydrological function of the swale.

Quantities:

Bottom of the swale (wet-to-moist zone, per 100 sf) shall include at a minimum:

- 115 herbaceous plants, 1' on center spacing, ½-gal container size; or
- 100 herbaceous plants, 1' on center, and 4 shrubs, 1-gal container size, 2' on center

Side slopes and top of the swale (wet-to-moist transition zone and dry zone) shall include at a minimum:

- 1 tree per 300 sq. ft, minimum 2-gal container size by 2 ft-tall and
- 10 shrubs (1-gal) and 70 groundcovers (½-gal) per 100 sf

Side slope trees shall be selected by adaptability to wet-to-moist conditions and size at maturity. An area twice the width of the tree rootball and the depth of the rootball plus 12" (or total depth of 30", whichever is greater) shall be backfilled with amended soil for optimal growth, with no sub-surface rock layer (Clean Water Services, et. al, 2009.)

8.4 Maintenance

The following maintenance activities are required with swales:

Task	Frequency/Notes
Irrigation	As needed, water efficient irrigation shall be applied for the first two years after construction of the facility, particularly during the dry summer months, while plantings become established. Irrigation after two years is at the discretion of the owner.
Landscape maintenance (replanting and nonnative species removal).	At least twice annually, in spring and fall, evaluate and replant as necessary to ensure a minimum of 80% survival rate of the required vegetation and 90% facility coverage. Remove nonnative, invasive plant species when found in the facility. Design swales so that they do not require mowing.
Debris removal	At least twice annually, in spring and fall, remove garbage, landscaping debris and other material that may impede water flow and clog the system.
Structural inspection and maintenance	At least twice annually, in spring and fall, Check inlet pipes and outlet structure for damage or missing pieces. Inlet pipes and outlet structures shall be free of obstructions and heavy vegetation.

Note: If public, the permittee is responsible for the maintenance of the swale for a minimum of two years following construction and acceptance of the facility. All publicly maintained facilities not located in the public right-of-way must have a public easement. If private, the property owner is responsible for ongoing maintenance per a recorded maintenance agreement (Clean Water Services, et. al, 2009).

9. Sand Filter/Oil and Grit Separation

9.1 Overview

Constructed filters are structures or excavated areas containing a layer of sand, compost, organic material, peat, or other media that reduce pollutant levels in stormwater runoff by filtering sediments, metals, hydrocarbons, and other pollutants. Constructed filters are suitable for sites without sufficient surface area available for bioretention.

9.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Limited	Construction Cost	Med/high	<ul style="list-style-type: none"> • Good water quality performance; • Variations for different applications; and • Can be effective pretreatment for other BMPs. 	<ul style="list-style-type: none"> • Limited water quantity benefits; • Relatively high cost; and • High maintenance needs.
Commercial	Yes	Maintenance	High		
Industrial	Yes	Soils	n/a		
Retrofit	Yes	Sun/Shade	n/a		
Highway/Road	Yes	Stormwater Quantity Function	Low/high*		
Recreational	Yes	Stormwater Quality Function	High/med /low (temp)		
Steep slopes	n/a	Habitat	n/a		
Shallow Water Table	n/a	Drainage area	Max 5 acre		
Poorly Drained Soils	n/a	Space required	low		

*Function is low without infiltration and increases when infiltration is provided. Source: SEMCOG, 2008.

9.3 Design Considerations

The following design factors shall be considered when implementing this methodology:

1. All constructed filters shall be designed so that larger storms may safely overflow or bypass the filters. Flow splitters, multi-stage chambers, or other devices may be used. A flow splitter may be necessary to allow only a portion of the runoff to enter the filter. This would create an "off-line" filter, where the volume and velocity of runoff entering the filter is controlled. If the filter is "on-line", excess flow shall be designed to bypass the filter and continue to another water quality BMP.
2. Entering velocity shall be controlled. A level spreader may be used to spread flow evenly across the filter surface during all storms without eroding the filter material. Level spreaders for this purpose should use a concrete lip or other non soil material to avoid clogging as a result of failure of the level spreader lip. Parking lots may be designed to sheet flow into filters. Small rip-rap or landscaped riverstone edges may be used to reduce velocity and distribute flows more evenly.
3. Contributing areas shall be stabilized with vegetation or other permanent soil cover before runoff enters filters. Permanent filters shall not be installed until the site is stabilized. Excessive sediment generated during construction can clog the filter and prevent or reduce the anticipated post construction water quality benefits.
4. Pretreatment may be necessary in areas with especially high levels of debris, large settled particulates, etc. Pretreatment may include a forebay, oil/grit separators, vegetated filter strips, or grass swales. These measures will settle out the large particles and reduce velocity of the runoff before it enters the filter. Regular maintenance of the pretreatment is critical to avoid wastes being flushed through and causing the filter to fail.
5. There shall be sufficient space (head) between the top of the filtering bed and the overflow of the filter to allow for the maximum head designed to be stored before filtration.

6. The filter media may be a variety of materials (sand, peat, GAC, leaf compost, pea gravel, etc.) and in most cases should have a minimum depth of 18 inches and a maximum depth of 30 inches, although variations on these guidelines are acceptable if justified by the designer. Coarser materials allow for greater hydraulic conductivity, but finer media filter particles of a smaller size.

Sand has been found to provide a good balance between these two criteria, but different types of media remove different pollutants.

The filter media shall have a minimum hydraulic conductivity (k) as follows:

- Sand 3.5 feet/day;
- Peat 2.5 feet/day; and
- Leaf compost 8.7 feet/day.

Depending on the characteristics of the stormwater runoff, a combination of filter materials will provide the best quality results. In addition to determining the degree of filtration, media particle size determines the travel time in the filter and plays a role in meeting release rate requirements.

7. A gravel layer at least six inches deep is required beneath the filter media.
8. Underdrain piping shall be four-inch minimum (diameter) perforated pipes, with a lateral spacing of no more than 10 feet. A collector pipe can be used, (running perpendicular to laterals) with a slope of one percent. All underground pipes shall have clean-outs accessible from the surface. Underdrain design must minimize the chance of clogging by including a pea gravel filter of at least three inches of gravel under the pipe and six inches above the pipe.
9. Infiltration filters shall be underlain by a layer of permeable nonwoven geotextile.
10. A total drawdown time of not more than 72 hours is recommended for constructed filters, though the surface should drawdown between 24 and 48 hours. The drawdown time can be estimated using the filter surface area and the saturated vertical infiltration rate of the filter media. If the storage does not drawdown in the time allowed, adjust pretreatment depth, filter media depth, and surface area. Adjust the design until the volume (if applicable) and drainage time constraints are met.
11. The filter surface area may be estimated initially using Darcy's Law, assuming the soil media is saturated:

$A = V \times d_f / [k \times (h_f + d_f) \times t_d]$, where:

A = Surface area of filter (square feet)

V = Water volume (cubic feet)

d_f = Depth of filter media (min 1.5 ft; max 2.5 ft)

t_d = Drawdown time (days), not to exceed 3 days

h_f = Head (average head in ft; typically ½ the maximum head on the filter media, which is typically ≤ to 6 ft)

k = Hydraulic conductivity (ft/day)

12. For vegetated filters, a layer of nonwoven geotextile between non-organic filter media and planting media shall be required.

9.4 Maintenance

The following maintenance activities are required with sand filter/oil and grit separation:

Task	Frequency/Notes
Filter media inspection and maintenance, replacement as necessary	Four times per year. Check for accumulated sediment in pore space, and reduced hydraulic conductivity. Symptoms include: <ul style="list-style-type: none"> • Standing water -- any water left in a surface filter after the design drain down time indicates the filter is not functioning according to design criteria. • Film or discoloration of any surface filter material -- this indicates organics or debris have clogged the filter surface.
Remove trash and debris	Four times per year
Rake scrape silt if collected on top of the filter	Four times per year
Till and aerate filter area	Four times per year
Replenish filtering medium	Four times per year, if scraping/removal has reduced depth of filtering media
Repair leaks from the sedimentation chamber or deterioration of structural components	Four times per year
Clean out accumulated sediment from filter bed chamber and/or sedimentation chamber	Four times per year
Clean out accumulated sediment from underdrains	Four times per year

Note: In areas where the potential exists for the discharge and accumulation of toxic pollutants (such as metals), filter media removed from filters must be handled and disposed of in accordance with all state and federal regulations.

10. Green Roofs

10.1 Overview

A green roof (or ecoroof) is a lightweight vegetated roof system with waterproofing material, drainage, growing medium, and specially selected plants. A green roof can reduce site impervious area and manage stormwater runoff. Green roofs reduce peak runoff to near predevelopment rates and reduce annual runoff volume by at least 50% (Cost Benefit Evaluation of Ecoroofs, Portland Bureau of Environmental Services, 2008). Green roofs also help mitigate runoff temperatures by keeping roofs cool and retaining most of the runoff in dry seasons. Green roofs typically have thin layers of lightweight growing medium (4 to 8 inches) and low growing succulent vegetation. Alternatively, roof gardens that are designed to be walked on have deeper soils (8+ inches) and are more heavily planted. Professional design consultation is necessary to ensure the structural requirements of building codes are met. Green roofs must be low maintenance and use irrigation only to sustain the health of vegetation.

10.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Varies	<ul style="list-style-type: none"> • Increased energy efficiency; • Improved air quality; • Reduced temperatures in urban areas; • Noise reduction; • Improved aesthetics; • Extended roof life; and • Improved stormwater management. 	<ul style="list-style-type: none"> • Complex engineering and design factors, • Higher initial cost than conventional; • Climate limitations; and • Potentially costly repairs.
Commercial	Yes	Maintenance	Moderate/high		
Industrial	Yes	Soils	n/a		
Retrofit	No	Sun/Shade	Sun		
Highway/Road	n/a	Stormwater Quantity Function	Varies		
Recreational	n/a	Stormwater Quality Function	Good		
Steep slopes	n/a	Habitat	Good		
Shallow Water Table	n/a	Drainage area	Roof Size		
Poorly Drained Soils	n/a	Space required	Small		

Source: Clean Water Services, et. al, 2009 and SEMCOG, 2008.

10.3 Design Considerations

Sizing

Green roofs replace impervious area at a 1:1 ratio. They shall not receive water from other impervious areas such as an adjacent conventional roof.

Slope

Maximum roof pitch is 4:12 (3H:1V slope) unless the applicant provides documentation of runoff retention and erosion control on steeper slopes.

Waterproofing

On the roof surface a waterproofing material such as modified asphalt, synthetic rubber, or reinforced thermal plastics is required. Waterproofing materials also may act as a root barrier. Waterproof membranes shall be thoroughly tested to identify and remedy potential defects and leaks prior to installation of any green roof components.

Protection boards or materials (recommended)

These materials protect the waterproof membrane from damage and are usually made of soft fibrous materials. They may be required to maintain the waterproofing warranty, depending on the membrane used. Consult with roofing manufacturer for requirements.

Ballast (optional)

Gravel ballast may be placed along the roof perimeter and at air vents or other vertical elements to separate roofing elements and vegetation. The need for ballast depends on the type of roof and rooftop flashing details. Ballast or rooftop pavers may be used to provide access, especially to vertical elements that require maintenance.

Header/separation board (optional)

If needed, a header or separation board may be placed between gravel ballast and soil or drains.

Root barrier

A root barrier may be required, depending on the waterproofing material, warranty requirements, and the types of vegetation proposed. Root barriers impregnated with pesticides, metals, or other chemicals that could leach into stormwater shall not be applied unless documentation that leaching does not occur is provided. If a root barrier is used it must extend under any gravel ballast and the growing medium, and up the side of any vertical elements.

Drainage

A method of drainage shall allow excess water to flow into drains when soils are saturated. A manufactured drain mat, filter fabric, aggregate or gravel layers, or the growing medium itself may be used if water drains when soils are saturated. The green roof shall have an approved discharge location and drain or drains.

Growing medium

The growing medium depth is 3 to 4 inches or more, depending on the project. This material shall be lightweight and provide a good base for plant growth. Mixes range from 5% organic/95% inorganic to 30% organic/70% inorganic, depending on specific vegetation needs. Growing media shall be stable over time and not break down into fine particles that might increase compaction and clog drainage layers. Components include pumice, perlite, paper pulp, digested organic fiber, and water retention components such as expanded slate, diatomaceous earth, or polymers. For growing media specification, include all constituent elements and their percent composition, and a saturated weight per cubic foot (pcf) that has been tested by a third party lab.

Vegetation and coverage

Green roof vegetation traits:

- Adapted to seasonal drought, excess heat, cold and high winds and other harsh conditions;
- Fire resistant;
- Requires little or no irrigation once established;
- Predominately self-sustaining, low maintenance, with minimal fertilizer;
- Perennial or self-sowing annuals that are dense and mat-forming; and
- Diverse palette to increase survivability and good coverage.

Examples of appropriate species: Sedum, ice plant, blue fescue, sempervivum and creeping thyme. Other herbs, forbs, grasses, and low groundcovers can provide additional benefits and aesthetics, but may need more watering and maintenance to survive and may be prone to additional fire risk if allowed to dry out. Planting lists shall be City-approved and based on reliable sources from this region including local growers and plant suppliers.

Species shall achieve 90% plant coverage within the 2 year maintenance period. At least 70% of the green roof should be evergreen species. No more than 10% of the green roof may be non-vegetated components such as gravel ballast or pavers for maintenance access. Mechanical units may protrude through the green roof, but are not considered elements of the green roof and may be removed from square foot totals.

Exposed areas during establishment periods shall be mulched with an approved, biodegradable mesh blanket, straw, gravel, and pebbles or pumice to protect exposed soil from erosion.

10.4 Maintenance

The following maintenance activities are required with sand filter/oil and grit separation:

Task	Frequency*/Notes
Remove drain debris	Monthly during rainy season.
Remove dead plants and replant	As needed in spring and fall to maintain the required 90% plant coverage.
Remove weeds and undesirable plant growth	During first growing season monthly, and in late spring and early fall in subsequent years.
Fertilization	As needed, non-chemical, organic and slow release as approved by the City of Daphne.
Weed/pest abatement	Pesticides and herbicides of any kind are prohibited, unless approved by the City of Daphne to contain a detrimental outbreak of weeds or other pests.
Irrigation	As needed, minimal irrigation may be necessary to maintain vegetation health and ecological function of green roofs. Harvested rainwater is highly recommended for irrigation. Green roofs larger than 1,000 square feet should have an automatic irrigation system for more efficient coverage and to eliminate the need for hand watering. Those larger than 5,000 square feet also should have an irrigation flow meter to monitor water usage.

*The level of maintenance will vary depending on soil depth, vegetation type, and location.

References:

Brantley, Eve (Auburn University) Dylewski, Katie (Auburn University), Roberts, Jess (Auburn University), Shelton, Michael (Weeks Bay National Estuarine Research Reserve). September 30, 2010. Low Impact Development Guidebook, Phase I Edition V1.0.

SEMCOG (Southeast Michigan Council of Governments Information Center. www.semco.org) and Michigan Department of Environmental Quality. Low Impact Development Manual For Michigan. A Design Guide for the Implementers and Reviewers. 2008.

Clean Water Services, Tualatin Basin Natural Resources Coordinating Committee's Public Education and Outreach Committee, and Oregon Department of Environmental Quality (DEQ). July 2009. Low Impact Development Approaches Handbook.

Low Impact Development / Green Infrastructure (LID/GI) Project Application

Applicant: _____ Project Name: _____

_____ LID/GI Techniques have been considered for this project but are not being implemented for the following reason(s) _____

_____ LID/GI Techniques and have been considered and are being implemented in exchange for incentives as requested below. Plans illustrating proposed technique are included in submittal package.

Selected ✓	LID/GI Technique*	Point Value	Applicant's Description of Technique <i>(including scale/ extent of use in project)</i>	Reference Plan Sheet	Points Requested
	Bioretention	7			
	Constructed Stormwater Wetlands	7			
	Permeable / Porous Pavement	4			
	Riparian Buffers	7			
	Level Spreaders	5			
	Maximize Native Plants / Minimize Sod	5			
	Swales / Dry Swales	3			
	Rainwater Harvesting	4			
	Sand Filter / Oil and Grit Separation	4			
	Green Roofs	1			

*Refer to Appendix O for LID/GI technique requirements.

Total Technique Points: _____

Low Impact Development / Green Infrastructure (LID/GI) Project Application (Continued)

Selected (✓)	Incentive Description	Final Point Value	Points Used
	Reduced parking requirements Option A _____		
	Reduced parking requirements Option B _____		
	Waived permit fees		
	Reduced permit fees		

Total Technique Points: _____

Note: Total technique points must be greater than or equal to total incentive points.

_____ I certify that all of the LID/GI techniques and incentives have been analyzed and selected, as applicable, for the design of this project as indicated above. I also certify that the techniques selected, as applicable, will be implemented for this project as referenced on Plan Sheets provided in the application package.

Signature of Applicant/Authorized Agent

Date

**Low Impact Development / Green Infrastructure (LID/GI)
Project Application**

APPENDIX O

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1. Bioretention

Refer to Chapter 1 of Low Impact Development Guidebook, Phase I Edition V1.0, September 30, 2010.

2. Rainwater Harvesting

Refer to Chapter 2 of Low Impact Development Guidebook, Phase I Edition V1.0, September 30, 2010.

3. Constructed Stormwater Wetlands

Refer to Chapter 3 of Low Impact Development Guidebook, Phase I Edition V1.0, September 30, 2010.

4. Permeable / Porous Pavement

Refer to Chapter 4 of Low Impact Development Guidebook, Phase I Edition V1.0, September 30, 2010.

5. Riparian Buffers

5.1 Overview

Riparian buffer areas protect water quality by cooling water, stabilizing banks, mitigating flow rates, and providing for pollution and sediment removal by filtering overland sheet runoff before it enters the water. The Environmental Protection Agency defines buffer areas as, "areas of planted or preserved vegetation between developed land and surface water, [which] are effective at reducing sediment and nutrient loads." (SEMCOG, 2008)

5.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Low/Med	<ul style="list-style-type: none"> • Improves water quality; • Reduces runoff velocity and flow; • Enhances aesthetics, habitat; • Reduces shore/bank erosion; • Improves flood control; and • Reduces water temperature. 	<ul style="list-style-type: none"> • Limited in reducing total runoff volumes; and • Size of lot and/ or project may reduce ability to protect riparian buffers.
Commercial	Yes	Maintenance	Low		
Industrial	Yes	Soils	All		
Retrofit	Yes	Sun/Shade	Sun/p. shade		
Highway/Road	Limited	Stormwater Quantity	Low/ Med		
Recreational	Yes	Stormwater Quality	High/Med High		
Steep slopes	No	Habitat	Med/high		
Shallow Water Table	Yes	Drainage area	Small/med		
Poorly Drained Soils	Yes	Space required	med		

Source: SEMCOG, 2008.

5.3 Design Considerations

Applicant shall consider the following when protecting the proper riparian buffer area width and related specifications:

- Existing or potential value of the resource to be protected,
- Site, watershed, and buffer characteristics,
- Intensity of adjacent land use, and
- Specific water quality and/or habitat functions desired.

Riparian buffers shall be divided into different zones that include vegetation to enhance the quality of the body of water.

Zone 1

Also termed the "streamside zone," shall begin at the edge of the stream bank of the active channel and extend a minimum distance of 50 feet (*City of Daphne Land Use & Development Ordinance Article 18-3 C(3)*), measured horizontally on a line perpendicular to the water body. Undisturbed vegetated area shall protect the physical and ecological integrity of the stream ecosystem. The vegetative target for the streamside zone is undisturbed native woody species with native plants forming canopy, understory, and duff layer. Where such forest does not grow naturally, native vegetative cover appropriate for the area (such as grasses, forbs, or shrubs) shall be installed.

Zone 2

Also termed the "middle zone," shall extend immediately from the outer edge of Zone 1 for a minimum distance of 55 feet (ADEM 20-100'). This managed area of native vegetation shall protect key components of the stream ecosystem and provide distance between upland development and the streamside zone. The vegetative target for the middle zone is either undisturbed or managed native woody species or, in its absence, native vegetative cover of shrubs, grasses, or forbs. Undisturbed forest, as in Zone 1, is encouraged strongly to protect future water quality and the stream ecosystem. Otherwise, native vegetative cover appropriate for the area (such as grasses, forbs, or shrubs) shall be installed.

Zone 3

Also termed the "outer zone," shall extend a minimum of 20 feet immediately from the outer edge of Zone 2. This zone prevents encroachment into the riparian buffer area, filters runoff from adjacent land, and encourages sheet flow of runoff into the buffer. The vegetative target for the outer zone shall consist of native woody and herbaceous vegetation to increase the total width of the buffer; native grasses and forbs are acceptable.

5.4 Maintenance

The following maintenance activities are required with riparian buffers:

Task	Frequency/Notes
Irrigation	Twice per week for 6 weeks after planting; continued as needed during severe drought.
Dead vegetation removal and replacement	Annual.
Check for streambank erosion or gullies	Annual, repair as needed.
Mowing of turfgrass	As needed, more often in summer months. Minimum 3-5", max 12".
Check for invasive / nonnative plants	Annual, remove as needed.
Mowing of native grasses	Annual, before new growth in spring.
Correction of wildlife damage	As needed.
Repair damaged fencing	As needed (as applicable).
Tree thinning	As needed. Those with >2" diameter should not be removed. Thinning shall not occur until proper tree density or cover is present.

6. Level Spreaders

6.1 Overview

Level spreaders promote infiltration and improve water quality by evenly distributing flows over a stabilized, vegetated surface. This allows for better infiltration and treatment. There are two types of level spreaders:

Inflow

Inflow level spreaders are meant to evenly distribute flow entering into another structural BMP, such as a filter strip, infiltration basin, or vegetated swale. Examples of this type of level spreader include concrete sills and earthen berms.

Outflow

Outflow level spreaders are intended to reduce the erosive force of high flows while at the same time enhancing natural infiltration opportunities. Examples of this second type include earthen berms and a level, perforated pipe in a shallow aggregate trench and flow reaches the spreader via the solid pipe. (SEMCOG, 2008).

6.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Low	<ul style="list-style-type: none"> • Low cost; • Wide applicability; • Ability to work with other BMPs in a treatment train; and • Avoids concentrated discharges and their associated potential erosion. 	<ul style="list-style-type: none"> • Low stormwater benefits by itself; and • Careful construction and design required to function properly.
Commercial	Yes	Maintenance	Low		
Industrial	Yes	Soils	sandy		
Retrofit	Yes	Sun/Shade	Either		
Highway/Road	Yes	Stormwater Quantity Function	Low		
Recreational	Yes	Stormwater Quality Function	Low		
Slope	No	Habitat	Med		
Shallow Water Table	No	Drainage area	Small		
Poorly Drained Soils	No	Space required	Large		

Source: SEMCOG, 2008.

6.3 Design Considerations

Level spreaders are considered a permanent part of a site's stormwater management system. Therefore, uphill development should be stabilized before any dispersing flow techniques are installed. If the level spreader is used as an erosion and sedimentation control measure, it must be reconfigured (flush perforated pipe, clean out all sediment) to its original state before use as a permanent stormwater feature. All contributing stormwater elements (infiltration beds, inlets, outlet control structures, pipes, etc) should be installed first. In addition, the following shall be implemented:

1. Provide as many outfalls as possible and avoid concentrating stormwater. This can reduce or eliminate the need for engineered devices to provide even distribution of flow.
2. Level spreaders are not applicable in areas with easily erodible soils and/or little vegetation. The slope below the level spreader shall be at a maximum eight percent in the direction of flow to discourage channelization. More gentle slopes (e.g., as low as one percent) are also acceptable.
3. The minimum length of flow after the level spreader (of the receiving area) shall be 15 feet.

4. Level spreaders shall not be constructed in uncompacted fill. Undisturbed virgin soil and compacted fill is much more resistant to erosion and settlement than uncompacted fill.
5. Most variations of level spreaders should not be used alone for sediment removal. Significant sediment deposits in a level spreader will render it ineffective. A level spreader may be protected by adding a forebay to remove sediment from the influent. This can also make sediment cleanout easier.
6. Perforated pipe used in a level spreader may range in size from 4-12 inches in diameter. The pipe is typically laid in an aggregate envelope, the thickness of which is left to the discretion of the engineer. A deeper trench will provide additional volume reduction and shall be included in such calculations. A layer of nonwoven geotextile filter fabric shall separate the aggregate from the adjacent soil layers, preventing migration of fines into the trench.
7. The length of level spreaders is primarily a function of the calculated Influent flow rate. The level spreader shall be long enough to freely discharge the desired flow rate. At a minimum, the desired flow rate shall be that resulting from a 10-year design storm. This flow rate shall be safely diffused without the threat of failure (i.e., creation of erosion, gullies, or rills). Diffusion of the storms greater than the 10-year storm is possible only if space permits. Generally, level spreaders should have a minimum length of 10 feet and a maximum length of 200 feet.
8. Conventional level spreaders designed to diffuse all flow rates shall be sized based on the following:
 - For grass or thick ground cover vegetation:
 - 13 linear feet of level spreader for every one cubic feet per second (cfs)
 - Slopes of eight percent or less from level spreader to toe of slope
 - For forested areas with little or no ground cover vegetation:
 - 100 linear feet of level spreader for every one cfs flow
 - Slopes of six percent or less from level spreader to toe of slope
 For slopes up to 15 percent for forested areas and grass or thick ground cover, level spreaders may be installed in series. The above recommended lengths should be followed.
9. The length of a perforated pipe level spreader may be further refined by determining the discharge per linear foot of pipe. A level spreader pipe should safely discharge in a distributed manner at the same rate of inflow, or less. If the number of perforations per linear foot (based on pipe diameter) and average head above the perforations are known, then the flow can be determined by the following equation:

Where: $L = Q_P / Q_L$

L = length of level spreader pipe (ft.)

Q_P = design inflow for level spreader (cfs)

Q_L = level spreader discharge per length (cfs/ft.)

AND $Q_L = Q_o \times N$

Where:

Q_L = level spreader discharge per length (cfs/ft.)

Q_o = perforation discharge rate (cfs.)

N = number of perforations per length of pipe, provided by manufacturer based on pipe diameter (#/ft)

AND $Q_o = C \times A \times \sqrt{2gH}$

Where:

Q_o = perforation discharge rate (cfs)

C_d = Coefficient of discharge (typically 0.60)

A = Cross sectional area of one perforation (ft²)

g = acceleration due to gravity, 32.2 ft./sec²

H = head, average height of water above perforation (ft.) (provided by manufacturer)

10. Flows may bypass a level spreader in a variety of ways, including an overflow structure or upturned ends of pipe. Cleanouts/overflow structures with open grates can also be installed along longer lengths of perforated pipe. Bypass may be used to protect the level spreader from flows above a particular design storm.
11. Erosion control matting, compost blanketing, or riprap on top of filter fabric shall be implemented immediately downhill and along the entire length of the level spreader, particularly in areas that are unstable or have been recently disturbed by construction activities. Generally, low flows that are diffused by a level spreader do not require additional stabilization on an already stabilized and vegetated slope.

6.4 Maintenance

The following maintenance activities are required with level spreaders:

Task	Frequency/Notes
Inspect diverter box, clean and make repairs	Monthly and after rainfall >2". Look for clogged inlet/outlet pipes and trash/debris in box.
Inspect forebay and level spreader, clean and make repairs	Monthly and after rainfall >2". Look for: <ul style="list-style-type: none"> • Sediment in forebay and along level spreader lip; • Trash and/or leaf buildup; • Scour, undercutting; • Settlement of structure (see silt downhill below spreader) • Fallen trees; and • Stone from below the spreader lip washing downhill.
Inspect the filter strip and the bypass swale and make repairs as needed	Monthly and after rainfall >2". Look for: <ul style="list-style-type: none"> • Damaged turf reinforcement or riprap rolling downhill; • Erosion within the buffer or swale; and • Gullies or sediment flows from concentrated flows downhill of level spreader.
Remove any weeds or shrubs growing on level spreader or in swale	Annual.

7. Maximize Native Plants / Minimize Sod

7.1 Overview

The goal of utilizing and maximizing native plants while minimizing sod area in the landscape is set forth to:

- Improve developed green space as habitat
- Improve water quality
- Lessen water consumption, and
- Reduce long-term maintenance costs.

This goal is applicable to all landscape/green space requirements set forth currently by the Zoning Ordinance of the City of Daphne. This allows for space that is already allocated as green space to achieve additional performance benefits through the use of LID techniques.

7.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Low/Med	<ul style="list-style-type: none"> • Improves water quality; • Reduces runoff velocity and flow; • Enhances aesthetics, habitat; • Lessens fertilizer usage and subsequent runoff; and • Reduces maintenance requirements over time, thereby reducing pollution, etc. 	<ul style="list-style-type: none"> • Limited where open field recreation and/or land uses are required; and • Projects with phased construction or large lots that would normally employ turfgrass will incur higher front end costs.
Commercial	Yes	Maintenance	Low		
Industrial	Yes	Soils	All		
Retrofit	Yes	Sun/Shade	All		
Highway/Road	Yes	Stormwater Quantity Function	Med/High		
Recreational	Yes	Stormwater Quality Function	Med/High		
Steep slopes	Yes	Habitat	High		
Shallow Water Table	Yes	Drainage area	All		
Poorly Drained Soils	Yes	Space required	N/A		

7.3 Design Considerations

When utilizing this method, a sequence of performance criteria shall be met as follows:

- First, the required landscape/green space area for the project shall be a maximum of 20% turfgrass. This satisfies the "Minimize Sod" goal of the credit.
- Second, the 80% balance of the landscape/green space area for the project shall be planting area. Planting area is defined as a planting space that has trees, shrubs, groundcover, and other plants that are located within a bed area that has a reasonable continuous organic mulch layer throughout.
- Finally, within the planting area, 70% of the area shall utilize native plant species. The native species shall be designated as such in the plant schedule on the required landscape planting plan for the project. The City reserves the right to reject a species submitted as "native" at its discretion.

A landscape plan implementing this method shall include a landscape area diagram that shows sod area vs. native species planting area vs. ornamental species planting area for the site with percentage calculations included. Note: Include prohibition on invasive species? References list source.

7.4 Maintenance

The following maintenance activities are required when this technique is employed:

Task	Frequency/Notes
Irrigation	Deep, frequent irrigation to supplement inadequate rainfall is needed in the first year of planting. After this, irrigation should only be needed during extended drought periods if at all.
Dead vegetation removal and replacement	Periodic, as needed for aesthetics.
Mowing of turfgrass	As needed, more often in summer months.
Check for invasive / nonnative plants	Remove as needed.
Correction of wildlife damage	As needed.

8. Swales / Dry Swales

8.1 Overview

A swale is a narrow, gently sloping landscaped depression that collects and conveys stormwater runoff. The densely planted swale filters stormwater as it flows the length of the structure and allows infiltration of water into the ground. The swale discharges to a storm sewer or other approved discharge point. Compared to vegetated swales, LID/GI swales may be shorter and narrower, but require deeper levels of amended soil and a subsurface drain rock layer to compensate for the smaller size and to function effectively (Clean Water Services, et. al, 2009).

8.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Low	<ul style="list-style-type: none"> • Can replace curb and gutter for site drainage and provide significant cost savings; • Water quality; and • Peak and volume control with infiltration. 	<ul style="list-style-type: none"> • Limited application in areas where space is a concern; and • Unless designed for infiltration, there is limited peak and volume control.
Commercial	Yes	Maintenance	Low		
Industrial	Yes	Soils	Any		
Retrofit	Limited	Sun/Shade	Any		
Highway/Road	Yes	Stormwater Quantity Function	Low/med		
Recreational	Yes	Stormwater Quality Function	Medium		
Steep slopes	Yes	Habitat	Low		
Shallow Water Table	Yes	Drainage area	Small		
Poorly Drained Soils	Yes	Space required	Low		

Source: Clean Water Services, et. al, 2009 and SEMCOG, 2008.

8.3 Design Considerations

The following design factors shall be considered when implementing this methodology:

Sizing

The size of the swale shall depend upon the infiltration rate of existing soils. A sizing factor of 0.06 assumes the site infiltration rate is less than 2 in/hr. For example, the size of a swale managing 1,500 square feet of total impervious area would be 90 square feet (1,500 x 0.06). Size may be decreased if:

- Demonstrated infiltration rate is greater than 2 in/hr using ASTM D3395-09 method; or
- Amended soil depth is increased.

Geometry/Slopes

A swale's slope end to end shall be at least 0.5% and no more than 6%. For sites with steeper slopes, check dams may be incorporated into the design. Side slopes from the bottom to the top of the swale shall be 3:1 or less. The minimum bottom width shall be 2 feet with a minimum depth of 1 foot.

Piping for LIDA Swales

If needed, stormwater may be directed from impervious surfaces to swales by piping per plumbing code requirements, or may flow directly into the swale via curb openings. A LID/GI swale shall have no underdrain. An overflow drain shall allow no more 6 inches of water depth to collect in the swale. The overflow drain and piping must meet plumbing code requirements and direct excess stormwater to an approved disposal point.

Setbacks

The City of Daphne Land Use & Development Ordinance site-specific setback requirements shall apply.

Soil Amendment/Mulch

Amended soils with appropriate compost serve numerous benefits: infiltration; detention, retention; better plant establishment and growth; reduced summer irrigation needs; reduced fertilizer need; increased physical/chemical/microbial pollution reduction; and reduced erosion potential. Primary treatment shall occur in the top 18 inches of the swale. Amended soil in the treatment area shall be composed of imported soil, mix of one part organic compost, one part gravelly sand, and one part top soil. Compost shall be weed-free, decomposed, non-woody plant material; animal waste is not allowed. Water velocities and potential erosion shall be reduced by providing energy dissipaters such as river rock at entrances to the swale. Check with the District or local jurisdiction for Seal of Testing Approval Program (STA) Compost provider – Chad checking into this. To avoid erosion, appropriate erosion control BMPs shall be implemented.

Vegetation

The entire swale area including side slopes and treatment areas shall be planted with vegetation appropriate for the soil conditions. Planting conditions vary from wet to relatively dry within the swale. The flat bottom will be inundated frequently and shall be planted with species such as rushes, sedges, perennials, ferns, and shrubs well-suited to wet-to-moist soil conditions. The side slope moisture gradient varies from wet at the bottom to relatively dry near the top where inundation rarely occurs. The moisture gradient will vary depending upon the designed water depth, the swale depth, and side slope steepness. The transition zone from the bottom of the swale to the designed high water line or top of freeboard shall be planted with sedges, rushes, perennials, ferns, and shrubs that can tolerate occasional standing water and wet-to-moist planting conditions. The areas above the designed high water line and immediately adjacent to the swale will not be regularly inundated and shall be planted with self-sustaining, low maintenance grasses, perennials, and shrubs suitable for the local climate and site.

Native plants are encouraged, but appropriate, noninvasive ornamentals are acceptable for aesthetic and functional value. All vegetation should be densely and evenly planted to ensure proper hydrological function of the swale.

Quantities:

Bottom of the swale (wet-to-moist zone, per 100 sf) shall include at a minimum:

- 115 herbaceous plants, 1' on center spacing, ½-gal container size; or
- 100 herbaceous plants, 1' on center, and 4 shrubs, 1-gal container size, 2' on center

Side slopes and top of the swale (wet-to-moist transition zone and dry zone) shall include at a minimum:

- 1 tree per 300 sq. ft, minimum 2-gal container size by 2 ft-tall and
- 10 shrubs (1-gal) and 70 groundcovers (½-gal) per 100 sf

Side slope trees shall be selected by adaptability to wet-to-moist conditions and size at maturity. An area twice the width of the tree rootball and the depth of the rootball plus 12" (or total depth of 30", whichever is greater) shall be backfilled with amended soil for optimal growth, with no sub-surface rock layer (Clean Water Services, et. al, 2009.)

8.4 Maintenance

The following maintenance activities are required with swales:

Task	Frequency/Notes
Irrigation	As needed, water efficient irrigation shall be applied for the first two years after construction of the facility, particularly during the dry summer months, while plantings become established. Irrigation after two years is at the discretion of the owner.
Landscape maintenance (replanting and nonnative species removal).	At least twice annually, in spring and fall, evaluate and replant as necessary to ensure a minimum of 80% survival rate of the required vegetation and 90% facility coverage. Remove nonnative, invasive plant species when found in the facility. Design swales so that they do not require mowing.
Debris removal	At least twice annually, in spring and fall, remove garbage, landscaping debris and other material that may impede water flow and clog the system.
Structural inspection and maintenance	At least twice annually, in spring and fall, Check inlet pipes and outlet structure for damage or missing pieces. Inlet pipes and outlet structures shall be free of obstructions and heavy vegetation.

Note: If public, the permittee is responsible for the maintenance of the swale for a minimum of two years following construction and acceptance of the facility. All publicly maintained facilities not located in the public right-of-way must have a public easement. If private, the property owner is responsible for ongoing maintenance per a recorded maintenance agreement (Clean Water Services, et. al, 2009).

9. Sand Filter/Oil and Grit Separation

9.1 Overview

Constructed filters are structures or excavated areas containing a layer of sand, compost, organic material, peat, or other media that reduce pollutant levels in stormwater runoff by filtering sediments, metals, hydrocarbons, and other pollutants. Constructed filters are suitable for sites without sufficient surface area available for bioretention.

9.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Limited	Construction Cost	Med/high	<ul style="list-style-type: none"> • Good water quality performance; • Variations for different applications; and • Can be effective pretreatment for other BMPs. 	<ul style="list-style-type: none"> • Limited water quantity benefits; • Relatively high cost; and • High maintenance needs.
Commercial	Yes	Maintenance	High		
Industrial	Yes	Soils	n/a		
Retrofit	Yes	Sun/Shade	n/a		
Highway/Road	Yes	Stormwater Quantity Function	Low/high*		
Recreational	Yes	Stormwater Quality Function	High/med flow (temp)		
Sleep slopes	n/a	Habitat	n/a		
Shallow Water Table	n/a	Drainage area	Max 5 acre		
Poorly Drained Soils	n/a	Space required	low		

*Function is low without infiltration and increases when infiltration is provided. Source: SEMCOG, 2008.

9.3 Design Considerations

The following design factors shall be considered when implementing this methodology:

1. All constructed filters shall be designed so that larger storms may safely overflow or bypass the filters. Flow splitters, multi-stage chambers, or other devices may be used. A flow splitter may be necessary to allow only a portion of the runoff to enter the filter. This would create an "off-line" filter, where the volume and velocity of runoff entering the filter is controlled. If the filter is "on-line", excess flow shall be designed to bypass the filter and continue to another water quality BMP.
2. Entering velocity shall be controlled. A level spreader may be used to spread flow evenly across the filter surface during all storms without eroding the filter material. Level spreaders for this purpose should use a concrete lip or other non soil material to avoid clogging as a result of failure of the level spreader lip. Parking lots may be designed to sheet flow into filters. Small rip-rap or landscaped riverstone edges may be used to reduce velocity and distribute flows more evenly.
3. Contributing areas shall be stabilized with vegetation or other permanent soil cover before runoff enters filters. Permanent filters shall not be installed until the site is stabilized. Excessive sediment generated during construction can clog the filter and prevent or reduce the anticipated post construction water quality benefits.
4. Pretreatment may be necessary in areas with especially high levels of debris, large settled particulates, etc. Pretreatment may include a forebay, oil/grit separators, vegetated filter strips, or grass swales. These measures will settle out the large particles and reduce velocity of the runoff before it enters the filter. Regular maintenance of the pretreatment is critical to avoid wastes being flushed through and causing the filter to fail.
5. There shall be sufficient space (head) between the top of the filtering bed and the overflow of the filter to allow for the maximum head designed to be stored before filtration.

6. The filter media may be a variety of materials (sand, peat, GAC, leaf compost, pea gravel, etc.) and in most cases should have a minimum depth of 18 inches and a maximum depth of 30 inches, although variations on these guidelines are acceptable if justified by the designer. Coarser materials allow for greater hydraulic conductivity, but finer media filter particles of a smaller size.

Sand has been found to provide a good balance between these two criteria, but different types of media remove different pollutants.

The filter media shall have a minimum hydraulic conductivity (k) as follows:

- Sand 3.5 feet/day;
- Peat 2.5 feet/day; and
- Leaf compost 8.7 feet/day.

Depending on the characteristics of the stormwater runoff, a combination of filter materials will provide the best quality results. In addition to determining the degree of filtration, media particle size determines the travel time in the filter and plays a role in meeting release rate requirements.

7. A gravel layer at least six inches deep is required beneath the filter media.
8. Underdrain piping shall be four-inch minimum (diameter) perforated pipes, with a lateral spacing of no more than 10 feet. A collector pipe can be used, (running perpendicular to laterals) with a slope of one percent. All underground pipes shall have clean-outs accessible from the surface. Underdrain design must minimize the chance of clogging by including a pea gravel filter of at least three inches of gravel under the pipe and six inches above the pipe.
9. Infiltration filters shall be underlain by a layer of permeable nonwoven geotextile.
10. A total drawdown time of not more than 72 hours is recommended for constructed filters, though the surface should drawdown between 24 and 48 hours. The drawdown time can be estimated using the filter surface area and the saturated vertical infiltration rate of the filter media. If the storage does not drawdown in the time allowed, adjust pretreatment depth, filter media depth, and surface area. Adjust the design until the volume (if applicable) and drainage time constraints are met.
11. The filter surface area may be estimated initially using Darcy's Law, assuming the soil media is saturated:

$$A = V \times d_f / [k \times (h_f + d_f) \times t_d], \text{ where:}$$

A = Surface area of filter (square feet)

V = Water volume (cubic feet)

d_f = Depth of filter media (min 1.5 ft; max 2.5 ft)

t_d = Drawdown time (days), not to exceed 3 days

h_f = Head (average head in ft; typically $\frac{1}{2}$ the maximum head on the filter media, which is typically \leq to 6 ft)

k = Hydraulic conductivity (ft/day)

12. For vegetated filters, a layer of nonwoven geotextile between non-organic filter media and planting media shall be required.

9.4 Maintenance

The following maintenance activities are required with sand filter/oil and grit separation:

Task	Frequency/Notes
Filter media inspection and maintenance, replacement as necessary	Four times per year. Check for accumulated sediment in pore space, and reduced hydraulic conductivity. Symptoms include: <ul style="list-style-type: none"> • Standing water – any water left in a surface filter after the design drain down time indicates the filter is not functioning according to design criteria. • Film or discoloration of any surface filter material – this indicates organics or debris have clogged the filter surface.
Remove trash and debris	Four times per year
Rake scrape silt if collected on top of the filter	Four times per year
Till and aerate filter area	Four times per year
Replenish filtering medium	Four times per year, if scraping/removal has reduced depth of filtering media
Repair leaks from the sedimentation chamber or deterioration of structural components	Four times per year
Clean out accumulated sediment from filter bed chamber and/or sedimentation chamber	Four times per year
Clean out accumulated sediment from underdrains	Four times per year

Note: In areas where the potential exists for the discharge and accumulation of toxic pollutants (such as metals), filter media removed from filters must be handled and disposed of in accordance with all state and federal regulations.

10. Green Roofs

10.1 Overview

A green roof (or ecoroof) is a lightweight vegetated roof system with waterproofing material, drainage, growing medium, and specially selected plants. A green roof can reduce site impervious area and manage stormwater runoff. Green roofs reduce peak runoff to near predevelopment rates and reduce annual runoff volume by at least 50% (Cost Benefit Evaluation of Ecoroofs, Portland Bureau of Environmental Services, 2008). Green roofs also help mitigate runoff temperatures by keeping roofs cool and retaining most of the runoff in dry seasons. Green roofs typically have thin layers of lightweight growing medium (4 to 8 inches) and low growing succulent vegetation. Alternatively, roof gardens that are designed to be walked on have deeper soils (8+ inches) and are more heavily planted. Professional design consultation is necessary to ensure the structural requirements of building codes are met. Green roofs must be low maintenance and use irrigation only to sustain the health of vegetation.

10.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Varies	<ul style="list-style-type: none"> • Increased energy efficiency; • Improved air quality; • Reduced temperatures in urban areas; • Noise reduction; • Improved aesthetics; • Extended roof life; and • Improved stormwater management. 	<ul style="list-style-type: none"> • Complex engineering and design factors, • Higher initial cost than conventional; • Climate limitations; and • Potentially costly repairs.
Commercial	Yes	Maintenance	Moderate/high		
Industrial	Yes	Soils	n/a		
Retrofit	No	Sun/Shade	Sun		
Highway/Road	n/a	Stormwater Quantity Function	Varies		
Recreational	n/a	Stormwater Quality Function	Good		
Sleep slopes	n/a	Habitat	Good		
Shallow Water Table	n/a	Drainage area	Roof Size		
Poorly Drained Soils	n/a	Space required	Small		

Source: Clean Water Services, et. al, 2009 and SEMCOG, 2008.

10.3 Design Considerations

Sizing

Green roofs replace impervious area at a 1:1 ratio. They shall not receive water from other impervious areas such as an adjacent conventional roof.

Slope

Maximum roof pitch is 4:12 (3H:1V slope) unless the applicant provides documentation of runoff retention and erosion control on steeper slopes.

Waterproofing

On the roof surface a waterproofing material such as modified asphalt, synthetic rubber, or reinforced thermal plastics is required. Waterproofing materials also may act as a root barrier. Waterproof membranes shall be thoroughly tested to identify and remedy potential defects and leaks prior to installation of any green roof components.

Protection boards or materials (recommended)

These materials protect the waterproof membrane from damage and are usually made of soft fibrous materials. They may be required to maintain the waterproofing warranty, depending on the membrane used. Consult with roofing manufacturer for requirements.

Ballast (optional)

Gravel ballast may be placed along the roof perimeter and at air vents or other vertical elements to separate roofing elements and vegetation. The need for ballast depends on the type of roof and rooftop flashing details. Ballast or rooftop pavers may be used to provide access, especially to vertical elements that require maintenance.

Header/separation board (optional)

If needed, a header or separation board may be placed between gravel ballast and soil or drains.

Root barrier

A root barrier may be required, depending on the waterproofing material, warranty requirements, and the types of vegetation proposed. Root barriers impregnated with pesticides, metals, or other chemicals that could leach into stormwater shall not be applied unless documentation that leaching does not occur is provided. If a root barrier is used it must extend under any gravel ballast and the growing medium, and up the side of any vertical elements.

Drainage

A method of drainage shall allow excess water to flow into drains when soils are saturated. A manufactured drain mat, filter fabric, aggregate or gravel layers, or the growing medium itself may be used if water drains when soils are saturated. The green roof shall have an approved discharge location and drain or drains.

Growing medium

The growing medium depth is 3 to 4 inches or more, depending on the project. This material shall be lightweight and provide a good base for plant growth. Mixes range from 5% organic/95% inorganic to 30% organic/70% inorganic, depending on specific vegetation needs. Growing media shall be stable over time and not break down into fine particles that might increase compaction and clog drainage layers. Components include pumice, perlite, paper pulp, digested organic fiber, and water retention components such as expanded slate, diatomaceous earth, or polymers. For growing media specification, include all constituent elements and their percent composition, and a saturated weight per cubic foot (pcf) that has been tested by a third party lab.

Vegetation and coverage

Green roof vegetation traits:

- Adapted to seasonal drought, excess heat, cold and high winds and other harsh conditions;
- Fire resistant;
- Requires little or no irrigation once established;
- Predominately self-sustaining, low maintenance, with minimal fertilizer;
- Perennial or self-sowing annuals that are dense and mat-forming; and
- Diverse palette to increase survivability and good coverage.

Examples of appropriate species: Sedum, ice plant, blue fescue, sempervivum and creeping thyme. Other herbs, forbs, grasses, and low groundcovers can provide additional benefits and aesthetics, but may need more watering and maintenance to survive and may be prone to additional fire risk if allowed to dry out. Planting lists shall be City-approved and based on reliable sources from this region including local growers and plant suppliers.

Species shall achieve 90% plant coverage within the 2 year maintenance period. At least 70% of the green roof should be evergreen species. No more than 10% of the green roof may be non-vegetated components such as gravel ballast or pavers for maintenance access. Mechanical units may protrude through the green roof, but are not considered elements of the green roof and may be removed from square foot totals.

Exposed areas during establishment periods shall be mulched with an approved, biodegradable mesh blanket, straw, gravel, and pebbles or pumice to protect exposed soil from erosion.

10.4 Maintenance

The following maintenance activities are required with sand filter/oil and grit separation:

Task	Frequency*/Notes
Remove drain debris	Monthly during rainy season.
Remove dead plants and replant	As needed in spring and fall to maintain the required 90% plant coverage.
Remove weeds and undesirable plant growth	During first growing season monthly, and in late spring and early fall in subsequent years.
Fertilization	As needed, non-chemical, organic and slow release as approved by the City of Daphne.
Weed/pest abatement	Pesticides and herbicides of any kind are prohibited, unless approved by the City of Daphne to contain a detrimental outbreak of weeds or other pests.
Irrigation	As needed, minimal irrigation may be necessary to maintain vegetation health and ecological function of green roofs. Harvested rainwater is highly recommended for irrigation. Green roofs larger than 1,000 square feet should have an automatic irrigation system for more efficient coverage and to eliminate the need for hand watering. Those larger than 5,000 square feet also should have an irrigation flow meter to monitor water usage.

*The level of maintenance will vary depending on soil depth, vegetation type, and location.

References:

Brantley, Eve (Auburn University) Dylewski, Katie (Auburn University), Roberts, Jess (Auburn University), Shelton, Michael (Weeks Bay National Estuarine Research Reserve). September 30, 2010. *Low Impact Development Guidebook, Phase I Edition V1.0*.

SEMCOG (Southeast Michigan Council of Governments Information Center: www.semcoog.org) and Michigan Department of Environmental Quality. *Low Impact Development Manual For Michigan. A Design Guide for the Implementers and Reviewers*. 2008.

Clean Water Services, Tualatin Basin Natural Resources Coordinating Committee's Public Education and Outreach Committee, and Oregon Department of Environmental Quality (DEQ). July 2009. *Low Impact Development Approaches Handbook*.

Low Impact Development / Green Infrastructure (LID/GI) Project Application

Applicant: _____ Project Name: _____

_____ LID/GI Techniques have been considered for this project but are not being implemented for the following reason(s) _____

_____ LID/GI Techniques and have been considered and are being implemented in exchange for incentives as requested below. Plans illustrating proposed technique are included in submittal package.

Selected ✓	LID/GI Technique*	Point Value	Applicant's Description of Technique <i>(including scale/ extent of use in project)</i>	Reference Plan Sheet	Points Requested
	Bioretention	7			
	Constructed Stormwater Wetlands	7			
	Permeable / Porous Pavement	4			
	Riparian Buffers	7			
	Level Spreaders	5			
	Maximize Native Plants / Minimize Sod	5			
	Swales / Dry Swales	3			
	Rainwater Harvesting	4			
	Sand Filter / Oil and Grit Separation	4			
	Green Roofs	1			

*Refer to Appendix O for LID/GI technique requirements.

Total Technique Points: _____

Low Impact Development / Green Infrastructure (LID/GI) Project Application (Continued)

Selected ✓	Incentive Description	Final Point Value	Points Used
	Reduced parking requirements Option A _____		
	Reduced parking requirements Option B _____		
	Waived permit fees		
	Reduced permit fees		

Total Technique Points: _____

Note: Total technique points must be greater than or equal to total incentive points.

_____ I certify that all of the LID/GI techniques and incentives have been analyzed and selected, as applicable, for the design of this project as indicated above. I also certify that the techniques selected, as applicable, will be implemented for this project as referenced on Plan Sheets provided in the application package.

Signature of Applicant/Authorized Agent _____

Date _____

CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PUBLIC SAFETY COMMITTEE REPORT

CODE ENFORCEMENT / ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEES REPORT

**CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
FEBRUARY 11, 2013
4:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:00 pm. Present were Chair Person Ms. Conaway, Councilman Ron Scott, Mayor Haygood, Deputy Finance Director Christine Ciancetta, Senior Accountant Suzanne Henson and Accounting Technician Sue Moody.

Mr. John Lake arrived at 4:15 pm.

Also in attendance were Human Resources Director Vicky Hinman, Public Works Director Richard Johnson, IT Coordinator Rick Whitehead, Building Maintenance Supervisor Frank Barnett and Councilman Pat Rudicell.

II. PUBLIC PARTICIPATION

Councilman Pat Rudicell requested that replacement/purchases for large Capital Items/Equipment be on the March Finance Meeting agenda for discussion.

III. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

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

Positions

Sales Manager
City Clerk
Municipal Judge
PSW (Grounds)
GIS Technician
Fire Fighter

Status

Pre-employment process
Applications being reviewed
DOH: 1/29/2013
Applications being reviewed
(20) Applications being reviewed
Accepting applications

Other Human Resources' projects or meetings:

- Conference calls with Kronos regarding new server and upgrades.
- Reviewing Personnel Handbook (revisions needed)
- W-2's- Payroll meeting guidelines for Patient Protection and Affordable Care Act (PPACA) – January 29, 2013
- Step Increases entered for eligible employees
- Blood Drive – February 14, 2013

Ms. Sherree Hilburn discussed the City's annual Worker's Comp audit. Ms. Hilburn provided an estimated contribution billing. Ms. Hilburn noted that after the annual audit the City may owe a balance based upon the auditor's findings. Ms. Hilburn reviewed the various discounts allowed on the City's billing. Discussion continued on how the discounts were calculated.

(Ms. Hilburn researched and found additional information on Workers Compensation Billing Discounts:

- **Scheduled Discount** - Based on formula comprised of: Mod rate, Loss Ratio, Experience modifier, how many years in the Fund and Premium size. Loss Ratio = liability claims, lawsuits/legal.
- **The highest discount possible is 25%.**
- **Renewal Dividend** – Share of profits distributed to all members in the fund (3+ yrs) determined by the Experience modifier.)

Ms. Henson discussed that Department Heads need to remember to require all contractors to carry Workers Comp insurance before they perform services for the City of Daphne. Ms. Henson noted that the City's Workers Comp rate increases for contractors that do not carry their own insurance.

Mr. Scott noted there had been some discussion of the Council about changing the number of pay periods set for Council from 24 pay periods/yr to 26 pay periods/yr. (Becky Hayes, Interim City Clerk checked with the League and received advisement: *The salary of the councilmembers must be fixed by the council through passage of an ordinance six months prior to the election. The salary schedule in existence before election continues during the next administration.*)

IV. CURRENT BUSINESS

A. Financial Reports

1. Treasurer's Report: January 31, 2013

The Treasurer's Report totaling \$19,663,309.54 was presented by Ms. Conaway.

Motion by Mr. Ron Scott to accept the Treasurer's Report as of January 31, 2013, in the amount of \$19,663,309.54. Seconded by Ms. Conaway. Motion carried.

2. Sales and Use Taxes: December 31, 2012, \$

Ms. Conaway stated the Sales and Use Taxes were up slightly. The Sales and Use Tax collections for December 31, 2012 were 1,266,051.50.

3. Lodging Tax Collections, December 31, 2012, \$40,495.14.

Ms. Conaway stated the Lodging Tax Collection for December 31, 2012 - \$40,495 were down from December 2012 - \$42,279.22.

4. Summary Statement: Revenues & Expenditures w/comparatives, December 31, 2012

Discussion was made on the comparative totals from FY03-FY13 and Ad Valorem collections. Ms. Henson noted that each year a large property collection check is received from the County in either December or January and this year a \$1,532,703 check was received in late January in addition to the \$638,360 check received on January 15th and next month's comparative statement will reflect those collections.

5. Report: New Business Licenses – January 2013

There were 47 new businesses and 5 closed businesses in Daphne.

6. Bills Paid Reports – December 2012

Ms. Henson noted that additional purchase description has been added to the Bills Paid Report as a request by Mayor Haygood to make the report more informative.

B. Request to go out to bids/obtain quotes for:

1. City Hall Roof (Existing Old Roof)
2. Nicholson Center

Mr. Johnson reviewed the evaluation reports for repairs needed for the roofs at City Hall and the Nicholson Center. Mr. Johnson stated there were a couple of recommended repair options for each roof : restoration vs. replacement. Mr. Johnson noted that estimates for recommended repairs for the City Hall roof ranged from \$30,000 - \$160,000 and that the Nicholson Center estimates ranged from: \$4,000-40,000. Ms. Henson explained that the Nicholson Center roof repair estimate falls below the required Public Works Bid Law limit of \$50,000 so quotes could be obtained for that repair. Mr. Johnson requested approval to go out to bid for the City Hall roof repair and to obtain quotes for the repair of the Nicholson Center roof.

Motion by Mr. Ron Scott for Bid out City Hall Roof Repairs (old section of roof) and obtain quotes for the repair of the Nicholson Center roof. Seconded by Mr. John Lake. Motion carried.

C. Prepaid Travel: (Resolution)

- Rick Whitehead, IT Coordinator; Florida Digital Governmental Summit; Tallahassee, FL, May 15-18, 2013 - \$140

A request for Prepaid Travel for IT Coordinator, Rick Whitehead was presented.

Motion by Mr. Ron Scott to adopt a Resolution for Prepaid Travel for IT Coordinator in the amount of \$140 to attend the Florida Digital Governmental Summit; Tallahassee, FL, May 15-18, 2013 . Seconded by Mr. John Lake. Motion carried.

D. Bid:

1. 2013-E-(3) Hydraulic Recycling Trailers 16'

Mr. Johnson discussed that monies are available to purchase the trailers through a ADEM Grant. Mr. Johnson also recommended the low bidder, Pro-Tainer, Inc. be awarded the bid. Discussion continued these are specialized trailers to haul barricades.

Motion by Mr. Ron Scott for Bid Recommendations for 2013-E-(3) Hydraulic Recycling Trailers 16' be awarded to Pro-Tainer, Inc. Seconded by Mr. John Lake. Motion carried.

E. Designate project consultant for ATRIP project: Lake Forest Phase III

Mr. Johnson discussed the ATRIP approved project: ACOA 59010 ATRIP(001) – Baldwin County ATRIP 02-01-22 – Resurface Ridgewood Drive & Bayview Drive from Dunbar Loop to Rolling Hill Drive (*Lake Forest Phase III*). Mr. Johnson noted a project consultant needs to be approved by Council in order to comply with Grant Requirements. Mr. Johnson stated staff's recommendation is for HMR, LLC to provide these consulting services.

Motion by Mr. Scott to recommend Council adopt a resolution designating HMR, LLC as the project consultant for the ATRIP project: ACOA 59010 ATRIP(001) – Baldwin County ATRIP 02-01-22 – Resurface Ridgewood Drive & Bayview Drive from Dunbar Loop to Rolling Hill Drive (Lake Forest Phase III). Seconded by Mr. John Lake. Motion carried.

V. OLD BUSINESS

No old business was discussed.

VI. ADJOURN

The meeting was adjourned.

Dane Haygood
Mayor
Vickie Hinman
Human Resources Director



Sherree Hilburn
Payroll and Benefits Coordinator

Michele Hanson
Human Resources Assistant

February 6, 2013

HUMAN RESOURCES DEPARTMENT
ACTIVITY REPORT

Positions

Sales Manager
City Clerk
Municipal Judge
PSW (Grounds)
GIS Technician
Fire Fighter

Status

Pre-employment process
Applications being reviewed
DOH: 1/29/2013
Applications being reviewed
(20) Applications being reviewed
Accepting applications

Safety Committee Meeting:

Five (5) City facilities will receive a free-standing foam Hand Sanitizer to be used by employees and citizens. The (5) City facilities are Civic Center, Library, Recreation, City Hall and Mechanical Barn. Public Works is ordering uniforms and gloves for Building Maintenance employees that are flame resistant.

Other Human Resources' projects or meetings:

- Conference calls with Kronos regarding new server and upgrades.
- Reviewing Personnel Handbook (revisions needed)
- W-2's- Payroll meeting guidelines for Patient Protection and Affordable Care Act (PPACA) – January 29, 2013
- Step Increases entered for eligible employees
- Blood Drive – February 14, 2013

Human Resources Department
P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-3075 • Fax: (251) 621-4506



Municipal Workers Compensation Fund, Inc.
 P.O. Box 1270
 Montgomery, AL 36102

2013

Revised Estimated Contribution Billing

Name Of Insured:
 City Of Daphne
 P O Box 400
 Daphne, AL 36526

Policy Effective Date	2/1/2013
Policy Terminate Date	1/31/2014
Policy Number	001-2013-00013-000
Risk ID	014001220
Printed	1/29/2013
DUE UPON RECEIPT	
TOTAL AMOUNT DUE	\$ 247,211.00

Rate Code	Payroll Description	Rate	Basis	Payroll	Manual Premium
0042 AL	Landscape gardening & drivers	7.93 %	Payroll	211,934	\$ 16,806.00
7710 AL	Firefighters and drivers	7.27 %	Payroll	1,879,780	\$ 136,660.00
7720 AL	Police officers & drivers	6.08 %	Payroll	2,601,948	\$ 158,198.00
8380 AL	Auto Repair Shop	7.58 %	Payroll	255,943	\$ 19,400.00
8810 AL	Clerical office employees NOC	.38 %	Payroll	2,269,555	\$ 8,624.00
8831 AL	Animal Control	2.75 %	Payroll	94,699	\$ 2,604.00
8835 AL	Senior Citizens Program	4.43 %	Payroll	30,671	\$ 1,359.00
9015 AL	Building Maintenance and Janitor	6.01 %	Payroll	224,503	\$ 13,493.00
9101 AL	Library Workers	4.20 %	Payroll	171,773	\$ 7,214.00
9102 AL	Park NOC-all employees & drivers	3.97 %	Payroll	514,727	\$ 20,435.00
9402 AL	Street cleaning & drivers	12.48 %	Payroll	717,450	\$ 89,538.00
9403 AL	Garbage Collection	12.22 %	Payroll	503,162	\$ 61,486.00
9410 AL	Building Inspection and Code Enforcement	2.61 %	Payroll	304,594	\$ 7,950.00
Subcontractors					
8810 AL	Clerical office employees NOC	.38 %	Payroll	17,030	\$ 65.00
9102 AL	Park NOC-all employees & drivers	3.97 %	Payroll	96,235	\$ 3,821.00
Total				9,894,004	\$ 547,653.00

Premium Factors	Factor	Amount	Premium
Experience Modifier	.79		\$ 432,643.00
Safety Discount	3.00 %	\$ -12,979.00	
Drug Free	3.00 %	\$ -12,979.00	
Scheduled Discount	25.00 %	\$ -108,161.00	
Medical Protocol	4.00 %	\$ -17,306.00	
Volume Discount	4.90 %	\$ -21,200.00	
7711 Volunteer Firefighters (37 @ \$125.00)			\$ 4,625.00
Annual Premium			\$ 264,646.00
Renewal Dividend			\$ -17,435.00
Total			\$ 247,211.00

Make Check Payable and Remit to:
 Municipal Workers Compensation Fund, Inc., P.O. Box 1270, Montgomery, AL 36102

Total Now Due: \$ 247,211.00

last year's Bill: 2012



Municipal Workers Compensation Fund, Inc.
P.O. Box 1270
Montgomery, AL 36102

Estimated Contribution Billing

Name Of Insured:
City Of Daphne
P O Box 400
Daphne, AL 36526

Policy Effective Date	2/1/2012
Policy Terminate Date	1/31/2013
Policy Number	001-2012-00013-000
Risk ID	014001220
Printed	12/27/2011 at 10:47
DUE UPON RECEIPT	AM
TOTAL AMOUNT DUE	\$ 252,473.00

Rate Code	Payroll Description	Rate	Basis	Payroll	Manual Premium
0042 AL	Landscape gardening & drivers	6.89 %	Payroll	187,901	\$ 12,946.00
7710 AL	Firefighters and drivers	6.25 %	Payroll	1,924,966	\$ 120,310.00
7711 AL	Volunteer Firefighters	\$ 125.00	Each	37	\$ 4,625.00
7720 AL	Police officers & drivers	5.75 %	Payroll	2,642,696	\$ 151,955.00
8380 AL	Auto Repair Shop	7.04 %	Payroll	253,205	\$ 17,826.00
8810 AL	Clerical office employees NOC	.36 %	Payroll	2,161,465	\$ 7,781.00
8831 AL	Animal Control	2.76 %	Payroll	95,397	\$ 2,633.00
8835 AL	Senior Citizens Program	4.60 %	Payroll	30,465	\$ 1,401.00
9015 AL	Building Maintenance and Janitor	5.30 %	Payroll	196,588	\$ 10,419.00
9101 AL	Library Workers	3.86 %	Payroll	308,250	\$ 11,898.00
9102 AL	Park NOC-all employees & drivers	4.80 %	Payroll	553,859	\$ 26,585.00
9402 AL	Street cleaning & drivers	12.28 %	Payroll	729,361	\$ 89,566.00
9403 AL	Garbage Collection	12.46 %	Payroll	556,125	\$ 69,293.00
9410 AL	Building Inspection and Code Enforcement	2.88 %	Payroll	285,296	\$ 8,217.00
Subcontractors					
5478 AL	Carpet, linoleum, vinyl, asphalt, and rubber floor tile installation	7.17 %	Payroll	741	\$ 53.00
9084 AL	Entertainment or band/Restaurant-bar, bar, discotheque, lounge, nightclub or tavern	2.90 %	Payroll	29,150	\$ 845.00
9102 AL	Park NOC-all employees & drivers	4.80 %	Payroll	58,106	\$ 2,789.00
Total				10,013,608	\$ 539,142.00

Premium Factors	Factor	Amount	Premium
Experience Modifier	.82		\$ 442,099.00
Safety Discount	3.00 %	\$ -13,263.00	
Drug Free	3.00 %	\$ -13,263.00	
Scheduled Discount	24.00 %	\$ -106,104.00	
Medical Protocol	4.00 %	\$ -17,684.00	
Volume Discount	4.60 %	\$ -20,337.00	
Renewal Dividend			\$ -18,977.00
Annual Premium			\$ 271,450.00
Total			\$ 252,473.00

Make Check Payable and Remit to:
Municipal Workers Compensation Fund, Inc., P.O. Box 1270, Montgomery, AL 36102

Total Now Due: \$ 252,473.00

TREASURER'S REPORT

As of January 31, 2013

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$7,623,529.46
OPERATING ACCT	COMPASS	(\$219,716.36)
PAYROLL ACCT	COMPASS	\$0.00
CREDIT CARD DONATION ACCT (\$500 transf frm GF to open acct)	COMPASS	\$443.64
		<u>\$7,404,256.74</u>
INVESTMENT FUND	RAYMOND JAMES (investment \$4,828,875.15)	\$5,190,656.19
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	\$401,372.13
SPECIAL REVENUE FUNDS		
SAIL SITE	PNC BANK	\$4,354.02
4 CENT GAS TAX	PNC BANK	\$345,038.25
7 CENT GAS TAX	PNC BANK	\$359,916.55
		<u>\$709,308.82</u>
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WELLS FARGO	\$1,080,564.65
2012 CONSTRUCTION	REGIONS	\$152,956.21
2012 CONSTRUCTION INVESTMENT ACCT	RAYMOND JAMES	\$2,189,738.51
		<u>\$3,423,259.37</u>
DEBT SERVICE FUNDS		
DEBT SERVICE	WELLS FARGO	\$2,429,103.74
2006 DEBT SERVICE	PNC	\$105,352.55
		<u>\$2,534,456.29</u>
		<u>\$19,663,309.54</u>

PRIOR YEAR BALANCE January 31, 2012

\$20,925,561.84

SALES & USE TAXES

ACTUAL COLLECTIONS

	FY 2013 BUDGET/ACTUAL COMPARISONS													
	2007	2008	2009	2010	2011	2012	2012 Eastern Shore Park		2013 Eastern Shore Park	Actual: 2013	Budget	Monthlv Variance	YTD Variance	% of Budget
October	944,542.36	867,190.18	806,503.85	764,641.13	800,512.03	864,727.27	919,399.60	99,665.87	1,019,065.37	925,163	93,902.37	93,902.37	181,800.13	10.15%
November	918,837.95	915,890.97	801,075.91	761,955.37	819,834.09	845,342.45	910,116.86	101,697.10	1,011,813.96	924,116	87,697.76	87,697.76	181,800.13	9.49%
December	1,182,584.39	1,120,005.09	1,078,330.45	1,004,037.20	1,121,393.45	1,165,135.62	1,141,639.06	124,412.44	1,266,051.50	1,252,860	13,191.55	13,191.55	194,791.68	1.05%
January	914,876.33	822,020.87	755,541.41	723,504.28	817,230.14	809,785.59	-	-	894,947	894,947	-	-	0.00%	
February	877,975.60	865,625.83	748,620.87	733,335.60	840,768.01	845,101.34	-	-	921,098	921,098	-	-	0.00%	
March	1,071,598.38	995,616.04	863,535.78	916,657.55	976,181.39	1,018,721.43	-	-	1,108,559	1,108,559	-	-	0.00%	
April	960,140.54	963,691.85	823,173.33	809,598.73	911,438.60	911,839.30	-	-	1,004,237	1,004,237	-	-	0.00%	
May	1,021,488.14	957,167.20	829,039.81	862,254.54	889,945.33	995,894.44	-	-	1,014,317	1,014,317	-	-	0.00%	
June	1,068,433.92	997,274.15	868,308.52	887,262.68	946,206.78	898,566.91	118,255.09	111,626.17	1,122,289	1,122,289	-	-	0.00%	
July	993,216.66	886,690.34	808,113.93	839,192.33	902,457.24	909,570.34	111,697.42	-	1,047,748	1,047,748	-	-	0.00%	
August	954,421.57	964,626.26	831,984.35	790,713.80	871,437.04	898,557.39	-	-	1,021,696	1,021,696	-	-	0.00%	
September	965,107.35	918,551.15	825,257.74	841,035.40	863,630.36	898,557.39	106,103.65	-	1,031,560	1,031,560	-	-	0.00%	
Totals	11,871,233.19	11,279,349.93	10,039,546.95	9,934,176.61	10,766,122.45	11,074,660.68	447,682.33	325,775.41	3,296,930.83	12,268,590	194,791.68	194,791.68		

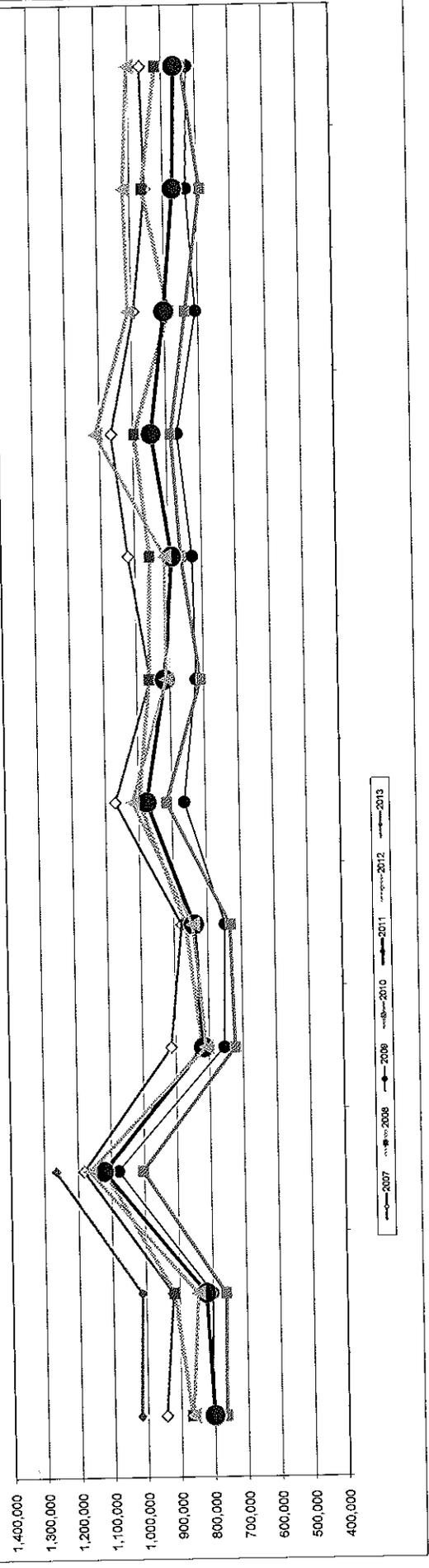
FISCAL YEAR COMPARISONS

	Percent Change											
	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
October	(77,352.18)	(60,666.33)	(41,862.72)	35,870.90	64,215.24	154,338.10	-8.19%	-7.00%	-5.19%	4.69%	8.02%	17.85%
November	(2,946.96)	(114,815.06)	(39,120.54)	57,878.72	23,508.36	166,471.51	-0.32%	-12.54%	-4.88%	7.60%	3.11%	19.69%
December	(62,579.30)	(41,674.64)	(74,293.25)	117,346.25	43,752.17	100,915.68	-5.29%	-3.72%	-6.89%	11.69%	3.90%	8.66%
January	(92,855.46)	(66,479.46)	(32,037.13)	93,725.86	(7,444.55)	-	-10.15%	-8.09%	-2.04%	12.95%	-0.91%	-
February	(12,349.77)	(117,004.96)	(15,285.27)	107,432.41	4,333.33	-	-1.41%	-13.52%	-2.04%	14.65%	0.52%	-
March	(72,962.34)	(135,080.26)	53,121.77	59,523.84	42,540.04	-	-6.81%	-13.53%	6.15%	6.49%	4.36%	-
April	3,551.31	(140,518.52)	(13,584.60)	106,947.86	(5,097.99)	-	0.37%	-14.58%	-1.65%	13.21%	-0.56%	-
May	(64,330.94)	(128,067.89)	33,154.73	27,690.79	21,893.97	-	-6.30%	-13.38%	4.00%	3.21%	2.46%	-
June	(69,159.77)	(128,964.63)	18,953.16	58,944.10	167,942.75	-	-6.49%	-12.93%	2.18%	6.64%	17.75%	-
July	(104,526.32)	(80,576.41)	31,078.40	63,264.91	107,735.84	-	-10.52%	-9.07%	3.85%	7.54%	11.94%	-
August	10,204.69	(132,641.91)	(41,270.55)	80,723.24	149,830.72	-	1.07%	-13.75%	-4.96%	10.21%	17.19%	-
September	(46,556.20)	(93,293.41)	15,777.66	22,594.96	141,030.68	-	-4.82%	-10.16%	1.91%	2.69%	16.33%	-
Annual \$ Change	(591,863.26)	(1,239,802.98)	(105,366.34)	831,943.84	756,240.56	421,725.49	-4.99%	-10.99%	-1.05%	8.37%	7.02%	3.81%

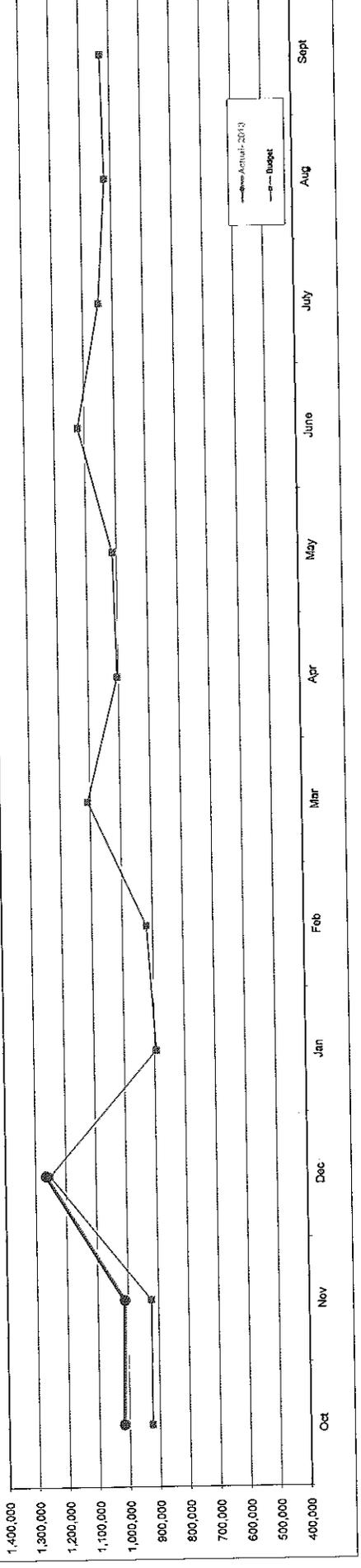
TOTAL collections thru: 12-31-12	3,296,931
Budgeted thru: 12-31-12	3,102,139
Actual Col x(-) Budget, 12-31-12	194,792
% Over/(Under) Budget, 12-31-12	6.28%

TOTAL collections: FY 12	11,522,363
TOTAL est. bogt colt: FY 13	12,268,590
Budgeted Dollar Variance 12 & 13	746,227
Budgeted Percent Variance 12&13	6.48%

Sales & Use Tax Comparisons



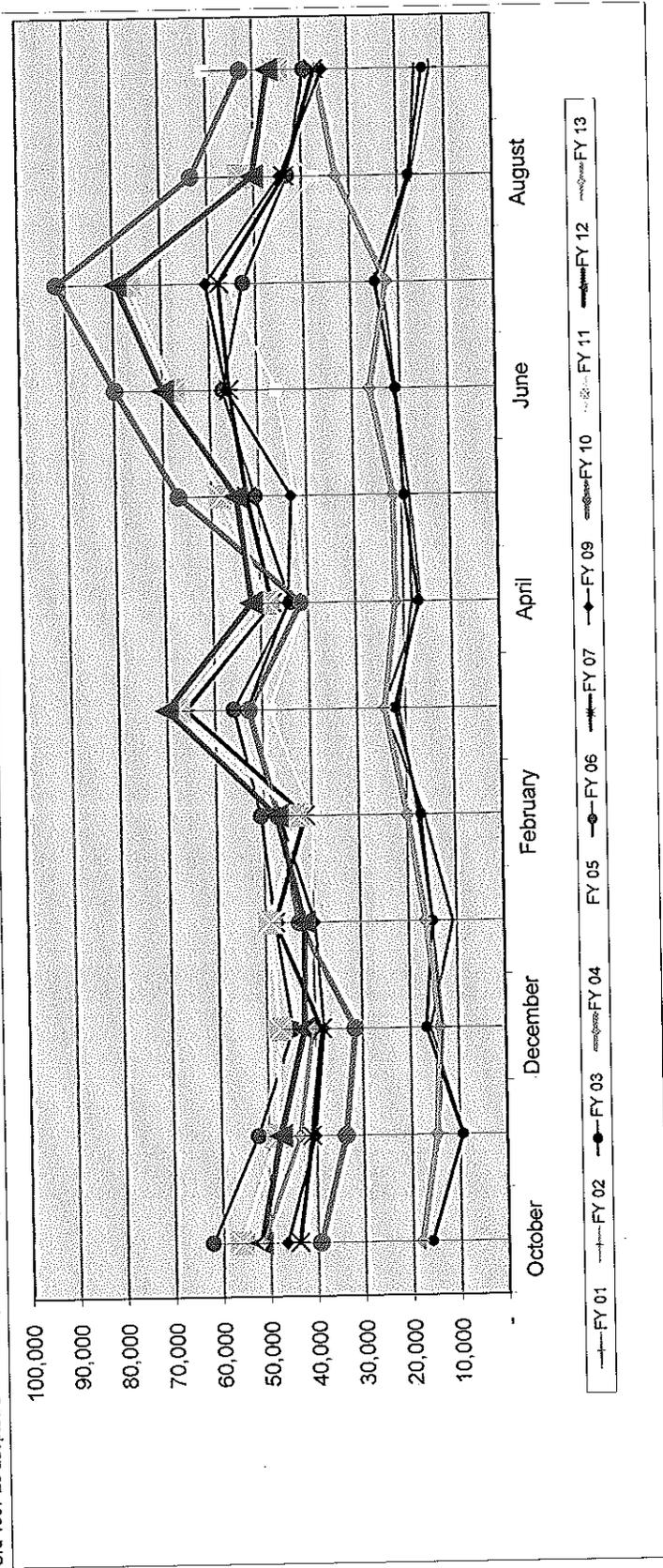
Fiscal 2013 Sales & Use Tax Budget vs. Actual Comparison



Monthly Lodging Tax Collections

FY 01	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13
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	52,002.53	51,578.40
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	47,568.08	43,459.48
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	42,279.22	40,495.14
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	41,917.34	
16,482.91	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33	46,999.01	46,998.32	43,052.68	47,346.50	
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	70,058.33	
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	51,939.06	
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	66,820.96	57,880.48	54,740.45	
20,948.57	21,322.07	21,031.35	26,336.81	46,037.59	57,338.25	55,924.22	64,626.19	56,494.11	79,822.84	67,544.77	69,822.91	
23,389.72	25,013.71	25,026.81	22,654.15	56,266.23	52,752.31	57,842.80	62,035.23	60,619.78	91,906.47	76,631.86	79,417.80	
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	50,417.73	
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	45,216.75	46,968.89	
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	659,604.93	654,478.84	135,533.02

Ord 1997-28 adopted December 8, 1997 incr levy from 3% to 4%.



GENERAL FUND

Summary Statement of Revenues and Expenditures
For the Month Ended December 31, 2012

with comparatives: 12-31-03; 12-31-04; 12-31-05; 12-31-06; 12-31-07; 12-31-08; 12-31-09; 12-31-10; and 12-31-11

Interim Statement	12/31/2003	12/31/2004	12/31/2005	12/31/2006	12/31/2007	12/31/2008	12/31/2009	12/31/2010	12/31/2011	12/31/2012	Amended Budget	Adopted Budget	Budgetary Variance Over/(Under) % Budget
Revenues													
Sales, Use, & Luxury Taxes	1,489,981	1,742,879	1,931,577	1,958,251	1,898,179	1,708,771	1,638,806	1,726,565	1,832,001	2,141,797	12,957,590	12,957,590	(10,815,793) -83%
Payment in Lieu of Taxes	39,697	44,898	60,604	57,534	58,559	59,376	55,000	64,997	71,627	72,386	2,285,000	2,285,000	(2,212,614) -97%
Ad Valorem Taxes	1,040,165	1,038,076	1,111,237	1,338,712	473,530	107,558	1,746,570	1,035,324	1,610,085	293,595	4,602,000	4,602,000	(4,308,405) -94%
Licenses & Permits	153,766	163,165	203,664	253,557	255,800	71,429	88,203	97,915	85,525	110,673	1,851,000	1,851,000	(1,740,327) -94%
Other Revenues	235,443	206,351	203,860	273,769	268,300	214,849	341,302	277,566	263,501	228,379	1,338,183	1,338,183	(1,109,804) -83%
Total Revenues	2,959,052	3,195,338	3,510,942	3,881,822	2,954,368	2,161,984	3,870,481	3,202,367	3,862,738	2,846,830	23,033,773	23,033,773	(20,186,943) -88%
Expenditures													
General Government													
Personnel Operating	321,800	349,111	353,306	365,442	411,645	506,791	463,017	390,380	448,965	458,703	1,973,735	1,973,735	(1,515,032) -77%
Capital	113,219	113,903	157,553	166,699	141,525	188,996	158,567	132,385	205,511	183,687	1,600,487	1,600,487	(1,416,801) -89%
	435,019	463,014	510,859	532,141	553,170	695,787	621,585	522,765	654,477	642,390	3,574,222	3,574,222	(2,931,832) -82%
Public Safety	922,166	930,490	1,034,997	1,241,671	1,516,831	1,832,965	1,957,289	1,647,394	1,909,049	1,890,041	7,893,309	7,893,309	(6,003,268) -76%
Capital	163,657	134,331	184,503	261,006	224,542	196,423	136,271	148,484	184,536	240,270	1,228,575	1,228,575	(988,305) -80%
	1,087,756	1,064,821	1,219,500	1,502,677	1,744,433	2,093,517	2,093,560	1,795,878	2,093,586	2,154,159	9,292,584	9,121,884	(7,138,425) -77%
Public Works	417,022	437,972	464,471	566,272	488,192	583,199	556,694	490,291	575,405	597,149	2,475,145	2,475,145	(1,877,996) -76%
Capital	136,980	136,722	194,449	240,173	253,856	194,257	156,815	131,721	211,283	295,545	1,676,128	1,676,128	(1,380,583) -82%
	554,002	574,694	658,920	835,806	742,048	777,456	1,067,209	622,012	803,127	892,694	4,463,773	4,463,773	(3,571,079) -80%
Parks & Recreation	185,113	208,699	215,835	222,887	278,471	308,041	305,051	248,179	294,989	286,513	1,260,820	1,260,820	(974,307) -77%
Capital	102,785	103,544	115,671	143,326	130,403	106,062	104,300	90,818	115,776	151,486	763,715	763,715	(612,229) -80%
	287,898	343,375	331,505	566,213	608,874	606,102	611,051	513,997	410,765	496,248	2,024,535	2,024,535	(1,528,287) -75%
Total Departmental	1,846,102	1,926,273	2,068,609	2,396,272	2,695,139	3,230,995	3,282,052	2,776,244	3,228,409	3,232,406	13,603,009	13,603,009	(10,370,603) -76%
Personnel Operating	516,641	488,499	652,176	811,203	750,326	685,739	555,953	503,408	717,107	870,988	5,268,905	5,268,905	(4,397,917) -83%
Capital	1,933	31,132	229,361	293,361	203,060	256,129	555,400	175,000	16,439	82,098	483,200	312,500	(401,102) -83%
	2,364,676	2,445,905	2,720,785	3,436,836	3,648,524	4,172,862	4,393,405	3,454,652	3,961,955	4,185,491	19,355,114	19,184,414	(15,169,623) -78%
Other Financing Sources & Uses													
Debt Proceeds							353,700				306,500	306,500	(306,500)
Transfers to Debt Service	(421,107)	(559,255)	(516,644)	(802,254)	(810,447)	(817,188)	(961,152)	(952,906)	(888,145)	(1,212,927)	(3,313,048)	(3,313,048)	(2,100,121) 63%
Other Transfers & Uses	(74,995)	(84,900)	(70,137)	(50,940)	(66,198)	(59,146)	(43,320)	(72,537)	(56,824)	(64,597)	(567,039)	(567,039)	(502,442) 89%
Total Other Financing Sources/Uses	(496,101)	(644,155)	(586,781)	(853,195)	(876,645)	(886,333)	(650,772)	(1,025,443)	(944,969)	(1,277,523)	(3,573,587)	(3,573,587)	(2,909,064) 81%
Total Revenues Over Expenditures	98,275	105,298	203,377	(408,209)	(1,570,800)	(2,897,212)	(1,173,696)	(1,277,728)	(1,044,185)	(2,616,185)	105,072	275,772	(2,108,257)
Unreserved Fund Balance, 10-01	3,825,172	4,106,801	5,968,130	8,298,621	10,050,583	10,510,392	11,226,993	12,260,564	10,965,330	9,946,859			
Unreserved Fund Balance, 12-31	3,923,447	4,212,099	6,171,507	7,890,412	8,479,783	7,613,180	10,053,297	10,982,836	9,921,145	7,330,674			

NEW BUSINESSES

January-13

CITY LIMITS		CONTRACTORS	
RETAILERS		THOMAS BEECH	1
PERSIAN RUG GALLERY	1	KARD INC	1
DREAM TEAM AUTO SALES (WHOLESALE)	1	AMERICAN RESIDENTIAL SERVICES	1
Z WIRELESS	1	EAL, LLC	1
ALL OTHER		POLAINAS CONSTRUCTION	1
REGAL-BROWN INC	1	PROCONTRACTORS USA	1
COVER1	1	ROBINSON ELECTRIC	1
ALL-TERRAIN COMMUNICATIONS	1	BUILD USA INC	1
C. SCOTT MARKLE	1	CC&G CONSTRUCTION	1
ADRIAN DIVITTORIO	1	JLH QUALITY PAINTING	1
RICHARD PEARL	1	ROB MIDDLETON CONSTRUCTION	1
JAMES MILLER	1	PAUL E OLSON CONTRACTING	1
FENG SHUI CONSULTING	1	R DAVIS ELECTRIC	1
NAIL ESSENCE	1	SQUEEGEE SQUAD	1
THE HAIR LODGE	1	LA SHOWERS & GLASS	1
NAIGATOR CREDIT UNION	1	SPANISH FORT PAINTING & CONSTRUCTION	1
JUBILEE TOOL SUPPLY	1	GREER GARDENS	1
BLISS HOLDINGS	1	TOTAL CONTRACTORS	17
GARDA CL SOUTHEAST	1	INSURANCE	
MUCH TO MAKE	1	THE SAVINGS BANK LIFE INS	1
SHAINISHA JONES	1	COUNTRY MUTUAL INS CO	1
TOTAL CITY LIMITS	19	DEERFIELD INS CO	1
OUTSIDE CITY LIMITS		CANAL INS CO	1
DORSETT PRODUCTIONS	1	ESSENT GUARANTY INC	1
MARKS FUNRITURE CO OF SPANISH FORT	1	TOTAL INSURANCE	5
MCALLISTER PHOTOGRAPHY	1	TOTAL NEW BUSINESSES IN DAPHNE	
WELCOME FRIENDS	1	47	
SWISHER HYGIENE	1	CLOSED BUSINESSES IN DAPHNE	
OLD 27 GRILL	1	H&M RENTALS INC	1
TOTAL OUTSIDE CITY LIMITS	6	PICTUREME PORTRAIT STUDIO	1
		RAGAN'S HAIR BOWS & ACCESSORIES	1
		WHITE MUSIC STUDIO	1
		CORNERSTONE MEDICAL INC	1

Suzanne Henson

From: Frank Barnett <frankb@bellsouth.net>
Sent: Tuesday, February 05, 2013 9:30 AM
To: Suzanne Henson
Cc: directorpw@daphneal.com
Subject: City Hall roof report to be added to finance agenda for action.
Attachments: Daphne City Hall 1990 Roof Survey 2012-02-02.pdf

Suzanne, would you please add this to the next finance committee meeting agenda, it was moved forward from the building and property committee meeting. Thanks, Frank.

City Hall

5yr-Restore	15yr-Restore	30yr-Replace
\$30,000	\$85,000	\$160,000

City of Daphne

City Hall

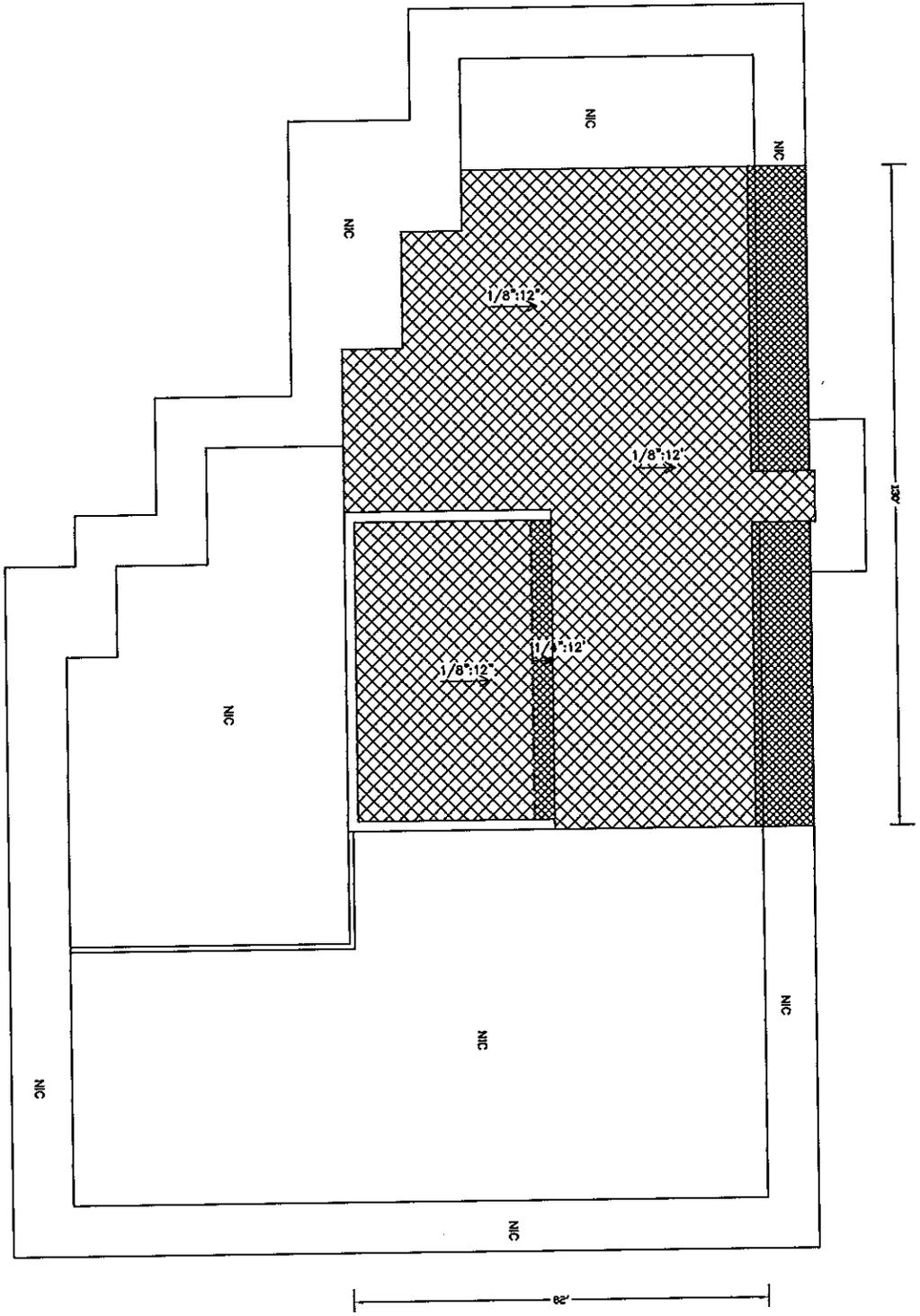
Roof Survey
1990 Roof Section

Thursday, February 02, 2012

City of Daphne
26435 Public Works Road
Daphne, AL. 36526

Attention: Frank Barnett
Facilities Supervisor

The Garland Company, Inc.
186 Williams Street
Mobile, AL. 36606
251-401-6533



RESTORE OPTION #2
 [REIN FIELD CTG]

SCALE: 1/32" = 1'0"

CITY OF DAPHNE

Daphne City Hall
 1705 Main Street
 Daphne, Alabama 36526

DATE: 02-01-12 SECTION: City Hall

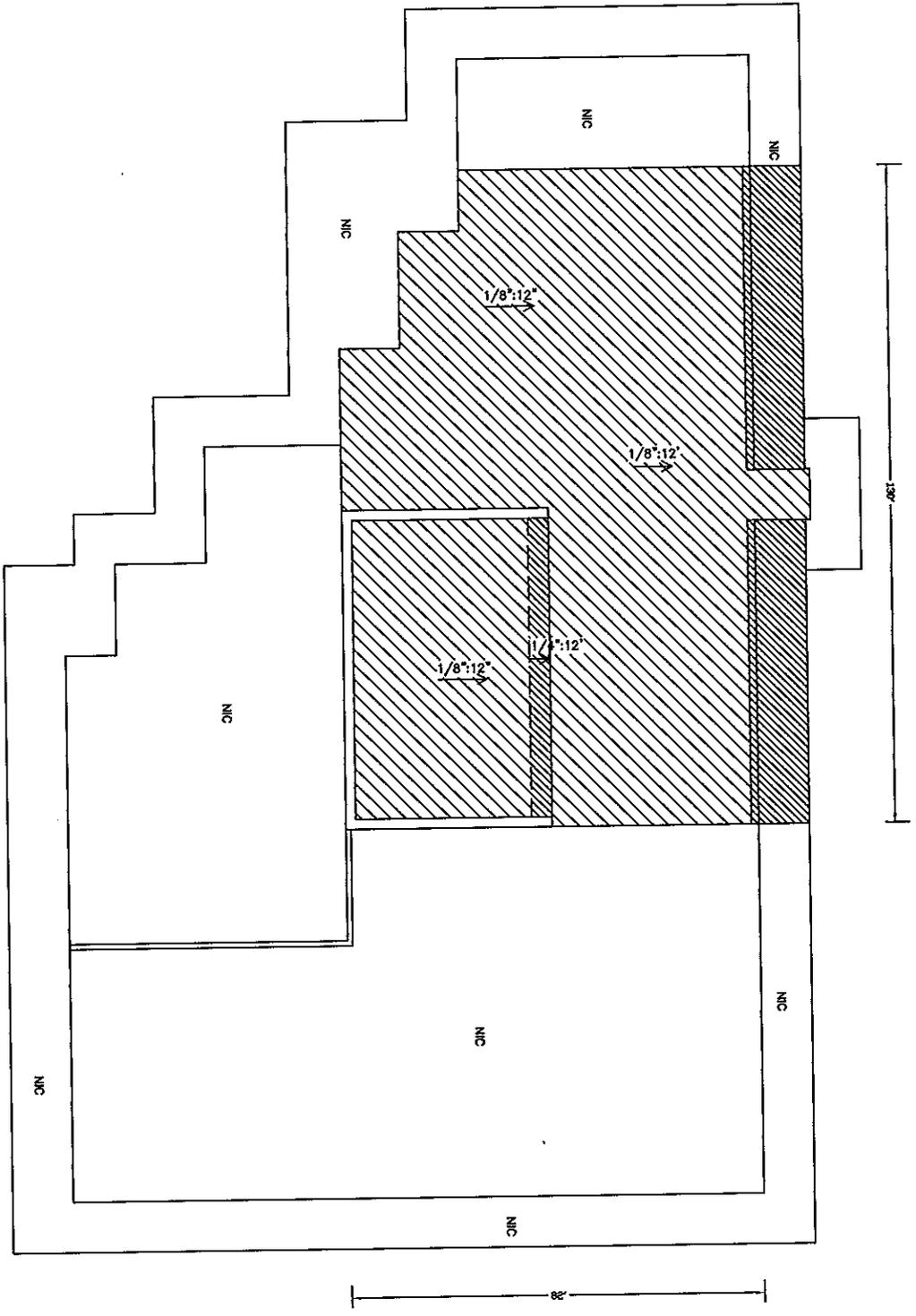
RESTORE OPTION #1
[UNREINF FIELD CTG]

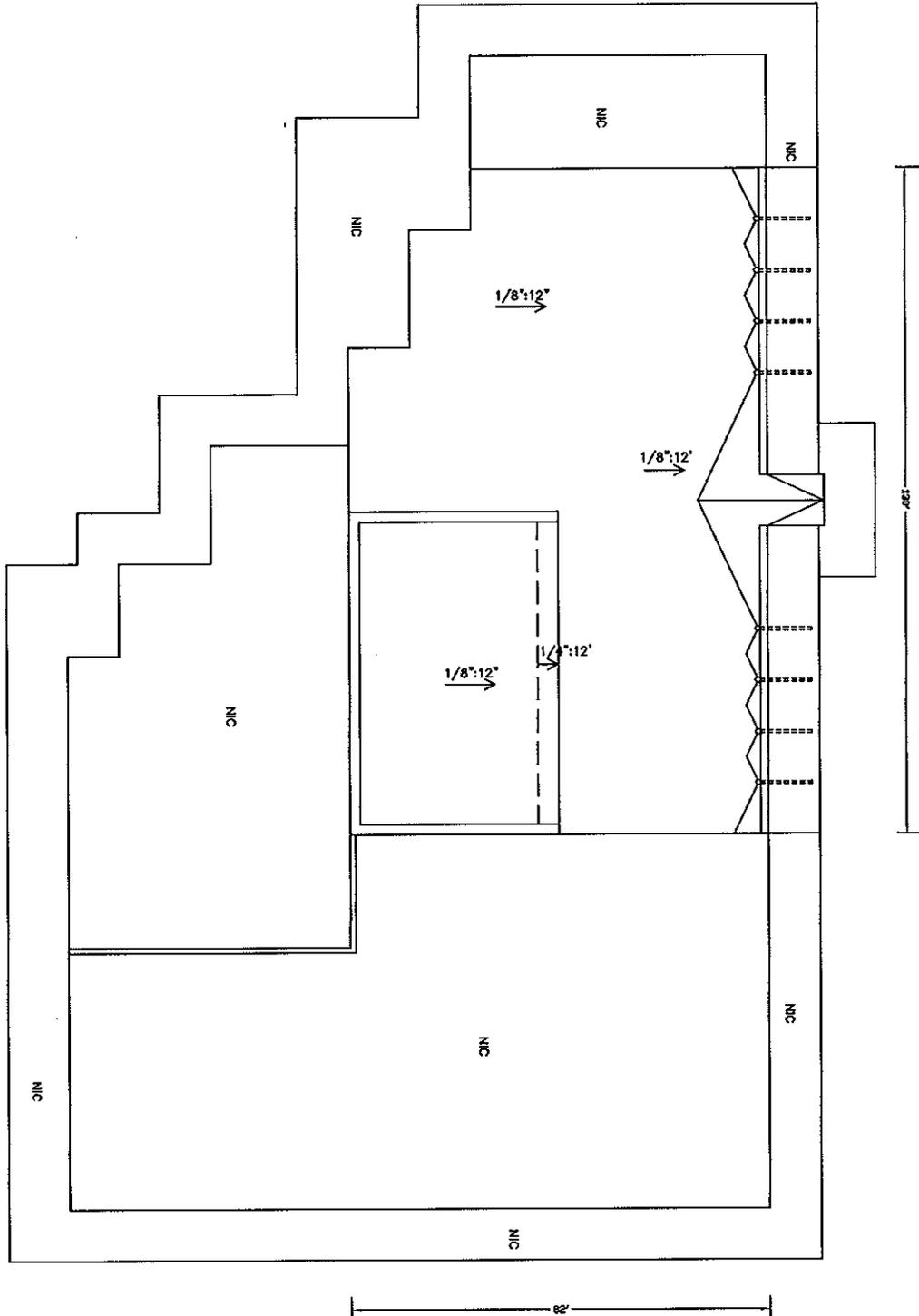
SCALE: 1/32" = 1'0"

CITY OF DAPHNE

Daphne City Hall
1705 Main Street
Daphne, Alabama 36526

DATE: 02-01-12 SECTION: City Hall





REPLACE OPTION #1
NEW DRAINAGE]

SCALE 1/32" = 1'-0"

CITY OF DAPHNE

Daphne City Hall
1705 Main Street
Daphne, Alabama 36526

DATE: 02-01-12 SECTION: City Hall



Construction Details

Client: Daphne City of

Facility: City Hall

Roof Section: 1990 Roof Section

Roof Info

Year Installed:	1990	Square Footage:	10,100
Slope Dimension:	1/8"-0" per foot	Roof Height:	15'
Roof Access:	Penthouse	System Type:	Modified Bitumen

Roof Assembly

Roof #	Layer Type	Description	Attachment	Insulation R-Value	Insulation Thickness
1	Deck	Lightweight concrete	Poured - in - place	-	-
1	Base Sheet	1 plybase sheet	Mechanically attached	-	-
1	System	Modified BUR	Torch applied	-	-
1	Surfacing	Aluminum coating	Brush applied	-	-

Details

Perimeter Detail:	Parapet Wall, Wall Flashing
Flashing Material:	Modified Membrane
Drain System:	Gutter System
Parapet Wall:	Metal Framed Wall
Coping Cap:	Tile



Inspection Report

Client: Daphne City of

Facility: City Hall

Report Date: 02/02/2012

Roof Section: 1990 Roof Section

Inspection Information

Inspection Date:	02/02/2012	Core Data:	No
Inspection Type:	Visual Inspection	Leakage:	No
Deck Conditions:	Good		

Flashing Conditions

Perimeter:	Fair	Wall:	Good
Projections:	Fair	Counterflashing:	Good

Miscellaneous Details

Reglets:	N/A	Debris:	Yes
Control/Expansion Joints:	N/A	Ponding Water:	Substantial
Parapet Wall:	Good	Coping Joints:	N/A

Perimeter

Rating:	Fair
Condition:	1. Coating is peeling at draining edges where standing water is present.

Field

Rating:	Fair
Condition:	1. Peeling coating occurring in various locations throughout. 2. Membrane lap seams are more likely to experience leakage in standing water locations.

Drainage

Rating:	Fair
Condition:	1. Roof Field; good slope. 2. Roof Perimeter; standing water along all roof edges. 3. Gutters; difficult access for cleaning.

Other

Rating: N/A

Condition:

Overall

Rating: Fair

Condition: Roof coating will continue to degrade more quickly in the ponding water areas at perimeter. Perimeter is also the most likely to develop leakage.



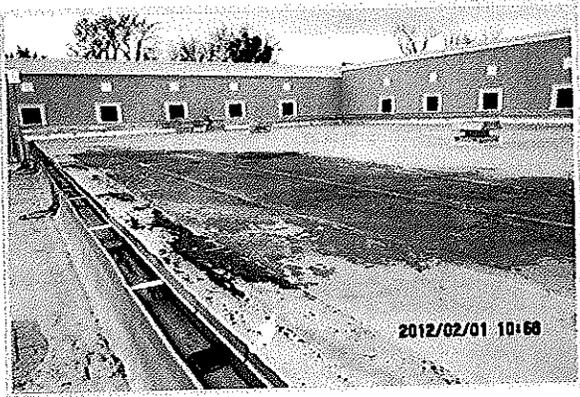
A curb detail to close in the hidden gutter will eliminate the need for gutter maintenance.



Ponding water is present throughout this edge, short of gutters.



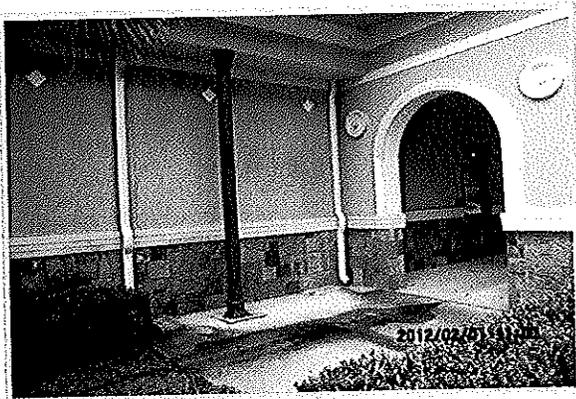
Aluminum coating is peeling in various locations throughout.



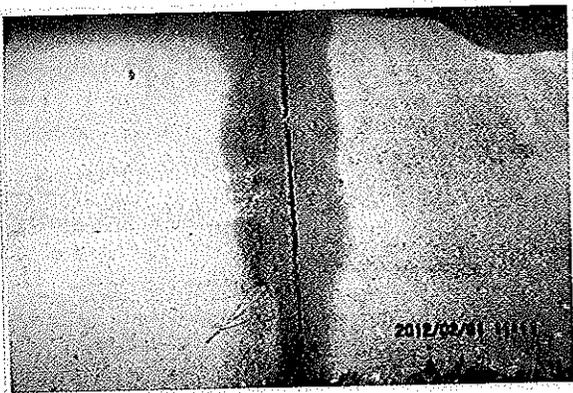
Ponding water location for Upper Level Section.



Close-up of previous ponding photo showing peeling coating and membrane cracking.



Existing downspout profile, present on all downspouts.



Sidewalk joint sealant missing, possibly from continuous washing from corner downspout.



Gutter straps 36" oc.



Solution Options

Client: Daphne City of

Facility: City Hall

Roof Section: 1990 Roof Section

Inspection Options

Solution Option:	Inspection	Action Year:	2012
Section Square Footage:	10,100	Expected Life (Years):	-
Estimated Cost:	-		
Scope of Work:	-		

Restore Options

Solution Option:	Restore	Action Year:	2011
Section Square Footage:	10,100	Expected Life (Years):	5
Estimated Cost:	\$30,000.00		
Scope of Work:	<u>Restoration: No Warranty, Aluminum Finish</u> 1. Pressure wash to remove any existing peeled coating. 2. Ponding Areas Only. Prime, apply SBS coating reinforced with polyester mesh in all ponding locations. 3. Remainder of Roof: a. Apply GarlaBrite at 1/2 gal per sq per coat at a two coat pass. NOTE: This will not correct ponding conditions.		

Solution Option:	Restore <input checked="" type="radio"/>	Action Year:	2012
Section Square Footage:	10,100	Expected Life (Years):	15
Estimated Cost:	\$85,000.00		
Scope of Work:	<u>Restoration: 5+5 Watertightness Warranty, White (Energy Star) Finish</u> 1. Pressure wash to remove any existing peeled coating. 2. Ponding Areas Only. a. Prime, apply Millenium Coal Tar Membrane in Greenloc. b. Apply All-Knight primer/bleedblocker. c. Apply White Knight coating reinforced with polyester mesh. 3. Remainder of Roof: a. Apply GarlaShield at 3 gallons per square base coat. b. Immediately imbed continuous Polyester reinforcement. c. Apply GarlaShield at 3 gallons per square top coat. d. Allow 2 days cure, then Pyramic White at 1 gal per sq per coat at a two coat pass. NOTE: This will not correct ponding conditions, however the ponding water will not be a warranty exclusion.		

Replace Options

Solution Option:	Replace	Action Year:	2012
Section Square Footage:	10,100	Expected Life (Years):	30
Estimated Cost:	\$160,000.00		
Scope of Work:	<ol style="list-style-type: none">1. Remove existing roof, repair defective deck per Line Item price.2. Mechanically fasten base sheet per ASCE 7-05.3. Solidly adhere 1/2" Densdeck Prime insulation.4. Solidly adhere 2ply Glasfelt, followed by 1ply Modified Membrane.5. Install 2ply Stressply "E" flashing system.6. Install new curb detail to close in the existing gutter.7. Install eight new drains with associated plumbing, connecting to new Leaderhead and matching Downspout.8. Upper Level: install tapered edge detail to eliminate ponding at roof edge.9. Install perimeter, wall, and penetration flashing details.10. 30 year Partnership Pledge warranty, with 3 days per work site visit.		

Suzanne Henson

From: Frank Barnett <frankb@bellsouth.net>
Sent: Tuesday, February 05, 2013 9:36 AM
To: financesenioraccountant@daphneal.com
Cc: directorpw@daphneal.com
Subject: Nicholson building roof report to be added to finance committee meeting agenda.
Attachments: City of Daphne Nicholson Center Shingle and Membrane Roof R1.pdf

Hi Suzanne, this report was also moved forward from the building and property committee meeting to be added to the next finance committee meeting for action. If you have any questions I will be glad to try to answer them. Thanks, Frank.

Nicholson Center

Shingle Roof -	\$5,000 ^{7yr}	\$30,000 ^{30yr}
Membrane Roof -	\$4,000 ^{1yr}	\$40,000 ^{30yr}

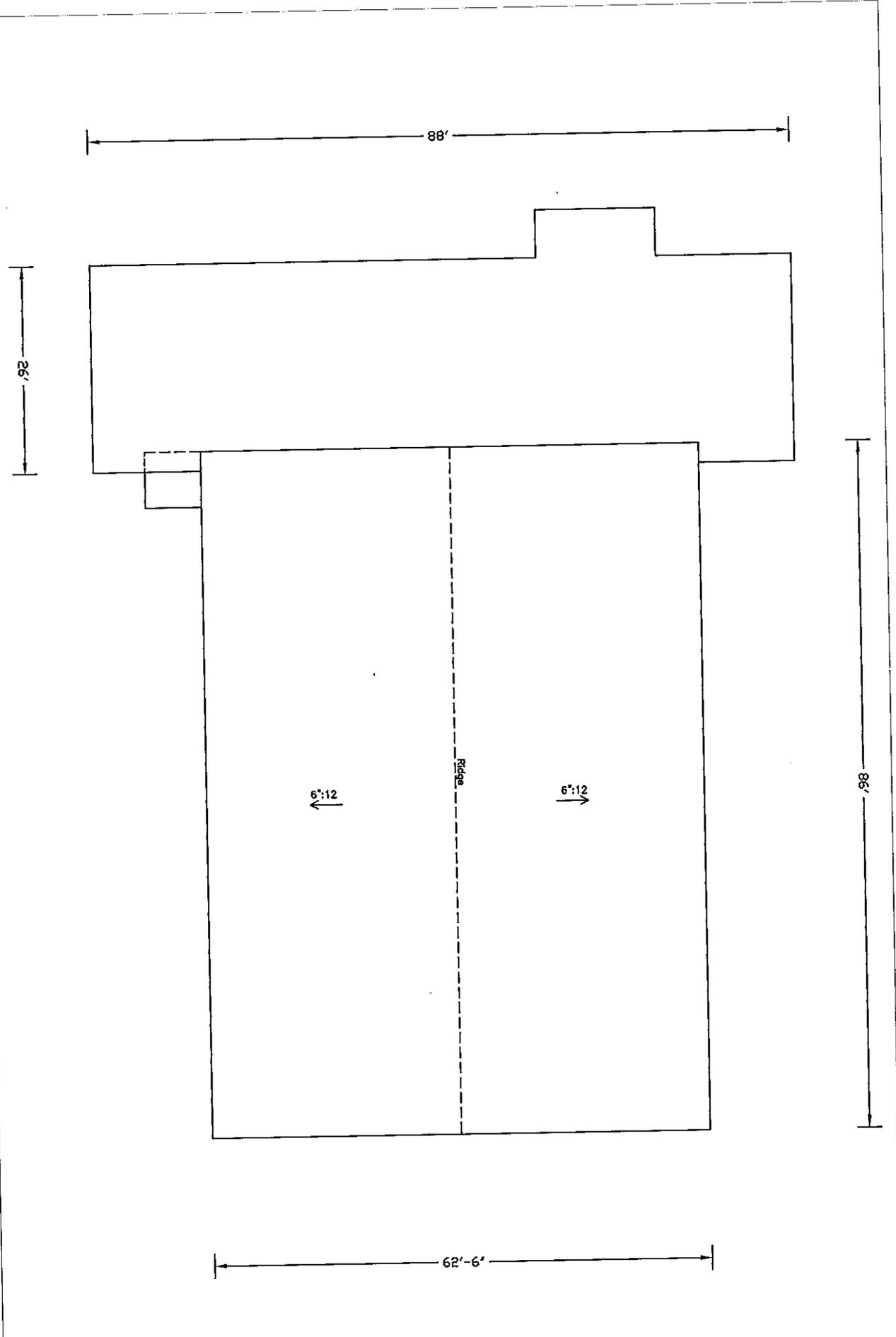
City of Daphne

Nicholson Center

Roof Survey
Membrane & Shingle Roofs

Monday, January 09, 2012

City of Daphne
26435 Public Works Road
Daphne, AL 36526
Attention: Frank Barnett
Maintenance Supervisor



EJ Expansion Joint

RC Ridge Cap
GTR Gutter

SCALE: 1/16" = 1'

CITY OF DAPHNE
Neholston Center
1405 Captain Ornel Dr.
Daphne, AL 36526
DATE: 01-09-13 | SECTION: Roof Plan



Construction Details

Client: Daphne City of

Facility: Nicholson Center

Roof Section: Shingle Roof

Roof Info

Year Installed:	2005	Square Footage:	5,375
Slope Dimension:	6" per foot	Roof Height:	25'
Roof Access:	Ladder Needed	System Type:	Shingles

Roof Assembly

Roof #	Layer Type	Description	Attachment	Insulation R-Value	Insulation Thickness
1	Deck	Wood	Nailed	-	-

Details

Perimeter Detail:	Drip Edge
Flashing Material:	Metal
Coping Cap:	None



Inspection Report

Client: Daphne City of

Facility: Nicholson Center

Report Date: 01/09/2013

Roof Section: Shingle Roof

Inspection Information

Inspection Date:	01/09/2013	Core Data:	No
Inspection Type:	Visual Inspection	Leakage:	Yes
Deck Conditions:	Good		

Flashing Conditions

Perimeter:	Good	Wall:	N/A
Projections:	Poor	Counterflashing:	N/A

Miscellaneous Details

Reglets:	N/A	Debris:	Yes
Control/Expansion Joints:	N/A	Ponding Water:	N/A
Parapet Wall:	N/A	Coping Joints:	N/A

Perimeter

Rating:	Good
Condition:	<ol style="list-style-type: none"> 1. Good condition throughout. No shingle slippage observed. Starter strip is installed. 2. Perimeter wood fascia-board joints are exposed and recommended to be sealed and painted.

Field

Rating:	Fair
Condition:	<ol style="list-style-type: none"> 1. Various locations of shingle ridging caused by fastener backout. 2. Gravity Vents have two conditions which may be a leakage source: a) Exposed nails, b) shingle flashing poorly adhered and ridging. 3. Large amount of tree limbs and debris present throughout the roof.

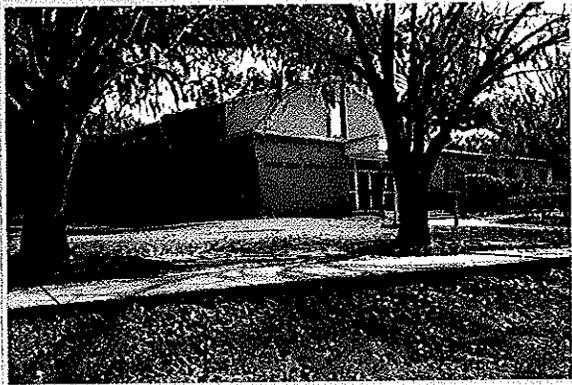
Drainage

Rating:	Good
Condition:	<ol style="list-style-type: none"> 1. 6:12 slope provides continuous drainage. 2. Tree limbs and debris trap moisture which hastens shingle degradation.

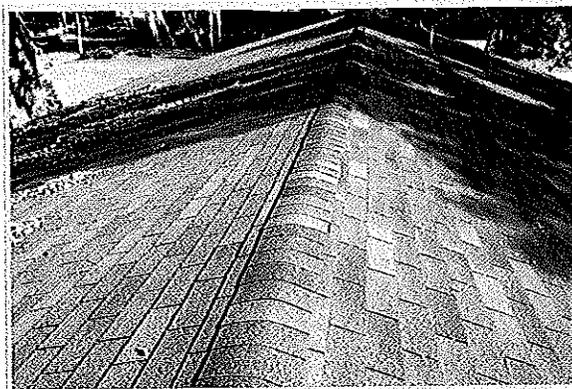
Overall

Rating: Fair

Condition: Roof has 5-10 years of life remaining with repairs, assuming that some additional fastener backout will occur and that isolated repairs will need to be performed during those years. Fastener backout is sometimes created when two layers of shingles are present, where no increase in typical nail-length was used.



Elevation view, Nicholson Center.



Roof view, 3-tab asphalt shingle.



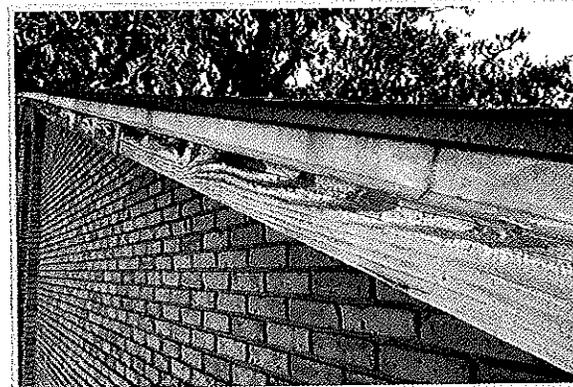
Ridging occurring at gravity vent.



Ridging and exposed nails at at gravity vent.



Ridging occuring in various locations in field of roof, caused by fastener backout and unknown substrate issues.



From bottom, up: 1) Exposed wood fascia in need of sealing and painting, 2) metal fascia likely from a previous shingle roof, 3) metal drip-edge fascia with the top-most shingle roof.



Low-hanging tree limbs will erode shingles.



Large amount of tree limbs and debris on rooftop.



Solution Options

Client: Daphne City of

Facility: Nicholson Center

Roof Section: Shingle Roof

Repair Options

Solution Option:	Repair 	Action Year:	2013
Section Square Footage:	5,375	Expected Life (Years):	7
Estimated Cost:	\$5,000.00		
Scope of Work:	<ol style="list-style-type: none"> 1. Perimeter Wood Nailers: Pressure-wash, seal joints, then paint entire perimeter with elastomeric coating. 2. Roof Vents: Remove ridging shingles, nail metal base flashing at 6" oc, install new self-adhering membrane, lap sealed with rubberized asphalt mastic and mesh, install new 3-tab 30 year shingles. 3. Nail-Backout: Install new nails, then seal with GarlaFlex Mastic. 4. Shingle Ridging: Remove ridging shingles, mechanically fasten substrate (probably the original shingle layer) to deck, then install new matching 3-tab shingles. 		

Replace Options

Solution Option:	Replace	Action Year:	2013
Section Square Footage:	5,375	Expected Life (Years):	30
Estimated Cost:	\$30,000.00		
Scope of Work:	<ol style="list-style-type: none"> 1. Remove existing roofs (2 layers) and perimeter sheet metal to deck. 2. Add additional annular nails to attached deck as required to meet recent Code changes. 3. Seal and paint perimeter wood fascia board. 4. Install new 24ga steel drip edge, primed on top of flange. 5. Install new gravity vents. 6. Apply continuous self adhering membrane to entire roof, to meet the "deck sealing" requirements in recent Code changes. 7. Apply Shingle Starter Strips at draining edges, continuously sealed at edge with asphalt mastic. 8. Apply 30 year 3-tab Architectural Shake Shingles, 6 annular nails per tab. 9. Install Shingle Ridge Cap. 10. 30 year Warranty, with 3 days per week site visits. 		



Construction Details

Client: Daphne City of

Facility: Nicholson Center

Roof Section: Membrane Roof

Roof Info

Year Installed:	2000	Square Footage:	2,400
Slope Dimension:	0" per square foot	Roof Height:	12'
Roof Access:	Ladder Needed	System Type:	Modified Bitumen

Roof Assembly

Roof #	Layer Type	Description	Attachment	Insulation R-Value	Insulation Thickness
1	Deck	Cementious Wood Fiber	Tamped - in - place	-	-

Details

Perimeter Detail:	Drip Edge
Flashing Material:	Modified Membrane
Parapet Wall:	Brick
Coping Cap:	None



Inspection Report

Client: Daphne City of

Facility: Nicholson Center

Report Date: 01/08/2013

Roof Section: Membrane Roof

Inspection Information

Inspection Date:	01/08/2013	Core Data:	Yes
Inspection Type:	Core Analysis	Leakage:	Yes
Deck Conditions:	N/A		

Flashing Conditions

Perimeter:	Poor	Wall:	Poor
Projections:	Fair	Counterflashing:	Fair

Miscellaneous Details

Reglets:	Fair	Debris:	Yes
Control/Expansion Joints:	N/A	Ponding Water:	Substantial
Parapet Wall:	N/A	Coping Joints:	N/A

Perimeter

Rating:	Poor
Condition:	<ol style="list-style-type: none"> 1. Metal Edge Fascia is rusted in numerous locations. 2. Unbonded membrane stripping present at isolated locations at Metal Edge joints. 3. Unbonded membrane flashing present along brick wall. 4. Missing mortar at reglet joint. 5. Missing metal counterflashing at corners of brick wall.

Field

Rating: Poor

Condition:

1. Ponding water has deteriorated the coating in the field.
2. Craze-cracking present throughout the top roof membrane.

Drainage

Rating: Poor

Condition:

1. No slope present on this roof. Ponding water is present throughout the roof.

Overall

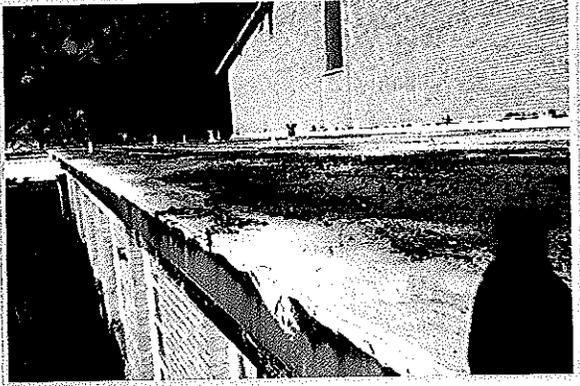
Rating: Poor

Condition:

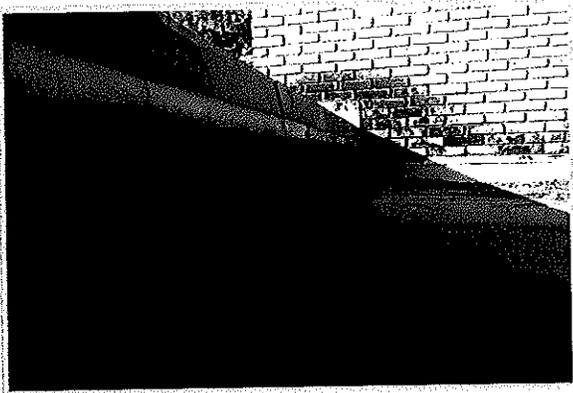
The widespread ponding water increases the potential for future leakage in any unrepaired locations. Membrane is deteriorated throughout.



Roof view. Ponding water present throughout the roof. Leaves present throughout roof.



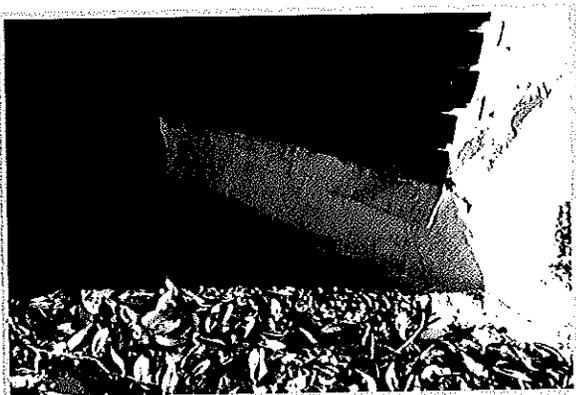
Rusting Metal Edge present throughout perimeter.



Isolated locations of deteriorated vertical wood fascia board are recommended to be replaced.



Through-wall Counterflashing at Corner is incomplete, due to corner cut.



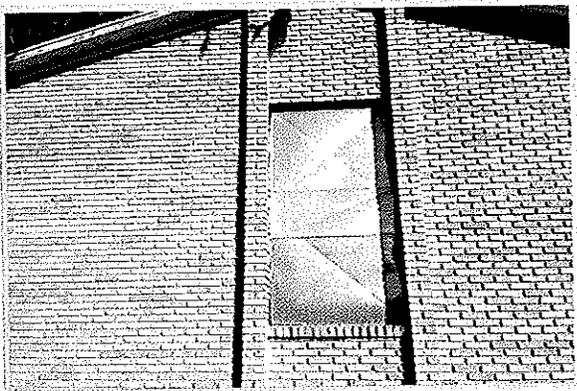
Through-wall Counterflashing is missing at Corner.



Missing mortar at reglet joint present at various locations.



Membrane flashing at Wall is loose and unbonded throughout.



Wall Louver Vent has been removed and covered by sheet metal. Sealant application recommended at metal-to-brick joint.



Close-up of membrane craze-cracking in this uncoated location.



Solution Options

Client: Daphne City of

Facility: Nicholson Center

Roof Section: Membrane Roof

Repair Options

Solution Option:	Repair	Action Year:	2013
Section Square Footage:	2,400	Expected Life (Years):	1
Estimated Cost:	\$4,000.00		
Scope of Work:	In leak locations only; 1. Remove unbonded membranes. 2. Prime, apply 2ply torch-applied modified membrane. 3. Apply 2 coats white elastomeric coating.		

Restore Options

Solution Option:	Restore	Action Year:	-
Section Square Footage:	2,400	Expected Life (Years):	-
Estimated Cost:	-		
Scope of Work:	Restoration is not recommended due to widespread craze-cracking and ponding water.		

Replace Options

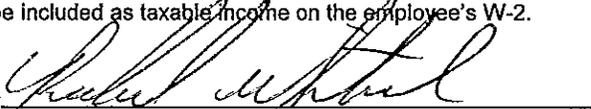
Solution Option:	Replace	Action Year:	2013
Section Square Footage:	2,400	Expected Life (Years):	30
Estimated Cost:	\$40,000.00		
Scope of Work:	1. Remove existing roof to deck. 2. Repair defective deck per Line Item price. 3. Mechanically fasten base sheet per ASCE 7. 4. Attach new PT 2x4 nailer at 12" oc. 5. Adhere 1/8":12 tapered polyiso insulation, minimum 1.0" thickness at edge. 6. Solidly adhere 1/2" gypsum insulation per FM Approval. 7. Apply 2ply torch-applied modified membrane roof. 8. Install 2ply torch-applied membrane flashing system. 9. Install new Metal Edge, Plumbing Stack flashing and Counterflashing. 10. 30 year watertightness warranty, with 3 days per week site visits.		

PREPAID TRAVEL REQUEST FORM

EMPLOYEE NAME & TITLE	Richard Whitehead / IT Coordinator
DEPARTMENT	Excutive
DATES OF TRAVEL	5/15/2013 - 5/18/2013
SCHOOL/ORGANIZATION	Florida Digital Government Summit 2013
LOCATION OF TRAINING: CITY / STATE	Tallahassee / Florida
REGISTRATION FEE	\$Free
LODGING	\$
TOTAL ADVANCE REQUESTED	\$140.00
(\$35 x # OF DAYS)	\$140.00

A complete Expense Report with itemized receipts must be submitted within one week of return. The employee understands that proper itemized receipts must be submitted for all monies expended. Any remaining balance must be reimbursed to the City or this amount will be included as taxable income on the employee's W-2.

Employee Signature _____




Department Head Approval

Vendor #

	120500
Org #	

52211
Object #

Proj#

***PREPAID TRAVEL IS APPROVED BY THE FINANCE COMMITTEE THEN COUNCIL – PLEASE SUBMIT IN TIME TO ALLOW SUFFICIENT TIME FOR THESE APPROVALS.**

***ATTACH A COPY OF THE BROCHURE/REGISTRATION FORM FOR TRAINING EVENT ATTENDING - THE ATTACHED COPY SHOULD DISPLAY PURPOSE, DATES, AND COST OF TRAINING EVENT**

Florida Digital Government Summit 2013

[menu](#)

2013 | **GOVERNMENT TECHNOLOGY** | WHERE GOVERNMENT
EXECUTIVE EVENTS | AND TECHNOLOGY MEET

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May 16 - 17, 2013



Turnbull FSU Conference Center
555 West Pensacola Street
Tallahassee, FL, 32306

Overview

Florida Digital Government Summit 2013

Topics Will Include

- Innovation
- New Technologies
- Digital Government Trends
- Leadership in Times of Change
- Shared Services and Collaboration
- Mobility
- Citizen Engagement

Purpose

This event is for and about state and local government. The purpose of the event is to foster discussion and dialogue on the use of information technology as a strategic tool for managers, executives and policy makers.

Who Should Attend

If you influence or participate in technology decisions or implementations at any level, you will find

benefit in attending.

Don't miss this opportunity to see the latest in digital government solutions, keep abreast of current policy issues and network with key government executives, technologists and industry specialists.

REGISTRATION

Government Registration - FREE

Not open to Private-Sector registrations.

If you represent a Private-Sector organization and are interested in attending the Summit, please contact **Heather Earney**, Sales Operations Manager, **916.932.1435**.

CONTACT US

If you are interested in attending the Florida Digital Government Summit 2013, please contact **Jen Caldwell**, Registration, **800.917.7732 ext. 1345**.

If you are interested in sponsoring the Florida Digital Government Summit 2013, please contact **Heather Earney**, Sales Operations Manager, **916.932.1435**.

Sponsors

INGRAPP



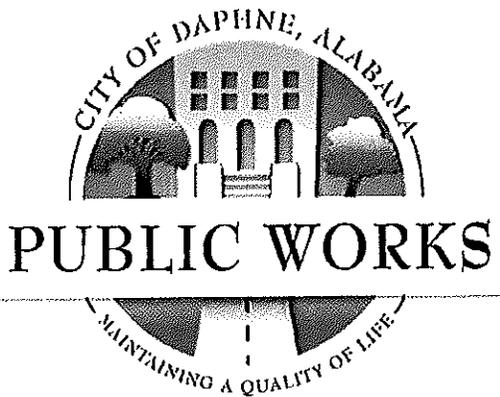
workday.

Dane Haygood
Mayor

Vacant
City Clerk

Kimberly Briley
Finance Director/Treasurer

Richard Johnson, P. E.
Director of Public Works



Tommie Conaway.
District 1

Pat Rudicell
District 2

John L. Lake
District 3

Randy Fry
District 4

Ronald Scott
District 5

Robin Lejuene
District 6

Vacant
District 7

To: Kim Briley, Finance Director
Suzanne Henson, Senior Accountant

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

Date: February 8, 2013

Re: BID # 2013-E (3) HYDRAULIC RECYCLING TRAILERS

The Finance Department and Public Works sent out requests for bids for (3) 16' Hydraulic Trailers. One bid was received from Pro-Tainer. The bid amount was \$12,616.00 each trailer and \$37,848.00 for three. There were no other bidders to bid or meet all specifications.

I therefore recommend that we award the City of Daphne BID # 2013-E-(3) 16' HYRAULIC RECYCLING TRAILERS to Pro-Tainer.

Please contact me should you have any questions regarding this bid award.

ADDEM Grant Available

CITY OF DAPHNE

BID OPENING MINUTES

BID DOCUMENT NO: 2013-E-(3) HYDRAULIC RECYCLING TRAILERS 16'

February 8, 2013

11:30 A.M.

CITY HALL

Those present were as follows:

Ms. Suzanne Henson

Sr. Accountant

Mr. Richard Johnson

PW Director

Mrs. Tracey Miller

SW Coordinator

2 bid invitations were mailed/picked up , 1 sealed bids were received.

VENDOR

COST

Pro-Tainer, Inc.

\$12,626/each / 3 Trailers - \$37,848



Suzanne Henson, Sr. Accountant

LANCE R. LEFLEUR
DIRECTOR



ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

October 24, 2012

Ms. Tracey Miller
City of Daphne
Post Office Box 400
Daphne, Alabama 36526

Total Grant \$ 72,941.86
* Grant monies Available For Trailers - \$ 41,100.00 *

Dear Ms. Miller:

Please find your copy of the Alabama Recycling Grants Program 2012 executed grant agreement for City of Daphne. As a reminder, this copy of the grant agreement shall be maintained as specified in regulations for the grants program found in ADEM Admin. Code 335-13-10. Grantees are instructed to review these regulations concerning allowable activities and responsibilities of grantees including submission of invoices and reporting.

I will be your main point of contact at ADEM for the grant and encourage you to contact me with any questions you may have. Congratulations again on your grant award and I look forward to working with you on increasing recycling and waste minimization in Alabama. If you have any questions please feel free to contact me at (334) 271-7824 or bbarber@adem.state.al.us.

Sincerely,

Blake Pruitt

Blake Pruitt
ADEM Recycling Program
Materials Management Section

BBP/
Enclosure

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432-6533
(251) 432-6598 (FAX)

Grant # ARF12-02-046

Grantee Initials B. J. P.

Alabama Recycling Fund Grant Agreement

Grantee: City of Daphne
Contact Person: Tracey Miller
Address: Post Office Box 400, Daphne, AL 36526
Email: swcoordinator@daphneal.com
Telephone: 251-621-3182

Responsible Person: Mayor Bailey Yelding
Address: 26435 Public Works Road, Daphne, AL 36526
Email:
Telephone: 251-621-3182

Grant reimbursements should be made payable to: City of Daphne

Grant reimbursements mailed to this address: Post Office Box 400, Daphne, AL 36526

Grant Period: October 1, 2012-September 30, 2013

Amount Awarded: \$72,941.86

Semiannual Report Due Dates: October 15th & April 15th

The Alabama Department of Environmental Management (ADEM) is the administrative agency for recycling projects approved for expenditure of funds under the Alabama Recycling Fund Grant Program. The Alabama Recycling Funds Grant Program is further defined in Chapter 335-13-10 of the Alabama Solid Waste Regulations. City of Daphne submitted to ADEM on March 1, 2012 an application for recycling grant funds.

A maximum of \$72,941.86 inclusive of all costs will be granted for this project to City of Daphne (hereinafter referred to as the Grantee) by ADEM (hereinafter referred to as Department). Reimbursement of expenditures will be limited to and in accordance with the program budget submitted by the grantee and may be found as Attachment B of this Agreement.

GENERAL REQUIREMENTS

The Grantee is responsible for compliance with state and any applicable local Solid Waste Management Plans and regulations and requirements of Alabama Recycling Fund and completion of the activities in the Grant Application that was submitted by the Grantee, except as modified and superseded by this agreement.

Suzanne Henson

From: Richard Johnson <directorpw@daphneal.com>
Sent: Friday, February 08, 2013 3:18 PM
To: 'Suzanne Henson'; Kim Briley
Cc: Mayor Dane Hagood; councildistrict7@daphneal.com; Jane Ellis; Jaye Robertson; financedeputydirector@daphneal.com
Subject: RE: ATRIP - Finance Committee
Attachments: RE: ATRIP funding clarification (25.7 KB); Mayor's Consultant Letter Draft 01-16-2013.docx

Kim and Suzanne:

No action required at this time for the 2nd Round Funding of ATRIP. The County will take the lead on this project. Additional funding is in the works (see the email from the County Engineer). Ultimately we will reimburse the County on 50% of the Survey and Design, 10% of Construction and CE&I, and half of the remaining cost of utility relocation and ROW acquisition after the States additional funding kicks in. I will be discussing project timeline with the County – due to the ROW and Utility Relocations we could be as far out as 18 months on construction.

I will keep you abreast of the project status and when we will need to take action.

The Consultant Agreement (for the 1st Round Project) is of paramount importance and needs to be presented to Finance next Monday. Also the agreement needs to be authorized by Resolution designating HMR as the project consultant. The whole packet will be submitted to ALDOT under letter from the Mayor – draft attached.  The certification of final indirect costs and the copy of a Schedule of Direct Labor, Fringe Benefits, and Indirect Cost will be prepared by HMR.

 Christine joined us at ALDOT for a project compliance meeting this week and is up to speed.

Thanks,

RDJ

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

Phone: (251) 621-3182
Fax: (251) 621-3189
Cell: (251) 379-1305

directorpw@daphneal.com

From: Suzanne Henson [mailto:financesenioraccountant@daphneal.com]
Sent: Friday, February 08, 2013 2:51 PM
To: Richard Johnson
Subject: ATRIP - Finance Committee

Richard

See Kim's & Ron's e-mails below... is there anything else needed in the Finance Packet Monday ...other than the attachment in the CE&I for ATRIP – LF PH III that you sent Kim???

Suzanne Henson

Senior Accountant

City of Daphne

1705 Main Street / P. O. Box 400

Daphne, AL 36526

Phone: 251-621-9000 X121 / Fax: 251-626-3008

Web Site: DaphneAL.com

From: Kim Briley [<mailto:akbriley@bellsouth.net>]

Sent: Friday, February 08, 2013 1:07 PM

To: Suzanne Henson

Subject: Re: Finance Committee Packet for Monday - 10th Dec 2012

Need a memo from Richard to me stating project & how much we will receive & how much we need.

Sent from my iPhone

On Feb 7, 2013, at 6:04 PM, "Suzanne Henson" <financesenioraccountant@daphneal.com> wrote:

See e-mails below

I think there may be a question as to what funds can be transferred to the ATRIP Hwy 64/13? Richard announced at the Council meeting that the ATRIP Grant approvals were finalized by the State.

Any Advice for the packet??

Suzanne Henson

Senior Accountant

City of Daphne

1705 Main Street / P. O. Box 400

Daphne, AL 36526

Phone: 251-621-9000 X121 / Fax: 251-626-3008

Web Site: DaphneAL.com

From: Ron Scott [<mailto:councildistrict5@daphneal.com>]

Sent: Thursday, February 07, 2013 1:08 PM

To: Dane Haygood

Cc: Tommie B. Conaway; Suzanne Henson

Subject: Fwd: Finance Committee Packet for Monday - 10th Dec 2012

This is the packet that has all the Capital Reserve balances. Need to find out which ones we can transfer to ATRIP Hwy 64/13 project if any.

Ron

Sent from my iPad

Suzanne Henson

From: Kim Briley <financedirector@daphneal.com>
Sent: Thursday, January 17, 2013 8:04 AM
To: financesenioraccountant@daphneal.com
Subject: FW: CE&I for ATRIP - LF Phase III
Attachments: CEI Services GENERIC - City-County-State 12-17-09.pdf; Mayor's Consultant Letter Draft 01-16-2013.docx

Suzanne, For the Feb Finance Comm meeting.

Thanks,

Kimberly Briley, CPA
Finance Director

City of Daphne
1705 Main Street / P. O. Box 400
Daphne, AL 36526
Phone: 251-625-2000 / Fax: 251-625-2001
Web Site: DaphneAl.com

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From: Richard Johnson [mailto:directorpw@daphneal.com]
Sent: Wednesday, January 16, 2013 2:31 PM
To: 'Kim Briley'; 'Jaye Robertson'; 'Scott with HMR'
Cc: financesenioraccountant@daphneal.com; Sandi Cushway; 'Barbara@Hmrengineers.com'; Jane Ellis; Becky Hayes
Subject: RE: CE&I for ATRIP - LF Phase III

To all:

We are closing in on these requirements. Attached find the HMR Agreement and a draft of the Mayor's required letter.

HMR has prepared the certification of final indirect costs and a Schedule of Direct Labor, Fringe Benefits, and Indirect Cost. – can you get copies to Mrs. Briley.

Kim will need to prepare the resolution – it should be predicated on the project letting.

I will move it to PW next Tuesday (01/22/2013) if it receives a favorable motion to Finance then we can present to Finance in February and have the resolution on the CC Agenda on 02/18/2013.

Kim – please review all documents prior to Finance.

Sandi – Add to Public Works Agenda.

Thank you for everyone's hard work.

RDJ

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

Phone: (251) 621-3182
Fax: (251) 621-3189
Cell: (251) 379-1305

directorpw@daphneal.com

From: Kim Briley [mailto:financedirector@daphneal.com]
Sent: Wednesday, January 02, 2013 2:30 PM
To: 'Richard Johnson'; 'Jaye Robertson'; 'Scott with HMR'
Cc: financesenioraccountant@daphneal.com
Subject: RE: CE&I for ATRIP - LF Phase III

* The City Council will need to designate HMR by adopting a Resolution. The letter from Mr Aaron states that the terms will be the same as that between ALDOT and the consultant. We will need to get a fee schedule and a formal agreement between the City of Daphne and HMR for this specific project & include reference to the ALDOT terms & conditions.

After we get a draft/proposed agreement, the course of action would be to go through the PW Comm & then Fin Comm prior to going before the City Council.

This agreement needs to be in place and forwarded to ALDOT before any work is done so that costs can be "charged" to the grant.

As far as CFR 48 part 31- the grant administrator normally handles- is HMR prepared to complete this for submission to ALDOT? If so, this language needs to be in the contract & the City will need a copy.

Thanks for keeping me informed & let me know if we can make the Jan 14 Finance Comm meeting.

Kim

From: Richard Johnson [mailto:directorpw@daphneal.com]
Sent: Wednesday, January 02, 2013 12:31 PM
To: Jaye Robertson; Scott with HMR
Cc: Kim Briley
Subject: CE&I for ATRIP - LF Phase III

Jaye and Scott:

See attached. What is the needed timing on this. It appears we need the following:

- A letter designating HMR as the City's consultant – RDJ (Can this be done in advance of the following?)
- A copy of an agreement between the City and HMR (Council Action Required? – I think yes) Note: It shall be the same as the terms in the on-call agreement between the Department (ALDOT) and the consultant – HMR/Finance.

- A certification of final indirect costs - which can be downloaded from the following link: <http://cpmsweb2.dot.state.al.us/ConsultMgmt/FormsDownloadsLinks.aspx> – HMR/Finance.
- A copy of a Schedule of Direct Labor, Fringe Benefits, and Indirect Cost that has been prepared in accordance with 48 CFR part 31 Contract Cost Principles and Procedures for the most current consultant's fiscal year or a previous approval letter by ALDOT's Finance and Audits Bureau, dated within one year from the date of approval, for both the prime and any sub-consultants being used for approval prior to issuing a notice to proceed to the consulting firm – HMR.

We need to get with Kim and have the agreement prepared and placed before the Council. Would this be done only after the bids are open and during the letting process?

Yours,

RDJ

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

Phone: (251) 621-3182
Fax: (251) 621-3189
Cell: (251) 379-1305

directorpw@daphneal.com

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Checked by AVG - www.avg.com
Version: 2013.0.2805 / Virus Database: 2637/6003 - Release Date: 01/02/13

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Version: 2013.0.2890 / Virus Database: 2639/6039 - Release Date: 01/17/13

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Checked by AVG - www.avg.com
Version: 2013.0.2890 / Virus Database: 2639/6039 - Release Date: 01/17/13

February ##, 2013

Mr. Brian Aaron, P.E.
County Transportation Administrator
Alabama Department of Transportation
17011-65 West Service Road North
Mobile, AL 36618-1109

RE: **Project No. ACOA 59010 ATRP(001) – Baldwin County ATRIP 02-01-22 - Resurface
Ridgewood Drive and Bayview Drive from Dunbar Loop to Rolling Hill Drive**

Dear Mr. Aaron

This is to advise you that the City of Daphne has designated the firm of Hutchinson, Moore & Rauch, LLC (HMR) to serve as the consultant to perform construction engineering and inspection services for the above-referenced project. Please find attached:

1. Resolution designating HMR as the project consultant.
2. Signed agreement between the City and the consultant (Per the terms specified with all required exhibits).
3. A certification of final indirect costs.
4. A copy of a Schedule of Direct Labor, Fringe Benefits, and Indirect Cost.

If you have any questions, or need additional information, the City's ATRIP Coordinator is Richard D. Johnson, PE, Public Works Director. He can be contacted at 251-621-3182 or directorpw@daphneal.com.

I look forward to the City of Daphne and the State partnering in this important project. It is reassuring to know the State able and willing to assist the City in a time of need. If there is ever anything that the City of Daphne can do to assist Transportation Department, please do not hesitate to call on us.

Sincerely,

Bailey Yelding, Jr., Mayor

Cc: Richard Johnson – Daphne Public Works Director
HMR Engineers
File

A G R E E M E N T

B E T W E E N

HUTCHINSON, MOORE & RAUCH, LLC

A N D

CITY OF DAPHNE

CONSTRUCTION ENGINEERING AND INSPECTION SERVICES

CITYWIDE

AGREEMENT

CONSTRUCTION ENGINEERING AND INSPECTION SERVICES

This AGREEMENT is made and entered into by and between the City of Daphne, hereinafter referred to as the CITY, and Hutchinson, Moore & Rauch, LLC, which is qualified to do business in the City of Daphne, and has its principal Alabama office at 2039 Main Street, Daphne, AL, Party of the Second Part, hereinafter referred to as the CONSULTANT.

WHEREAS, the CONSULTANT has agreed and by these present does agree with the CITY for the consideration hereinafter mentioned to provide on-call construction engineering and inspection, materials sampling and testing and contract administration on a statewide basis for the CITY.

NOW, THEREFORE, for and in consideration of the mutual covenants hereinafter stipulated, it is hereby agreed between the parties as follows:

The CONSULTANT shall meet the requirements for conformance with the Standards adopted by AASHTO and approved by the Secretary of Transportation in cooperation with the CITY and shall ascertain the written practices of the CITY prior to beginning any work on this project. All work required under this AGREEMENT will be performed in accordance with these standard practices and any special requirements hereinafter set forth. All work performed by the CONSULTANT under this AGREEMENT shall be subject to the Review, Approval and Acceptance of the CITY, where applicable, before CONSULTANT will be paid for said work.

“As a part of obligations of the CONSULTANT to the CITY under this AGREEMENT, the CONSULTANT does hereby certify that CONSULTANT has no financial or other interest in the outcome of project proposed under this AGREEMENT”.

The CONSULTANT shall provide on-call construction engineering and inspection, materials sampling and testing and contract administration on a statewide basis for the CITY.

This will be a specific rate of pay AGREEMENT for a two year period. The CONSULTANT shall provide services, personnel and equipment as required by the CITY.

ARTICLE I - SCOPE OF WORK

The CONSULTANT will perform construction engineering and inspection, materials sampling and testing and contract administration services on-call on a statewide basis for the CITY.

This will be a specific rate of pay AGREEMENT for a two year period. The CONSULTANT will provide services, personnel and equipment as required by the CITY. The work to be performed by the CONSULTANT will be as follows:

SECTION 1 - CONSTRUCTION ENGINEERING AND INSPECTION SERVICES

1.0 PURPOSE:

This statement of work describes and defines services which are required for construction engineering, inspection, materials sampling and testing and contract administration for construction projects selected by the CITY.

SCOPE:

The CONSULTANT shall be responsible for all construction engineering and administrative functions as defined in this Scope of Work and referenced manuals and procedures. The CONSULTANT shall utilize effective control procedures to assure the construction of said project is performed in reasonable conformity with plans, specifications and contract provisions for assigned project.

The CONSULTANT shall provide professional, technical and administrative personnel, meeting requirements of the CITY in appropriate numbers at proper times to ensure that responsibilities assigned under this AGREEMENT are effectively fulfilled. All services shall be performed in accordance with established standard procedures and practices of the CITY. Prior to furnishing any services, the CONSULTANT shall be familiar with ALDOT procedures, standard and informal, and practices, standard and informal, for construction, engineering and contract administration used by the CITY. The CITY shall endeavor to provide the CONSULTANT at least ten (10) calendar days advance notice of the execution date for each construction contract to allow sufficient time for the CONSULTANT to schedule its activities. In the event of emergency needs, for a short term basis (sickness, vacation, etc.), the CITY shall provide the CONSULTANT two days advance notice in order

for the CONSULTANT to furnish required personnel. The CONSULTANT shall maintain close coordination with the CITY and Contractor to minimize rescheduling of the CONSULTANT'S activities due to construction delays or changes in scheduling of Contractor's activities.

2.0 DEFINITIONS:

- A. Chief Engineer: The individual appointed by the CITY to administer technical phases.
- B. Construction Engineer: Administrative head of the Construction.
- C. Project Manager, CONSULTANT: Qualified individual who has been assigned as the on-site person in charge of a construction contract.

Project Manager, CITY: Qualified individual assigned by the CITY to manage Construction Engineering and inspection contract formulated by this AGREEMENT and will be in responsible charge and direct control of project.
- D. FHWA: The Federal Highway Administration of the United States Department of Transportation.
- E. Construction Contract: Construction work let under separate contract(s) by CITY to contracting firm(s).
- F. Contractor: Contracting firm or its designated representatives awarded contract(s) to do construction work.
- G. Construction Contract Suspension: Cessation of construction activity on a construction contract.
- H. Consultant: Consultant firm(s) retained by CITY to perform all construction engineering and administrative functions as defined in this AGREEMENT.
- I. Consultant Design Engineer (when applicable): Consultant design engineer retained by CITY to design aforementioned project(s).
- J. City Engineer: Administrative head of the Mayor's Office/City Engineering Department or their designated representative.

4.0 ITEMS TO BE FURNISHED BY THE CITY TO CONSULTANT:

- A. The minimum Contract documents for each project shall be distributed to the CONSULTANT, City Engineer subsequent to award of construction contract for each project as follows:

5 sets Construction Plans - Half scale

3 sets Construction Plans - Full size (1 set to be used in preparation of as built plans)
2 sets Standard Drawings

1 copy of Executed Contract

- B. An adequate supply of all standard forms to be used in fulfilling technical services under this AGREEMENT, disposable type molds for casting concrete test cylinders, sample cartons, sample bags and other expendable-type testing supplies. The CONSULTANT may use computerized forms approved by ALDOT. Construction and Materials Management Software including Site Manager, Stormwater Tracking System and Concrete Management System will be used for contract administration on designated projects.
- C. When determined by City Engineer, the CITY shall provide janitorial service, furnish and maintain a Project Office at a location determined by City Engineer. The office shall meet all local, state and federal building codes and requirements and shall contain the following:
1. A minimum 600 square feet heated and cooled office space.
 2. Floor space shall be divided into one restroom, one central work room and three private offices.
 3. Heating, air conditioning and lighting.
 4. Water cooler service (not bottled water).
 5. Hot and cold water service.
 6. If the office is a trailer, tie downs capable of withstanding winds up to hurricane force and trailer underpinning.
 7. Garbage and trash disposal service.
 8. Grass and weed control.
 9. Parking spaces for a minimum of five (5) vehicles; graded for drainage and suitably surfaced with an all weather access road.
 10. Restroom connections to an existing sanitary sewer, a chemical holding tank, or approved septic tank.
 11. The minimum furniture shall be supplied as follows:
Per office – 1 desk, 3 chairs

Per work room – 1 plan table, 1 work table (drafting), 2 stools, 3 chairs, 1 water cooler dispenser, 1-4 drawer file cabinet, 10 feet of book shelving, 1 plan storage rack and appropriate fire extinguishers.

12. The CITY shall provide computers, typewriters, calculators, etc. for CITY personnel and one telephone for each office and work room. The consultant shall be required to provide computers, calculators, etc. for their personnel if needed to perform duties.
13. The CITY shall provide a facsimile machine and a copier for use by the CITY and consultant personnel. The CONSULTANT shall be allowed to furnish personal equipment for his own use at no cost to the CITY.
14. The CITY shall provide testing equipment, photographic equipment, tapes, rulers, field books and other miscellaneous items necessary for satisfactory performance of work.
15. The CONSULTANT shall provide all surveying equipment and it must be the latest technical equipment such as electronic total stations, data collection, hand-held computers, automatic levels, hand-held two-way radios, electronic pipe and cable locators and complete safety equipment.
16. Routine items for operation of the office such as stamps, postal costs, utility service, etc., shall be supplied by the CITY.

5.0 ITEMS FURNISHED BY THE CONSULTANT:

A. Document Compliance

The requirements outlined within printed documents listed below are a condition of this contract. The CONSULTANT shall obtain, without cost to CITY, at least one copy of each document. One copy of each document shall be available at project office at all times. Compliance with these guides, manuals, procedures, and advisories shall be a requirement of this AGREEMENT.

1. All active Construction Information Memorandums issued, prior to or after execution of this AGREEMENT, by ALDOT'S State Construction Engineer. These procedures convey certain practices and procedures of ALDOT relating to construction supervision and administration of contracts. A copy of each Memorandum issued on or subsequent to

execution of this AGREEMENT shall be furnished to the CONSULTANT in a timely manner by ALDOT'S Division Construction Engineer.

2. Guidelines for Operations issued by ALDOT.
3. All Technical Advisories and Memorandums issued, prior to or after execution of this AGREEMENT, by ALDOT'S State Materials and Tests Engineer. The advisories convey certain practices and procedures of ALDOT relating to sampling and testing of materials used in construction projects. A copy of each advisory issued on or subsequent to execution of this AGREEMENT shall be furnished to the CONSULTANT in a timely manner by ALDOT'S Division Materials and Tests Engineer.
4. ALDOT'S Testing Manual as issued by ALDOT'S State Materials and Tests Engineer. This manual sets out test frequency of acceptance samples and tests, sampling point, sample size, sampling and test methods and appropriate report forms for materials to be incorporated into construction projects. This Manual also contains Bureau of Materials and Tests (ALDOT) procedures referenced in the Manual and/or specifications and BMT worksheets and test report forms. (Said manual is available on ALDOT'S website)
5. ALDOT'S Construction Manual. This manual describes in detail many of the procedures and practices of ALDOT relating to construction engineering and inspection. (Said manual is available on ALDOT'S website)
6. A tabulation of required ALDOT'S technician certifications relating to construction engineering and inspection.
7. Applicable ALDOT Standard Specifications for Highway Construction. One copy for each of the CONSULTANT'S personnel.
8. The applicable Roadway and Traffic Design Standards.
9. The applicable Alabama Regulations for Control of Radiation Chapter 420-3-26 Radiation Control as issued by the State of Alabama Health Department.
10. ALDOT'S manual of Materials, Sources and Devices with Special Acceptance Requirements as issued by the State Materials and Tests Engineer. (Said manual is available on ALDOT'S website)

11. FHWA Manual on Uniform Traffic Control Devices.
 12. One copy of the Radiological Safety Manual for use of Nuclear Moisture/Density and Asphalt Content Gauges as issued by ALDOT'S State Materials and Tests Engineer for each project on which there is a nuclear testing device.
 13. The AASHTO Standard Specifications for Transportation Materials and Methods of Sampling and Testing.
 14. Copies of all applicable ASTM Standards.
- B. When requested by the CITY, the CONSULTANT shall provide janitorial service, furnish and maintain a Project Office within project work limits, or other location approved by City Engineer. The site of said office, size of office and accommodations shall have prior written approval by City Engineer. The office shall meet all local, state and federal building codes and requirements and shall contain the following:
1. A minimum of 600 square feet heated and cooled office space.
 2. Floor space shall be divided into one restroom, one central office, and three private offices. One of the private offices, within same confines as the CONSULTANT, shall be suitably furnished and maintained as an office for use of the CITY. if requested. This office space shall contain no less than 180 square feet. The minimum office equipment to be provided by the CONSULTANT for the CITY office shall consist of one desk and complimentary office chair; two conference room chairs; drawing table (4' x 6' minimum size); drafting stool; one two-drawer filing cabinet and telephone service or as approved by City Engineer.
 3. Heating, air conditioning and lighting.
 4. Water cooler service (not bottled water).
 5. Hot and cold water service.
 6. If the office is a trailer, tie-downs capable of withstanding winds up to hurricane force.
 7. Office trailer underpinning with materials approved by City Engineer.
 8. Garbage and trash disposal service.

9. Grass and weed control at office site to a maximum of three (3) inches in height by mowing for a distance of five (5) feet outside security fencing (if provided), or within boundaries as approved by City Engineer.
10. Parking spaces for a minimum of five (5) vehicles, plus additional spaces for use by the CONSULTANT'S vehicles, graded for drainage and suitably surfaced, with an all weather access road.
11. Restroom connections to an existing sanitary sewer, a chemical holding tank, or approved septic tank.
12. The CONSULTANT shall have available, for use in the field office, a personal computer. The personal computer shall comply with at least current minimum ALDOT desktop hardware standards and shall contain a current ALDOT remote network interface device. Additionally, the computer shall be equipped with a printer conforming to current minimum ALDOT standards with 11x17 print capabilities. Said computer shall include current ALDOT standard Microsoft Office configuration, as well as, current ALDOT production versions of Bentley software. All CADD files are required to be completely compatible with Department's current production versions of Bentley software. Ownership and possession of personal computer shall remain at all times with the CONSULTANT. The CONSULTANT shall be responsible for requesting a password to access ALDOT'S computer network via City Engineer.

The CONSULTANT shall also furnish such other shelter, storage and parking space as required by City Engineer to effectively carry out the CONSULTANT'S responsibilities under this AGREEMENT. The CONSULTANT shall provide appropriate type of vehicles in numbers as approved by City Engineer, to accommodate the CONSULTANT'S project personnel.

Furniture and office equipment, supplied by the CONSULTANT, shall consist of desks, chairs, drafting tables, bookcases, file cabinets, calculators, facsimile machine, Xerox-type copier, typewriters, telephones and other items determined by City Engineer to be necessary in order to fulfill work under this AGREEMENT. The CONSULTANT shall provide all survey equipment, photographic equipment, tapes, rulers, field books and any other items necessary for satisfactory performance of work. Quantity

and quality of the items require City Engineer's approval. Equipment shall be either U.S. Customary or metric as directed by City Engineer.

Routine items for operation of the office, such as stamps, postal costs, custodial fees, utility service, etc., shall be supplied by the CONSULTANT.

6.0 LIAISON:

The CONSULTANT shall be fully responsible for fulfilling all functions assigned to it by this AGREEMENT. The CONSULTANT'S activities and decisions relating to project(s) shall be subject to review by City Engineer. The CONSULTANT shall provide coordination of all activities, correspondence, reports, and other communications related to its responsibilities under this AGREEMENT. No personnel shall be assigned until written notification by City Engineer has been issued. Construction engineering and inspection forces shall be required of the CONSULTANT at all times when required by the CITY. If construction contract is suspended, the CONSULTANT'S forces shall be adjusted at the direction of City Engineer to correspond with type of suspension, either complete suspension or partial suspension.

7.0 COOPERATION AND PERFORMANCE OF THE CONSULTANT:

During the period of this AGREEMENT, the CITY shall conduct reviews of various phases of the CONSULTANT'S operations, such as construction inspection, materials sampling and testing and administrative activities. Reviews shall be conducted to determine compliance with this AGREEMENT and sufficiency with which procedures are being effectively applied. These reviews are to assure that construction work and administrative activities are performed in reasonable conformity with the CITY policies, plans, specifications and contract provisions. The CITY shall have complete access, at all times, to project site, project office, all project records and any other CONSULTANT items associated with said project or this AGREEMENT. The CONSULTANT shall cooperate and assist the CITY representatives in conducting said reviews. When deficiencies are indicated in a review, immediate remedial action shall be implemented by the CONSULTANT in conformance with the CITY'S recommendations. The CITY'S remedial recommendations and the CONSULTANT'S actions are to be properly documented by City Engineer. The CONSULTANT shall be responsible for accuracy of its work and shall promptly implement policies and procedures reasonably necessary to

prevent errors, omissions, or noncompliance with said contract terms. If the CONSULTANT'S services hereunder contain errors, omissions, or are not compliant with terms of said contract, the CONSULTANT, upon receipt of written notice of such defects from the CITY, shall correct such errors, omissions or noncompliance at its own expense. However, when the CONSULTANT is responsible for managing a project and where CONSULTANT errors, omissions or contractual lapses caused increased costs, delays, or other damages to the CITY, City Engineer shall prepare a written evaluation of the costs, delays or damages and circumstances that caused the increased costs, delays or damages. A copy shall be sent to the CONSULTANT. Said costs shall be deducted from the monthly payment or retainage due to the CONSULTANT. Remedial action shall be required commensurate with the degree and nature of deficiencies cited. Additional compensation to the CONSULTANT shall not be allowed for remedial action taken to correct deficiencies by the CONSULTANT.

Federal Aid projects are subject to review by representatives of FHWA. Additional State personnel may make special reviews. The CONSULTANT shall fully cooperate with and assist in making such reviews.

8.0 REQUIREMENTS:

A. General:

It shall be the responsibility of the CONSULTANT to provide services as necessary for contract administration to produce construction in reasonable conformity with plans, specifications and contract provisions. The CONSULTANT shall advise City Engineer and shall document any omissions, substitutions, defects, and deficiencies noted in the work of Contractor and the corrective action taken.

B. Survey Control:

The CONSULTANT may be requested to reestablish project survey controls. The CONSULTANT may be requested to provide project surveying to fulfill project requirements.

C. Project Inspection: The CONSULTANT shall provide services to monitor and document Contractor's construction operations. The CONSULTANT shall test, inspect and document all construction material as required to assure quality of workmanship and materials are in reasonable conformity with plans, specifications and other contract provisions. The

CONSULTANT may be responsible for monitoring and approving asphalt production. The CITY shall monitor all other off-site activities and fabrication (including pre-stress production). The CONSULTANT shall keep detailed, accurate records of Contractor's daily operations and significant events that may affect the work. The standard procedures and practices of the CITY for inspections of construction projects are set out in the CITY'S Construction Manual. The CONSULTANT shall have appropriate certifications for inspection of work being performed. The CONSULTANT shall in general, perform inspection services in accordance with these standard procedures and practices and other accepted practices as may be appropriate.

D. Testing:

The CONSULTANT shall perform sampling and testing of component materials and completed work items to the extent that will assure materials and workmanship incorporated in each project is in reasonable conformity with plans, specifications and contract provisions. The CONSULTANT shall meet minimum sampling frequencies set out in the CITY'S Testing Manual. The CITY reserves the right to require additional sampling and testing. The CONSULTANT shall be specifically responsible for securing job control samples and utilizing test results to determine acceptability of all materials and completed work items. The CONSULTANT shall be responsible for verification of a certified test report as determined by the Bureau of Materials and Tests, DOT label, DOT stamp, etc., as appropriate. The CONSULTANT shall be responsible for progress record sampling of reinforcing steel. The CITY shall monitor the effectiveness of the CONSULTANT'S testing procedures through surveillance and obtaining testing progress record samples and final record samples. Progress record sampling and testing is necessary to verify job control sampling frequencies and test procedures are adequate. The CONSULTANT shall inform the CITY of schedules for sampling and testing as work progresses on each construction contract so sampling can be accomplished by the CITY at the proper time. Sampling and testing shall be as required by the aforementioned ALDOT Testing Manual or as modified by contract provisions. The CONSULTANT shall be responsible for transporting samples to be tested to the appropriate State laboratory. Any testing performed at a laboratory other than the State laboratory shall be

handled in a separate AGREEMENT. The CONSULTANT shall perform all required and necessary surveillance, inspection and documentation of project hot-mix asphalt operations.

E. Management Engineering Services:

The CONSULTANT shall perform all management engineering services necessary to: assure proper coordination of activities of all parties involved in accomplishing completion of projects; maintain complete, accurate records of all activities and events relating to projects; properly document all significant changes to projects; provide interpretations of plans, specifications and contract provisions; make recommendations to the CITY to resolve disputes that may arise in relation to construction contracts; and to maintain an adequate level of surveillance of Contractor's activities. The CONSULTANT shall perform any other management engineering services normally assigned to a project that are required to fulfill the CONSULTANT'S responsibilities under this AGREEMENT. All recordation and documentation shall be in accordance with standard ALDOT procedures, formats and content. CONSULTANT services include, but are not limited to the following:

1. Attending and participating in a pre-construction conference for each project. Record significant information revealed and decisions made at conference and if requested by the CITY, distribute copies of said minutes to appropriate parties. The CONSULTANT may be required to conduct the pre-construction conference.
2. Complete and maintain a full and accurate daily record of all activities and events relating to project. Record all work completed by Contractor, including quantities of pay items in conformity with Final Estimates preparation procedures and specifications. The CONSULTANT shall immediately report to City Engineer changes in pay items, project time or cost as soon as they become known to the CONSULTANT.
3. Complete and maintain Project Diaries and Inspector's Daily Reports as requested by the CITY. Said diaries and reports shall be kept up-to-date on a daily basis.
4. Maintain a project log of all materials entering into work with proper indication of basis of acceptance for each shipment of material.

5. Maintain project records of all sampling and testing accomplished. Analyze such records to ascertain acceptability of materials and completed work items. The field reports shall be recorded in project records within three days. The CONSULTANT shall verify, certify and document work items requiring performance periods (curing period, operational period, etc.).
6. Prepare and submit monthly to City Engineer a comprehensive tabulation of the quantity of each pay item satisfactorily completed that includes appropriate test reports and/or materials certifications or materials stored to date. Quantities shall be based on daily records and calculations. Calculations shall be properly recorded. The tabulations shall be used for preparation of the Monthly Progress Estimate.
7. Provide interpretations of plans, specifications and contract provisions. The CONSULTANT shall consult with City Engineer when an interpretation involves complex issues or may have an impact on cost or quality of performing said work.
8. Field problems are difficulties encountered during construction through circumstance, which may or may not be under the control of Contractor, requiring a degree of engineering evaluation and decision. Field problems might involve situations such as: out-of-place piling, out of tolerance work, out of specification materials, structural defects, accidental damage, underground obstructions, etc. These problems may have a significant impact upon the execution, progress, cost or quality of said project. Therefore, it is of paramount importance that problems be resolved expeditiously. The CONSULTANT shall ensure solutions are pursued and implemented as expeditiously as possible. Where a difficulty, problem, or defect of any nature is encountered during construction, the CONSULTANT shall assemble all relevant information to include any proposals from Contractor. The CONSULTANT shall document and evaluate the same in a concise and orderly manner, by reviewing all information and circumstances. The CONSULTANT shall make recommendations to City Engineer for the most expeditious course of action to minimize delays and costs while achieving a structurally acceptable result.

The Engineer of Record (Design Engineer) or State Construction Engineer, depending on the nature of proposal are responsible for structural engineering analysis of Contractor's proposals, determining acceptability of proposals and meeting the requirements of said design. However, the CONSULTANT shall be responsible for ensuring that City Engineer is provided with all relevant information and, in addition, shall appraise and make recommendations to City Engineer of all project(s) related circumstances that may have an influence upon the solution.

In particular, the CONSULTANT shall first utilize his own personnel and resources in order to assess the problem and its likely impacts on said project(s). By utilizing CONSULTANT personnel and resources, the CONSULTANT shall assess both technical and contractual implications upon said project(s) of any proposals presented by Contractor. The CONSULTANT shall consider all likely impacts upon project(s) as regards to costs, delays, potential claims, contract administration, management, any justifiable financial adjustments (increases or decreases, including penalties) to be applied to Construction Contract, and feasibility of the Contractor successfully and expeditiously fulfilling his technical proposals. The CONSULTANT shall make these assessments in order to formulate his recommendations. The CONSULTANT shall then forward the said assessments and recommendations to City Engineer, together with any proposals from Contractor. The CONSULTANT shall be a liaison and cooperate with the CITY in resolution of any problems. Upon resolution and approval of technical solution, the CONSULTANT shall ensure all approved remedial measures are completed in a technically competent and satisfactory manner. The CONSULTANT shall be responsible for any contract administration and management normally associated with implementing remedial measures. In situations where the CONSULTANT does not have direct responsibility for engineering inspection of the item that caused said problem, but where that item is now under his area of control, (example: defective precast components or fabricated steelwork made at a facility under engineering inspection of a different

party and later delivered to site), the CONSULTANT shall formulate his assessment and recommendations and cooperate in resolving the problem.

In all situations, the CONSULTANT shall ensure all proposals, reviews, assessments, studies, recommendations and decisions are executed expeditiously in order to minimize any delays and costs.

9. The CONSULTANT shall analyze changes to plans, specifications or contract provisions and extra work that appear to be necessary to fulfill the intent of said contract. The CONSULTANT shall provide recommended changes to City Engineer for approval. Approval of City Engineer must be obtained prior to initiating any change or extra work.
10. When a modification to the original contract for a project is required, due to a necessary change in character of work, the CONSULTANT, in conjunction with the CITY Project manager, shall negotiate prices with Contractor and prepare and submit a recommendation to City Engineer for approval. The City Engineer shall prepare the required SUPPLEMENTAL AGREEMENT and obtain all required approvals.
11. In the case where Contractor gives notice, either written or verbal, that certain work to be performed is beyond the scope of construction contract and intends to claim additional compensation, the CONSULTANT shall maintain accurate documentation in accordance with project contract requirements, of the costs involved in such work.
12. In the case where Contractor for a project submits a claim for additional compensation, the CONSULTANT shall analyze submittal in conjunction with City Construction Engineer. The CONSULTANT may be required to provide recommendation on validity and reasonableness of the requested additional compensation and/or contract time extension. The CONSULTANT shall maintain complete and accurate documentation of work involved in claims.
13. In the case where Contractor for a project submits a request for extension of allowable contract time, the CONSULTANT shall analyze request and prepare a recommendation to City Engineer covering accuracy of statements and actual effect of delaying factors on completion of controlling work items. The CONSULTANT shall make

recommendations weekly, or other times as necessary, to City Engineer on all delays. This recommendation is needed to justify a time extension.

14. The CONSULTANT shall prepare and submit to City Engineer a final estimate with documentation and one (1) set of record as-built plans for each contract. All changes made to plans, which involve CONSULTANT, shall be signed and sealed by the CONSULTANT and City Engineer. This task must be completed within a timely manner or in accordance with current ALDOT Standard Specifications from the earliest project acceptance date.
15. At request of the CITY, the CONSULTANT shall assist appropriate CITY offices in preparing for hearings or litigation that may occur during the term of this AGREEMENT in connection with a project covered by this AGREEMENT.
16. The CONSULTANT shall monitor and document Contractor's compliance with contract provisions in regard to payment of predetermined wage rates in accordance with State procedures. This includes sub-contractor compliance.
17. The CONSULTANT shall review and document Contractor's compliance with contract requirements concerning Equal Employment Opportunity and Affirmative Action; assist the CITY'S Equal Employment Opportunity Specialist as requested; and, review and document D.B.E. (Disadvantaged Business Enterprises) activities to insure compliance of contract goals.
18. The CONSULTANT shall review and document each construction project to the extent necessary to determine whether construction activities violate requirements of any permits. The Project Manager shall notify Contractor, in writing, of any violations or potential violations and require his immediate resolution of said problem. Violations shall be reported to City Engineer immediately.
19. Shop drawing/sample submittal and approvals shall be logged by the CITY. Tracking shall include maintaining a log book of the status of each submittal as it progresses through review and approval. The CONSULTANT shall actively encourage all reviewers to accomplish reviews promptly.

20. The CONSULTANT shall assist Contractor and utility companies in resolving conflicts so that any conflicting utilities are timely removed, adjusted or protected to minimize delays to construction operations. Documentation shall be maintained in accordance with the CITY'S procedures.
21. The Project Manager and the CONSULTANT for each particular project shall conduct meetings as required with respective Contractor, sub-contractor and/or utility companies to review plans, schedules, problems or other areas of concern. The results of these meetings shall be recorded in project diary.
22. The CONSULTANT may be required to conduct and document field reviews of maintenance of traffic operations after normal working hours, weekends and holidays.
23. The CONSULTANT may be required to respond to inquiries from various persons, i.e., public, media, property owners, local agencies, State agencies, Federal agencies, etc., and inform City Engineer of these inquiries.
24. The CONSULTANT may be required to provide field construction activities in areas of design engineering, vertical and horizontal control, typical sections, cross-sections for monthly estimates and other engineering required to complete construction project.

9.0 PERSONNEL:

A. General Requirements:

The CONSULTANT shall provide a sufficient number of qualified personnel as directed by the CITY to effectively carry out its responsibilities under this AGREEMENT.

B. Personnel Qualifications:

The CONSULTANT shall utilize only competent personnel who are qualified by experience and education. The CONSULTANT shall submit, in writing, to City Engineer the name of all personnel to be considered for assignment to said construction projects, together with a detailed resume of each person's qualifications and copies of current certifications with respect to salary, education and experience. The CONSULTANT'S personnel approval request shall be submitted at least two weeks prior to and approved by City Engineer prior to the date an individual is to report to work. Listed below are minimum qualifications and job descriptions for the

CONSULTANT'S personnel that may be working on various projects under this AGREEMENT.

PROJECT MANAGER:

Minimum Qualifications:

- Ten years of experience in construction inspection, surveying or highway materials testing and inspection or a Bachelor of Science degree in Civil Engineering or Registered Professional Engineer with five years of experience in construction inspection, surveying or highway materials testing and inspection. One or more of the following certifications may be required as approved by City Engineer.
- Certified Asphalt Technician Level I – Field Tester
- Certified Level II – Quality Management Technician
- Certified Asphalt Roadway Technician
- Work Zone Safety Certification
- Certified Concrete Technician (ACI and ALDOT certification)
- Radiological Safety Course Certification
- Qualified Credentialed Inspector (QCI)

Job Description:

This is administrative and technical work in Civil Engineering. Employees in said class shall act as the first contact between contractor and the CITY. The Project Manager shall be responsible for supervision of all employees assigned to said project. The Project Manager shall ensure that a project is built in accordance with project plans and specifications under which contract was awarded. The Project Manager shall report directly to District Engineer's or City Engineer's designated representative.

SENIOR INSPECTOR:

Minimum Qualifications:

- Eight years of experience in construction inspection, surveying or highway materials testing and inspection or a Bachelor of Science degree in Civil Engineering or Registered

Professional Engineer with two years of experience in construction inspection, surveying or highway materials testing and inspection. One or more of the following certifications as necessary and approved by City Engineer. Inspectors who are to perform a specific task shall be certified in said field.

- Certified Asphalt Technician Level I – Field Tester
- Certified Level II – Quality Management Technician
- Certified Concrete Technician (ACI and ALDOT Certification)
- Certified Asphalt Roadway Technician
- Work Zone Safety Certification
- Radiological Safety Course Certification
- Qualified Credentialed Inspector (QCI)

Job Description:

This is skilled sub-professional engineering work in the field or office. Employees in said class shall act as the Assistant Project Manager and be responsible for reviewing and directing inspection duties of all project inspectors. The Senior Inspector shall be capable of surveying and drafting, as they apply to documenting and inspection, of a construction project. The Senior Inspector shall report directly to Project Manager.

LEVEL II INSPECTOR:

Minimum Qualifications:

- Five years of experience in construction inspection, surveying or highway materials testing and inspection or a Bachelor of Science degree in Civil Engineering with one year of experience in construction inspection, surveying or materials testing and inspection. One or more of the following certifications as necessary and approved by City Engineer. Inspectors who are to perform a specific task shall be certified in said field.
- Certified Asphalt Technician Level I – Field Tester
- Certified Concrete Technician (ACI and ALDOT Certification)
- Certified Asphalt Roadway Technician

- Work Zone Safety Certification
- Radiological Safety Course Certification
- Qualified Credentialed Inspector (QCI)

Job Description:

This is skilled sub-professional engineering work in the field or office. Employees in said class shall follow standard procedures in documenting construction projects and inspecting job activities to verify they are in compliance with project plans and specifications. The inspector shall be responsible for completing a daily report documenting labor and equipment used by contractor to include a description of work performed and any pertinent conversations with contractor. The inspector will assist with office work such as plotting cross-sections and computing earthwork quantities.

The inspector shall report directly to Senior Inspector and/or Project Manager.

LEVEL I INSPECTOR:

Minimum Qualifications:

- Some experience in construction inspection, surveying or highway materials testing and inspection is preferred. One or more of the following certifications as necessary and approved by City Engineer. Inspectors who are to perform a specific task shall be certified in that particular field.
- Certified Asphalt Technician Level I – Field Tester
- Certified Concrete Technician (ACI and ALDOT Certification)
- Certified Asphalt Roadway Technician
- Work Zone Safety Certification
- Radiological Safety Course Certification
- Qualified Credentialed Inspector (QCI)

Job Description:

This is sub-professional engineering work in the field or office. Employees in said class shall follow standard procedures in documenting construction projects and

inspecting job activities to verify they are in compliance with project plans and specifications. The inspector shall be responsible for completing a daily report documenting labor and equipment used by contractor to include a description of work performed and any pertinent conversations with contractor. The inspector shall assist with office work such as plotting cross-sections and computing earthwork quantities.

The inspector shall report directly to Senior Inspector and/or Project Manager.

ADMINISTRATIVE ASSISTANT

Minimum Qualifications:

- A high school diploma or a GED certificate.

Job Description:

Employees in this class may perform a variety of clerical duties. These duties may include data entry, filing documents, sorting mail, typing documents, taking dictation, proofreading documents, making copies, greeting and directing the public, taking telephone messages, posting records, or making simple calculations.

PROFESSIONAL CIVIL ENGINEER

Minimum Qualifications:

- Must possess a Professional Engineer's License as issued by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors and must have at least one year of professional civil engineering experience.
- Qualified Credentialed Inspector (QCI)

Job Description:

This is advanced professional work in the field of civil engineering. Employees in said class perform a variety of complex engineering duties associated with planning, geodetic surveys, location, design, construction or maintenance of roads, bridges, buildings, or other civil engineering projects.

TARGET PERSON

Minimum Qualifications:

- Six months experience in surveying.

Job Description:

This is sub-professional work in the field or office. Employees in said class follow standard procedures in carrying out field or office assignments related to surveying for construction projects. Limited instrument use for construction and right-of-way stakeout, obtaining quantity cross-sections, spot checking location and elevation of different construction activities such as form work, setting of girders, pipe grades and blue top elevations as well as cutting line constitute the main activities.

INSTRUMENT PERSON

Minimum Qualifications:

- Two years experience in surveying.

Job Description:

This is skilled sub-professional surveying work in the field or office. Employees in said class follow standard procedures in carrying out field or office assignments related to surveying for construction projects. Employees in said class may be in charge of checking of contractor's work, obtaining quantity cross-sections, and staking right-of-way. Said employee must be able to operate several types of surveying equipment. The ability to read/comprehend contract plans, take and reduce field notes and complete daily reports is essential. The position shall report directly to Field Supervisor or Project Manager.

FIELD SUPERVISOR

Minimum Qualifications:

- Four years experience in surveying with at least one year of experience as a construction survey party chief.

Job Description:

This is supervisory and technical surveying work in the field or office. Employees in said class are in charge of making daily work assignments, interpreting and reading construction plans, and directing surveying activities involved with checking contractor's work, obtaining

quantity cross-sections, and staking right-of-way. Work is performed with considerable independence, but is reviewed for conformance with established policies, procedures, and applicable State laws. The ability to calculate horizontal and vertical positions as well as quantities for payment, communicate in writing and orally, and instruct personnel in the use of equipment is essential. Said position shall report directly to Project Manager or Professional Land Surveyor

PROFESSIONAL LAND SURVEYOR

Minimum Qualifications:

- Must possess a Professional Land Surveyor's License as issued by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors and have at least one year of experience as a Professional Land Surveyor.

Job Description:

This is supervisory professional surveying work in the field or office as required by Alabama State Law. Employees in said class shall insure compliance to standards of practice for surveying in the State of Alabama and conformance with established policies and procedures for surveys which involve the staking of right-of-way.

C. STAFFING:

The CITY shall determine number and type of personnel needed to adequately staff and carry out responsibilities of said scope of service. The qualifications of each person proposed for assignment must be reviewed and approved in writing by City Engineer. An individual previously approved whose performance is later determined by the CITY to be unsatisfactory shall be immediately removed and replaced by the CONSULTANT within one week after notification. The CONSULTANT shall maintain an appropriate staff, as approved by City Engineer, after completion of construction to complete the final estimate. Qualified personnel, thoroughly familiar with all aspects of construction and final measurements of various pay items, shall be available to resolve disputed final pay quantities until appropriate contract is finalized.

As Contractor's operations on a contract diminish, the CONSULTANT shall reduce number of personnel assigned to said project as appropriate. Any adjustment of the CONSULTANT forces as directed by City Engineer shall be accomplished within one week after notification. The CONSULTANT shall, at all times, provide project personnel to ensure proper staffing is maintained. Personnel on a specific project shall be rotated to keep overtime to a minimum. The Project Manager shall be responsible to schedule the CONSULTANT employee work hours to avoid overtime. This shall include varying employee work hours, or the use of shift work, or rescheduling employee normal work hours in advance of expected overtime. The method of schedule modification shall be approved by City Engineer. If overtime is not held to a minimum, then SECTION 1, 7.0 (Cooperation and Performance of the CONSULTANT) of this AGREEMENT shall be enforced to replace personnel. If construction contract is suspended, the CONSULTANT'S forces shall be adjusted at the direction of City Engineer to correspond with type of suspension. In the event of a construction contract suspension which requires the removal of CONSULTANT forces from project, the CONSULTANT shall be allowed up to a maximum of five (5) days to demobilize, relocate or terminate such forces.

Should the CITY determine a need for additional classifications not set forth in this AGREEMENT, the classifications and hourly pay ranges shall be established based on mutual AGREEMENT with the CONSULTANT.

D. CERTIFICATION - Licensing for Equipment and Personnel:

The CONSULTANT shall be responsible for obtaining proper certification and licenses for equipment and personnel used on any project. Licensing of nuclear testing devices shall be obtained through the appropriate agencies. Only technicians approved by the CITY shall be authorized to operate nuclear testing devices. The CONSULTANT shall be responsible for monitoring activity (i.e. film badges/radiation levels) of their technicians who operate nuclear testing devices. Other certifications for technicians such as concrete, Asphalt Roadway, Asphalt Plant, American Traffic Safety Services Association (ATSSA) Worksite Supervisors and others if applicable shall be required. Construction Inspectors work qualifications shall be as shown in SECTION 1, Paragraph 9.0 B of this AGREEMENT.

10.0 SUBCONSULTANT SERVICES:

Upon written approval of the CITY and prior to performance of work, the CONSULTANT may subcontract for engineering surveys, materials testing, or specialized professional services. The City Engineer shall verify qualifications of personnel used by sub-consultant.

11.0 OTHER SERVICES:

The CONSULTANT shall, upon written authorization by City Engineer, perform any additional services not otherwise identified in this AGREEMENT as may be required by the CITY in connection with said Project(s).

12.0 CLAIMS REVIEW:

In the event Contractor for said project submits a claim for additional compensation and/or time after the CONSULTANT has completed this AGREEMENT, the CONSULTANT shall, by written request from the CITY, analyze the claim, prepare a recommendation to City Engineer covering validity and reasonableness of charges and/or assist in negotiations leading to settlement of said claim. Compensation for these services shall be mutually agreed between the CITY and the CONSULTANT prior to performance of said Services.

A. The CONSULTANT shall, upon written request by City Engineer, assist appropriate CITY Offices in preparing for arbitration hearings or litigation that occur after the CONSULTANT'S contract time in connection with the project covered by this AGREEMENT.

The CONSULTANT shall, upon written request by City Engineer, provide qualified Engineers and/or Engineering Technicians to serve as engineering witnesses, provide exhibits, and otherwise assist the CITY in any litigation or hearings in connection with said construction contract(s).

ARTICLE II - TIME OF BEGINNING AND COMPLETION

1. The CONSULTANT services for each on-call construction assignment shall begin after the CONSULTANT receives approved Purchase of Consultant Services for Construction Engineering and Inspection order (Form CPO – CE&I) from Division Engineer. The CPO shall constitute Notice to Proceed from the CITY. The maximum amount payable to the CONSULTANT for services on each Contract ID# ACOA 59010 ATRP (001)

on-call construction assignment shall not exceed the amount stated on said CPO. The length of services as herein established for each construction contract is based on the CONSULTANT beginning work when notified and continuing work until acceptance by the CITY of described services.

2. This AGREEMENT shall be effective upon the date of approval by the Legislative Contract Review Oversight Committee, and signature of the Governor of Alabama, for a term of two years. Any requests for work by the CITY, made prior to the end of the two-year term shall be covered by this AGREEMENT.

ARTICLE III – PAYMENT

SECTION 1

Overhead shall be limited to the actual audited overhead rates. Increases in billable overhead and labor additives shall be limited to a maximum of five (5) percentage points. Profit shall be maintained at ten (10) percent of these costs. When Division requires the CONSULTANT to stay overnight at a project, the CONSULTANT shall be reimbursed for actual expenses up to the maximum allowable by State Law. Employees whose vehicles are used for work-related mileage (excluding mileage for commuting) shall be compensated at the prevailing Federal mileage rate as approved by the General Services Administration. Out-of-pocket expenses, not to exceed \$100.00, shall be paid as direct cost plus ten (10) percent. Purchases over \$100.00 shall require written authorization from appropriate Division.

For performance by the CONSULTANT of services provided for in this AGREEMENT, and as full and complete compensation therefore, including all approved expenditures and expenses incurred by the CONSULTANT in connection with this AGREEMENT, and subject to conformity with all provisions of this AGREEMENT, the CITY shall pay the CONSULTANT as follows:

- A. The total compensation to the CONSULTANT for work provided for when performed under this AGREEMENT will be as follows:
 1. Direct salary and wages – Actual salary and wages paid personnel while actually engaged in performance of work, all as determined by Finance Director of the Alabama Department of

Transportation. Listed below are labor rate ranges for the CONSULTANT’S personnel that may be working on various projects under this AGREEMENT.

<u>CLASSIFICATION</u>	<u>HOURLY PAY RANGES</u>
Professional Civil Engineer	\$28.00 to \$43.00
Project Manager	\$21.00 to \$37.00
Senior Inspector	\$17.00 to \$29.00
Level II Inspector	\$13.00 to \$24.00
Level I Inspector	\$12.00 to \$19.00
Professional Land Surveyor	\$20.00 to \$37.00
Field Supervisor	\$17.00 to \$29.00
Instrument Person	\$13.00 to \$23.00
Target Person	\$12.00 to \$19.00
Administrative Assistant	\$10.00 to \$19.00

2. All other related direct actual costs paid by the CONSULTANT, applicable to this AGREEMENT, such as printing and reproduction, and subsistence of personnel engaged on project at rates payable under state law, and for those supplies, communication equipment, etc. not included in the overhead rate. Vehicles reimbursed for work-related mileage (excluding mileage for commuting) at the prevailing Federal mileage rate as approved by the General Services Administration, see Attachment #1 for ALDOT Consultant Field Office Procedures, which Attachment #1 is made a part hereof.
3. Field office overhead and labor additive rate of 249.49 percent on direct salary and wages. The sub-consultants overhead and labor additive rate shall not exceed the prime consultant’s rate. The CONSULTANT’S billable overhead and labor additive rate can only increase to a maximum of five (5) percentage points per year during the life of this AGREEMENT. Facilities Capital Cost of Money (FCCM) rate is 1.38 percent of the direct labor and no profit shall be allowed on the said item.
4. Profit at the rate of ten (10) percent applied to direct salary, overhead, and approved expenses.

5. The CONSULTANT'S home office overhead and labor additive rate, as determined by the CITY'S Bureau of Finance and Audits, External Audit Section, shall be applied to direct salary and wages. Any sub-consultant's overhead and labor additive rate shall not exceed prime consultant's rate. The CONSULTANT'S billable overhead and labor additive rate can only increase to a maximum of five (5) percentage points per year during the life of this AGREEMENT.
6. The CITY'S Bureau of Finance and Audits, External Audit Section shall be furnished a Financial Statement Audit that is in compliance with Generally Accepted Accounting Principles and an audited Statement of Indirect Cost developed in compliance with the Contract Cost Principles and Procedures stated in Volume 1, Federal Acquisition Regulations, Part 31, and the audit standards contained in the Government Auditing Standards issued by the Comptroller General of the United States by the end of the fifth month after the closing of the CONSULTANT'S fiscal year.
7. Any paid overtime shall require prior authorization from Division Engineer. Billable overtime is all time worked over Forty Hours each week or holidays observed by the CONSULTANT.
 - a. The hourly overtime rate shall be 1.5 times the hourly billable rate.
 - b. Hours worked on holidays observed by the CONSULTANT shall be billable at an hourly rate of 2 times the hourly billable rate. Billable holiday work shall require prior approval by the CITY.
8. The maximum amount payable, to the CONSULTANT for work provided for under this AGREEMENT, shall not exceed Four Hundred Thousand and no/100 Dollars (\$400,000.00).

SECTION 2

- A. Certified copies of daily payrolls for personnel actively engaged on work included in this specific Rate of Pay AGREEMENT shall be furnished monthly.
- B. Partial payments to the CONSULTANT shall be made not more often than monthly. Such payments shall be based on ninety-five percent (95%) of amount earned to date of invoice. Payment shall be subject to submission by the CONSULTANT of such vouchers or invoices, daily progress reports and such evidence of performance the CITY may deem necessary. The original invoice and (3) three

copies shall be submitted by the CONSULTANT to Division Office for review, approval and forwarding to the CITY'S Bureau of Finance and Audits, External Audit Section located in Montgomery, Alabama, for payment.

- C. Five percent (5%) retainage shall be withheld by the CITY from amount earned for work completed, until all work on a requested assignment is completed and accepted by the CITY. The retainage will be held by the CITY or if requested by the CONSULTANT may be placed in an interest-bearing escrow account. The CONSULTANT shall decide how retainage is to be held prior to the execution of this AGREEMENT. The CITY shall release the retainage withheld following acceptance of work required under each assignment.
- D. The CONSULTANT shall correlate and coordinate accounting of CONSULTANT to comply with current audit system of the CITY and applicable Federal Acquisition Regulations. Since this is a cost reimbursable type of AGREEMENT, all direct job costs, and labor costs charged to said project shall be the actual rate of pay at the time work is performed and shall be subjected to audit by the CITY.

SECTION 3

The acceptance by the CONSULTANT of the final payment shall constitute and operate as a release to the CITY of all claims and of any and all liability of the CITY to the CONSULTANT, its representatives and/or assigns for all things done, furnished or relating to services rendered by the CONSULTANT under, or in connection with this AGREEMENT, or any part thereof, provided that no unpaid invoices exist because of extra work required at the request of the CITY.

SECTION 4

During the period of this AGREEMENT, the CONSULTANT shall not be employed and CONSULTANT'S employees shall not be employed by construction contractors performing work on state or federal-aid projects on which the CONSULTANT is assigned without approval in writing by the CITY.

SECTION 5

The work to be performed under this AGREEMENT shall not include any work payable to the CONSULTANT under any other AGREEMENT(S) with the CITY in effect at the time work is performed.

ARTICLE IV – MISCELLANEOUS PROVISIONS

Exhibits A, C, D, E, F, G, H, H-1, I, K, L, M, N, Y and Z attached hereto, are made a part of this AGREEMENT and the terms and provisions of such exhibits are binding on the parties respectively as fully and completely as they would bind the parties if such terms and provisions were set forth in writing in the AGREEMENT.

The CONSULTANT agrees to abide by the “ALDOT Principles of Business Conduct”.

In WITNESS WHEREOF, the Parties hereto have caused this AGREEMENT to be executed by those officers, officials and persons thereunto duly authorized, and this AGREEMENT is deemed to be effective on the date of approval by the Legislative Contract Review Oversight Committee and approval of the Governor of Alabama.

ATTEST:

HUTCHINSON, MOORE & RAUCH, LLC

By: _____
(Affix Corporate Seal)

By: _____

APPROVED AS TO FORM:

RECOMMENDED FOR APPROVAL:

Richard Johnson, P.E.
Director, Public Works Department
City of Daphne

CITY OF DAPHNE

Dane Haygood
Mayor
City of Daphne

The within and foregoing instrument is hereby approved on this _____ day of _____, 20_____.

Bob Riley
GOVERNOR, CITY OF ALABAMA

Prepared By:
Hutchinson, Moore & Rauch, LLC
2039 Main Street
Daphne, Alabama 36526
Office: (251)626-2626 Fax: (251) 626-6934
Reference: Contract ID# ACOA 59010 ATRP (001)

Buildings & Property Committee Meeting
Monday, January 7, 2013 5:30 PM
Daphne City Hall

Committee

Councilman Dane Haygood
Councilman Randy Fry
Councilman Pat Rudicell
Richard Merchant, Building Official
Frank Barnett, Maintenance Supervisor
Margaret Thigpen, Civic Center Director
Rick Whitehead, IT Coordinator

Committee Minutes (Summary)

Present: John Lake, Frank Barnett, Dane Haygood, Randy Fry, Jane Ellis, Pat Rudicell, Richard Johnson, Margaret Thigpen, Rick Whitehead, Ashley Campbell, Visitor-Michael Hoyt

- A.) Minutes from January Meeting: Motion made to approve minutes from January Meeting.** Approved.

- B.) Eastern Star Property:** Richard Johnson discussed the deed for the Eastern Star building and property and after research he does not think anyone will challenge our use of the building. Three trustees are deceased and there was further discussion about the history of the building. The Committee will have Becky continue to research.

- C.) Nicholson Center** – This was the original city seat for the county and then it became the Normal School and the state had title. 8/23/65 it was transferred to the City of Daphne. City built the actual building on site which served as a rec/gym to support the local schools without gyms.

- D.) City Property Map** – Richard Johnson took the 1st draft of the map to review.

- E.) Civic Center & Bayfront** – Margaret reported that the marketing piece should be complete soon. This marketing tool will be used not only for the facilities but for tourism in general for the City of Daphne. The websites for Bayfront and Civic Center are being revamped and at the next meeting she will present a few ordinance updates for the committee to consider and approve that are basically housekeeping.

- F.) Building Inspection** – Monthly reports distributed by Ashley Campbell. 17 new homes in December with a total of 70 building permits totaling \$3 million.

G.) Building Maintenance – Frank Barnett reported that David McKelroy has asked him to get a replacement cost for the roof on the Nicholson Center. Last year it was patched but it is time for an entire new roof. Pat Rudicell asked how we can use this facility if we are to make these repairs. Dane suggested that the committee council members take a visit to look at both the Eastern Star and the Nicholson Center.

6:25 PM Meeting adjourned.

Ordinance Committee

Wednesday, February 13, 2013

1705 Main Street

Daphne, AL

5:30 p.m.

Councilman Randy Fry, Chairman

Councilman Ron Scott

Councilman Robin LeJeune

Councilman Pat Rudicell

I. CALL TO ORDER/ROLL CALL

Chairman Fry called the meeting to order at 5:30 p.m.

MEMBERS PRESENT: Randy Fry, Chairman; Pat Rudicell; Ron Scott; Robin LeJeune.

Also present: Rebecca Hayes, recording secretary; Captain Danny Bell; Mr. Bill Boor.

II. APPROVE MINUTES /NOVEMBER 14, 2012:

No corrections to the November 14, 2012 minutes and they stand as approved.

III. PUBLIC PARTICIPATION:

Mr. Bill Boor asked how the revisions to the Animal Control ordinance was coming along.

Councilman Fry said that they are considering changing the fines for the 2nd and 3rd offenses. He asked Mr. Boor if the problem was better.

Mr. Boor said it was, but it could start up again at any time, and the increase in fines would be a deterrent.

The committee requested that the ordinance be sent to Mr. Ross for revisions of the fines for the 2nd offense be increased to \$250 and the 3rd offense be increased to \$500 and go before the judge, and to have the ordinance on the March agenda for review.

IV. ORDINANCE REVIEW/DISCUSSION

a.) 2003-31 / To Control Public and Private Outdoor Lighting

The Code Enforcement Officer was not present to report on this issue. Mr. Fry will call him to get the information, and put it on the agenda for next month.

VI. OTHER BUSINESS

Captain Danny Bell mentioned complaints the Police Department has received regarding door to door salesmen. The salesmen it turns out had a permit. The problem was the heavy handed manner they were using to sell their product which was alarm systems. His thoughts are why are they allowing this in the first place since in this day a time it is very dangerous. He would like the ordinance to be revised. The committee will check with Mr. Ross as to the legalities of the ordinance, and Captain Bell will research ordinances from other cities in order to make the revisions.

**ORDINANCE COMMITTEE MEETING
PAGE 2**

VII. ADJOURN

There being no further business to discuss, Pat Rudicell made a motion to adjourn the meeting at 5:50 p.m. and was seconded by Robin LeJeune. Motion Carried.

Respectfully submitted

Code Enforcement / Ordinance Committee

CHANGE ORDER MOTION

Motion: Authorizing the Mayor to approve the Change Order #1 (Attached), in the amount of \$61,150.00, to SJ&L, Inc., Civil Contractors, for Phase 1 of the Daphne Sports Complex Project expanding the scope of work to include the downstream channel and wetland restoration with the understanding that the change in scope of work is less than 10% of the project total and there is no conflict with public bid law.



Civil Contractors
Mobile, AL

P.O. Box 190034
Mobile, AL 36619
Phone: 251-661-7926
Fax: 251-660-8364

CHANGE ORDER REQUEST

To: Hutchinson, Moore & Rauch, LLC
P.O. Box 1127
Daphne, AL 36526

 Attn: Tim D. Lawley, PE

Date: 04-Feb-13

 Project: Daphne Sports Complex
Daphne, AL

Change Order Request No. 001

Regarding: **Channel Mitigation**

ITEM	DESCRIPTION	QNTY	UNIT	UNIT PRICE	EXTENDED
1	Wetlands Engineering Fee	1	LS	\$ 5,500.00	\$ 5,500.00
2	Wetlands Grading	1	LS	\$ 14,850.00	\$ 14,850.00
3	Wetlands Ledge Stone	250	TN	\$ 121.00	\$ 30,250.00
4	Wetlands Clearing	1	LS	\$ 6,050.00	\$ 6,050.00
5	Regrading of On-Site Detention Pond	1	LS	\$ 4,500.00	\$ 4,500.00

TOTAL: \$ 61,150.00

JUSTIFICATION:

This change order is for the mitigation of the erosion within the existing channel.

GENERAL NOTES:

- 1 This change order requires the addition of thirty (30) working days to the contract time.
- 2 Any additional rip rap required to complete the overflow from the detention pond to the new channel shall be paid for under existing contract line items.
- 3 Work is currently anticipated to be performed during the middle of February.

SUBMITTED:

ACCEPTED:

BY: S J & L, Inc.
Jeffrey W. Rode, VP
Jeffrey W. Rode, VP

4-Feb-13

BY: Huntchison, Moore & Rauch

Richard Johnson

From: Ashley Campbell <epm@daphneal.com>
Sent: Friday, February 08, 2013 1:56 PM
To: Ron Scott
Cc: Dane Haygood; Jay.Ross@arlaw.com; Richard Johnson
Subject: Fwd: Daphne Sports Complex - Channel Mitigation
Attachments: Change Order No 001 (Wetlands).pdf; 10-1-12
DaphenSportsComplexUpstreamCondition.JPG; 10-31-13 DaphneSportsComplexSevere
ErosionatBasinOutfall.JPG

Council President Scott,

I would like to request that a Motion to approve the Change Order for the Daphne Sports Complex (attached) be placed on the Council agenda for Monday, February 18th. The change order is needed to restore the wetlands at the outfall of the City's storm water detention pond. Currently, severe erosion is threatening the entire pond. Until we stabilize the wetland area, we cannot complete the storm water detention pond. We have a state and federal permits for the site, and both agencies are very concerned that if we do not implement the restoration as soon as possible that environmental harm could result. I am also very concerned. I have attached some of photos of the site for your review. If you or anyone else would like to visit the site, I would gladly take you. Just let me know. Also, attached below, is Richard Johnson's email regarding the timing and cost effectiveness of the project.

Thanks for your time,

Ashley Campbell

Environmental Programs Manager

City of Daphne

epm@daphneal.com

Office: [251-621-3080](tel:251-621-3080)

Cell: [251-234-7122](tel:251-234-7122)

Fax: [251-621-3719](tel:251-621-3719)

----- Forwarded message -----

From: **Richard Johnson** <directorpw@daphneal.com>

Date: Wed, Feb 6, 2013 at 12:54 PM

Subject: RE: Daphne Sports Complex - Channel Mitigation

To: Mayor Dane Hagood <mayor@daphneal.com>, councildistrict7@daphneal.com

Cc: Ashley Campbell <epm@daphneal.com>, Tim <tim@hmrengineers.com>

Mr. Mayor:

Here is the change order I discussed with you this morning. This does represent a change in scope of work that does not exceed 10% of the total project. So, public bid law is not in play. Unfortunately, Mrs. Briley is not in today and I have not been able to discuss with her. This has been discussed in PW Committee and several Council Members are aware of the issue.

As owner representative for the City I am in favor of approving this C.O. with your blessing. This work will need to be done now or in the future. If it can be rolled into the current project the cost savings are significant. No mobilization, no separate bonds, etc... The Ordinance and Associated Resolutions authorizes the Mayor to approve and take all necessary actions/documents.

Unfortunately, the timeline is the critical path in the viability of this additional project scope. They want to get started in a little over a week.

Let me know how you want to proceed.

Yours,

RDJ

Richard D. Johnson, P.E.

Public Works Director

26435 Public Works Road

Daphne, AL 36526

Phone: [\(251\) 621-3182](tel:(251)621-3182)

Fax: [\(251\) 621-3189](tel:(251)621-3189)

Cell: [\(251\) 379-1305](tel:(251)379-1305)

directorpw@daphneal.com

From: Tim [mailto:tim@hmengineers.com]
Sent: Tuesday, February 05, 2013 11:18 AM
To: directorpw@daphneal.com

Cc: Ashley Campbell

Subject: FW: Daphne Sports Complex - Channel Mitigation

Please review the attached change order. If this is acceptable on your end, I will sign and get the process started.

Thanks,

Tim

From: Jeff Rode [<mailto:jeff@sjlcontractors.com>]
Sent: Monday, February 04, 2013 3:19 PM
To: 'Tim'
Subject: Daphne Sports Complex - Channel Mitigation

Tim,

Attached is our proposed change order for the Channel Mitigation. Should you have any questions, please do not hesitate to contact me.

Thanks,

Jeff



Jeffrey W. Rode, VP

S J & L Civil Contractors

P.O. Box 190034

Mobile, Alabama 36619

Phone: [251-661-7926](tel:251-661-7926)

Fax: [251-660-8364](tel:251-660-8364)

Cell: [251-583-6609](tel:251-583-6609)

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--

Ashley Campbell

Environmental Programs Manager

City of Daphne

epm@daphneal.com

Office: [251-621-3080](tel:251-621-3080)

Cell: [251-234-7122](tel:251-234-7122)

Fax: [251-621-3719](tel:251-621-3719)

CITY COUNCIL MEETING
REPORT OF SPECIAL COMMITTEES

BOARD OF ZONING ADJUSTMENTS REPORT

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT

INDUSTRIAL DEVELOPMENT BOARD REPORT

LIBRARY BOARD REPORT

PLANNING COMMISSION REPORT

RECREATION BOARD REPORT

UTILITY BOARD REPORT

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF DECEMBER 20, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

CALL TO ORDER

The number of members present constitutes a quorum. The regular meeting of the City of Daphne Planning Commission was called to order at 5:00 p.m.

CALL OF ROLL:

Members Present:

Joe Lemoine
Dan Gibson
Don Terry, Secretary
Ed Kirby, Chairman
Larry Chason, Vice Chairman
Ron Scott, Councilman
Chief James "Bo" White

Members Absent:

Bailey Yelding, Jr., Mayor
Charles Smith

Staff Present:

Adrienne Jones, Director of Community Development
Jay Ross, Attorney
Ashley Campbell, Environmental Programs Manager

Staff Absent:

Jan Vallecillo (Dickson), Planning Coordinator
Richard Johnson, Public Works Director
Misty Gray, Attorney
Britton Bonner, Attorney

Others Absent:

Rob McElroy, General Manager/Utilities Board of the City of Daphne
Danny Lyndall, Operations Manager/Utilities Board of the City of Daphne
Rex Rentz, Code Enforcement Officer/Utilities Board of the City of Daphne

The first order of business is the call to order.

Chairman: Please let the record reflect that Mr. Smith and Mayor Yelding are not present.

The next order of business is the approval of the minutes.

APPROVAL OF MINUTES:

The minutes of the November 15, 2012 regular meeting were considered for approval.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF DECEMBER 20, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Chairman: A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

A **Motion** was made by Mr. Chason and **Seconded** by Mr. Lemoine to **approve the minutes of the November 15, 2012 regular meeting. The Motion carried unanimously.**

NEW BUSINESS:

The next order of business is the introduction of the newly appointed Planning Commission members.

INTRODUCTION OF THE NEWLY APPOINTED PLANNING COMMISSION MEMBER:

Chairman: I would like to welcome back Mr. Joe Lemoine. He has been reappointed. I would also like to welcome Mr. Charles Smith as the newly appointed Planning Commission member. We look forward to working with him.

The next order of business is a public hearing for a revision to the Land Use and Development Ordinance, Appendix 0.

PUBLIC HEARING:

5th amendment to Ordinance 2011-54, Land Use and Development Ordinance, the addition of Appendix 0, Low Impact Development & Green Infrastructure.

Chairman: Proposed amendment read allow for the public. Do any of the Commissioners have any questions or comments? Ms. Jones, I am going to let you do the presentation.

Ms. Jones: I am going to ask Mr. Trey Jinright, Jinright & Associates, to make the presentation.

Mr. Jinright: The Director has requested I present Phase One which would be the techniques. This is a grant to implement Low Impact Development incentives to the public through the City as it directly relates to a storm water utility tax. Since we do not have such a tax, we are looking to set up zoning bonuses the City could grant to the developer. Ms. Jones has requested we set of the techniques and to ask to move forward to the City Council for them to bless it. This would satisfy the grant portion of it so we could move forward. With that, I will entertain any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments?

Mr. Scott: Yes. I have one question. If for some reason, the City Council does not adopt this, what does that do to the grant?

Ms. Jones: I will answer that. We would forfeit the grant and would have to pay for what he has done so far out of the Seeds account instead of the grant money.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF DECEMBER 20, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Chairman: This agenda item required a public hearing so I will open the floor to public participation. With no adjacent property owners present, the Chair closed public participation due to no response.

Mr. Chason: At the work session, I recommended that Mr. Jinright and Ms. Jones present to a draft copy of the Ordinance for us to tweak. Is there any portion of the Ordinance we need to add to the motion? My understanding is this section will be coming back to the Planning Commission for discussion about credits which are not a part of this. If the City Council decided they do not agree with this, will it become a part of Land Use Ordinance without financial incentives to do this?

Chairman: That is correct. Was there a motion or was that discussion? I have forgotten where I am.

Mr. Scott: Before we vote, as I understand it this is an option on the developer's part. Typically there is some type of financial advantage to the developer to incorporate this, and what we are trying to do it to look at the incentives. If we just adopt this portion, we have probably met the letter of the law with regard to the grant. Is that correct?

Ms. Jones: I hope so.

Mr. Scott: I do not think we have to have incentives. We could which would be a plus, I think.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Mr. Terry and Seconded by Mr. Lemoine for the affirmative recommendation by the Planning Commission to the City Council of Daphne the adoption of the 5th Amendment, to Ordinance 2011-54, of the Land Use and Development Ordinance, Appendix O, Low Impact Development & Green Infrastructure. The Motion carried unanimously.

The next order of business is site plan review for Firestone Complete Auto Care.

SITE PLAN REVIEW:

File SP12-13:

Site: Firestone Complete Auto Care

Zoning(s): B-2, General Business

Location: Southeast of the intersection of Walmart Drive and U.S. Highway 98

Area: 5.13 Acres ±

Owner: Bridgestone Retail Operations - James Blecha, Managing Member

Agent: Bridgestone Retail Operations - Geoff Hartung, Glenn Davie, and Glen Bowman

Engineer: Driven Engineering - Matt Rogers or Avalisha Fisher

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF DECEMBER 20, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

An introductory presentation was given by Ms. Avalisha Fisher, representing Driven Engineering. Mr. Rogers could not be here tonight because his wife is having a baby so I am filling in for him. I understand there were two outstanding issues remaining. One is the removal of the Oak tree located near the entrance. The other request was for some additional landscaping to be installed. We have submitted a revised landscape plan along with an explanation of why we cannot save the tree. I also have a photograph of it on my phone if you would like to see what the tree looks like. It is in pretty bad shape. Are there any other questions that I can answer?

Chairman: Do any of the Commissioners have any questions or comments?

Mr. Chason: Are we talking about something to shield the bay door from U.S. Highway 98? I believe that was done by planting Oak tree rather than Crepe Myrtles and adding larger Oak trees to compensate for the one you are removing at the driveway.

Ms. Fisher: Yes. The landscape plan has been revised in exactly that way. Also, a rendering has been provided showing what the trees would look like in front of the bay doors.

Mr. Chason: At the work session, Mr. Johnson said the detention pond, rather the bio-retention pond, is going to be located at the front of the site. Is this type more or less maintenance compared to the typical ones you see? Ms. Campbell, the Environmental Programs Manager, can probably answer that.

Ms. Campbell: There will be more maintenance. There will be maintenance procedures put in place that Firestone will follow, and we will be conducting inspections on the pond. A bio-retention pond is something we are proud to have.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Mr. Scott and Seconded by Mr. Gibson to approve the site plan for Firestone Complete Auto Care. The Motion carried unanimously.

Chason: Do we need to waive the sidewalk requirement?

Chairman: I think so since we have never required sidewalks to be installed on U.S. Highway 98.

Mr. Chason: They asked us to waive that requirement.

Chairman: Mr. Scott, would you mind modifying your motion?

Mr. Scott: I would be glad too.

Chairman: I just had a brilliant thought. Isn't this the same type of bio-retention we are proposing to do in the parking lot at the Jubilee Square Shopping Center?

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Ms. Campbell: Yes sir. That grant is on hold.

Chairman: But we are talking about the same type of retention?

Ms. Campbell: Yes.

Chairman: Do any of the Commissioners have any further questions or comments? Mr. Scott has agreed to modify his motion to waive the requirement for sidewalks along U.S. Highway 98.

An **Amended Motion** was made by Mr. Scott and **Seconded** by Mr. Gibson to **approve the revised site plan for Firestone Complete Auto Care, and to waive the sidewalk requirement along U.S. Highway 98. The Motion carried unanimously.**

The next order of business is site plan review for U-Sale Daphne.

File SP12-14:

Site: U-Sale Daphne

Zoning(s): B-2, General Business

Location: Northeast of the intersection of U.S. Highway 98 and Santa Rosa Avenue, north of Bay Auto Glass

Area: 1.44 Acres ±

Owner: William Lange

An introductory presentation was given by Mr. William Lange, the owner. I will be happy to answer any questions you may have.

Chairman: A couple of questions you addressed here in your revised letter was to save the Oak tree near Bay Auto Glass and to move the light pole. Do any of the Commissioners have any questions or comments?

Mr. Lange: Yes. That is correct. I intend to do that.

Chairman: You are planning to install bumpers to prevent cars from being driven onto the right-of-way. Also, there is a note regarding the quality and the condition of the vehicles to be placed on the site. Do any of the Commissioners have any questions or comments?

Mr. Gibson: I have a comment. He says he met with Mr. Johnson and has gotten it straightened out about what type of materials he can put on the site for parking.

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Mr. Lange: I met with Ms. Campbell. She said I cannot use red clay. I have to use sand and a fabric material.

Chairman: I have no problem with that.

Mr. Scott: Mr. Lange has a good reputation. I feel good about the project, but we have to look down the road to think about what if there are other people there. If they were other owners there, and they were to violate the intent of this approval, would we have any ability to force compliance?

Ms. Jones: I do not think so.

Chairman: I do not know of anything, except the part of the Land Use Ordinance that deals with junk cars. The vehicle has to be operable and have a current license plate.

Mr. Chason: Do we keep a file for each applicant?

Ms. Jones: Yes.

Mr. Chason: Then Mr. Chairman, I would suggest we incorporate this letter into that file.

Mr. Lange: My other business is right there. I do not want junk cars there either.

Mr. Scott: We do not doubt your word. We are just looking twenty years down the road.

Mr. Chason: Maybe our motion should refer to the revised letter that is going to be a part of the file.

Ms. Jones: That is good. We may the letter a part of the minutes as well.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Mr. Chason and Seconded by Mr. Terry to approve the site plan for U-Sale Daphne, conditioned upon a copy of the revised letter of intent from the owner becoming a part of the official minutes of the meeting, a copy being placed in the applicant's file, and shall be of a condition of approval of the use that would run with the land if conveyed, transferred and/or sold. The Motion carried unanimously.

(Revised letter dated December 13, 2012 - William Lange, U-Sale Daphne)

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Daphne Planning Commission
Community Development
1705 Main Street
Daphne, Alabama 36526

Dear Adrienne Jones,

Property:

2512 Highway 98, between the Chevron Gas Station and Fausak Tires.

Purpose:

I would like to open an "U-Sell" lot on my property. This will be an U-Sell lot where the owner would park their car on the lot, and they would sell it. I would collect a monthly fee for rental on the space.

Trees:

I would need to take down some trees to maximize visibility and for the purpose of lighting. These trees would also be a hazard to the cars that would be under them.

I will probably use Spotswood Tree Service. There are one Live Oak, 8 Water Oaks, and 6 Pine trees that need to come down. All these trees are in the parking and lighting area.

I will leave the one Live Oak tree and move my lighting to accommodate this tree.

In the wooded area of Lots 2 & 3, there are many trees over 8" in diameter.

There are about 25 Pine trees, 7 Cedar trees, 15 Water Oak trees, 3 Live Oak trees and many more that are under 8'. This count does not include the buffer zone.

Parking:

I will install bumpers along the front to mark each parking space.

Drainage:

Water would drain to the front and into Highway 98 drainage.

Landscaping:

I will plant box wood shrubs across Highway 98 frontage, behind the 10ft drainage and utility easement, for landscaping.

Surface:

I will take up the grass, add red dirt and rock for the parking surface.

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A black temporary erosion wall will be installed to control erosion or sediment loss during construction.

Lighting:

I will have Riviera Utilities to install two light poles along with Cobra Head 250 lights for my lighting.

Signage:

I will place one sign that will be 4' X 8' with a height of no more than 5 ft. off the ground at the bottom. This sign will be on two poles. A drawing of the sign is attached.

Buildings:

No building structures will be built, and no utilities will be needed.

Highway 98 Access:

There will be no new access driveway from Highway 98. Customers will enter from Bay Auto Glass driveway.

Vehicles

I will not allow any vehicles on my lot that have been wrecked or damaged to the point it would be a distraction to the lot or other cars.

Sincerely,
William Lange
251-626-1995

The next order of business is preliminary plat review for Summer Oaks Townhomes, Phase XIV.

PRELIMINARY PLAT REVIEW:

File SDP12-01:

Subdivision: Summer Oaks Townhomes, Phase XIV

Present Zoning: R-4, High Density Multi-Family Residential

Location: East of U. S. Highway 98, north of Wal-Mart
Area: 3.87 Acres \pm , (15) lots
Owner: Tonsmeire Development Corporation - Arthur Tonsmeire
Engineer: Rowe Surveying and Engineering - Don Rowe

An introductory presentation was given by Mr. Don Rowe, representing Rowe Surveying and Engineering. I think all of the comments were answered in the work session. I will be happy to answer any questions you may have.

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Chairman: Do any of the Commissioners have any questions or comments?

Ms. Jones: Can you explain the information you provided to us and the revised drawing?

Mr. Rowe: At the site preview meeting, I mentioned to you we needed to do a wetland delineation. The delineation showed an encroachment of six feet into the wetland buffer at one point so we had to move one of the houses. It also required that we do a drainage modification to the existing pipe.

Mr. Chason: I went out and looked at this. When you look at where it is, what it is, and the way it has been done for affordable housing, it is a nice development. My concern or comment at the work session was that a portion of this is town homes, and the other portion is patio homes. The proposed development does not fit anything we have. My comments do not have very much to do with what we are doing here, except this would fit the classification of a planned unit development. We do not have a very good definition of a planned unit development. I know we have been talking about developing one over time. If it was a development that would come in as a PUD, it would be zoned as such. It would not be zoned R-4 or R-5, but it would be PUD. That would follow under a separate set of guidelines like what we have here like as private streets and responsibilities of the unit owners. Certainly we can proceed with this because it has been done well, and it is in progress. We should take Summer Oaks as a model to prepare the planned unit development subdivision regulations to see if we might be able to offer that. It would have a place in the scheme of things. In single family developments, we need to have something like this.

Chairman: The Chair opened the floor to public participation. With no adjacent property owners present, the Chair closed public participation. Do any of the Commissioners have any questions or comments?

Ms. Jones: This question is for your Mr. Rowe. Is there any infrastructure or any work you are going to have to do on the site before you are looking to get started on a house?

Mr. Rowe: The reason we are here is we have to work on the existing drainage pipe, and then that is it.

Ms. Jones: That means when they finish the work on the drainage pipe, complete the as-built plans, then come back for final approval?

Mr. Rowe: Yes.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Mr. Chason and Seconded by Mr. Lemoine to grant approval of the preliminary plat for Summer Oaks Townhomes, Phase XIV. The Motion carried unanimously.

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The next order of business is subdivision replat review for Trione Subdivision, the Replat of Lots 29 & 30, Block 3, Yuilles Belrose Wharf Subdivision.

SUBDIVISION REPLAT REVIEW:

File SRP12-12:

Subdivision: Trione Subdivision, the Replat of Lots 29 & 30, Block 3, Yuilles Belrose Wharf Subdivision

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

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

Area: 0.30 Acres \pm , (1) lots

Owner: Angele G. Trione

Agent: Carolyn and Rick Burmeister

An introductory presentation was given by Mr. Rick Burmeister, the authorized agent for the owner.

Chairman: In the work session, it was pretty simple. We are going to combine two lots of record to make one lot. The Chair opened the floor to public participation. With no adjacent property owners present, the Chair closed public participation. Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Mr. Terry and **Seconded** by Mr. Gibson *to approve the subdivision replat review for Angele Trione, Trione Subdivision, the Replat of Lots 29 & 30, Block 3, Yuilles Belrose Wharf Subdivision. The Motion carried unanimously.*

The next order of business is subdivision replat review for the replat of Bain Family Subdivision.

File SRP12-13:

Subdivision: Replat of Bain Family Subdivision

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

Location: On the west side of Main Street near Chateauguay Subdivision

Area: 3.80 Acres \pm , (4) lots

Agent: Steven Wingbermuehle

Owner: Whitney Bain Wingbermuehle, Damrell Threadgill Bain, and Robert David Bain, III

An introductory presentation was given by Mr. Steven Wingbermuehle. I am here on the behalf of the Bain Family.

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Mr. Wingbermuehle: The purpose of the replat is the relocation of a thirty-foot easement used for a drainage and utility easement, and for an ingress to Lots 2 and 3. I will be happy to answer any questions you may have.

Chairman: This is a replat for the purpose of relocation of the easement. Do the Commissioners have any questions or comments?

Mr. Chason: Are there any utilities there now?

Mr. Wingbermuehle: The utilities are in the yellow section from Main Street to Lot 4 where there is an existing house.

Mr. Chason: So there are not utilities in the red section?

Mr. Wingbermuehle: No. I am about to build on Lot 3. We will be saving a Live Oak tree by not utilizing the easement in red.

Chairman: The Chair opened the floor to public participation. With no adjacent property owners present, the Chair closed public participation. Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Mr. Gibson and Seconded by Mr. Chason to approve the subdivision replat review for the Bain Family Subdivision. The Motion carried unanimously.

The next order of business is master plan review for the Remainder of TimberCreek Subdivision.

THE REMAINDER OF TIMBERCREEK SUBDIVISION:

MASTER PLAN:

MPA12-06:

An introductory presentation was given by Mr. Daryl Russell, representing Rester & Coleman Engineers. We are here to present the master plan for the final build out for TimberCreek Subdivision.

Mr. Russell: The master plan represents Phases Eleven and Twelve. We will have a total of one hundred and fifty point five acres in this development with ninety-six lots proposed for Phase Eleven and thirty-seven lots proposed for Phase Twelve. I will be happy to answer any questions you may have.

Chairman: This is a review of the master plan. Do any of the Commissioners have any questions or comments? I know Chief White had some.

Chief White: At the site review, I had concerns about connectivity from Woodrow Lane to the proposed subdivisions.

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Chief White: After having a chance to go out there and ride those streets to see what the response time would be for an emergency vehicle, I see that from the entrance to the end of Pine Run is almost a six minute drive. That was done on a clear day, with no cars on the street, and traveling ten miles over the speed limit. My concern is if there is a block party or any other activity going on out there that would block our access, which would mean we would have to turn around and try to find another way in there. Woodrow Lane is a minute and twenty-six seconds from Fire Station Number Four to the beginning of that subdivision. I am even more convinced now you should consider a connection to Woodrow Lane.

Mr. Russell: Chief, as I said in the work session, the owners of this portion of TimberCreek do not have possession of the property necessary to have an access to Woodrow Lane. Also, over the years, the residents in that area have voiced their interest in limiting access through the neighborhood. Also, we would like to limit the access for security reasons.

Chief White: That is understandable. If that were the case, couldn't you put some type of fence there that would only be accessible only by the fire and police department.

Mr. Cox: We do not own the property necessary to access Woodrow Lane.

Chairman: Are you referring to the lots in Phase Ten?

Chief White: I thought Woodrow Lane went all the way through.

Mr. Russell: If you look at the bottom of the map that shows Phase Twelve, to the east of it, you will see some parcels which are not included in the map for this application.

Chairman: I guess what I am looking at is Lot 133 in Phase Ten. Is that in Phase Ten or Twelve?

Mr. Russell: That is a part of Phase Twelve.

Chairman: Well, if it is the lot in Phase Twelve, at the end of Woodrow Lane, then I do not understand why it does not have access.

Mr. Russell: There would be a portion of the right-of-way of Woodrow Lane that they would not have. It could not extend all of the way.

Chairman: You would lose Lot 133, but couldn't there be a connection there? I am concerned with the amount of response time if someone's house is on fire, and they are having the issue of how to get to it.

Chief White: Or if they are having a heart attack or choking.

Mr. Chason: The issue is on your map, Lot 133, is shown as being right at the dead end of Woodrow Lane. Whom does that lot belong to?

Mr. Russell: That lot does belong to TimberCreek.

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Mr. Scott: The property right there belongs to the State of Alabama.

Mr. Chason: So the property that is east of Lot 133 belongs to the State of Alabama?

Mr. Russell: That is correct. That is their right-of-way. That is why I was talking about a right-of-way issue.

Mr. Chason: What are they doing with it?

Chairman: Does the paved road stop before the end of the right-of-way?

Mr. Russell: Yes.

Mr. Cox: It is simple. We do not want to get involved with any action with the State of Alabama with regard to access or anything else they may want to do. We just want to have a residential subdivision in a manner in which we choose. Even years ago when we gave the site to the City of Daphne for the location of the fire station, it was agreed upon that access to TimberCreek would be limited. The residents do not want any back traffic. Zero.

Mr. Gibson: How do we know that the residents do not want it? I am just asking.

Mr. Cox: Because I have been to enough meeting with them over the past twenty years to know. They have made it clear. If we put the fire station site there, we would have to put a locked gate there, or they would not vote for the fire station. They do not want people to have back access through their property. Someone could vandalize their home or terrorize their children. They do not want it.

Mr. Gibson: We will take a locked gate.

Chairman: I think what Chief is saying is we will take a locked gate down there.

Mr. Cox: Again, if you put it there, you are affecting houses on both sides of it, and no one is going to want it. They do not want traffic through their neighborhood, and I do not blame them.

Mr. Gibson: If there is a locked gate, then they will not be any traffic.

Mr. Cox: Like the other one. There had been a locked gate there for fifteen years. Now it is gone because the City took it down.

Chief White: My concern is for public safety. I am not concerned about what happens between you and the State. I do not know what happened before I got here. It is my job to provide protection to the citizens.

Mr. Cox: Then we will forget those three or four lots and make it vacant land so nobody can go through it.

Chief White: Sir?

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Mr. Cox: We will take those lots out and forget then.

Chairman and Chief White: Forget what?

Mr. Cox: We will just put a cul-de-sac there. I am not going to put people on top of these residents.

Chief White: My only concern is to have access in order to mitigate whatever is going on back there.

Mr. Cox: You have total access to TimberCreek streets presently.

Chief White: From Green Court, TimberCreek Boulevard to Pine Run is almost a six minute response time. I rode that when it was a clear day, and there were no cars on the street.

Mr. Cox: Why don't we drop this and build businesses and hotels there? I am sure they will be happy about that.

Chief White: That is your prerogative.

Chairman: Do any of the Commissioners have any questions or comments regarding the master plan? With that being said, we have a public hearing on a subdivision, but not on a master plan.

Mr. Chason: May I ask the Chief something? I do not know how many fire stations we have in the City, but what percentage has a response time of six minutes or below? A majority of them?

Chief White: Most of them have less than a six minute response time, except for the one in the Alabama Highway 181 area which we are trying to correct now. What we are trying to do is to have forward thinking so anything that comes up in the future we can limit or lower our response time. That is what we are graded on. If somebody back there is in distress, we have to respond through all of the neighborhood. If for some reason the road is blocked, then we have to come all of the way out. If a house is on fire, it does not stop until we get there. It is roaring the whole time. Every minute counts. That is my only concern.

Mr. Chason: I understand. I do not disagree with the whole public safety aspects of it. This is the end of this development. As he said in the work session, this is all they have left.

Mr. Chason: If we did not have the fire station up there behind the furniture store at the end of Green Court, then what would be the closest one?

Chief White: It would be on Lawson Road.

Mr. Scott: The response time would be ten minutes.

Mr. Chason: It would be ten minutes or more because you would have to cross over Interstate 10 and Alabama Highway 181. I agree. I see what we are trying to get at.

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Mr. Chason: I am not even sure if I like the idea of a locked gate on Woodrow Lane. Is anyone maintaining Woodrow Lane now? It was dirt at one point.

Chairman: It is paved all the way.

Chief White: It is City maintained.

Mr. Chason: Does it affect the rating of the houses in TimberCreek or of everybody in Daphne, if the response time is that?

Mr. Cox: Another big factor is if you do that, then the State of Alabama cannot come in and put in the interchange to take all of the traffic off of Highway 31 and Lake Forest Subdivision. That is where the interchange has to go. If we put a public street access there, they cannot put in the interchange. That is still a very possible thing.

Mr. Chason: Wait a minute. You lost me there.

Mr. Cox: If they bring the interchange across the interstate, which is where it is going. The State has been working on that for six or seven years now. There is not going to be access. There is going to be a twelve-acre privately owned interchange there.

Mr. Cox: They have been talking to us about it for six years. The City of Daphne wants it done. If you put an access there to grant something to the City of Daphne, then it kills it. That is why the subdivision has not been built in the last six years to see if the State is going to build it. They are going to have to make up their mind in the next six months to a year.

Chairman: I guess my concern there would be if you had sold lots and build houses on them. If they were to decide to do the interchange, then you will have condemnations and everything else if you are too far into it. My question is this, does it change the response time for the ninety-six lots. It is just for this thirty. You would still have to go all the way around and do down Pine Run to get to the others. There is no other access to the ninety-six lots.

Chief White: If you have to travel to the back lots he is proposing that would add more time.

Chairman: I know that the ninety-six lots are going to be an even greater response time, and there is nothing we can do about that. There is no other way to go.

Mr. Chason: This is a master plan. This is not a final plat.

Chairman: That is true.

Mr. Chason: This is not something we have to worry about at this moment. It is obvious there was some contemplation about the continuation of a residential subdivision. With the way these streets are laid out, you get to a point, and it dead ends.

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Mr. Chason: This is a logic continuance of what he has got now. We had a proposal a few years to rezone to B-2 and some different things, and all of that got to where it was. Basically, all of that got to this point, and now this is where we are. He is not asking for it remain B-2. He is asking for R-3 zoning so we are putting a greater restriction on the property. He has given us the sketch if it gets developed. He is telling us there is a chance that it won't be. I think accesses, right-of-ways, and response times are appropriate at the preliminary plat stage, not for a master plan.

Chairman: You are correct.

Mr. Lemoine: What if it is changed between now and then?

Chairman: We do not know what will change between now and the submittal of the preliminary plat. Everything might change.

Chief White: May I ask Larry something? Can we approve this as a sketch plan?

Mr. Chason: Yes.

Chairman: Well, it is approved as a master plan. It is not approved as a preliminary subdivision plan.

Mr. Chason: The discussion of the streets and accesses, and all of those things we are talking about are a subject for a preliminary plat review. All of your points are valid. They have to be addressed, but it does not have to be right now. I would like to move on if there is something else we need to talk about. This approval would move you onto the next chapter.

Mr. Gibson: What about a traffic study?

Chairman: That comes under a preliminary subdivision plat so it can be built. Right now we are not telling them this can be built.

Mr. Gibson: That is my point. What if the traffic study comes up and says you are foolish to approve this with all of this additional traffic?

Chairman: We are not dealing with that part of it. That will come at a point in time when we are dealing with streets, drainage, and all of the aspects of a subdivision. For this application, we are just dealing with a master plan.

Mr. Cox: You are going to make seven hundred residents over there really unhappy tonight because they are going to get businesses next to their houses instead of a residential subdivision.

Chairman: We are here to dealing with the master plan.

Mr. Scott: It is never going to be built.

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Mr. Cox: We wish to withdraw and leave it just the way it is. They will just have businesses behind their homes.

Mr. Russell: He wishes to withdraw the master plan. He also wants to withdraw the zoning amendments.

Chairman: Mr. Russell has withdrawn the master plan and the zoning amendments at the request of Mr. Cox. Do I need a motion? If it has been withdrawn, then I do not need to do anything?

Ms. Jones: No, except for the fact that you have advertised a public hearing. You can still hear public input on the zoning, although you will not be voting on the matter.

Chairman: He has withdrawn the applications. We advertised it, but there is nothing to have a public hearing on.

Mr. Ross: You can just say they have withdrawn it; therefore, there is nothing to consider.

Chairman: With that being the case, he has withdrawn the application for zoning amendment for both parcels.

WITHDRAWN BY OWNER'S AUTHORIZED REPRESENTATIVE AND PROJECT ENGINEER. NO ACTION TAKEN.

The next order of business is a zoning amendment review for Interstate-Baldwin, Investment, L.L.C.

PETITIONS:

ZONING AMENDMENT:

File Z12-04: Interstate-Baldwin Investment, L.L.C.

Present Zoning: B-2, General Business

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

Location: Northwest of the intersection of TimberCreek Subdivision and Interstate 10

Area: 97.49 Acres ±

Owner(s): Interstate Baldwin Investment, L.L.C. - Allen Cox, Manager

Engineer: Rester & Coleman Engineers - Daryl Russell

WITHDRAWN BY OWNER'S AUTHORIZED REPRESENTATIVE AND PROJECT ENGINEER. NO ACTION TAKEN.

The next order of business is a zoning amendment review for TimberCreek Land Company, Inc.

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File Z12-05: TimberCreek Land Company, Inc.

Present Zoning: General Business

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

Location: Northwest of the intersection of TimberCreek
Subdivision and Interstate 10

Area: 52.98 Acres \pm

Owner(s): TimberCreek Land Company, Inc. - Allen Cox,
Secretary

Engineer: Rester & Coleman Engineers - Daryl Russell

WITHDRAWN BY OWNER'S AUTHORIZED REPRESENTATIVE AND PROJECT ENGINEER. NO ACTION TAKEN.

The next order of business is a proposed revision to the Land Use and Development Ordinance, Article 33, Sign Provisions.

ADMINISTRATIVE PRESENTATION:

Chairman: We are supposed to have a discussion. Do we have something to discuss?

Ms. Jones: What Chief White is passing down to you is a copy of my first thoughts on banners and A-frame signs. I wanted you to think on it. We will have to meet on it, and we will have to discuss this at our work session. I wanted you to have something to start with. If you will take a look at what is presented here. We are adding a definition for an A-frame sign. It is very generic. We are also amending the definition of a sandwich sign. Also, in Article 33, Sign Provisions, Prohibitions, we are removing this type of sign from those signs which are prohibited. Also, there is a list of banner specifications. Some can be twenty to fifty square feet. What we will have to determine is which locations will be appropriate for which size sign. In general, which locations on U.S. Highway 90, U.S. Highway 98 and Alabama Highway 181 would it be appropriate for signs from twenty to fifty square feet because of the speed limit that is allowed on those roads, and for other areas which are nonresidential. We also need to discuss the type of support that a banner will be allowed to have. We want them to be attached to the building somehow and not located in the right-of-way or to obstruct view or site distance. I have provided you with some information on the A-frame menu board to not be more than twenty-two inches high and no wider than twenty-eight inches. The information on the back page basically incorporates the other areas where banners are mentioned and deletes the section regarding temporary promotion banners. Again, this is my first set of thoughts. We will have to do more work on this.

Mr. Chason: Very quickly, I have two comments. One is on attaching the banner to the building. This should be subject to the approval of the Code Enforcement Officer.

**THE CITY OF DAPHNE
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REGULAR MEETING OF DECEMBER 20, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Mr. Chason: I would add that to it because you are going to find some very creative ways to put attach a banner to a building some of which will defeat the purpose of trying to assist people in promoting their business. It may turn into something that is very distractive. It may not meet the spirit of what we are trying to do. The second thing is I would say on banners that I would also ask that a draft copy of the banner, colors, material, and etc. be submitted for review by the Code Enforcement Officer prior to it being made. He prevents us from getting anything that has glitter, logos and other things that may not be appropriate or may be distracting. Our purpose here is to allow a person to have a banner to advertise a business not to become who can have the most noticeable banner by virtue of being obnoxious. We want to help them, but we do not want to become a proponent. I have always been in favor of putting the approval in the hands of a component person. There is nothing unreasonable in having them to run it by us to see what it is going to look like, and where is it going to be.

Chairman: The one thing I see that has caused so much heartburn in the past that we need to do while we are straightening this out is the section where it says the City Council authorization is required. We need to define what the Council gets to authorize. The question has been, does the City Council get to authorize temporary decorative flags, bunting, pennants, inflatable items, etc. or was the Council just supposed to approve those items for holidays and other occasions? We need to define which ones the Council is going to authorize. Is it the holidays or is it all of the buntings or the other things someone would like to put up? That was never the intent of this section. The issue did come up one time with the Council. I think we need to clean up the language just so that it is clear that the Council's authorization is for the holidays and special occasions.

Mr. Scott: That is certainly the intent. That is certainly the way it has been since I have been on the City Council.

Chairman: I think it had to do with a gorilla on top of a car dealer.

Mr. Gibson: Is there a time limit for a banner?

Chairman: The "Old" Ordinance said that a banner cannot stay up past thirty calendar days. At the end of that time period, they could put up a different banner for another thirty days so that they would have a continuance banner. The reason that was put in there was to keep the banner in good condition.

Mr. Scott: I think a sign which says open or closed should not be included. It should be something a business should be allowed to do within a size limit. It is appropriate that U.S. Highway 98 should be allowed to have something larger than Main Street.

**THE CITY OF DAPHNE
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Mr. Chason: I thought a banner was a weekend thing.

Chairman: No. You can have a temporary promotional banner at any time. The promotional weekend is where they can do the balloons. The bunting are out on the last weekend of the month when the businesses can do the extra stuff.

Mr. Chason: Are we changing that?

Chairman: No. Right now they are allowing the businesses to do it every weekend.

Mr. Scott: They are because we are in a recession in this area. To me, if you do it every weekend, it becomes dull and not noticeable.

Chairman: That defeats the purpose of having a promotional weekend. We will take all of this, look at it, and make notes.

Ms. Jones: You can email or call me. We can work up a draft that we can review at the site preview meeting.

Mr. Scott: If I could, the City Council has asked for the members to meet here on Monday, January 14, 2013 at a joint work session. It will be the very first item on the agenda so you do not have to wait around to hear the other two items. We have allowed one hour for discussion.

The next order of business is an administrative presentation for the revision to the City of Daphne Zoning and Street Map.

ADMINISTRATIVE PRESENTATION:

Chairman: I think we went over all of this at the work session.

Ms. Jones: I was going to ask if you had any questions? Do you need to hold a public hearing on the zoning map? It is something you will need a recommendation on to go to City Council.

Chairman: I do not know.

Ms. Jones: Well, it can't hurt.

Chairman: The Chair opened the floor to public participation. With no adjacent property owners present, the Chair closed public participation.

Ms. Jones: I need a recommendation for City Council.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
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COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Mr. Scott: I have a question. We have two golf courses in the City of which neither of them are zoned GC. We have a GC zoning designation, but we do not have anything in the City zoned GC.

Ms. Jones: That is correct. If someone were to come into the City and want to develop a golf course that is what zone they would go in.

Mr. Scott: Is it possible to write a letter to the owners of the existing golf courses and ask if we could administratively zone it without having to pay a fee?

Mr. Ross: I believe so.

Mr. Chason: You could waive the fee.

Mr. Scott: I do not think it is a high priority, but I think it would certainly clean up some stuff. If we can do that sometime in 2013, I would be happy.

A Motion was made by Mr. Scott and Seconded by Mr. Terry to approve the Street Map and for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the adoption of the revision to the City of Daphne Zoning Map. The Motion carried unanimously.

The next order of business is public participation.

PUBLIC PARTICIPATION:

Chairman: Is there anyone here that would like to address the Commission?

Mr. Joe Davis: I live at 30757 Pine Court. I do want to comment. Chief, I understand your comment relative to response time in TimberCreek. Mr. Chason, I appreciate your suggestions regarding the phases. The current developer may not be the ultimate developer. We are interested in getting the present owner to come back to you. That will be our job. We are very interested in getting the property zoned from commercial to residential. It may open up some opportunities for other people, other than the developer. I am not putting words in Mr. Cox's mouth because we have had long discussions. If you will recall a couple of weeks ago, I may have been out of line with my comments. My thoughts were consistent when I made the comment about access, roads and that sort of stuff. The residents now see that as a step that will happen in a later process. I too am concerned about friends and neighbors that live down at that end even if something were to happen right now without the expansion. We are going to work real hard to see if we can get Mr. Cox back to make a presentation relative to rezoning.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF DECEMBER 20, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Mr. Davis: I fully understand what your job is. I guess I am asking you to reconsider on behalf of the seven hundred and thirty-eight landowners and the six hundred and sixty-eight residents there. Chief, I appreciate your comments on the response time. That will be addressed in future steps. We need this first in order to get there. I do apologize if I was out of order or step at your work session. I was speaking from the heart in trying to represent the people of the POA. We appreciate what you do. Remember, I moved here from a town that did not have zoning. I fully appreciate restrictions, covenants and your job. We will go back and try to have this topic come before you again. We hope you will lend an ear in recognizing this is step one and will not preclude addressing those items. I appreciate it. Thank you.

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

ATTORNEY'S REPORT:

Mr. Ross: No report.

The next order of business is commissioner comments.

COMMISSIONER'S COMMENTS:

Chief White: Before you leave Mr. Davis, I am never one to stand in the way of progress. That was not my intent here tonight. Believe me. I am pro-progress for this City in any form or fashion we can get it. In listening to Mr. Chason's comments, I was beginning to understand this was something that could be addressed at a later date, and that we had time to address it. It did not even get to a vote. No one knows how the vote was going to turn out.

Mr. Scott: No comment. Merry Christmas.

Mr. Chason: Real quick. I know we are always talking about things we need to do to tweak the Ordinance. I definitely think there has been some real progress made in the old part of Daphne on Main Street. There are some places that have been dressed up. Places are looking really good, and people are painting and renovating. Things are looking great. I met with Mr. Gibson, Mr. Jinright, and Ms. Jones. We talked about doing some things to turn Main Street into a more aesthetically pleasing street rather than a thoroughfare. Main Street, prior to the construction of U.S. Highway 98 was a state highway that brought cars all the way down to the Pointe Clear area. I think it is always about the money, and what it would cost. What it would do to improve the City, I think would be an investment. It would promote additional growth, business and revenue. I hope as we go forward with looking at the Ordinance, we can ask someone to visit that situation. It is a safety issue and an aesthetics issue.

**THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
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COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Mr. Chason: It is a growth thing. I am convinced it would add character to something we have been working on really hard. It would put some finishing touching on it. I hope we will stay with that. I hope we can make it a priority or to at least start looking into designs and some of the other things we could do.

Mr. Lemoine: I would like to say that is great to be back in Daphne again. I would like to wish everyone a Merry Christmas and Happy New Year.

Mr. Terry: I thought the interchange project at County Road 13 and Interstate 10 was dead because the County and City had rescinded their offer to pay.

Mr. Scott: Those are two different issues. The construction of the service road is the project that is dead. It would cost so much money that I think the developer did not have that much money to bring to the table either. The interchange became so political that it was an excuse for ALDOT to say they were going to put it on a back burner. I think there are still plans to do that. If you are driving on Alabama Highway 181 these days, the traffic is horrific. At some point, those lots would be a part of that interchange. I do not know at what point ALDOT will come to Mr. Cox or the owner of that property to say we want to make a purchase. They could condemn it. I do not know what they would pay, but it would be at fair market price.

Mr. Terry: Merry Christmas.

Chairman: We will not be meeting here again until after the new year so I want to wish everyone a Merry Christmas and a Happy New Year.

The next order of business is director's comments.

DIRECTOR'S COMMENTS:

Ms. Jones: I hope that none of you feel you did anything wrong because Mr. Cox decided to withdraw his application. As I have said before, we have to make some hard decisions, and we have to vet them out. If we do not talk through the hard stuff, then we are not doing our jobs. If we skipped over it, it will come back and bite us in the end. Keep doing what you are doing. You are doing a great job. Merry Christmas.

ADJOURNMENT:

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion to adjourn.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF DECEMBER 20, 2012
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

There being no further business, the meeting was adjourned at 6:06 p.m.

Respectfully submitted by:



Jan Vallecillo (Dickson), Planning Coordinator

APPROVED: January 31, 2013



Ed Kirby, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JANUARY 31, 2013 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.



1. **CALL TO ORDER** **DATE OF REPORT: FEBRUARY 4, 2013**
2. **CALL OF ROLL** **ED KIRBY, RON SCOTT, DON TERRY, DAN GIBSON,
LARRY CHASON, AND JOE LEMOINE**

3. **APPROVAL OF MINUTES:**

*Review of minutes for the regular meeting of December 20, 2012 (**APPROVED AS SUBMITTED**).*

4. **NEW BUSINESS:**

A. **SITE PLAN REVIEW:**

1. **File SP13-01: (APPROVAL OF SITE PLAN AND WAIVED THE REQUIREMENT FOR THE INSTALLATION OF SIDEWALKS)**

Site: **Mattress Firm**

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

Location: Southwest of the Alabama Highway 181 and Crossover Lane, Parcel 4A, TimberCreek Commercial Subdivision, Phase Two, North Quadrangle, Resubdivision of Lot 4

Area: 1.56 Acres ±

Owner: Nick Stratus

Agent: Vallas Realty, Inc. - John Vallas

Engineer: Clark, Geer & Latham - Tommy Latham

2. **File SP13-02: (APPROVAL OF SITE PLAN AND PLANNING COMMISSION APPROVAL OF AUTOMOBILE TOWING)**

Site: **Rettig Auto Body Shop & Towing**

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

Location: Southwest of the intersection of Frederick and Renaissance Boulevard, Lot 7, Renaissance Center Subdivision, Phase 1a, Lots 1-7, and Phase 2a, Lot 1

Area: 1.30 Acres ±

Owner: Fred Rettig

Engineer: Driven Engineering - Matt Bean

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JANUARY 31, 2013 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

B. PRELIMINARY/FINAL PLAT REVIEW:

1. **File SDPF13-01: (APPROVAL, CONTINGENT UPON A NOTE BEING PLACED ON THE PLAT THAT NO FURTHER SUBDIVIDING IS ALLOWED WITHOUT THE PRESENTATION OF A MASTER PLAN FOR REMAINING UNDEVELOPED PROPERTY)**

Subdivision: Webb FLP

Present Zoning: B-2, General Business

Location: On the west side of U. S. Highway 98, north of Van Avenue
Area: 8.76 Acres ±, (2) lot
Owner: Webb Family Limited Partnership - Scottie Webb
Engineer: Preble-Rish - Steve Pumphrey

C. PETITIONS:

ZONING AMENDMENT:

1. **File Z13-01: Lynne Brown (FAVORABLE RECOMMENDATION)**

Present Zoning: R-2, Medium Density Single Family Residential

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

Location: Northwest of the intersection of 6th and Dryer Avenue
Area: 0.33 Acres ±
Owner(s): Lynne R. Brown
Engineer: Courtney Brett Architecture - Courtney Casburn Brett

D. ADMINISTRATIVE PRESENTATION:

Discussion by Adrienne Jones, Director of Community Development, of a proposed revision to Ordinance 2011-54, Land Use and Development Ordinance, Article 33, Sign Provisions. **(APPROVED MOTION TO SET SPECIAL MEETING FOR THURSDAY, FEBRUARY 7, 2013 AT 4:00 P.M. TO DISCUSS A-FRAME AND TEMPORARY PROMOTIONAL BANNERS)**

5. **PUBLIC PARTICIPATION**
6. **ATTORNEY'S REPORT**
7. **COMMISSIONER'S COMMENTS**
8. **DIRECTOR'S COMMENTS**

SET DATE FOR PUBLIC HEARING

MARCH 18, 2013

TO CONSIDER:

ZONING AMENDMENT / LYNNE R. BROWN

Location: Northwest of the intersection of 6th Street
And Dryer Avenue

Present Zoning: R-2, Medium Density Single Family Residential
District

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

Recommendation: Favorable Recommendation

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Lynne R. Brown
Zoning Amendment Review
Date: February 4, 2013

MEMORANDUM

PRESENT ZONING: R-2, Medium Density Single Family Residential

PROPOSED ZONING: R-6 (G), Garden or Patio Home District

LOCATION: Northwest of the intersection of 6th Street and Dryer Avenue

RECOMMENDATION: At the Thursday, January 31, 2013, regular meeting of the Daphne Planning Commission, six members were present and the motion to set forth an favorable recommendation carried.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, February 18, 2013 to set the public hearing for Monday, March 18, 2013.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Community Development Report
2. Petition
3. Legal description
4. Adjacent property owners' list
5. Map of property - Sketch
6. Conceptual Master Plan

Planning Commission



Zoning Amendment Review Lynne R. Brown Lots 15 & 16 Dryers Subdivision

COMMUNITY DEVELOPMENT

ZONING AMENDMENT REVIEW

Lots 15 & 16 Dryers Subdivision

Owner: Lynne R. Brown

Existing Conditions: 0.33 acre site with single family residence on site

Existing Zoning: R-2, Medium Density Single Family Residential

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

Community Development Commentary—Recommend Approval: Olde Towne Daphne is a unique combination of residential, institutional and commercial land uses. Many properties are zoned R-1 or R-2; however some are zoned R-4, High Density Single Family Residential. There are even instances where property is zone M-U, Mixed Use, a zone district exclusive to the Olde Towne Daphne Overlay. R-6(G) is the new zoning designation that substitutes the old R-4, High Density Single Family residential district.

The minimum lot size for R-6(G) is 5,000 square feet. Aside from zoning, this and many other properties in the immediate area are lots that were recorded as early as 1926. Many of the earlier lots were only 5,000 sq. ft. in area, 50-ft x 100-ft, the same as R-6(G). Many areas in Daphne were assigned zoning designations that may be inconsistent with the existing conditions of the site. This is demonstrated by the recent influx of subdivision re-plat requests in this area—Simmons, Powell, Trione—to establish lot sizes more compatible with the zoning designation by combining substandard lots of record, and also demonstrated by the accompanying requests for variances in either setbacks or area.

The petitioner proposes to rezone the subject property from R-2 (assigned to the area in the 80s) to R-6(G). Included herein are the zoning exhibits, the original 1926 Dryer Subdivision plat, and other drawings of conceptual plans to remove the existing residence and to redevelop the site. According to the zoning amendment application, "...we are pur[suing] this zoning change in order to facilitate the construction of three (3) quintessential American family homes at a density appropriate to preserving the character of Old[e] Towne Daphne."

Is this spot zoning? No. Spot zoning should have been called "negative impact zoning." The term infers that a zoning district would create a spot that, once developed, will likely have a significant and negative impact on the surrounding area. In my humble opinion, spot zoning is an instance where two non-harmonious zones are juxtaposed, that without a doubt, would infringe upon the rights of the existing community to enjoy the same or similar levels of comfort and convenience. If the primary uses of the subject property and its neighboring uses generate the same levels of traffic, noise, comfort, and convenience, then such juxtaposition is not spot zoning. An instance where the primary uses of a parcel creates externalities that are not common to the existing location, such as significantly increased traffic, noise, with the added

inconvenience and discomfort, which would be an instance of spot zoning. *At any rate, this proposal is not an instance of spot zoning, just introduction of a new zoning to the single family residential neighborhood.*

Surrounding Zonings/Uses:

North - R-2, Medium Density Single Family, lot and house

South across Dryer Avenue - R-2, Medium Density Single Family, lot—Daphne Baptist Church

East across 6th Street - R-2, Medium Density Single Family, lot and house

West - R-2, Medium Density Single Family zoned lot and house

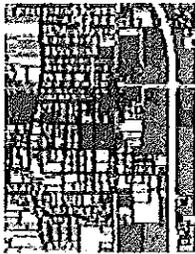
Existing Utility Service Providers:

Sewer & Gas-Daphne Utilities

Electric-Riviera Utilities

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

Comprehensive Plan



The current Comprehensive Plan shows the subject property as residential. Garden or Patio home zoning would be consistent with the Plan.

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

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: 213-01 Date Plat Submitted: Dec. 31, 2012

Date Presented: Jan 31, 2013

Name of Owner: Lynne R. Brown

Address: P.O. Box 314, Daphne, AL 36526 Telephone# 626-7184
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: n/a

Address: n/a Telephone# n/a
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: Dryers Subdivision

Lot(s): 15 + 16 Unit: n/a Block 3

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: 12/31/12).

Meeting Dates:

Planning Commission: Jan. 31, 2013

City Council: _____

Reason(s) for requesting the Zoning Amendment:

We are pursuing this zoning change in order to facilitate the construction of three (3) quinessential American family homes at a density appropriate to preserving the character of Old Towne Daphne.
Lynne Brown
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 623 Dryer Avenue
Daphne, AL 36524
- b) Name of Subdivision Dryers Subdivision
- c) Lot numbers involved in change 15 + 14
- d) Total acreage of change 0.33
- e) Recorded in Map Book 1 Page 98
- f) Owned in whole by the undersigned? yes. Lynne R. Brown
- g) If owned in part, name(s) of co-owner(s):
n/a

2) Zoning change requested:

- a) Present classification of property R-2
- b) Reclassification desired R-6(G)
- c) Character of neighborhood Residential

3) Certifications:

- a) Owner's Name Lynne R. Brown
- b) Address P.O. Box 314
- c) Telephone Number 626-7184
- d) Date 12/12/12

Lynne R. Brown
Signature of Property Owner

Signature of Property Owner

Lynne Brown Zoning Amendment Location



Lynne R. Brown Zoning Petition

Exhibit A

LEGAL DESCRIPTION

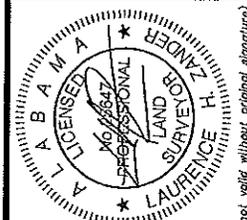
**95'(S) X 150' LOTS 15 AND 16 IN BLK 3 DRYER SUB MB1 PG 98
AND SLIDE 51-A CITY OF DAPHNE GR SEC 41-T5S-R2E (VL – SURVIVORS HIP)**

SURVEY SERVICES
P.O. BOX 970
MACNOLIA SPRINGS, AL 36565

9690-A SHERMAN ROAD, FOLEY, AL
PH. 251-971-2986 FAX: 251-971-2987

I, LAURENCE H. ZANDER, DO HEREBY STATE THAT THIS SURVEY AND DRAWING, TO THE BEST OF MY KNOWLEDGE AND BELIEF, HAVE BEEN COMPLETED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA.

Jan. 14, 2013
LAURENCE H. ZANDER
ALABAMA P.L.S. NO. 25647



(not valid without original signature)
OWNER N/A: LYNNE R. BROWN
SURVEY REQUESTED BY: HAYNES S. SNEDEKER
P.O. BOX 190
DAPHNE, AL 36526

PROJECT NO.: 121683
DWN. BY: LHZ
FIELD WORK: 12-28-12
DATED: 01-14-13
TYPE OF SURVEY: BOUNDARY

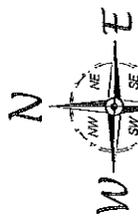
STATE: ALABAMA COUNTY: BALDWIN
GRANT SECTION: 41 TOWNSHIP: 5 SOUTH RANGE: 2 EAST
PARCEL #: 49-04-41-0-006-072.001
SUBDIVISION: DRYER
SLIDE: 51-A
LOT: 15 & 16, BLOCK 3
ADDRESS: 623 DRYER AVE., DAPHNE, AL 36526

204

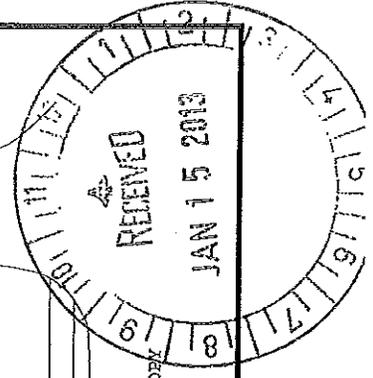
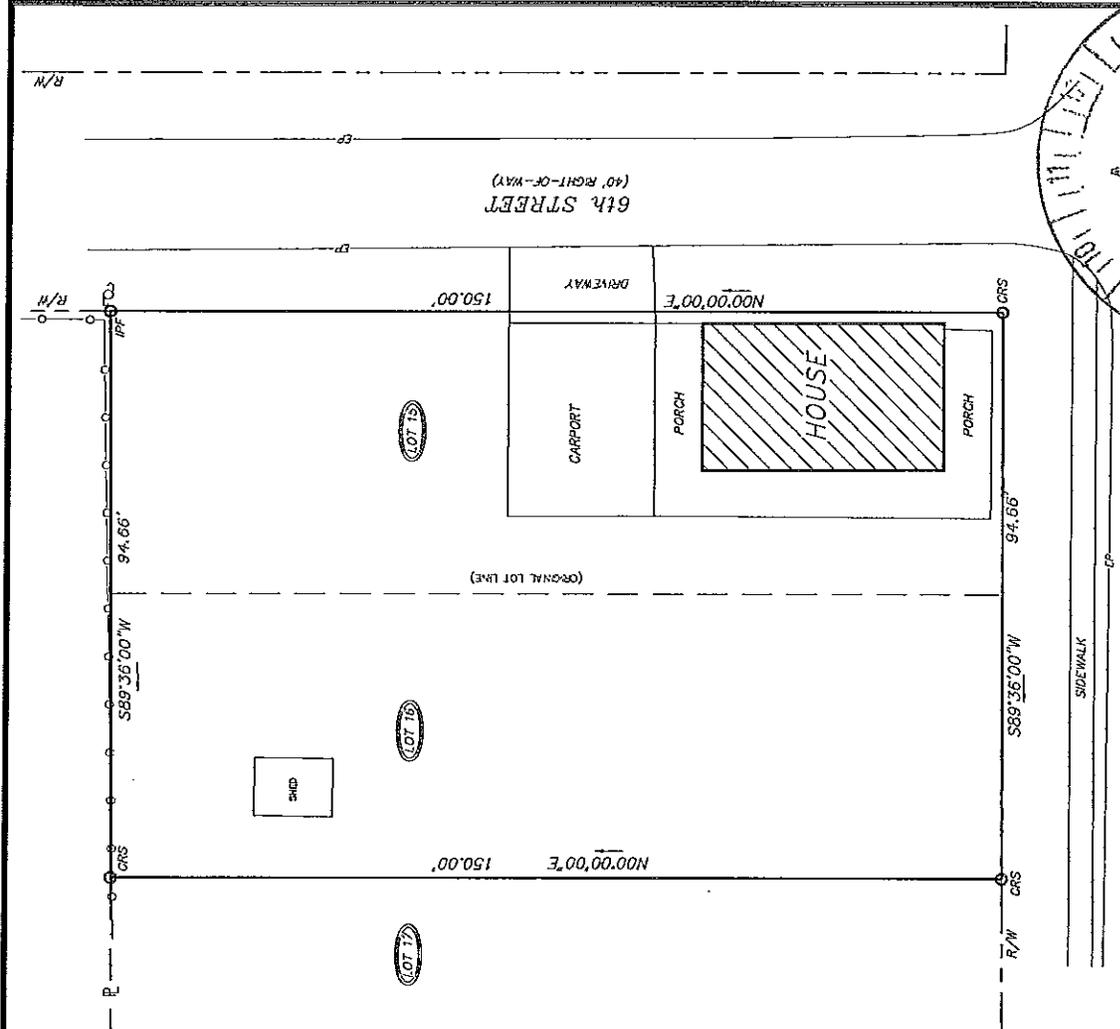
SURVEYOR NOTES

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED EXCEEDS SECOND ORDER CLASS 1 PRECISION AS OUTLINED BY THE AMERICAN CONGRESS ON SURVEY AND MAPPING.
2. THE DATA SHOWN ON THIS MAP INDICATING ACTUAL PROPERTY LINES HAS BEEN CALCULATED FOR A CLOSURE GREATER THAN ONE FOOT IN 100,000.
3. THE LINEAR AND ANGULAR MEASUREMENTS NECESSARY FOR THIS SURVEY WERE OBTAINED IN THE FIELD WITH A SPECTRA PRECISION FOCUS 3D ROBOTIC TOTAL STATION.
4. THE BASIS OF THE BEARINGS AND NORTH ARROW OF THIS PLAT ARE ASSUMED AND BASED ON THE EAST PROPERTY LINE BEING NORTH 00°00'00" EAST.
5. ALL LINEAR DISTANCES SHOWN ON THIS PLAT ARE HORIZONTAL AND ARE MEASURED AND RECORDED UNLESS OTHERWISE NOTED.
6. THIS LAND LIES WITHIN ZONE "Y" PER GRAPHIC LOCATION AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, COMMUNITY PANEL NO. 0100300532 L, BALDWIN CO. ALABAMA REVISED MAP DATED JULY 17, 2007
7. THIS PLAT IS SUBJECT TO ALL RESTRICTIONS, ENCUMBRANCES AND EASEMENTS WHICH MAY OR MAY NOT BE OF RECORD.
8. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE LOCATION OR EXTENT OF UTILITIES OR SUB SURFACE FEATURES.
9. NO TITLE SEARCH, OR ABSTRACT WAS FURNISHED TO NOR SUCH A SEARCH OR ABSTRACT COULD AFFECT THE BOUNDARIES OF SAID PROPERTY.
10. SOURCE OF INFORMATION USED IN PREPARATION OF THIS PLAT: MAP BOOK J, PAGE 96 (SLIDE 51-A).

- LEGEND**
- CRS CAPPED REBAR SET (LIC # CA-700)
 - CRF CAPPED REBAR FOUND
 - CTPF COMPTOP TOP PIPE FOUND
 - IPF IRON PIPE FOUND
 - RFB REBAR FOUND
 - POC POINT OF COMMENCEMENT
 - POB POINT OF BEGINNING
 - R/W RIGHT-OF-WAY
 - PL PROPERTY LINE
 - EP EDGE OF PAVEMENT
 - UD UTILITY POLE



Survey Services

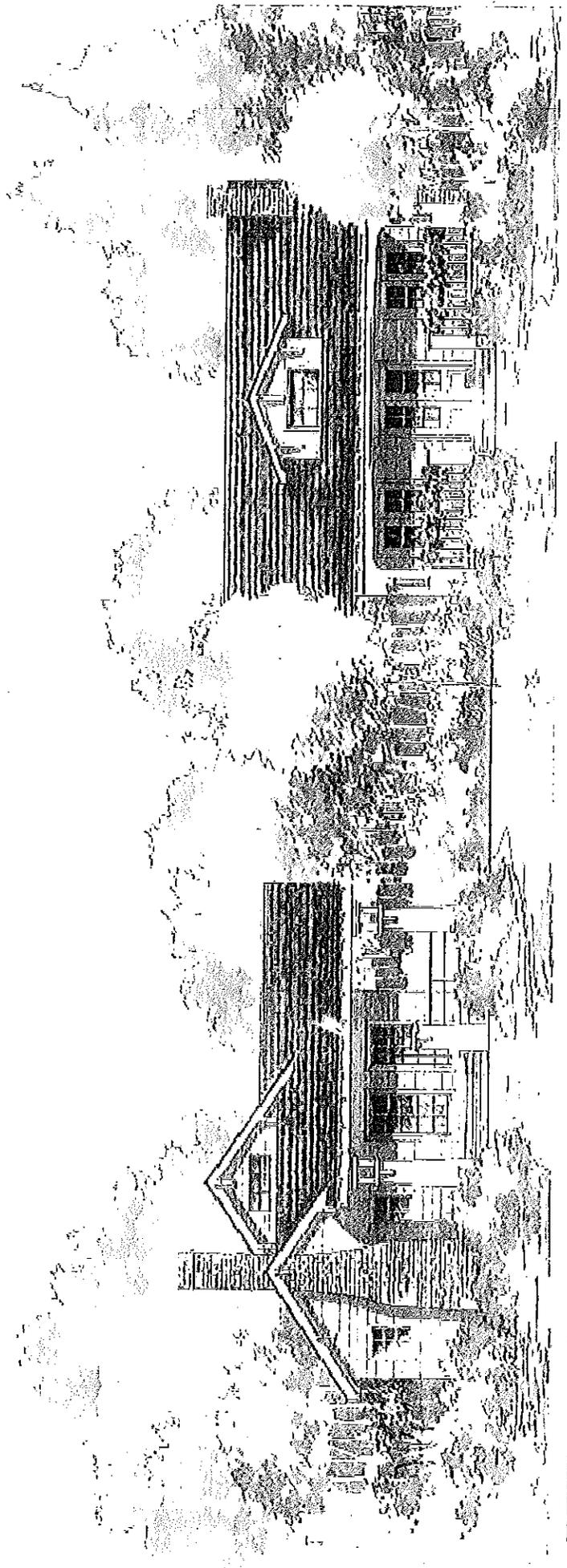


DIRECTOR'S COPY
DRYER AVE
(50' RIGHT-OF-WAY)

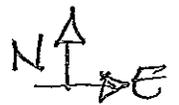
PROPERTY DESCRIPTION

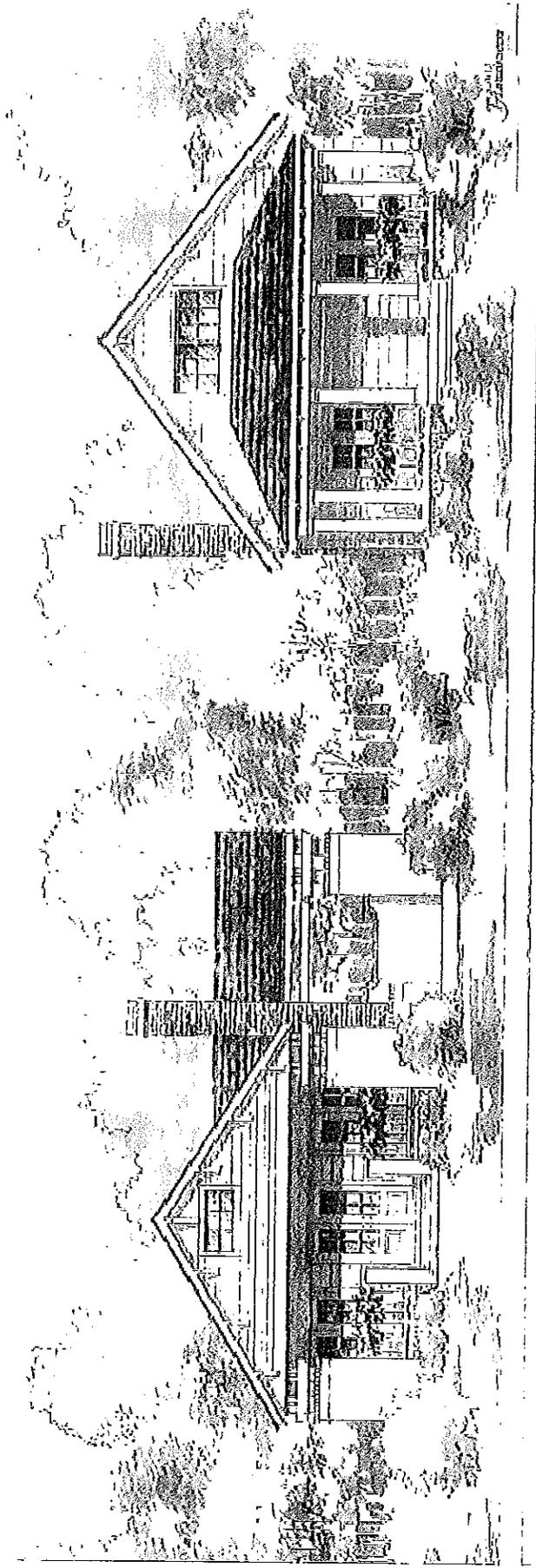
LOTS 15 AND 16, IN BLOCK 3 DRYER SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 1, PAGE 96 AND OF SLIDE 51-A OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

Lynne R. Brown Zoning Petition
Additional Drawings of Conceptual Development Plans



Plan





J. H. ...

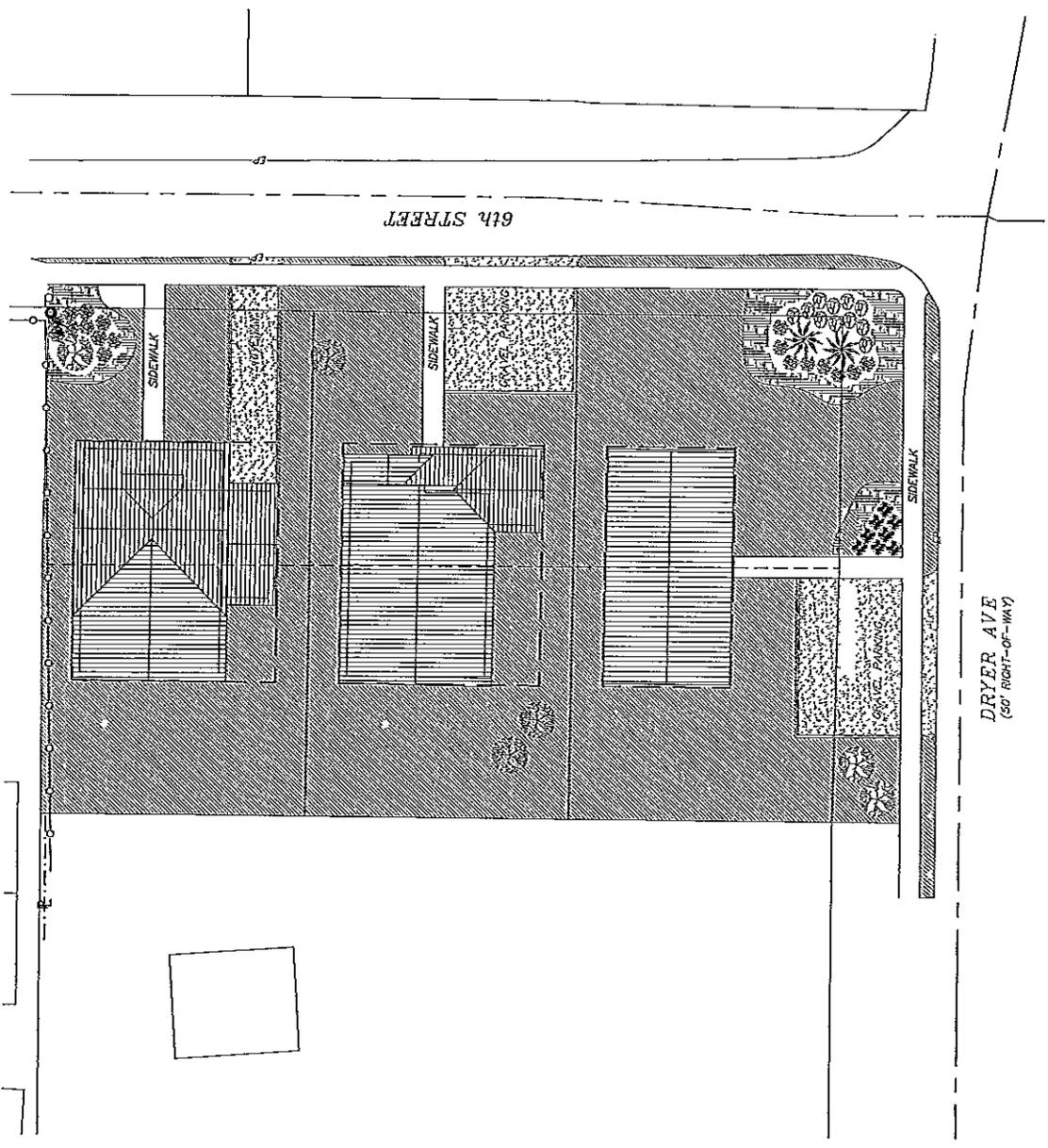
Original



DATE	DESCRIPTION
1/27/2012	PLANNING COMMISSION
	REVISION

THE COTTAGES AT SIXTH AND DRYER
623 Dryer Avenue Dothan, AL 36526
DIRECTOR'S COPY

CONCEPTUAL PLAN



51A

98

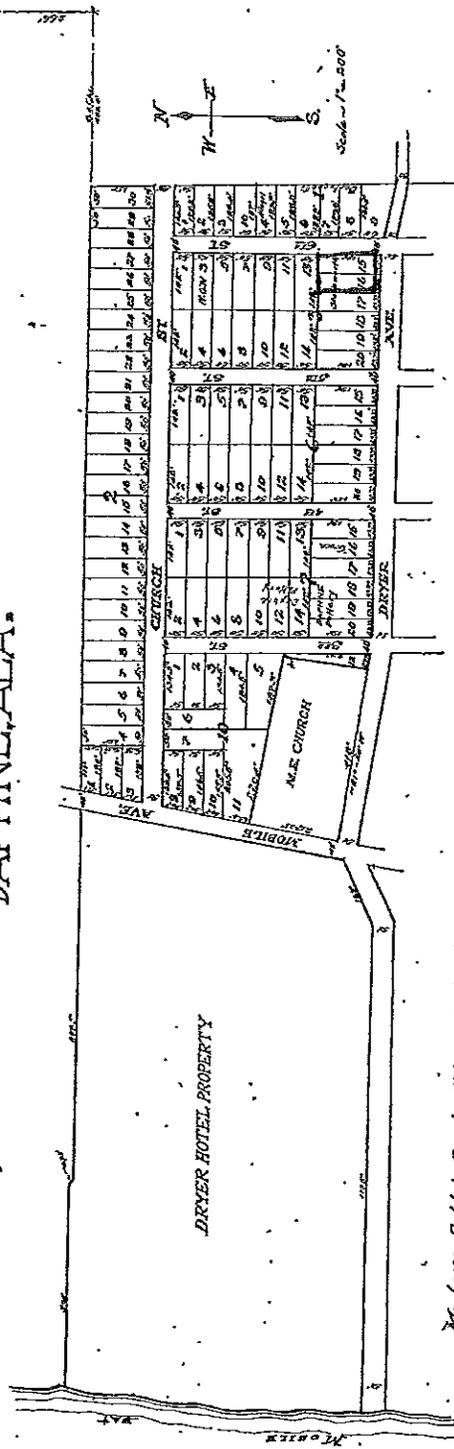
DRYER SUBDIVISION

A MAP OF PROPERTY BELONGING TO

MRS. EFFIE DRYER

SITUATED AT

DAPHNE, ALA.



Witness, Baldwin County, Alabama, Sept 22nd, 1926.
 I, M. W. Graham, Surveyor, hereby certify that this plat
 correctly represents the survey and subdivision of lands
 belonging to Mrs. Effie Dryer, that the survey and sub-
 division was made at the instance, and under the
 direction, of the owner, and that the relocation of the
 land to the General Land Survey is shown. The land
 represented lying in Section 19, T-5S, R-2 E, 20th
 and 21st, Mo. Co., Mo.

Witness my hand this twenty-second day of Sept, 1926.
 M. W. Graham,
 Surveyor by Appointment.

Daphne, Mo., Sept 23, 1926.
 I, Effie Dryer, owner of the lands as herein shown,
 do hereby accept this plat as correctly representing
 the survey and subdivision, by M. W. Graham, Sur-
 veyor, of said lands lying in Section 19, T-5S, R-2 E,
 Baldwin County, Alabama.

Mrs. Effie Dryer,
 Owner.

State of Alabama, Baldwin County, and for said State
 and County at hereby certify that Mrs. Effie Dryer, whose
 name is signed to the foregoing acceptance, and who is
 therein named, acknowledged before me on this day that
 being informed of the contents of the said acceptance,
 she executed the same voluntarily on the day that
 the same bears date.
 Given under my hand and seal, this 23
 day of Sept, 1926.

B. L. Randall,
 Notary Public
 Baldwin County, Alabama.

Filed in office of Judge of Probate
 Oct 22nd 1926

Rec. Book 112th 1826

M. D. Stapleton,
 Judge of Probate.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2013-**

**Ordinance to Rezone Property Located
Northwest of the intersection of 6th Street and Dryer Avenue**

WHEREAS, Lynne R. Brown, as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-2, Medium Density Single Family Residential District to R-6 (G), Garden or Patio Home District; and,

WHEREAS, said real property is northwest of the intersection of 6th Street and Dryer Avenue, and more particularly described as follows:

DESCRIPTION OF PROPERTY TO BE REZONED FROM R-2 TO R-6 (G):

LEGAL DESCRIPTION

LOTS 15 AND 16, BLOCK 3, DRYER SUBDIVISION, AS SHOWN BY PLAT THEREOF RECORDED IN THE PROBATE RECORDS, BALDWIN COUNTY, ALABAMA IN MAP BOOK 1, PAGE 98 AND SLIDE 51-A, CITY OF DAPHNE, SECTION 41-TOWNSHIP, 5 SOUTH, RANGE 2 EAST. CONTAINING 0.33 ACRES MORE OR LESS.

WHEREAS, at the City of Daphne Planning Commission meeting on January 31, 2013 the Commission considered said request and set forth a favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on March 18, 2013; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the recommendation of the Planning Commission, and the public hearing, decided to amend the zoning request from R-2, Medium Density Single Family Residential District to R-6 (G), Garden or Patio Home District, and deemed that said application for rezoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama.

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

SECTION I: ZONING

That above described real property is hereby rezoned from R-2, Medium Density Single Family Residential District to R-6 (G), Garden or Patio Home District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION III: REPEALER.

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

SECTION IV: SEVERABILITY.

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

SECTION V: EFFECTIVE DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2013.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes, Interim City Clerk

LYNNE R. BROWN

LEGAL DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION

LOTS 15 AND 16, BLOCK 3, DRYER SUBDIVISION, AS SHOWN BY PLAT THEREOF RECORDED IN THE PROBATE RECORDS, BALDWIN COUNTY, ALABAMA IN MAP BOOK 1, PAGE 98 AND SLIDE 51-A, CITY OF DAPHNE, SECTION 41-TOWNSHIP, 5 SOUTH, RANGE 2 EAST. CONTAINING 0.33 ACRES MORE OR LESS.

SHEET NO.

PROJECT NO. 192301

DATE

DESCRIPTION

PLANNING COMMISSION

12/17/12

THE COTTAGES AT SIXTH AND DRYER

DIRECTOR'S COPY

623 Dryer Avenue Dauphin, AL 36526

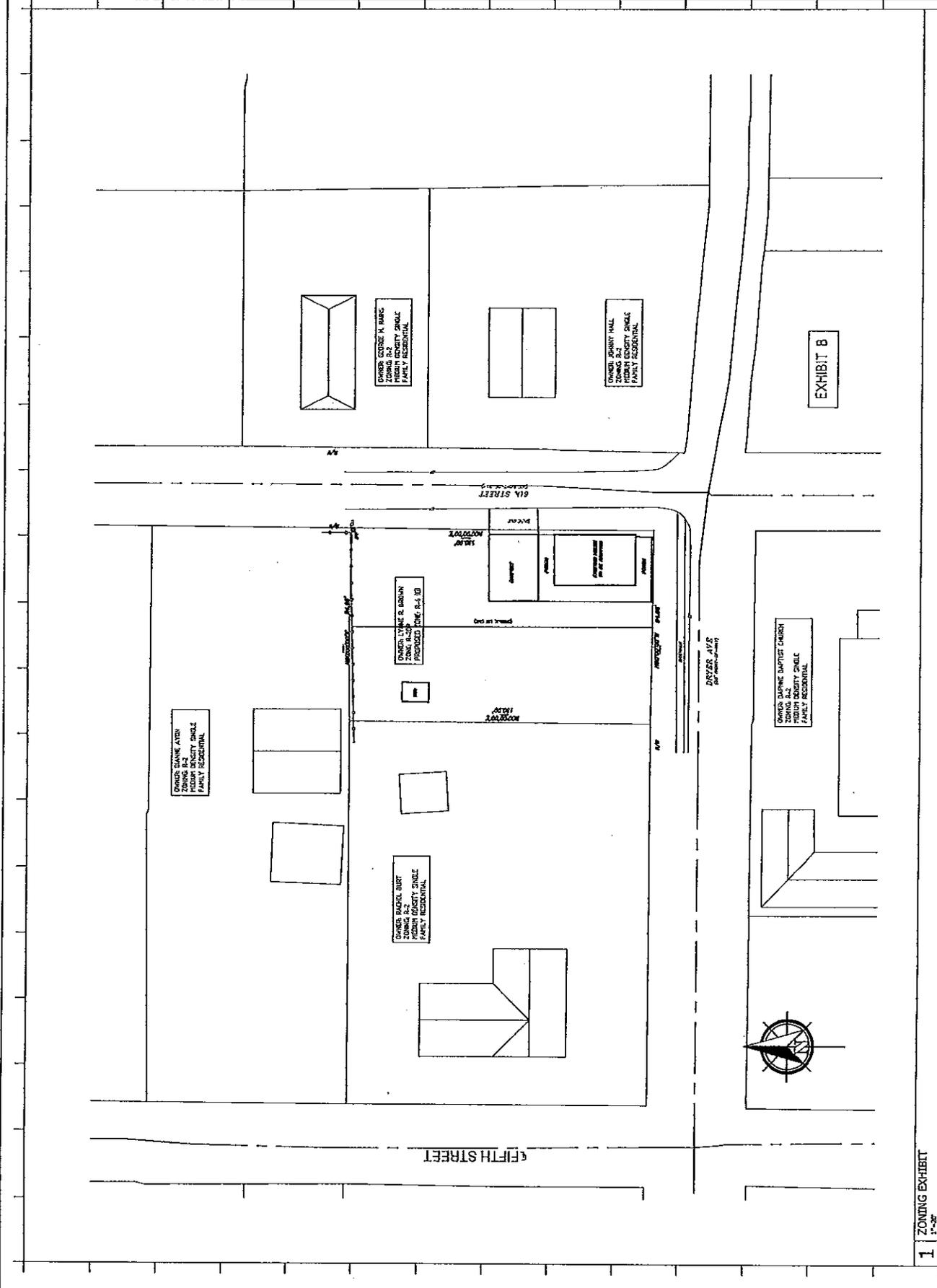


EXHIBIT B

OWNER: ELIZABETH DAVIES CHURCH
ZONING: R-1.5
FAMILY RESIDENTIAL

OWNER: JOHNNY HALL
ZONING: R-1.5
FAMILY RESIDENTIAL

OWNER: GEORGE N. RABO
ZONING: R-1.5
FAMILY RESIDENTIAL

OWNER: JAMES R. DUBOY
ZONING: R-1.5
FAMILY RESIDENTIAL

OWNER: BASHIL BURT
ZONING: R-2
FAMILY RESIDENTIAL

OWNER: DANNE PATEN
ZONING: R-3
FAMILY RESIDENTIAL

SURVEY SERVICES

P.O. BOX 970
MAGNOLIA SPRINGS, AL 36655
9690-A SHERMAN ROAD, FOLEY, AL
PH: 251-977-2986 FAX: 251-977-2987

I, LAURENCE H. ZANDER, DO HEREBY STATE THAT THIS SURVEY AND DRAWING, TO THE BEST OF MY KNOWLEDGE AND BELIEF, HAVE BEEN COMPLETED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA.

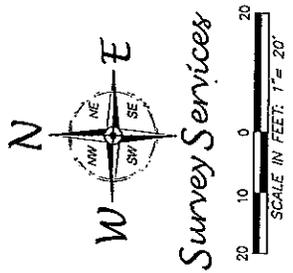
LAURENCE H. ZANDER
Alabama P.L.S. NO. 28947
Jan. 14, 2013

OWNER N/R: LYVINE R BROWN
SURVEY REQUESTED BY: HAYNES S. SNEDECKER
P.O. BOX 750
DAPHNE, AL 36528

PROJECT NO.: 121833
DRAWN BY: JHZ
FIELD WORK: 12-28-12
DATED: 01-11-13
TYPE OF SURVEY: BOUNDARY

STATE: ALABAMA COUNTY: BALDWIN
GRANT SECTION: 41 TOWNSHIP: 5 SOUTH RANGE: 2 EAST
PARCEL #: 48-04-41-0-005-072.001
SUBDIVISION: DRYER
SLIDE: 51-A
LOT: 15 & 16, BLOCK 3
ADDRESS: 623 DRYER AVE., DAPHNE, AL 36526

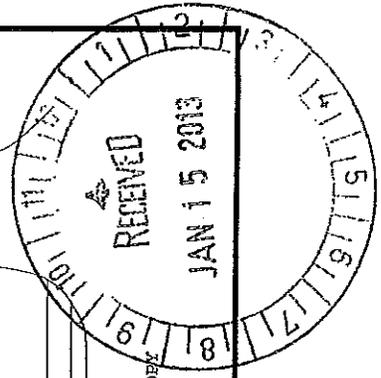
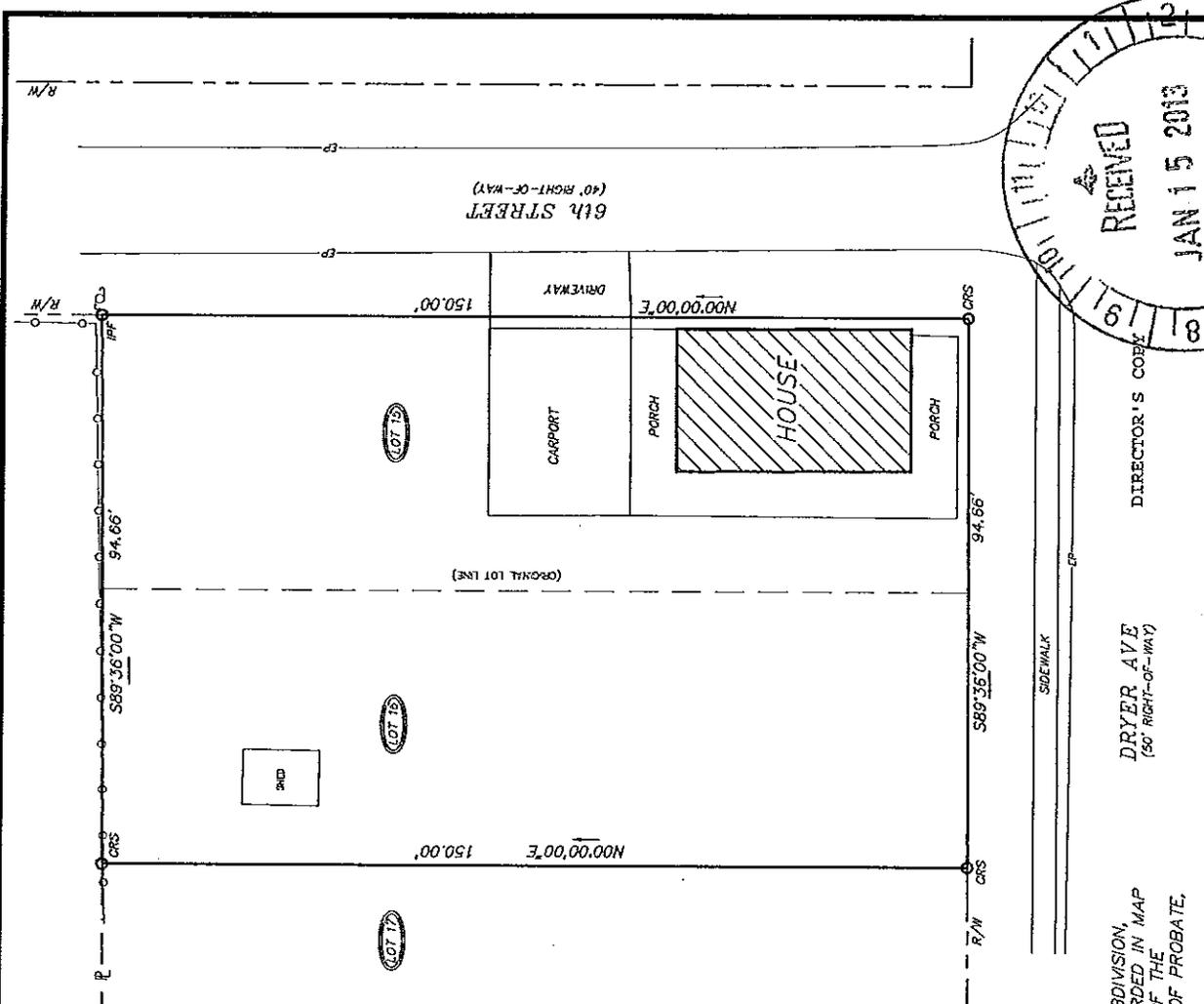
- LEGEND**
- CRS CAPPED REBAR SET (UC # CA-700)
 - CRF CHAPPED TOP PIPE FOUND
 - IRF IRON PIPE FOUND
 - RBF REBAR FOUND
 - POC POINT OF COMMENCEMENT
 - PBB RIGHT-OF-WAY
 - R/W RIGHT-OF-WAY
 - E PROPERTY LINE
 - CO EDGE OF PAVEMENT
 - UTILITY POLE



Survey Services

SURVEYOR NOTES

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED EXCEEDS SECOND ORDER CLASS 1 PRECISION AS OBTAINED BY THE AMERICAN CONGRESS ON SURVEY AND MAPPING.
2. THE DATA SHOWN ON THIS MAP INDICATING ACTUAL PROPERTY LINES HAS BEEN CALCULATED FOR A CLOSURE AND IS FOUND TO HAVE A CLOSURE PRECISION OF GREATER THAN ONE FOOT IN 100,000.
3. THE LINEAR AND ANGULAR MEASUREMENTS NECESSARY FOR THIS SURVEY WERE OBTAINED BY THE FIELD WITH A SPECTRA PRECISION FOCUS 30 ROBOTIC TOTAL STATION.
4. THE BASIS OF THE BEARINGS AND NORTH ARROW OF THIS PLAT ARE ASSUMED AND BASED ON THE EAST PROPERTY LINE BEING NORTH 00°00'00" EAST.
5. ALL LINEAR DISTANCES SHOWN ON THIS PLAT ARE HORIZONTAL AND ARE MEASURED AND RECORDED UNLESS OTHERWISE NOTED.
6. THIS LAND LIES WITHIN ZONE "X" PER GRAPHIC UNCORRECTED BY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD HAZARD MAP 070300832 L, BALDWIN CO, ALABAMA, REVISED MAP DATED JULY 17, 2007.
7. THIS PLAT IS SUBJECT TO ALL RESTRICTIONS, ENCUMBRANCES AND EASEMENTS WHICH MAY OR MAY NOT BE OF RECORD.
8. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION OR EXTENT OF UTILITIES OR SUB SURFACE FEATURES.
9. NO TITLE SEARCH, OR ABSTRACT WAS FURNISHED TO NOR PERFORMED BY THIS FIRM FOR THE SUBJECT PROPERTY. SUCH A SEARCH OR ABSTRACT COULD AFFECT THE BOUNDARIES OF SAID PROPERTY.
10. SOURCE OF INFORMATION USED IN PREPARATION OF THIS PLAT: MAP BOOK 1, PAGE 98 (SLIDE 51-A).



PROPERTY DESCRIPTION
LOTS 15 AND 16, IN BLOCK 3 DRYER SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 1, PAGE 98 AND OF SLIDE 51-A OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA.

DIRECTOR'S COBY

DRYER AVE
(50' RIGHT-OF-WAY)

6th STREET
(40' RIGHT-OF-WAY)

CITY COUNCIL MEETING

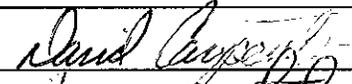
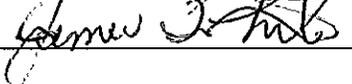
MAYORS REPORT

CITY COUNCIL MEETING

CITY ATTORNEYS REPORT

DEPARTMENT HEAD COMMENTS

CITY OF DAPHNE BAND PERMIT

ORGANIZATION:	<i>Citizen</i>
CONTACT PERSON:	<i>Beth Pierce</i>
ADDRESS:	<i>3983 Wimbledon Park Mobile, AL 36608</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER:	<i>421-4383</i>
DATE OF EVENT:	<i>June 15, 2013</i>
TYPE OF EVENT:	<i>Wedding Reception</i>
START TIME:	<i>5:30 p.m.</i>
STOP TIME:	<i>11:p.m.</i>
LOCATION OF EVENT:	<i>27366 Main Street</i>
APPROXIMATE # OF PEOPLE	<i>150-200</i>
SPECIAL REQUEST	<i>Extend stop time for music 1 hour to 11:00 p.m.</i>
DATE APPLIED FOR PERMIT:	<i>January 16, 2013</i>
APPROVAL	
CITY COUNCIL MEMBER: COUNCIL	
POLICE: Chief David Carpenter:	
FIRE: Chief James White:	
Council Meeting / 2/18/13	
SPECIAL INSTRUCTIONS:	<i>Approved until 10:00 p.m. per Ordinance 2012-35 Section 1.6 & 1.7(a-c)</i>
DATE ROUTED:	<i>February 11, 2013</i>
NOTIFICATION OF APPROVAL:	

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Daphne United Methodist Church</i>
CONTACT PERSON:	<i>Neil Beasley</i>
ADDRESS:	<i>2401 Main Street Daphne, AL 36526</i>
PHONE NUMBER (HOME):	<i>7209-1222</i>
PHONE NUMBER (BUSINESS):	<i>626-2287</i>
CELL NUMBER:	
E-MAIL ADDRESS:	
TYPE OF PARADE:	<i>5 K and Fun Run</i>
DATE OF PARADE:	<i>March 30, 2013</i>
ROUTE TO BE TRAVELED:	<i>See Attached Map</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>200 / 1 Car</i>
START TIME:	<i>8:00 a.m.</i>
STOP TIME:	<i>9:30 a.m.</i>
ASSEMBLY AREA/STREET:	<i>Daphne United Methodist Church</i>
ASSEMBLY TIME:	<i>7:30 a.m.</i>
SPECIAL INSTRUCTIONS:	<i>Would like a patrol car lead the race</i>
DATE APPLIED:	<i>February 11, 2013</i>
APPROVAL	
POLICE: Chief David Carpenter	<i>David Carpenter</i>
FIRE: Chief James White	<i>James White</i>
PUBLIC WORKS: Richard Johnson	<i>Richard Johnson</i>
RECREATION : David McKelroy	<i>David McKelroy</i>
CITY COUNCIL APPROVAL: 2/18/13	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>February 13, 2013</i>
NOTIFICATION	

gmap-pedometer.com - Windows Internet Explorer

gp http://gmap-pedometer.com/

gmap-pedometer.com | main map | forum | about | log in | create account

Click here to return to the main window when printing is complete

Map Satellite Hybrid Topo Terrain OSM

Map Satellite Hybrid Topo Terrain OSM

Give the gift of Nexus for Valentine's.

nexus⁷

start gmap-pedometer - Y... gmap-pedometer.co... PARADE PERMIT (4)... 1:51 PM Monday 02/11/2013

Start + stop @
Daphne OMC,

CITY COUNCIL MEETING

RESOLUTIONS, ORDINANCES ORDERS & OTHER BUSINESS

COUNCIL COMMENTS

**CITY OF DAPHNE
RESOLUTION 2013-08**

Repealing Resolution 2009-73 and Establishing Policy for Procurement of “On Call” and Project Engineering Services for the City of Daphne

WHEREAS, Resolution 2009-73 established HUTCHINSON, MOORE AND RAUCH, L.L.C. as the City's sole engineer for all projects within the City of Daphne; and

WHEREAS, the CITY OF DAPHNE desires to maintain a relationship with HUTCHINSON, MOORE AND RAUCH, L.L.C. for reoccurring “On Call” Engineering Services; and

WHEREAS, the CITY OF DAPHNE desires to establish a protocol for the equitable assignment of Engineering Services on a rotational basis to qualified Engineering Firms for City projects; and

WHEREAS, Resolution 2009-73 is in conflict with the desires of the CITY OF DAPHNE to open Project Engineering Services up to qualified Engineering Firms for City projects on an equitable basis; and

WHEREAS, the CITY OF DAPHNE shall determine and select qualified Engineering Firms through a Request For Qualifications (RFQ); and

WHEREAS, the CITY OF DAPHNE desires to enter into a contract for professional services with qualified Engineering Firms to provide project engineering services; and

WHEREAS, the CITY OF DAPHNE desires to enter into a contract for professional services solely with HUTCHINSON, MOORE AND RAUCH, L.L.C. to provide “on call” engineering services; and

WHEREAS, should city officials determine that a particular engineering firm is better qualified, or brings unique resources to a particular project or service need, the Daphne City Council may assign such work to that engineering firm regardless of predetermined project assignment order;

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

1. That Resolution 2009-73 is hereby repealed in its entirety; and
2. That HUTCHINSON, MOORE AND RAUCH, L.L.C. is designated as the sole provider of “on call” engineering services; and
3. That Engineering Firms for Project Engineering Services will be qualified and selected through a Request For Qualifications (RFQ); and
4. That the City of Daphne desires to enter into separate contracts for both professional services for “On Call” and Project Engineering Services with the named and/or qualified engineering firms; and
5. That should a different engineering firm be determined to be necessary, due to qualifications or unique resources, the same shall be first approved by the City Council in advance of any contract for the same.

ADOPTED AND APPROVED on this the _____ day of _____, 2013.

DANE HAYGOOD,
MAYOR

ATTEST:

REBECCA A. HAYES
INTERIM CITY CLERK

**CITY OF DAPHNE
RESOLUTION 2013-09**

**Recognizing the Daphne High School
International Baccalaureate Programme
Class of 2013**

WHEREAS, the International Baccalaureate Diploma Programme was established in 1968 in Geneva, Switzerland, to facilitate the international mobility of students preparing for university who wanted a rigorous curriculum and a diploma recognized by institutions of higher learning around the world; and

WHEREAS, the worldwide International Baccalaureate Programme, after an exhaustive review process, selected Daphne High to become an IB World School in 2007, a designation that has since driven major advances in teaching and learning on that campus; and

WHEREAS, the stringent academic requirements set forth by the IB curriculum are encouraging Daphne students to aspire to new heights as they choose from among the many post-secondary learning opportunities available to them; and

WHEREAS, the City of Daphne applauds the IB Class of 2013 for the hard work and dedication that have brought them to this pivotal moment in their academic careers and extends best wishes for continued success as they begin preparations for the IB international examinations to be held in the coming weeks;

NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, commends the Daphne High School International Baccalaureate Class of 2013 for the important contribution they are making to the establishment of a world-class vision for education in our community and offers heartfelt congratulations on their imminent high school commencement.

ADOPTED AND APPROVED this ____ day of _____, 2013.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
Interim City Clerk

RESOLUTION NO. 2013-10
2013-E-(3) HYDRAULIC RECYCLING TRAILERS 16'

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 (3) HYDRAULIC RECYCLING TRAILERS 16' will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the (3) HYDRAULIC RECYCLING TRAILERS 16' and determined that the bid as presented is reasonable; and

WHEREAS, monies are available through the Alabama Department of Environmental Management (ADEM) 2012 Recycling Grant Program for the purchase of these trailers; and

WHEREAS, Staff recommends the bid for the (3) HYDRAULIC RECYCLING TRAILERS 16' be awarded to Pro-Tainer, Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Pro-Tainer, Inc. in the amount of \$37,848 (*\$12,626/ea trailer*) as specified in BID SPECIFICATION NO. 2013-E-(3) HYDRAULIC RECYCLING TRAILERS 16'.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2013

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, Interim City Clerk

**RESOLUTION 2013-11
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:

Rick Whitehead, IT Coordinator; Florida Digital Governmental Summit; Tallahassee, FL, May 15-18, 2013 - \$140

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 _____, 2013.**

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, Interim City Clerk

**City of Daphne
RESOLUTION 2013-12**

**ACOA 59010 ATRIP(001) – Baldwin County ATRIP 02-01-22 – Resurface
Ridgewood Drive & Bayview Drive from Dunbar Loop to Rolling Hill Drive /
Consulting Services (Lake Forest Phase III)**

WHEREAS, the City of Daphne did heretofore make application for funding through Alabama Transportation Rehabilitation and Improvement Program (ATRIP) to assist with City Road Projects.

WHEREAS, the project to resurface Ridgewood Drive & Bayview Drive from Dunbar Loop to Rolling Hill Drive (Lake Forest Phase III) was approved for grant funding through the ATRIP Grant; and

WHEREAS, project consulting services will be required to meet the requirements of the ATRIP Grant; and,

WHEREAS, staff has reviewed the ATRIP Grant requirements and agree that Hutchinson, Moore, & Rauch, LLC (HMR, LLC) is qualified to provide the required consulting services.

NOW THEREFORE BE IT RESOLVED by the City Council that the Mayor is hereby authorized to enter into a contract on behalf of the City of Daphne with HMR, LLC for a fee schedule as outlined in the attached agreement.

ADOPTED AND APPROVED this the _____ day of _____ 2013.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, Interim City Clerk

A G R E E M E N T

B E T W E E N

HUTCHINSON, MOORE & RAUCH, LLC

A N D

CITY OF DAPHNE

CONSTRUCTION ENGINEERING AND INSPECTION SERVICES

CITYWIDE

AGREEMENT

CONSTRUCTION ENGINEERING AND INSPECTION SERVICES

This AGREEMENT is made and entered into by and between the City of Daphne, hereinafter referred to as the CITY, and Hutchinson, Moore & Rauch, LLC, which is qualified to do business in the City of Daphne, and has its principal Alabama office at 2039 Main Street, Daphne, AL, Party of the Second Part, hereinafter referred to as the CONSULTANT.

WHEREAS, the CONSULTANT has agreed and by these present does agree with the CITY for the consideration hereinafter mentioned to provide on-call construction engineering and inspection, materials sampling and testing and contract administration on a statewide basis for the CITY.

NOW, THEREFORE, for and in consideration of the mutual covenants hereinafter stipulated, it is hereby agreed between the parties as follows:

The CONSULTANT shall meet the requirements for conformance with the Standards adopted by AASHTO and approved by the Secretary of Transportation in cooperation with the CITY and shall ascertain the written practices of the CITY prior to beginning any work on this project. All work required under this AGREEMENT will be performed in accordance with these standard practices and any special requirements hereinafter set forth. All work performed by the CONSULTANT under this AGREEMENT shall be subject to the Review, Approval and Acceptance of the CITY, where applicable, before CONSULTANT will be paid for said work.

“As a part of obligations of the CONSULTANT to the CITY under this AGREEMENT, the CONSULTANT does hereby certify that CONSULTANT has no financial or other interest in the outcome of project proposed under this AGREEMENT”.

The CONSULTANT shall provide on-call construction engineering and inspection, materials sampling and testing and contract administration on a statewide basis for the CITY.

This will be a specific rate of pay AGREEMENT for a two year period. The CONSULTANT shall provide services, personnel and equipment as required by the CITY.

ARTICLE I - SCOPE OF WORK

The CONSULTANT will perform construction engineering and inspection, materials sampling and testing and contract administration services on-call on a statewide basis for the CITY.

This will be a specific rate of pay AGREEMENT for a two year period. The CONSULTANT will provide services, personnel and equipment as required by the CITY. The work to be performed by the CONSULTANT will be as follows:

SECTION 1 - CONSTRUCTION ENGINEERING AND INSPECTION SERVICES

1.0 PURPOSE:

This statement of work describes and defines services which are required for construction engineering, inspection, materials sampling and testing and contract administration for construction projects selected by the CITY.

SCOPE:

The CONSULTANT shall be responsible for all construction engineering and administrative functions as defined in this Scope of Work and referenced manuals and procedures. The CONSULTANT shall utilize effective control procedures to assure the construction of said project is performed in reasonable conformity with plans, specifications and contract provisions for assigned project.

The CONSULTANT shall provide professional, technical and administrative personnel, meeting requirements of the CITY in appropriate numbers at proper times to ensure that responsibilities assigned under this AGREEMENT are effectively fulfilled. All services shall be performed in accordance with established standard procedures and practices of the CITY. Prior to furnishing any services, the CONSULTANT shall be familiar with ALDOT procedures, standard and informal, and practices, standard and informal, for construction, engineering and contract administration used by the CITY. The CITY shall endeavor to provide the CONSULTANT at least ten (10) calendar days advance notice of the execution date for each construction contract to allow sufficient time for the CONSULTANT to schedule its activities. In the event of emergency needs, for a short term basis (sickness, vacation, etc.), the CITY shall provide the CONSULTANT two days advance notice in order

for the CONSULTANT to furnish required personnel. The CONSULTANT shall maintain close coordination with the CITY and Contractor to minimize rescheduling of the CONSULTANT'S activities due to construction delays or changes in scheduling of Contractor's activities.

2.0 DEFINITIONS:

- A. Chief Engineer: The individual appointed by the CITY to administer technical phases.
- B. Construction Engineer: Administrative head of the Construction.
- C. Project Manager, CONSULTANT: Qualified individual who has been assigned as the on-site person in charge of a construction contract.

Project Manager, CITY: Qualified individual assigned by the CITY to manage Construction Engineering and inspection contract formulated by this AGREEMENT and will be in responsible charge and direct control of project.
- D. FHWA: The Federal Highway Administration of the United States Department of Transportation.
- E. Construction Contract: Construction work let under separate contract(s) by CITY to contracting firm(s).
- F. Contractor: Contracting firm or its designated representatives awarded contract(s) to do construction work.
- G. Construction Contract Suspension: Cessation of construction activity on a construction contract.
- H. Consultant: Consultant firm(s) retained by CITY to perform all construction engineering and administrative functions as defined in this AGREEMENT.
- I. Consultant Design Engineer (when applicable): Consultant design engineer retained by CITY to design aforementioned project(s).
- J. City Engineer: Administrative head of the Mayor's Office/City Engineering Department or their designated representative.

4.0 ITEMS TO BE FURNISHED BY THE CITY TO CONSULTANT:

- A. The minimum Contract documents for each project shall be distributed to the CONSULTANT, City Engineer subsequent to award of construction contract for each project as follows:

5 sets Construction Plans - Half scale

3 sets Construction Plans - Full size (1 set to be used in preparation of as built plans)
2 sets Standard Drawings

1 copy of Executed Contract

- B. An adequate supply of all standard forms to be used in fulfilling technical services under this AGREEMENT, disposable type molds for casting concrete test cylinders, sample cartons, sample bags and other expendable-type testing supplies. The CONSULTANT may use computerized forms approved by ALDOT. Construction and Materials Management Software including Site Manager, Stormwater Tracking System and Concrete Management System will be used for contract administration on designated projects.
- C. When determined by City Engineer, the CITY shall provide janitorial service, furnish and maintain a Project Office at a location determined by City Engineer. The office shall meet all local, state and federal building codes and requirements and shall contain the following:
1. A minimum 600 square feet heated and cooled office space.
 2. Floor space shall be divided into one restroom, one central work room and three private offices.
 3. Heating, air conditioning and lighting.
 4. Water cooler service (not bottled water).
 5. Hot and cold water service.
 6. If the office is a trailer, tie downs capable of withstanding winds up to hurricane force and trailer underpinning.
 7. Garbage and trash disposal service.
 8. Grass and weed control.
 9. Parking spaces for a minimum of five (5) vehicles; graded for drainage and suitably surfaced with an all weather access road.
 10. Restroom connections to an existing sanitary sewer, a chemical holding tank, or approved septic tank.
 11. The minimum furniture shall be supplied as follows:
Per office – 1 desk, 3 chairs

Per work room – 1 plan table, 1 work table (drafting), 2 stools, 3 chairs, 1 water cooler dispenser, 1-4 drawer file cabinet, 10 feet of book shelving, 1 plan storage rack and appropriate fire extinguishers.

12. The CITY shall provide computers, typewriters, calculators, etc. for CITY personnel and one telephone for each office and work room. The consultant shall be required to provide computers, calculators, etc. for their personnel if needed to perform duties.
13. The CITY shall provide a facsimile machine and a copier for use by the CITY and consultant personnel. The CONSULTANT shall be allowed to furnish personal equipment for his own use at no cost to the CITY.
14. The CITY shall provide testing equipment, photographic equipment, tapes, rulers, field books and other miscellaneous items necessary for satisfactory performance of work.
15. The CONSULTANT shall provide all surveying equipment and it must be the latest technical equipment such as electronic total stations, data collection, hand-held computers, automatic levels, hand-held two-way radios, electronic pipe and cable locators and complete safety equipment.
16. Routine items for operation of the office such as stamps, postal costs, utility service, etc., shall be supplied by the CITY.

5.0 ITEMS FURNISHED BY THE CONSULTANT:

A. Document Compliance

The requirements outlined within printed documents listed below are a condition of this contract. The CONSULTANT shall obtain, without cost to CITY, at least one copy of each document. One copy of each document shall be available at project office at all times. Compliance with these guides, manuals, procedures, and advisories shall be a requirement of this AGREEMENT.

1. All active Construction Information Memorandums issued, prior to or after execution of this AGREEMENT, by ALDOT'S State Construction Engineer. These procedures convey certain practices and procedures of ALDOT relating to construction supervision and administration of contracts. A copy of each Memorandum issued on or subsequent to

execution of this AGREEMENT shall be furnished to the CONSULTANT in a timely manner by ALDOT'S Division Construction Engineer.

2. Guidelines for Operations issued by ALDOT.
3. All Technical Advisories and Memorandums issued, prior to or after execution of this AGREEMENT, by ALDOT'S State Materials and Tests Engineer. The advisories convey certain practices and procedures of ALDOT relating to sampling and testing of materials used in construction projects. A copy of each advisory issued on or subsequent to execution of this AGREEMENT shall be furnished to the CONSULTANT in a timely manner by ALDOT'S Division Materials and Tests Engineer.
4. ALDOT'S Testing Manual as issued by ALDOT'S State Materials and Tests Engineer. This manual sets out test frequency of acceptance samples and tests, sampling point, sample size, sampling and test methods and appropriate report forms for materials to be incorporated into construction projects. This Manual also contains Bureau of Materials and Tests (ALDOT) procedures referenced in the Manual and/or specifications and BMT worksheets and test report forms. (Said manual is available on ALDOT'S website)
5. ALDOT'S Construction Manual. This manual describes in detail many of the procedures and practices of ALDOT relating to construction engineering and inspection. (Said manual is available on ALDOT'S website)
6. A tabulation of required ALDOT'S technician certifications relating to construction engineering and inspection.
7. Applicable ALDOT Standard Specifications for Highway Construction. One copy for each of the CONSULTANT'S personnel.
8. The applicable Roadway and Traffic Design Standards.
9. The applicable Alabama Regulations for Control of Radiation Chapter 420-3-26 Radiation Control as issued by the State of Alabama Health Department.
10. ALDOT'S manual of Materials, Sources and Devices with Special Acceptance Requirements as issued by the State Materials and Tests Engineer. (Said manual is available on ALDOT'S website)

11. FHWA Manual on Uniform Traffic Control Devices.
 12. One copy of the Radiological Safety Manual for use of Nuclear Moisture/Density and Asphalt Content Gauges as issued by ALDOT'S State Materials and Tests Engineer for each project on which there is a nuclear testing device.
 13. The AASHTO Standard Specifications for Transportation Materials and Methods of Sampling and Testing.
 14. Copies of all applicable ASTM Standards.
- B. When requested by the CITY, the CONSULTANT shall provide janitorial service, furnish and maintain a Project Office within project work limits, or other location approved by City Engineer. The site of said office, size of office and accommodations shall have prior written approval by City Engineer. The office shall meet all local, state and federal building codes and requirements and shall contain the following:
1. A minimum of 600 square feet heated and cooled office space.
 2. Floor space shall be divided into one restroom, one central office, and three private offices. One of the private offices, within same confines as the CONSULTANT, shall be suitably furnished and maintained as an office for use of the CITY. if requested. This office space shall contain no less than 180 square feet. The minimum office equipment to be provided by the CONSULTANT for the CITY office shall consist of one desk and complimentary office chair; two conference room chairs; drawing table (4' x 6' minimum size); drafting stool; one two-drawer filing cabinet and telephone service or as approved by City Engineer.
 3. Heating, air conditioning and lighting.
 4. Water cooler service (not bottled water).
 5. Hot and cold water service.
 6. If the office is a trailer, tie-downs capable of withstanding winds up to hurricane force.
 7. Office trailer underpinning with materials approved by City Engineer.
 8. Garbage and trash disposal service.

9. Grass and weed control at office site to a maximum of three (3) inches in height by mowing for a distance of five (5) feet outside security fencing (if provided), or within boundaries as approved by City Engineer.
10. Parking spaces for a minimum of five (5) vehicles, plus additional spaces for use by the CONSULTANT'S vehicles, graded for drainage and suitably surfaced, with an all weather access road.
11. Restroom connections to an existing sanitary sewer, a chemical holding tank, or approved septic tank.
12. The CONSULTANT shall have available, for use in the field office, a personal computer. The personal computer shall comply with at least current minimum ALDOT desktop hardware standards and shall contain a current ALDOT remote network interface device. Additionally, the computer shall be equipped with a printer conforming to current minimum ALDOT standards with 11x17 print capabilities. Said computer shall include current ALDOT standard Microsoft Office configuration, as well as, current ALDOT production versions of Bentley software. All CADD files are required to be completely compatible with Department's current production versions of Bentley software. Ownership and possession of personal computer shall remain at all times with the CONSULTANT. The CONSULTANT shall be responsible for requesting a password to access ALDOT'S computer network via City Engineer.

The CONSULTANT shall also furnish such other shelter, storage and parking space as required by City Engineer to effectively carry out the CONSULTANT'S responsibilities under this AGREEMENT. The CONSULTANT shall provide appropriate type of vehicles in numbers as approved by City Engineer, to accommodate the CONSULTANT'S project personnel.

Furniture and office equipment, supplied by the CONSULTANT, shall consist of desks, chairs, drafting tables, bookcases, file cabinets, calculators, facsimile machine, Xerox-type copier, typewriters, telephones and other items determined by City Engineer to be necessary in order to fulfill work under this AGREEMENT. The CONSULTANT shall provide all survey equipment, photographic equipment, tapes, rulers, field books and any other items necessary for satisfactory performance of work. Quantity

and quality of the items require City Engineer's approval. Equipment shall be either U.S. Customary or metric as directed by City Engineer.

Routine items for operation of the office, such as stamps, postal costs, custodial fees, utility service, etc., shall be supplied by the CONSULTANT.

6.0 LIAISON:

The CONSULTANT shall be fully responsible for fulfilling all functions assigned to it by this AGREEMENT. The CONSULTANT'S activities and decisions relating to project(s) shall be subject to review by City Engineer. The CONSULTANT shall provide coordination of all activities, correspondence, reports, and other communications related to its responsibilities under this AGREEMENT. No personnel shall be assigned until written notification by City Engineer has been issued. Construction engineering and inspection forces shall be required of the CONSULTANT at all times when required by the CITY. If construction contract is suspended, the CONSULTANT'S forces shall be adjusted at the direction of City Engineer to correspond with type of suspension, either complete suspension or partial suspension.

7.0 COOPERATION AND PERFORMANCE OF THE CONSULTANT:

During the period of this AGREEMENT, the CITY shall conduct reviews of various phases of the CONSULTANT'S operations, such as construction inspection, materials sampling and testing and administrative activities. Reviews shall be conducted to determine compliance with this AGREEMENT and sufficiency with which procedures are being effectively applied. These reviews are to assure that construction work and administrative activities are performed in reasonable conformity with the CITY policies, plans, specifications and contract provisions. The CITY shall have complete access, at all times, to project site, project office, all project records and any other CONSULTANT items associated with said project or this AGREEMENT. The CONSULTANT shall cooperate and assist the CITY representatives in conducting said reviews. When deficiencies are indicated in a review, immediate remedial action shall be implemented by the CONSULTANT in conformance with the CITY'S recommendations. The CITY'S remedial recommendations and the CONSULTANT'S actions are to be properly documented by City Engineer. The CONSULTANT shall be responsible for accuracy of its work and shall promptly implement policies and procedures reasonably necessary to

prevent errors, omissions, or noncompliance with said contract terms. If the CONSULTANT'S services hereunder contain errors, omissions, or are not compliant with terms of said contract, the CONSULTANT, upon receipt of written notice of such defects from the CITY, shall correct such errors, omissions or noncompliance at its own expense. However, when the CONSULTANT is responsible for managing a project and where CONSULTANT errors, omissions or contractual lapses caused increased costs, delays, or other damages to the CITY, City Engineer shall prepare a written evaluation of the costs, delays or damages and circumstances that caused the increased costs, delays or damages. A copy shall be sent to the CONSULTANT. Said costs shall be deducted from the monthly payment or retainage due to the CONSULTANT. Remedial action shall be required commensurate with the degree and nature of deficiencies cited. Additional compensation to the CONSULTANT shall not be allowed for remedial action taken to correct deficiencies by the CONSULTANT.

Federal Aid projects are subject to review by representatives of FHWA. Additional State personnel may make special reviews. The CONSULTANT shall fully cooperate with and assist in making such reviews.

8.0 REQUIREMENTS:

A. General:

It shall be the responsibility of the CONSULTANT to provide services as necessary for contract administration to produce construction in reasonable conformity with plans, specifications and contract provisions. The CONSULTANT shall advise City Engineer and shall document any omissions, substitutions, defects, and deficiencies noted in the work of Contractor and the corrective action taken.

B. Survey Control:

The CONSULTANT may be requested to reestablish project survey controls. The CONSULTANT may be requested to provide project surveying to fulfill project requirements.

C. Project Inspection: The CONSULTANT shall provide services to monitor and document Contractor's construction operations. The CONSULTANT shall test, inspect and document all construction material as required to assure quality of workmanship and materials are in reasonable conformity with plans, specifications and other contract provisions. The

CONSULTANT may be responsible for monitoring and approving asphalt production. The CITY shall monitor all other off-site activities and fabrication (including pre-stress production). The CONSULTANT shall keep detailed, accurate records of Contractor's daily operations and significant events that may affect the work. The standard procedures and practices of the CITY for inspections of construction projects are set out in the CITY'S Construction Manual. The CONSULTANT shall have appropriate certifications for inspection of work being performed. The CONSULTANT shall in general, perform inspection services in accordance with these standard procedures and practices and other accepted practices as may be appropriate.

D. Testing:

The CONSULTANT shall perform sampling and testing of component materials and completed work items to the extent that will assure materials and workmanship incorporated in each project is in reasonable conformity with plans, specifications and contract provisions. The CONSULTANT shall meet minimum sampling frequencies set out in the CITY'S Testing Manual. The CITY reserves the right to require additional sampling and testing. The CONSULTANT shall be specifically responsible for securing job control samples and utilizing test results to determine acceptability of all materials and completed work items. The CONSULTANT shall be responsible for verification of a certified test report as determined by the Bureau of Materials and Tests, DOT label, DOT stamp, etc., as appropriate. The CONSULTANT shall be responsible for progress record sampling of reinforcing steel. The CITY shall monitor the effectiveness of the CONSULTANT'S testing procedures through surveillance and obtaining testing progress record samples and final record samples. Progress record sampling and testing is necessary to verify job control sampling frequencies and test procedures are adequate. The CONSULTANT shall inform the CITY of schedules for sampling and testing as work progresses on each construction contract so sampling can be accomplished by the CITY at the proper time. Sampling and testing shall be as required by the aforementioned ALDOT Testing Manual or as modified by contract provisions. The CONSULTANT shall be responsible for transporting samples to be tested to the appropriate State laboratory. Any testing performed at a laboratory other than the State laboratory shall be

handled in a separate AGREEMENT. The CONSULTANT shall perform all required and necessary surveillance, inspection and documentation of project hot-mix asphalt operations.

E. Management Engineering Services:

The CONSULTANT shall perform all management engineering services necessary to: assure proper coordination of activities of all parties involved in accomplishing completion of projects; maintain complete, accurate records of all activities and events relating to projects; properly document all significant changes to projects; provide interpretations of plans, specifications and contract provisions; make recommendations to the CITY to resolve disputes that may arise in relation to construction contracts; and to maintain an adequate level of surveillance of Contractor's activities. The CONSULTANT shall perform any other management engineering services normally assigned to a project that are required to fulfill the CONSULTANT'S responsibilities under this AGREEMENT. All recordation and documentation shall be in accordance with standard ALDOT procedures, formats and content.

CONSULTANT services include, but are not limited to the following:

1. Attending and participating in a pre-construction conference for each project. Record significant information revealed and decisions made at conference and if requested by the CITY, distribute copies of said minutes to appropriate parties. The CONSULTANT may be required to conduct the pre-construction conference.
2. Complete and maintain a full and accurate daily record of all activities and events relating to project. Record all work completed by Contractor, including quantities of pay items in conformity with Final Estimates preparation procedures and specifications. The CONSULTANT shall immediately report to City Engineer changes in pay items, project time or cost as soon as they become known to the CONSULTANT.
3. Complete and maintain Project Diaries and Inspector's Daily Reports as requested by the CITY. Said diaries and reports shall be kept up-to-date on a daily basis.
4. Maintain a project log of all materials entering into work with proper indication of basis of acceptance for each shipment of material.

5. Maintain project records of all sampling and testing accomplished. Analyze such records to ascertain acceptability of materials and completed work items. The field reports shall be recorded in project records within three days. The CONSULTANT shall verify, certify and document work items requiring performance periods (curing period, operational period, etc.).
6. Prepare and submit monthly to City Engineer a comprehensive tabulation of the quantity of each pay item satisfactorily completed that includes appropriate test reports and/or materials certifications or materials stored to date. Quantities shall be based on daily records and calculations. Calculations shall be properly recorded. The tabulations shall be used for preparation of the Monthly Progress Estimate.
7. Provide interpretations of plans, specifications and contract provisions. The CONSULTANT shall consult with City Engineer when an interpretation involves complex issues or may have an impact on cost or quality of performing said work.
8. Field problems are difficulties encountered during construction through circumstance, which may or may not be under the control of Contractor, requiring a degree of engineering evaluation and decision. Field problems might involve situations such as: out-of-place piling, out of tolerance work, out of specification materials, structural defects, accidental damage, underground obstructions, etc. These problems may have a significant impact upon the execution, progress, cost or quality of said project. Therefore, it is of paramount importance that problems be resolved expeditiously. The CONSULTANT shall ensure solutions are pursued and implemented as expeditiously as possible. Where a difficulty, problem, or defect of any nature is encountered during construction, the CONSULTANT shall assemble all relevant information to include any proposals from Contractor. The CONSULTANT shall document and evaluate the same in a concise and orderly manner, by reviewing all information and circumstances. The CONSULTANT shall make recommendations to City Engineer for the most expeditious course of action to minimize delays and costs while achieving a structurally acceptable result.

The Engineer of Record (Design Engineer) or State Construction Engineer, depending on the nature of proposal are responsible for structural engineering analysis of Contractor's proposals, determining acceptability of proposals and meeting the requirements of said design. However, the CONSULTANT shall be responsible for ensuring that City Engineer is provided with all relevant information and, in addition, shall appraise and make recommendations to City Engineer of all project(s) related circumstances that may have an influence upon the solution.

In particular, the CONSULTANT shall first utilize his own personnel and resources in order to assess the problem and its likely impacts on said project(s). By utilizing CONSULTANT personnel and resources, the CONSULTANT shall assess both technical and contractual implications upon said project(s) of any proposals presented by Contractor. The CONSULTANT shall consider all likely impacts upon project(s) as regards to costs, delays, potential claims, contract administration, management, any justifiable financial adjustments (increases or decreases, including penalties) to be applied to Construction Contract, and feasibility of the Contractor successfully and expeditiously fulfilling his technical proposals. The CONSULTANT shall make these assessments in order to formulate his recommendations. The CONSULTANT shall then forward the said assessments and recommendations to City Engineer, together with any proposals from Contractor. The CONSULTANT shall be a liaison and cooperate with the CITY in resolution of any problems. Upon resolution and approval of technical solution, the CONSULTANT shall ensure all approved remedial measures are completed in a technically competent and satisfactory manner. The CONSULTANT shall be responsible for any contract administration and management normally associated with implementing remedial measures. In situations where the CONSULTANT does not have direct responsibility for engineering inspection of the item that caused said problem, but where that item is now under his area of control, (example: defective precast components or fabricated steelwork made at a facility under engineering inspection of a different

party and later delivered to site), the CONSULTANT shall formulate his assessment and recommendations and cooperate in resolving the problem.

In all situations, the CONSULTANT shall ensure all proposals, reviews, assessments, studies, recommendations and decisions are executed expeditiously in order to minimize any delays and costs.

9. The CONSULTANT shall analyze changes to plans, specifications or contract provisions and extra work that appear to be necessary to fulfill the intent of said contract. The CONSULTANT shall provide recommended changes to City Engineer for approval. Approval of City Engineer must be obtained prior to initiating any change or extra work.
10. When a modification to the original contract for a project is required, due to a necessary change in character of work, the CONSULTANT, in conjunction with the CITY Project manager, shall negotiate prices with Contractor and prepare and submit a recommendation to City Engineer for approval. The City Engineer shall prepare the required SUPPLEMENTAL AGREEMENT and obtain all required approvals.
11. In the case where Contractor gives notice, either written or verbal, that certain work to be performed is beyond the scope of construction contract and intends to claim additional compensation, the CONSULTANT shall maintain accurate documentation in accordance with project contract requirements, of the costs involved in such work.
12. In the case where Contractor for a project submits a claim for additional compensation, the CONSULTANT shall analyze submittal in conjunction with City Construction Engineer. The CONSULTANT may be required to provide recommendation on validity and reasonableness of the requested additional compensation and/or contract time extension. The CONSULTANT shall maintain complete and accurate documentation of work involved in claims.
13. In the case where Contractor for a project submits a request for extension of allowable contract time, the CONSULTANT shall analyze request and prepare a recommendation to City Engineer covering accuracy of statements and actual effect of delaying factors on completion of controlling work items. The CONSULTANT shall make

recommendations weekly, or other times as necessary, to City Engineer on all delays. This recommendation is needed to justify a time extension.

14. The CONSULTANT shall prepare and submit to City Engineer a final estimate with documentation and one (1) set of record as-built plans for each contract. All changes made to plans, which involve CONSULTANT, shall be signed and sealed by the CONSULTANT and City Engineer. This task must be completed within a timely manner or in accordance with current ALDOT Standard Specifications from the earliest project acceptance date.
15. At request of the CITY, the CONSULTANT shall assist appropriate CITY offices in preparing for hearings or litigation that may occur during the term of this AGREEMENT in connection with a project covered by this AGREEMENT.
16. The CONSULTANT shall monitor and document Contractor's compliance with contract provisions in regard to payment of predetermined wage rates in accordance with State procedures. This includes sub-contractor compliance.
17. The CONSULTANT shall review and document Contractor's compliance with contract requirements concerning Equal Employment Opportunity and Affirmative Action; assist the CITY'S Equal Employment Opportunity Specialist as requested; and, review and document D.B.E. (Disadvantaged Business Enterprises) activities to insure compliance of contract goals.
18. The CONSULTANT shall review and document each construction project to the extent necessary to determine whether construction activities violate requirements of any permits. The Project Manager shall notify Contractor, in writing, of any violations or potential violations and require his immediate resolution of said problem. Violations shall be reported to City Engineer immediately.
19. Shop drawing/sample submittal and approvals shall be logged by the CITY. Tracking shall include maintaining a log book of the status of each submittal as it progresses through review and approval. The CONSULTANT shall actively encourage all reviewers to accomplish reviews promptly.

20. The CONSULTANT shall assist Contractor and utility companies in resolving conflicts so that any conflicting utilities are timely removed, adjusted or protected to minimize delays to construction operations. Documentation shall be maintained in accordance with the CITY'S procedures.
21. The Project Manager and the CONSULTANT for each particular project shall conduct meetings as required with respective Contractor, sub-contractor and/or utility companies to review plans, schedules, problems or other areas of concern. The results of these meetings shall be recorded in project diary.
22. The CONSULTANT may be required to conduct and document field reviews of maintenance of traffic operations after normal working hours, weekends and holidays.
23. The CONSULTANT may be required to respond to inquiries from various persons, i.e., public, media, property owners, local agencies, State agencies, Federal agencies, etc., and inform City Engineer of these inquiries.
24. The CONSULTANT may be required to provide field construction activities in areas of design engineering, vertical and horizontal control, typical sections, cross-sections for monthly estimates and other engineering required to complete construction project.

9.0 PERSONNEL:

A. General Requirements:

The CONSULTANT shall provide a sufficient number of qualified personnel as directed by the CITY to effectively carry out its responsibilities under this AGREEMENT.

B. Personnel Qualifications:

The CONSULTANT shall utilize only competent personnel who are qualified by experience and education. The CONSULTANT shall submit, in writing, to City Engineer the name of all personnel to be considered for assignment to said construction projects, together with a detailed resume of each person's qualifications and copies of current certifications with respect to salary, education and experience. The CONSULTANT'S personnel approval request shall be submitted at least two weeks prior to and approved by City Engineer prior to the date an individual is to report to work. Listed below are minimum qualifications and job descriptions for the

CONSULTANT'S personnel that may be working on various projects under this AGREEMENT.

PROJECT MANAGER:

Minimum Qualifications:

- Ten years of experience in construction inspection, surveying or highway materials testing and inspection or a Bachelor of Science degree in Civil Engineering or Registered Professional Engineer with five years of experience in construction inspection, surveying or highway materials testing and inspection. One or more of the following certifications may be required as approved by City Engineer.
- Certified Asphalt Technician Level I – Field Tester
- Certified Level II – Quality Management Technician
- Certified Asphalt Roadway Technician
- Work Zone Safety Certification
- Certified Concrete Technician (ACI and ALDOT certification)
- Radiological Safety Course Certification
- Qualified Credentialed Inspector (QCI)

Job Description:

This is administrative and technical work in Civil Engineering. Employees in said class shall act as the first contact between contractor and the CITY. The Project Manager shall be responsible for supervision of all employees assigned to said project. The Project Manager shall ensure that a project is built in accordance with project plans and specifications under which contract was awarded. The Project Manager shall report directly to District Engineer's or City Engineer's designated representative.

SENIOR INSPECTOR:

Minimum Qualifications:

- Eight years of experience in construction inspection, surveying or highway materials testing and inspection or a Bachelor of Science degree in Civil Engineering or Registered

Professional Engineer with two years of experience in construction inspection, surveying or highway materials testing and inspection. One or more of the following certifications as necessary and approved by City Engineer. Inspectors who are to perform a specific task shall be certified in said field.

- Certified Asphalt Technician Level I – Field Tester
- Certified Level II – Quality Management Technician
- Certified Concrete Technician (ACI and ALDOT Certification)
- Certified Asphalt Roadway Technician
- Work Zone Safety Certification
- Radiological Safety Course Certification
- Qualified Credentialed Inspector (QCI)

Job Description:

This is skilled sub-professional engineering work in the field or office. Employees in said class shall act as the Assistant Project Manager and be responsible for reviewing and directing inspection duties of all project inspectors. The Senior Inspector shall be capable of surveying and drafting, as they apply to documenting and inspection, of a construction project. The Senior Inspector shall report directly to Project Manager.

LEVEL II INSPECTOR:

Minimum Qualifications:

- Five years of experience in construction inspection, surveying or highway materials testing and inspection or a Bachelor of Science degree in Civil Engineering with one year of experience in construction inspection, surveying or materials testing and inspection. One or more of the following certifications as necessary and approved by City Engineer. Inspectors who are to perform a specific task shall be certified in said field.
- Certified Asphalt Technician Level I – Field Tester
- Certified Concrete Technician (ACI and ALDOT Certification)
- Certified Asphalt Roadway Technician

- Work Zone Safety Certification
- Radiological Safety Course Certification
- Qualified Credentialed Inspector (QCI)

Job Description:

This is skilled sub-professional engineering work in the field or office. Employees in said class shall follow standard procedures in documenting construction projects and inspecting job activities to verify they are in compliance with project plans and specifications. The inspector shall be responsible for completing a daily report documenting labor and equipment used by contractor to include a description of work performed and any pertinent conversations with contractor. The inspector will assist with office work such as plotting cross-sections and computing earthwork quantities.

The inspector shall report directly to Senior Inspector and/or Project Manager.

LEVEL I INSPECTOR:

Minimum Qualifications:

- Some experience in construction inspection, surveying or highway materials testing and inspection is preferred. One or more of the following certifications as necessary and approved by City Engineer. Inspectors who are to perform a specific task shall be certified in that particular field.
- Certified Asphalt Technician Level I – Field Tester
- Certified Concrete Technician (ACI and ALDOT Certification)
- Certified Asphalt Roadway Technician
- Work Zone Safety Certification
- Radiological Safety Course Certification
- Qualified Credentialed Inspector (QCI)

Job Description:

This is sub-professional engineering work in the field or office. Employees in said class shall follow standard procedures in documenting construction projects and

inspecting job activities to verify they are in compliance with project plans and specifications. The inspector shall be responsible for completing a daily report documenting labor and equipment used by contractor to include a description of work performed and any pertinent conversations with contractor. The inspector shall assist with office work such as plotting cross-sections and computing earthwork quantities.

The inspector shall report directly to Senior Inspector and/or Project Manager.

ADMINISTRATIVE ASSISTANT

Minimum Qualifications:

- A high school diploma or a GED certificate.

Job Description:

Employees in this class may perform a variety of clerical duties. These duties may include data entry, filing documents, sorting mail, typing documents, taking dictation, proofreading documents, making copies, greeting and directing the public, taking telephone messages, posting records, or making simple calculations.

PROFESSIONAL CIVIL ENGINEER

Minimum Qualifications:

- Must possess a Professional Engineer's License as issued by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors and must have at least one year of professional civil engineering experience.
- Qualified Credentialed Inspector (QCI)

Job Description:

This is advanced professional work in the field of civil engineering. Employees in said class perform a variety of complex engineering duties associated with planning, geodetic surveys, location, design, construction or maintenance of roads, bridges, buildings, or other civil engineering projects.

TARGET PERSON

Minimum Qualifications:

- Six months experience in surveying.

Job Description:

This is sub-professional work in the field or office. Employees in said class follow standard procedures in carrying out field or office assignments related to surveying for construction projects. Limited instrument use for construction and right-of-way stakeout, obtaining quantity cross-sections, spot checking location and elevation of different construction activities such as form work, setting of girders, pipe grades and blue top elevations as well as cutting line constitute the main activities.

INSTRUMENT PERSON

Minimum Qualifications:

- Two years experience in surveying.

Job Description:

This is skilled sub-professional surveying work in the field or office. Employees in said class follow standard procedures in carrying out field or office assignments related to surveying for construction projects. Employees in said class may be in charge of checking of contractor's work, obtaining quantity cross-sections, and staking right-of-way. Said employee must be able to operate several types of surveying equipment. The ability to read/comprehend contract plans, take and reduce field notes and complete daily reports is essential. The position shall report directly to Field Supervisor or Project Manager.

FIELD SUPERVISOR

Minimum Qualifications:

- Four years experience in surveying with at least one year of experience as a construction survey party chief.

Job Description:

This is supervisory and technical surveying work in the field or office. Employees in said class are in charge of making daily work assignments, interpreting and reading construction plans, and directing surveying activities involved with checking contractor's work, obtaining

quantity cross-sections, and staking right-of-way. Work is performed with considerable independence, but is reviewed for conformance with established policies, procedures, and applicable State laws. The ability to calculate horizontal and vertical positions as well as quantities for payment, communicate in writing and orally, and instruct personnel in the use of equipment is essential. Said position shall report directly to Project Manager or Professional Land Surveyor

PROFESSIONAL LAND SURVEYOR

Minimum Qualifications:

- Must possess a Professional Land Surveyor's License as issued by the Alabama State Board of Licensure for Professional Engineers and Land Surveyors and have at least one year of experience as a Professional Land Surveyor.

Job Description:

This is supervisory professional surveying work in the field or office as required by Alabama State Law. Employees in said class shall insure compliance to standards of practice for surveying in the State of Alabama and conformance with established policies and procedures for surveys which involve the staking of right-of-way.

C. STAFFING:

The CITY shall determine number and type of personnel needed to adequately staff and carry out responsibilities of said scope of service. The qualifications of each person proposed for assignment must be reviewed and approved in writing by City Engineer. An individual previously approved whose performance is later determined by the CITY to be unsatisfactory shall be immediately removed and replaced by the CONSULTANT within one week after notification. The CONSULTANT shall maintain an appropriate staff, as approved by City Engineer, after completion of construction to complete the final estimate. Qualified personnel, thoroughly familiar with all aspects of construction and final measurements of various pay items, shall be available to resolve disputed final pay quantities until appropriate contract is finalized.

As Contractor's operations on a contract diminish, the CONSULTANT shall reduce number of personnel assigned to said project as appropriate. Any adjustment of the CONSULTANT forces as directed by City Engineer shall be accomplished within one week after notification. The CONSULTANT shall, at all times, provide project personnel to ensure proper staffing is maintained. Personnel on a specific project shall be rotated to keep overtime to a minimum. The Project Manager shall be responsible to schedule the CONSULTANT employee work hours to avoid overtime. This shall include varying employee work hours, or the use of shift work, or rescheduling employee normal work hours in advance of expected overtime. The method of schedule modification shall be approved by City Engineer. If overtime is not held to a minimum, then SECTION 1, 7.0 (Cooperation and Performance of the CONSULTANT) of this AGREEMENT shall be enforced to replace personnel. If construction contract is suspended, the CONSULTANT'S forces shall be adjusted at the direction of City Engineer to correspond with type of suspension. In the event of a construction contract suspension which requires the removal of CONSULTANT forces from project, the CONSULTANT shall be allowed up to a maximum of five (5) days to demobilize, relocate or terminate such forces.

Should the CITY determine a need for additional classifications not set forth in this AGREEMENT, the classifications and hourly pay ranges shall be established based on mutual AGREEMENT with the CONSULTANT.

D. CERTIFICATION - Licensing for Equipment and Personnel:

The CONSULTANT shall be responsible for obtaining proper certification and licenses for equipment and personnel used on any project. Licensing of nuclear testing devices shall be obtained through the appropriate agencies. Only technicians approved by the CITY shall be authorized to operate nuclear testing devices. The CONSULTANT shall be responsible for monitoring activity (i.e. film badges/radiation levels) of their technicians who operate nuclear testing devices. Other certifications for technicians such as concrete, Asphalt Roadway, Asphalt Plant, American Traffic Safety Services Association (ATSSA) Worksite Supervisors and others if applicable shall be required. Construction Inspectors work qualifications shall be as shown in SECTION 1, Paragraph 9.0 B of this AGREEMENT.

10.0 SUBCONSULTANT SERVICES:

Upon written approval of the CITY and prior to performance of work, the CONSULTANT may subcontract for engineering surveys, materials testing, or specialized professional services. The City Engineer shall verify qualifications of personnel used by sub-consultant.

11.0 OTHER SERVICES:

The CONSULTANT shall, upon written authorization by City Engineer, perform any additional services not otherwise identified in this AGREEMENT as may be required by the CITY in connection with said Project(s).

12.0 CLAIMS REVIEW:

In the event Contractor for said project submits a claim for additional compensation and/or time after the CONSULTANT has completed this AGREEMENT, the CONSULTANT shall, by written request from the CITY, analyze the claim, prepare a recommendation to City Engineer covering validity and reasonableness of charges and/or assist in negotiations leading to settlement of said claim. Compensation for these services shall be mutually agreed between the CITY and the CONSULTANT prior to performance of said Services.

A. The CONSULTANT shall, upon written request by City Engineer, assist appropriate CITY Offices in preparing for arbitration hearings or litigation that occur after the CONSULTANT'S contract time in connection with the project covered by this AGREEMENT.

The CONSULTANT shall, upon written request by City Engineer, provide qualified Engineers and/or Engineering Technicians to serve as engineering witnesses, provide exhibits, and otherwise assist the CITY in any litigation or hearings in connection with said construction contract(s).

ARTICLE II - TIME OF BEGINNING AND COMPLETION

1. The CONSULTANT services for each on-call construction assignment shall begin after the CONSULTANT receives approved Purchase of Consultant Services for Construction Engineering and Inspection order (Form CPO – CE&I) from Division Engineer. The CPO shall constitute Notice to Proceed from the CITY. The maximum amount payable to the CONSULTANT for services on each

on-call construction assignment shall not exceed the amount stated on said CPO. The length of services as herein established for each construction contract is based on the CONSULTANT beginning work when notified and continuing work until acceptance by the CITY of described services.

2. This AGREEMENT shall be effective upon the date of approval by the Legislative Contract Review Oversight Committee, and signature of the Governor of Alabama, for a term of two years. Any requests for work by the CITY, made prior to the end of the two-year term shall be covered by this AGREEMENT.

ARTICLE III – PAYMENT

SECTION 1

Overhead shall be limited to the actual audited overhead rates. Increases in billable overhead and labor additives shall be limited to a maximum of five (5) percentage points. Profit shall be maintained at ten (10) percent of these costs. When Division requires the CONSULTANT to stay overnight at a project, the CONSULTANT shall be reimbursed for actual expenses up to the maximum allowable by State Law. Employees whose vehicles are used for work-related mileage (excluding mileage for commuting) shall be compensated at the prevailing Federal mileage rate as approved by the General Services Administration. Out-of-pocket expenses, not to exceed \$100.00, shall be paid as direct cost plus ten (10) percent. Purchases over \$100.00 shall require written authorization from appropriate Division.

For performance by the CONSULTANT of services provided for in this AGREEMENT, and as full and complete compensation therefore, including all approved expenditures and expenses incurred by the CONSULTANT in connection with this AGREEMENT, and subject to conformity with all provisions of this AGREEMENT, the CITY shall pay the CONSULTANT as follows:

- A. The total compensation to the CONSULTANT for work provided for when performed under this AGREEMENT will be as follows:
 1. Direct salary and wages – Actual salary and wages paid personnel while actually engaged in performance of work, all as determined by Finance Director of the Alabama Department of

Transportation. Listed below are labor rate ranges for the CONSULTANT'S personnel that may be working on various projects under this AGREEMENT.

<u>CLASSIFICATION</u>	<u>HOURLY PAY RANGES</u>
Professional Civil Engineer	\$28.00 to \$43.00
Project Manager	\$21.00 to \$37.00
Senior Inspector	\$17.00 to \$29.00
Level II Inspector	\$13.00 to \$24.00
Level I Inspector	\$12.00 to \$19.00
Professional Land Surveyor	\$20.00 to \$37.00
Field Supervisor	\$17.00 to \$29.00
Instrument Person	\$13.00 to \$23.00
Target Person	\$12.00 to \$19.00
Administrative Assistant	\$10.00 to \$19.00

2. All other related direct actual costs paid by the CONSULTANT, applicable to this AGREEMENT, such as printing and reproduction, and subsistence of personnel engaged on project at rates payable under state law, and for those supplies, communication equipment, etc. not included in the overhead rate. Vehicles reimbursed for work-related mileage (excluding mileage for commuting) at the prevailing Federal mileage rate as approved by the General Services Administration, see Attachment #1 for ALDOT Consultant Field Office Procedures, which Attachment #1 is made a part hereof.
3. Field office overhead and labor additive rate of 249.49 percent on direct salary and wages. The sub-consultants overhead and labor additive rate shall not exceed the prime consultant's rate. The CONSULTANT'S billable overhead and labor additive rate can only increase to a maximum of five (5) percentage points per year during the life of this AGREEMENT. Facilities Capital Cost of Money (FCCM) rate is 1.38 percent of the direct labor and no profit shall be allowed on the said item.
4. Profit at the rate of ten (10) percent applied to direct salary, overhead, and approved expenses.

5. The CONSULTANT'S home office overhead and labor additive rate, as determined by the CITY'S Bureau of Finance and Audits, External Audit Section, shall be applied to direct salary and wages. Any sub-consultant's overhead and labor additive rate shall not exceed prime consultant's rate. The CONSULTANT'S billable overhead and labor additive rate can only increase to a maximum of five (5) percentage points per year during the life of this AGREEMENT.
6. The CITY'S Bureau of Finance and Audits, External Audit Section shall be furnished a Financial Statement Audit that is in compliance with Generally Accepted Accounting Principles and an audited Statement of Indirect Cost developed in compliance with the Contract Cost Principles and Procedures stated in Volume I, Federal Acquisition Regulations, Part 31, and the audit standards contained in the Government Auditing Standards issued by the Comptroller General of the United States by the end of the fifth month after the closing of the CONSULTANT'S fiscal year.
7. Any paid overtime shall require prior authorization from Division Engineer. Billable overtime is all time worked over Forty Hours each week or holidays observed by the CONSULTANT.
 - a. The hourly overtime rate shall be 1.5 times the hourly billable rate.
 - b. Hours worked on holidays observed by the CONSULTANT shall be billable at an hourly rate of 2 times the hourly billable rate. Billable holiday work shall require prior approval by the CITY.
8. The maximum amount payable, to the CONSULTANT for work provided for under this AGREEMENT, shall not exceed Four Hundred Thousand and no/100 Dollars (\$400,000.00).

SECTION 2

- A. Certified copies of daily payrolls for personnel actively engaged on work included in this specific Rate of Pay AGREEMENT shall be furnished monthly.
 - B. Partial payments to the CONSULTANT shall be made not more often than monthly. Such payments shall be based on ninety-five percent (95%) of amount earned to date of invoice. Payment shall be subject to submission by the CONSULTANT of such vouchers or invoices, daily progress reports and such evidence of performance the CITY may deem necessary. The original invoice and (3) three
- Contract ID# ACOA 59010 ATRP (001)

copies shall be submitted by the CONSULTANT to Division Office for review, approval and forwarding to the CITY'S Bureau of Finance and Audits, External Audit Section located in Montgomery, Alabama, for payment.

- C. Five percent (5%) retainage shall be withheld by the CITY from amount earned for work completed, until all work on a requested assignment is completed and accepted by the CITY. The retainage will be held by the CITY or if requested by the CONSULTANT may be placed in an interest-bearing escrow account. The CONSULTANT shall decide how retainage is to be held prior to the execution of this AGREEMENT. The CITY shall release the retainage withheld following acceptance of work required under each assignment.
- D. The CONSULTANT shall correlate and coordinate accounting of CONSULTANT to comply with current audit system of the CITY and applicable Federal Acquisition Regulations. Since this is a cost reimbursable type of AGREEMENT, all direct job costs, and labor costs charged to said project shall be the actual rate of pay at the time work is performed and shall be subjected to audit by the CITY.

SECTION 3

The acceptance by the CONSULTANT of the final payment shall constitute and operate as a release to the CITY of all claims and of any and all liability of the CITY to the CONSULTANT, its representatives and/or assigns for all things done, furnished or relating to services rendered by the CONSULTANT under, or in connection with this AGREEMENT, or any part thereof, provided that no unpaid invoices exist because of extra work required at the request of the CITY.

SECTION 4

During the period of this AGREEMENT, the CONSULTANT shall not be employed and CONSULTANT'S employees shall not be employed by construction contractors performing work on state or federal-aid projects on which the CONSULTANT is assigned without approval in writing by the CITY.

SECTION 5

The work to be performed under this AGREEMENT shall not include any work payable to the CONSULTANT under any other AGREEMENT(S) with the CITY in effect at the time work is performed.

ARTICLE IV – MISCELLANEOUS PROVISIONS

Exhibits A, C, D, E, F, G, H, H-1, I, K, L, M, N, Y and Z attached hereto, are made a part of this AGREEMENT and the terms and provisions of such exhibits are binding on the parties respectively as fully and completely as they would bind the parties if such terms and provisions were set forth in writing in the AGREEMENT.

The CONSULTANT agrees to abide by the “ALDOT Principles of Business Conduct”.

In WITNESS WHEREOF, the Parties hereto have caused this AGREEMENT to be executed by those officers, officials and persons thereunto duly authorized, and this AGREEMENT is deemed to be effective on the date of approval by the Legislative Contract Review Oversight Committee and approval of the Governor of Alabama.

ATTEST:

HUTCHINSON, MOORE & RAUCH, LLC

By: _____
(Affix Corporate Seal)

By: _____

APPROVED AS TO FORM:

RECOMMENDED FOR APPROVAL:

Richard Johnson, P.E.
Director, Public Works Department
City of Daphne

CITY OF DAPHNE

Dane Haygood
Mayor
City of Daphne

The within and foregoing instrument is hereby approved on this _____ day of _____, 20_____.

Bob Riley
GOVERNOR, CITY OF ALABAMA

Prepared By:
Hutchinson, Moore & Rauch, LLC
2039 Main Street
Daphne, Alabama 36526
Office: (251)626-2626 Fax: (251) 626-6934
Reference: Contract ID# ACOA 59010 ATRP (001)

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2013-11**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on December 20, 2012, 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. 2011-54 and amended by Ordinances No. 2011-73 and 2012-19 and 2012-54; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of Ordinance 2011-54 and Ordinances 2011-73 and 2012-19 and 2012-54; 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 February 18, 2013; 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. 2011-54 and its amendments.

SECTION II: REPEALER

Ordinance No. 2011-54, Appendix H "Exhibit A", Ordinances No. 2011-73 and 2012-19 and 2012-54 is hereby repealed and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE ____ DAY OF _____, 2013.

**DANE HAYGOOD,
MAYOR**

ATTEST:

**REBECCA A. HAYES,
INTERIM CITY CLERK**

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2013-12**

**Ordinance to Amend the City of Daphne
Land Use and Development Ordinance
Appendix O, Low Impact Development & Green Infrastructure**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regular meeting held on December 20, 2012, considered certain proposed amendments to the City of Daphne Land Use and Development Ordinance, Ordinance No. 2011-54, and any amendments to the same; and,

WHEREAS, after such consideration the Planning Commission sent a favorable recommendation to the City Council of the City of Daphne for the approval of said amendments to the City of Daphne Land Use and Development Ordinance; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on February 18, 2013; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission, deemed that said amendments to the City of Daphne Land Use and Development Ordinance are proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and,

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

SECTION I. AMENDMENT

- a. Table of Contents to said Ordinance shall be amended to include **Appendix O: Low Impact Development/Green Infrastructure (LID/GI) Project Application;**
- b. Article 18-1(A) shall be amended to read in its entirety as follows:

18-1 GENERAL

A. Purpose:

The purpose of this section is to provide a guide for development wherein the ecological impacts to the environment are minimized through appropriate design, landscaping, erosion control, stormwater management, and proper planning. The intent of the City of Daphne is to protect valuable natural resources, the natural environment and the quality of life for all its citizens. In order to preserve the integrity, stability and the value of land, the City encourages the use of innovative, LEED-certified (Leadership in Energy and Environmental Design) and/or other “green” practices in development design. Where such methods/practices are proposed for a development said practices shall be designed in accordance with Appendix O, The Low Impact Development and Green Infrastructure Project application and certified by a credentialed professional in his/her design field.

- c. Appendix O: Low Impact Development/Green Infrastructure (LID/GI) Project Application as attached to this Ordinance, shall be added to the Land Use Ordinance in its entirety.

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

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2013.

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

DANE HAYGOOD, MAYOR

ATTEST:

**REBECCA A. HAYES,
INTERIM CITY CLERK**

**Low Impact Development / Green Infrastructure (LID/GI)
Project Application**

APPENDIX O

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1. Bioretention

Refer to Chapter 1 of Low Impact Development Guidebook, Phase I Edition V1.0, September 30, 2010.

2. Rainwater Harvesting

Refer to Chapter 2 of Low Impact Development Guidebook, Phase I Edition V1.0, September 30, 2010.

3. Constructed Stormwater Wetlands

Refer to Chapter 3 of Low Impact Development Guidebook, Phase I Edition V1.0, September 30, 2010.

4. Permeable / Porous Pavement

Refer to Chapter 4 of Low Impact Development Guidebook, Phase I Edition V1.0, September 30, 2010.

5. Riparian Buffers

5.1 Overview

Riparian buffer areas protect water quality by cooling water, stabilizing banks, mitigating flow rates, and providing for pollution and sediment removal by filtering overland sheet runoff before it enters the water. The Environmental Protection Agency defines buffer areas as, "areas of planted or preserved vegetation between developed land and surface water, [which] are effective at reducing sediment and nutrient loads." (SEMCOG, 2008)

5.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Low/Med	<ul style="list-style-type: none"> Improves water quality; Reduces runoff velocity and flow; Enhances aesthetics, habitat; Reduces shore/bank erosion; Improves flood control; and Reduces water temperature. 	<ul style="list-style-type: none"> Limited in reducing total runoff volumes; and Size of lot and/ or project may reduce ability to protect riparian buffers.
Commercial	Yes	Maintenance	Low		
Industrial	Yes	Soils	All		
Retrofit	Yes	Sun/Shade	Sun/p. shade		
Highway/Road	Limited	Stormwater Quantity Function	Low/ Med		
Recreational	Yes	Stormwater Quality Function	High/Med High		
Steep slopes	No	Habitat	Med/high		
Shallow Water Table	Yes	Drainage area	Small/med		
Poorly Drained Soils	Yes	Space required	med		

Source: SEMCOG, 2008.

5.3 Design Considerations

Applicant shall consider the following when protecting the proper riparian buffer area width and related specifications:

- Existing or potential value of the resource to be protected,
- Site, watershed, and buffer characteristics,
- Intensity of adjacent land use, and
- Specific water quality and/or habitat functions desired.

Riparian buffers shall be divided into different zones that include vegetation to enhance the quality of the body of water.

Zone 1

Also termed the "streamside zone," shall begin at the edge of the stream bank of the active channel and extend a minimum distance of 50 feet (*City of Daphne Land Use & Development Ordinance Article 18-3 C(3)*), measured horizontally on a line perpendicular to the water body. Undisturbed vegetated area shall protect the physical and ecological integrity of the stream ecosystem. The vegetative target for the streamside zone is undisturbed native woody species with native plants forming canopy, understory, and duff layer. Where such forest does not grow naturally, native vegetative cover appropriate for the area (such as grasses, forbs, or shrubs) shall be installed.

Zone 2

Also termed the "middle zone," shall extend immediately from the outer edge of Zone 1 for a minimum distance of 55 feet (ADEM 20-100'). This managed area of native vegetation shall protect key components of the stream ecosystem and provide distance between upland development and the streamside zone. The vegetative target for the middle zone is either undisturbed or managed native woody species or, in its absence, native vegetative cover of shrubs, grasses, or forbs. Undisturbed forest, as in Zone 1, is encouraged strongly to protect future water quality and the stream ecosystem. Otherwise, native vegetative cover appropriate for the area (such as grasses, forbs, or shrubs) shall be installed.

Zone 3

Also termed the "outer zone," shall extend a minimum of 20 feet immediately from the outer edge of Zone 2. This zone prevents encroachment into the riparian buffer area, filters runoff from adjacent land, and encourages sheet flow of runoff into the buffer. The vegetative target for the outer zone shall consist of native woody and herbaceous vegetation to increase the total width of the buffer; native grasses and forbs are acceptable.

5.4 Maintenance

The following maintenance activities are required with riparian buffers:

Task	Frequency/Notes
Irrigation	Twice per week for 6 weeks after planting; continued as needed during severe drought.
Dead vegetation removal and replacement	Annual.
Check for streambank erosion or gullies	Annual, repair as needed.
Mowing of turfgrass	As needed, more often in summer months. Minimum 3-5", max 12".
Check for invasive / nonnative plants	Annual, remove as needed.
Mowing of native grasses	Annual, before new growth in spring.
Correction of wildlife damage	As needed.
Repair damaged fencing	As needed (as applicable).
Tree thinning	As needed. Those with >2" diameter should not be removed. Thinning shall not occur until proper tree density or cover is present.

6. Level Spreaders

6.1 Overview

Level spreaders promote infiltration and improve water quality by evenly distributing flows over a stabilized, vegetated surface. This allows for better infiltration and treatment. There are two types of level spreaders:

Inflow

Inflow level spreaders are meant to evenly distribute flow entering into another structural BMP, such as a filter strip, infiltration basin, or vegetated swale. Examples of this type of level spreader include concrete sills and earthen berms.

Outflow

Outflow level spreaders are intended to reduce the erosive force of high flows while at the same time enhancing natural infiltration opportunities. Examples of this second type include earthen berms and a level, perforated pipe in a shallow aggregate trench and flow reaches the spreader via the solid pipe. (SEMCOG, 2008).

6.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Low	<ul style="list-style-type: none"> • Low cost; • Wide applicability; • Ability to work with other BMPs in a treatment train; and • Avoids concentrated discharges and their associated potential erosion. 	<ul style="list-style-type: none"> • Low stormwater benefits by itself; and • Careful construction and design required to function properly.
Commercial	Yes	Maintenance	Low		
Industrial	Yes	Soils	sandy		
Retrofit	Yes	Sun/Shade	Either		
Highway/Road	Yes	Stormwater Quantity Function	Low		
Recreational	Yes	Stormwater Quality Function	Low		
Steep slopes	No	Habitat	Med		
Shallow Water Table	No	Drainage area	Small		
Poorly Drained Soils	No	Space required	Large		

Source: SEMCOG, 2008.

6.3 Design Considerations

Level spreaders are considered a permanent part of a site's stormwater management system. Therefore, uphill development should be stabilized before any dispersing flow techniques are installed. If the level spreader is used as an erosion and sedimentation control measure, it must be reconfigured (flush perforated pipe, clean out all sediment) to its original state before use as a permanent stormwater feature. All contributing stormwater elements (infiltration beds, inlets, outlet control structures, pipes, etc) should be installed first. In addition, the following shall be implemented:

1. Provide as many outfalls as possible and avoid concentrating stormwater. This can reduce or eliminate the need for engineered devices to provide even distribution of flow.
2. Level spreaders are not applicable in areas with easily erodible soils and/or little vegetation. The slope below the level spreader shall be at a maximum eight percent in the direction of flow to discourage channelization. More gentle slopes (e.g., as low as one percent) are also acceptable.
3. The minimum length of flow after the level spreader (of the receiving area) shall be 15 feet.

4. Level spreaders shall not be constructed in uncompacted fill. Undisturbed virgin soil and compacted fill is much more resistant to erosion and settlement than uncompacted fill.
5. Most variations of level spreaders should not be used alone for sediment removal. Significant sediment deposits in a level spreader will render it ineffective. A level spreader may be protected by adding a forebay to remove sediment from the influent. This can also make sediment cleanout easier.
6. Perforated pipe used in a level spreader may range in size from 4-12 inches in diameter. The pipe is typically laid in an aggregate envelope, the thickness of which is left to the discretion of the engineer. A deeper trench will provide additional volume reduction and shall be included in such calculations. A layer of nonwoven geotextile filter fabric shall separate the aggregate from the adjacent soil layers, preventing migration of fines into the trench.
7. The length of level spreaders is primarily a function of the calculated influent flow rate. The level spreader shall be long enough to freely discharge the desired flow rate. At a minimum, the desired flow rate shall be that resulting from a 10-year design storm. This flow rate shall be safely diffused without the threat of failure (i.e., creation of erosion, gullies, or rills). Diffusion of the storms greater than the 10-year storm is possible only if space permits. Generally, level spreaders should have a minimum length of 10 feet and a maximum length of 200 feet.
8. Conventional level spreaders designed to diffuse all flow rates shall be sized based on the following:
 - For grass or thick ground cover vegetation:
 - 13 linear feet of level spreader for every one cubic feet per second (cfs)
 - Slopes of eight percent or less from level spreader to toe of slope
 - For forested areas with little or no ground cover vegetation:
 - 100 linear feet of level spreader for every one cfs flow
 - Slopes of six percent or less from level spreader to toe of slope

For slopes up to 15 percent for forested areas and grass or thick ground cover, level spreaders may be installed in series. The above recommended lengths should be followed.
9. The length of a perforated pipe level spreader may be further refined by determining the discharge per linear foot of pipe. A level spreader pipe should safely discharge in a distributed manner at the same rate of inflow, or less. If the number of perforations per linear foot (based on pipe diameter) and average head above the perforations are known, then the flow can be determined by the following equation:

Where: $L = Q_P / Q_L$

L = length of level spreader pipe (ft.)

QP = design inflow for level spreader (cfs)

QL = level spreader discharge per length (cfs/ft.)

AND $Q_L = Q_0 \times N$

Where:

QL = level spreader discharge per length (cfs/ft.)

Q0 = perforation discharge rate (cfs.)

N = number of perforations per length of pipe, provided by manufacturer based on pipe diameter (#/ft)

AND $Q_0 = C \times A \times \sqrt{2gH}$

Where:

Q0 = perforation discharge rate (cfs)

Cd = Coefficient of discharge (typically 0.60)

A = Cross sectional area of one perforation (ft²)

g = acceleration due to gravity, 32.2 ft./sec²

H = head, average height of water above perforation (ft.) (provided by manufacturer)

10. Flows may bypass a level spreader in a variety of ways, including an overflow structure or upturned ends of pipe. Cleanouts/overflow structures with open grates can also be installed along longer lengths of perforated pipe. Bypass may be used to protect the level spreader from flows above a particular design storm.
11. Erosion control matting, compost blanketing, or riprap on top of filter fabric shall be implemented immediately downhill and along the entire length of the level spreader, particularly in areas that are unstable or have been recently disturbed by construction activities. Generally, low flows that are diffused by a level spreader do not require additional stabilization on an already stabilized and vegetated slope.

6.4 Maintenance

The following maintenance activities are required with level spreaders:

Task	Frequency/Notes
Inspect diverter box, clean and make repairs	Monthly and after rainfall >2". Look for clogged inlet/outlet pipes and trash/debris in box.
Inspect forebay and level spreader, clean and make repairs	Monthly and after rainfall >2". Look for: <ul style="list-style-type: none"> • Sediment in forebay and along level spreader lip; • Trash and/or leaf buildup; • Scour, undercutting; • Settlement of structure (see silt downhill below spreader) • Fallen trees; and • Stone from below the spreader lip washing downhill.
Inspect the filter strip and the bypass swale and make repairs as needed	Monthly and after rainfall >2". Look for: <ul style="list-style-type: none"> • Damaged turf reinforcement or riprap rolling downhill; • Erosion within the buffer or swale; and • Gullies or sediment flows from concentrated flows downhill of level spreader.
Remove any weeds or shrubs growing on level spreader or in swale	Annual.

7. Maximize Native Plants / Minimize Sod

7.1 Overview

The goal of utilizing and maximizing native plants while minimizing sod area in the landscape is set forth to:

- Improve developed green space as habitat
- Improve water quality
- Lessen water consumption, and
- Reduce long-term maintenance costs.

This goal is applicable to all landscape/green space requirements set forth currently by the Zoning Ordinance of the City of Daphne. This allows for space that is already allocated as green space to achieve additional performance benefits through the use of LID techniques.

7.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Low/Med	<ul style="list-style-type: none"> • Improves water quality; • Reduces runoff velocity and flow; • Enhances aesthetics, habitat; • Lessens fertilizer usage and subsequent runoff; and • Reduces maintenance requirements over time, thereby reducing pollution, etc. 	<ul style="list-style-type: none"> • Limited where open field recreation and/or land uses are required; and • Projects with phased construction or large lots that would normally employ turfgrass will incur higher front end costs.
Commercial	Yes	Maintenance	Low		
Industrial	Yes	Soils	All		
Retrofit	Yes	Sun/Shade	All		
Highway/Road	Yes	Stormwater Quantity Function	Med/High		
Recreational	Yes	Stormwater Quality Function	Med/High		
Steep slopes	Yes	Habitat	High		
Shallow Water Table	Yes	Drainage area	All		
Poorly Drained Soils	Yes	Space required	N/A		

7.3 Design Considerations

When utilizing this method, a sequence of performance criteria shall be met as follows:

- First, the required landscape/green space area for the project shall be a maximum of 20% turfgrass. This satisfies the "Minimize Sod" goal of the credit.
- Second, the 80% balance of the landscape/green space area for the project shall be planting area. Planting area is defined as a planting space that has trees, shrubs, groundcover, and other plants that are located within a bed area that has a reasonable continuous organic mulch layer throughout.
- Finally, within the planting area, 70% of the area shall utilize native plant species. The native species shall be designated as such in the plant schedule on the required landscape planting plan for the project. The City reserves the right to reject a species submitted as "native" at its discretion.

A landscape plan implementing this method shall include a landscape area diagram that shows sod area vs. native species planting area vs. ornamental species planting area for the site with percentage calculations included. Note: include prohibition on invasive species? References list source.

7.4 Maintenance

The following maintenance activities are required when this technique is employed:

Task	Frequency/Notes
Irrigation	Deep, frequent irrigation to supplement inadequate rainfall is needed in the first year of planting. After this, irrigation should only be needed during extended drought periods if at all.
Dead vegetation removal and replacement	Periodic, as needed for aesthetics.
Mowing of turfgrass	As needed, more often in summer months.
Check for invasive / nonnative plants	Remove as needed.
Correction of wildlife damage	As needed.

8. Swales / Dry Swales

8.1 Overview

A swale is a narrow, gently sloping landscaped depression that collects and conveys stormwater runoff. The densely planted swale filters stormwater as it flows the length of the structure and allows infiltration of water into the ground. The swale discharges to a storm sewer or other approved discharge point. Compared to vegetated swales, LID/GI swales may be shorter and narrower, but require deeper levels of amended soil and a subsurface drain rock layer to compensate for the smaller size and to function effectively (Clean Water Services, et. al, 2009).

8.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Low	<ul style="list-style-type: none"> • Can replace curb and gutter for site drainage and provide significant cost savings; • Water quality; and • Peak and volume control with infiltration. 	<ul style="list-style-type: none"> • Limited application in areas where space is a concern; and • Unless designed for infiltration, there is limited peak and volume control.
Commercial	Yes	Maintenance	Low		
Industrial	Yes	Soils	Any		
Retrofit	Limited	Sun/Shade	Any		
Highway/Road	Yes	Stormwater Quantity Function	Low/med		
Recreational	Yes	Stormwater Quality Function	Medium		
Steep slopes	Yes	Habitat	Low		
Shallow Water Table	Yes	Drainage area	Small		
Poorly Drained Soils	Yes	Space required	Low		

Source: Clean Water Services, et. al, 2009 and SEMCOG, 2008.

8.3 Design Considerations

The following design factors shall be considered when implementing this methodology:

Sizing

The size of the swale shall depend upon the infiltration rate of existing soils. A sizing factor of 0.06 assumes the site infiltration rate is less than 2 in/hr. For example, the size of a swale managing 1,500 square feet of total impervious area would be 90 square feet (1,500 x 0.06). Size may be decreased if:

- Demonstrated infiltration rate is greater than 2 in/hr using ASTM D3395-09 method; or
- Amended soil depth is increased.

Geometry/Slopes

A swale's slope end to end shall be at least 0.5% and no more than 6%. For sites with steeper slopes, check dams may be incorporated into the design. Side slopes from the bottom to the top of the swale shall be 3:1 or less. The minimum bottom width shall be 2 feet with a minimum depth of 1 foot.

Piping for LIDA Swales

If needed, stormwater may be directed from impervious surfaces to swales by piping per plumbing code requirements, or may flow directly into the swale via curb openings. A LID/GI swale shall have no underdrain. An overflow drain shall allow no more 6 inches of water depth to collect in the swale. The overflow drain and piping must meet plumbing code requirements and direct excess stormwater to an approved disposal point.

Setbacks

The City of Daphne Land Use & Development Ordinance site-specific setback requirements shall apply.

Soil Amendment/Mulch

Amended soils with appropriate compost serve numerous benefits: infiltration; detention, retention; better plant establishment and growth; reduced summer irrigation needs; reduced fertilizer need; increased physical/chemical/microbial pollution reduction; and reduced erosion potential. Primary treatment shall occur in the top 18 inches of the swale. Amended soil in the treatment area shall be composed of imported soil, mix of one part organic compost, one part gravelly sand, and one part top soil. Compost shall be weed-free, decomposed, non-woody plant material; animal waste is not allowed. Water velocities and potential erosion shall be reduced by providing energy dissipaters such as river rock at entrances to the swale. Check with the District or local jurisdiction for Seal of Testing Approval Program (STA) Compost provider – Chad checking into this. To avoid erosion, appropriate erosion control BMPs shall be implemented.

Vegetation

The entire swale area including side slopes and treatment areas shall be planted with vegetation appropriate for the soil conditions. Planting conditions vary from wet to relatively dry within the swale. The flat bottom will be inundated frequently and shall be planted with species such as rushes, sedges, perennials, ferns, and shrubs well-suited to wet-to-moist soil conditions. The side slope moisture gradient varies from wet at the bottom to relatively dry near the top where inundation rarely occurs. The moisture gradient will vary depending upon the designed water depth, the swale depth, and side slope steepness. The transition zone from the bottom of the swale to the designed high water line or top of freeboard shall be planted with sedges, rushes, perennials, ferns, and shrubs that can tolerate occasional standing water and wet-to-moist planting conditions. The areas above the designed high water line and immediately adjacent to the swale will not be regularly inundated and shall be planted with self-sustaining, low maintenance grasses, perennials, and shrubs suitable for the local climate and site.

Native plants are encouraged, but appropriate, noninvasive ornamentals are acceptable for aesthetic and functional value. All vegetation should be densely and evenly planted to ensure proper hydrological function of the swale.

Quantities:

Bottom of the swale (wet-to-moist zone, per 100 sf) shall include at a minimum:

- 115 herbaceous plants, 1' on center spacing, ½-gal container size; or
- 100 herbaceous plants, 1' on center, and 4 shrubs, 1-gal container size, 2' on center

Side slopes and top of the swale (wet-to-moist transition zone and dry zone) shall include at a minimum:

- 1 tree per 300 sq. ft, minimum 2-gal container size by 2 ft-tall and
- 10 shrubs (1-gal) and 70 groundcovers (½-gal) per 100 sf

Side slope trees shall be selected by adaptability to wet-to-moist conditions and size at maturity. An area twice the width of the tree rootball and the depth of the rootball plus 12" (or total depth of 30", whichever is greater) shall be backfilled with amended soil for optimal growth, with no sub-surface rock layer (Clean Water Services, et. al, 2009.)

8.4 Maintenance

The following maintenance activities are required with swales:

Task	Frequency/Notes
Irrigation	As needed, water efficient irrigation shall be applied for the first two years after construction of the facility, particularly during the dry summer months, while plantings become established. Irrigation after two years is at the discretion of the owner.
Landscape maintenance (replanting and nonnative species removal).	At least twice annually, in spring and fall, evaluate and replant as necessary to ensure a minimum of 80% survival rate of the required vegetation and 90% facility coverage. Remove nonnative, invasive plant species when found in the facility. Design swales so that they do not require mowing.
Debris removal	At least twice annually, in spring and fall, remove garbage, landscaping debris and other material that may impede water flow and clog the system.
Structural inspection and maintenance	At least twice annually, in spring and fall, Check inlet pipes and outlet structure for damage or missing pieces. Inlet pipes and outlet structures shall be free of obstructions and heavy vegetation.

Note: If public, the permittee is responsible for the maintenance of the swale for a minimum of two years following construction and acceptance of the facility. All publicly maintained facilities not located in the public right-of-way must have a public easement. If private, the property owner is responsible for ongoing maintenance per a recorded maintenance agreement (Clean Water Services, et. al, 2009).

9. Sand Filter/Oil and Grit Separation

9.1 Overview

Constructed filters are structures or excavated areas containing a layer of sand, compost, organic material, peat, or other media that reduce pollutant levels in stormwater runoff by filtering sediments, metals, hydrocarbons, and other pollutants. Constructed filters are suitable for sites without sufficient surface area available for bioretention.

9.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Limited	Construction Cost	Med/high	<ul style="list-style-type: none"> • Good water quality performance; • Variations for different applications; and • Can be effective pretreatment for other BMPs. 	<ul style="list-style-type: none"> • Limited water quantity benefits; • Relatively high cost; and • High maintenance needs.
Commercial	Yes	Maintenance	High		
Industrial	Yes	Soils	n/a		
Retrofit	Yes	Sun/Shade	n/a		
Highway/Road	Yes	Stormwater Quantity Function	Low/high*		
Recreational	Yes	Stormwater Quality Function	High/med /low (temp)		
Steep slopes	n/a	Habitat	n/a		
Shallow Water Table	n/a	Drainage area	Max 5 acre		
Poorly Drained Soils	n/a	Space required	low		

*Function is low without infiltration and increases when infiltration is provided. Source: SEMCOG, 2008.

9.3 Design Considerations

The following design factors shall be considered when implementing this methodology:

1. All constructed filters shall be designed so that larger storms may safely overflow or bypass the filters. Flow splitters, multi-stage chambers, or other devices may be used. A flow splitter may be necessary to allow only a portion of the runoff to enter the filter. This would create an "off-line" filter, where the volume and velocity of runoff entering the filter is controlled. If the filter is "on-line", excess flow shall be designed to bypass the filter and continue to another water quality BMP.
2. Entering velocity shall be controlled. A level spreader may be used to spread flow evenly across the filter surface during all storms without eroding the filter material. Level spreaders for this purpose should use a concrete lip or other non soil material to avoid clogging as a result of failure of the level spreader lip. Parking lots may be designed to sheet flow into filters. Small rip-rap or landscaped riverstone edges may be used to reduce velocity and distribute flows more evenly.
3. Contributing areas shall be stabilized with vegetation or other permanent soil cover before runoff enters filters. Permanent filters shall not be installed until the site is stabilized. Excessive sediment generated during construction can clog the filter and prevent or reduce the anticipated post construction water quality benefits.
4. Pretreatment may be necessary in areas with especially high levels of debris, large settled particulates, etc. Pretreatment may include a forebay, oil/grit separators, vegetated filter strips, or grass swales. These measures will settle out the large particles and reduce velocity of the runoff before it enters the filter. Regular maintenance of the pretreatment is critical to avoid wastes being flushed through and causing the filter to fail.
5. There shall be sufficient space (head) between the top of the filtering bed and the overflow of the filter to allow for the maximum head designed to be stored before filtration.

6. The filter media may be a variety of materials (sand, peat, GAC, leaf compost, pea gravel, etc.) and in most cases should have a minimum depth of 18 inches and a maximum depth of 30 inches, although variations on these guidelines are acceptable if justified by the designer. Coarser materials allow for greater hydraulic conductivity, but finer media filter particles of a smaller size.

Sand has been found to provide a good balance between these two criteria, but different types of media remove different pollutants.

The filter media shall have a minimum hydraulic conductivity (k) as follows:

- Sand 3.5 feet/day;
- Peat 2.5 feet/day; and
- Leaf compost 8.7 feet/day.

Depending on the characteristics of the stormwater runoff, a combination of filter materials will provide the best quality results. In addition to determining the degree of filtration, media particle size determines the travel time in the filter and plays a role in meeting release rate requirements.

7. A gravel layer at least six inches deep is required beneath the filter media.
8. Underdrain piping shall be four-inch minimum (diameter) perforated pipes, with a lateral spacing of no more than 10 feet. A collector pipe can be used, (running perpendicular to laterals) with a slope of one percent. All underground pipes shall have clean-outs accessible from the surface. Underdrain design must minimize the chance of clogging by including a pea gravel filter of at least three inches of gravel under the pipe and six inches above the pipe.
9. Infiltration filters shall be underlain by a layer of permeable nonwoven geotextile.
10. A total drawdown time of not more than 72 hours is recommended for constructed filters, though the surface should drawdown between 24 and 48 hours. The drawdown time can be estimated using the filter surface area and the saturated vertical infiltration rate of the filter media. If the storage does not drawdown in the time allowed, adjust pretreatment depth, filter media depth, and surface area. Adjust the design until the volume (if applicable) and drainage time constraints are met.
11. The filter surface area may be estimated initially using Darcy's Law, assuming the soil media is saturated:

$A = V \times d_f / [k \times (h_f + d_f) \times t_f]$, where:

A = Surface area of filter (square feet)

V = Water volume (cubic feet)

d_f = Depth of filter media (min 1.5 ft; max 2.5 ft)

t_f = Drawdown time (days), not to exceed 3 days

h_f = Head (average head in ft; typically $\frac{1}{2}$ the maximum head on the filter media, which is typically \leq to 6 ft)

k = Hydraulic conductivity (ft/day)

12. For vegetated filters, a layer of nonwoven geotextile between non-organic filter media and planting media shall be required.

9.4 Maintenance

The following maintenance activities are required with sand filter/oil and grit separation:

Task	Frequency/Notes
Filter media inspection and maintenance, replacement as necessary	Four times per year. Check for accumulated sediment in pore space, and reduced hydraulic conductivity. Symptoms include: <ul style="list-style-type: none"> • Standing water – any water left in a surface filter after the design drain down time indicates the filter is not functioning according to design criteria. • Film or discoloration of any surface filter material – this indicates organics or debris have clogged the filter surface.
Remove trash and debris	Four times per year
Rake scrape silt if collected on top of the filter	Four times per year
Till and aerate filter area	Four times per year
Replenish filtering medium	Four times per year, if scraping/removal has reduced depth of filtering media
Repair leaks from the sedimentation chamber or deterioration of structural components	Four times per year
Clean out accumulated sediment from filter bed chamber and/or sedimentation chamber	Four times per year
Clean out accumulated sediment from underdrains	Four times per year

Note: In areas where the potential exists for the discharge and accumulation of toxic pollutants (such as metals), filter media removed from filters must be handled and disposed of in accordance with all state and federal regulations.

10. Green Roofs

10.1 Overview

A green roof (or ecoroof) is a lightweight vegetated roof system with waterproofing material, drainage, growing medium, and specially selected plants. A green roof can reduce site impervious area and manage stormwater runoff. Green roofs reduce peak runoff to near predevelopment rates and reduce annual runoff volume by at least 50% (Cost Benefit Evaluation of Ecoroofs, Portland Bureau of Environmental Services, 2008). Green roofs also help mitigate runoff temperatures by keeping roofs cool and retaining most of the runoff in dry seasons. Green roofs typically have thin layers of lightweight growing medium (4 to 8 inches) and low growing succulent vegetation. Alternatively, roof gardens that are designed to be walked on have deeper soils (8+ inches) and are more heavily planted. Professional design consultation is necessary to ensure the structural requirements of building codes are met. Green roofs must be low maintenance and use irrigation only to sustain the health of vegetation.

10.2 Application and Limitations

Application		Considerations		Benefits	Limitations
Residential	Yes	Construction Cost	Varies	<ul style="list-style-type: none"> • Increased energy efficiency; • Improved air quality; • Reduced temperatures in urban areas; • Noise reduction; • Improved aesthetics; • Extended roof life; and • Improved stormwater management. 	<ul style="list-style-type: none"> • Complex engineering and design factors, • Higher initial cost than conventional; • Climate limitations; and • Potentially costly repairs.
Commercial	Yes	Maintenance	Moderate/high		
Industrial	Yes	Soils	n/a		
Retrofit	No	Sun/Shade	Sun		
Highway/Road	n/a	Stormwater Quantity Function	Varies		
Recreational	n/a	Stormwater Quality Function	Good		
Steep slopes	n/a	Habitat	Good		
Shallow Water Table	n/a	Drainage area	Roof Size		
Poorly Drained Soils	n/a	Space required	Small		

Source: Clean Water Services, et. al, 2009 and SEMCOG, 2008.

10.3 Design Considerations

Sizing

Green roofs replace impervious area at a 1:1 ratio. They shall not receive water from other impervious areas such as an adjacent conventional roof.

Slope

Maximum roof pitch is 4:12 (3H:1V slope) unless the applicant provides documentation of runoff retention and erosion control on steeper slopes.

Waterproofing

On the roof surface a waterproofing material such as modified asphalt, synthetic rubber, or reinforced thermal plastics is required. Waterproofing materials also may act as a root barrier. Waterproof membranes shall be thoroughly tested to identify and remedy potential defects and leaks prior to installation of any green roof components.

Protection boards or materials (recommended)

These materials protect the waterproof membrane from damage and are usually made of soft fibrous materials. They may be required to maintain the waterproofing warranty, depending on the membrane used. Consult with roofing manufacturer for requirements.

Ballast (optional)

Gravel ballast may be placed along the roof perimeter and at air vents or other vertical elements to separate roofing elements and vegetation. The need for ballast depends on the type of roof and rooftop flashing details. Ballast or rooftop pavers may be used to provide access, especially to vertical elements that require maintenance.

Header/separation board (optional)

If needed, a header or separation board may be placed between gravel ballast and soil or drains.

Root barrier

A root barrier may be required, depending on the waterproofing material, warranty requirements, and the types of vegetation proposed. Root barriers impregnated with pesticides, metals, or other chemicals that could leach into stormwater shall not be applied unless documentation that leaching does not occur is provided. If a root barrier is used it must extend under any gravel ballast and the growing medium, and up the side of any vertical elements.

Drainage

A method of drainage shall allow excess water to flow into drains when soils are saturated. A manufactured drain mat, filter fabric, aggregate or gravel layers, or the growing medium itself may be used if water drains when soils are saturated. The green roof shall have an approved discharge location and drain or drains.

Growing medium

The growing medium depth is 3 to 4 inches or more, depending on the project. This material shall be lightweight and provide a good base for plant growth. Mixes range from 5% organic/95% inorganic to 30% organic/70% inorganic, depending on specific vegetation needs. Growing media shall be stable over time and not break down into fine particles that might increase compaction and clog drainage layers. Components include pumice, perlite, paper pulp, digested organic fiber, and water retention components such as expanded slate, diatomaceous earth, or polymers. For growing media specification, include all constituent elements and their percent composition, and a saturated weight per cubic foot (pcf) that has been tested by a third party lab.

Vegetation and coverage

Green roof vegetation traits:

- Adapted to seasonal drought, excess heat, cold and high winds and other harsh conditions;
- Fire resistant;
- Requires little or no irrigation once established;
- Predominately self-sustaining, low maintenance, with minimal fertilizer;
- Perennial or self-sowing annuals that are dense and mat-forming; and
- Diverse palette to increase survivability and good coverage.

Examples of appropriate species: Sedum, ice plant, blue fescue, sempervivum and creeping thyme. Other herbs, forbs, grasses, and low groundcovers can provide additional benefits and aesthetics, but may need more watering and maintenance to survive and may be prone to additional fire risk if allowed to dry out. Planting lists shall be City-approved and based on reliable sources from this region including local growers and plant suppliers.

Species shall achieve 90% plant coverage within the 2 year maintenance period. At least 70% of the green roof should be evergreen species. No more than 10% of the green roof may be non-vegetated components such as gravel ballast or pavers for maintenance access. Mechanical units may protrude through the green roof, but are not considered elements of the green roof and may be removed from square foot totals.

Exposed areas during establishment periods shall be mulched with an approved, biodegradable mesh blanket, straw, gravel, and pebbles or pumice to protect exposed soil from erosion.

10.4 Maintenance

The following maintenance activities are required with sand filter/oil and grit separation:

Task	Frequency*/Notes
Remove drain debris	Monthly during rainy season.
Remove dead plants and replant	As needed in spring and fall to maintain the required 90% plant coverage.
Remove weeds and undesirable plant growth	During first growing season monthly, and in late spring and early fall in subsequent years.
Fertilization	As needed, non-chemical, organic and slow release as approved by the City of Daphne.
Weed/pest abatement	Pesticides and herbicides of any kind are prohibited, unless approved by the City of Daphne to contain a detrimental outbreak of weeds or other pests.
Irrigation	As needed, minimal irrigation may be necessary to maintain vegetation health and ecological function of green roofs. Harvested rainwater is highly recommended for irrigation. Green roofs larger than 1,000 square feet should have an automatic irrigation system for more efficient coverage and to eliminate the need for hand watering. Those larger than 5,000 square feet also should have an irrigation flow meter to monitor water usage.

*The level of maintenance will vary depending on soil depth, vegetation type, and location.

References:

Brantley, Eve (Auburn University) Dylewski, Katie (Auburn University), Roberts, Jess (Auburn University), Shelton, Michael (Weeks Bay National Estuarine Research Reserve). September 30, 2010. Low Impact Development Guidebook, Phase I Edition V1.0.

SEMCOG (Southeast Michigan Council of Governments Information Center. www.semcoq.org) and Michigan Department of Environmental Quality. Low Impact Development Manual For Michigan. A Design Guide for the Implementers and Reviewers. 2008.

Clean Water Services, Tualatin Basin Natural Resources Coordinating Committee's Public Education and Outreach Committee, and Oregon Department of Environmental Quality (DEQ). July 2009. Low Impact Development Approaches Handbook.

Low Impact Development / Green Infrastructure (LID/GI) Project Application

Applicant: _____ Project Name: _____

_____ LID/GI Techniques have been considered for this project but are not being implemented for the following reason(s) _____

_____ LID/GI Techniques and have been considered and are being implemented in exchange for incentives as requested below. Plans illustrating proposed technique are included in submittal package.

Selected ✓	LID/GI Technique*	Point Value	Applicant's Description of Technique <i>(including scale/ extent of use in project)</i>	Reference Plan Sheet	Points Requested
	Bioretention	7			
	Constructed Stormwater Wetlands	7			
	Permeable / Porous Pavement	4			
	Riparian Buffers	7			
	Level Spreaders	5			
	Maximize Native Plants / Minimize Sod	5			
	Swales / Dry Swales	3			
	Rainwater Harvesting	4			
	Sand Filter / Oil and Grit Separation	4			
	Green Roofs	1			

*Refer to Appendix O for LID/GI technique requirements.

Total Technique Points: _____

Low Impact Development / Green Infrastructure (LID/GI) Project Application (Continued)

Selected (✓)	Incentive Description	Final Point Value	Points Used
	Reduced parking requirements Option A _____		
	Reduced parking requirements Option B _____		
	Waived permit fees		
	Reduced permit fees		

Total Technique Points: _____

Note: Total technique points must be greater than or equal to total incentive points.

_____ I certify that all of the LID/GI techniques and incentives have been analyzed and selected, as applicable, for the design of this project as indicated above. I also certify that the techniques selected, as applicable, will be implemented for this project as referenced on Plan Sheets provided in the application package.

Signature of Applicant/Authorized Agent

Date