

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
MAY 20, 2013
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL / INVOCATION

- 3. APPROVE MINUTES:** Council meeting minutes / May 6, 2013
Council Work Session minutes / May 13, 2013

PRESENTATION: Ryan Ramsay / Eagle Scout Project / **MOTION:** To approve project

PROCLAMATION: Public Works Week / May 19-25, 2013

PUBLIC HEARING:

Annexation: GCOF The Retreat at Tiawasee, LLC
Location: Southwest of the intersection of Tiawasee Boulevard and County Road 13
Present Zoning: RSF-2, Single Family District, Baldwin County
Requested Zoning: R-2, Medium Density Single Family Residential District, City of Daphne
Recommendation: Favorable

MOTION: To appoint a committee to review revisions to the Sign Provisions of the Land Use and Development Ordinance to report back to Council within 60 days. Each Council member will appoint one (1) person to the committee

MOTION: To Call a Special Called Council Meeting for May 30, 2013 for a Federal Court Ordered Mediation for Lamar Signs

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Conaway

Review minutes / May 13th

1. Ordinances:

- a. Appropriation of Funds: Fire Engine #4 #822 Repair / **Ordinance 2013-28**
- b. Appropriation of Funds: Mobile Bay National Estuary Program Community Contribution / **Ordinance 2013-29**

2. Resolutions:

- a. Bid Award: 2013-M- City Hall Roof Restoration / Kiker Corporation / **Resolution 2013-33**

3. Financial Reports:

- a. Treasurers Report / April 30, 2013
- b. Sales Tax Collections / March 31, 2013
- c. Lodging Tax Collections / March 31, 2013

B. BUILDINGS & PROPERTY COMMITTEE- Davis

C. PUBLIC SAFETY - Rudicell

Review minutes / May 8th

MOTION: To authorize the Police Department to apply for an SRO Grant and authorize the Mayor to sign the grant application

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Fry

Review minutes / May 8th

MOTION: Set a Public Hearing Date for June 3, 2013 to consider the Public Indecency Ordinance, and authorize advertising of Public Hearing

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - LeJeune

Review minutes / April 15th

Review Beautification minutes / May 1st

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

Review minutes / January 3rd

Appoint Philip Durant (*Alternate Supernumerary*) to replace Jim Moss / Term to end July 2015

Re-appoint Larry Cook / Term to end May 2016

Nomination: 1st Alternate Supernumerary position: William E. Scully / Term to end May 2016

B. Downtown Redevelopment Authority - Conaway

Review minutes / April 24th

C. Industrial Development Board – Davis

D. Library Board - Lake

E. Planning Commission – Scott

Review minutes / March 28th

Set a Public Hearing date for June 17, 2013 , and authorize advertising to consider:

Rezoning:	Earth, Inc.
Location:	Southwest of the intersection of Park Drive and Tallent Lane, east of the Daphne Sports Complex
Present Zoning:	R-3, High Density Single Family Residential District
Requested Zoning:	R6 (G) , Garden or Patio Homes
Recommendation:	Motion Failed to set forth an unfavorable recommendation which is No recommendation

F. Recreation Board - LeJeune

Review minutes / April 10th

G. Utility Board - Fry

6. REPORTS OF OFFICERS:

A. Mayors Report

a. Parade Permit / Christ the King / Annual Pilgrimage Walk / June 1, 2013

b. Parade Permit / Arthritis Foundation / Annual 5K and 1 Mile Fun Run / December 7, 2013

- B. City Attorney’s Report*
- C. Department Head Comments*
- City Clerk Report:*

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Declaring Certain Property Surplus. /Resolution 2013-31**
- b.) **Acceptance of Streets & Drainage / Dunmore Subdivision /Resolution 2013-32**
- c.) **Bid Award: City Hall Roof Restoration / Kiker Corporation /Resolution 2013-33**

ORDINANCES:

2ND READ

- a.) **Appropriation of Funds: Fiscal 2013 Capital & Personnel. /Ordinance 2013-25**
- b.) **Amendments to Pay Plan, Hiring Practices and Pay Raise Policy. /Ordinance 2013-26**

1ST READ

- c.) **Annexation: GCOF Retreat at Tiawasee, LLC. /Ordinance 2013-27**
- d.) **Appropriation of Funds: Williams Property Acquisition and Remediation for Yancey Branch Sediment. /Ordinance 2013-28**
- e.) **Appropriation of Funds: Mobile Bay National Estuary Program Community Contribution. /Ordinance 2013-29**
- f.) **Regulating Solicitation. /Ordinance 2013-30**

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL**

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 DAVIS	PRESENT___	ABSENT___

MAYOR:

MAYOR HAYGOOD	PRESENT___	ABSENT___
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CITY CLERK:

REBECCA HAYES	PRESENT___	ABSENT___
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CITY ATTORNEY:

JAY ROSS	PRESENT___	ABSENT___
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**MAY 6, 2013
CITY COUNCIL MEETING
BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

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

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGAANCE:

Dr. Robert C. McKibben from the Daphne United Methodist Church gave the invocation.

3. COUNCIL MEMBERS PRESENT:

Tommie Conaway; Pat Rudicell, John Lake; Randy Fry; Ron Scott; Robin LeJeune; Joe Davis, III.

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Jay Ross, City Attorney; David Carpenter, Police Chief; James White, Fire Chief; Vickie Hinman, HR Director; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Michael Hoyt, Municipal Judge; Suzanne Henson, Senior Accountant; Richard Merchant, Building Official; Tonja Young, Library Director; Joey Holasz, Fire Department; Willie Robison, BZA; Selena Vaughn, Beautification Committee; Tomasina Werner, Beautification Committee.; Joe Lemoine, Planning Commission; Kyle Navarro, Attorney, Adams & Reese.

Absent: Kim Briley, Finance Director; Adrienne Jones, Director of Community Development;.

3. APPROVE MINUTES:

April 15, 2013 Council meeting minutes

The April 15, 2013 Council meeting minutes were amended to remove Council President Scott as opening the meeting as he was absent. The minutes stand approved as amended.

PRESENTATION: Graduates of Huntingdon College

There were 15 graduates, and five (5) were present to be recognized for their accomplishment.

PRESENTATION: Beautification Award

The Beautification Committee presented the award to Baldwin Bone and Joint. Mr. Carlisle accepted the award.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Conaway

The next meeting will be Monday, May 13th at 4:00 p.m.

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B. BUILDINGS & PROPERTY COMMITTEE - Davis

The committee met at 5:30 p.m. today, and the minutes will be in the next packet.

C. PUBLIC SAFETY COMMITTEE – Rudicell

The minutes for the April 10th meeting are in the packet. The committee discussed installing a speed bump on College Avenue. The next meeting will be Wednesday.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Fry

The next meeting will be Wednesday after the Public Safety meeting. The committee will be discussing some business ordinances, and the Animal Control ordinance where all the amendments have been combined into one ordinance.

E. PUBLIC WORKS COMMITTEE – LeJeune

The next meeting will be May 13th at 5:00 p.m..

5. REPORTS OF SPECIAL BOARDS & COMMITTEES:

A. Board of Zoning Adjustments – Adrienne Jones

Mr. Willie Robison, Chairman of the BZA reported that the board met to consider two (2) appeals, and both were denied. There will not be a meeting in June.

B. Downtown Redevelopment Authority – Conaway

The Authority met on April 24th, and the minutes will be in the next packet.

C. Industrial Development Board – Davis

The board had a special meeting April 30th, and the minutes are in the packet. The board will be reviewing current operating procedures and the by-laws to make sure they are current.

D. Library Board – Lake

The next meeting will be Thursday at 4:00 p.m.

E. Planning Commission – Scott

The Commission met last Thursday, and the minutes will be in the packet after they are approved. A rezoning will be coming to council for approval.

F. Recreation Board – LeJeune

No report.

G. Utility Board – Fry

The minutes from the February 27th meeting are in the packet. The audit report was excellent for the utilities thanks to the staff and chairman of the board.

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6. **REPORTS OF OFFICERS:**

A. *Mayor's Report*

- a.) **MOTION:** Due to the exceptional job qualifications of a Children's Librarian candidate, the Mayor is authorized to negotiate the beginning salary of the position within Job Grade 18 not to exceed Step 6.

MOTION BY Councilman Lake that due to the exceptional job qualifications of a Children's Librarian candidate, the Mayor is authorized to negotiate the beginning salary of the position within Job Grade 18 not to exceed Step 6. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

b.) **MOTION:**

- a.) To recognize a special occasion "The 180 Day Promotional Period for Commercial and Retail Establishments":

The City Council recognizes the economic recession and the on-going impacts of the economic down-turn as it relates to businesses in the City of Daphne. The City Council hereby recognizes "The 180 Day Promotional Period for Commercial and Retail Establishments" beginning on May 30, 2013 and ending November 26, 2013. This motion may be rescinded in the future in the event new Sign Provisions are adopted as part of the Land Use & Development Ordinance.

MOTION BY Council LeJeune To recognize a special occasion "The 180 Day Promotional Period for Commercial and Retail Establishments":

The City Council to recognizes the economic recession and the on-going impacts of the economic down-turn as it relates to businesses in the City of Daphne. The City Council hereby recognizes "The 180 Day Promotional Period for Commercial and Retail Establishments" beginning on May 30, 2013 and ending November 26, 2013. This motion may be rescinded in the future in the event new Sign Provisions are adopted as part of the Land Use & Development Ordinance. *Seconded by Councilman Fry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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b.) **MOTION:** To exercise the authority of the City Council granted by Section 33-5(e)(1) of the Land Use & Development Ordinance 2011-54:
The City Council has determined that “The 180 Promotional Period for Commercial and Retail Establishments” and it is hereby designated by the City Council as an occasion to allow the following temporary promotional signs for commercial and retail establishments: temporary signs and banners not exceeding fifty (50) feet in area, temporary decorative flags, tethered inflatable items, bunting, pennants and streamers as provided in Section 33-5(e)(1) of the Land Use & Development Ordinance 2011-54.

Therefore, temporary signs and banners, temporary decorative flags, tethered items, bunting, pennants and streamers are authorized in the City of Daphne each Friday at 12:00 noon a.m. through Sunday at 11:59 p.m. beginning May30, 2013 and ending November 26, 2013. This motion does not suspend or replace any provisions of the sign ordinance, and reiterates that all other requirements of the sing ordinance remain under stringent and uniform enforcement. Each must meet all other requirements and provisions of the Land Use and Development Ordinance 2011-54. This motion may be rescinded in the future in the event new Sign Provisions are adopted as part of the Land Use & Development Ordinance.

MOTION BY Councilman LeJeune To exercise the authority of the City Council granted by Section 33-5(e)(1) of the Land Use & Development Ordinance 2011-54:

The City Council has determined that “The 180 Promotional Period for Commercial and Retail Establishments” and it is hereby designated by the City Council as an occasion to allow the following temporary promotional signs for commercial and retail establishments: temporary signs and banners not exceeding fifty (50) feet in area, temporary decorative flags, tethered inflatable items, bunting, pennants and streamers as provided in Section 33-5(e)(1) of the Land Use & Development Ordinance 2011-54.

Therefore, temporary signs and banners, temporary decorative flags, tethered items, bunting, pennants and streamers are authorized in the City of Daphne each Friday at 12:00 noon a.m. through Sunday at 11:59 p.m. beginning May30, 2013 and ending November 26, 2013. This motion does not suspend or replace any provisions of the sign ordinance, and reiterates that all other requirements of the sing ordinance remain under stringent and uniform enforcement. Each must meet all other requirements and provisions of the Land Use and Development Ordinance 2011-54. This motion may be rescinded in the future in the event new Sign Provisions are adopted as part of the Land Use & Development Ordinance. *Seconded by Councilman Fry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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c.) **MOTION:** Extend New Cingular Wireless, PCS, LLC Temporary Site License (*COW*)

MOTION BY Councilman Fry to authorize the Mayor to enter into an extended contract with AT&T for the COW. *Seconded by Councilman Fry.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

B. City Attorney's Report

Mr. Ross asked council to adjourn into Executive Session at the end of the meeting to discuss pending litigation, and buying and selling of real property. No vote will be required. The session will take about an hour.

C. Department Head Comments

David Carpenter – Police Chief – reported that they made an arrest in the murder at the Eastern Shore Motel. The suspect confessed.

James White – Fire Chief – reported that the new fire truck has been delivered, and is at Sunbelt for stripping.

Tonja Young – Library Director – reported the Summer Reading Program will kick off June 3rd. She thanked council for the hiring motion for the Children's Librarian.

Michael Hoyt – Municipal Judge – reported that they have had an intern from Faulkner working on a degree in criminal justice that has been helping out. They can now accept credit cards.

David McKelroy – Recreation Director - reported the Rec Board will meet Wednesday, May 8th at 6:30 p.m. Brown Bag by the Bay will be Thursday from 11:30-1:30 at May Day Park. The Sunday Series will May 19th with the Mobile Big Band, and will be the last one for the season.

Margaret Thigpen – Civic Center Director – reported that the Baldwin County Economic Development Alliance Job Fair is tomorrow with 51 vendors. Friday is Ballroom Dance.

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City Clerk Report – Rebecca Hayes

a.) Parade Permit / Lupus Foundation / Fund Raiser / March 15, 2014

MOTION BY Councilman Fry to approve the Parade Permit for the Lupus Foundation / Fund Raiser / March 15, 2014 *Seconded by Councilman Davis.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

7. PUBLIC PARTICIPATION:

Mr. Kevin Spriggs – Owner of the Eastern Shore Motel - appreciates the work done by the Police Department in apprehending the assailant in the murder that took place at his motel. He supports Public Safety saying the more officers that are on the street cuts down crime.

Mr. Willie Robison – 560 Stuart Street – spoke regarding the last Honor Flight for this area, and encouraged everyone to go out to meet the plane on its return.

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) Authorize Applying for 2013 Transportation Enhancement and 2013 Transportation Alternative Program Grants/Resolution 2013-30

MOTION BY Councilwoman Conaway to wave the reading of Resolution 2013-30. *Seconded by Councilman Lake*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilwoman Conaway to adopt Resolution 2013-30. *Seconded by Councilman Lake.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES:

2nd READ

a.) An Ordinance to Control Public and Private Outdoor Lighting/Ordinance 2013-23

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1ST READ

b.) Appropriation of Funds: Fiscal 2013 Capital & Personnel. /Ordinance 2013-25

c.) Amendments to Pay Scale Plan, Hiring Practices
 and Pay Raises. /Ordinance 2013-26

MOTION BY Councilman Lake to waive the reading of Ordinance 2013-23. *Secoded by Councilman Davis.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Lake to adopt Ordinance 2013-23. *Secoded by Councilman Davis.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Fry to amend the agenda to include Ordinance 2013-26 regarding Revision to Employee Pay Scale. *Secoded by Council LeJeune.*

ROLL CALL VOTE

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES 2013-25 AND 2013-26 ARE 1ST READ.

9. COUNCIL COMMENTS:

Mayor Haygood congratulated Adrienne Jones on he 18th wedding anniversary, and the Police Department on the homicide investigation. He spoke to Hoss Mack with the Baldwin County Sheriffs Department and he was very complimentary of Judd Beedy and Jason Vannoy. He thanked Reverend McKibben for their involvement with the National Day of Prayer Celebration

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at City Hall. He said a special thanks to Mrs. Jewel Lawson for the luncheon for the city employees held today. She has been doing that for 10 years. He thanked Richard Johnson for applying for the Transportation Enhancement grant. He reported the Relay for Life Team raised \$6,000, and thanked Jay Ross for donating a TV for raffle, and those that contributed through payroll deduction. He thanked everyone that was involved with the event.

Councilman Lake congratulated Mrs. Conaway for breaking the record with a 36 minute council meeting.

Councilman Fry reported that the Baldwin Pops Sunset Series was well attended. He said there was great staff participation. He invited all to the last show. He has been to a return of the Honor Flight, and it is something to be seen.

Councilman Davis commented on organizations within the city that helps people. The YMCA helps young people and families. He encouraged all to support the organizations that are benefiting the community.

10. ADJOURN:

MOTION BY Councilman Fry to adjourn into Executive Session to discuss pending litigation and the purchase of real property.

The City Attorney certified that the foregoing reasons were appropriate reasons to enter into Executive Session according to the Open Meetings Act. The session will last one (1) hour.

Seconded by Councilman Lake.

ROLL CALL VOTE

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:30 P.M.

Respectfully submitted by,

Certification of Presiding Officer,

Rebecca A. Hayes, City Clerk

Ron Scott, Council President

MAY 13, 2013
CITY COUNCIL WORK SESSION
1705 MAIN STREET
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6:30 P.M.

1

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

Also present: Mayor Dane Haygood; Rebecca Hayes, City Clerk; Jay Ross, City Attorney; Richard Johnson, Public Works Director; Adrienne Jones, Director of Community Development; Vickie Hinman, Human Resources Director; Margaret Thigpen, Civic Center; Joe Lemoine, Planning Commission; Tomasina Werner, Beautification Committee; Selena Vaughn, Beautification Committee.

Absent: Jay Ross, City Attorney.

Council President Scott called the meeting to order at 6:33 p.m.

1. ACTION ITEMS UPDATE:

A. Strategic Plan / Councilman Davis

Six steps to creating a Strategic Plan:

- a. Information collection
- b. Participants
- c. Purpose for Strategic Plan
- d. Vision for the city
- e. Guiding principals
- f. Goals and objectives

Goals:

1. To be financial sustainable / Respond to core services and infrastructure
2. Neighborhood integrity
3. Diverse growing economy
4. Green sustainable city
5. Best place to live

He would need input from the Mayor, Council, city staff, and agencies that benefits and impacts the city.

Council President Scott stated that they need to come up with the next action. He asked councilman Davis to work with the Mayor to come up with citizens to help with the Strategic Plan.

Mayor Haygood feels that this is not fostering interaction with council, and he would like to see have recurring meetings with council, maybe bi-weekly, to advance discussion.

1. Nicholson Center / Councilman Lake

Councilman Lake will meet with someone on Thursday regarding utilizing the building.

3. Grants / Councilwoman Conaway

Councilwoman Conaway stated that the grant class that she, Councilman Lake and the City Clerk, Rebecca Hayes, are taking is almost finished there is only a couple more classes. She spoke to the Mayor on the need to get others that have obtained grants for the city and pool resources to apply for grants for the city.

2. SIGN ORDINANCE REVIEW / MAYOR HAYGOOD

Councilman Lake again urged the council that this needs to go to a committee.

Council discussed what path to take regarding revisions to sign provisions.

Consensus of Council was to have a motion on the agenda for Monday to appoint a committee to review the sign provisions of the Land Use ordinance, and to put a 60 day limit for their recommendations. Each council member will nominate one (1) person to be appointed to the committee.

3. EMPLOYEE PAY SCALE ORDINANCE / MAYOR HAYGOOD

Mayor Haygood answered question from council regarding the revision to the employee pay scale ordinance.

No consensus from council.

4. SRO GRANT / POLICE DEPARTMENT / COUNCILMAN RUDICELL

Councilman Rudicell stated that this grant would be a 75/25 match for hiring two (2) officers for three (3) years at a cost of approximately \$77,000.

Consensus of Council was to have a motion authorizing the Mayor to sign off on the SRO grant for the Police Department on Monday's agenda.

5. WHATEVER ELSE IS DEEMED NECESSARY

a.) *Purchase of Williams Property*

There is now a signed contract for the Williams property for \$96,000.

Council discussed which funding source to take the funds for the purchase the General Fund or Lodging Tax.

Consensus of the Council was to have a motion on the agenda for Monday to use funds from the General Fund for the purchase of the property.

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6. ADJOURN

There being no further business to discuss the meeting adjourned at 7:53 p.m.

Respectfully submitted by,

Rebecca A. Hayes,
City Clerk

Certification of Presiding Officer:

Ron Scott,
Council President

Eagle Scout Service Project Proposal

Project Description and Benefit

Eagle Scout candidate: Ryan Taylor Ramsay

Briefly describe the project. Attach sketches or "before" photographs if these will help others visualize it.
Building twelve planters to be placed in front of businesses in Downtown Daphne, for the Daphne Downtown Redevelopment Board.

Tell how your project will be helpful to the beneficiary. Why is it needed?

It will help beautify Downtown Daphne.

When do you plan to begin work on the project? As soon as it is approved.

How long do you think it will take to complete?

Giving Leadership

Approximately how many people will be needed to help on your project? 7-10

Where will you recruit them (unit members, friends, neighbors, family, others)? Explain:

Volunteers will be recruited from among family members, and from the Boy Scout Troop, through announcements and e-mails.

What do you think will be most difficult about leading them?

Explaining the tasks, once they show up.

Materials

(Materials are things that become part of the finished project, such as lumber, nails, and paint.)

What types of materials, if any, will you need? You do not yet need a detailed list of exact quantities, but you must show you have a reasonable idea of what is required.

Lumbers, nails, screws, staples, and filter fabric.

Supplies

(Supplies are things you use up, such as masking tape, tarps, and garbage bags.)

What kinds of supplies, if any, will you need? You do not yet need a detailed list or exact quantities, but you must show you have a reasonable idea of what is required.

Sandpaper

Eagle Scout Service Project Proposal

Tools

What kinds of tools, if any, will you need?

Hammers, power saws, saw horses, nail guns, screwdrivers, staplers, and scissors or knives.

Permits and Permissions

(Note that property owners normally secure permits.)

Will you need to secure permissions or permits (for example, building permits)? Who will obtain them?
How much will they cost? How long will it take to secure them?

N/A

Preliminary Cost Estimate

(You do not need exact costs. Reviewers will just want to see if you can reasonably expect to raise enough money to cover an initial estimate of expenses.)

(Enter your estimated expenses)

Fundraising Explain where you will get the money for total costs indicated below, left.

Items	Cost	Use money from Scout account, jobs for family, Summer job
Materials	\$384	
Supplies		
Tools		
Other*	37	
Total costs:	421	

**Such costs as food, water, gasoline, parking, permits, equipment rental, sales tax, etc.*

Project Phases

Think of your project in terms of phases and list what they might be. The first might be to complete your final plan. Others might include fundraising, preparation, execution, and reporting. You may have as many phases as you want, but it is not necessary to become overly complicated.

1. Planning and permissions

2. Raise money

3. Acquire tools, materials, and supplies

4. Get volunteers

5. Prepare materials (measuring and cutting)

6. Assembly

7. Finishing (sanding, installing filter fabric)

8. Delivery of boxes

Logistics

(A Tour Plan has also been called a "Tour Permit." Check with your council service center to determine if one is required.)

How will you handle transportation of materials, supplies, tools, and helpers? Will you need a Tour Plan?

Materials, tools, and finished boxes will be moved by truck and trailer. Volunteers will meet at the work area, and car pool to delivery area.

Eagle Scout Service Project Proposal, continued

Safety Issues

(The Guide to Safe Scouting is an important resource in considering safety issues.)

Describe the hazards and safety concerns you and your helpers should be aware of as this project is conducted.

Injuries from improper use of tools

Further Planning

(You do not have to list every step, but it must be enough to show you have a reasonable idea of how to complete a final plan.)

List some action steps you will take to complete a final plan. For example, "Complete a more detailed set of drawings."

- Design the boxes
- Acquire materials
- Prepare materials
- Assembly of boxes
- Finishing (sanding rough edges, and installing filter fabric)
- Delivery of boxes

Candidate's Promise

(Signed before approvals below are granted)

On my honor as a Scout, I have read this entire workbook, including the "Message to Scouts and Parents or Guardians" on page 21. I promise to be the leader of this project, and to do my best to carry it out for the maximum benefit to the religious institution, school, or community I have chosen as beneficiary.

Signed _____

Date _____

Unit Leader Approval*

I have reviewed this proposal and discussed it with the candidate. I believe it provides impact worthy of an Eagle Scout service project, and will involve planning, development, and leadership. I am comfortable the Scout understands what to do, and how to lead the effort. I will see that the project is monitored, and that adults or others present will not overshadow him.

Signed _____

Date _____

Unit Committee Approval*

This Eagle Scout candidate is a Life Scout, and registered in our unit. I have reviewed this proposal, I am comfortable the project is feasible, and I will do everything I can to see that our unit measures up to the level of support we have agreed to provide (if any). I certify that I have been authorized by our unit committee to provide its approval for this proposal.

Signed _____

Date _____

Beneficiary Approval*

This service project will provide significant benefit, and we will do all we can to see it through. We realize funding on our part is not required, but we have informed the Scout of the financial support (if any) that we have agreed to. We understand any fundraising he conducts will be in our name and that funds left over will come to us. We will provide receipts to donors as required.

Signed _____

Date _____

Council or District Approval

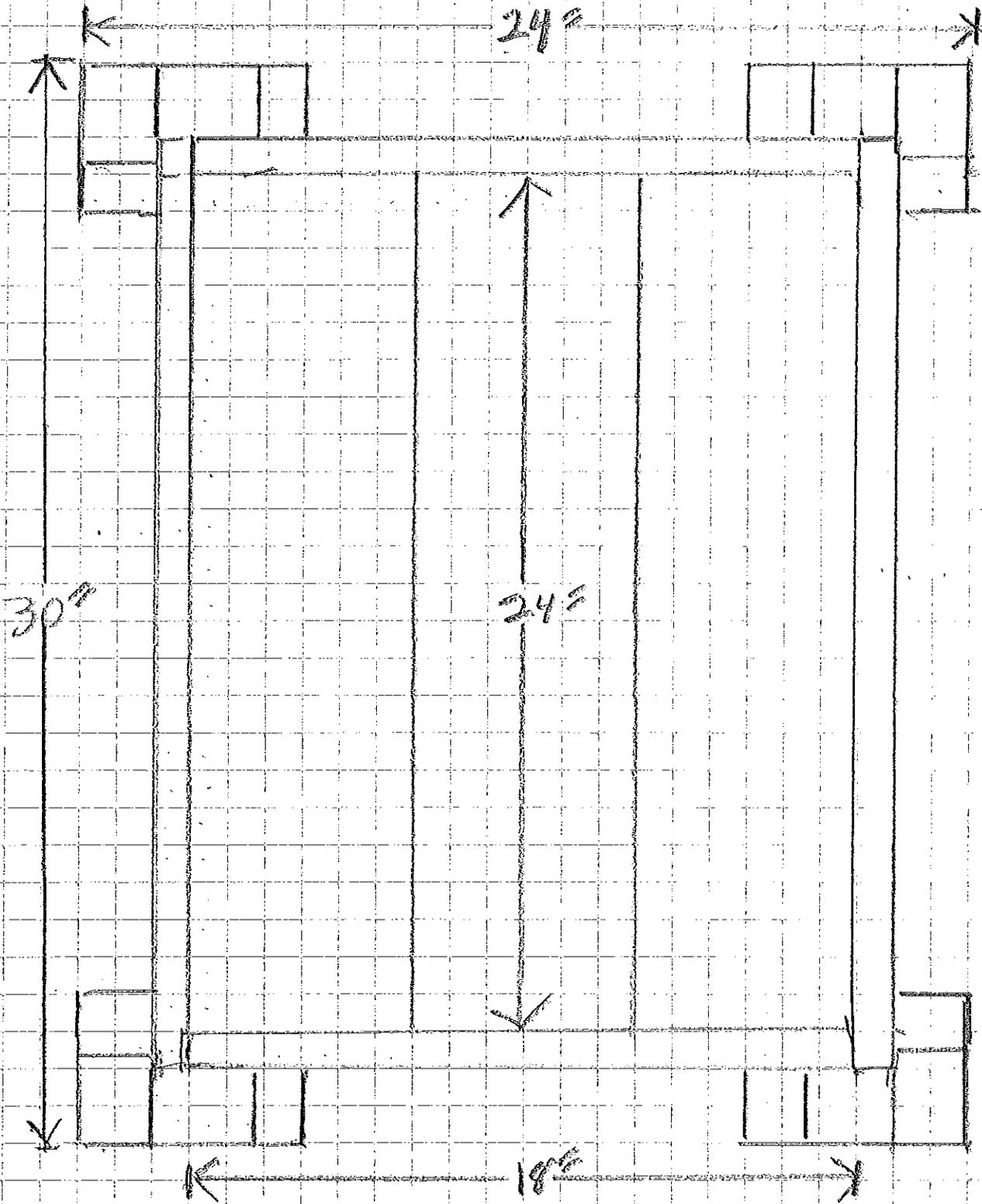
I have read sections 9.0.2.0 through 9.0.2.15, regarding the Eagle Scout Service Project, in the *Guide to Advancement*, No. 33088. I agree on my honor to apply the procedures as written, and in compliance with the policy on "Unauthorized Changes to Advancement." Accordingly, I approve this proposal. I will encourage the candidate to complete a final plan and further encourage him to share it with a project coach.

Signed _____

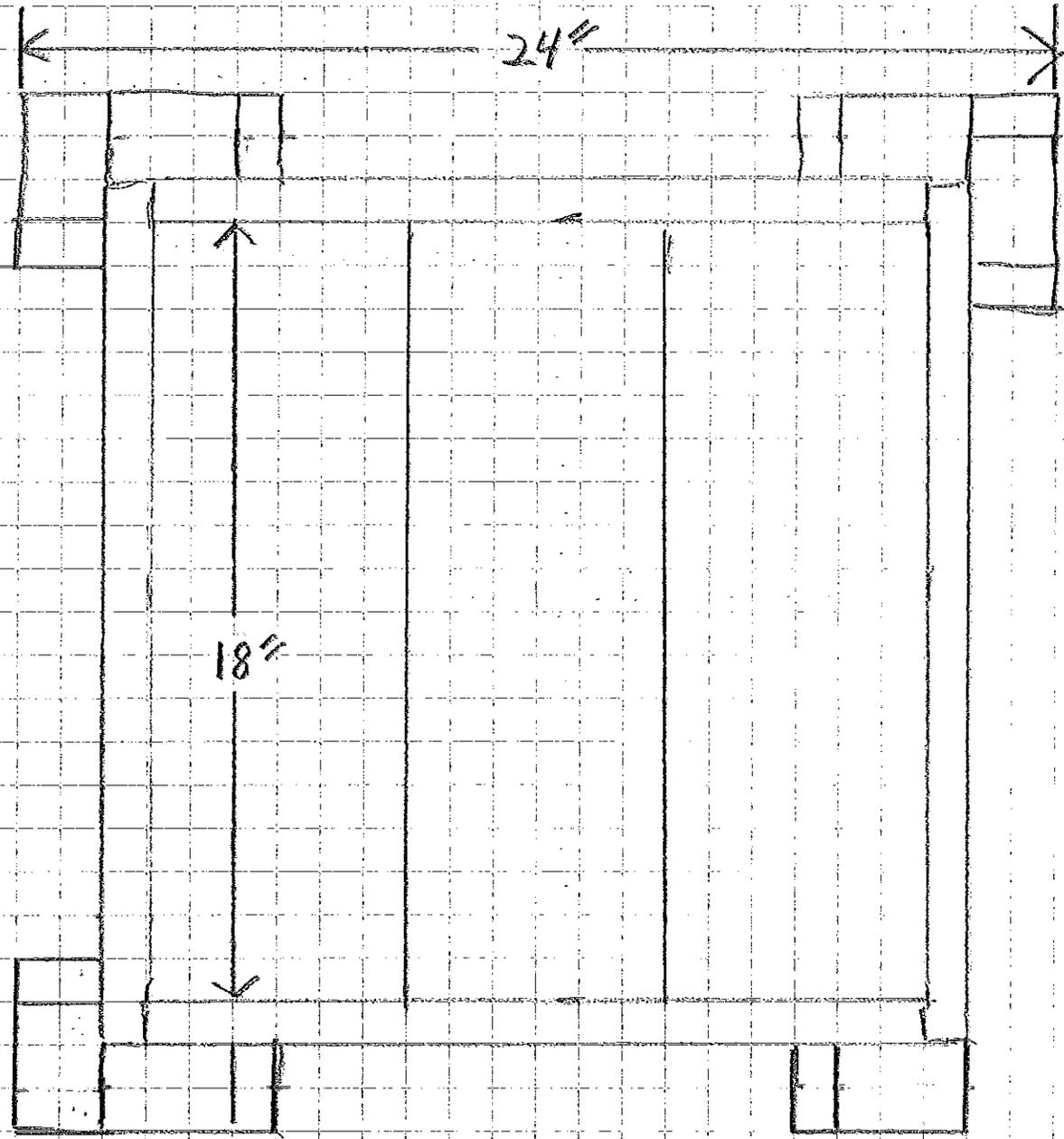
Date _____

**While it makes sense to obtain them in the order they appear, there shall be no required sequence for the order of obtaining approvals marked with an asterisk (*). However, council or district approval must come after the others.*

18" x 24"

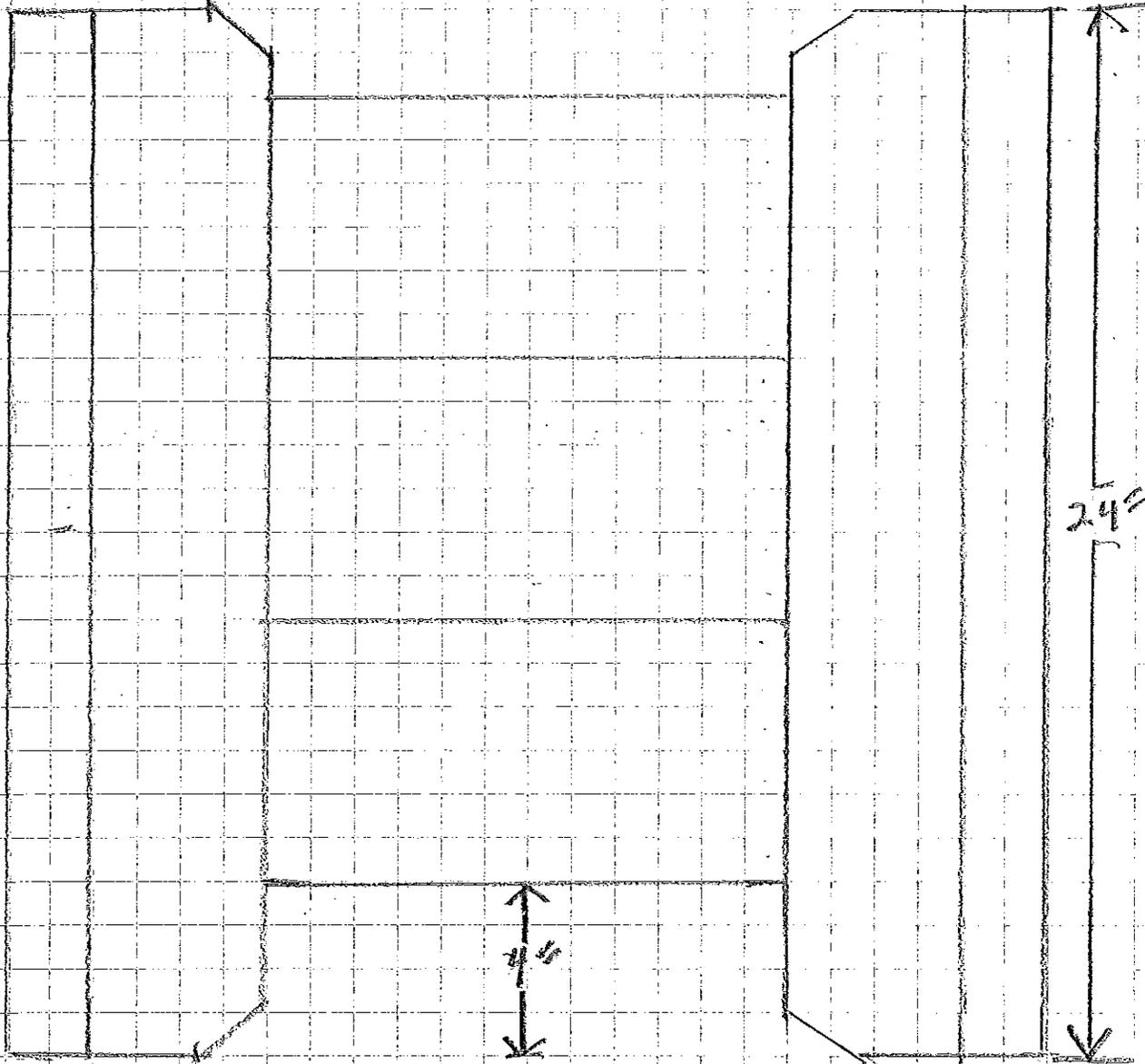


18" x 18"

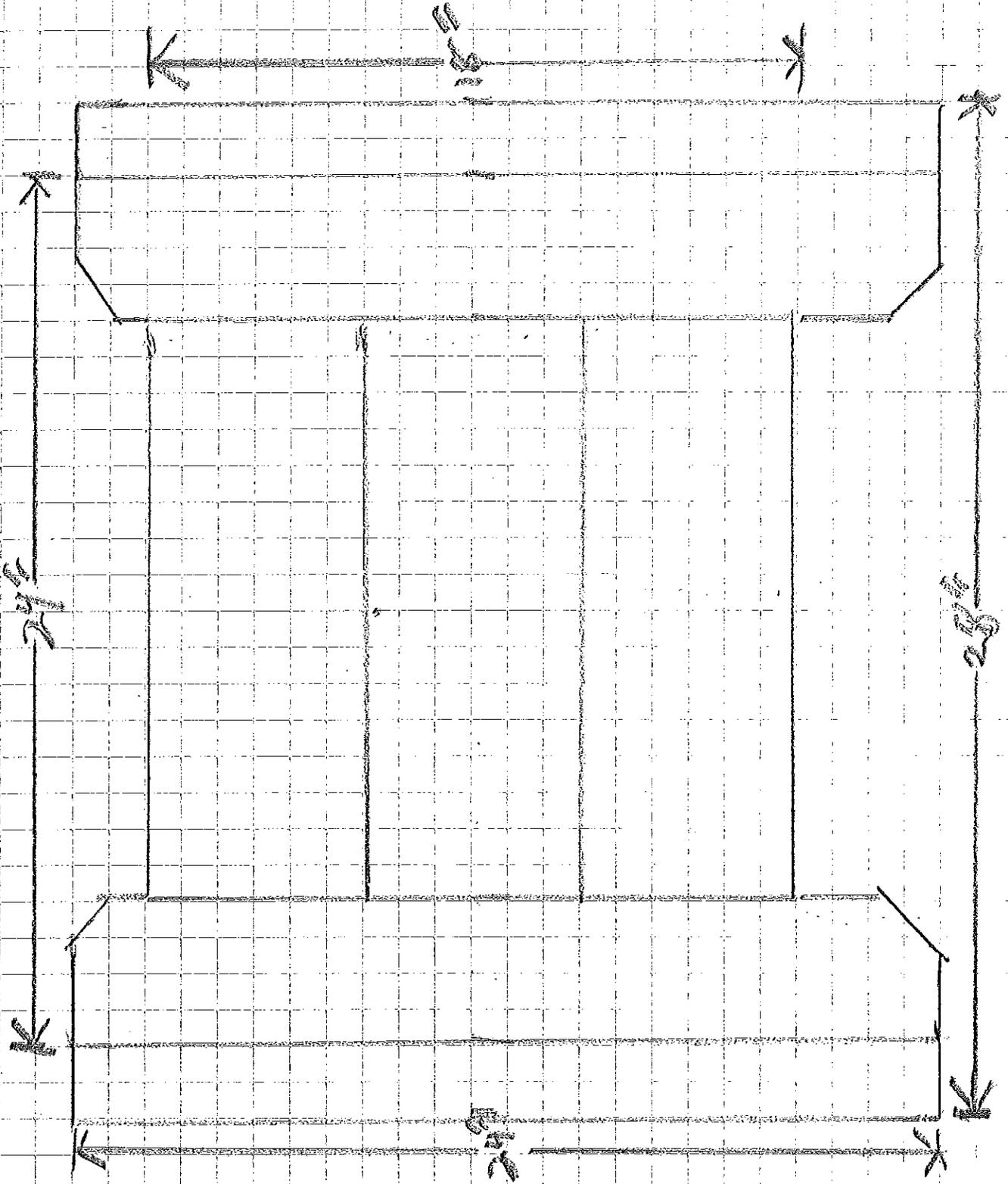


18" x 18"
AND
18" x 24"

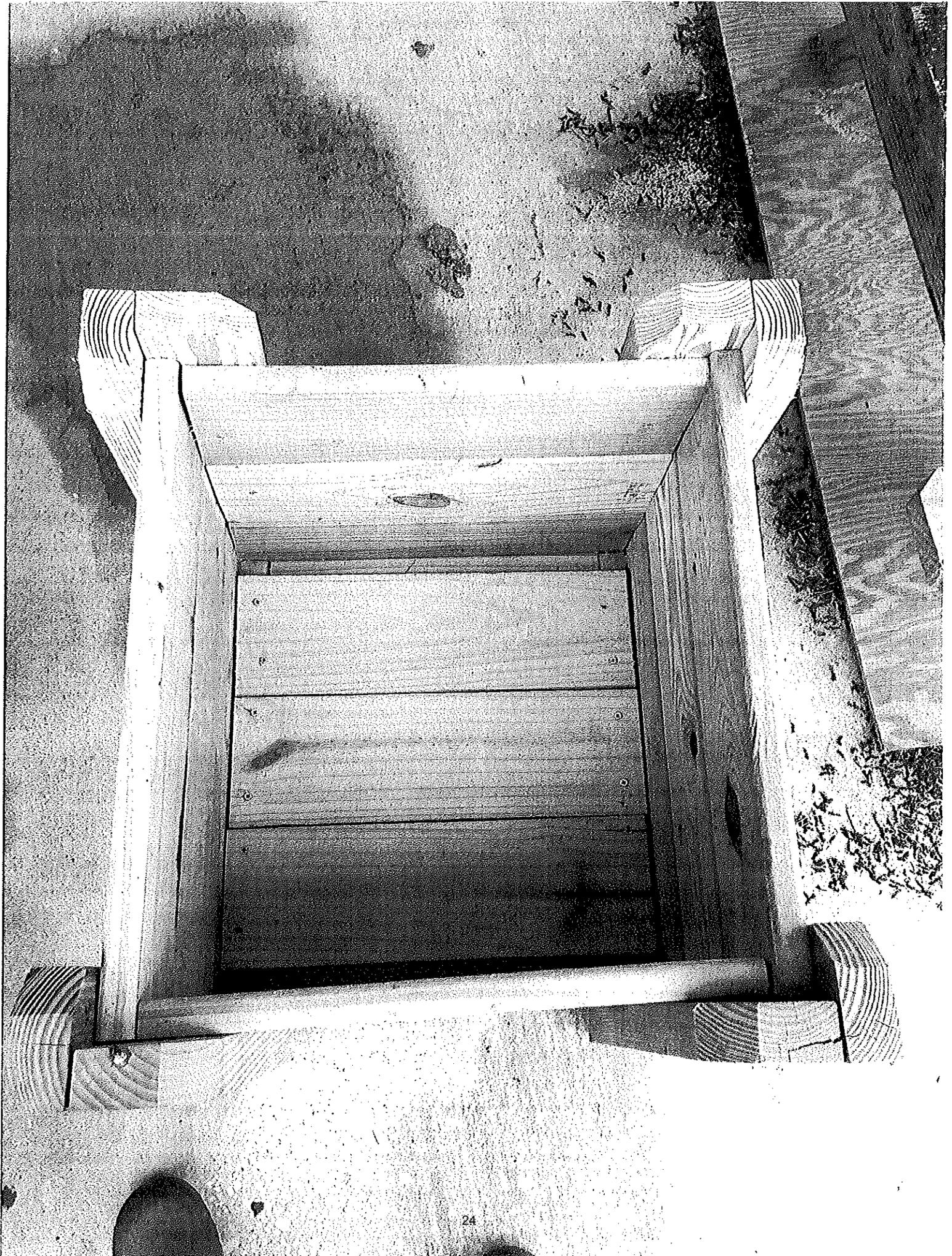
4" ← →



18" x 24" SIDE





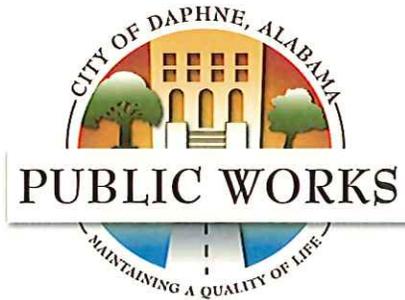


**Ryan Ramsay
Eagle Project for Daphne DRB**

Materials List (Per Box)

Item	Description	Quantity	Cost	Total
1	5/4" x 6" x 8' Decking	3	\$6 (per)	\$18
2	2" x 4" x 8'	2	\$4 (per)	\$8
3	1" x 6" x 8'	1	\$3 (per)	\$3
4	assorted screws and nails		\$3	\$3
Total				\$32

Total for 12 boxes - \$384 (pre-tax)



CITY OF DAPHNE

Proclamation

PUBLIC WORKS WEEK MAY 19-25, 2013

Whereas, Public Works services provided in our community are an integral part of our citizens everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of Public Works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and

Whereas, the health, safety and comfort of this community greatly depends on these facilities and services; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of Public Works officials; and

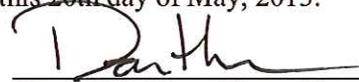
Whereas, the efficiency of the qualified and dedicated personnel who staff Public Works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

Now, therefore, the Mayor and City Council of the City of Daphne do hereby proclaim the week of May 19-25, 2013 as

“National Public Works Week”

in The City of Daphne, and call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works, and to recognize the contributions which Public Works Officials make every day to our health, safety, comfort, and quality of life.

Given under my hand and Seal of the City of Daphne Alabama, this 20th day of May, 2013.


Honorable Mayor Dane Haygood

ATTEST:

Rebecca A. Hayes, City Clerk

**PUBLIC HEARING
FOR COUNCIL MEETING
MAY 20, 2013**

TO CONSIDER:

Annexation: GCOF The Retreat at Tiawasee, LLC

Location: Southwest of the intersection of Tiawasee
Boulevard and County Road 13

Present Zoning: RSF-2, Single Family District, Baldwin County

Requested Zoning: R-2, Medium Density Single Family
Residential District, City of Daphne

Recommendation: Favorable

To: Office of the City Clerk
From: Adrienne D. Jones, Director of Community Development
Subject: GCOF Retreat at Tiawasee
Zoning Amendment and Annexation Review
Date: April 1, 2013

MEMORANDUM

PRESENT ZONING: RSF-2, Single Family District, Baldwin County District 15

PROPOSED ZONING: R-2, Medium Density Single Family Residential, City of Daphne

LOCATION: Southwest of the intersection of Tiawasee Boulevard and County Road 13

RECOMMENDATION: At the Thursday, March 28, 2013, regular meeting of the Daphne Planning Commission, eight members were present, and the motion set forth a favorable recommendation carried unanimously for acceptance of zoning amendment and annexation.

Attached please find documentation from the Office of Community Development. An Ordinance was previously provided by the Office of the City Attorney and shall be amended to reflect the new meeting date, the action of the Planning Commission, and the public hearing date for placement on the City Council agenda of Monday, April 15, 2013 to request to set the public hearing for Monday, May 20, 2013.

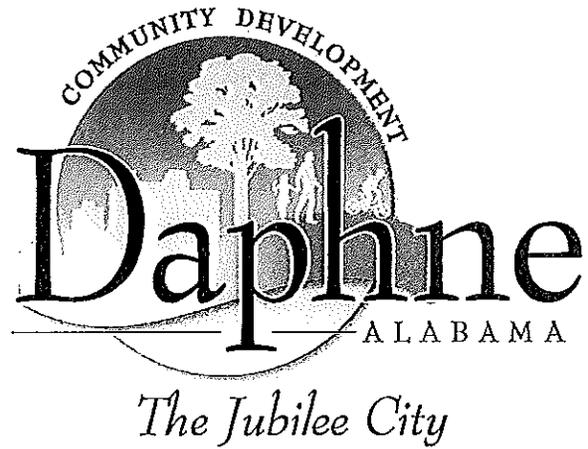
Thank you,
ADJ/jd

cc: file

attachment(s)

1. Community Development Report(s)
2. Map of property
3. Zoning Amendment application & Petition for Annexation
4. Legal description
5. Correspondence to Adjacent Property Owners
6. Adjacent property owners' list
7. Opposition letter(s) & information provided at Planning Commission public hearing

Planning Commission



Zoning Amendment & Annexation Review GCOF Retreat at Tiawasee, LLC

COMMUNITY DEVELOPMENT

**ZONING AMENDMENT & ANNEXATION REVIEW
THE RETREAT AT TIAWASEE**

Owner: GCOF Retreat at Tiawasee, LLC

Existing Conditions: 31.53 acres of vacant land

Existing Zoning: Unincorporated Baldwin County RSF-2, Single Family

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

Surrounding Zonings/Uses:

North - (R-1) Low Density Single Family zoned lots and houses

South- (R-3) High Density Single Family zoned lots and houses

East- (R-1) Low Density Single Family residential, undeveloped land

West-(RSF-2) Unincorporated Baldwin County, Single Family zoned undeveloped land

Existing Utility Service Providers:

Sewer – Daphne Utilities

Gas- Daphne Utilities

Electric—Riviera Utilities

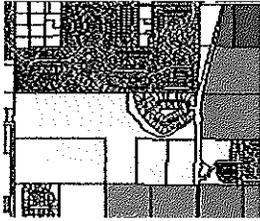
Affected City Service Providers:

Fire Protection—Station 3 (Lawson Road)

Police Protection—Police Beat 3

Public Works

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



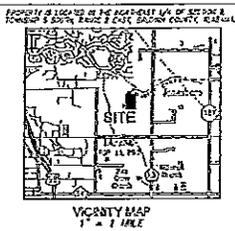
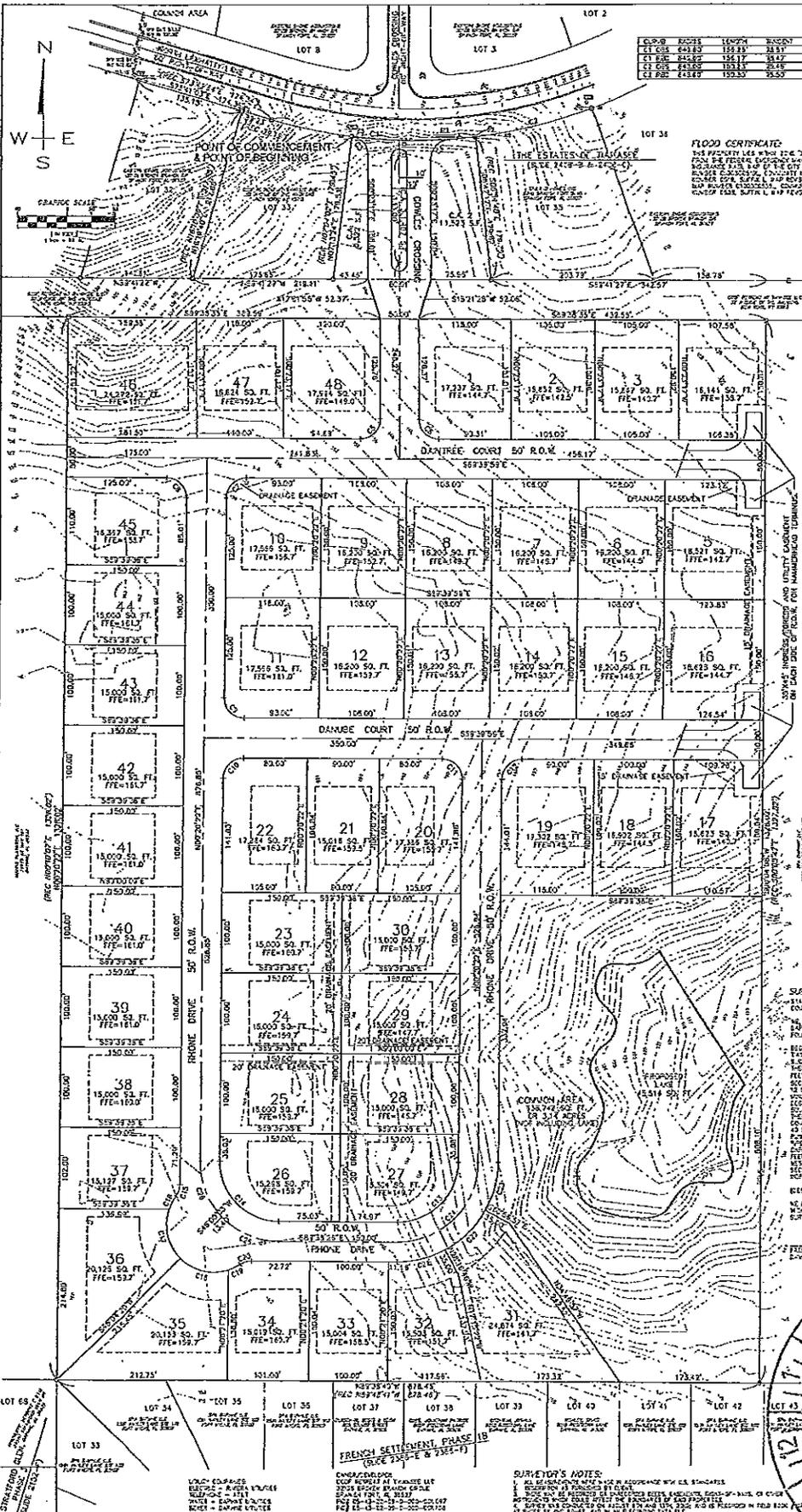
Comprehensive Plan

The current Comprehensive Plan designates the subject property as residential. The proposed use is consistent and compatible with the comprehensive plan in regard to land use. Therefore the reversionary clause is not recommended and should not be applicable to this property.



Community Development Recommendation: Approval of R-2 zoning and annexation into the corporate limits.

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.



CD#	AREA	PERCENT	PERCENT	PERCENT	PERCENT
CD# 1	24,000	11.07%	11.07%	11.07%	11.07%
CD# 2	24,000	11.07%	11.07%	11.07%	11.07%
CD# 3	24,000	11.07%	11.07%	11.07%	11.07%
CD# 4	24,000	11.07%	11.07%	11.07%	11.07%
CD# 5	24,000	11.07%	11.07%	11.07%	11.07%
CD# 6	24,000	11.07%	11.07%	11.07%	11.07%
CD# 7	24,000	11.07%	11.07%	11.07%	11.07%
CD# 8	24,000	11.07%	11.07%	11.07%	11.07%
CD# 9	24,000	11.07%	11.07%	11.07%	11.07%
CD# 10	24,000	11.07%	11.07%	11.07%	11.07%

FLOOD CERTIFICATE:
 THIS PROPERTY LIES WITHIN THE 1% ANNUAL FLOOD AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) OF THE CITY OF DALLAS, TEXAS, AND IS THEREFORE SUBJECT TO FLOODING. THE CITY OF DALLAS, TEXAS, HAS ADVISED THAT THE FLOOD INSURANCE RATE MAP (FIRM) OF THE CITY OF DALLAS, TEXAS, IS CURRENTLY UNDER REVIEW AND WILL BE REISSUED IN THE NEAR FUTURE. THE FLOOD INSURANCE RATE MAP (FIRM) OF THE CITY OF DALLAS, TEXAS, IS CURRENTLY UNDER REVIEW AND WILL BE REISSUED IN THE NEAR FUTURE. THE FLOOD INSURANCE RATE MAP (FIRM) OF THE CITY OF DALLAS, TEXAS, IS CURRENTLY UNDER REVIEW AND WILL BE REISSUED IN THE NEAR FUTURE.

CERTIFICATION OF OWNERSHIP AND REGISTRATION:
 I, the undersigned, being duly qualified and sworn, do hereby certify that the above described property is the property of the undersigned and is being offered for sale by the undersigned.

CERTIFICATION BY NOTARY PUBLIC:
 I, the undersigned, being duly qualified and sworn, do hereby certify that the above described property is the property of the undersigned and is being offered for sale by the undersigned.

AFFIDAVIT OF LICENSED PROFESSIONAL ENGINEER:
 I, the undersigned, being duly qualified and sworn, do hereby certify that the above described property is the property of the undersigned and is being offered for sale by the undersigned.

CERTIFICATION OF APPROVAL OF UTILITIES (WATER, SEWER & GAS):
 I, the undersigned, being duly qualified and sworn, do hereby certify that the above described property is the property of the undersigned and is being offered for sale by the undersigned.

CERTIFICATION OF APPROVAL FOR THE CITY OF DALLAS'S DIRECTOR OF COMMUNITY DEVELOPMENT:
 I, the undersigned, being duly qualified and sworn, do hereby certify that the above described property is the property of the undersigned and is being offered for sale by the undersigned.

CERTIFICATION OF APPROVAL BY UTILITY UTILITIES (ELECTRIC):
 I, the undersigned, being duly qualified and sworn, do hereby certify that the above described property is the property of the undersigned and is being offered for sale by the undersigned.

CERTIFICATE OF APPROVAL BY TELEPHONE (ATTN):
 I, the undersigned, being duly qualified and sworn, do hereby certify that the above described property is the property of the undersigned and is being offered for sale by the undersigned.

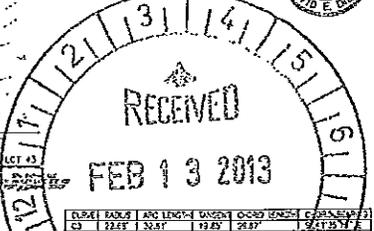
CERTIFICATION OF APPROVAL FOR RECORDING:
 I, the undersigned, being duly qualified and sworn, do hereby certify that the above described property is the property of the undersigned and is being offered for sale by the undersigned.

CERTIFICATE OF APPROVAL OF STREETS, DRAINAGE AND IMPROVEMENTS:
 I, the undersigned, being duly qualified and sworn, do hereby certify that the above described property is the property of the undersigned and is being offered for sale by the undersigned.

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER:
 I, the undersigned, being duly qualified and sworn, do hereby certify that the above described property is the property of the undersigned and is being offered for sale by the undersigned.

SURVEYOR'S CERTIFICATE:
 I, the undersigned, being duly qualified and sworn, do hereby certify that the above described property is the property of the undersigned and is being offered for sale by the undersigned.

DESCRIPTION OF PROPERTY FROM NEIGHBOR RECORDS AND AN ADJACENT FIELD SURVEY:
 I, the undersigned, being duly qualified and sworn, do hereby certify that the above described property is the property of the undersigned and is being offered for sale by the undersigned.



CD#	AREA	PERCENT	PERCENT	PERCENT	PERCENT
CD# 1	24,000	11.07%	11.07%	11.07%	11.07%
CD# 2	24,000	11.07%	11.07%	11.07%	11.07%
CD# 3	24,000	11.07%	11.07%	11.07%	11.07%
CD# 4	24,000	11.07%	11.07%	11.07%	11.07%
CD# 5	24,000	11.07%	11.07%	11.07%	11.07%
CD# 6	24,000	11.07%	11.07%	11.07%	11.07%
CD# 7	24,000	11.07%	11.07%	11.07%	11.07%
CD# 8	24,000	11.07%	11.07%	11.07%	11.07%
CD# 9	24,000	11.07%	11.07%	11.07%	11.07%
CD# 10	24,000	11.07%	11.07%	11.07%	11.07%

THE RETREAT AT TIWASSEE
 OCT. 21, 2012 - PRELIMINARY PLOT-PLAN FOR FINAL RECORDING

BOUNDARY SURVEY AND PLAN OF SUBDIVISION

DESIGN: D.E.D., DRAWN: D.E.D., CWD: D.E.D., DMD: J.N.E., SURVEYOR: D.E.D., FROM: J.N.E., TO: D.E.D.

PREBLERISH L.L.C.
 CONSULTING ENGINEERS & SURVEYORS
 5700 W. CAMPBELL AVENUE, SUITE 1000, DALLAS, TEXAS 75243
 PHONE: 214-341-1111
 FAX: 214-341-1112
 E-MAIL: PREBLERISH@PREBLERISH.COM

SCALE: 1"=60'
 PLAN NO. 280-0015
 PRELIMINARY PLOT-PLAN FOR FINAL RECORDING
 SHEET 1 OF 1

SURVEYOR'S NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
 2. ALL DIMENSIONS ARE TO BE MEASURED TO THE CENTER OF THE LINE OR TO THE CENTER OF THE CURVE.
 3. ALL DIMENSIONS ARE TO BE MEASURED TO THE CENTER OF THE LINE OR TO THE CENTER OF THE CURVE.
 4. ALL DIMENSIONS ARE TO BE MEASURED TO THE CENTER OF THE LINE OR TO THE CENTER OF THE CURVE.
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 9. ALL DIMENSIONS ARE TO BE MEASURED TO THE CENTER OF THE LINE OR TO THE CENTER OF THE CURVE.
 10. ALL DIMENSIONS ARE TO BE MEASURED TO THE CENTER OF THE LINE OR TO THE CENTER OF THE CURVE.

GENERAL NOTES:
 1. ALL DIMENSIONS ARE TO BE MEASURED TO THE CENTER OF THE LINE OR TO THE CENTER OF THE CURVE.
 2. ALL DIMENSIONS ARE TO BE MEASURED TO THE CENTER OF THE LINE OR TO THE CENTER OF THE CURVE.
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 9. ALL DIMENSIONS ARE TO BE MEASURED TO THE CENTER OF THE LINE OR TO THE CENTER OF THE CURVE.
 10. ALL DIMENSIONS ARE TO BE MEASURED TO THE CENTER OF THE LINE OR TO THE CENTER OF THE CURVE.

APPROVED
 Feb. 28, 2013

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: 213-02 Date Plat Submitted: March 13, 2013

Date Presented: March 28, 2013

Name of Owner: GCOF RETREAT AT TIAWASEE, LLC

Address: 32128 BROKEN BRANCH CR, SPANISH FT, AL 36521 Telephone # 621-1887
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: PREBLE-RISH LLC

Address: 9499 BELLATON AVE, DAPHNE, AL 36526 Telephone 990-9950
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: THE RETREAT AT TIAWASEE (PRESENTLY PRELIMINARY PLAT APPROVAL)

Lot(s): 1-48 (PROPOSED) Unit _____

- 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: March 13, 13).

Meeting Dates:

Planning Commission: March 28, 2013

City Council: _____

Reason(s) for requesting the Zoning Amendment:

PROPERTY IS PRESENTLY IN BALDWIN COUNTY DISTRICT 15 ZONED RSF-2 (15,000 S.F. MIN. LOT SIZE).

DUE TO THE RECENTLY APPROVED PRELIMINARY PLAT OF A SUBDIVISION PROPOSING TO CONNECT TO CITY

UTILITIES-ANNEXATION IS REQUIRED. THE COMPATIBLE CITY ZONING IS R-2.



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 (are) 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
- b) Name of Subdivision THE RETREAT AT TIAWASEE (PRELIMINARY PLAT).
- c) Lot numbers involved in change NONE RECORDED AT THIS TIME.
- d) Total acreage of change 31.53 AC.
- e) Recorded in Map Book NA Page
- f) Owned in whole by the undersigned? YES
- g) If owned in part, name(s) of co-owner(s)

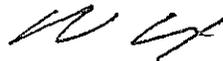
2) Zoning change requested:

- a) Present classification of property RSF-2 (BALDWIN COUNTY)
- b) Reclassification desired R-2
- c) Character of neighborhood R-1 & R-3, RSF-2 (COUNTY)

3) Certifications:

- a) Owner's Name GOLF RETREAT AT TIAWASEE, LLC
- b) Address 32128 BROKEN BRANCH CIRCLE, SPANISH FT., AL 36527
- c) Telephone Number 621-1887
- d) Date 3-12-13

Signature of Property Owner



Signature of Property Owner

STATE OF ALABAMA

COUNTY OF BALDWIN

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

(GCOF Retreat At)
Tiawasee

The undersigned, GCOF RETREAT AT TIAWASEE, LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described commonly referred to as GCOF RETREAT AT TIAWASEE PROPERTY to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

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

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

3. Owner: The Petitioner, GCOF RETREAT AT TIAWASEE, LLC, is the owner of the Property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. Specific Conditions: This Petition is conditioned upon the adoption of an ordinance, which shall include specifically the conditions requested below upon annexing the said Property into the corporate limits of the City of Daphne. Please state the requested zoning, if other than R-1, or any other conditions which may apply upon annexation:

R-2 ZONING

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

DATED this 13 day of MARCH,
2013.

Respectfully submitted,

QCOF RETREAT AT TIAWASEE
Name of Corporation

By: N. Cox

Its: Member

STATE OF ALABAMA
COUNTY OF BALDWIN

I, the undersigned Notary Public in and for said State and County, hereby certify that NATHAN COX whose name as MEMBER of QCOF RETREAT AT TIAWASEE, an Alabama corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer and with full authority, executed the same voluntarily on the day same bears date.

GIVEN under my hand and official seal on this the 13 day of MARCH, 2013.

Wanda LoCosto (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: 11-19-2016

GCOF RETREAT AT TIAWASEE

ANNEXATION REVIEW

**SOUTH OF THE INTERSECTION OF COWLES
CROSSING AND NORTH LAMHATTY LANE**

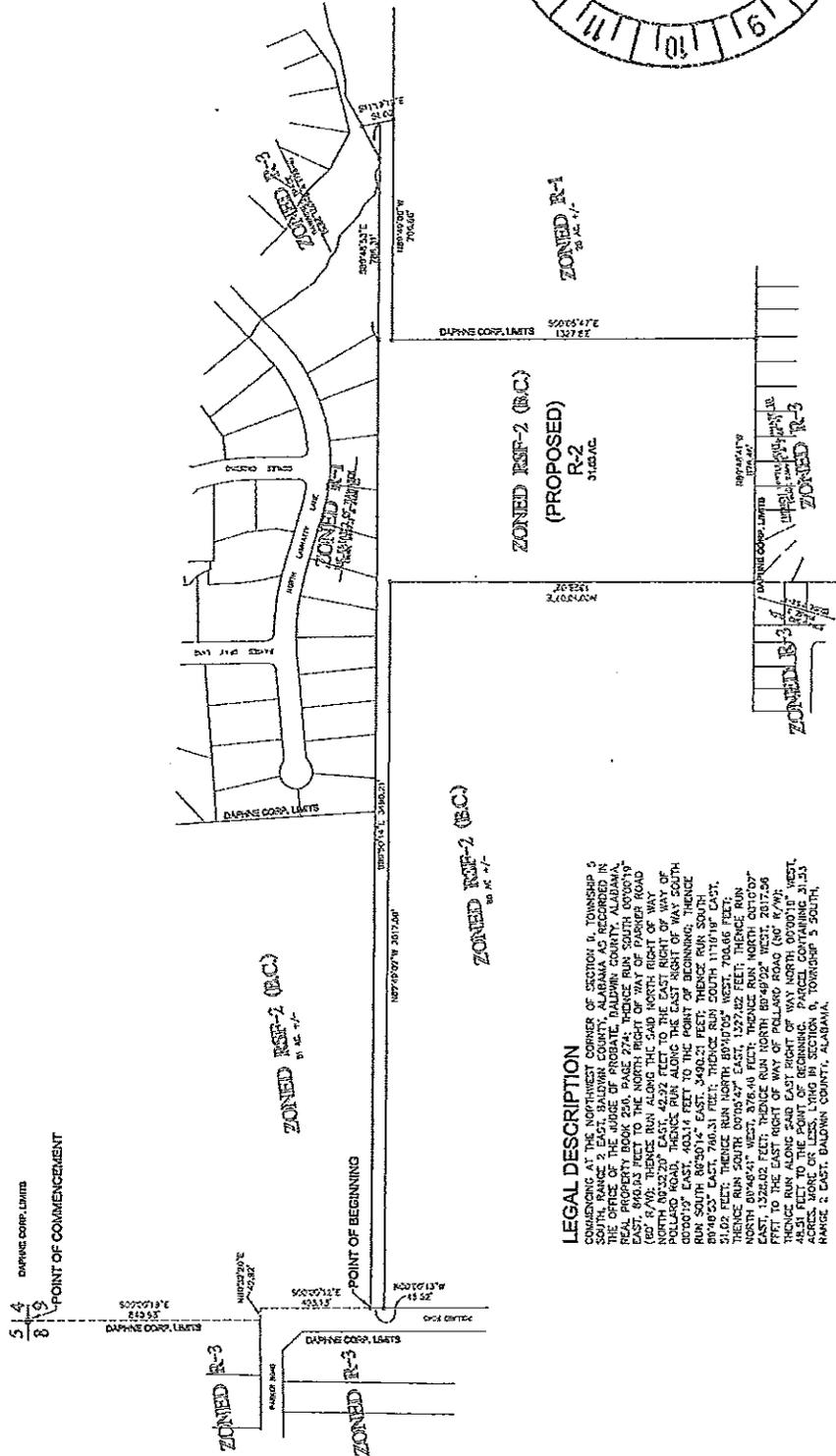
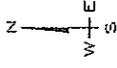
EXHIBIT "A"

**STATE OF ALABAMA)
COUNTY OF BALDWIN)**

COMMENCING AT THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, REAL PROPERTY BOOK 256, PAGE 274; THENCE RUN SOUTH 00°00'19" EAST, 840.93 FEET TO THE NORTH RIGHT OF WAY OF PARKER ROAD (80' R/W); THENCE RUN ALONG THE SAID NORTH RIGHT OF WAY NORTH 89°32'20" EAST, 42.92 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD; THENCE RUN ALONG THE EAST RIGHT OF WAY SOUTH 00°00'19" EAST, 403.14 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89°50'14" EAST, 3490.21 FEET; THENCE RUN SOUTH 89°48'53" EAST, 786.31 FEET; THENCE RUN SOUTH 11°19'19" EAST, 51.02 FEET; THENCE RUN NORTH 89°49'05" WEST, 796.66 FEET; THENCE RUN SOUTH 00°05'47" EAST, 1327.82 FEET; THENCE RUN NORTH 89°48'41" WEST, 878.46 FEET; THENCE RUN NORTH 00°10'07" EAST, 1328.02 FEET; THENCE RUN NORTH 89°49'02" WEST, 2617.56 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD (80' R/W); THENCE RUN ALONG SAID EAST RIGHT OF WAY NORTH 00°00'19" WEST, 48.51 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINING 31.53 ACRES, MORE OR LESS, LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

REFERENCE: THE RETREAT AT TIAWASEE

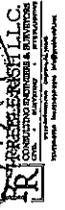
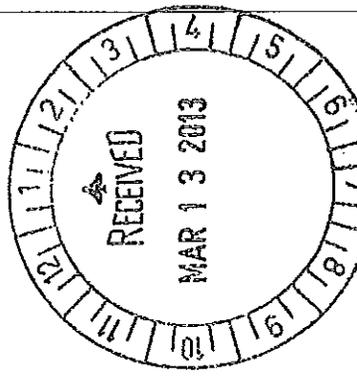
GCOF RETREAT AT TIAWASEE, LLC EXHIBIT "B"



LEGAL DESCRIPTION

COMMENCING AT THE NORTHWEST CORNER OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND PROCEEDING IN THE SENSE OF THE CURVE OF THE CURVE OF PROGRATE, BALDWIN COUNTY, ALABAMA, REAL PROPERTY BOOK 226, PAGE 274; THENCE RUN SOUTH 05°00'19" EAST, 646.63 FEET TO THE NORTH RIGHT OF WAY OF PARKER ROAD NORTH; THENCE RUN ALONG THE 34.6' NORTH RIGHT OF WAY OF PARKER ROAD, THENCE RUN ALONG THE EAST RIGHT OF WAY OF POLLARD ROAD, THENCE RUN ALONG THE EAST RIGHT OF WAY SOUTH 03°00'19" EAST, 403.14 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 86°20'14" EAST, 3498.21 FEET; THENCE RUN SOUTH 51°06'22" EAST, 660.51 FEET; THENCE RUN SOUTH 17°19'18" EAST, 510.62 FEET; THENCE RUN SOUTH 122°42'22" EAST, 1222.82 FEET; THENCE RUN SOUTH 07°05'57" EAST, 1222.82 FEET; THENCE RUN NORTH 01°46'41" WEST, 876.46 FEET; THENCE RUN NORTH 01°10'09" EAST, 1326.02 FEET; THENCE RUN NORTH 89°49'22" WEST, 2817.56 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD (60' R/W); THENCE RUN ALONG THE EAST RIGHT OF WAY OF POLLARD ROAD, 463.81 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINING 31.25 ACRES, MORE OR LESS, LYING IN SECTION 6, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

(DESCRIPTION COPIED FROM RECORD DEED - BING # 1306252, WITH CORRECTIONS MADE TO ELIMINATE OVERLAP WITH PLAT OF THE ESTATES OF TIAWASEE)



DANE HAYGOOD
MAYOR

BECKY HAYES
INTERIM CITY CLERK

KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

ADRIENNE D. JONES
DIRECTOR/ COMMUNITY DEVELOPMENT



COUNCIL MEMBERS
TOMMY B. CONAWAY
DISTRICT 1
PAT RUDICELL
DISTRICT 2
JOHN LAKE
DISTRICT 3
RANDY FRY
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
JOE DAVIS, III
DISTRICT 7

March 14, 2012

NOTICE OF PUBLIC HEARING

Petitions for REZONING & ANNEXATION will be considered by the Daphne Planning Commission for the proposed Retreat at Tiawasee containing 31.53 acres +/- located southwest of the intersection of Tiawasee Boulevard and County Road 13 to be rezoned from RSF-2, Single Family Residential District, Baldwin County District 15, to an R-2, Medium Density Single Family Residential, zone, upon annexation into the corporate limits of the City of Daphne.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-79. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, March 20, 2013 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, March 28, 2013 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

GCOF Retreat at Tiawasee

GCOF RETREAT AT TIAWASEE LLC

ZONING AMENDMENT

ADJACENT PROPERTY OWNER'S LIST

1	BLASCHAK, SCOTT ETAL BLASCHAK, LEIGH	565 STUART ST	DAPHNE	AL	36526
2	COBB, JONATHAN PATRICK ETAL COBB, AMANDA	8807 ROSEDOWN LANE	DAPHNE	AL	36526
3	COCHRAN, JOSHUA ETAL COCHRAN, JENNIFER	8813 ROSEDOWN LANE	DAPHNE	AL	36526
4	EASTERN SHORE ACQUISITIONS L L C	32128 BROKEN BRANCH CIR	SPANISH FORT	AL	36527
5	HINCHLIFFE, HERBERT C ETAL HINCHLIFFE, M	27570 STRATFORD GLEN DR	DAPHNE	AL	36526
6	LOMAX, MATTHEW T ETAL LOMAX, EMILY S	212 1ST AVE	SARALAND	AL	36571
7	MALBIS PLANTATION INC	29470 ST HWY 181	DAPHNE	AL	36526
8	PROVISION INVESTMENTS L L C	9945 SPANISH FORT BLVD STE G	SPANISH FORT	AL	36527
9	ROBERTS, MELVIN & IRENE T	7986 PARK DRIVE	DAPHNE	AL	36526
10	ROWELL, NORMAN SHAWN ETAL MCGHEE-ROWELL,	27825 CO RD 13	DAPHNE	AL	36526
11	ROWLEY, CRAIG S	8819 ROSEDOWN LANE	DAPHNE	AL	36526
12	STRASSNER, DOUGLAS	6845 HWY. 90, SUITE 105	DAPHNE	AL	36526
13	SPA DAPHNE L L C	1591 HAYLEY LANE SUITE 102	FORT MEYERS	FL	33907
14	TRULAND HOMES INC	9945 SPANISH FORT BLVD STE G	SPANISH FORT	AL	36527
15	WOODLAND BAY GROUP INC C/O GARY MCKNIGHT	858 CREEK DRIVE	FAIRHOPE	AL	36532
16	GODBOLD INVESTMENTS LLC	103 CLUBHOUSE DRIVE	FAIRHOPE	AL	36532

**OPPOSITION
LETTER AND SUBMITTALS**

GCOFF LLC.

ZONING AMENDMENT & ANNEXATION PETITION

STANKOSKI, LLP

ATTORNEYS AND COUNSELORS

8335 GAYFER ROAD EXTENSION
POST OFFICE BOX 529
FAIRHOPE, ALABAMA 36533

J. CLARK STANKOSKI
D. ROBERT STANKOSKI, JR.
JOSHUA P. MYRICK
ROBERT K. NICHOLS, III

TELEPHONE: 251-928-0123
FACSIMILE: 251-929-1000
WWW.STANKOSKILLP.COM

March 26, 2013

City of Daphne Planning Commission
1705 Main Street
Daphne, Alabama 36526

Re: Tiawasee Trace Property Owner's Association, Inc.

Dear Commission Members:

This letter is to advise that I have been retained to represent the Tiawasee Trace Property Owners Association, Inc. (hereinafter referred to as the "Trace") as it relates to the development of a proposed property in the same general area as the Trace. Several members of the Trace recently attended a hearing of the City of Daphne Planning Commission on February 28, 2013 concerning the approval of preliminary plat and/or subdivision of the project known as the Retreat of Tiawasee (hereinafter referred to as the "Retreat").

As the Commission knows, after the Trace was developed, an adjoining subdivision known as the Estates of Tiawasse (hereinafter referred to as the "Estates") was approved and shared connectively to County Road 13 by traveling through the Trace. At the time the Estates were developed, the master plat showed no further outgoing connections with any neighboring developments or parcels of real estate. The Retreat is now attempting to utilize the infrastructure of the Estates and the Trace for its subdivision.

It is my understanding this is the second occasion the Retreat has come before the Planning Commission in an attempt to gain approval for the subdivision and annexation. It is further my understanding, following the first occasion an unfavorable recommendation was made to the Daphne City Council. The Retreat apparently changed the dimension of the lots and now is seeking approval of the revised subdivision.

Initially, it appears the Estates, under the direction and control of the Retreat, has changed its master plat by amending its covenants and restrictions to vacate an entire platted lot providing a new connection point for ingress and egress to the Retreat. This fact was presented by my clients at the last Commission meeting.

3-28-13
COPY
Submitted
A.45P

City of Daphne Planning Commission
March 25, 2013
Page Two

My clients additionally argued to the Commission that the Retreat contains its own right-of-way providing an additional access which would not overburden the existing infrastructure. Whether or not this access is cost feasible to the developer is not an issue of concern for my clients. Furthermore, whether or not my clients objected to the connectivity of the Estates to the Trace is also immaterial to the issue of allowing this new subdivision to be approved and annexed.

After reviewing the transcript from the hearing, it is clear my clients adequately addressed these issues as well as argued that such a development runs contra to the City of Daphne Comprehensive Plan. Despite such objections, it appears the Commission ignored the arguments and is attempting to allow the subdivision to proceed. My clients respectfully request the Commission reconsider its earlier decision and deny the annexation and approval.

Finally, my clients believe the vote approving the measure was not accurate. The motion to approve the preliminary plat was passed by voice vote and not by roll vote. It appeared to my clients that several members of the Commissions abstained from the vote which was not noted for the record. As such, the vote should never have passed.

Prior to adopting and/or approving the minutes from the last hearing, please allow this letter to serve as the request of my clients to make sure record is absolutely clear as to which Commission members voted for the motion and which Commission members abstained from voting. The approval of minutes which do not accurately reflect the manner in which the business was conducted may become an issue if this matter is argued in front of the City Council or in the Circuit Court of Baldwin County at a later date.

I appreciate your attention in this matter, and if you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

D. Robert Stankoski, Jr.

(electronic signature for email purposes)

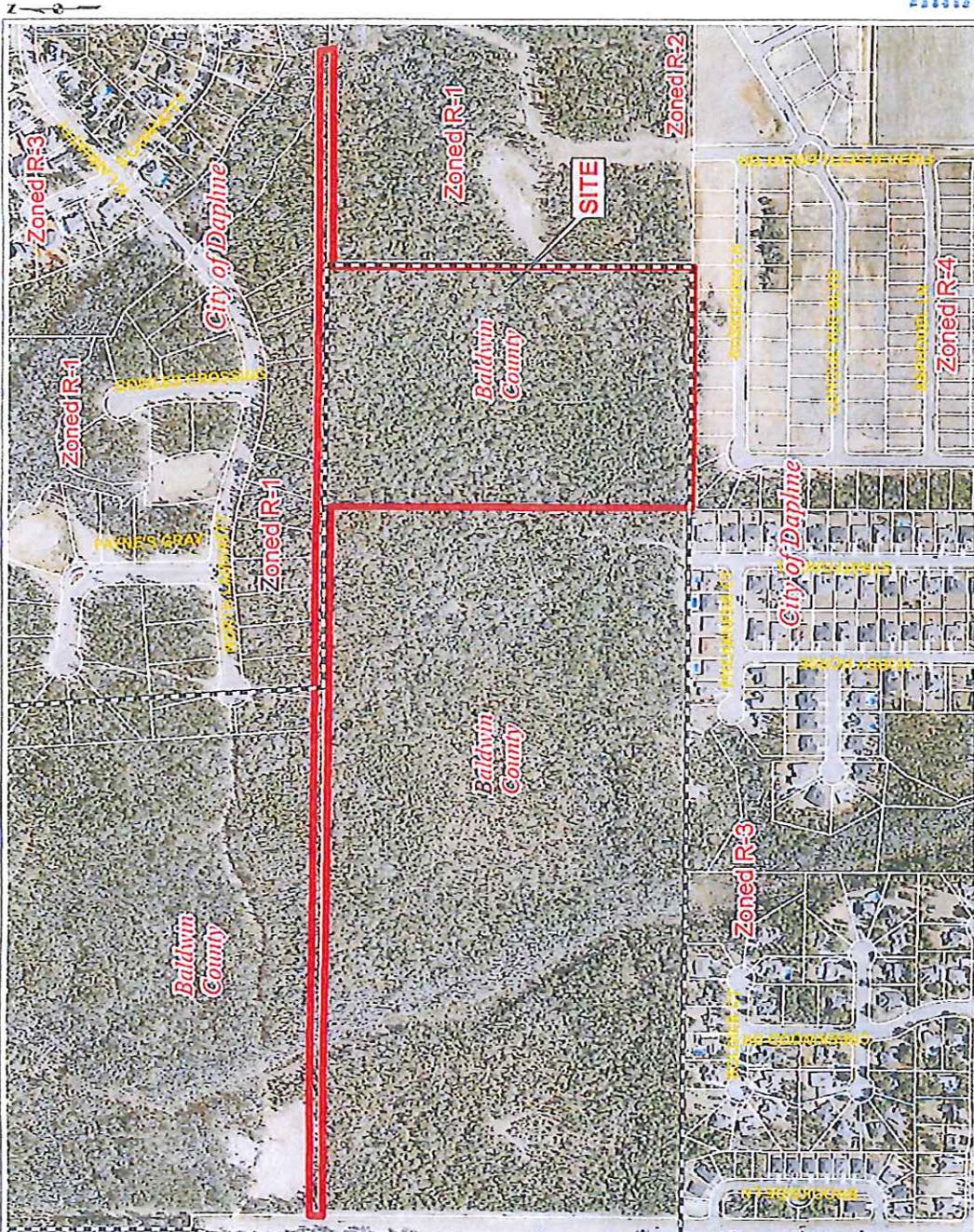
D. Robert Stankoski, Jr.
Attorney At Law

DRSjr/cws

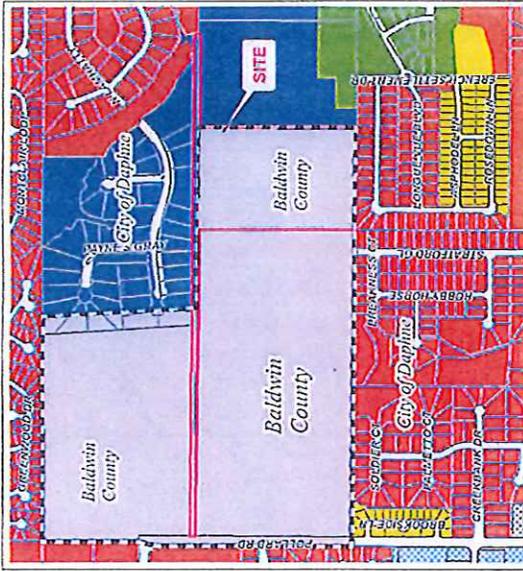
cc: Tiawasee Trace Property Owners Association, Inc.

October 25, 2012

1 inch = 400 feet



Zoning Detail



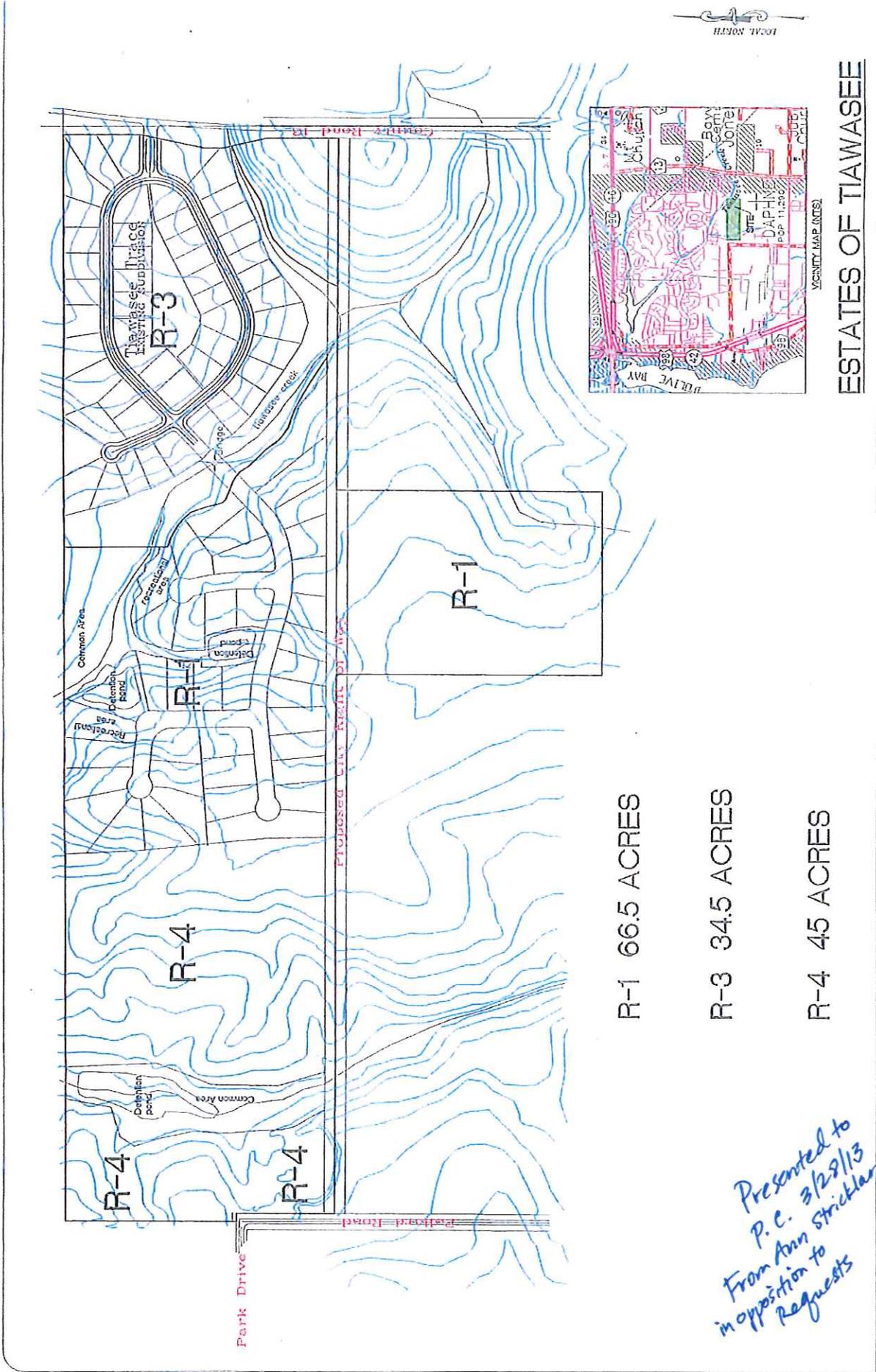
1 inch = 1,000 feet

Legend

- CITY LIMITS
- R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
- R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
- R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
- R-4 HIGH DENSITY SINGLE & MULTI-FAMILY RESIDENTIAL
- R-5 MOBILE HOME RESIDENTIAL
- B-1 LOCAL BUSINESS
- B-2 GENERAL BUSINESS
- B-3 PROFESSIONAL BUSINESS
- C/I COMMERCIAL/INDUSTRIAL
- M/U MULTI-USE
- GOLF COURSE
- ET JURISDICTION

The information contained on this map is derived from a variety of public and private sources. It is provided as a service to the public and is not guaranteed. The City of Daphne makes no warranty, express or implied, for the accuracy, completeness, or currency thereof. Additionally, the City of Daphne is not responsible for any errors or omissions that may appear on this map. Any questions regarding zoning or any data should be directed to the City of Daphne Planning Department. Tel: 251-321-0314

Presented to PC 3.28.13
From Ann Strickland in Opposition to Requests



R-1 66.5 ACRES
 R-3 34.5 ACRES
 R-4 45 ACRES

*Presented to
 P.C. 3/28/13
 From Ann Strickland
 in opposition to
 Requests*

LOCAL NORTH

ESTATES OF TIAWASEE

MASTER PLAN

THE ESTATES OF TIAWASEE PHASE 1

SCALE 1"=40' DATE February 7, 2017 DRAWN BY GANES APPROVED BY BRUNZELL SHEET 11

3307 INTERNATIONAL DR., SUITE 6
 MOBILE, ALABAMA 36688
 PHONE: (251) 476-4750
 FAX: (251) 476-4721
 EMAIL: msl@mcwllc.com

McCroy Williams
 Incorporated
 Engineers Surveyors

REVISION	DATE

ORDINANCE NO. 2013-

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

**GCOF Retreat at Tiawasee, LLC
(Located Southwest of the intersection of Tiawasee Trace Boulevard and County Road 13)
(31.53 acres)**

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

WHEREAS, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed to the corporate limits of the City of Daphne, Alabama; and,

WHEREAS, all of such property is located and contained within an area contiguous to the corporate limits of the City of Daphne, Alabama and does not lie within the corporate limits or police jurisdiction of any other municipality; and,

WHEREAS, said petition contains an accurate description of the property or territory proposed to be annexed together with a map of said property showing its relationship to the corporate limits of the City of Daphne; and,

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on March 28, 2013, and a favorable recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-2, Medium Density Single Family Residential District**; and

WHEREAS, after proper publication, a public hearing was held by the City Council on May 20, 2013 concerning the petition for annexation; and,

WHEREAS, the City Council of the City of Daphne, Alabama has determined that it is in the best interest of said City that the property described in Section 2 hereof be annexed to the corporate limits of the City of Daphne, and that all the requirements of Sections 11-42-21 through 11-42-24, Code of Alabama, 1975, as amended have been complied with by said Petitioner.

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

SECTION 1: CONSENT TO ANNEXATION. The City Council of the City of Daphne, Alabama does by this Ordinance assent to the annexation of the property described in Section 2 of this Ordinance to the corporate limits of the City of Daphne, Alabama, and does by the adoption of this Ordinance, extend and rearrange said corporate limits to embrace and include such property.

SECTION 2: THE PROPERTY. That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

SECTION 3: MAP OF PROPERTY. The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this Ordinance.

SECTION 4: PUBLICATION. This Ordinance shall be published as required by Section 11-42-21, Code of Alabama, 1975, as amended, and the property described herein shall be annexed to the corporate limits of the City of Daphne, Alabama, upon such publication.

SECTION 5: PROBATE COURT. A description of the property described in this Ordinance shall be filed in the Office of the Judge of Probate of Baldwin County, Alabama, as required by Section 11-42-21, Code of Alabama, 1975, as amended.

LEGAL:

"Exhibit A"

COMMENCING AT THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, REAL PROPERTY BOOK 256, PAGE 274; THENCE RUN SOUTH 00°00'19" EAST, 840.93 FEET TO THE NORTH RIGHT OF WAY OF PARKER ROAD (80' R/W); THENCE RUN ALONG THE SAID NORTH RIGHT OF WAY NORTH 89°32'20" EAST, 42.92 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD; THENCE RUN ALONG THE EAST RIGHT OF WAY SOUTH 00°00'19" EAST, 403.14 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89°50'14" EAST, 3490.21 FEET; THENCE RUN SOUTH 89°48'53" EAST, 786.31 FEET; THENCE RUN SOUTH 11°19'19" EAST, 51.02 FEET; THENCE RUN NORTH 89°49'05" WEST, 796.66 FEET; THENCE RUN SOUTH 00°05'47" EAST, 1327.82 FEET; THENCE RUN NORTH 89°48'41" WEST, 878.46 FEET; THENCE RUN NORTH 00°10'07" EAST, 1328.02 FEET; THENCE RUN NORTH 89°49'02" WEST, 2617.56 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD (80' R/W); THENCE RUN ALONG SAID EAST RIGHT OF WAY NORTH 00°00'19" WEST, 48.51 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINING 31.53 ACRES, MORE OR LESS, LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

GCOF RETREAT AT TIAWASEE

ANNEXATION REVIEW

**SOUTH OF THE INTERSECTION OF COWLES
CROSSING AND NORTH LAMHATTY LANE**

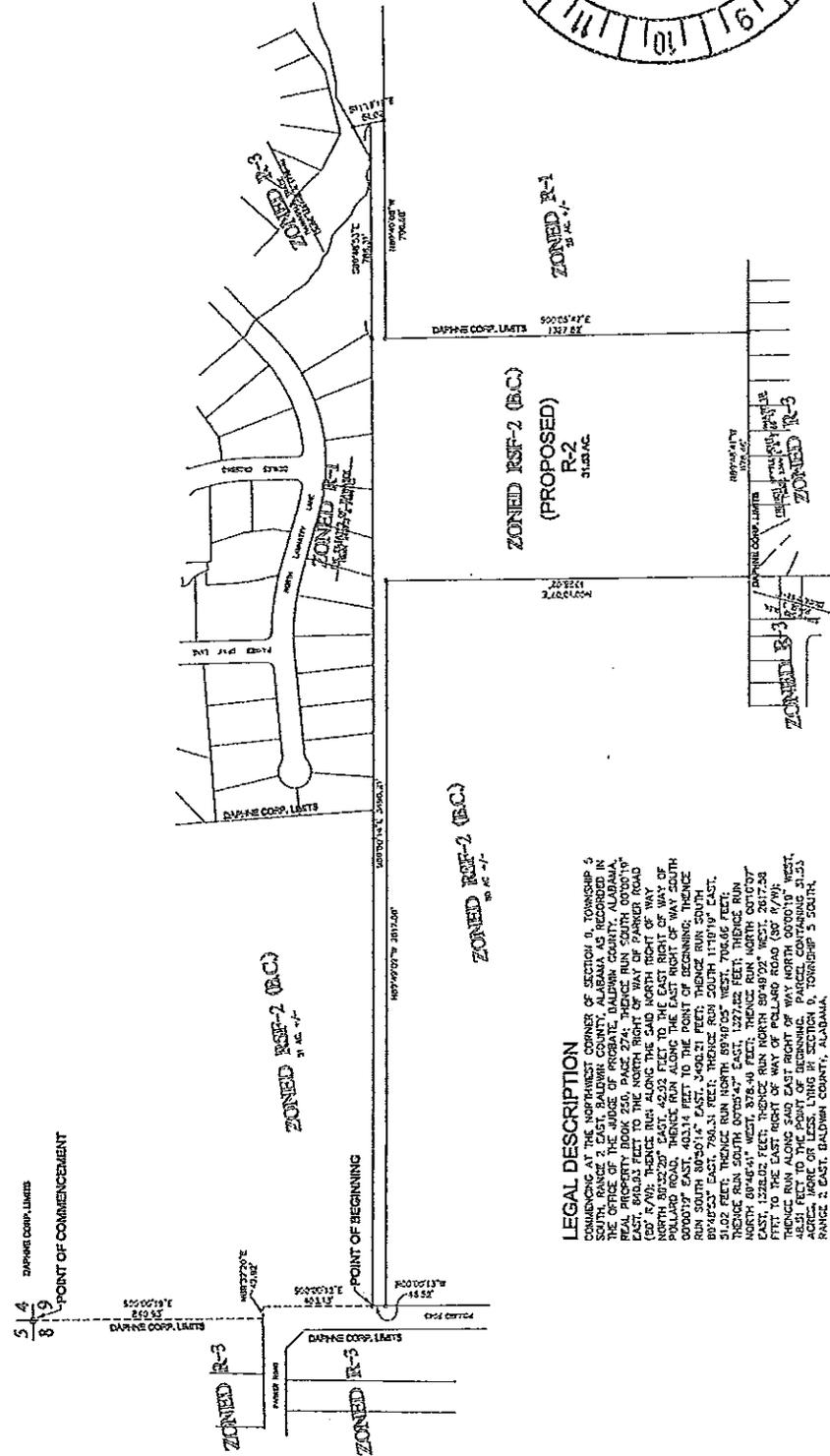
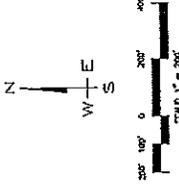
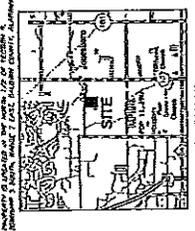
EXHIBIT "A"

STATE OF ALABAMA)
COUNTY OF BALDWIN)

COMMENCING AT THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, REAL PROPERTY BOOK 256, PAGE 274; THENCE RUN SOUTH 00°00'19" EAST, 840.93 FEET TO THE NORTH RIGHT OF WAY OF PARKER ROAD (80' R/W); THENCE RUN ALONG THE SAID NORTH RIGHT OF WAY NORTH 89°32'20" EAST, 42.92 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD; THENCE RUN ALONG THE EAST RIGHT OF WAY SOUTH 00°00'19" EAST, 403.14 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89°50'14" EAST, 3490.21 FEET; THENCE RUN SOUTH 89°48'53" EAST, 786.31 FEET; THENCE RUN SOUTH 11°19'19" EAST, 51.02 FEET; THENCE RUN NORTH 89°49'05" WEST, 796.66 FEET; THENCE RUN SOUTH 00°05'47" EAST, 1327.82 FEET; THENCE RUN NORTH 89°48'41" WEST, 878.46 FEET; THENCE RUN NORTH 00°10'07" EAST, 1328.02 FEET; THENCE RUN NORTH 89°49'02" WEST, 2617.56 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD (80' R/W); THENCE RUN ALONG SAID EAST RIGHT OF WAY NORTH 00°00'19" WEST, 48.51 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINING 31.53 ACRES, MORE OR LESS, LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

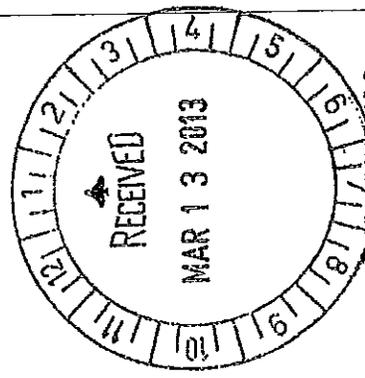
REFERENCE: THE RETREAT AT TIAWASEE

GCOF RETREAT AT TIAWASEE, LLC EXHIBIT "B"



LEGAL DESCRIPTION
 COMMENCING AT THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, BEING THE TRACT OF LAND DESCRIBED AS FOLLOWS: BEING THE EAST 80.00 FEET OF EAST 80.00 FEET TO THE NORTH RIGHT OF WAY OF PARKED ROAD (60' R/W); THENCE RUN ALONG THE SAID NORTH RIGHT OF WAY OF NORTH 80.00 FEET EAST, 42.00 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD; THENCE RUN ALONG THE EAST RIGHT OF WAY OF SOUTH POLLARD ROAD, BEING THE EAST RIGHT OF WAY OF SOUTH POLLARD ROAD, 117.00 FEET TO THE EAST; THENCE RUN SOUTH 80.00 FEET TO THE EAST; THENCE RUN SOUTH 117.00 FEET, 80.00 FEET EAST, 79.00 FEET; THENCE RUN SOUTH 117.00 FEET, 51.00 FEET; THENCE RUN NORTH 89.00 FEET WEST, 706.46 FEET; THENCE RUN SOUTH 07.00 FEET EAST, 127.00 FEET; THENCE RUN EAST 127.00 FEET; THENCE RUN NORTH 89.00 FEET WEST, 207.20 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD (60' R/W); THENCE RUN ALONG SAID EAST RIGHT OF WAY NORTH 00.00 FEET WEST, 45.00 FEET TO THE POINT OF BEGINNING. PARCELS CONTAINING 31.03 ACRES, BEING THE EAST 80.00 FEET OF SECTION 10, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

DESCRIPTION CORRECTED FROM RECORD DEED - BIG # 130682, WITH CERTAIN PORTIONS OF SAID DEED ELIMINATED OVERLAP WITH PLAT OF THE ESTATE OF TIAWASEE.



**REPORT
OF
STANDING COMMITTEES**

**CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
MAY 13, 2013
4:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:00 pm. Present were Chairperson Mrs. Conaway, Councilman Ron Scott, Councilman Joseph Davis, Finance Director Kim Briley, Deputy Finance Director Christine Ciancetta, Senior Accountant Suz  ne Henson and Accounting Technician Sue Moody.

Councilman John Lake arrived at 4:20.

Also in attendance were Human Resource Director Vickie Hinman, Public Works Director Richard Johnson, Fire Dept Chief White, Civic Center Director Margaret Thigpen, Mayor Haygood, Erosion Director Ashley Campbell and Building Maint Supervisor Frank Barnett.

II. PUBLIC PARTICIPATION

A. Mobile Bay National Estuary Program-Ms. Roberta Swan-FY13 & FY14 Community Contribution

Ms. Swan discussed the appropriation request from MBNEP and discussed their ongoing projects. Ms. Swan noted that MBNEP is researching what people value in relation to the area's coastal resources and addressing those areas of interest and need. Ms. Swan noted that they are working on the Joe's Branch Project and are essentially complete. Ms. Swan stated that they are coordinating work being done by municipalities together along with Alabama Restoration Council so that everyone is working on projects together.

Councilman Scott asked what other funds the MBNEP receives annually. Ms. Swan responded that previously they were getting \$600,000 from EPA but that amount has been cut to \$512,000 this year. Ms. Swan noted that they have to match the EPA funds dollar for dollar. MBNEP also receives \$60,000-\$70,000 from the State of Alabama, and \$25,000 from Mobile County and City of Mobile each. Ms. Swan noted that Baldwin County provides In-Kind services.

Motion by Councilman Ron Scott to appropriate \$ 10,000 from Fiscal 2013 Lodging Taxes as a contribution to the Mobile Bay National Estuary Program (MBNEP) and additionally to consider a \$ 10,000 contribution in the Fiscal 2014 budget. Seconded by Councilman Joe Davis. Motion carried.

III. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

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

Positions

Asst. City Clerk
Fire Fighter
Police Officer (2)
Children's Librarian
Accounting Technician
Admin. Tech (Mechanical)
Solid Waste Worker

Status

Interviewing
Written Test
Background
Pre-employment Process
Interviewing
Posting: 5/1-5/8
Posting: 5/1-5/15

Safety Committee Meeting: Drawing for Safety Awards for the previous year. The recipients were Chief David Carpenter and Kerri Elliott (Mechanical). The committee was informed and discussed the bleachers at Lott Park needing safety improvements.

Ms. Hinman discussed other Human Resources' projects/meetings and noted that the Kronos upgrade was complete and as of 5/7/2013. Ms. Hinman noted that the meeting was held with the City's Short Term Disability Insurance representative and noted there are potential savings and long-term benefits options available for the City. More information will be presented to the Committee in June.

IV. CURRENT BUSINESS

A. Financial Reports

1. Treasurer's Report: April 30, 2013

The Treasurer's Report totaling \$ 18,575,570.17 was presented by Ms. Conaway.

Mr. Scott asked if the balance was down due to payouts for construction projects. Ms. Briley answered yes.

Motion by Councilman Scott to accept the Treasurer's Report and file for audit as of April 30, 2013, in the amount of \$ 18,575,570.17. Seconded by Councilman Davis. Motion carried.

2. Sales and Use Taxes: March 30, 2013- \$1,181,007.55

Ms. Briley reviewed the Sales and Use Tax Reports. Ms. Briley noted that Sales Tax collections were up \$351,262 YTD.

3. Lodging Tax Collections, March 30, 2013 - \$64,325.47

Ms. Briley reviewed the Lodging Tax Collections Report. Ms. Briley also presented a summary of information requested for the Lodging Tax Fund.

Ms. Briley also discussed the history of the fund. Total outstanding debt for the 2002 property purchase was refunded in 2012 and noted the maturity date was not shortened; it remains 2032. (this was done while Ms. Briley was out on sick leave) Ms. Briley summarized that the total debt due is Principal- \$2,205,000 and Interest - \$816,678. Annual debt service is approx. \$ 153,000.

Ms. Briley reviewed the Recreation "Loan" Ordinances which have been adopted appropriating \$1,708,558 for various Recreation/Parks projects at the new Sports Plex. To date \$1,114,803 has been expended and \$704,053 has been reimbursed. The net loan due for reimbursement to the General Fund is currently \$410,750 with an additional \$593,756 available for completion of the on-going projects. The full loan is estimated to be paid back no earlier than FY2017.

4. Report: New Business Licenses – April 2013

The New Business License Report was presented showing 58 new businesses and 3 businesses closed.

5. Bills Paid Reports – April 2013

The Bills Paid Report was reviewed.

B. Appropriation Request: (Ordinance)

1. Fire Engine #4 -2000 Freightliner-FL80(Vehicle #822) - Engine Repair Estimated \$15,000

Discussion was made that an emergency appropriation in the amount of \$15,000 was need to repair a 2000 Freightliner truck for the Fire Department. Ms. Henson noted that she had spoken with the City's mechanic, Duke Crutchfield and he had received a preliminary quote that the cost should not exceed \$15,000. Ms. Henson noted that if the final quote does exceed \$15,000 the repair would need to be declared an emergency by Council or be bid out. Discussion continued that since this repair is critical to the Fire Department's daily operations the rules would need to be suspended to adopt an Ordinance on the first read so funds could be appropriated. It was noted by Councilman Scott that the Public Safety Committee recommended these repairs.

Motion by Councilman Ron Scott to recommend to Council to adopt an Ordinance to appropriate \$15,000 for an emergency repair for the 2000 Freightliner FL80 (Veh #822). Seconded by Councilman John Lake. Motion carried.

Additionally, if final quotes on the project exceed \$ 15,000 it is recommended that the Council declare the repairs an emergency, as time is of the essence for getting this fire truck back in operation. Motion carried.

C. Bids:(Resolution)

1. 2013-M-City Hall Roof Restoration (**Resolution**)

Ms. Henson noted that the bid for the City Hall Roof Restoration opened this morning and the minutes and recommendation are included in the handout. The recommendation is to award the low bidder Kiker in the amount of base bid - \$71,560.99 and \$2,400 alternate add on and stated square foot cost for replacement of deteriorated wood. The completed project is estimated to be under \$85,000. Mr. Johnson noted that these monies are included in the FY2013 New Capital Requests list that will be voted on by Council at the next Council meeting.

Motion by Councilman Ron Scott to recommend to Council to award the City Hall Roof Restoration bid to Kiker Corporation for a base bid of \$71,560.99 with bid alternates unit costs as bid. Seconded by Councilman John Lake. Motion carried.

D. Nicholson Center Roof Repair

Mr. Richard Johnson discussed that quote had been obtained for the Nicholson Center roof repair and that monies were included in the FY2013 New Capital Requests list that will be voted on by Council at the next Council meeting. The estimated cost for the project is \$45,000.

V. OLD BUSINESS

No old business was discussed.

VI. ADJOURN

Meeting was adjourned at 4:38.



MOBILE BAY NATIONAL ESTUARY PROGRAM

August 16, 2012

Barry Yelding, Jr., Mayor
City of Daphne
1705 Main Street
PO Box 400
Daphne, AL 36526



Dear Mayor Yelding:

The Mobile Bay National Estuary Program (MBNEP), established under the United States Clean Water Act to preserve the environmental, cultural, and economic integrity of Alabama's estuarine and coastal resources, respectfully requests a continuation of funding provided to remain at \$10,000 for fiscal year 2012-2013, to meet its non-federal match obligation under its U.S. Environmental Protection Agency (USEPA) grant.

The request to continue funding at \$10,000 is to support activities that the program is undertaking related to stormwater education and watershed management with a particular focus on the D'Olive watershed. The City has supported the Mobile Bay National Estuary Program since 1998 with contributions totaling \$40,000. MBNEP has leveraged this support many times over for the City, most recently in regards to the Joe's Branch restoration project, currently underway. Although this project is located within Spanish Fort city limits, the sediment that it contributes to Daphne waterways is significant and through this project will be abated. Other projects of note include the completion of the D'Olive Watershed Management Plan, removal of invasive species at Village Point Park, and our current contract with the City to support the creation of low impact development/green infrastructure regulations and incentives program.

Implementation of the D'Olive Watershed Management Plan is beginning with the restoration of Joe's Branch, with a project cost totaling more than \$1,200,000 in cash and in-kind services, of which the City of Daphne is contributing on-site technical assistance as part of the in-kind services total. When combined with the cost of the D'Olive Watershed Management Plan, the funding for D'Olive Watershed remediation to-date is over \$1,450,000. The City of Daphne, through various contributions, has successfully leveraged \$1,400,000 for these two projects alone; projects that directly and significantly impact Daphne's waterways.

With a full understanding of the budgetary demands and other constraints facing local governments, I request your positive consideration of this funding. With your help and support, tremendous progress is being made to support the community of Daphne while addressing the Comprehensive Conservation and Management Plan (CCMP).

MBNEP thanks you for your investment to ensure the estuary's sustainability and for your continued support of our program.

Sincerely,

Handwritten signature of Roberta A. Swann.
Roberta A. Swann
Director

cc: Council President



MOBILE BAY NATIONAL ESTUARY PROGRAM

May 6, 2013

Ms. Kim Briley
City of Daphne
1705 Main Street
PO Box 400
Daphne, AL 36526

Dear Ms. Briley:

I am writing to request permission to address the City of Daphne Finance Committee at its May 13, 2013 meeting to discuss your investment in the activities of the Mobile Bay National Estuary Program (MBNEP) for the 2013 fiscal year. I would like to give a 10 minute presentation about the program, past Daphne investments and benefits, future plans and how MBNEP can leverage Daphne investment in protecting and preserving the Mobile Bay estuary. The original request for support was submitted to Major Yelding in August of 2012. A copy is enclosed.

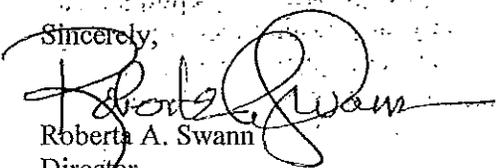
The MBNEP, established under the United States Clean Water Act to restore and maintain the chemical and biological integrity of the Mobile Bay estuary so that it can support the protection and propagation of fish, shellfish, wildlife and recreation in and on the water, has appreciated the steadfast support of the City of Daphne. During the last four years (2009-2012), the City provided a total of \$24,000 to the program- \$19,000 to support the MBNEP's annual non-federal share obligation and \$5,000 in support of the D'Olive Watershed Management Plan. These investments have enabled the MBNEP to undertake activities including but not limited to remediation of invasive species in Yancey Branch at Village Point, the creation of the D'Olive Watershed Management Plan, construction of a demonstration stormwater management project at Alligator Alley and regional stormwater education, all benefitting the citizens of Daphne.

Currently, MBNEP is working with Baldwin County, Spanish Fort, Daphne, ALDOT, and Westminster Village to complete the Joe's Branch Watershed Restoration, a project that will greatly improve environmental conditions, including water quality, in the City of Daphne. Due to the multi-jurisdictional nature of this project, MBNEP has agreed to apply for additional grant funding on behalf of the partners to further restoration of other tributaries feeding Joe's Branch, with a goal of removing it from the State's 303(d) list of impaired waterbodies. In doing so, sediment entering D'Olive Creek will be significantly reduced, improving water quality for the City of Daphne and Mobile Bay. This is one example of how the MBNEP can provide an increased return on investment and participate as an active facilitator of environmental restoration. In addition, MBNEP has funded a public awareness campaign that addresses stormwater runoff. This program includes full page advertisements in Mobile Bay Monthly and a series of public service announcements that address different aspects of stormwater runoff impacts. These PSA's, developed in partnership with the Coastal Alabama Stormwater Team, of which the City of Daphne is a member, can be used by the City to meet the education part of its MS4 permit.

With a full understanding of the time constraints and budgetary demands facing local governments, I ask your positive consideration of this request to show the Finance Committee the value of investing in the MBNEP for improved water quality and environmental management.

I can be reached at 251-431-6409 or at rswann@mobilebaynep.com if you require additional information.

Sincerely,


Roberta A. Swann
Director

Dane Haygood
Mayor
Vickie Hinman
Human Resources Director



Sherree Hilburn
Payroll and Benefits Coordinator

Michele Hanson
Human Resources Assistant

The Jubilee City

May 9, 2013

HUMAN RESOURCES DEPARTMENT
ACTIVITY REPORT

Positions

Status

Asst. City Clerk	Interviewing
Fire Fighter	Written test
Police Officer (2)	Background
Children's Librarian	Pre-employment process
Accounting Technician	Interviewing
Admin. Tech. (Mechanical)	Posting: 5/1-5/8
Solid Waste Worker	Posting: 5/1-5/15

Safety Committee Meeting: Drawing for Safety Awards for the previous year. The recipients were Chief David Carpenter and Kerri Elliott (Mechanical). The committee was informed and discussed the bleachers at Lott Park needing safety improvements. All cats and kittens have been removed from Public Works.

Other Human Resources' projects or meetings:

- Kronos upgrades effective 5/7/2013
- Relay for Life –May 3 (Total: \$6,006.38)
- Written test Fire Fighter candidates (34) – May 20
- Police Officer Oral Board – May 1
- Meetings regarding Short Term Disability

TREASURER'S REPORT

As of April 30, 2013

TO: FINANCE COMMITTEE

FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

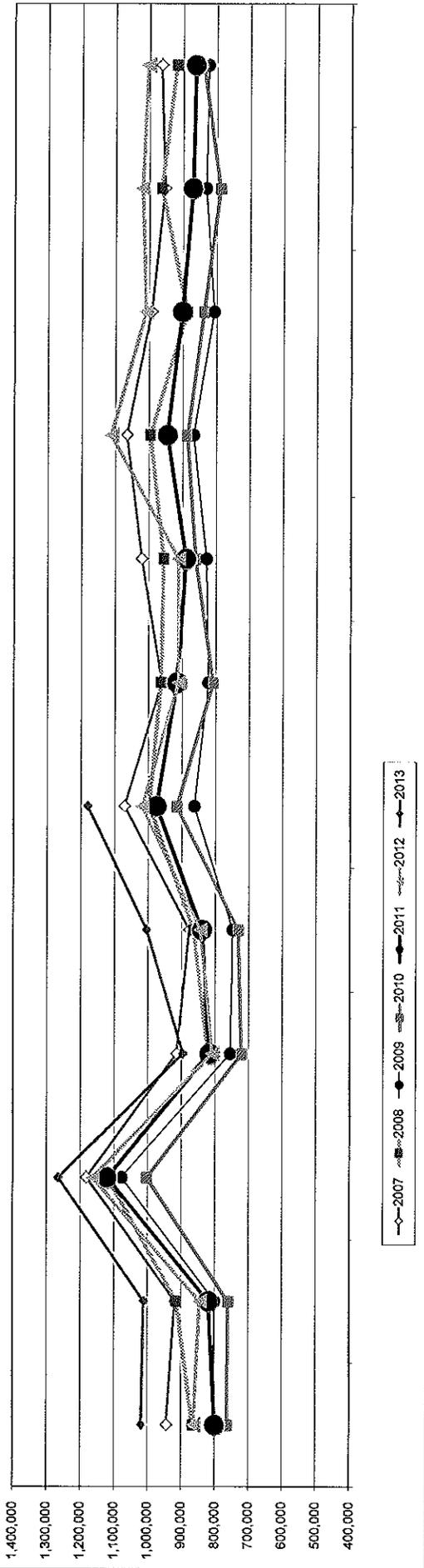
<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$7,213,588.01
OPERATING ACCT	COMPASS	(\$173,429.76)
PAYROLL ACCT	COMPASS	\$0.00
CREDIT CARD DONATION ACCT (\$500 transf frm GF to open acct)	COMPASS	\$443.64
		<u>\$7,040,601.89</u>
INVESTMENT FUND	RAYMOND JAMES (investment \$4,828,875.15)	\$5,228,647.87
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	\$411,737.99
SPECIAL REVENUE FUNDS		
SAIL SITE	PNC BANK	\$7,089.49
4 CENT GAS TAX	PNC BANK	\$180,828.66
7 CENT GAS TAX	PNC BANK	\$376,101.94
		<u>\$564,020.09</u>
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WELLS FARGO	\$1,562,746.47
2012 CONSTRUCTION	REGIONS	\$6,628.30
2012 CONSTRUCTION INVESTMENT ACCT	RAYMOND JAMES	\$1,893,913.57
		<u>\$3,463,288.34</u>
DEBT SERVICE FUNDS		
DEBT SERVICE	WELLS FARGO	\$1,866,009.32
2006 DEBT SERVICE	PNC	\$1,264.67
		<u>\$1,867,273.99</u>
		<u>\$18,575,570.17</u>

PRIOR YEAR BALANCE

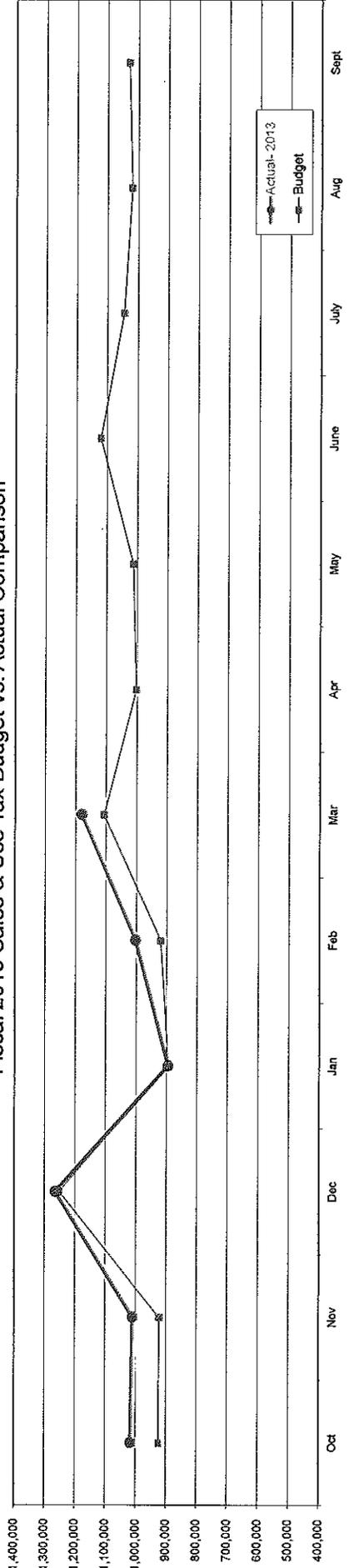
April 30, 2012

\$19,534,218.50

Sales & Use Tax Comparisons



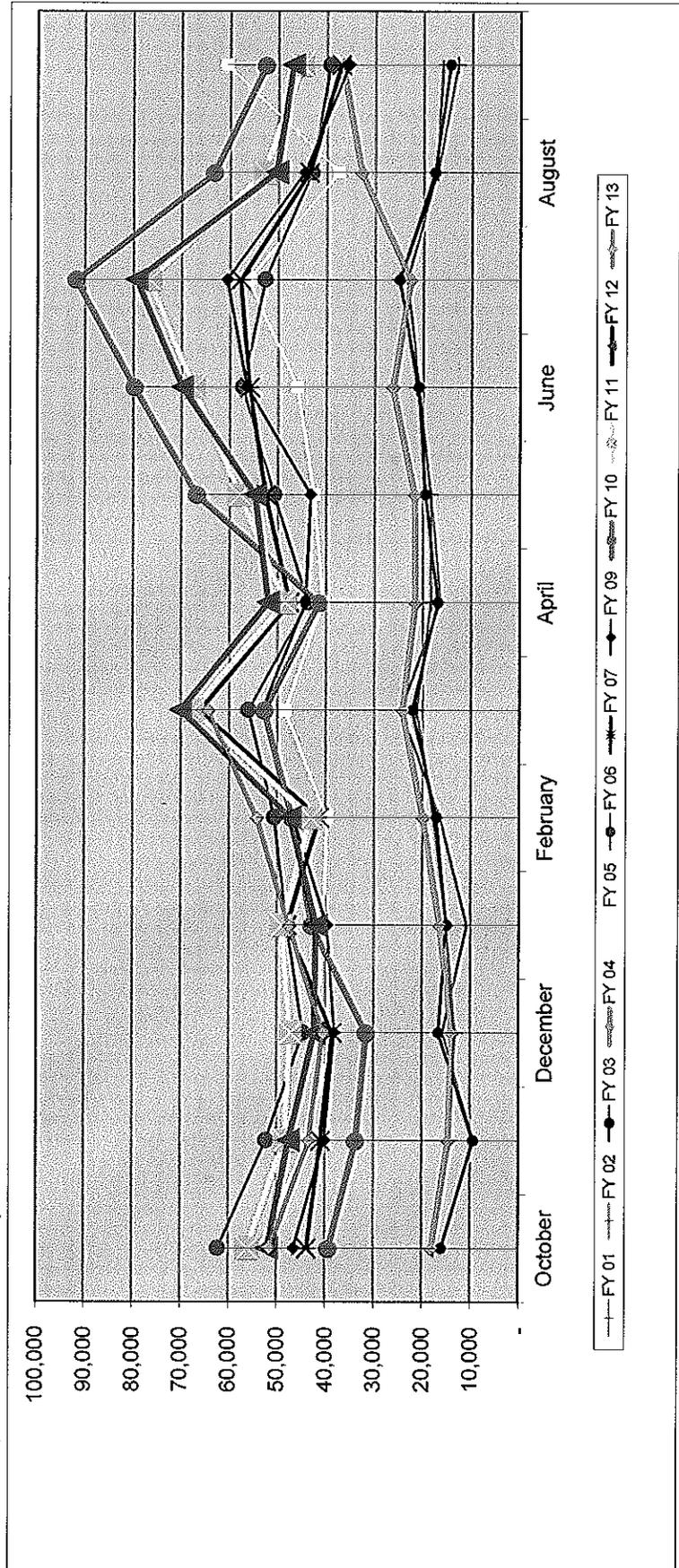
Fiscal 2013 Sales & Use Tax Budget vs. Actual Comparison



Monthly Lodging Tax Collections

	FY 02	FY 03	FY 04	FY 05	FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	FY 12	FY 13
Oct	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
Nov	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
Dec	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
Jan	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	47,548.01
Feb	17,680.30	17,174.37	19,952.91	39,797.68	50,684.11	41,381.78	47,340.33	46,699.01	46,998.32	43,052.68	47,346.50	54,207.03
Mar	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	64,325.47
Apr	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	
May	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	
Jun	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	
Jul	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	
Aug	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	
Sept	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	
Total	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	301,613.53

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



NEW BUSINESSES

April-13

CITY LIMITS		CONTRACTORS	
RETAILERS		JAMES D THORPE ELECTRIC	1
BAYSIDE COMPANY	1	GULF COAST BUILDING CONTRACTORS	1
ALL OTHER		CENTURY ELECTRIC	1
COASTAL PHARMACY	1	BRICE COCKE	1
AMERICAN STERLING SILVER	1	CALL PHILLIP AIR SYSTEMS	1
ONIN STAFFING	1	JOHN D WRYE	1
ALABAMA SPINE & REHABILITATION	1	OSCAR'S LAWN CARE SERVICE	1
BAYSIDE INDOOR SOCCER	1	ALABAMA TANK	1
MELISSA HOERCHER	1	BAY SIDE LAWN CARE	1
GARAGE DOOR RESCUE	1	DYAS CONSTRUCTION MGT LLC	1
JRH REALTY & INVESTMENTS	1	BLADE CONSTRUCTION LLC	1
EMILY'S GOURMET DELIGHTS	1	BOB FUQUA	1
FRESH MAGNOLIA	1	WILSON AIR CONDITINING SERVICE	1
GULF COAST MEDICAL EVALUATIONS	1	MCWHORTER & CO INC	1
TOTAL CITY LIMITS	12	GULF WINDS ELECTRIC	1
OUTSIDE CITY LIMITS		DNA SERVICES	1
HUNGRY HOWIE'S DISTRIBUTING	1	DORMA USA INC	1
SHORE ALL CORP	1	CRAIG CRAWFORD	1
VIRBAC CORP	1	ALABAMA GLASS WORKS INC	1
DEBORAH CALHOUN	1	PITTMAN LANDSCAPING LLC	1
WASTE MANAGEMENT NATIONAL	1	MOBILE BAY MECHANICAL	1
DJ MICHAEL ANGELO	1	G R WILSON LAWN CARE	1
MOBILE MECHANICAL SERVICE	1	LARRY MILEY	1
KEBBIE HOLLINGSWORTH FLORIST	1	TOTAL CONTRACTORS	23
FLOW CIRCUS INC	1	INSURANCE	
IMAGINE THIS	1	TORUS NATIONAL INSURANCE CO	1
FAIRHOPE RUG COMPANY	1	TOTAL INSURANCE	1
J E HAMLIN LLC	1	TOTAL NEW BUSINESSES IN DAPHNE	
GLORY GLOBAL SOLUTIONS	1	58	
INTEGRA LIFESCIENCES SALES LLC	1	CLOSED BUSINESSES IN DAPHNE	
PORT CITY MEDIA	1	BENEDETTO LLC	1
AZUMA LEASING CT, LP	1	YVONNE'S RESALE BOUTIQUE	1
TRACTOR & EQUIPMENT CO	1	COLD SNAP	1
SUNSET ARBORS	1		



The Jubilee City

MEMORANDUM

*This needs
to be added
to Fin. Comm.*

Date: 5/8/2013

To: FIRE CHIEF BO WHITE

From: Billy D. Crutchfield Mechanical Maintenance Supervisor

Re: Engine 822 2000 Freightliner FL80

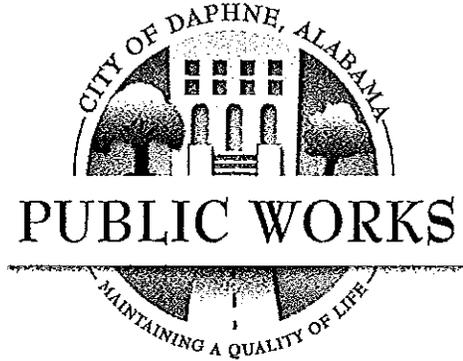
Chief truck 822 came in to the shop today with the complaint from the crew that a real strong oil smell was coming from the truck and also could see a lot of smoke at the rear of the truck. After the shop checked the truck out it was determined that the engine has excessive blow by coming from the engine which is commonly caused by excessive wear in the piston rings and cylinder sleeves. This unit has 7,679 hours on it and 110,730 miles plus you have to count the hours that it idles as well which would be around 253,407 miles. I attained a verbal quote from lazzari truck repair and it is going to be 15,000.00.

Dane Haygood
Mayor

Becky Hayes
City Clerk

Kimberly Briley
Finance Director/Treasurer

Richard D. 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 LeJeune
District 6

Joe Davis III
District 7

To: Suzanne Henson
Senior Accountant

From: Richard D. Johnson
Public Works Director

A handwritten signature in black ink, appearing to be "RDJ", written over a horizontal line.

Date: May 13, 2013

Re: 2013-M-CITY HALL ROOF RESTORATION

The City sent out requests for bids for the restoration of the roof at City Hall. Five bids were received with Kiker Corporation being the lowest bidder with a base bid of \$71,560.99 and an alternate add-on of \$2,400 for roof drains and related plumbing. There is some unit pricing for concrete decking per square foot and replacement of deteriorated wood nailers per board foot which would be in addition to the base bid. This request is dependent on the verification of qualifications.

I, therefore, recommend to this Committee that we accept the City of Daphne BID 2013-M-City Hall Roof Restoration from Kiker Corporation and request that the City Council fund this project in the amount of \$85,000 to allow for the unknown quantity of decking and nailers.

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

RDJ:swc

CITY OF DAPHNE
BID DOC. NO.: 2013-M-CITY HALL ROOF RESTORATION
MAY 13, 2013
11:30 A.M.
CITY HALL

PRESENT WERE:

MS. SUZANNE HENSON	SENIOR ACCOUNTANT
MR. FRANK BARNETT	BUILDING MAINT SUPERVISOR
MR. MELVIN MCCARLEY	PW SUPERINTENDENT

18 INVITATIONS WERE MAILED/FAXED/PICKED-UP, 9 SEALED BIDS WERE RECEIVED.

THE PRESENTED BIDS WERE OPENED BY MR. FRANK BARNETT AND THE BIDS WERE READ ALOUD AS FOLLOWS:

<u>VENDER</u>	<u>BID BOND</u>	<u>ADDENDUM</u> (A. & B. are per/SqFt)	<u>BASE BID</u>
THOMAS INDUSTRIES, INC.	X	A.-\$16.00 / B. 14.30 / ALT#1-\$4,750	\$131,819.00
DOBSON SHEET METAL & ROOFING, INC.	X	A.-\$12.00 / B.-\$2.00 / ALT#1-\$1,800	\$ 83,600.00
AA CONSTRUCTION CO.	X	A.-\$15.00 / B. \$8.00 / ALT#1-\$15,000	\$ 79,500.00
KIKER CORP.	X	A.-\$9.00 / B. \$12.00 / ALT#1-\$2,400	\$ 71,560.99
STANDARD ROOFING OF MONTGOMERY	X	A.-\$14.50 / B. \$4.50 / ALT#1-\$3,600	\$ 85,767.00



 SUZANNE HENSON, SR. ACCOUNTANT

CITY OF DAPHNE BID FORM

BID#: **2013-M- City Hall Roof Restoration**

SUBMIT TWO (2) COPIES OF BID SUBMITTAL (One Original & One Copy is Acceptable)

This form must be correctly completed and returned in order to constitute a valid bid, including the signature of an authorized company representative. Failure to do this will subject your bid to rejection.

BID FROM: COMPANY: Kiker Corporation

ADDRESS: 3150 Lees Lane Mobile, AL 36693

E-MAIL: bmccrory@kikercorp.com

1. The undersigned BIDDER agrees, if this Bid is accepted, to enter into an agreement with OWNER, in the form included in the Bidding Documents, to perform and furnish the Work as specified or indicated in the Bidding Documents for the Bid Price and within the Bid Times indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.
2. In submitting this Bid, BIDDER represents, as more fully set forth in the Agreement, that:
 - a. This Bid will remain subject to acceptance for 90 days after the day of Bid opening;
 - b. The Owner has the right to reject this Bid;
 - c. BIDDER will sign and submit the Agreement with the Bonds and other documents required by the Bidding Requirements within 10 days after the date of OWNER'S Notice of Award;
 - d. BIDDER has received the following Addenda, receipt of which is hereby acknowledged;

Date	Number
<u>May 6, 2013</u>	<u>One</u>

3. BASE BID \$ 71,560.99
Reinforced Fluid-Applied Membrane
w/ 10 year watertightness warranty

4. UNIT PRICING

a. Replace Lightweight Concrete decking Per Square Foot.	<u>\$ 9.00 / SF</u>
b. Replace deteriorated imbedded wood nailers with pressure treated, match existing dimension. Per Board Foot.	<u>\$ 12.00 / BF</u>

5. ADD/ALTERNATE #1 \$ 2,400.00
Add Two Roof Drains with associated plumbing.

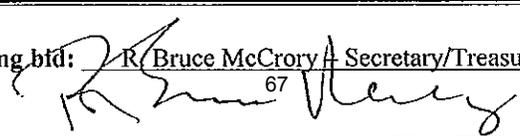
6. SUBMITTED ON: May 13, 2013

Federal ID #: _____

Office telephone: 251-661-1971 Fax: 251-661-1818

Warranty:

Printed name & title of person submitting bid: R. Bruce McCrory Secretary/Treasurer

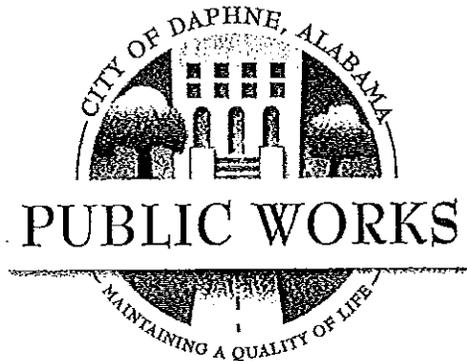
Signature of person submitting bid: 

Dane Haygood
Mayor

Becky Hayes
City Clerk

Kimberly Briley
Finance Director/Treasurer

Richard D. 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 LeJeune
District 6

Joe Davis III
District 7

To: Suzanne Henson
Senior Accountant

From: Richard D. Johnson
Public Works Director

Date: May 13, 2013

Re: 2013 NICHOLSON CENTER ROOF REPAIR

The City sent out requests for price quotes for the repair of the roof at the Nicholson Center. Three quotes were received with Kiker Corporation being the lowest with a base quote of \$43,341.85 for the repair of the shingle roof and replacement of the membrane roofing. There is some unit pricing for decking per square foot and replacement of deteriorated wood fascia per board foot which would be in addition to the base price. This request is dependent on the verification of qualifications.

I, therefore, recommend to this Committee that we accept the quote from Kiker Corporation and request that the City Council fund this project in the amount of \$45,000 to allow for an unknown quantity of decking and fascia.

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

RDJ:swc

included in
FY13 New Capital
Request list

Public Safety Committee

Wednesday, April 10, 2013

Councilman Pat Rudicell
Councilman Randy Fry
Councilman Robin LeJeune
Councilman Ron Scott
Fire Chief James White
Public Works, Melvin McCarley

Police Chief David Carpenter
Captain Scott Taylor
Captain Daniel Bell
Tracy Bishop - Secretary

Committee Members Attending:

Councilman Pat Rudicell, Councilman Ron Scott, Councilman Randy Fry, Councilman Robin LeJeune, Chief White, Captain Bell.

CALL TO ORDER

Councilman Rudicell **convened** the meeting at 4:30 p.m.

PUBLIC PARTICIPATION – None

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from February 13, 2013, and March 13, 2013. Councilman LeJeune made a motion to accept the minutes with a second by Councilman Randy Fry. Motion passed.

POLICE DEPARTMENT

A. New Business – Captain Bell reviewed the stats. Councilman Fry questioned the twelve B&E's on the monthly report. Captain Bell stated that this is an ongoing issue. They are proactively working B&E details. Councilman Scott stated that the PD was looking for approval on new officers and was it essential to the PD if the court was requesting additional personnel also. Bell stated most definitely.

B. Old Business – Councilman Lejeune asked if we have justification for a speed bump on College Avenue? Councilman Scott asked if rumble strips actually work? Councilman Scott responded that the city can't set a precedent by installing speed bumps on every street that asks for it. He suggested that the city change the speed limit on College Avenue to 25 mph. Melvin stated that if he had some signs he would put them up the next day, if not he would order them and it would take 7-8 days. Councilman LeJeune wants to see what kind of response we get from Mr. Wilson when we let him know we're changing the speed limit. If he's not okay with that then he will have to pick up a petition from the PD and have it signed with all that are in agreement for a speed bump. Councilman Rudicell asked for another traffic study on College Avenue. The PD will monitor the traffic on College Avenue. Bell asked Tracy to contact Howard Wilson and let him know of the speed limit change. For the record, Councilman Fry stated he was in agreement to put a speed bump on College Avenue.

FIRE DEPARTMENT

- A. New Business** – Chief White went over his stats. He asked if the council looked over the county stats in last month's packet? It shows how Daphne stacks up against other departments in the county.

Chief talked to Sunbelt Fire in Ocala, Fl. And they advised him that the fire truck would be finished on April 22 and that he is going on April 23 for a final inspection of the truck.

Councilman Scott asked about the finishing of Johnson Road Extension and Melvin stated that it should be paved in a few weeks. Councilman Fry asked how far outside of the city limits does the fire department respond? Chief White advised to any sister city we will respond with mutual aid. Spanish Fort, Belforest, and Fairhope we respond automatically without a call. He also asked what percentage of EMT runs does the large fire truck run on? Chief responded that all EMT calls send the large fire truck because they each equipped with a paramedic onboard. Councilman Fry asked how speed bumps affect the fire trucks. Chief White responded that it slows response time significantly. He commented that all of the other ones that are in the city are spaced to make emergency vehicle crossing a little easier.

- B. Old Business-**

OTHER BUSINESS :

ADJOURN

There being no further business to discuss, Mr. Scott made a motion to adjourn the meeting at 5:30 p.m. Mr. Fry seconded. The next meeting will be Wednesday, May 8, 2013 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,
Daphne Public Safety Committee



Patrol Division	Detective Division (Capt. Ball/Lt. Beedy)		JAIL (Capt. Taylor/Lt. Yelding)	Animal Control (Capt. Taylor/Lt. Yelding)		Crimes Reported This Month
(Capt. Bell/Lt. Hempflang)						
# Complaints	1,067	# New Cases Received: 68	Total Arrestees Received & Processed: 170	YTD		
# Misd. Arrests	37	# Previous Unsolved Cases: 103	Arrestees by Agency:	896		Arson 0
# Felony Arrests	4	# Cases Solved: 34	Daphne PD	543	#Complaints	Burglary - Commercial 1
DUI Arrests	14	Resulting in Total Arrests: 11	BCSO	65	#Follow-ups	Burglary - Residence 2
Alias Warrant Arrests	12	Felonies: 11	Spanish Fort PD	223	#Citations	Burglary - Vehicle 12
Citations	246	Misdemeanors: 0	Silverhill PD	58	#Warnings	Criminal Mischief 3
Close Patrols	529	Houses Searched 0	Troopers	9	#Fines Captured	Disorderly Conduct 1
Warnings	205		Other Agencies	0	#Cameras Captured	Domestic Disturbance 23
Motorist Assists	207				#Other Captured	False Info to Police 2
Roadway Accidents	59	Warrants:			#Returned to Owner	Felony Assault 1
Private Property Accidents	18	Served			#Adopted Out	Felony Theft 13
Traffic Homicide	2	Agency Assists			#Euthanized	Harassment 3
		Recalls (Pd Fines)				Identity Theft 6
		Total Warrants Served				Indecent Exposure 0
DRUG REPORT						Kidnapping 0
ROUTINE PATROL/SPECIAL OPS						Menacing 0
# Misd. Marijuana Arrest	0	Sex Offender:	Meals Served	1,543		Misdemeanor Assault 0
# Felony Marijuana Arrest	0	New Registration:	Medical Cost	\$5,647.00		Misdemeanor Theft 11
# Controlled Substance Arrest	2	Contact Verification	Worker Inmate Hours	792		Murder 0
# Drug Paraphernalia Arrest	2	Total # registered in Daphne				Other Death Investigations 2
Vehicles Searched	45	DARE:				Public Intoxication 0
		# Hours Report Writing				Public Lewdness 0
		# Students Instructed SRO				Receiving Stolen Property 0
Drugs Seized:	1	# Students Instructed DARE				Reckless Endangerment 0
Type:	0	# Police Reports by SRO				Resisting Arrest 0
Money Seized	0	# Arrest by SRO				Robbery 0
Vehicles Seized						Sex Crime Investigations 2
		CODE ENFORCEMENT:				Suicide 0
Commercial Vehicle Inspections	24	Warnings:				Suicide, attempted 0
		Citations				Theft of Services 0
		Warning Compliance				Unauthorized Use of Services 0
		Follow - Up				Weapon Offenses 2
						White Collar Crimes 4

David Cooper

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
 Report Period: February 2013

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	3	3
11-Structure Fire/Commercial	0	0
11-Structure Fire/Residential	4	5
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	2	4
14-Natural Vegetation Fire	2	2
15-Outside Rubbish Fire	0	0
16-Special Outside Fire	0	0
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	152	322
4-Hazardous Conditions (No fire):	6	7
5-Service Call:	12	36
6-Good Intent Call:	11	35
7-False Alarm & False Call:	24	46
8-Severe Weather & Natural Disaster:	0	0
9-Other Situation:	1	1
Total Emergency Calls:	206	449
Monthly Total Calls:	217	463
Miscellaneous Reports:		
Highest:	17:00	17:00
Lowest:	<1:00	<1:00
Average (Minutes/Seconds) :	5:01	5:01
Training Hours	306.76	329.17
Property Loss - \$	54,645.00	67,645.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues	89	215
Number of Patients Treated	141	385
Child Passenger Safety Seat Inspections/Installations	9	19
Pre-Plans	0	0
Classes		
Classes	0	0
Persons Attending	0	0
Plan Reviews		
Plan Reviews	3	6
Final/Certificate of Occupancy	1	2
General/Annual Inspections	6	18
General/Re-Inspections (Violation Follow-up - Annual)	6	3
Business Licenses	5	13
All Other/Misc. Activities	0	0
Total Activities:	18	42

Authorized by:

James White

Ordinance Committee

Wednesday, May 8, 2013

1705 Main Street

Daphne, AL

5:30 p.m.

Councilman Randy Fry, Chairman

Councilman Ron Scott

Councilman Robin LeJeune

Councilman Pat Rudicell

CALL TO ORDER/ROLL CALL

I. CALL TO ORDER:

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; Ms. Lynn Williams Cook.

II. APPROVE MINUTES / MARCH 27, 2013

Motion by Councilman Scott to approve the March 27, 2013 minutes. Seconded by Councilman Rudicell.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Ms. Lynn Cook - asked how it was decided that Lucy’s Love Shop came under Adult Entertainment.

III. ANIMAL CONTROL ORDINANCE / KYLE NAVARRO

Kyle discussed the changes to the ordinance with the committee.

Discussion was held regarding why tethering dogs was deleted from the ordinance along with the fines making it illegal. They asked about tethering your dog while you were working in the yard and you go in to get a drink of water will you get fined.

MOTION BY Councilman LeJeune to carry the ordinance over for further revisions. Seconded by Councilman Rudicell.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

IV. SOLICITATION ORDINANCE / KYLE NAVARRO

The Solicitation Ordinance was revised to say that anyone other than non-exempt entities can go from door to door.

MOTION BY Councilman Scott to recommend, and send to Council the Solicitation Ordinance and the amended Animal Control Ordinance by Kyle for adoption. Seconded by Councilman LeJeune.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

V. BICYCLE ORDINANCE

Kyle reported that Mr. Scroggins, the City Prosecutor, said this ordinance was a bad idea, and the Municipal Judge said that it was harmful.

Discussion was held, and the consensus of the committee was to have Councilman Scott and Councilman Fry discuss the ordinance with the City Prosecutor, Mr. Scroggins, and report back next month.

VI. ADULT ENTERTAINMENT & TATTOO PARLOR ORDINANCE / KYLE NAVARRO

Kyle discussed the ordinance with the committee.

MOTION BY Councilman Scott to recommend and forward the Adult Entertainment Ordinance to Council set a Public Hearing. Seconded by Councilman Rudicell.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

VII. OTHER BUSINESS

No other business to discuss.

VIII. ADJOURN

MOTION BY Councilman Scott to adjourn. Seconded by Council Rudicell.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

There being no further business to discuss the meeting adjourned at 6:25 p.m.

Respectfully submitted

Code Enforcement / Ordinance Committee

SET DATE FOR PUBLIC HEARING

JUNE 3, 2013

TO CONSIDER:

PUBLIC INDECENCY ORDINANCE

**CITY OF DAPHNE
ORDINANCE NO. 2013-_____**

**AN ORDINANCE TO REPEAL ORDINANCE NO. 2003-09
CONCERNING PUBLIC INDECENCY**

WHEREAS, based on the evidence contained in Jules B. Gerard & Scott D. Bergthold, *Local Regulation of Adult Businesses* (2013 ed.) along with the studies and court cases cited therein, the City Council of the City of Daphne has determined that Adult Entertainment Establishments (hereinafter defined) have negative secondary effects and are often associated with crime, the downgrading of property values and sexual exploitation;

WHEREAS the City Council of the City of Daphne desires to minimize the negative secondary effects of Adult Entertainment Establishments in order to protect the public health, safety and welfare of the citizens, preserve the quality of life, property values and character of the City of Daphne and deter the spread of urban blight;

WHEREAS it is the intent of the City Council of the City of Daphne to enact a content-neutral ordinance regulating Adult Entertainment Establishments to further a compelling governmental interest of minimizing the negative secondary effects of Adult Entertainment Establishments in the City of Daphne; and

WHEREAS it is not the intent of the City Council of the City of Daphne to suppress any speech activities protected by the United States Constitution or the Alabama Constitution.

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

PUBLIC INDECENCY

(a)

Definitions. As used in this section, the following words and terms shall have the following meanings:

Adult Bookstore. An establishment which, as one of its Principal Business Purposes, offers for sale or rental books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, tapes, records, compact disks or other form of visual or audio representations which are distinguished or characterized by their emphasis on matters depicting, describing or relating to Nudity.

Adult Cabaret. A nightclub, bar, theater, concert hall, auditorium, restaurant or similar establishment which, having as a preponderance of its entertainment or staff, live performances or appearances by Topless females.

Adult Entertainment Establishment. Adult Bookstores, Adult Cabarets, Adult Novelty Stores, Adult Theaters or Tattoo Facilities.

Adult Novelty Store. An establishment which, as one of its Principal Business Purposes, offers for sale or rental books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, tapes, records, compact disks or other form of visual or audio representations or instruments, devices or

paraphernalia which are distinguished or characterized by their emphasis on matter depicting, describing or relating to Nudity.

Adult Theater. A commercial establishment where, for any form of consideration, films, motion pictures, or other photographic reproductions are regularly shown which are distinguished or characterized by their emphasis on matters depicting, describing or relating to Nudity.

Distinguished or characterized by. To be “distinguished or characterized by” means the essential character or quality of an item. As applied in this ordinance, no business shall be classified as an Adult Entertainment Establishment by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

Nude (Nudity). The showing, display or appearance of:

(1)

All or any part of the human male or female genitals, pubic area or anus with less than a fully opaque covering;

(2)

More than two-thirds (2/3) of the buttocks of the human male or female with less than a fully opaque covering;

(3)

Any portion of the human female areola or nipple with less than a fully opaque covering; or

(4)

The covered male genitals in a discernibly turgid state.

Principal Business Purpose. A business purpose shall be a Principal Business Purpose if said purpose accounts for thirty five percent (35%) of the business’:

(1)

Displayed merchandise;

(2)

Wholesale or retail value of displayed merchandise;

(3)

Revenues; or

(4)

Interior business space.

Public Place. Means any location which is frequently by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public or is otherwise visible to members of the public. Public Places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or whether entrance is limited by age restrictions, cover charges, or membership requirements), bottle clubs, hotels, motels, restaurants, night clubs, country

clubs, cabarets and meeting facilities utilized by any religious, social, fraternal, charitable or other organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed a Public Place. Public Place shall not include enclosed single sex public restrooms, enclosed single sex functional showers, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospitals and similar places in which Nudity or exposure is necessarily and customarily expected outside of the home and the sphere of privacy constitutionally protected herein.

Tattoo Facility. The geographic location at which an individual does one or more of the following for compensation:

- (1) Places an indelible mark upon the body of another individual by the insertion of a pigment in or under the skin.
- (2) Places an indelible design upon the body of another individual by production of scars.
- (3) The perforation of human tissue other than ear for a nonmedical purpose.

Topless. The exposing of any portion of the human female breast below a horizontal line across the top or the areola at its highest point or simulation thereof excluding any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or outerwear apparel.

(b)

Public indecency. It shall be unlawful for any person in a Public Place in the corporate limits or police jurisdiction of the City of Daphne to knowingly, intentionally or recklessly:

- (1) Engage in actual or simulated sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions;
- (2) Appear or suffer or permit another person to appear Nude or in a state of Nudity;
- (3) Fondle, touch or otherwise come in direct or indirect contact with the genitals of himself, herself, or another person; or
- (4) Fondle, touch or otherwise come in direct or indirect contact with the female breasts of another person or to permit another person fondling, touching or otherwise coming in direct or indirect contact with a female's breasts.

(c)

Public indecency in establishment dealing in alcoholic beverages.

(1)

No person shall expose, show or display to public view his or her genitals, pubic area, vulva, anus, anal clef or cleavage or any simulation of such act in an establishment dealing in alcoholic beverages.

(2)

No female person shall appear topless in an establishment dealing in alcoholic beverages.

(3)

No person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit any person to expose, show or display to the public view his or her genitals, pubic area, vulva, anus, anal clef or cleavage or simulation of such act within the establishments dealing in alcoholic beverages.

(4)

No person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit any female person to appear Topless within the establishment dealing in alcoholic beverages.

(5)

No person shall engage in and no person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit any sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act which is prohibited by law, touching, caressing or fondling of the breasts, buttocks, anus or genitals or the simulation of such acts within an establishment dealing in alcoholic beverages.

(6)

No person shall cause and no person maintaining, owning or operating an establishment dealing in alcoholic beverages shall suffer or permit the exposition of any graphic representation, including, but not limited to, pictures or the projection of film or image, which depicts human genitals, pubic area, vulva, anus, anal cleft or cleavage, Topless female(s), sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, any sexual act prohibited by law, touching, caressing or fondling of the breasts, buttocks, anus or genitals or any simulation of such acts within any establishment dealing in alcoholic beverages.

(d)

Adult Entertainment Establishments location requirements.

(1)

Adult Entertainment Establishments are prohibited:

a.

Within one thousand (1,000) feet of any residential zone or any single family or multiple-family residential use.

b.

Within one thousand (1,000) feet of any public or private elementary or secondary school.

c.

Within one thousand (1,000) feet of any family day care, day care center for children, nursery, or preschool.

d.

Within one thousand (1,000) feet of any church or other facility or institution used primarily for religious purposes.

e.

Within one thousand (1,000) feet of any public park.

f.

Within one thousand (1,000) feet of another Adult Entertainment Establishment.

g.

Within a local business district, professional business district, overlay district or mixed use district.

(2)

The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land use is to be separated.

(3)

The table of permitted uses shall be updated to reflect the location restrictions contained herein.

(e)

Hours of Operation. No Adult Entertainment Establishment shall be open to do business before eight o'clock a.m. (8:00a.m.), and no Adult Entertainment Establishment shall be open to do business after twelve o'clock (12:00) midnight. No Adult Entertainment Establishment shall be open to do business on Sunday.

(f)

Permitting.

(1)

It shall be unlawful to operate an Adult Entertainment Establishment in the City of Daphne without a valid Adult Entertainment Establishment Permit.

(2)

An applicant for an Adult Entertainment Establishment Permit shall file in person with the Department of Community Development a completed application made on a form provided by the Department of Community Development accompanied by an application fee of \$50.00.

(3)

An application for an Adult Entertainment Establishment Permit shall contain:

(a)

Applicant's full name and any other names used by the applicant in the past five (5) years.

(b)

Written proof of the age of the applicant in the form of a driver's license or other picture identification document issued by a governmental agency.

(c)

Current business or mailing address of the applicant.

(d)

The proposed name of the proposed Adult Entertainment Establishment.

(e)

The proposed location of the proposed Adult Entertainment Establishment.

(f)

An application of an Adult Entertainment Establishment Permit shall be accompanied by a legal description of the property where the Adult Entertainment Establishment is proposed to be located.

(4)

An application containing all items required by this section shall be considered complete. Within thirty (30) days of the submission of a completed application, the Department of Community Development shall issue a permit unless:

- (a) The applicant is less than eighteen (18) years of age.
 - (b) The location of the proposed Adult Entertainment Establishment is not in compliance with the locational requirement of this ordinance.
 - (c) The application fee required by the Department of Community Development has not been paid.
- (5) Adult Entertainment Establishment Permit shall not, and does not, relieve the applicant of other relevant licensing or permitting requirements.
- (g) *City or state regulation.* Nothing in this section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any city regulation or statute of the State of Alabama.
 - (h) *Penalty.* Any person found guilty of violating any provision of this Ordinance shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a period not exceeding six (6) months, or both, in the discretion of the municipal judge.

SEVERABILITY

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

REPEALER

Ordinance No. 2003-09 is hereby repealed in its entirety. All other City Ordinances or parts thereof in conflict with the provision of this Ordinance, in so far as they conflict, are hereby repealed. This Ordinance shall lift the moratorium placed on the “establishment of adult entertainment stores and tattoo parlors in the City of Daphne” enacted on February 4, 2013.

EFFECTIVE DATE

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

ADOPTED AND APPROVED BY AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA THIS ___ DAY OF _____ 2013.

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

I. CALL TO ORDER

The April meeting of the Public Works Committee was called to order at 5:07 PM

Present:

Councilwoman Tommie Conaway, Councilman John Lake, Robin LeJeune (Chairman), Richard D. Johnson-Director Public Works, Sandra Cushway-Administrative Assistant Public Works, Dorothy Morrison-Daphne Beautification Committee, Randy Davis-Volkert, Jaye Robertson-HMR Engineers, Councilman Joe Davis III, Councilman Pat Rudicell

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. Work Request Report for March 2013 was reviewed. No Comments.
- B. Vehicle/Equipment Maintenance Reports for March 2013 were reviewed.
- C. Public Participation – None
- D. Correspondence – None

III. OLD BUSINESS

- A. Minutes from March 18, 2013 Meeting were reviewed and accepted as written. Motion by Councilwoman Conaway to accept minutes. Motion seconded by Councilwoman Lake.
- B. Mosquito Report – Mosquito spraying started on April 1st. The first report will be presented at next month's meeting. Resident's call in and report mosquito problem. We then send a mosquito person out to evaluate and treat via spraying or placement of larvacide briquettes.
- C. Street Sweeper Reports for March 2013 were reviewed.

IV. NEW BUSINESS

- A. None

V. DIRECTOR'S REPORT

- A. Richard reminded everyone that the Annual Public Works Equipment Show and Expo will be held on May 22, 2013. There will be interactive activities for the students. Put on your calendars and come out for a free lunch.

VI. DAPHNE SOLID WASTE DISPOSAL AUTHORITY

- A. Monthly Equipment Use Report for March 2013 was reviewed. New truck (#1404) now in use. Truck that was under repairs is back in service.
- B. Monthly Recycle Tonnage Report (Tonnage Comparison) for March 2013 was reviewed. Tonnage was down this month; however we are still up for the year.
- C. Solid Waste New Customer Report for March 2013 was reviewed. Fourteen (14) new residential customers in the City this past month. So far, 85 new residents this fiscal year with many more new homes currently under construction.
- D. Solid Waste Ordinance and Recommended Changes – Richard asked for approval to take the Solid Waste Ordinance to the Ordinance Committee for further discussion. There have been many changes to the Ordinance over the years and he feels that it is time to re-do the Ordinance. Key changes are:
 - i. Reclassify that frequency is one pick up per week
 - ii. One container per week per resident. He recommended that there be an additional charge for additional cart pickup. Currently residents have to purchase a second garbage cart for \$65. If the resident opts to purchase an additional garbage cart, they

will be assessed and additional cost. Richard suggested that the additional charge be at least 1/3 of the monthly charge. Councilman Lake stated that he we should charge more than that because the cost to the City would increase. Mayor Haygood responded that residents should be limited to two garbage carts. Councilman Lake stated that if the residents are willing to pay for the additional service, then we should offer it. Richard said that he is willing to consider other costs/fees if the committee wants to do so.

- E. Mayor Haygood stated that there needs to be more enforcement about where residents are placing their trash. It must be placed in front of their residence and not in front of an empty lot. The arm on the garbage truck can only pick up 300 lbs. **Motion to allow Richard Johnson to take the current Solid Waste Ordinance to the Ordinance Committee for further discussion made by Councilman Lake. Motion seconded by Councilwoman Conaway.** Richard requested that committee members review the Ordinance and recommend and changes they would like to see in the new Ordinance.

VII. MUSEUM COMMITTEE

- A. No Committee meeting in March. (Committee meetings will be held every other month)

VIII. BEAUTIFICATION COMMITTEE

- A. Minutes from April 3, 2013 Meeting were reviewed.
B. Great improvements seen at the I-10/Hwy 98 corridor. Everyday something new is being added.
C. Loop on I-10 on ramp towards Mobile still has bare dirt areas. Richard reported that ALDOT has agrees to hydra seed. There will be a coordinated effort with ALDOT.
D. Martin houses are up. The Committee is working to get a map showing where they are located.
E. Still waiting on approval to put Crape Myrtles on Hwy 181. Waiting on response from ALDOT.

IX. ENVIRONMENTAL ADVISORY COMMITTEE

- A. April 1, 2013 Meeting Minutes reviewed
B. Received a letter of support for CIAP grant. Hoping to bring back new language on Tree Ordinance at next month's meeting.

X. ENGINEER'S REPORT

- A. HMR: Profit to Johnson substantially completed. Working on punch list. Sports Park – working on punch list. Lake Forest Phase II is ongoing. Ridgewood south of Lawson Bridge. Preconstruction meeting to be held this week on additional projects.
B. Volkert: Should have plans for service road on west side of US98 next week. The state will pay their portion and land owners will pay their portion.

XI. FUTURE BUSINESS

- A. Next Meeting for May 20, 2013 was announced

XII. ADJOURNMENT

Meeting adjourned at 5:46 PM **Motion made by Councilman LeJeune to adjourn the meeting. Motion seconded by Councilman Lake.**



CITY OF DAPHNE
 PO Box 400
 DAPHNE, AL 36526

Daphne Beautification Minutes
 May 1, 2013

District 1

Dorothy Morrison,
 Chair
 Debbie Strahley

District 4

Selena Vaughn

District 5

David Dueitt
 Rebecca Trosclair
 Linda Williams

District 6

Elaine Maxime
 Hollie LeJeuune

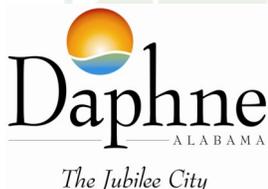
City Liaisons

Margorie Bellue
 Richard Johnson
 Dwayne Coley
 David McKelroy
 Denise Penry

Daphne Beautification Committee Minutes May 1, 2013

Present: Elaine Maxime, Rebecca Trosclair, Tomasina Werner, Pat Rudicell, Debbie Strahley, Selena Vaughn, Margorie Bellue, Dorothy Morrison, Dwayne Coley, Mayor Haygood, Denise Penry, Richard Johnson

- A. Gator Alley: Selena reported that we are looking at a Grant from Forever Wild to purchase the land behind the parking lot at Gator Alley Boardwalk. Fence will get fixed.
- B. Banners: We have 30 Blue Banners. Jubilee Square is interested in producing 30 more and hanging them in the parking lot. The Mayor had some question and we are holding off on this for a month.
- C. Treasurers Report: We have \$4,173.68
- D. Top Ten list: Approved \$300 to \$500 for Clerya to fill in on HWY 98 as the Mayor requested.
- E. PW Report: Sports Complex finished. Main Street at punch list stage. Phase 2 finished. Phase 3 should finish 45 after start. PW will try to finish Patriot's Point plantings if we have a service or not. The Mayor is getting feedback from Veteran's about having a service on Memorial Day. Richard requested that PW have more lead time on projects suggested by DBC.
- F. Joe Louis Park: Completed
- G. I-10 Exit Ramps: Dead branches at I-10 /98 Exit to Mobile need cleaning up. Have been down for a month Remove weeds from of the pavement holding up overpass at I-10 /98
- H. SR181: Montgomery has said no again to the 181 Crape Myrtles but has left the door open for small plants, perhaps Liorope or Hawthorns (a fall planting possibility).
- I. Liorope across from hotels is wonderful. Many thanks to the Grounds team.
- J. Main Street Southern entrance. Looking at grass or grasses. May need to wait until fall to plant.
- K. Patriot's Point: Selena offered to find some people to help with the planting.
- L. Martin Houses: Map in planning stages
- M. Christmas committee meeting May 10th in the Mayor's Conference Room.
- N. Work on plan for Malfunction Junction over the summer. Elaine suggested we find a sculpture to create statues for the city. She will bring back information.



**REPORT
OF
SPECIAL BOARDS**

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JANUARY 3, 2013 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

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

Call of Roll:

Members Present:

Frank Lamb
Willie Robison, Chairman
Larry Cooke
Billy Mayhand
Philip Durant

Members Absent:

Jim Moss

Staff Present:

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

Chairman: we have a quorum. The first order of business is approval of the October 4th, 2012 meeting minutes. If there are no other corrections, additions or deletions to the minutes, The Chair will entertain a motion.

Approval of Minutes:

The minutes of the October 4th, 2012 meeting were considered for approval.

A **Motion** was made by **Mr. Lamb** and **Seconded** by **Mr. Durant** to **approve the minutes.**

The Motion carried unanimously.

Chairman: before we get into the business of the day I would like to take this opportunity to welcome Mr. Philip Durant to the BZA, the first meeting that he has attended and he votes right out of the chute. I am always thankful when we have young adults who are willing to give of their time back to the City that they live in. Philip has been very active within the city, he is a graduate of Daphne High School.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JANUARY 3, 2013 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Chairman: he attended the University of South Alabama, and he has his own IT consulting business, and is very involved in the civic activities of the City. So welcome you aboard Philip.

Mr. Durant: thank you, Mr. Chairman.

New Business:

Appeal #2012-07 Angele G. Trione

Chairman: next item on the agenda is Appeal #2012-07 Angele G. Trione, a variance request to combine two lots to establish the lot area as twelve thousand, nine hundred and eighty five square feet, in lieu of the required fifteen thousand square feet. The property is Lot 29 & 30, Block 3, Yuille Belrose Wharf, which is zoned R-2, Medium Density, Single Family Residential. Ms. Jones if you would bring us up to speed and take us through this.

Ms. Jones: (displayed a Power Point Presentation of Lot 29 & 30, Block 3, Yuille Belrose Wharf and the surrounding area) I would be glad to, I am going to pick up where you left off. For R-2 zoning the minimum setbacks are thirty-five feet for the front and rear, ten feet on the sides and the minimum lot area is fifteen thousand feet. All of the lots in the subdivision are classified as substandard lots of record. In combining the two lots the applicant finds that the property is still deficient in area, which is the reason that we are here tonight. They are seeking twelve thousand, nine hundred and eighty five square feet to be the minimum area for this lot, which was approved by the Planning Commission in December as being one lot. The slide shows the property adjacent to the subject property. This house is at the corner of Belrose and Sixth, which is essentially behind City Hall. This is the property to the east, which is the little yellow building that sits behind Mancini's. This house is across the street and this is also across the street at the northeast corner of Sixth and Belrose. So you see that the area is all residential and some commercial. As the little yellow house is actually zoned B-1 and in the future will be for office use. In our findings there are no topographic conditions peculiar to the property. The condition of the lot is not self-imposed and it is an unnecessary hardship in meeting the fifteen thousand square foot minimum area. Would approval create a detriment to the public good? The answer to that would be no. There is no way that the lot could be made conforming because there is no additional land that they could use to make it conform to our current regulations.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JANUARY 3, 2013 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Ms. Jones: with saying that I recommend approval of the twelve thousand, nine hundred and eighty five square foot variance request.

Chairman: thank you, Ms. Jones. Does anyone have any questions for Ms. Jones? If not, is there a representative or owner here to speak in favor of this appeal? If you would Sir, please speak loudly and state your name and address because this is being recorded, and we do not have our extra microphone tonight.

Ms. Johnson: yes, we do. He just needs to pick it up and turn it on.

Chairman: oh okay. Push the little button up and flip it on.

Mr. Burmeister: I am Rick Burmeister. My address is P.O. Box 878, Daphne, Alabama, 36526. This property we are talking about tonight is owned by my mother-in-law. My daughter and son-in-law want to build on the two lots that we have combined.

Chairman: does anyone have any questions for Mr. Burmeister? Thank you very much. I would like to make a comment. As I told Ms. Jones earlier today, I wish I had been the one who said this, but I will steal it from him, Ron Scott, who is on the City's Planning Commission, a city Councilman, and formerly an employee with the Baldwin County Planning Department. I was talking to him the other day and he made this comment about nonconforming, which this is a nonconforming lot, he said, you have two nonconforming lots, so therefore you take the two nonconforming lots and put them together and you now have one nonconforming lot, which pragmatically and practically speaking, makes a lot better sense to have one nonconforming lot that is closer to fifteen thousand square feet than it is to have two nonconforming lots, and I thought to myself and I said it makes sense does it not. I wish I had been the one that thought of that because we have dealt with a lot of nonconforming lots in Olde Towne Daphne just by the way they were laid out. As a matter of fact, we had one just around the corner on Magnolia and down on Captain O'Neal, a lot of record. We have been dealing with those lately. We are trying to clean up some of these issues. I do not know how the Board will vote, but I do know which way I will vote.

Mr. Mayhand: I just have one statement, I guess, if you could clarify it as such. I noticed that you said something about building. If you are planning to build on it just keep in mind that lot size when you draw up the plans.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JANUARY 3, 2013 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Chairman: I do have a question concerning the driveway that is presently there. What are your plans on that? The driveway that is there will probably be in the middle of the lot or close to it.

Mr. Burmeister: well, it is my son that lives in the other house. My son lives in what was the old Trione house. My mother-in-law Angele, she and Red lived there and my son actually lives there now.

Mr. Lamb: is that the yellow house?

Mr. Burmeister: no, sir, the gray house, the one next to the fire station. The yellow house was another side of the family, the rest of the clan. The whole corner was family. My son lives in this house, which shares the driveway that circles here, as you saw on the survey. Hopefully, my son and daughter can get along, otherwise, we will put up a fence.

Mr. Lamb: what are the plans for the driveway? If they build a house there that driveway is going to have to go.

Mr. Burmeister: well, that driveway can still be used because the house, as we have looked at it, is going on the other side of it and having that for yard.

Chairman: Ms. Jones with that driveway staying there and now not being a part of that property would that effect it?

Ms. Jones: no, it would be an agreement between the property owners for continued access if they ever sold the lot, then again, it would have to be an agreement between the property owners.

Mr. Lamb: do they have to have an easement?

Ms. Jones: only if they chose to.

Mr. Burmeister: the driveway comes on around the house and exits on Sixth Street.

Mr. Lamb: okay.

Mr. Burmeister: so that is actually a circular driveway from Belrose to Sixth Street. So even if we had to take up the driveway the other house still has access.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JANUARY 3, 2013 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Chairman: do you have any idea of how much of a footprint the house will be that you are planning to build there? How close it will come to that driveway?

Mr. Burmeister: it is probably going to be less than eighteen hundred. Eighteen maybe nineteen hundred. It will be more of something like they did over on Magnolia, coming off the ten foot setback on the east side, coming over forty feet, if that far.

Chairman: so everything is within the conforming, I will use that word, on the setbacks and everything. The only thing we have on the agenda is the combining of the two lots. So should they build a house and want to encroach on the setbacks they would have to come back again to encroach on the setbacks?

Ms. Jones: no, what we are actually approving would be that this is one lot. Once it is recorded it would be recorded as one lot. The plat will show the setbacks, the interior box that you see on the overhead that is the area in which they can build a house or place a house. So they know what the existing setbacks are so it is going to be encumbered upon them to make sure that whatever they have planned will fit. So there is nothing else that we would need to do.

Mr. Mayhand: that was my point.

Chairman: that is what Mr. Mayhad was trying to get across to them.

Ms. Jones: they would not have to come back.

Chairman: so they cannot come back and ask for a variance to encroach the setbacks or could they?

Ms. Jones: they could if they wanted to, but I think what Mr. Burmeister thoughts are that the plans that they are looking at will fit within the buildable area of the lot and not require any encroachments.

Mr. Lamb: and the setbacks are for R-2?

Ms. Jones: the setbacks are for R-2, absolutely.

Chairman: I have no other questions. Does anyone else have any questions? Thank you, Mr. Burmeister. Is there anyone here tonight that would like to speak in opposition to this appeal?

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JANUARY 3, 2013 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Chairman: let the record show that there is not anyone here to speak in opposition of the combining of the two lots, public participation is closed. The Chair will entertain a motion and it must be done in the affirmative.

A Motion was made by Mr. Mayhand and Seconded by Mr. Lamb to approve Appeal #2012-07, Angele G. Trione, for a variance to combine two lots thereby establishing the lot area as twelve thousand, nine hundred and eighty five square feet, in lieu of the required fifteen thousand square feet. The property is Lot 29 & 30, Block 3, Yuille Belrose Wharf, which is zoned R-2, Medium Density, Single Family Residential.

Upon roll call vote, the motion carried unanimously.

Mr. Cooke	Aye
Mr. Mayhand	Aye
Mr. Lamb	Aye
Mr. Durant	Aye
Mr. Robison	Aye

Chairman: your appeal for a variance is granted. You can pick up your paperwork in the Community Development office in the morning after nine o'clock. Thank you.

Mr. Burmeister: thank you.

Chairman: if there is no other business, the Chair will entertain a motion to adjourn.

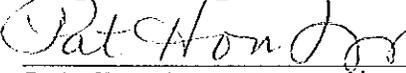
Adjournment:

A Motion was made by Mr. Lamb and Seconded by Mr. Cooke to adjourn.

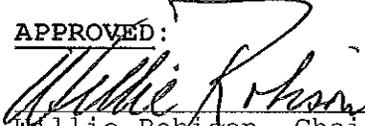
The motion carried unanimously.

There being no further business the meeting was adjourned at 6:19 p.m.

Respectfully submitted by:


Pat Houston, Recording Secretary

APPROVED:


Willie Robison, Chairman

DANE HAYGOOD
MAYOR

ADRIENNE D. JONES
COMMUNITY DEVELOPMENT
DIRECTOR/ZONING ADMINISTRATOR



CITY COUNCIL
TOMMY CONAWAY
DISTRICT 1
PAT RUDICELL
DISTRICT 2
JOHN L. LAKE
DISTRICT 3
RANDY FRY
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
JOE DAVIS, III
DISTRICT 7

MEMORANDUM

To: Rebecca Hayes, City Clerk
From: Adrienne Jones, Community Development Director
Date: 05/17/13
Re: Board of Zoning Adjustment Terms

A handwritten signature in black ink, appearing to be "AJ", is written over the "From:" line of the memorandum.

In researching the term of Mr. Moss, we've realized that Mr. Cook's term expires this month. **I request council's consideration of either reappointing Mr. Cook or consider making a new appointment.** Mr. Cook was originally an alternate who filled the remaining term of Glen Swaney, as you may recall, Mr. Swaney resigned last year.

For future reference, please note as follows: Mr. Robison's term ends in November 2013. Mr. Lamb and Mr. Mayhand's terms end March 2014. I will send a similar request for reappointments/appointments close to the end of those terms.

BZA NOMINATION

WILLIAM E. SCULLY, JR.

P.O. BOX 962

DAPHNE, ALABAMA 36526

Email: wscully@scully-law.com

Phone: 251-626-5052

Facsimile: 251-626-5051

Cell: 251-422-5562

SUMMARY OF EXPERIENCE: Attorney in general practice with broad trial and appellate experience in the Federal, State, Local and Military systems. Engaged in private practice since 1996.

EMPLOYMENT HISTORY

Scully & Scully, P.C.
Attorney at Law

Private Law Practice
Daphne, Alabama 36526

- January 1996 to Present

I have a general practice with emphasis on litigation. Over the past 17 years I have tried over 125 jury cases in state court, including three capital murders. None of my capital murder defendants is facing a death penalty sentence. I serve on the Federal CJA panel for the Southern District of Alabama representing indigent federal defendants at the trial level and on appeal. I also represent clients in civil litigation, particularly domestic matters including divorce and child custody. I represent several business owners and Property Owners' Associations as well as individuals.

Assistant District Attorney
Mobile County District Attorney
Mobile, Alabama 36601

Felony prosecutor representing the State of Alabama in felony trials at the state circuit court level. Tried all levels of offenses including capital murder. Two years of this time served as the "drug prosecutor," handling drug cases exclusively.

- April 1991 to December 1995

US Army Judge Advocate
Colonel
27 Years of Service

Served in various positions as an active duty and reserve Judge Advocate. Currently Staff Judge Advocate for the largest command in the Army Reserves Mobilized and deployed in 2003/2004 as part of Operation Iraqi Freedom.

WILLIAM E. SCULLY, JR.

Resume

EDUCATION

Law School:

Washington and Lee University Law School
Lexington, Virginia
JD 1982

Undergraduate:

Indiana University
Bloomington, Indiana
BA Political Science and French 1979

ADMITTED TO PRACTICE

- Alabama 1986
- Indiana 1983

PRINCIPAL PROFESSIONAL AND COMMUNITY ASSOCIATIONS

- The MR/DD Board, Inc., of Baldwin County (Member of Board of Directors since 2006)
- Baldwin County Bar Grievance Committee (2006 to Present)
- Baldwin County Criminal Defense Lawyers Association 1996 to present (President; 2001 and 2002.)
- Alabama Bar Association Military Law Committee (1995 to present)
- Eastern Shore Sertoma Club (President 2000 and 2001)
- Baldwin County Foster Parent (2000 to present)

REPORTED CASES:

Federal Cases: *United States v. Nickels*, 324 F.3d 1250 (11th Cir. 2003) contesting the propriety of the trial court's acceptance of a guilty plea.

State Criminal Cases:

Ex parte Taylor, 825 So.2d 769 (Ala.2000), unsuccessfully challenging the admissibility of DNA identification evidence in a capital murder case (Life without parole sentence).

Ex parte A.T.M., 804 So.2d 171 (Ala. 2000) a case involving multiple charges of sexual abuse in which the Alabama Supreme Court overturned several convictions for lack of sufficient evidence (but affirmed others).

WILLIAM E. SCULLY, JR.
Resume

REPORTED CASES (CONTINUED):

Ex parte James, 797 So.2d 413 (Ala. 2000) in which the Alabama Supreme Court overruled the trial court's failure to suppress illegally seized evidence.

Ex parte Nettles, 742 So.2d 1215 (Ala. 1999) unsuccessfully arguing that certain evidence had been improperly seized.

Henton v. State, 733 So. 2d 914 (Ala.Crim.App. 1998), *Thornton v. State*, 728 So. 2d 1162 (Ala.Crim.App. 1998) these latter two both successfully arguing that probation revocation orders should be set aside.

State Civil Case: *Gates v. Gates*, 830 So.2d 746 (Ala.Civ.App. 2002) contesting the propriety of the divorce court's division of retirement monies.

Giardina v. Giardina, [Ms. 2080594, December 4, 2009] ___ So. 3d ___ (Ala. Civ. App. 2009) successfully contesting the trial court's failure to abide by a previous remand order.

Pinzone v. Papa's Wings, Inc., [Ms. 2090472, July 9, 2010] ___ So. 3d ___ (Ala.Civ. App. 2010), successfully contesting the trial court's order prohibiting the appellant from competing against the appellee.

PUBLICATIONS:

POSTCONVICTION REMEDIES IN ALABAMA: A PROCEDURAL GUIDE TO RULE 32 (1996) (Self-published).

**DOWNTOWN REDEVELOPMENT AUTHORITY
1705 MAIN STREET
DAPHNE, AL
APRIL 24, 2013 5:30 P.M.**

1. CALL TO ORDER/ROLL CALL

Casey Zito called the meeting to order at 5:40 p.m..

Members Present: Casey Zito; Ken Balme; Dorothy Morrison; Patricia Vanderpool; Dayna Oldham; Ronald Nero.

Absent: Doug Bailey; Mary Beth Mantipty.

Also Present: Rebecca Hayes, Recording Secretary; Councilwoman Conaway; Councilman Rudicell; Debbie Strahley; Ryan Ramsay; Craig Ramsay.

PRESENTATION: Ryan Ramsay, Boy Scout Troop 87 / Eagle Scout Project / Build Planter Boxes for Olde Towne Daphne

Mr. Ramsay presented his plans to build planter boxes for to go in front of the Olde Towne District businesses. He will raise the money for the project, which is estimated to cost \$422.00. *(The plans are spread out upon these minutes.)*

2. APPROVE MINUTES / MARCH 27, 2013

MOTION BY Patricia Vanderpool to approve the March 27, 2013 meeting minutes. Seconded by Dorothy Morrison.

ALL IN FAVOR

NONE OPPOSED

MOTION CARRIED

3. TREASURERS REPORT

Casey gave the Treasurers Report ending March 31, 2013 with a balance of \$97,813.94.

**DOWNTOWN REDEVELOPMENT AUTHORITY
1705 MAIN STREET
DAPHNE, AL
APRIL 24, 2013 5:30 P.M.**

4. BEAUTIFICATION REPORT

Dorothy reported that the working of beautifying the city. They are addressing concerns of the Mayor by replanting the plants in front of Hooter's that are missing, and to replace them with more colorful flowers.

MOTION BY Dorothy Morrison to accept Ryan Ramsay's project proposal to build flower boxes to place in front of Olde Towne businesses, and recommend it to council for approval. Seconded by Patricia Vanderpool.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

5. OLD BUSINESS

a.) Plaque

Dorothy said she has given the plaque to Richard Johnson, and hopefully, it will be ready next month.

b.) Website

Terms for the website will be ready for the next meeting.

c.) Mini-Grants

Casey reported they have given out almost \$9,000 in grants to Olde Towne businesses to improve overall appearance of the building to help draw businesses to the downtown area.

Certa Pro Painters has submitted an application for landscaping around their business on the corner of Main Street and Randall Avenue.

MOTION BY Dorothy to approve the mini-grant for Certa Pro Painters for landscaping up to \$1,025 upon submittal of invoice with breakdown on completion of project. Seconded by Patricia Vanderpool.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

**DOWNTOWN REDEVELOPMENT AUTHORITY
1705 MAIN STREET
DAPHNE, AL
APRIL 24, 2013 5:30 P.M.**

d.) Christmas Tree

MOTION BY Dorothy Morrison to purchase a 20 foot tall Christmas tree for the front lawn of the city with warm lights with a purchase price of \$8,989 plus tax. Seconded by Ronald Nero.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

6. NEW BUSINESS

a.) Letter from Olde Towne Daphne West Association

Casey read the letter from Olde Towne Daphne West Association regarding the map of the Olde Towne area regarding ownership of the map. (*Letter is spread out upon these minutes*) Olde Towne Daphne West Association owns the map, and they have given the business guide to the DRA.

Dorothy suggested sending the minutes ahead of time so they can review them before the meeting.

7. NEXT MEETING

The next meeting will be May 22, 2013 at 5:30 p.m.

There being no further business to discuss the meeting adjourned at 7:00 p.m.

Respectfully Submitted,
Downtown Redevelopment Authority

Eagle Scout Service Project Proposal

Project Description and Benefit

Eagle Scout candidate: Ryan Taylor Ramsay

Briefly describe the project. Attach sketches or "before" photographs if these will help others visualize it.
Building twelve planters to be placed in front of businesses in Downtown Daphne, for the Daphne Downtown Redevelopment Board.

Tell how your project will be helpful to the beneficiary. Why is it needed?

It will help beautify Downtown Daphne.

When do you plan to begin work on the project? As soon as it is approved.

How long do you think it will take to complete?

Giving Leadership

Approximately how many people will be needed to help on your project? 7-10

Where will you recruit them (unit members, friends, neighbors, family, others)? Explain:

Volunteers will be recruited from among family members, and from the Boy Scout Troop, through announcements and e-mails.

What do you think will be most difficult about leading them?

Explaining the tasks, once they show up.

Materials

(Materials are things that become part of the finished project, such as lumber, nails, and paint.)

What types of materials, if any, will you need? You do not yet need a detailed list of exact quantities, but you must show you have a reasonable idea of what is required.

Lumbers, nails, screws, staples, and filter fabric.

Supplies

(Supplies are things you use up, such as masking tape, tarps, and garbage bags.)

What kinds of supplies, if any, will you need? You do not yet need a detailed list or exact quantities, but you must show you have a reasonable idea of what is required.

Sandpaper

Eagle Scout Service Project Proposal

Tools

What kinds of tools, if any, will you need?

Hammers, power saws, saw horses, nail guns, screwdrivers, staplers, and scissors or knives.

Permits and Permissions

(Note that property owners normally secure permits.)

Will you need to secure permissions or permits (for example, building permits)? Who will obtain them?
How much will they cost? How long will it take to secure them?

N/A

Preliminary Cost Estimate

(You do not need exact costs. Reviewers will just want to see if you can reasonably expect to raise enough money to cover an initial estimate of expenses.)

(Enter your estimated expenses) **Fundraising** Explain where you will get the money for total costs indicated below, left.

Items	Cost	
Materials	\$384	Use money from Scout account, jobs for family, Summer job
Supplies		
Tools		
Other*	37	
Total costs:	421	

*Such costs as food, water, gasoline, parking, permits, equipment rental, sales tax, etc.

Project Phases

Think of your project in terms of phases and list what they might be. The first might be to complete your final plan. Others might include fundraising, preparation, execution, and reporting. You may have as many phases as you want, but it is not necessary to become overly complicated.

1. Planning and permissions

2. Raise money

3. Acquire tools, materials, and supplies

4. Get volunteers

5. Prepare materials (measuring and cutting)

6. Assembly

7. Finishing (sanding, installing filter fabric)

8. Delivery of boxes

Logistics

(A Tour Plan has also been called a "Tour Permit." Check with your council service center to determine if one is required.)

How will you handle transportation of materials, supplies, tools, and helpers? Will you need a Tour Plan?

Materials, tools, and finished boxes will be moved by truck and trailer. Volunteers will meet at the work area, and car pool to delivery area.

Eagle Scout Service Project Proposal, continued

Safety Issues

(The Guide to Safe Scouting is an important resource in considering safety issues.)

Describe the hazards and safety concerns you and your helpers should be aware of as this project is conducted.

Injuries from improper use of tools

Further Planning

(You do not have to list every step, but it must be enough to show you have a reasonable idea of how to complete a final plan.)

List some action steps you will take to complete a final plan. For example, "Complete a more detailed set of drawings."

- Design the boxes
- Acquire materials
- Prepare materials
- Assembly of boxes
- Finishing (sanding rough edges, and installing filter fabric)
- Delivery of boxes

Candidate's Promise

(Signed before approvals below are granted)

On my honor as a Scout, I have read this entire workbook, including the "Message to Scouts and Parents or Guardians" on page 21. I promise to be the leader of this project, and to do my best to carry it out for the maximum benefit to the religious institution, school, or community I have chosen as beneficiary.

Signed _____

Date _____

Unit Leader Approval*

I have reviewed this proposal and discussed it with the candidate. I believe it provides impact worthy of an Eagle Scout service project, and will involve planning, development, and leadership. I am comfortable the Scout understands what to do, and how to lead the effort. I will see that the project is monitored, and that adults or others present will not overshadow him.

Signed _____

Date _____

Unit Committee Approval*

This Eagle Scout candidate is a Life Scout, and registered in our unit. I have reviewed this proposal, I am comfortable the project is feasible, and I will do everything I can to see that our unit measures up to the level of support we have agreed to provide (if any). I certify that I have been authorized by our unit committee to provide its approval for this proposal.

Signed _____

Date _____

Beneficiary Approval*

This service project will provide significant benefit, and we will do all we can to see it through. We realize funding on our part is not required, but we have informed the Scout of the financial support (if any) that we have agreed to. We understand any fundraising he conducts will be in our name and that funds left over will come to us. We will provide receipts to donors as required.

Signed _____

Date _____

Council or District Approval

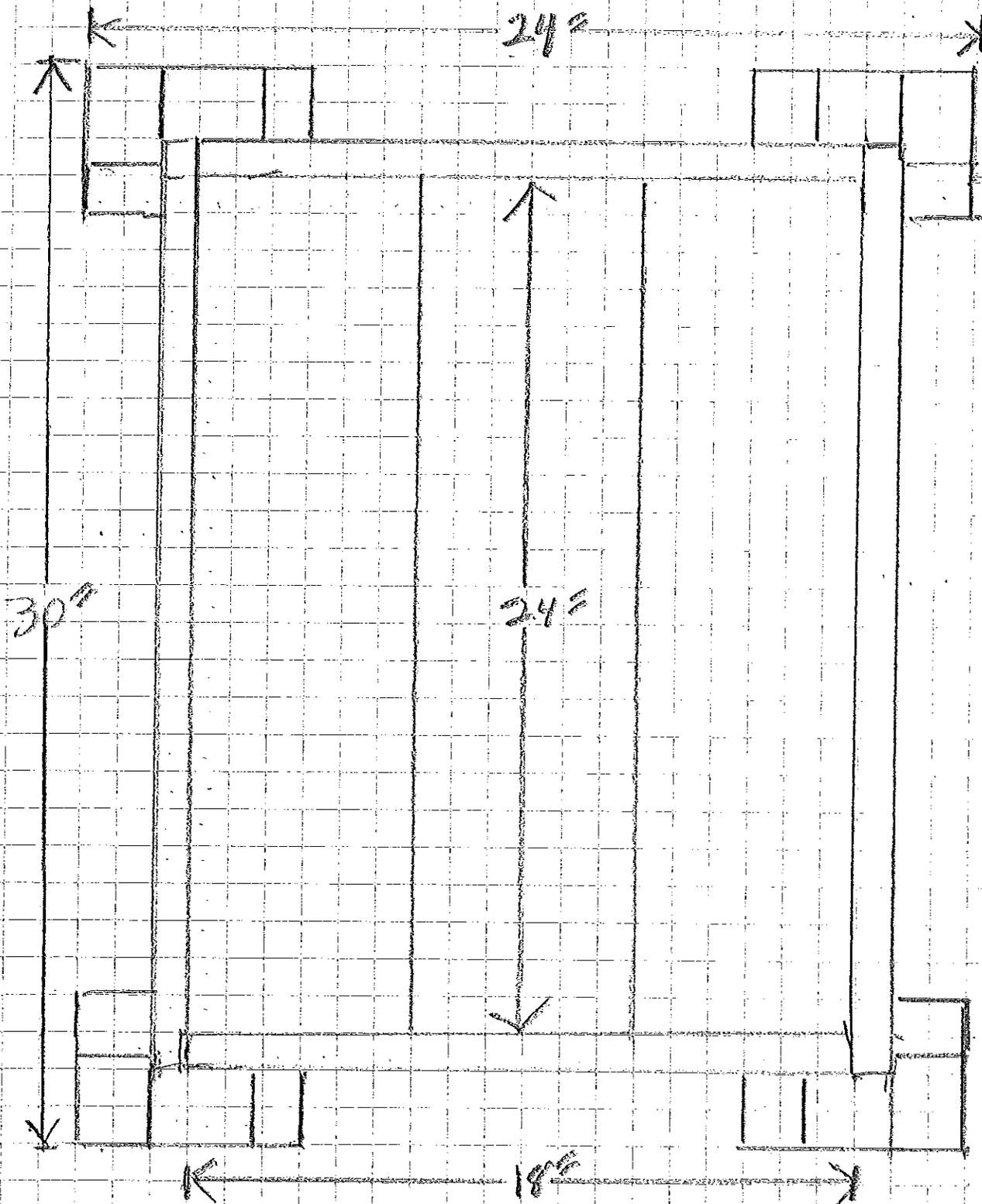
I have read sections 9.0.2.0 through 9.0.2.15, regarding the Eagle Scout Service Project, in the *Guide to Advancement*, No. 33088. I agree on my honor to apply the procedures as written, and in compliance with the policy on "Unauthorized Changes to Advancement." Accordingly, I approve this proposal. I will encourage the candidate to complete a final plan and further encourage him to share it with a project coach.

Signed _____

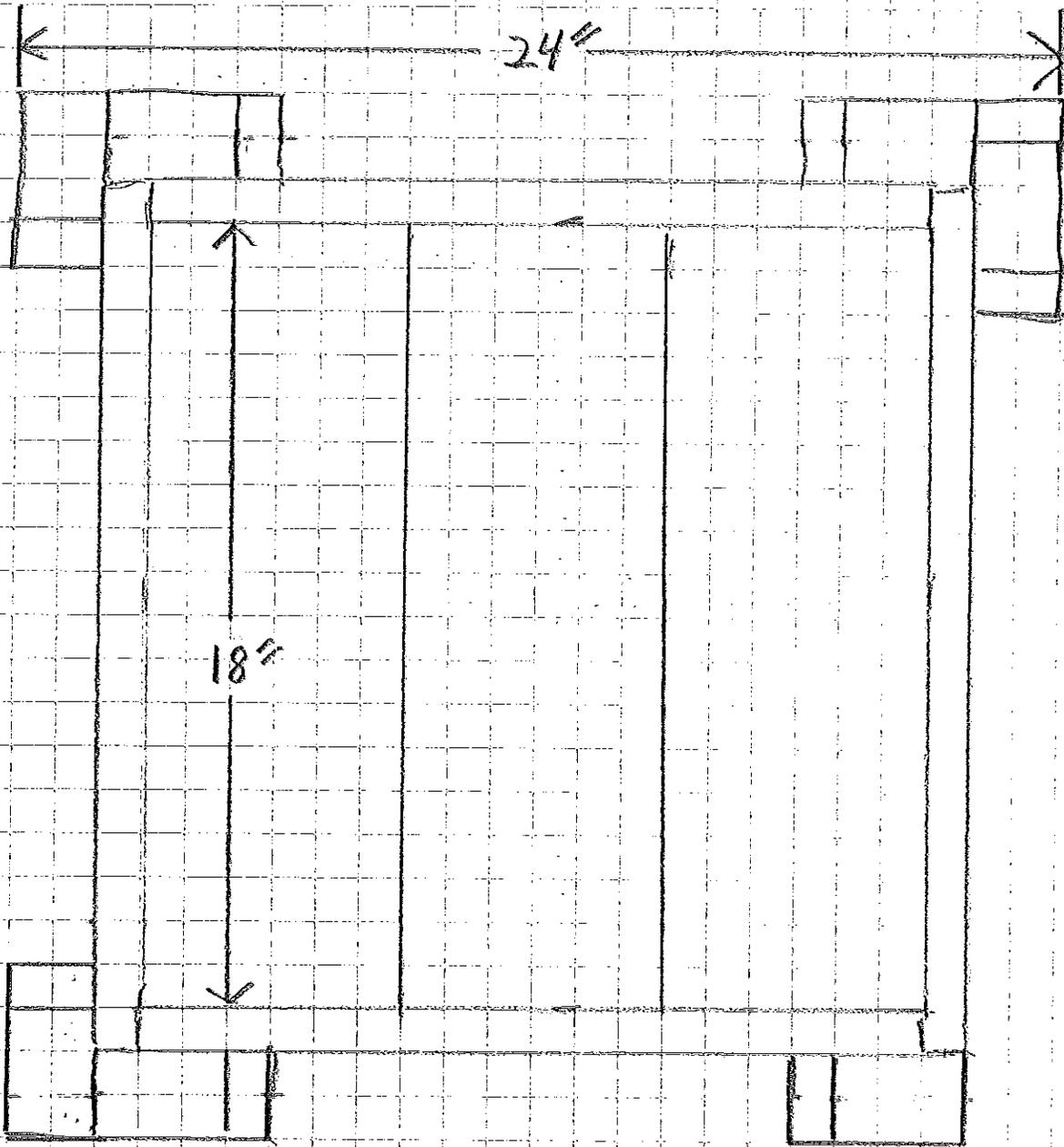
Date _____

**While it makes sense to obtain them in the order they appear, there shall be no required sequence for the order of obtaining approvals marked with an asterisk (*). However, council or district approval must come after the others.*

$18'' \times 24''$

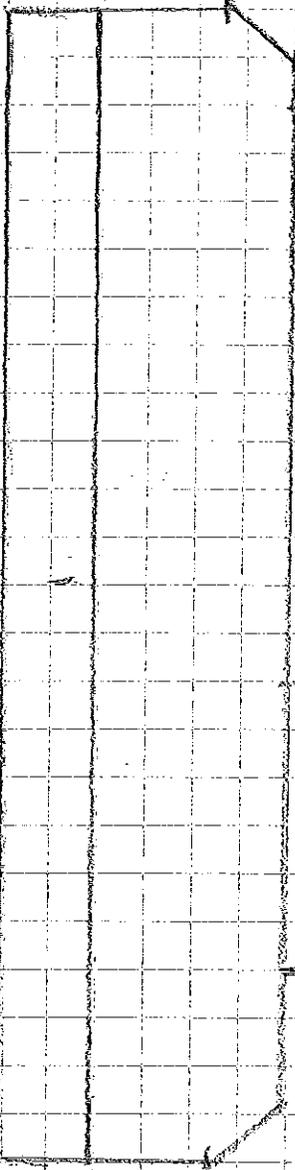


18" x 18"

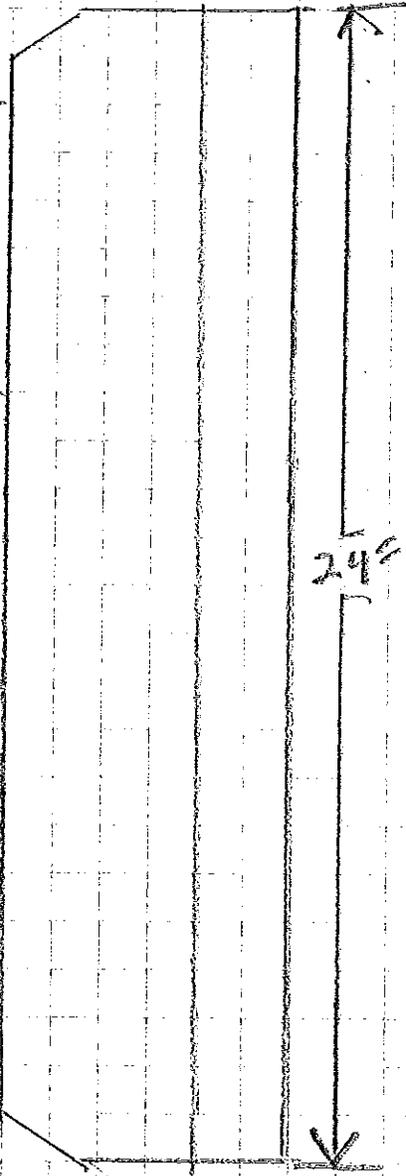


18" x 18"
AND
18" x 24"

← 2 1/2" ← 4" →

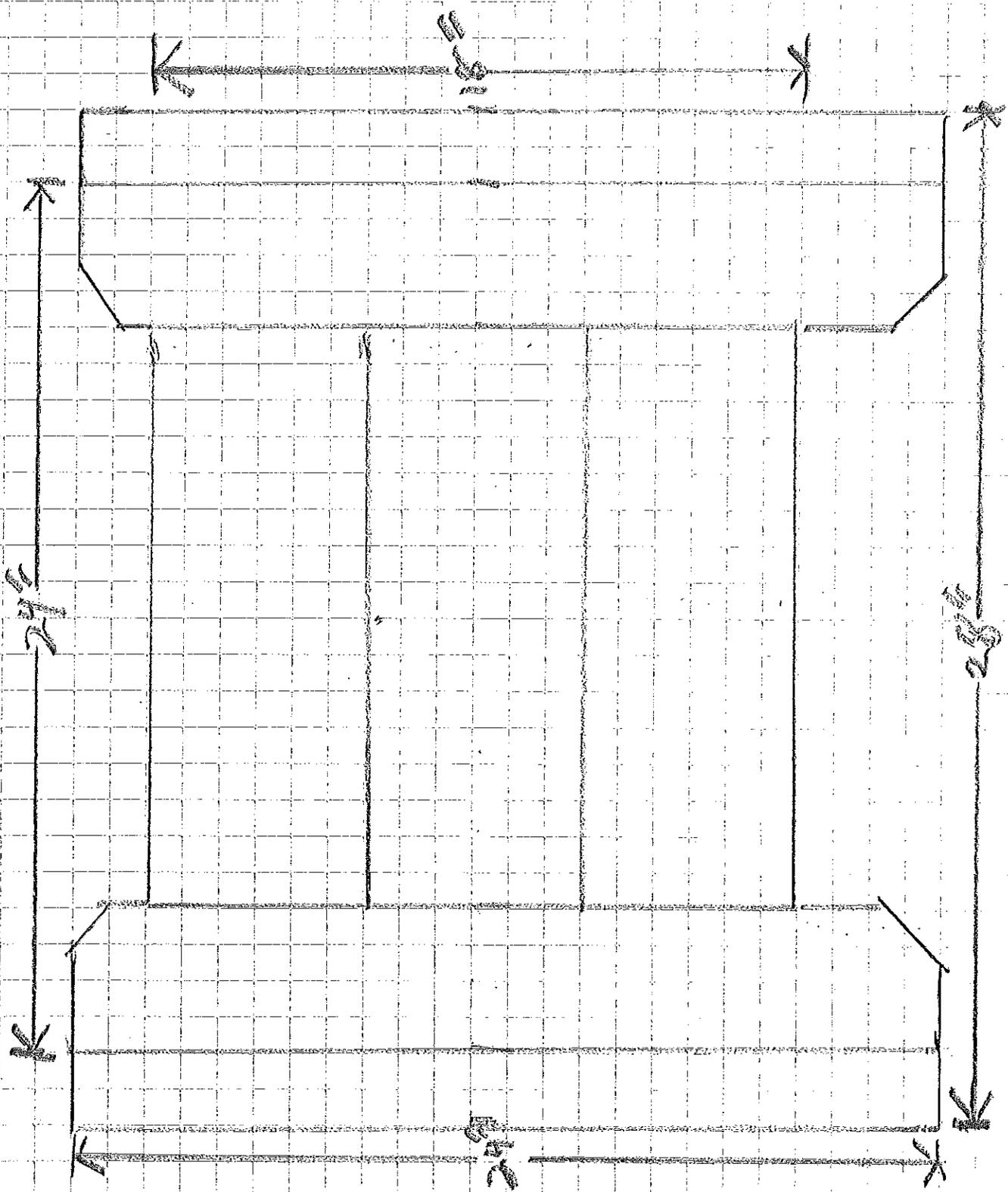


4 1/2"

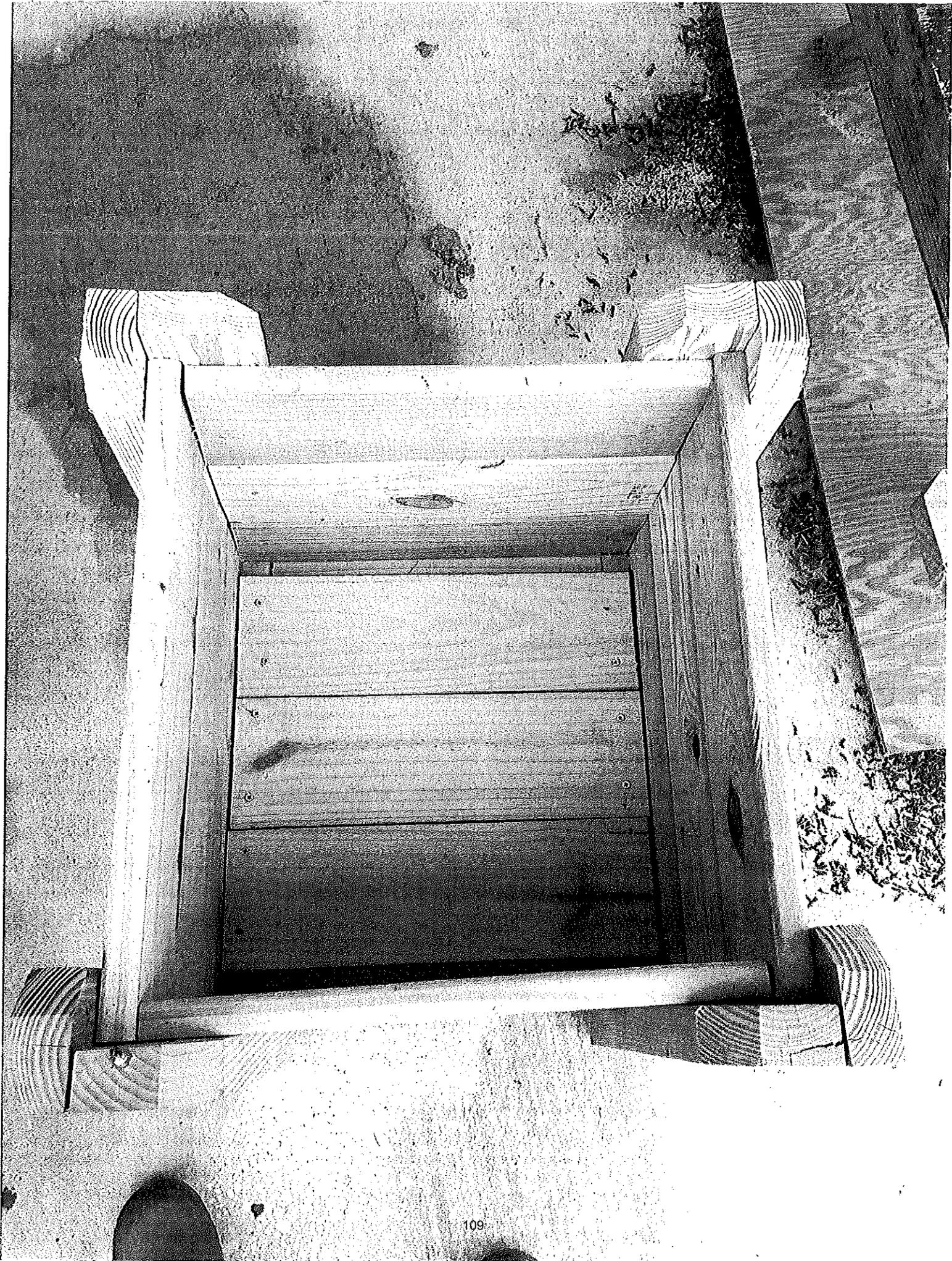


24"

14" x 24" SIDE







**Ryan Ramsay
Eagle Project for Daphne DRB**

Materials List (Per Box)

Item	Description	Quantity	Cost	Total
1	5/4" x 6" x 8' Decking	3	\$6 (per)	\$18
2	2" x 4" x 8'	2	\$4 (per)	\$8
3	1" x 6" x 8'	1	\$3 (per)	\$3
4	assorted screws and nails		\$3	\$3
Total				\$32

Total for 12 boxes - \$384 (pre-tax)



April 8, 2013

Ms. Casey Zito, President
Downtown Redevelopment Authority

Dear Ms. Zito,

The combination of the Olde Towne Daphne Guide and the Olde Towne Daphne Business Guide developed by our organization, the Olde Towne Daphne Association (OTDA), is getting an excellent response around town! We have had calls from people from out of town and out of state who have read about our project! I know that I thanked the Downtown Redevelopment Authority (DRA) in person, but I wanted to again thank the DRA and let you all know that OTDA greatly appreciates the DRA mini grant funds which made such a large printing run of both guides possible.

However, there seems to be some confusion in our community about the guides. Some merchants thought that because the OTDA map art was used to highlight DRA projects in articles published in both a local magazine and the Jubilee Breeze, that the art was developed by the magazine or the DRA. The Eastern Shore Chamber posted on its web-site that the City of Daphne had just released "its" new guide. This letter is to clarify how the two guides were developed and to establish the ownership of those guides.

The project to develop the two guides took OTDA more than two years, and hundreds of hours, to research, write, and develop into the final products. It was solely the work of the Olde Towne Daphne Association and our map committee. As we distribute the guides, we have taken great care to clarify that our organization developed the guides and that printing was funded 80/20 by the very generous mini grant from the DRA and OTDA funds.

I must strongly emphasize that the Olde Towne Daphne Guide, the map and the artwork belongs to the OTDA! The art is part of our organization's branding. Ted Burn gifted the art to our organization. *It can not be reproduced without our permission.*

The history map is a project we developed for our community. We will be using the art in other ways in the future, including a poster that will be coming out this month. We developed the Business Guide to help promote our downtown merchants, as nothing like that had been done in the past. Our plan has been to turn over the Business Guide to the DRA. Thus, I would like to take this opportunity, on behalf of the OTDA, to officially gift the Olde Towne Daphne Business Guide to the DRA.

Our project evolved from a map into a map and business guide that are companion pieces. It made aesthetic sense to use some of our art on the covers of both. OTDA grants permission for the DRA to use the small section of our art, currently used on the front of the guide, to be reproduced only on the future covers of the Business Guide. The Business Guide is now owned by the DRA. However, the artwork on it remains the property of OTDA. We do not give permission for its use on any other projects or purposes.

PO Box 1022 Daphne, Alabama 36526
www.OldeTowneDaphne.org ContactUs@OldeTowneDaphne.org

Currently, it is my understanding that the DRA is developing a rack card for Alabama visitor centers and other uses. That is an excellent idea. However, the proposed use of the phrase "Jubilee occurs when conditions are right" and the fish artwork proposed for the rack cards comes directly from the watercolor map featured in the Olde Towne Daphne Guide and belongs to the Olde Towne Daphne Association. It cannot be used on the rack card, or for any other purpose without OTDA approval.

We have put the Olde Towne Daphne Guide, map and the Business Guide on our web-site, www.OldeTowneDaphne.org, so that our community has access to the guides. When the DRA web-site is up and running, we will remove the Business Guide from our web-site and put a link to the DRA web-site, as the Business Guide is now DRA property! Conversely, we request that the DRA put a link to the Olde Towne Daphne website for our Olde Towne Daphne Guide and history map.

Perhaps Ted Burn would be interested in developing a new piece of art, or logo, for the DRA that would be solely for the DRA to use and complimentary to our map if that is the wish of your organization. Our OTDA logo was designed by Fran Neuman, who also designed the sculpture of Daphne in front of City Hall. We have been lucky to have two local artists work with us!

We are very appreciative of the mini-grant! Having an 80/20 partnership for the printing costs definitely benefits both of our organizations' goals to serve the community and support our Olde Towne merchants.

Please remember that the map, and the art it features, remains the property of the Olde Towne Daphne Association. Our gift to the DRA is a comprehensive Olde Towne Daphne Business Guide and the use of the cover art for that guide only!

Sincerely,


Karen Lode Nady, President
Olde Towne Daphne Association

Cc: Mayor, Dane Haygood
City Clerk, Rebecca Hayes
City Attorney, Mr. Jay Ross
Council President, Ron Scott, District 5
Councilwoman Tommie Connaway, District 1
Councilman Pat Rudicell, District 2
Councilman John Lake, District 3
Councilman Randy Frye, District 4
Councilman Robin Lejeune, District 6
Councilman Joe Davis, District 7
President Eastern Shore Chamber of Commerce, Darrelyn Bender
Board of Directors, Olde Towne Daphne Association
Ted Burn

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF MARCH 28, 2013
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
Charles Smith
Larry Chason, Vice Chairman
Ron Scott, Councilman
Chief James "Bo" White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo (Dickson), Planning Coordinator
Kyle Navarro, Associate Attorney

Staff Absent:

Jay Ross, Attorney
Misty Gray, Attorney
Richard Johnson, Public Works Director
Ashley Campbell, Environmental Programs Manager

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 all members are present.

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

APPROVAL OF MINUTES:

The minutes of the February 7, 2013 special meeting were considered for approval.

Chairman: A copy of the special 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.

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A **Motion** was made by Mr. Chason and **Seconded** by Mr. Terry to **approve the minutes of the February 7, 2013 special meeting. The Motion carried unanimously.**

The minutes of the February 28, 2013 regular meeting were considered for approval.

Chairman: A copy of the regular 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.

Mr. Navarro: Mr. Joshua Myrick, representing Stankoski, L.L.P., is present and has questioned the action of the Planning Commission on the Retreat of Tiawasee Subdivision preliminary subdivision plat at the February 28, 2013 regular Planning Commission meeting. The minutes reflect that the preliminary subdivision plat received unanimous approval. The Tiawasee Trace Subdivision adjacent property owners present at that meeting have conveyed to Mr. Stankoski that they feel as if one or more Commissioners did not vote at that meeting; therefore, the preliminary subdivision plat may not have been approved.

Chairman: All of the members present at that meeting are here today so for clarification of the action taken, I will ask the members how they voted on that particular agenda item. A motion was made and seconded at that meeting to approve the preliminary plat for the Retreat at Tiawasee, subject to the submission and processing of an application for annexation with a request for rezoning to R-2, Medium Density Single Family Residential. I would like to ask for a roll call vote to record the action of each member on the Retreat of Tiawasee preliminary subdivision plat as you did at the February 28, 2013 meeting.

Upon roll call vote, **the Motion carried unanimously.**

Mr. Kirby	Aye
Chief White	Aye
Ron Scott	Aye
Mr. Chason	Aye
Mr. Smith	Aye
Mr. Gibson	No action taken
Mr. Terry	Aye
Mr. Lemoine	Aye

Chairman: Let the record reflect that all members of the Planning Commission did vote aye for the Retreat of Tiawasee preliminary subdivision plat, with the exception of Mr. Gibson.

Chairman: Mr. Gibson did not vote aye, nay or abstain; therefore, the action will be noted as a dissension.

Mr. Gibson: May I make a comment? I was not happy with the information provided to us in the traffic study.

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Mr. Gibson: I do not think the developer should be the one to hire the traffic engineer to do the study so that the results are to his advantage. I think the City should be the one to choose the traffic engineer that conducts the study. That is why I did not vote at the meeting.

Mr. Navarro: With the roll call vote verifying the action taken by the in this matter by the members at this meeting, I would respectfully request upon consideration of the regular meeting minutes of February 28, 2013 that the Commission include in the motion a clarification that the approval of the minutes is contingent upon a revision to that portion of the minutes which contain the motion for the Retreat of Tiawasee Subdivision. Therefore, in approving the minutes here tonight, your motion should reflect that the motion did not carry unanimously as previously written, and that eight members were present at that meeting of which seven members voted in the affirmative and one dissented.

A Motion was made by Mr. Chason and Seconded by Mr. Terry to approve the minutes of the February 28, 2013 regular meeting, contingent to a revision to that portion of the minutes which contain the motion for the Retreat of Tiawasee Subdivision to reflect that the motion carried with seven affirmative votes and one dissension. The Motion carried unanimously.

Chairman: Mr. Myrick, would you like to address the Commission?

Mr. Myrick: I would just like to take this opportunity to speak on behalf of Mr. Stankoski and to thank the Commission for clarifying the action taken on the Retreat of Tiawasee Subdivision at the last Planning Commission meeting. I also would like to ask that the letter previously sent to Planning Commission members be entered into the record since it was not distributed to you prior to or at this meeting, and you did not have knowledge of it until now.

The next order of business is preliminary/final plat review for Billy Goat Bluff Subdivision.

NEW BUSINESS:

PRELIMINARY/FINAL PLAT REVIEW:

File SDPF13-02:

Subdivision: Billy Goat Bluff

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Present Zoning: Unzoned, in the extraterritorial planning jurisdiction

Location: On the south side of Redfern Road, one-quarter mile east of Rigsby Road
Area: 19.73 Acres ±, (3) lots
Owner: James T. Martin
Engineer: Preble-Rish - Steve Pumphrey

An introductory presentation was given by Mr. Steve Pumphrey, representing Preble-Rish. We have addressed staff comments. I will be happy to answer any questions you may have.

Chairman: Have you addressed the comments outlined in the memorandum from Baldwin County?

Mr. Pumphrey: The owner is working on providing the letter regarding the maintenance of the right-of-way.

Mr. Chason: What if the owner and/of the developer of this parcel does not write the letter?

Mr. Pumphrey: If the letter is not presented to Baldwin County, the County Engineer would not sign the plat.

Mr. Chason: If there is nothing contained on the plat that is contrary to the Ordinance, can we approve the preliminary/final plat subject to the conditions outlined in the Baldwin County memorandum?

Chairman: Ms. Jones is there anything on this plat that is contrary to our regulations?

Ms. Jones: No. Also, the owner will have to comply with Baldwin County's requirements before you and I will sign the plat.

Chairman: He opened the floor to public participation. With no adjacent property owners present, he closed public participation. Do any of the Commissioners have any further questions or comments? With that being said, if there is no objection, the Chair will entertain a motion.

A Motion was made by Mr. Chason and Seconded by Mr. Smith to approve the preliminary/final plat for Billy Goat Bluff Subdivision, contingent upon compliance with the deficiencies outlined in the Baldwin County memorandum. The Motion carried unanimously.

The next order of business is preliminary/final plat review for TimberCreek Commercial, Phase Two, Northwest Quadrangle, Resubdivision of Lot 4, Resubdivision of 4A.

File SDPF13-03:

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Subdivision: TimberCreek Commercial, Phase Two, Northwest
Quadrangle, Resubdivision of Lot 4, Resubdivision of 4A

Present Zoning: B-2, General Business

Location: Northwest of the Alabama Highway 181 and Crossover Lane,
TimberCreek Commercial Subdivision, Phase Two, Northwest
Quadrangle, Resubdivision of Lot 4
Area: 1.56 Acres \pm , (2) lots
Owner: Nickolas M. & Mary N. Stratus
Developer: D3 Daphne, L.L.C. - E. H. Camp
Engineer: Coleman Engineering Group of McCrory & Williams - Daryl
Russell

An introductory presentation was given by Mr. Daryl Russell, representing Coleman Engineering Group of McCrory & Williams. I am here to request preliminary/final plat approval for the resubdivision of Lot 4A. We have addressed all of the staff comments. I will be happy to answer any questions you may have.

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

Mr. Chason: Does the Mattress Firm site plan lie solely on Parcel B.?

Mr. Russell: I was not associated with the presentation of the site plan for that site plan, but there are no issues to be addressed or conflicts with that site.

Chairman: He opened the floor to public participation. With no adjacent property owners present, he closed public participation. Do any of the Commissioners have any further questions or comments? With that being said, if there is no objection, the Chair will entertain a motion.

A Motion was made by Mr. Chason and **Seconded** by Mr. Lemoine **to approve the preliminary/final plat for TimberCreek Commercial, Phase Two, Northwest Quadrangle, Resubdivision of Lot 4, Resubdivision of 4A. The Motion carried unanimously.**

The next order of business under petitions is a zoning amendment and annexation review for the Retreat at Tiawasee.

THE RETREAT AT TIAWASEE:

PETITIONS:

ZONING AMENDMENT:

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File Z13-02: GCOF Retreat at Tiawasee

Present Zoning: RSF-2, Single Family District, Baldwin County District 15

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

Location: Southwest of the intersection of Tiawasee Boulevard and County Road 13, south of the intersection of Cowles Crossing and North Lamhatty Lane

Area: 31.53 Acres ±

Owner(s): GCOF Retreat at Tiawasee, L.L.C. - Nathan Cox

Engineer: Preble-Rish - Steve Pumphrey

An introductory presentation was given by Mr. Steve Pumphrey, representing Preble-Rish. At the time of the presentation of the preliminary subdivision plat at the February 28, 2013 meeting, it was discussed that if a parcel that is developed in the extraterritorial planning jurisdiction and will utilize the utility services of the Utilities Board of the City of Daphne, the City of Daphne Land Use and Development Ordinance requires that the subject property be annexed into the City of Daphne. With that, at the time of the approval of the preliminary plat the Planning Commission requested that the property request annexation into the City of Daphne with the zoning of R-2, Medium Density Single Family Residential, zoning with a ninety-foot lot width. This property and the property located to the west are currently zoned RSF-2, Single Family District in Baldwin County District 15. The property to the north which is the Estates of Tiawasee is zoned R-1. The property to the south, French Settlement Subdivision, and the property to the east, Tiawasee Trace Subdivision, is zoned R-3 so we think the request for annexation and the zoning of R-2 is a good fit. We felt that it would match up well so that was our justification for the request.

Chairman: Do any of the Commissioners have any questions or comments? He opened the floor to public participation. Is there someone else who would like to address the Commission?

Ms. Strickland: My name is Ann Strickland. I live at 8799 North Lamhatty Lane. I represent the Property Owner's Association for the Tiawasee Trace Subdivision. I would like to say that we, the POA, are opposed to the annexation and zoning of this property into the City of Daphne. Also, we have prepared a handout that has a copy of a master plan which was presented to the Planning Commission by Ms. Jones at the last Planning Commission meeting. We feel that this plan is not compatible with the Comprehensive Plan. Also, according to the master plan and the layout of these parcels which were subdividing by the developer and/or owner and approved by Baldwin County that the legal description of that access at the time of that division was from the property westward to Pollard Road.

Mr. Joshua Myrick: Mr. Stankoski would like to request that the letter be made part of the record as a written objection to this case.
Mr. Myrick: Also, I would like to say thank you for you clarifying the vote on the preliminary subdivision plat at the last meeting.

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Ms. Jones: Mr. Myrick, would you like to read the letter from Mr. Stankoski into the record for the Planning Commission?

Mr. Myrick read the enclosed correspondence from Stankoski, L.L.P. Attorneys and Counselors, into the record. Our firm represents Ms. Ann Strickland, the representative for the Property Owners' Association of Tiawasee Trace Subdivision:

March 26, 2013

City of Daphne Planning Commission
1705 Main Street
Daphne, Alabama 36526

Re: Tiawasee Trace Property Owner's Association, Inc.

Dear Commission Members:

This letter is to advise that I have been retained to represent the Tiawasee Trace Property Owners Association, Inc. (hereinafter referred to as the "Trace") as it relates to the development of a proposed property in the same general area as the Trace. Several members of the Trace recently attended a hearing of the City of Daphne Planning Commission on February 28, 2013 concerning the approval of preliminary plat and/or subdivision of the project known as the Retreat of Tiawasee (hereinafter referred to as the "Retreat").

As the Commission knows, after the Trace was developed, an adjoining subdivision known as the Estates of Tiawasee (hereinafter referred to as the "Estates") was approved and shared connectively to County Road 13 by traveling through the Trace. At the time the Estates were developed, the master plat showed no further outgoing connections with any neighboring developments or parcels of real estate.

The Retreat is now attempting to utilize the infrastructure of the Estates and the Trace for its subdivision.

It is my understanding this is the second occasion the Retreat has come before the Planning Commission in an attempt to gain approval for the subdivision and annexation. It is further my understanding, following the first occasion an unfavorable recommendation was made to the Daphne City Council. The Retreat apparently changed the dimension of the lots and now is seeking approval of the revised subdivision.

Initially, it appears the Estates, under the direction and control of the Retreat, has changed its master plat by amending its covenants and restrictions to vacate an entire platted lot providing a new connection point for ingress and egress to the Retreat. This fact was presented by my clients at the last Commission meeting.

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My clients additionally argued to the Commission that the Retreat contains its own right-of-way providing an additional access which would not overburden the existing infrastructure. Whether or not this access is cost feasible to the developer is not an issue of concern for my clients. Furthermore, whether or not my clients objected to the connectivity of the Estates to the Trace is also immaterial to the issue of allowing this new subdivision to be approved and annexed.

After reviewing the transcript from the hearing, it is clear my clients adequately addressed these issues as well as argued that such a development runs contra to the City of Daphne Comprehensive Plan. Despite such objections, it appears the Commission ignored the arguments and is attempting to allow the subdivision to proceed. My clients respectfully request the Commission reconsider its earlier decision and deny the annexation and approval.

Finally, my clients believe the vote approving the measure was not accurate. The motion to approve the preliminary plat was passed by voice vote and not by roll vote. It appeared to my clients that several members of the Commissions abstained from the vote which was not noted for the record. As such, the vote should never have passed.

Prior to adopting and/or approving the minutes from the last hearing, please allow this letter to serve as the request of my clients to make sure record is absolutely clear as to which Commission members voted for the motion and which Commission members abstained from voting. The approval of minutes which do not accurately reflect the manner in which the business was conducted may become an issue if this matter is argued in front of the City Council or in the Circuit Court of Baldwin County at a later date.

I appreciate your attention in this matter, and if you have any questions or need additional information, please do not hesitate to contact me.

Sincerely
D. Robert Stankoski, Jr., Esquire

Chairman: Is there anyone else that would like to address the Commission? With that being said, I will close public participation. Do any of the Commissioners have any further questions or comments? With that being said, if there is no objection, the Chair will entertain a motion for the zoning of GCOF Retreat of Tiawasee. I would like for the motion to follow a roll call vote of the Planning Commission for the record.

A Motion was made by Mr. Scott and **Seconded** by Mr. Chason *for the unanimous favorable recommendation by the Planning Commission to the City Council of Daphne of the zoning of a thirty-one point five three acre parcel located southwest of the intersection of County Road 13 and Tiawasee Boulevard, south of Cowles Crossing and North Lamhatty Lane from an RSF-2, Single Family District, in Baldwin County District 15, to an R-2, Medium Density Single Family Residential, zone for GCOF Retreat of Tiawasee (Reference: The Retreat of Tiawasee).*

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Upon roll call vote, the Motion carried unanimously.

Mr. Kirby Aye
Chief White Aye
Ron Scott Aye
Mr. Chason Aye
Mr. Smith Aye
Mr. Gibson Aye
Mr. Terry Aye
Mr. Lemoine Aye

Chairman: Do any of the Commissioners have any further questions or comments? With that being said, if there is no objection, the Chair will entertain a motion for the annexation of GCOF Retreat of Tiawasee. I would like for the motion to follow a roll call vote of the Planning Commission for the record.

A Motion was made by Mr. Chason and Seconded by Mr. Terry for the unanimous favorable recommendation by the Planning Commission to the City Council of Daphne of the annexation of a thirty-one point five three acre parcel located southwest of the intersection of County Road 13 and Tiawasee Boulevard, south of Cowles Crossing and North Lamhatty Lane from an RSF-2, Single Family District, in Baldwin County District 15, to an R-2, Medium Density Single Family Residential, zone for GCOF Retreat of Tiawasee (Reference: The Retreat of Tiawasee).

Upon roll call vote, the Motion carried unanimously.

Mr. Kirby Aye
Chief White Aye
Ron Scott Aye
Mr. Chason Aye
Mr. Smith Aye
Mr. Gibson Aye
Mr. Terry Aye
Mr. Lemoine Aye

The next order of business is administrative presentation for Well Road Extension.

ADMINISTRATIVE PRESENTATION:

PETITION FOR STREET ACCEPTANCE:

File AP13-01:

Chairman: Mr. Richard Johnson, the Public Works Director, is not present and has requested the acceptance of the right-of-way and maintenance of the extension of Well Road. Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

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A Motion was made by Mr. Scott and **Seconded** by Mr. Terry *for the favorable recommendation by the Planning Commission to the City Council of Daphne the acceptance of the right-of-way and maintenance of Well Road extending to County Road 13. The Motion carried unanimously.*

The next order of business is administrative presentation for a portion of North Lamhatty Lane.

ADMINISTRATIVE PRESENTATION:

PETITION FOR STREET ACCEPTANCE:

File AP13-02:

Chairman: Mr. Richard Johnson, the Public Works Director, is not present and has requested the acceptance of the right-of-way and maintenance of a portion of North Lamhatty Lane. Do any of the Commissioners have any questions or comments?

Mr. Terry: He is requesting the acceptance of the bridge and the approach.

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. Terry *for the favorable recommendation by the Planning Commission to the City Council of Daphne the acceptance of the right-of-way and maintenance of a portion of North Lamhatty Lane (bridge and approach). The Motion carried unanimously.*

The next order of business is administrative presentation for Caroline Woods Subdivision, Phase 2B.

ADMINISTRATIVE PRESENTATION:

PETITION FOR STREET ACCEPTANCE:

File AP13-05:

Ms. Jones: The final plat for Caroline Woods Subdivision, Phase Two B has been recorded, a maintenance bond has been provided, therefore, I am recommending acceptance of all right-of-ways known as Kari Lane and a portion of Barrington Lane.

Chairman: 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. Scott and **Seconded** by Mr. Lemoine *for the favorable recommendation by the Planning Commission to the City Council of Daphne the acceptance of the right-of-ways and maintenance of a Kari Lane and a portion of Barrington Lane in Caroline Woods Subdivision, Phase 2B. The Motion carried unanimously.*

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The next order of business is administrative presentation for the Daphne Utilities Water Treatment Plant.

ADMINISTRATIVE PRESENTATION:

DAPHNE UTILITIES WATER TREATMENT PLANT:

File AP13-03:

An introductory presentation was given by Ms. Melinda Immel, Volkert, Inc., requesting a modification to the approved landscape plan for the Daphne Utilities Water Treatment Plant.

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

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

A Motion was made by Mr. Terry and Seconded by Mr. Lemoine to approve the modification to the site plan for the Daphne Utilities Water Treatment Plan, approval granted for the four Live Oaks to be planted at the discretion of the Utilities Board of the City of Daphne or the Public Works Director. The Motion carried unanimously.

The next order of business is the attorney's report.

ATTORNEY'S REPORT:

Mr. Navarro: No report.

The next order of business is commissioner comments.

COMMISSIONER'S COMMENTS:

No comments.

The next order of business is director's comments.

DIRECTOR'S COMMENTS:

Happy Easter!

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.

There being no further business, the meeting was adjourned at 5:50 p.m.

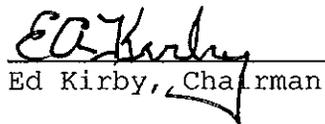
THE CITY OF DAPHNE
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Respectfully submitted by:



Jan Vallecillo (Dickson), Planning Coordinator

APPROVED: May 2, 2013



Ed Kirby, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
SPECIAL MEETING OF MAY 2, 2013
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

REPORT

1. **CALL TO ORDER** **DATE: MAY 2, 2013**

2. **CALL OF ROLL** **ED KIRBY, LARRY CHASON, DON TERRY, DAN GIBSON,
JOE LEMOINE, RON SCOTT, AND CHIEF WHITE**

3. **APPROVAL OF MINUTES:**

*Review of minutes for the regular minutes of March 28, 2013. **(APPROVED AS SUBMITTED)***

4. **NEW BUSINESS:**
 - A. **FINAL PLAT REVIEW:**
 1. **File SDF13-03: (APPROVED)**

Subdivision: Summer Oaks Townhomes, Phase XIV

Present Zoning: R-4

Location: East of U. S. Highway 98, north of Wal-Mart
Area: 3.43 Acres ±, (13) lots
Owner: Tonsmeire Development Corporation - Elizabeth Tonsmeire
Engineer: Rowe Surveying and Engineering - Don Rowe

 - B. **PRELIMINARY/FINAL PLAT REVIEW:**
 1. **File SDPF13-04: (APPROVAL, IS CONTINGENT UPON NO FURTHER
SUBDIVIDING OF LOT 2B WITHOUT THE PRESENTATION OF A
MASTER PLAN)**

Subdivision: Resubdivision of Lot 2, Webb FLP

Present Zoning: B-2, General Business

Location: On the west side of U. S. Highway 98, north of Van Avenue
Area: 8.02 Acres ±, (2) lots
Owner: Webb Family Limited Partnership - Scottie Webb
Engineer: Preble-Rish - Steve Pumphrey

 - C. **SUBDIVISION REPLAT REVIEW:**
 1. **File SRP13-01: (APPROVED)**

Subdivision: Ervin

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

Location: Northeast of Japonica Lane and Park Drive
Area: 4 Acres ±
Owner: Jimmy or Francesca Ervin
Surveyor: GeoSurveying - Matt Kountz

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
SPECIAL MEETING OF MAY 2, 2013 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

D. PETITIONS:

ZONING AMENDMENT: (SEVEN MEMBERS WERE PRESENT AND THE MOTION FAILED TO SET FORTH AN UNFAVORABLE RECOMMENDATION. THREE MEMBERS VOTED IN THE AFFIRMATIVE AND FOUR DISSENTED)

1. **File Z13-03:** Earth, Inc.
- Present Zoning:* *R-3, High Density Single Family Residential District*
- Proposed Zoning:* *R-6 (G), Garden or Patio Home District*

 Location: Southwest of the intersection of Park Drive and Tallent Lane, east of the Daphne Sports Complex

 Area: 5.95 Acres ±

 Owner(s): Earth, Inc. - A. Scott Curtis

 Engineer: Rowe Surveying & Engineering - Don Rowe

E. ADMINISTRATIVE PRESENTATION:

PETITION FOR STREET ACCEPTANCE:

1. **File AP13-04 : (FAVORABLE RECOMMENDATION)**

 Presentation to be given Adrienne Jones, Director of Community Development or Richard Johnson, Public Works Director, recommending acceptance of all right-of-ways contained within Dunmore Subdivision, Phase Two, Part C, Phase Two. Said right-of-ways being named Kilkenny Lane (641 linear feet), Flynt Drive (635 linear feet), Doireann Street (506 linear feet), and Dunmore Drive (1527 linear feet).

F. PLANNING COMMISSION DISCUSSION:

 Discussion regarding Ordinance 2011-54, Land Use and Development Ordinance, Article 11-4, Open Space Provisions. (NO DISCUSSION)

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

SET DATE FOR PUBLIC HEARING

JUNE 17, 2013

TO CONSIDER:

Rezoning: Earth, Inc.

Location: Southwest of the intersection of Park Drive and Tallent Lane, east of the Daphne Sports Complex

Present Zoning: R-3, High Density Single Family Residential District

Requested Zoning: R6 (G) , Garden or Patio Homes

Recommendation: Motion Failed to set forth an unfavorable recommendation which is No recommendation

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Earth, Inc.
Zoning Amendment
Date: May 3, 2013

MEMORANDUM

PRESENT ZONING: R-3, High Density Single Family Residential District

PROPOSED ZONING: R6(G), Garden or Patio Home District

LOCATION: Southwest of the intersection of Park Drive and Tallent Lane, east of the Daphne Sports Complex

RECOMMENDATION: At the Thursday, May 2, 2013, special meeting of the Daphne Planning Commission, seven members were present and the motion failed to set forth an unfavorable recommendation. Three of the members voted in the affirmative and four dissented.

The appropriate documentation and action of the Daphne Planning Commission has been provided.

Upon receipt of said documentation, please prepare an Ordinance for placement on the City Council agenda of Monday, May 20, 2013 to request to set the public hearing for Monday, June 17, 2013.

Thank you,
ADJ/jv

cc: file

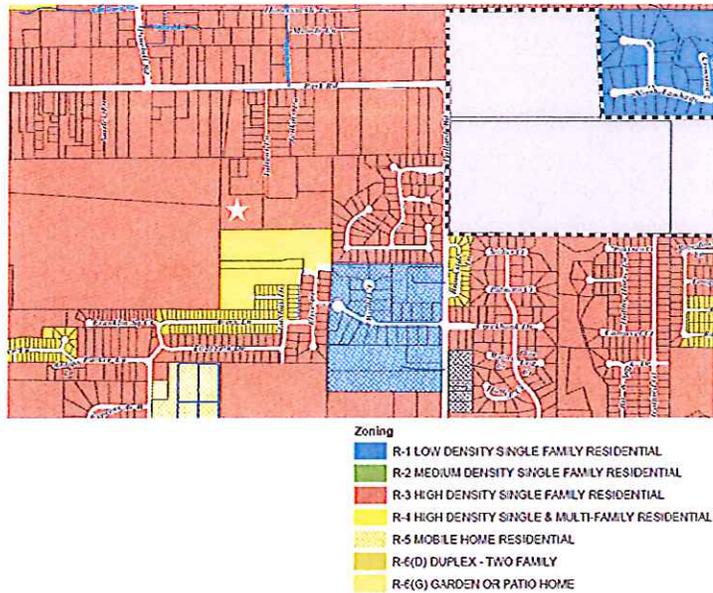
attachment(s)

1. Community Development Report(s)
2. Zoning Amendment application
3. Legal description
4. Map of property
5. Adjacent property owners' list
6. Correspondence to Adjacent Property Owners

Planning Commission



Zoning Amendment Review EARTH, INC.



COMMUNITY DEVELOPMENT

ZONING AMENDMENT PROPOSAL

Owner: Earth, Inc.
Existing Conditions: 5.95 acres of vacant land
Existing Zoning: R-3, High Density Single Family Residential
Proposed Zoning: R-6(G) Garden or Patio Home District

R-4 High Density Single Family equals R-6(G) Garden or Patio Home District in all specifications.

Surrounding Zonings/Uses:

North - (R-3) High Density Single Family zoned (Revelation Missionary Church, and houses, some in Fallen Oak Subdivision)

South - (R-4) High Density Single Family zoned undeveloped land (Caroline Woods Phase 3B—preliminary approval extended in 2012)

East - City of Daphne Public Works Tallent Lane Facility, zoned R-3 High Density Single Family

West - City of Daphne Sports Complex property, zoned R-3 High Density Single Family

Existing Utility Service Providers:

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Water – Park City Water Authority

Affected City Service Providers:

Fire Protection—Station 2 (North Main Street)

Police Protection—Police Beat 2

Public Works

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

Comprehensive Plan

The current Comprehensive Plan designates the subject property as residential. The proposed use is consistent and compatible with the comprehensive plan in regard to land use. Therefore the reversionary clause is not recommended and should not be applicable to this property.



Community Development Recommendation: Approval of R-6(G) Garden or Patio Home zoning with no reversionary clause. The zone is consistent with the Future Land Use Map of the Comprehensive Plan and is also compatible with other existing and proposed Garden/Patio home development of Caroline Woods subdivision which is immediately south of the subject property. Caroline Woods is zoned R-4 High Density Single Family Residential. R-4 High Density Single Family equals R-6(G) in all aspects. R-6(G) replaces the category of R-4 High Density Single Family.

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.



ZONING DISTRICT SPECIFICATIONS

Article 13-4

Minimum Lot Requirements

EXCERPT FROM 13-4	Minimum Lot Area Square feet (sq ft)	Minimum Lot Width at Setback Line (ft)	Maximum Lot Coverage Percent (%) ^a	Maximum Density ^b (units/acre)	Maximum Height ^c (stories) (ft)
EXISTING ZONING R-3, High Density Single Family	12,000	80	30	3.5	2.5 stories 35 ft
PROPOSED ZONING R-6(G) Garden/Patio Homes	5,000	50	38	8	2.5 stories 35 ft
CAROLINE WOODS ZONING R-4, High Density Single Family--	5,000	50	38	8.0	2.5 stories 35 ft

Article 13-6

Setbacks

EXCERPT FROM 13-6	Front Yard Local Streets	Rear Yard	Side Yard	Corner Lot Side Yard Local Streets
R-3	30	30	10	20
R-4SF& R6(G)	25	25	6	20

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: 213-03

Date Plat Submitted: March 25, 2013
Date Presented: April 25, 2013

Name of Owner: Earth, Inc.

Address: P.O. Box 220 Daphne, AL. 36526 Telephone # (251) 232-2166
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Same as above

Address: _____ Telephone # _____
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: _____ RL

Lot(s): _____ Unit: _____

- 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 names and mailing addresses for the adjacent property owners (Date Submitted: 03-25-13).

Meeting Dates:

Planning Commission: 03-25-2013

City Council: _____

Reason(s) for requesting the Zoning Amendment:

We are requesting a zoning amendment because of the changing character of the neighborhood
evidenced by the fact that the property to the South was recently changed to zone R-4.

SIGNATURE OF OWNER OF 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 are 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:

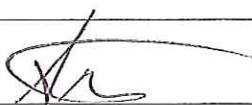
- a) Address Off the South end of Tallent Lane and 830ft +/- South of Park Drive
- b) Name of Subdivision _____ *OR*
- c) Lot numbers involved in change _____
- d) Total acreage of change 5.95
- e) Recorded in Map Book N/A Page _____
- f) Owned in whole by the undersigned? Yes
- g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

- a) Present classification of property R-3
- b) Reclassification desired R-6(G) OR
- c) Character of neighborhood R-3/R-4

3) Certifications:

- a) Owner's Name Earth, Inc.
- b) Address P.O. Box 220 Daphne, AL. 36526
- c) Telephone Number (251) 232-2166
- d) Date 3/25/2013



Signature of Property Owner

Signature of Property Owner

EARTH, INC.

ZONING AMENDMENT REVIEW

**SOUTHWEST OF THE INTERSECTION OF PARK DRIVE
AND TALLENT LANE, EAST OF THE DAPHNE
SPORTS COMPLEX**

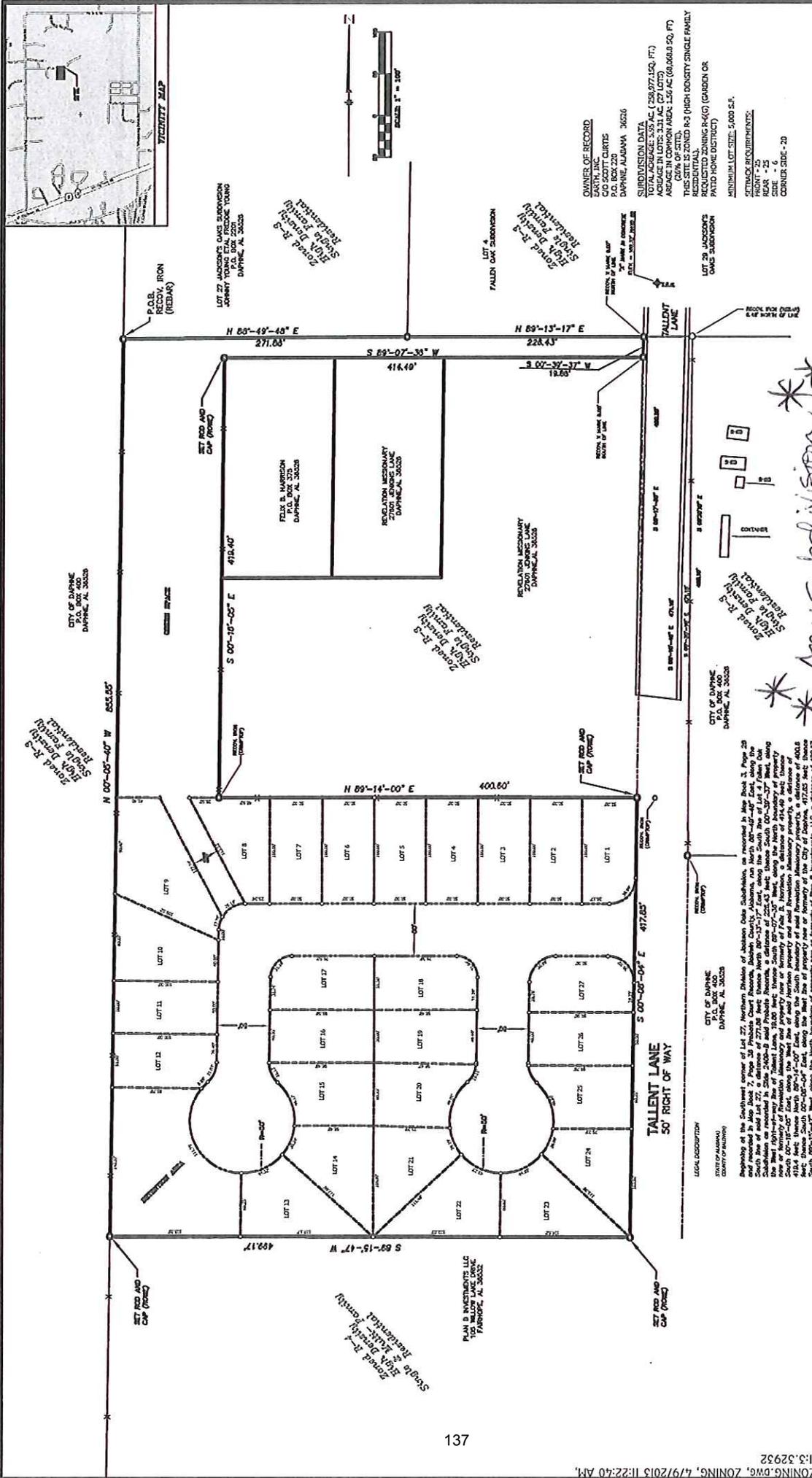
EXHIBIT "A"

**STATE OF ALABAMA)
COUNTY OF BALDWIN)**

**DESCRIPTION OF PROPERTY TO BE REZONED FROM R-3, HIGH DENSITY
SINGLE FAMILY RESIDENTIAL, TO AND R-6(G) GARDEN OR PATIO
HOME:**

Beginning at the Southwest corner of Lot 27, Northern Division of Jackson Oaks Subdivision, as recorded in Map Book 3, Page 28 and recorded in Map Book 7, Page 36 Probate Court Records, Baldwin County, Alabama, run North 88°-49'-48" East, along the South line of said Lot 27, a distance of 271.86 feet; thence North 89°-13'-17" East, along the South line of Lot 28 In said subdivision, a distance of 226.43 feet; thence South 00°-39'-37" West, along the West right-of-way line of Tallent Lane, 19.86 feet; thence South 89°-07'-36" West, along the North boundary of property now or formerly of Revelation Missionary and property now or formerly of Felix B. Harrison, a distance of 414.49 feet; thence South 00°-16'-05" East, along the West line of said Harrison property and said Revelation Missionary property, a distance of 419.4 feet; thence North 89°-14'-00" East, along the South boundary of said Revelation Missionary property, a distance of 400.6 feet; thence South 00°-08'-04" East, along the West line of property now or formerly of the City of Daphne, 417.85 feet; thence South 89°-15'-47" West, along the North boundary of property now or formerly of Plan B Investments, LLC, a distance of 499.17 feet; thence North 00°-05'-40" West, along the East line of property now or formerly of the City of Daphne, a distance of 855.55 feet to the Point of Beginning.

NOTE BY STAFF 04/12/13: CONCEPTUAL DESIGN DRAWING SUBMITTED FOR ZONING AMENDMENT PROPOSAL EXHIBIT ONLY. ALL SUBDIVISIONS ARE SUBJECT TO APPLICABLE PROVISIONS OF THE LAND USE & DEVELOPMENT ORDINANCE.



ZONING AMENDMENT	
PROJECT NO.	2013-001
DATE	JUN 11, 2013
PROJECT NAME	TALENT LANE 50' RIGHT OF WAY
OWNER	ROSE SURVEYING AND ENGINEERING COMPANY, INC.
DESIGNER	ROSE SURVEYING AND ENGINEERING COMPANY, INC.
DATE	JUN 11, 2013
PROJECT NO.	2013-001

Any subdivision of this property is subject to all zoning subdivision regs. 5/16/13

NOTE BY STAFF 04/12/13: CONCEPTUAL DESIGN DRAWING SUBMITTED FOR ZONING AMENDMENT PROPOSAL EXHIBIT ONLY. ALL SUBDIVISIONS ARE SUBJECT TO APPLICABLE PROVISIONS OF THE LAND USE & DEVELOPMENT ORDINANCE.

Tallent Addition to Daphne (Proposed)
Adjacent property owners for Zoning Amendment

Charles and Adell Hall
P.O. Box 1125
Daphne, AL. 36526

Aaron Hanberg
C/O Habitat for Humanity
12678 County Road 65
Foley, AL. 36535

Johnny Young, etal
P.O. Box 2201
Daphne, AL. 36526

James White, etal
P.O. Box 31
Daphne, AL. 36526

City of Daphne
P.O. Box 400
Daphne, AL. 36526

Plan B Investments LLC
105 Willow Lake Dr.
Fairhope, AL. 36532

Revelation Missionary Baptist Church
27601 Jenkins Lane
Daphne, AL. 36526

Earth, Inc.
P.O. Box 220
Daphne, AL. 36526

Felix Harrison
P.O. Box 375
Daphne, AL. 36526

DANE HAYGOOD
MAYOR

REBECCA A. HAYES
CITY CLERK

KIMBERLY M. BRILEY
FINANCE DIRECTOR/TREASURER

ADRIENNE D. JONES
DIRECTOR/ COMMUNITY DEVELOPMENT



COUNCIL MEMBERS
TOMMY B. CONAWAY
DISTRICT 1
PAT RUDICELL
DISTRICT 2
JOHN LAKE
DISTRICT 3
RANDY FRY
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
JOE DAVIS, III
DISTRICT 7

April 22, 2013

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for Earth, Inc. containing 5.95 acres +/- located southwest of the intersection of Park Drive and Tallent Lane and east of the Daphne Sports Complex to be rezoned from R-3, High Density Single Family District, to an R-6 (G), Garden or Patio Home District.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-79. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting was held on Wednesday, April 17, 2013 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing scheduled to be held by the Daphne Planning Commission on Thursday, April 23 has been rescheduled to May 2, 2013 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

Earth, Inc. Zoning Amendment

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

**Ordinance to Rezone Property Located
Southwest of the intersection of Park Drive and Tallent Lane,
East of the Daphne Sports Complex
Earth, Inc.**

WHEREAS, Earth, Inc., as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-3, High Density Single Family Residential District to R-6 (G), Garden or Patio Home District; and,

WHEREAS, said real property is located southwest of the intersection of Park Drive and Tallent Lane, east of the Daphne Sports Complex, and more particularly described as follows:

DESCRIPTION OF PROPERTY TO BE REZONED FROM R-3, HIGH DENSITY SINGLE FAMILY RESIDENTIAL, TO AND R-6(G) GARDEN OR PATIO HOME:

Legal Description:

Beginning at the Southwest corner of Lot 27, Northern Division of Jackson Oaks Subdivision, as recorded in Map Book 3, Page 28 and recorded in Map Book 7, Page 36 Probate Court Records, Baldwin County, Alabama, run North 88°-49'-48" East, along the South line of said Lot 27, a distance of 271.86 feet; thence North 89°-13'-17" East, along the South line of Lot 28 In said subdivision, a distance of 226.43 feet; thence South 00°-39'-37" West, along the West right-of-way line of Tallent Lane, 19.86 feet; thence South 89°-07'-36" West, along the North boundary of property now or formerly of Revelation Missionary and property now or formerly of Felix B. Harrison, a distance of 414.49 feet; thence South 00°-16'-05" East, along the West line of said Harrison property and said Revelation Missionary property, a distance of 419.4 feet; thence North 89°-14'-00" East, along the South boundary of said Revelation Missionary property, a distance of 400.6 feet; thence South 00°-08'-04" East, along the West line of property now or formerly of the City of Daphne, 417.85 feet; thence South 89°-15'-47" West, along the North boundary of property now or formerly of Plan B Investments, LLC, a distance of 499.17 feet; thence North 00°-05'-40" West, along the East line of property now or formerly of the City of Daphne, a distance of 855.55 feet to the Point of Beginning.

WHEREAS, at the City of Daphne Planning Commission meeting on May 2, 2013 the Commission considered said request and failed to set forth an unfavorable recommendation which is no recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on June 17, 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 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-3, High 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, City Clerk

City of Daphne Recreation Board
2605 Hwy 98
Daphne, AL. 36526
April 10, 2013

Members Present: Rick Cleveland, Matt Cunningham, Doug Dugat and Kit Smith

Members Absent: Jan Mitemeyer, Lisa O'Hara and Frank Pierce

Advisory Staff: Councilman Robin Lejeune, David McKelroy – Parks & Recreation Director and Glenn Vickery

Call to Order

Meeting was called to order at 6:37

Review and Approval of Minutes

Motion was made by Doug Dugat and seconded by Kit Smith to approve the November 14, 2012 minutes. Motion passed.

Public Participation

Al Guarisco spoke about Bocce being played at the Bay Front pavilion. Councilman LeJeune reported on his meeting with the Mayor on this matter.

Dyan Perrigin and Gerardo Flores of the Daphne Strike Soccer Club spoke to the Board regarding the relationship with the City of Daphne Recreation Department.

Program Reports

Information was provided regarding programs. Coach Vickery spoke about the Jubilee City Championship 7 on 7 football tournament in July.

Old / New Business

1. Sports Complex Entrance Councilman LeJeune updated the Board on the status of possible tennis courts at this site. There was discussion by the Board about the deviation from the Master Plan.
2. Disc Golf The Board briefly discussed the possibility of disc golf.
3. Lott Park and Trione Sports Complex The Board was informed and discussion followed about needed improvements (safety, facilities and appearance) at both Lott Park and Trione Sports Complex. A motion was made by Rick Cleveland and seconded by Matt Cunningham that needed improvements be presented to the council for consideration. Motion passed.
4. Additional Employee Motion was made by Doug Dugat and seconded by Kit Smith that the request for additional employee in the FY2013 budget for a Recreation Programs Coordinator be considered. It was the belief of the Board that this position is needed to

maintain the level of services the Parks and Recreation Department is attempting to achieve. Motion passed.

Adjourn

Meeting was adjourned at 8:03pm.

**REPORT
OF
OFFICERS**

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Christ the King Church</i>
CONTACT PERSON:	<i>Kathy White</i>
ADDRESS:	<i>Main Street Daphne</i>
PHONE NUMBER (HOME):	<i>251-625-455</i>
PHONE NUMBER (BUSINESS):	<i>251-680-9624</i>
CELL NUMBER:	
E-MAIL ADDRESS:	
TYPE OF PARADE:	<i>Annual Pilgrimage / Walk</i>
DATE OF PARADE:	<i>June 1, 2013</i>
ROUTE TO BE TRAVELED:	<i>Begin at Christ the King Church, travel on sidewalk south to Shrine of the Holy Cross</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>50</i>
START TIME:	<i>8:30 A.M.</i>
STOP TIME:	<i>9:15 A.M.</i>
ASSEMBLY AREA/STREET:	<i>Christ the King Church</i>
ASSEMBLY TIME:	<i>8:30 A.M.</i>
SPECIAL INSTRUCTIONS:	
DATE APPLIED:	<i>April 18, 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>Per David M. Kelroy / Rebecca A. Hayes</i>
CITY COUNCIL APPROVAL: 5-20-13	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>April 19, 2013</i>
NOTIFICATION	

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Christ the King Church</i>
CONTACT PERSON:	<i>Kathy White</i>
ADDRESS:	<i>Main Street Daphne</i>
PHONE NUMBER (HOME):	<i>251-625-455</i>
PHONE NUMBER (BUSINESS):	<i>251-680-9624</i>
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TYPE OF PARADE:	<i>Annual Pilgrimage / Walk</i>
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START TIME:	<i>8:30 A.M.</i>
STOP TIME:	<i>9:15 A.M.</i>
ASSEMBLY AREA/STREET:	<i>Christ the King Church</i>
ASSEMBLY TIME:	<i>8:30 A.M.</i>
SPECIAL INSTRUCTIONS:	
DATE APPLIED:	<i>April 18, 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>Per David McKelroy / Rebecca A. Hayes</i>
CITY COUNCIL APPROVAL: 5-20-13	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>April 19, 2013</i>
NOTIFICATION	

**CITY OF DANNING
PARADE PERMIT**

ORGANIZATION:	<i>Arthritis Foundation</i>
CONTACT PERSON:	<i>John Sweeney</i>
ADDRESS:	<i>1011 Hillcrest Road Mobile, AL 36695</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS): CELL NUMBER:	<i>205-314-8443 205-873-4508</i>
TYPE OF PARADE:	<i>5K & 1 Mile Fun Run</i>
DATE OF PARADE:	<i>December 7, 2013</i>
ROUTE TO BE TRAVELED:	<i>See Attached Route</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>1,000 - 1,500</i>
START TIME:	<i>8:00 A.M.</i>
STOP TIME:	<i>11:00 A.M.</i>
ASSEMBLY AREA/STREET:	<i>City Hall</i>
ASSEMBLY TIME:	<i>5:00 A.M.</i>
SPECIAL INSTRUCTIONS:	
DATE APPLIED:	<i>April 19, 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 D. Johnson</i>
RECREATION : David McKelroy	<i>David McKelroy</i>
CITY COUNCIL APPROVAL: 5-20-13	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	<i>April 19, 2013</i>
NOTIFICATION	

ROUTE FOR ARTHRITIS FOUNDATION

5K & 1 MILE FUN RUN

- Start on Main Street at City Hall going North to Belrose Avenue**
- Turn left going West on Belrose Avenue to Old County Road**
- Turn left going South on Old County Road to Dryer Avenue**
- Turn right on Dryer Avenue going West to Captain O'Neal Drive**
- Turn left going South on Captain O'Neal Drive to Deer Avenue**
- Turn left going East on Deer Avenue to Main Street**
- Turn left going North on Main Street to City Hall**

RESOLUTIONS

&

ORDINANCES

RESOLUTION 2013 - 31

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

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

WHEREAS, the items listed below are recommended for disposal.

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

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

DEPT	EQ/VEH#	DESCRIPTION	VIN
Garbage	1205	2007 American LaFrance Condor Garb Tk	5SXHANCY57RZ13897

- 2- The Mayor is authorized to direct the sale of the above listed property to another Municipality for a competitive market value.
- 3- If the above listed equipment is not sold to another municipality then the Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property and sell said property to the highest bidder and deposit any and all proceeds to the General Fund.
- 4- The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this _____ day of May, 2013.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

CITY OF DAPHNE

RESOLUTION 2013-32

**Acceptance of Streets and Drainage
located in Dunmore Subdivision, Phase Two, Part C, Phase Two**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Dunmore Subdivision, Phase Two, Part C, Phase Two on February 28, 2013, and the City of Daphne hereby recommends acceptance of said street(s) located in Dunmore Subdivision, Phase Two, Part C, Phase Two; and,

Whereas, an inspection was made by the Director of Community Development. All reports, as well as, all other related documents have been provided stating that said streets and storm water drainage have been installed in conformity with city standards; and,

Whereas, an inspection was made by the Director of the Division of Public Works, and has accepted said streets and storm water drainage of Dunmore Subdivision, Phase Two, Part C, Phase Two; and,

Whereas, Baldwin County Sewer Authority and Belforest Water Authority have accepted the utilities of Dunmore Subdivision, Phase Two, Part C, Phase Two; and,

Whereas, the developer has provided to the City a two-year maintenance bond in the amount of \$80,624.28 as required and requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled the procedures for Subdivision Review of the City of Daphne Land Use and Development Ordinance; and,

Whereas, the developer has caused the plat to be recorded on Slide 2482-B and 2482-C in the records in Baldwin County Judge of Probate Office; and,

Whereas, the City Council of the City of Daphne believes it is in the best interest of the citizens of the City for the City to accept said right-of-way(s); and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Dunmore Subdivision, Phase Two, Part C, Phase Two, fifty-foot right-of-ways being named Kilkenny Lane (641 linear feet), Flynt Drive (635 linear feet), Doireann Street (506 linear feet), and Dunmore Drive (1527 linear feet) are hereby accepted by the City of Daphne, Alabama as city streets for maintenance.

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

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

**DANE HAYGOOD
MAYOR**

ATTEST:

**REBECCA HAYES,
CITY CLERK**

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Dunmore Subdivision, Phase Two, Part C,
Part Two
Acceptance of Roads and ~~Rights-of-Ways~~

MEMORANDUM

Date: May 3, 2013

LOCATION: On the East side of Alabama Highway 181 and Dunmore Drive

RECOMMENDATION: At the May 2, 2013, special meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a **favorable recommendation** for the acceptance of Kilkenny Lane, Flynt Drive, Doireann Street, and Dunmore Drive as a city street(s) for maintenance.

Attached please find said documentation for placement on the Monday, May 20, 2013 City Council agenda.

Thank you,
ADJ/jv

cc: file
Richard Johnson, Public Works Director

attachment(s)

1. Resolution
2. Correspondence from project engineer requesting acceptance
3. Record plat of Dunmore Subdivision, Phase Two, Part C,
Phase Two
4. Petition of Acceptance of Roads and Rights-of-Ways
5. Copy of Maintenance Bond

RESTER & COLEMAN ENGINEERS, INC.
CONSULTING ENGINEERS - LAND SURVEYORS
66 MIDTOWN PARK WEST (251) 479-4518
MOBILE, ALABAMA 36606-4148

March 1, 2013

City of Daphne
Director of Community Development
PO Box 400
Daphne, AL 36526

Attn: Mrs. Adrienne Jones

Re: Dunmore Subdivision, Phase Two, Part "C", Phase II

Dear Mrs. Jones:

I have inspected the improvements of the above referenced project and have found them to be complete and in accordance with the plans and staff comments. Please accept this letter as our request for the City of Daphne to accept the streets and right-of-ways in the above referenced project. These include Kilkenny Lane (641 l.f. - 50' R.O.W.), Flynt Drive (635 l.f. - 50' R.O.W.), Doireann Street (506 l.f. - 50' R.O.W.), and Dunmore Drive (1527 l.f. - 50' R.O.W.).

Please notify us if you have any questions or require any further information.

Sincerely,

RESTER & COLEMAN ENGINEERS, INC.



Donald F. Coleman

lmd

CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY

SUBDIVISION NAME: Dunmore, Phase Two, Part "C", Phase II

LOCATION: At the South terminus of Kilkenny Lane, Flynt Drive and Doireann Street

THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY is made this 28th day of February, 2013 by Hearthstone Multi-Asset Entity, D, LP, hereinafter called the Subdivider, owner of certain property located in Baldwin County, Alabama known as Subdivision to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

WHEREAS, the Subdivider has agreed to the dedication of the roads and rights-of-way located in said subdivision to the City of Daphne, and further warrants that said roads and rights-of-way are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled Subdivision Review, and Article XI, Minimum Requirements and Required Improvements. The Subdivider further warrants that the same are free from defects from any cause and are free and clear of any liens and encumbrances; and,

WHEREAS, the Subdivider does hereby agree to provide a Maintenance Bond, as outlined in Article XVII, entitled Subdivision Review, in an amount equal to ten (10) percent of the total street and drainage improvements (\$ 80,624.48) in the subdivision for a period of two (2) years after the date of their acceptance and dedication of the same to the City. Said bond shall be required by the City as a condition to the acceptance and dedication of any new roads or rights-of-way within the City; and,

WHEREAS, the Project Engineer acting on behalf of the Subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Subdivision Review, and Article XI, Minimum Requirements and Required Improvements.

WHEREAS, the City of Daphne, Alabama, acting by and through the recommendation of the City of Daphne Planning Commission, has agreed to accept the responsibility for the maintenance of the roads and rights-of-way of said subdivision subject to a two (2) year maintenance period as described above; and,

WHEREAS, the City of Daphne has agreed to accept the property within the confines of the road right-of-way which does not include drainage or utility easements or any other improvements outside of these confines.

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the recommendation of the City of Daphne Planning Commission at their regular meeting of Feb. 28, 2013 That said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said street being named Dunmore Drive, Kilkenny Lane, Flynt Drive and Doireann Street are hereby accepted for maintenance by the City of Daphne, Alabama as city streets.

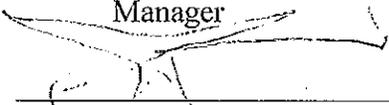
IN WITNESS WHEREOF, the Subdivider has caused the execution of this dedication as of the date set forth above.

Respectfully submitted,

HEARTHSTONE MULTI-ASSET ENTITY D, L.P.,
a California limited partnership

By: Gulf States GP, LLC,
a California limited liability company
General Partner

By: Hearthstone, Inc.,
a California corporation
Manager

By: 
Tracy T. Carver
Executive Vice President-General Counsel

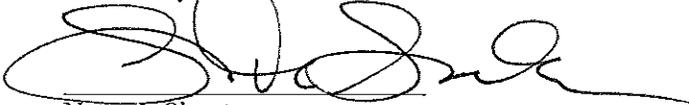
STATE OF CALIFORNIA)
) ss.

COUNTY OF MARIN)

On January 22, 2013, before me, Siv M. Sandler, Notary Public, personally appeared TRACY T. CARVER, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

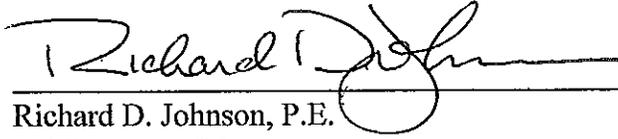
Witness my hand and official seal.


Notary's Signature

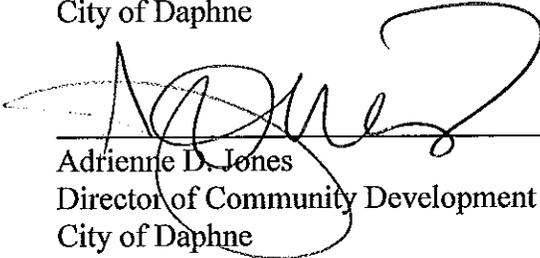


CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY

Recommendation:



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



Adrienne D. Jones
Director of Community Development
City of Daphne

Approval:



Ed Kirby
Planning Commission Chairman
City of Daphne

Maintenance Bond

KNOW ALL MEN BY THESE PRESENTS:

That Hearthstone Multi-Asset Entity D, L.P., as Principal, hereinafter called Principal, and Philadelphia Indemnity Insurance Company as Surety a Corporation organized and existing under the laws of the State of PA, and authorized to do business as a Surety in the State of Alabama, as Surety, are held firmly bound unto the City of Daphne, Alabama, as Obligee, in the amount of Eighty Thousand Six Hundred Twenty Four and 48/100ths Dollars (\$80,624.48), good and lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, administrators, executors, and assigns, jointly and severally, firmly by these presents.

Signed and Sealed this 1st day of February, 2013

WHEREAS, Principal entered into a contract with the City of Daphne, Alabama for

**Dunmore, Phase Two, Part "C"
Streets and Drainage Improvements**

WHEREAS, said Obligee requires that the Principal furnish a bond conditions to guarantee for the period of Two Years following the date of final acceptance of said improvements, by the owner, against all defects in workmanship and materials which may become apparent during said period and

WHEREAS, the said project has been completed and was approved on 8th day of November, 2012.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall indemnify the obligee for all loss that the Obligee may sustain by reason of any defective materials or workmanship which become apparent during the period of Two Years (2) from and after completion of the work and acceptance by the Obligee, then this obligation shall be void, otherwise to remain in full force and effect.

Hearthstone Multi-Asset Entity D, L.P.

By: see attached signature page

By: _____

Philadelphia Indemnity Insurance Company
Name of Surety (Seal)

By:  _____
Erik Johansson, Attorney-in-Fact

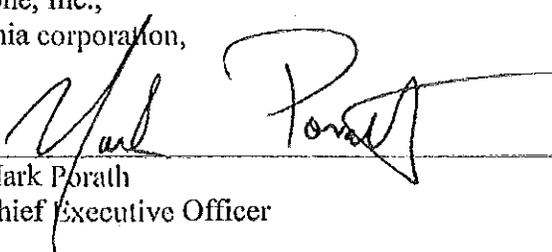
Signature Block for Bond Number PB10163700103, to be attached to and become a part of:

SIGNATURE BLOCK

Hearthstone Multi-Asset Entity D, L.P.,
a California limited partnership

By: Gulf States GP, LLC
a California limited liability company
General Partner

By: Hearthstone, Inc.,
a California corporation,
Manager

By: 
Mark Porath
Chief Executive Officer

RESOLUTION NO. 2013-33
2013-M- CITY HALL ROOF RESTORATION

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of 50,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the CITY HALL ROOF RESTORATION will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the CITY HALL ROOF RESTORATION and determined that the bid as presented is reasonable; and

WHEREAS, Staff recognizes that some additional work/materials may be required if deteriorated wood areas are found during the restoration process and therefore unit cost for these materials were included in the bid; and

WHEREAS, Staff recommends the bid for the CITY HALL ROOF RESTORATION be awarded to Kiker Corporation.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid of Kiker Corporation for the base amount of **\$71,560.99** and unit cost as follows:

- Alternate #1: **\$2,400** – roof drains and related plumbing
- A. Replace Lightweight Concrete decking as needed **-\$9.00/ SqFt.**
- B. Replace deteriorated imbedded wood nailers with pressure treated, match existing dimension as needed - **\$12.00/SqFt.**

as specified in BID SPECIFICATION NO. 2013-M-CITY HALL ROOF RESTORATION. *(Total project cost estimate is \$85,000).*

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

ORDINANCE 2013 - 25

Appropriation: Fiscal 2013 CAPITAL & PERSONNEL

WHEREAS, Ordinance 2012-58 approved and adopted the Fiscal Year 2013 Budget on October 1, 2012; and

WHEREAS, at the end of Fiscal 2012, the Unreserved Fund Balance of the General Fund totaled \$ 9,946,859; and

WHEREAS, the “target” for such fund balance is \$ 8,500,000 and amounts over such may be used for capital appropriations in lieu of incurring debt; and

WHEREAS, after reviewing the Fiscal 2012 audit as well as interim financial reports for Fiscal 2013, the City Council has determined that funds are available for certain additional Fiscal 2013 personnel and capital appropriations and such appropriations should be considered, approved and made a part of the Fiscal Year 2013 budget; and

WHEREAS, City Departments have submitted new Personnel & Capital requirements; and

WHEREAS, the Mayor and City Council have reviewed such requests and prioritized them according to needs and available funds.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2013 Budget is hereby amended (\$961,544) to include additional General Fund appropriations in the amount of \$931,544 and \$30,000 appropriations from Lodging Tax Fund for Gator Alley Boardwalk Repairs (\$10,000) and Richard Scardamalia Pavilion Decking (\$20,000):

- \$ 70,694 pro-rata Personnel for the remainder of Fiscal 2013
- \$ 860,850 Capital Equipment/Building
- \$ 30,000 Capital Building/Boardwalk Improvements – Lodging Tax

Such appropriations are itemized in the attached list and made a part hereof.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2013.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

RECOMMENDED CAPITAL BUDGET APPROVAL ITEMS

PERSONNEL

COURT	MAGISTRATE	\$29,557	\$8,867	\$38,424
POLICE	PATROL OFFICER (1 of 4)	\$37,220	\$16,130	\$53,350
POLICE	PATROL OFFICER (2 of 4)	\$37,220	\$16,130	\$53,350
FIRE	LT RECLASSIFICATIONS	\$6,900	\$2,070	\$8,970
PUBLIC WORKS	PART TIME GROUNDS (30 HRS)	\$15,975	\$3,887	\$19,862
RECREATION	PART TIME GROUNDS (30 HRS)	\$15,975	\$3,887	\$19,862
LIBRARY	LIBRARY TECH	\$8,090	\$2,427	\$10,517
LIBRARY	LIBRARY AIDE (YOUNG ADULT)	\$5,960	\$1,788	\$7,748
ANNUAL PERSONNEL TOTAL				\$212,083
PRORATED FOR FY13				\$70,694

EQUIPMENT

GENERAL GOV	SMALL SUV	LEGISLATIVE	\$25,000
GENERAL GOV	IT INFRASTRUCTURE	INFORMATION TECH	\$25,000
GENERAL GOV	CITY HALL ROOF MAINTENANCE	BLDG MAINT	\$85,000
GENERAL GOV	MINIVAN	JANITORIAL	\$20,000
POLICE	PATROL VEHICLE (1 of 4)		\$42,675
POLICE	PATROL VEHICLE (2 of 4)		\$42,675
POLICE	NEW OFFICER EQUIPMENT (1 OF 4)		\$5,000
POLICE	NEW OFFICER EQUIPMENT (2 OF 4)		\$5,000
FIRE	ADMIN VEHICLE (1 OF 2)		\$26,000
FIRE	ADMIN VEHICLE (2 OF 2)		\$26,000
SEARCH & RESCUE	BOAT - CAROLINA SKIFF		\$25,000
PUBLIC WORKS	KNUCKLEBOOM TRUCK	SOLID WASTE	\$140,000
PUBLIC WORKS	TRAFFIC COUNTER SYSTEM	ADMIN	\$18,000
PUBLIC WORKS	TRUCK - CREW CAB	MOWING	\$25,000
PUBLIC WORKS	TRUCK - CREW CAB	MOWING	\$25,000
PUBLIC WORKS	SERVICE TRUCK W/ CRANE	MECHANICAL	\$60,000
PUBLIC WORKS	SWEEPER ATTACHMENT FOR CAT924G	STREETS	\$25,000
PUBLIC WORKS	TRACTOR	MOWING	\$66,000
PUBLIC WORKS	BUSH HOG FOR TRACTOR ABOVE	MOWING	\$12,000
PUBLIC WORKS	HVAC FOR PARTS ROOM	MECHANICAL	\$15,000
RECREATION	FLOORING		\$45,000
RECREATION	NICHOLSON CENTER ROOF		\$50,000
RECREATION	BOYS & GIRLS CLUB HVAC		\$18,000
RECREATION	ALLIGATOR ALLEY BOARDWALK REPAIRS		\$10,000
RECREATION	MOWER - JOHN DEERE 72"		\$11,000
CIVIC CENTER	AIRWALL		\$23,500
CIVIC CENTER	BAYFRONT DECKING		\$20,000
EQUIPMENT TOTAL			\$890,850

PERSONNEL

\$70,694 (PRORATED FOR FY13; JUNE - SEPTEMBER 2013)

EQUIPMENT

\$890,850

TOTAL FY13 CAPITAL BUDGET

\$961,544

ORDINANCE 2013-26

Amendments to Pay Plan, Hiring Practices, and Pay Raise Policy

WHEREAS, the City of Daphne utilizes a Pay and Classification Plan which establishes certain job titles for which a job description is defined and a pay grade is assigned; and

WHEREAS, the Pay Plan Table (the “Pay Scale”) included in the Pay and Classification Plan adopted by Ordinance 2004-52, and as subsequently amended, provides for twenty steps of pay within each pay grade (the “Steps”) which allow for flexibility in initial salary assignment for an employee and subsequent salary advancement; and

WHEREAS, there is a desire for additional steps to be created within the Pay Scale in order to provide the opportunity of further advancement for employees who have reached the maximum of a step twenty; and

WHEREAS, City of Daphne personnel matters are managed in accord with the Personnel Policies and Procedures Manual as originally approved and adopted heretofore by Resolution 1994-39 and all subsequent amendments thereto (the “Employee Handbook”); and

WHEREAS, certain procedures governing entry pay were adopted in Resolution 2001-17 and additional procedures in “Exceptional Situations” were adopted in Resolution 2006-75; and

WHEREAS, the City of Daphne has determined that certain amendments are necessary to better accomplish administrative goals and objectives, to provide for additional advancement of long tenured and key employees at or near the maximum pay step, to attract and retain key employees, to update the methodology utilized for pay raises to better provide performance based advancement, to combat the Pay Scale becoming outdated and non-competitive with other employment opportunities, and to slow the advancement of employees to the maximum pay step.

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

SECTION 1. PAY SCALE UPDATED TO TWENTY FIVE STEPS

The Pay Scale attached as Exhibit A, and containing 25 Steps, is hereby established as the City of Daphne Pay Plan Table (the “Pay Scale”). The Pay Scale may be amended from time to time with the approval and adoption by the City Council of a Cost of Living Adjustment (“COLA”).

A COLA may be approved with the adoption of the annual budget, or at any other such time as the Council may determine appropriate and necessary. Any approved and adopted COLA shall be applied uniformly to all job grades and steps and the Pay Scale shall be adjusted accordingly.

Enactment of a COLA shall not have an affect on the grade or step of employees but shall alter the pay of each step for all grades as specified in the adopted COLA.

SECTION 2. ESTABLISHMENT OF EMPLOYEE PAY

In order to ensure adequate opportunity for performance based salary advancement for all employees, including exceptional situations, the entry pay grade for an employee shall not exceed a Step Sixteen. The preceding shall apply to classified, unclassified, part-time, or temporary employees.

The city recognizes that there are employment hiring situations which require additional pay considerations beyond what is normally allowed. When these situations occur it will be the appointing authority's responsibility to document the applicant's qualifications and any other exceptional circumstances surrounding the hiring decision. The Mayor can review the information and decide if the pay step recommendation is appropriate. The Mayor shall have the final authority to approve entry-level pay for promoted employees not to exceed a Step Twelve, with no further action required by the City Council, provided that funds are available in the City's personnel budget. An appropriation by the City Council shall be required should adequate funds not be available. Should the pay requirements further exceed the maximum step for which the Mayor can approve, the Mayor may request the City Council to review the qualifications for step placement beyond which the Mayor has the authority to approve but not to exceed the maximum entry pay step that has been established for the City.

SECTION 3. PROMOTION

When an employee is promoted to another job, the default pay will be established at the entry level of the new pay grade. In the event the entry level of pay for the new pay grade is less than the pay associated with a four-step increase from the previous position, the pay established shall be the first step in the new pay grade greater than a four-step increase from the previous position.

Promotion of employees to a pay grade which requires additional pay considerations similar to those defined as "Exceptional Situations" under normal employment hiring situations shall be entitled to the same appeal procedures to the Mayor and City Council provided to non-promotional hiring.

SECTION 4. ANNUAL SALARY INCREASES

In order to combat the Pay Scale becoming outdated and non-competitive with other employment opportunities and to slow the advancement of employees to the maximum pay step, the City shall no longer utilize one-step pay increases as the primary means of providing salary increases to employees. Instead the Mayor and City Council shall utilize Cost of Living Adjustment ("COLA") as the means to provide salary increases to the employee base as a whole. The primary method of implementing said salary increases shall be accomplished through a COLA approved with the adoption of the budget. Said COLA for Salary Increases shall not be limited to being adopted as part of the budget process but may be approved and adopted at any such time as the Mayor and City Council may determine it appropriate and necessary. Any approved and adopted COLA shall be applied uniformly to all job grades and steps and the Pay Scale shall be adjusted accordingly, but may be implemented as a percentage based increase or an increase in a fixed amount that is applied to all pay grades and steps within the Pay Scale.

SECTION 5. MERIT BASED PAY INCREASES

Employee pay scale step increases shall be limited to performance or merit based pay increases.

Employees are from time to time evaluated on their job performance. A Department Head may request a merit based step increase for employees demonstrating exceptional job performance. Merit increases shall be awarded to employees in the form of a one-step pay increase.

Funding for the one-step merit pay increases shall be subject to appropriated funds in the annual budget, as adopted or amended from time to time by the City Council. The annual budget shall include a line item to provide allocation, if any, for one-step merit pay increases. The allocation amount, number of requests, and performance demonstrated by the employee shall be among the factors considered in awarding merit-based increases. Upon the award of a merit step increase by the Mayor, funding to cover the increase in salary for the award shall be transferred from the one-step merit pay allocation to the corresponding city department's personnel budget.

Documentation of approved merit step increases shall be forwarded to the Human Resource Director for inclusion in the employee's file. Such documentation shall include the basis upon which the merit pay increase is awarded.

SECTION 6. REPEALER

That Resolution 2006-75 be and is hereby repealed in its entirety and those parts of Resolution 2001-17 that conflict with this ordinance be and are hereby repealed as well as any other ordinance or resolution, or parts thereof, heretofore adopted by the City Council of the City of Daphne, Alabama, which is in conflict with this Ordinance be and is hereby repealed to the extent of such conflict.

SECTION 7. DOCUMENTATION OF ACTIONS

All circumstances outlined and included herein shall be fully documented and provided to Human Resources for inclusion in personnel files.

SECTION 8. INTEGRATION INTO EMPLOYEE HANDBOOK

The Human Resources Director is hereby authorized to amend the Employee Handbook to include the policies and procedures herein established and to remove all sections from such Employee Handbook which conflict with the provisions of this Ordinance.

SECTION 9. SEVERABILITY

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

SECTION 10. EFFECTIVE DATE

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

ADODPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS _____ DAY OF _____, 2013.

DANE HAYGOOD, MAYOR

REBECCA A. HAYES, CITY CLERK

EXHIBIT "A-1"
City of Daphne
Pay Table

DRAFT
May 2013

Effective Sept. 8, 2011.
(Annual Salary Table)

Grd	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15	Step 16	Step 17	Step 18	Step 19	Step 20	Step 21	Step 22	Step 23	Step 24	Step 25	Grd		
1	16,280	16,719	17,158	17,598	18,037	18,476	18,915	19,354	19,793	20,233	20,674	21,113	21,552	22,011	22,451	22,890	23,329	23,768	24,207	24,647	25,086	25,525	25,964	26,403	26,842	26,551	1	
2	17,268	17,751	18,212	18,674	19,157	19,618	20,101	20,562	21,023	21,506	21,967	22,451	22,912	23,373	23,834	24,295	24,756	25,217	25,678	26,139	26,600	27,061	27,522	27,983	28,444	28,905	28,231	2
3	18,278	18,783	19,266	19,772	20,277	20,782	21,265	21,770	22,275	22,780	23,263	23,768	24,273	24,756	25,261	25,767	26,272	26,755	27,260	27,765	28,181	28,604	29,033	29,469	29,911	30,353	29,111	3
4	19,266	19,815	20,342	20,870	21,397	21,924	22,451	22,978	23,505	24,032	24,559	25,086	25,613	26,140	26,667	27,194	27,721	28,248	28,775	29,302	29,742	30,188	30,640	31,100	31,567	32,034	31,567	4
5	20,277	20,826	21,397	21,946	22,516	23,065	23,614	24,185	24,734	25,305	25,854	26,403	26,974	27,523	28,072	28,643	29,192	29,763	30,312	30,861	31,324	31,794	32,271	32,755	33,246	33,737	33,246	5
6	21,287	21,858	22,451	23,044	23,636	24,207	24,800	25,393	25,986	26,557	27,150	27,721	28,314	28,907	29,478	30,071	30,664	31,234	31,827	32,420	33,007	33,590	34,173	34,756	35,339	35,922	35,339	6
7	22,275	22,890	23,527	24,141	24,756	25,371	25,986	26,601	27,216	27,831	28,446	29,061	29,676	30,291	30,906	31,521	32,136	32,751	33,366	33,981	34,596	35,211	35,826	36,441	37,056	37,671	37,056	7
8	23,285	23,922	24,581	25,218	25,854	26,513	27,172	27,831	28,490	29,149	29,808	30,467	31,126	31,785	32,444	33,103	33,762	34,421	35,080	35,739	36,398	37,057	37,716	38,375	39,034	39,693	39,034	8
9	24,295	24,954	25,635	26,316	26,997	27,678	28,359	29,040	29,721	30,402	31,083	31,764	32,445	33,126	33,807	34,488	35,169	35,850	36,531	37,212	37,893	38,574	39,255	39,936	40,617	41,298	40,617	9
10	25,283	25,986	26,689	27,392	28,095	28,798	29,501	30,204	30,907	31,610	32,313	33,016	33,719	34,422	35,125	35,828	36,531	37,234	37,937	38,640	39,343	40,046	40,749	41,452	42,155	42,858	42,155	10
11	26,294	27,018	27,765	28,490	29,214	29,939	30,663	31,387	32,111	32,835	33,559	34,283	35,007	35,731	36,455	37,179	37,903	38,627	39,351	40,075	40,799	41,523	42,247	42,971	43,695	44,419	43,695	11
12	27,304	28,050	28,819	29,566	30,334	31,103	31,849	32,618	33,386	34,154	34,922	35,690	36,458	37,226	38,004	38,782	39,560	40,338	41,116	41,894	42,672	43,450	44,228	45,006	45,784	46,562	45,784	12
13	28,292	29,082	29,873	30,664	31,454	32,245	33,035	33,826	34,616	35,407	36,197	36,988	37,778	38,568	39,358	40,148	40,938	41,728	42,518	43,308	44,098	44,888	45,678	46,468	47,258	48,048	47,258	13
14	29,302	30,115	30,927	31,761	32,574	33,386	34,199	35,033	35,846	36,658	37,493	38,305	39,118	39,930	40,765	41,577	42,389	43,201	44,013	44,825	45,637	46,449	47,261	48,073	48,885	49,697	48,885	14
15	30,312	31,147	32,003	32,838	33,694	34,528	35,363	36,241	37,076	37,932	38,767	39,623	40,457	41,313	42,148	43,004	43,860	44,716	45,572	46,428	47,284	48,140	48,996	49,852	50,708	51,564	50,708	15
16	31,300	32,179	33,057	33,935	34,814	35,692	36,571	37,449	38,327	39,184	40,062	40,941	41,819	42,697	43,576	44,454	45,333	46,211	47,089	47,968	48,846	49,725	50,603	51,481	52,359	53,238	52,359	16
17	32,310	33,211	34,111	35,033	35,934	36,834	37,734	38,635	39,535	40,435	41,335	42,235	43,135	44,035	44,935	45,835	46,735	47,635	48,535	49,435	50,335	51,235	52,135	53,035	53,935	54,835	53,935	17
18	33,321	34,243	35,187	36,109	37,054	37,976	38,920	39,843	40,787	41,709	42,653	43,598	44,520	45,464	46,387	47,331	48,253	49,197	50,120	51,064	51,986	52,929	53,851	54,795	55,717	56,661	55,717	18
19	34,309	35,275	36,241	37,207	38,174	39,118	40,084	41,050	42,017	42,983	43,949	44,893	45,860	46,826	47,792	48,758	49,724	50,690	51,656	52,622	53,588	54,554	55,520	56,486	57,452	58,418	57,452	19
20	35,319	36,307	37,295	38,283	39,294	40,282	41,270	42,258	43,246	44,256	45,245	46,233	47,221	48,209	49,197	50,208	51,196	52,184	53,172	54,160	55,148	56,136	57,124	58,112	59,100	60,088	59,100	20
21	36,307	37,339	38,349	39,381	40,392	41,424	42,434	43,466	44,476	45,508	46,518	47,550	48,561	49,593	50,603	51,635	52,645	53,677	54,687	55,719	56,751	57,761	58,793	59,825	60,857	61,869	60,857	21
22	37,317	38,371	39,425	40,479	41,512	42,566	43,620	44,674	45,728	46,782	47,814	48,868	49,922	50,976	52,030	53,084	54,138	55,192	56,246	57,299	58,353	59,407	60,461	61,515	62,569	63,581	62,569	22
23	38,322	39,401	40,480	41,559	42,638	43,717	44,796	45,875	46,954	48,033	49,111	50,190	51,269	52,348	53,427	54,506	55,585	56,664	57,743	58,822	59,901	60,980	62,059	63,138	64,217	65,296	64,217	23
24	39,325	40,433	41,542	42,650	43,759	44,867	45,976	47,084	48,193	49,301	50,410	51,519	52,627	53,736	54,844	55,953	57,061	58,170	59,278	60,387	61,495	62,604	63,712	64,821	65,929	67,038	65,929	24
25	40,327	41,464	42,601	43,738	44,875	46,012	47,149	48,286	49,423	50,560	51,697	52,834	53,971	55,108	56,245	57,382	58,519	59,656	60,793	61,930	63,067	64,204	65,341	66,478	67,615	68,752	67,615	25
26	41,330	42,496	43,663	44,829	45,996	47,163	48,329	49,496	50,662	51,829	52,996	54,162	55,329	56,495	57,662	58,829	59,995	61,162	62,328	63,495	64,662	65,829	66,995	68,162	69,329	70,496	69,329	26
27	42,331	43,527	44,722	45,917	47,112	48,307	49,502	50,697	51,892	53,087	54,282	55,477	56,672	57,867	59,062	60,257	61,452	62,647	63,842	65,037	66,232	67,427	68,622	69,817	71,012	72,207	71,012	27
28	43,333	44,558	45,783	47,007	48,232	49,457	50,681	51,906	53,131	54,355	55,580	56,805	58,029	59,254	60,479	61,703	62,928	64,152	65,377	66,601	67,826	69,050	70,275	71,500	72,724	73,949	72,724	28
29	44,335	45,588	46,842	48,095	49,348	50,601	51,854	53,107	54,360	55,613	56,866	58,119	59,372	60,625	61,878	63,131	64,384	65,637	66,890	68,143	69,396	70,649	71,902	73,155	74,408	75,661	74,408	29
30	45,338	46,621	47,904	49,186	50,469	51,752	53,035	54,318	55,601	56,884	58,167	59,450	60,733	62,016	63,299	64,582	65,865	67,148	68,431	69,714	71,000	72,285	73,570	74,855	76,140	77,425	76,140	30
31	46,340	47,651	48,963	50,274	51,585	52,896	54,207	55,518	56,829	58,140	59,451	60,762	62,073	63,384	64,695	66,006	67,317	68,628	69,939	71,250	72,561	73,872	75,183	76,494	77,805	79,116	77,805	31
32	47,343	48,684	50,025	51,365	52,706	54,047	55,388	56,729	58,070	59,411	60,752	62,093	63,434	64,775	66,116	67,457	68,798	70,139	71,480	72,821	74,162	75,503	76,844	78,185	79,526	80,867	79,526	32
33	48,346	49,715	51,085	52,454	53,823	55,193	56,562	57,931	59,300	60,670	62,039	63,408	64,777	66,146	67,515	68,884	70,253	71,622	72,991	74,360	75,729	77,098	78,467	79,836	81,205	82,574	81,205	33
34	49,348	50,747	52,146	53,545	54,944	56,343	57,742	59,141	60,540	61,939	63,338	64,737	66,136	67,535	68,934	70,333	71,732	73,131	74,530	75,929	77,328	78,727	80,126	81,525	82,924	84,323	82,924	34
35	50,350	51,777	53,204	54,632	56,059	57,487	58,914	60,341	61,769	63,196	64,623	66,051	67,478	68,905	70,332	71,759	73,186	74,613	76,040	77,467	78,894	80,321	81,748	83,175	84,602	86,029	84,602	35
36	51,353	52,810	54,267	55,724	57,181	58,638	60,095	61,552	63,009	64,466	65,923	67,380	68,837	70,294	71,751	73,208	74,665	76,122	77,579	79,036	80,493	81,950	83,407	84,864	86,321	87,778	86,321	36
37	52,355	53,840	55,326	56,811	58,296	59,781	61,266	62,751	64,236	65,721	67,206	68,691	70,176	71,661	73,146	74,631	76,116	77,601	79,086	80,571	82,056	83,541	85,026	86,511	88,000	89,489	88,000	37
38	53,357	54,871	56,385	57,898	59,412	60,926	62,440	63,954	65,468	66,982	68,496	70,010	71,524	73,038	74,552	76,066	77,580	79,094	80,608	82,122	83,636							

City of Daphne
Pay Table

DRAFT
May 2013

Grid	Grid	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15	Step 16	Step 17	Step 18	Step 19	Step 20	Grid	Step 21	Step 22	Step 23	Step 24	Step 25
1	N/A	2.65%	2.55%	2.50%	2.43%	2.38%	2.32%	2.27%	2.22%	2.17%	2.12%	2.07%	2.02%	1.97%	1.92%	1.87%	1.82%	1.77%	1.72%	1.67%	1.62%	1	1.50%	1.50%	1.50%	1.50%	1.50%
2	N/A	2.80%	2.65%	2.55%	2.48%	2.41%	2.35%	2.29%	2.24%	2.19%	2.14%	2.09%	2.04%	1.99%	1.94%	1.89%	1.84%	1.79%	1.74%	1.69%	1.64%	2	1.50%	1.50%	1.50%	1.50%	1.50%
3	N/A	2.90%	2.70%	2.60%	2.53%	2.46%	2.40%	2.34%	2.28%	2.22%	2.17%	2.12%	2.07%	2.02%	1.97%	1.92%	1.87%	1.82%	1.77%	1.72%	1.67%	3	1.50%	1.50%	1.50%	1.50%	1.50%
4	N/A	2.95%	2.75%	2.65%	2.58%	2.51%	2.45%	2.39%	2.33%	2.27%	2.22%	2.17%	2.12%	2.07%	2.02%	1.97%	1.92%	1.87%	1.82%	1.77%	1.72%	4	1.50%	1.50%	1.50%	1.50%	1.50%
5	N/A	3.00%	2.80%	2.70%	2.63%	2.56%	2.50%	2.44%	2.38%	2.32%	2.26%	2.21%	2.16%	2.11%	2.06%	2.01%	1.96%	1.91%	1.86%	1.81%	1.76%	5	1.50%	1.50%	1.50%	1.50%	1.50%
6	N/A	3.05%	2.85%	2.75%	2.68%	2.61%	2.55%	2.49%	2.43%	2.37%	2.31%	2.26%	2.21%	2.16%	2.11%	2.06%	2.01%	1.96%	1.91%	1.86%	1.81%	6	1.50%	1.50%	1.50%	1.50%	1.50%
7	N/A	3.10%	2.90%	2.80%	2.73%	2.66%	2.60%	2.54%	2.48%	2.42%	2.36%	2.31%	2.26%	2.21%	2.16%	2.11%	2.06%	2.01%	1.96%	1.91%	1.86%	7	1.50%	1.50%	1.50%	1.50%	1.50%
8	N/A	3.15%	2.95%	2.85%	2.78%	2.71%	2.65%	2.59%	2.53%	2.47%	2.41%	2.36%	2.31%	2.26%	2.21%	2.16%	2.11%	2.06%	2.01%	1.96%	1.91%	8	1.50%	1.50%	1.50%	1.50%	1.50%
9	N/A	3.20%	3.00%	2.90%	2.83%	2.76%	2.70%	2.64%	2.58%	2.52%	2.46%	2.41%	2.36%	2.31%	2.26%	2.21%	2.16%	2.11%	2.06%	2.01%	1.96%	9	1.50%	1.50%	1.50%	1.50%	1.50%
10	N/A	3.25%	3.05%	2.95%	2.88%	2.81%	2.75%	2.69%	2.63%	2.57%	2.51%	2.46%	2.41%	2.36%	2.31%	2.26%	2.21%	2.16%	2.11%	2.06%	2.01%	10	1.50%	1.50%	1.50%	1.50%	1.50%
11	N/A	3.30%	3.10%	3.00%	2.93%	2.86%	2.80%	2.74%	2.68%	2.62%	2.56%	2.51%	2.46%	2.41%	2.36%	2.31%	2.26%	2.21%	2.16%	2.11%	2.06%	11	1.50%	1.50%	1.50%	1.50%	1.50%
12	N/A	3.35%	3.15%	3.05%	2.98%	2.91%	2.85%	2.79%	2.73%	2.67%	2.61%	2.56%	2.51%	2.46%	2.41%	2.36%	2.31%	2.26%	2.21%	2.16%	2.11%	12	1.50%	1.50%	1.50%	1.50%	1.50%
13	N/A	3.40%	3.20%	3.10%	3.03%	2.96%	2.90%	2.84%	2.78%	2.72%	2.66%	2.61%	2.56%	2.51%	2.46%	2.41%	2.36%	2.31%	2.26%	2.21%	2.16%	13	1.50%	1.50%	1.50%	1.50%	1.50%
14	N/A	3.45%	3.25%	3.15%	3.08%	3.01%	2.95%	2.89%	2.83%	2.77%	2.71%	2.66%	2.61%	2.56%	2.51%	2.46%	2.41%	2.36%	2.31%	2.26%	2.21%	14	1.50%	1.50%	1.50%	1.50%	1.50%
15	N/A	3.50%	3.30%	3.20%	3.13%	3.06%	3.00%	2.94%	2.88%	2.82%	2.76%	2.71%	2.66%	2.61%	2.56%	2.51%	2.46%	2.41%	2.36%	2.31%	2.26%	15	1.50%	1.50%	1.50%	1.50%	1.50%
16	N/A	3.55%	3.35%	3.25%	3.18%	3.11%	3.05%	2.99%	2.93%	2.87%	2.81%	2.76%	2.71%	2.66%	2.61%	2.56%	2.51%	2.46%	2.41%	2.36%	2.31%	16	1.50%	1.50%	1.50%	1.50%	1.50%
17	N/A	3.60%	3.40%	3.30%	3.23%	3.16%	3.10%	3.04%	2.98%	2.92%	2.86%	2.81%	2.76%	2.71%	2.66%	2.61%	2.56%	2.51%	2.46%	2.41%	2.36%	17	1.50%	1.50%	1.50%	1.50%	1.50%
18	N/A	3.65%	3.45%	3.35%	3.28%	3.21%	3.15%	3.09%	3.03%	2.97%	2.91%	2.86%	2.81%	2.76%	2.71%	2.66%	2.61%	2.56%	2.51%	2.46%	2.41%	18	1.50%	1.50%	1.50%	1.50%	1.50%
19	N/A	3.70%	3.50%	3.40%	3.33%	3.26%	3.20%	3.14%	3.08%	3.02%	2.96%	2.91%	2.86%	2.81%	2.76%	2.71%	2.66%	2.61%	2.56%	2.51%	2.46%	19	1.50%	1.50%	1.50%	1.50%	1.50%
20	N/A	3.75%	3.55%	3.45%	3.38%	3.31%	3.25%	3.19%	3.13%	3.07%	3.01%	2.96%	2.91%	2.86%	2.81%	2.76%	2.71%	2.66%	2.61%	2.56%	2.51%	20	1.50%	1.50%	1.50%	1.50%	1.50%
21	N/A	3.80%	3.60%	3.50%	3.43%	3.36%	3.30%	3.24%	3.18%	3.12%	3.06%	3.01%	2.96%	2.91%	2.86%	2.81%	2.76%	2.71%	2.66%	2.61%	2.56%	21	1.50%	1.50%	1.50%	1.50%	1.50%
22	N/A	3.85%	3.65%	3.55%	3.48%	3.41%	3.35%	3.29%	3.23%	3.17%	3.11%	3.06%	3.01%	2.96%	2.91%	2.86%	2.81%	2.76%	2.71%	2.66%	2.61%	22	1.50%	1.50%	1.50%	1.50%	1.50%
23	N/A	3.90%	3.70%	3.60%	3.53%	3.46%	3.40%	3.34%	3.28%	3.22%	3.16%	3.11%	3.06%	3.01%	2.96%	2.91%	2.86%	2.81%	2.76%	2.71%	2.66%	23	1.50%	1.50%	1.50%	1.50%	1.50%
24	N/A	3.95%	3.75%	3.65%	3.58%	3.51%	3.45%	3.39%	3.33%	3.27%	3.21%	3.16%	3.11%	3.06%	3.01%	2.96%	2.91%	2.86%	2.81%	2.76%	2.71%	24	1.50%	1.50%	1.50%	1.50%	1.50%
25	N/A	4.00%	3.80%	3.70%	3.63%	3.56%	3.50%	3.44%	3.38%	3.32%	3.26%	3.21%	3.16%	3.11%	3.06%	3.01%	2.96%	2.91%	2.86%	2.81%	2.76%	25	1.50%	1.50%	1.50%	1.50%	1.50%
26	N/A	4.05%	3.85%	3.75%	3.68%	3.61%	3.55%	3.49%	3.43%	3.37%	3.31%	3.26%	3.21%	3.16%	3.11%	3.06%	3.01%	2.96%	2.91%	2.86%	2.81%	26	1.50%	1.50%	1.50%	1.50%	1.50%
27	N/A	4.10%	3.90%	3.80%	3.73%	3.66%	3.60%	3.54%	3.48%	3.42%	3.36%	3.31%	3.26%	3.21%	3.16%	3.11%	3.06%	3.01%	2.96%	2.91%	2.86%	27	1.50%	1.50%	1.50%	1.50%	1.50%
28	N/A	4.15%	3.95%	3.85%	3.78%	3.71%	3.65%	3.59%	3.53%	3.47%	3.41%	3.36%	3.31%	3.26%	3.21%	3.16%	3.11%	3.06%	3.01%	2.96%	2.91%	28	1.50%	1.50%	1.50%	1.50%	1.50%
29	N/A	4.20%	4.00%	3.90%	3.83%	3.76%	3.70%	3.64%	3.58%	3.52%	3.46%	3.41%	3.36%	3.31%	3.26%	3.21%	3.16%	3.11%	3.06%	3.01%	2.96%	29	1.50%	1.50%	1.50%	1.50%	1.50%
30	N/A	4.25%	4.05%	3.95%	3.88%	3.81%	3.75%	3.69%	3.63%	3.57%	3.51%	3.46%	3.41%	3.36%	3.31%	3.26%	3.21%	3.16%	3.11%	3.06%	3.01%	30	1.50%	1.50%	1.50%	1.50%	1.50%
31	N/A	4.30%	4.10%	4.00%	3.93%	3.86%	3.80%	3.74%	3.68%	3.62%	3.56%	3.51%	3.46%	3.41%	3.36%	3.31%	3.26%	3.21%	3.16%	3.11%	3.06%	31	1.50%	1.50%	1.50%	1.50%	1.50%
32	N/A	4.35%	4.15%	4.05%	3.98%	3.91%	3.85%	3.79%	3.73%	3.67%	3.61%	3.56%	3.51%	3.46%	3.41%	3.36%	3.31%	3.26%	3.21%	3.16%	3.11%	32	1.50%	1.50%	1.50%	1.50%	1.50%
33	N/A	4.40%	4.20%	4.10%	4.03%	3.96%	3.90%	3.84%	3.78%	3.72%	3.66%	3.61%	3.56%	3.51%	3.46%	3.41%	3.36%	3.31%	3.26%	3.21%	3.16%	33	1.50%	1.50%	1.50%	1.50%	1.50%
34	N/A	4.45%	4.25%	4.15%	4.08%	4.01%	3.95%	3.89%	3.83%	3.77%	3.71%	3.66%	3.61%	3.56%	3.51%	3.46%	3.41%	3.36%	3.31%	3.26%	3.21%	34	1.50%	1.50%	1.50%	1.50%	1.50%

EXHIBIT "A-2"
City of Daphne
Public Safety Pay Table

September 2011; 50hr.

GRADE	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15	Step 16	Step 17	Step 18	Step 19	Step 20	Step 21	Step 22	Step 23	Step 24	Step 25	GRADE	
1	16,872	17,322	17,772	18,222	18,672	19,122	19,572	20,022	20,472	20,922	21,372	21,822	22,272	22,722	23,172	23,622	24,072	24,522	24,972	25,422	25,872	26,322	26,772	27,222	27,672	28,122	1
2	17,858	18,308	18,758	19,208	19,658	20,108	20,558	21,008	21,458	21,908	22,358	22,808	23,258	23,708	24,158	24,608	25,058	25,508	25,958	26,408	26,858	27,308	27,758	28,208	28,658	29,108	2
3	18,844	19,294	19,744	20,194	20,644	21,094	21,544	21,994	22,444	22,894	23,344	23,794	24,244	24,694	25,144	25,594	26,044	26,494	26,944	27,394	27,844	28,294	28,744	29,194	29,644	30,094	3
4	19,830	20,280	20,730	21,180	21,630	22,080	22,530	22,980	23,430	23,880	24,330	24,780	25,230	25,680	26,130	26,580	27,030	27,480	27,930	28,380	28,830	29,280	29,730	30,180	30,630	31,080	4
5	20,816	21,266	21,716	22,166	22,616	23,066	23,516	23,966	24,416	24,866	25,316	25,766	26,216	26,666	27,116	27,566	28,016	28,466	28,916	29,366	29,816	30,266	30,716	31,166	31,616	32,066	5
6	21,802	22,252	22,702	23,152	23,602	24,052	24,502	24,952	25,402	25,852	26,302	26,752	27,202	27,652	28,102	28,552	29,002	29,452	29,902	30,352	30,802	31,252	31,702	32,152	32,602	33,052	6
7	22,788	23,238	23,688	24,138	24,588	25,038	25,488	25,938	26,388	26,838	27,288	27,738	28,188	28,638	29,088	29,538	29,988	30,438	30,888	31,338	31,788	32,238	32,688	33,138	33,588	34,038	7
8	23,774	24,224	24,674	25,124	25,574	26,024	26,474	26,924	27,374	27,824	28,274	28,724	29,174	29,624	30,074	30,524	30,974	31,424	31,874	32,324	32,774	33,224	33,674	34,124	34,574	35,024	8
9	24,760	25,210	25,660	26,110	26,560	27,010	27,460	27,910	28,360	28,810	29,260	29,710	30,160	30,610	31,060	31,510	31,960	32,410	32,860	33,310	33,760	34,210	34,660	35,110	35,560	36,010	9
10	25,746	26,196	26,646	27,096	27,546	27,996	28,446	28,896	29,346	29,796	30,246	30,696	31,146	31,596	32,046	32,496	32,946	33,396	33,846	34,296	34,746	35,196	35,646	36,096	36,546	36,996	10
11	26,732	27,182	27,632	28,082	28,532	28,982	29,432	29,882	30,332	30,782	31,232	31,682	32,132	32,582	33,032	33,482	33,932	34,382	34,832	35,282	35,732	36,182	36,632	37,082	37,532	37,982	11
12	27,718	28,168	28,618	29,068	29,518	29,968	30,418	30,868	31,318	31,768	32,218	32,668	33,118	33,568	34,018	34,468	34,918	35,368	35,818	36,268	36,718	37,168	37,618	38,068	38,518	38,968	12
13	28,704	29,154	29,604	30,054	30,504	30,954	31,404	31,854	32,304	32,754	33,204	33,654	34,104	34,554	35,004	35,454	35,904	36,354	36,804	37,254	37,704	38,154	38,604	39,054	39,504	39,954	13
14	29,690	30,140	30,590	31,040	31,490	31,940	32,390	32,840	33,290	33,740	34,190	34,640	35,090	35,540	35,990	36,440	36,890	37,340	37,790	38,240	38,690	39,140	39,590	40,040	40,490	40,940	14
15	30,676	31,126	31,576	32,026	32,476	32,926	33,376	33,826	34,276	34,726	35,176	35,626	36,076	36,526	36,976	37,426	37,876	38,326	38,776	39,226	39,676	40,126	40,576	41,026	41,476	41,926	15
16	31,662	32,112	32,562	33,012	33,462	33,912	34,362	34,812	35,262	35,712	36,162	36,612	37,062	37,512	37,962	38,412	38,862	39,312	39,762	40,212	40,662	41,112	41,562	42,012	42,462	42,912	16
17	32,648	33,098	33,548	33,998	34,448	34,898	35,348	35,798	36,248	36,698	37,148	37,598	38,048	38,498	38,948	39,398	39,848	40,298	40,748	41,198	41,648	42,098	42,548	42,998	43,448	43,898	17
18	33,634	34,084	34,534	34,984	35,434	35,884	36,334	36,784	37,234	37,684	38,134	38,584	39,034	39,484	39,934	40,384	40,834	41,284	41,734	42,184	42,634	43,084	43,534	43,984	44,434	44,884	18
19	34,620	35,070	35,520	35,970	36,420	36,870	37,320	37,770	38,220	38,670	39,120	39,570	40,020	40,470	40,920	41,370	41,820	42,270	42,720	43,170	43,620	44,070	44,520	44,970	45,420	45,870	19
20	35,606	36,056	36,506	36,956	37,406	37,856	38,306	38,756	39,206	39,656	40,106	40,556	41,006	41,456	41,906	42,356	42,806	43,256	43,706	44,156	44,606	45,056	45,506	45,956	46,406	46,856	20
21	36,592	37,042	37,492	37,942	38,392	38,842	39,292	39,742	40,192	40,642	41,092	41,542	41,992	42,442	42,892	43,342	43,792	44,242	44,692	45,142	45,592	46,042	46,492	46,942	47,392	47,842	21
22	37,578	38,028	38,478	38,928	39,378	39,828	40,278	40,728	41,178	41,628	42,078	42,528	42,978	43,428	43,878	44,328	44,778	45,228	45,678	46,128	46,578	47,028	47,478	47,928	48,378	48,828	22
23	38,564	39,014	39,464	39,914	40,364	40,814	41,264	41,714	42,164	42,614	43,064	43,514	43,964	44,414	44,864	45,314	45,764	46,214	46,664	47,114	47,564	48,014	48,464	48,914	49,364	49,814	23
24	39,550	40,000	40,450	40,900	41,350	41,800	42,250	42,700	43,150	43,600	44,050	44,500	44,950	45,400	45,850	46,300	46,750	47,200	47,650	48,100	48,550	49,000	49,450	49,900	50,350	50,800	24
25	40,536	40,986	41,436	41,886	42,336	42,786	43,236	43,686	44,136	44,586	45,036	45,486	45,936	46,386	46,836	47,286	47,736	48,186	48,636	49,086	49,536	49,986	50,436	50,886	51,336	51,786	25
26	41,522	41,972	42,422	42,872	43,322	43,772	44,222	44,672	45,122	45,572	46,022	46,472	46,922	47,372	47,822	48,272	48,722	49,172	49,622	50,072	50,522	50,972	51,422	51,872	52,322	52,772	26
27	42,508	42,958	43,408	43,858	44,308	44,758	45,208	45,658	46,108	46,558	47,008	47,458	47,908	48,358	48,808	49,258	49,708	50,158	50,608	51,058	51,508	51,958	52,408	52,858	53,308	53,758	27
28	43,494	43,944	44,394	44,844	45,294	45,744	46,194	46,644	47,094	47,544	47,994	48,444	48,894	49,344	49,794	50,244	50,694	51,144	51,594	52,044	52,494	52,944	53,394	53,844	54,294	54,744	28
29	44,480	44,930	45,380	45,830	46,280	46,730	47,180	47,630	48,080	48,530	48,980	49,430	49,880	50,330	50,780	51,230	51,680	52,130	52,580	53,030	53,480	53,930	54,380	54,830	55,280	55,730	29
30	45,466	45,916	46,366	46,816	47,266	47,716	48,166	48,616	49,066	49,516	49,966	50,416	50,866	51,316	51,766	52,216	52,666	53,116	53,566	54,016	54,466	54,916	55,366	55,816	56,266	56,716	30
31	46,452	46,902	47,352	47,802	48,252	48,702	49,152	49,602	50,052	50,502	50,952	51,402	51,852	52,302	52,752	53,202	53,652	54,102	54,552	55,002	55,452	55,902	56,352	56,802	57,252	57,702	31
32	47,438	47,888	48,338	48,788	49,238	49,688	50,138	50,588	51,038	51,488	51,938	52,388	52,838	53,288	53,738	54,188	54,638	55,088	55,538	55,988	56,438	56,888	57,338	57,788	58,238	58,688	32
33	48,424	48,874	49,324	49,774	50,224	50,674	51,124	51,574	52,024	52,474	52,924	53,374	53,824	54,274	54,724	55,174	55,624	56,074	56,524	56,974	57,424	57,874	58,324	58,774	59,224	59,674	33
34	49,410	49,860	50,310	50,760	51,210	51,660	52,110	52,560	53,010	53,460	53,910	54,360	54,810	55,260	55,710	56,160	56,610	57,060	57,510	57,960	58,410	58,860	59,310	59,760	60,210	60,660	34
35	50,396	50,846	51,296	51,746	52,196	52,646	53,096	53,546	53,996	54,446	54,896	55,346	55,796	56,246	56,696	57,146	57,596	58,046	58,496	58,946	59,396	59,846	60,296	60,746	61,196	61,646	35
36	51,382	51,832	52,282	52,732	53,182	53,632	54,082	54,532	54,982	55,432	55,882	56,332	56,782	57,232	57,682	58,132	58,582										

ORDINANCE NO. 2013-27

FOR THE ANNEXATION OF CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE MUNICIPALITY OF THE CITY OF DAPHNE, ALABAMA

**GCOF Retreat at Tiawasee, LLC
(Located Southwest of the intersection of Tiawasee Trace Boulevard and County Road 13)
(31.53 acres)**

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

WHEREAS, the owners of the property described in Section 2 of this Ordinance have signed and filed a written petition with the City Clerk of the City of Daphne, Alabama, requesting that such property be annexed to the corporate limits of the City of Daphne, Alabama; and,

WHEREAS, all of such property is located and contained within an area contiguous to the corporate limits of the City of Daphne, Alabama and does not lie within the corporate limits or police jurisdiction of any other municipality; and,

WHEREAS, said petition contains an accurate description of the property or territory proposed to be annexed together with a map of said property showing its relationship to the corporate limits of the City of Daphne; and,

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne on March 28, 2013, and a favorable recommendation was **approved** for the City Council to consider said request for annexation and said property **shall be zoned R-2, Medium Density Single Family Residential District**; and

WHEREAS, after proper publication, a public hearing was held by the City Council on May 20, 2013 concerning the petition for annexation; and,

WHEREAS, the City Council of the City of Daphne, Alabama has determined that it is in the best interest of said City that the property described in Section 2 hereof be annexed to the corporate limits of the City of Daphne, and that all the requirements of Sections 11-42-21 through 11-42-24, Code of Alabama, 1975, as amended have been complied with by said Petitioner.

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

SECTION 1: CONSENT TO ANNEXATION. The City Council of the City of Daphne, Alabama does by this Ordinance assent to the annexation of the property described in Section 2 of this Ordinance to the corporate limits of the City of Daphne, Alabama, and does by the adoption of this Ordinance, extend and rearrange said corporate limits to embrace and include such property.

SECTION 2: THE PROPERTY. That property requested to be annexed into the City of Daphne is described in Exhibit "A", attached hereto and made a part of this Ordinance as if fully set out herein.

SECTION 3: MAP OF PROPERTY. The property hereby annexed to the City of Daphne, Alabama, is set forth and described in Exhibit "B" and attached hereto a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this Ordinance.

SECTION 4: PUBLICATION. This Ordinance shall be published as required by Section 11-42-21, Code of Alabama, 1975, as amended, and the property described herein shall be annexed to the corporate limits of the City of Daphne, Alabama, upon such publication.

SECTION 5: PROBATE COURT. A description of the property described in this Ordinance shall be filed in the Office of the Judge of Probate of Baldwin County, Alabama, as required by Section 11-42-21, Code of Alabama, 1975, as amended.

LEGAL:

“Exhibit A”

COMMENCING AT THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AS RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, REAL PROPERTY BOOK 256, PAGE 274; THENCE RUN SOUTH 00°00'19" EAST, 840.93 FEET TO THE NORTH RIGHT OF WAY OF PARKER ROAD (80' R/W); THENCE RUN ALONG THE SAID NORTH RIGHT OF WAY NORTH 89°32'20" EAST, 42.92 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD; THENCE RUN ALONG THE EAST RIGHT OF WAY SOUTH 00°00'19" EAST, 403.14 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89°50'14" EAST, 3490.21 FEET; THENCE RUN SOUTH 89°48'53" EAST, 786.31 FEET; THENCE RUN SOUTH 11°19'19" EAST, 51.02 FEET; THENCE RUN NORTH 89°49'05" WEST, 796.66 FEET; THENCE RUN SOUTH 00°05'47" EAST, 1327.82 FEET; THENCE RUN NORTH 89°48'41" WEST, 878.46 FEET; THENCE RUN NORTH 00°10'07" EAST, 1328.02 FEET; THENCE RUN NORTH 89°49'02" WEST, 2617.56 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD (80' R/W); THENCE RUN ALONG SAID EAST RIGHT OF WAY NORTH 00°00'19" WEST, 48.51 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINING 31.53 ACRES, MORE OR LESS, LYING IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

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

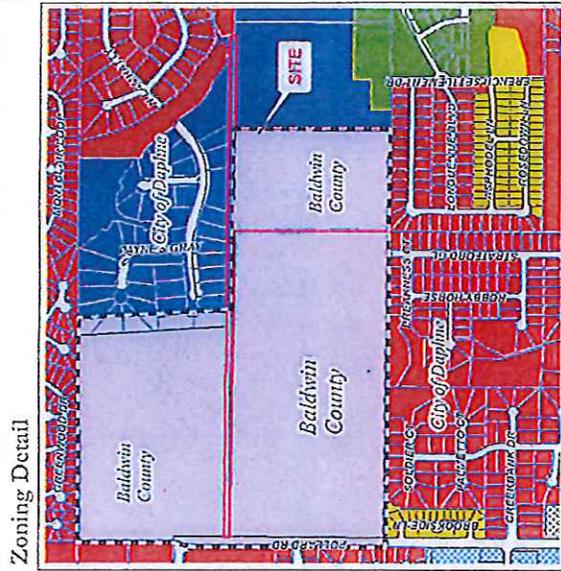
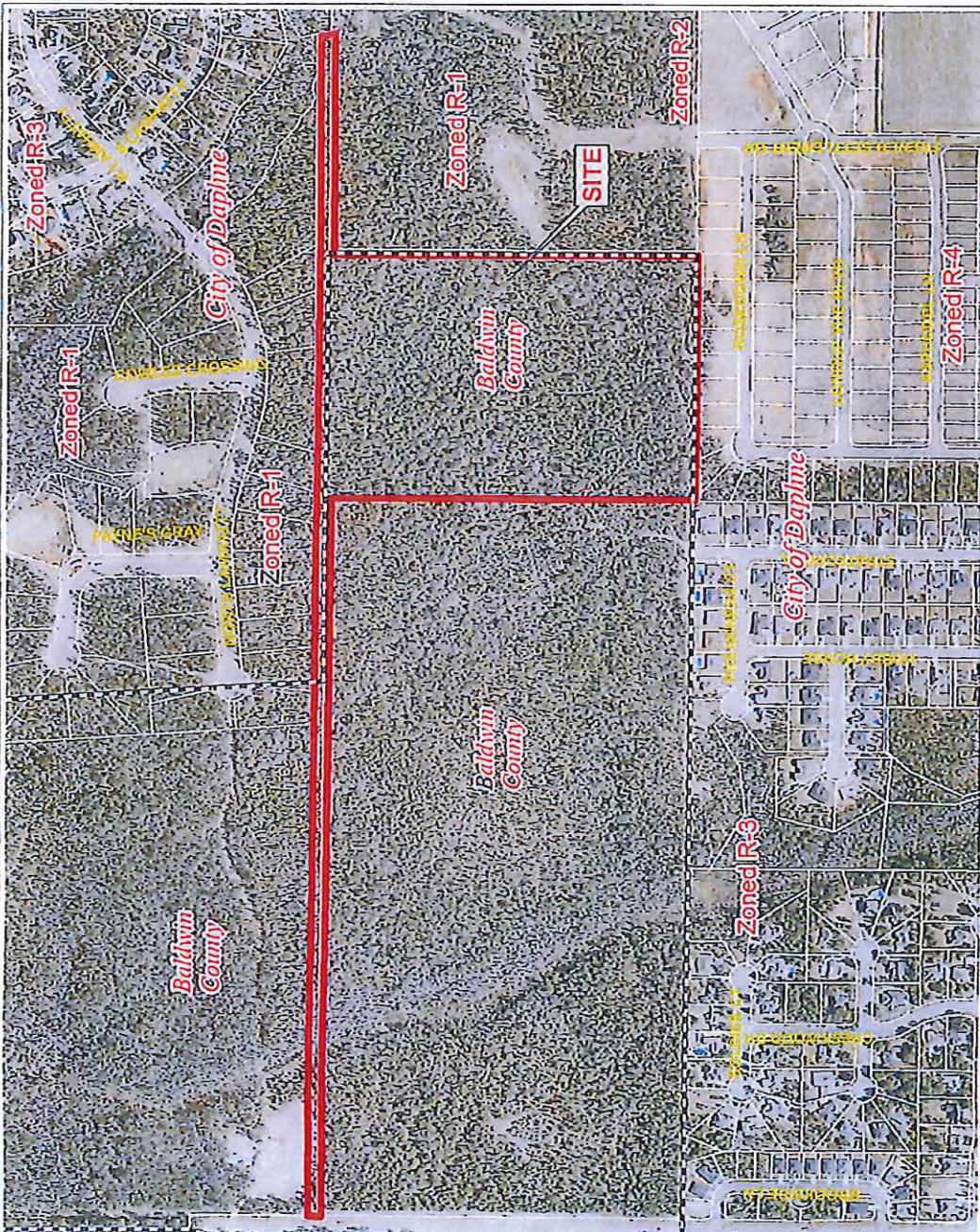
Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

October 25, 2012

Inch = 400 feet



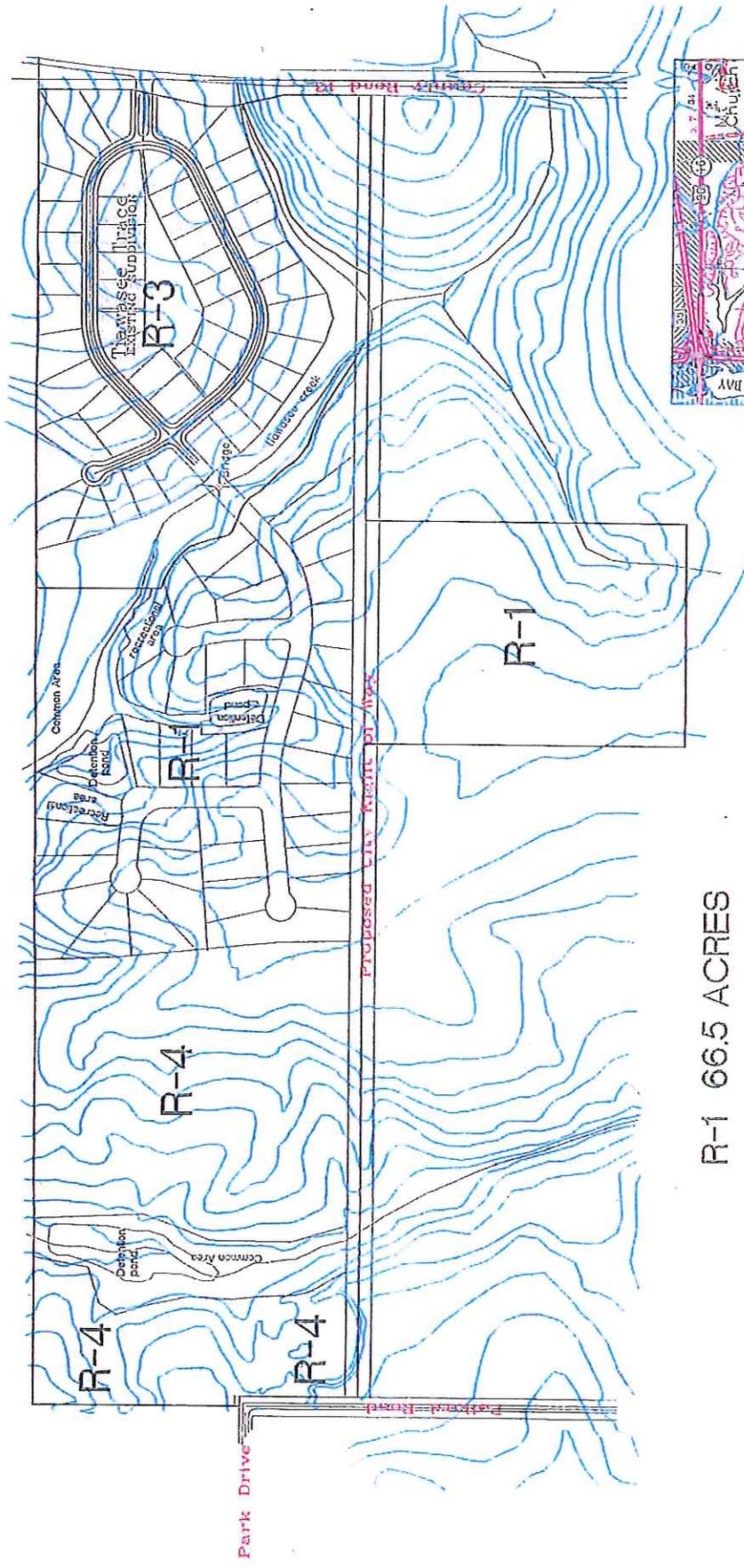
Legend

- 1 inch = 1,000 feet
- CITY LIMITS
- R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
- R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
- R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
- R-4 HIGH DENSITY SINGLE & MULTI-FAMILY RESIDENTIAL
- B-1 LOCAL BUSINESS
- B-2 GENERAL BUSINESS
- B-3 PROFESSIONAL BUSINESS
- CI COMMERCIAL/INDUSTRIAL
- IMU MULTI-USE
- GOLF COURSE
- ET JURISDICTION

This information is based on the data captured by the City of Daphne is derived from a variety of public and private sources. It is not intended to be used for any other purpose, including, but not limited to, the City of Daphne or any other agency, or for any other purpose. The City of Daphne is not responsible for any errors or omissions in this information. All rights reserved. © 2012 City of Daphne, Alabama. All other rights reserved. Form # 2012-03-01

Presented to PC 3.28.13

From Ann Strickland in Opposition to Requests



R-1 66.5 ACRES
 R-3 34.5 ACRES
 R-4 45 ACRES

*Presented to
 P. C. 3/28/13
 From Ann Strickland
 in opposition to
 Requests*

ESTATES OF TIAWASEE

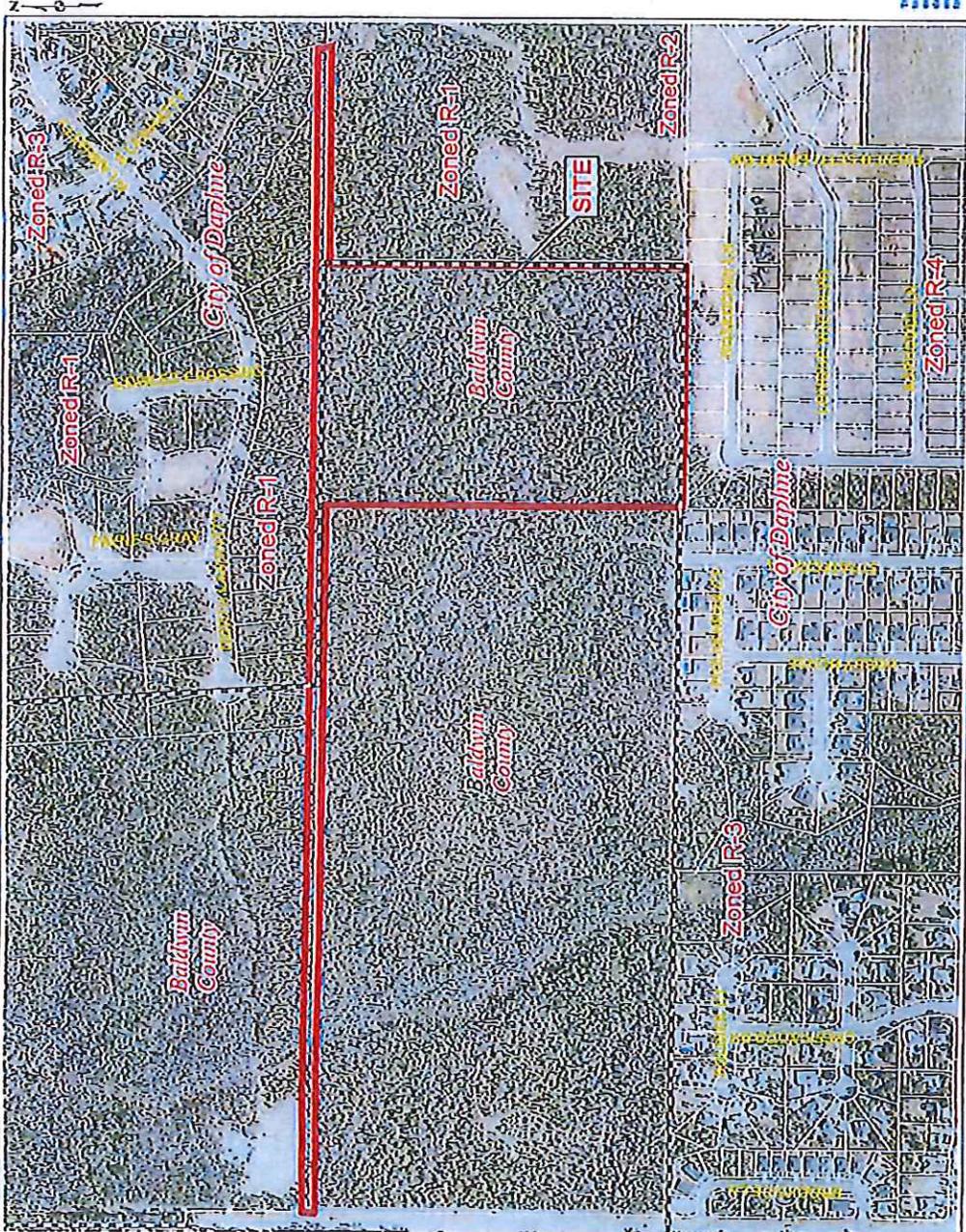
<p>3507 INTERNATIONAL DR., SUITE G MOBILE, ALABAMA 36605 PHONE (251) 261-8720 FAX (251) 261-8720 EMAIL: mcs@mcwinc.com</p>		<p>DATE: February 7, 2013 DRAWN BY: GANCO APPROVED BY: CHUGALL</p>
<p>McCroy Williams <small>INCORPORATED</small> Engineers Surveyors</p>		<p>MASTER PLAN THE ESTATES OF TIAWASEE PHASE I SCALE: 1"=40' SHEET 1 OF 1</p>
<p>REVISION</p>	<p>DATE</p>	<p>11.2010 11.2010 11.2010</p>



City of Daphne Community Development
 Master Plan, Zoning Amendment, Annexation Review

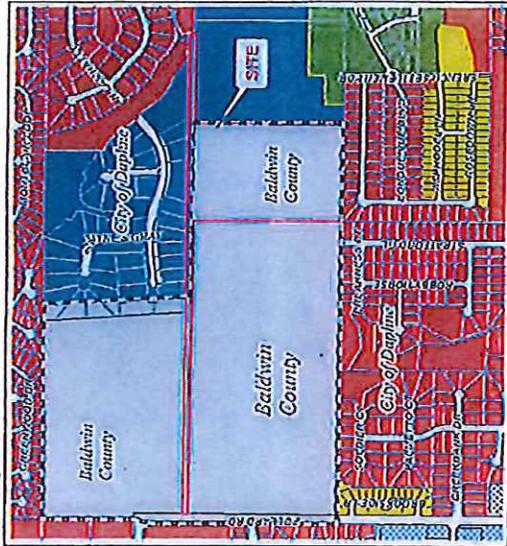
October 25, 2012

1 inch = 400 feet



GCOF / The Retreat at Tiawasee
 SW of intersection of
 Tiawasee Blvd & Co Rd 13
 MPA12-04 and Z12-03

Zoning Detail



Legend

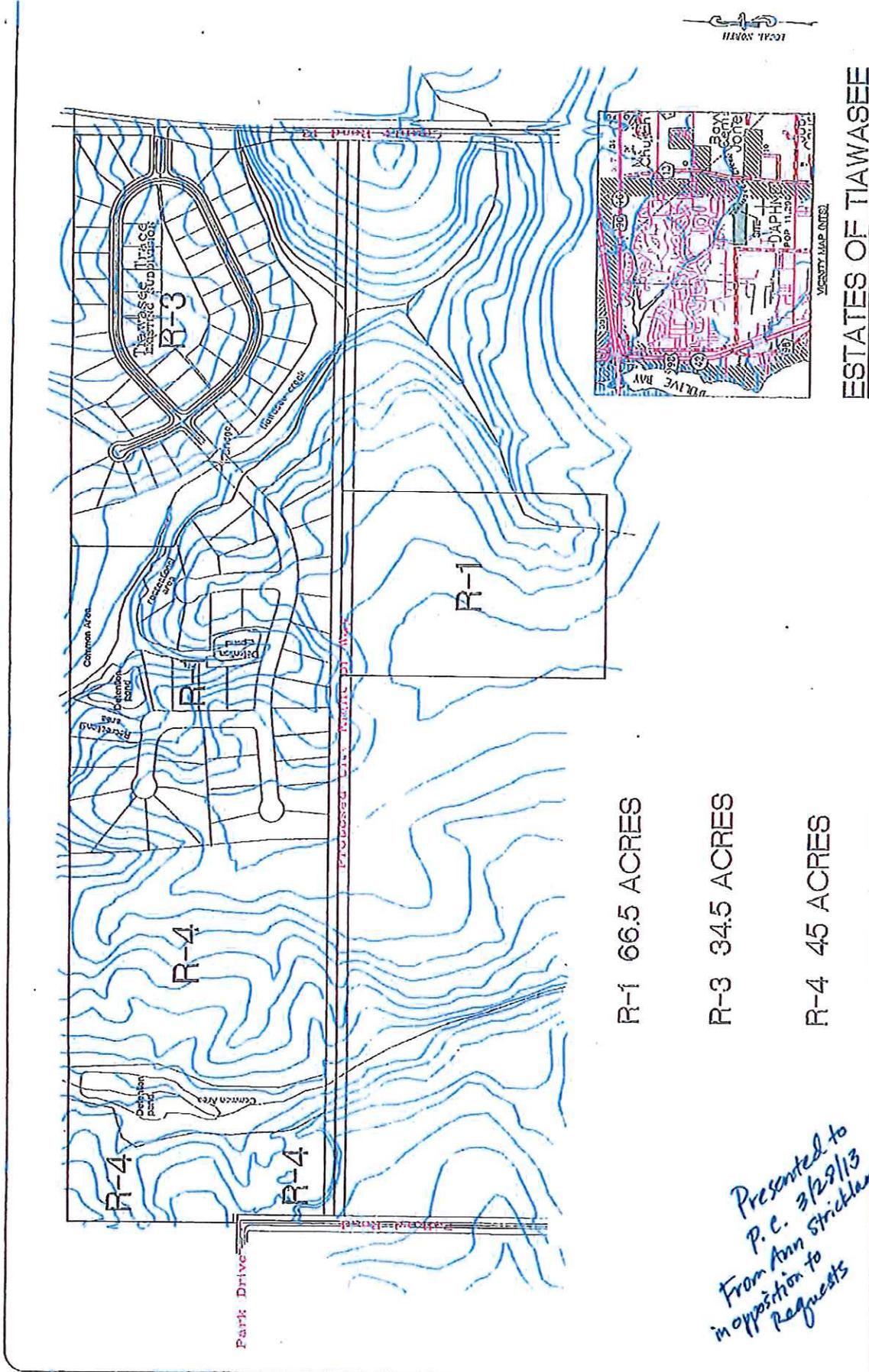
1 inch = 1,000 feet

- CITY LIMITS
- R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
- R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
- R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
- R-4 HIGH DENSITY SINGLE & MULTI-FAMILY RESIDENTIAL
- R-5 MOBILE HOME RESIDENTIAL
- B-1 LOCAL BUSINESS
- B-2 GENERAL BUSINESS
- B-3 PROFESSIONAL BUSINESS
- C/I COMMERCIAL/INDUSTRIAL
- IMU MULTI-USE
- GOLF COURSE
- ET JURISDICTION

This information is provided for informational purposes only. It is not intended to constitute an offer of insurance or any other financial product. The City of Daphne reserves the right to amend, modify, or change the information at any time without notice. The City of Daphne is not responsible for the accuracy or completeness of the information. The City of Daphne is not a broker or agent for any insurance or financial product. For more information, please contact the City of Daphne Planning Department at 904.261.1111. Any questions regarding zoning or any other matter should be directed to the City of Daphne Planning Department, 1st Fl. 1721 Hickory Hill.

Presented to PC 3.29.13

From Ann Strickland in opposition to Requests



R-1 66.5 ACRES

R-3 34.5 ACRES

R-4 45 ACRES

*Presented to
P.C. 3/29/13
in opposition to
Requests*

ESTATES OF TIAWASEE

McCormory Williams
INCORPORATED
ENGINEERS SURVEYORS

3307 INTERNATIONAL DR. SUITE C
MOBILE, ALABAMA 36688
PHONE (251) 476-4720
FAX (251) 476-4721
EMAIL mws@mcwinc.com

MASTER PLAN

THE ESTATES OF TIAWASEE PHASE I
SCALE: 1"=400' DATE: February 2, 2007 DRAWN BY: GMSJ APPROVED BY: BRUNZAN SHEET 1

NOV 2007	DATE

ORDINANCE 2013-28

Fire Engine #4: Vehicle #822 Repair Appropriation

WHEREAS, Ordinance 2012-58 approved and adopted the Fiscal Year 2013 Budget on October 1, 2012; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2013 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2013 budget; and

WHEREAS, due to unforeseen engine damage on 2000 Freightliner FL80 Fire Engine-Veh# 822 an emergency repair is needed to get the truck back in working condition; and

WHEREAS, the fire engine #4 -Vehicle #822 is one of the City's front line fire trucks and is required to respond to emergency calls throughout the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds up to the amount of \$15,000 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2013 budget for repairs required for the 2000 Freightliner Fire Engine – Vehicle #822.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2013.

Dane Haygood. , Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

ORDINANCE 2013-29

Mobile Bay National Estuary Program

WHEREAS, Ordinance 2012-58 approved and adopted the Fiscal Year 2013 Budget on October 1, 2012; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2013 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2013 budget; and

WHEREAS, the Mobile Bay National Estuary Program (MBNEP) is instrumental in addressing environmental challenges in Daphne through its various programs and grants made available to the City; and

WHEREAS, the City Council has determined it to be in the best interest of the City to make a \$10,000 contribution to the MBNEP.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds from the General Fund are hereby appropriated and made a part of the Fiscal Year 2013 budget in the amount of \$10,000 for a contribution to the MBNEP. Furthermore, the Mayor is authorized to execute an agreement, on behalf of the City of Daphne, as necessary for such purpose.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2013.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

STATE OF ALABAMA)
BALDWIN COUNTY)
CITY OF DAPHNE)

MUNICIPAL AGENCY FUNDING CONTRACT

THIS AGREEMENT, made and entered into on this the ____ day of _____, 2013, by and between the **CITY OF DAPHNE**, a Municipal Corporation, of the State of Alabama (hereinafter sometimes referred to as "City" or "the City"), and the Mobile Bay National Estuary Program, (hereinafter sometimes referred to as the "Agency"):

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

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

WHEREAS, the City of Daphne desires to have the Agency perform certain services during the 2013 fiscal year.

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

I. AUTHORITY

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

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

II. SERVICES

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

- 1) Address regional environmental challenges such as comprehensive land use planning, storm water management, and smart growth practices by helping bay communities develop the tools necessary to strike a balance between growth and development and the wise use and protection of water, land, and living resources; AND
- 2) Promote the use of sound, science-based information; AND
- 3) Initiate programs and projects that benefit both the citizens and the environment; AND
- 4) Implement the community-developed Comprehensive Conservation and Management Plan.

If Agency provides public services both inside and outside the Corporate Limits of the City, then, if requested by the City or its representative, it shall submit an audit report demonstrating that services by the Agency, at least to the extent of the funding herein, shall be and were provided within the Corporate Limits of the City, including an identification of the number of City residents served by said agency.

III. APPROPRIATION

The City shall appropriate funds to the Agency in the following amount for the 2013 fiscal year: **\$10,000 (Ten Thousand Dollars)**, said amount to be paid pursuant to a method determined by the Finance Director of the City. The Finance Director of the City or his/her designee shall be the representative of the City for the administration and implementation of the provisions hereof on behalf of the City.

IV. SEPARATE AGREEMENTS

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

V. TERM; TERMINATION

The terms of this Agreement shall commence ***when adopted by Council, and shall continue in force until the 30th day of September, 2013***, unless sooner terminated. Provided, however, in the event a new contract is not executed by the commencement of the new fiscal year, the City may elect to continue funding if appropriated by budget or budget continuation provisions and if so, the Agency agrees to remain bound by the terms of this Agreement and to continue to provide all services hereunder until a new funding contract is executed. The contract is otherwise terminated as set forth herein or if the official City budget does not contain an appropriation for the Agency. Either party to this Agreement may, with or without cause, terminate this Agreement as to the first day of any month by giving the other party no less than thirty (30) days written notice thereof. In event of termination by either party, the Agency shall refund to the City an amount equal to the excess of the total amount appropriated over an amount which bears the same ratio to the total amount appropriated as the month(s) actually performed bear to the total months covered by this Agreement.

VI. NON-DISCRIMINATION AND COMPLIANCE

This Agency hereby covenants and agrees that in performing its responsibilities and obligations hereunder, the Agency, its officers, agents and employees will not, on the grounds of race, color, sex, religion, national origin, or disability, discriminate or permit discrimination against any person or group of persons, in any manner. The

Agency further agrees to comply with all applicable state and federal ordinances and regulations, including but not limited to the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Civil Rights Act of 1964, and any regulations promulgated thereunder. The Agency further agrees to appoint an ADA coordinator. Said coordinator will be responsible for ensuring that the Agency is in compliance with the Americans with Disabilities Act and will advise the City of Daphne ADA Coordinator for services and programs as to the Agency's state of compliance with the Americans with Disabilities Act.

VII. INDEPENDENT CONTRACTOR

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

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

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

VIII. INDEMNITY

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

IX. NO THIRD PARTY BENEFICIARIES

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

X. SERVICE AREA

Agency shall submit, if requested by the City, to the Office of the Finance Director of the City, a written monthly report of the Agency's activities and expenditures, including, but not limited to, information demonstrating that services by the Agency within the Corporate Limits of the City at least equal, if not exceed, the funding from the City for that month. Should the City determine at any time during the term of this Contract that Agency is not providing services within the City Corporate Limits at least equal to the funding herein, then the City may terminate this Agreement immediately. Upon such termination, Agency may be, at the sole discretion of the City, required to refund any funds deemed by the City not to have been appropriately expended within the Corporate Limits.

XI. BOOKS AND RECORDS/REPORTS

Agency shall, at the request of the City, throw open and provide, at a time and place designated by the City, all books, records, accounts, statements and other documents as needed by the City to enable it to conduct a financial and/or operational review or audit of agency operations and/or finances. If Agency refuses to honor the City's request within ten (10) days, it shall refund to the City all funds appropriated to it during the term of the contract. All reports, evaluations and audits required shall be provided by Agency to any person appointed by the City or the Mayor to the Agency's governing body.

XII. AUDIT

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

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

A. As Agency is receiving public funds and/or other things of public value, including in-kind services, use of City employees and/or equipment from the City pursuant to this agreement, Agency agrees as follows:

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

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

value provided to the Agency by or through the City.

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

XIV. SEVERABILITY

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

XV. MISCELLANEOUS CLAUSES

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

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

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

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

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

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

in such capacity for the Party.

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

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

Final Integration: This Agreement together with any amendments, constitutes the entire agreement of the parties, as a complete and final integration thereof with respect to its subject matter. In the event of a direct conflict between the provisions hereof and any prior agreement or amendment, the latter shall supersede the former. All written or oral understandings and agreements heretofore had between and among the parties are merged into this Agreement, which alone fully and completely expresses their understandings. No representation, warranty or covenant made by any party which is not contained in this Agreement or expressly referred to herein has been relied on by any party in entering into this Agreement.

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

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

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

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

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

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

Governing Laws: The laws of the State of Alabama shall govern the validity of

this Agreement, the construction of its terms, the interpretation of the rights, the duties of the parties, the enforcement of its terms, and all other matters relating to this Agreement.

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

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

Ownership of Contract Documents: The Contract Documents, and copies of parts thereof, are furnished and owned by the City. All portions of the Contract Document, and copies of parts thereof, are the instruments of serve for this project. They are not to be used on other work and are to be returned to the City on request at the completion of the work. Any reuse of these materials without specific written verification or adaptation by the City will be at the risk of the user and without liability or legal expense to the City. Such user shall hold the City harmless from any and all damages, including reasonable attorneys fees, from any and all claims arising from any such reuse. Any such verification and adoption shall entitle the City to further compensation at rates to be agreed upon by the user and the City.

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

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

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

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

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

CITY OF DAPHNE, a Municipal Corporation

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

MOBILE BAY NATIONAL ESTUARY PROGRAM

BY:_____

TITLE:_____

Federal Tax ID#:_____

WITNESS:

By:_____

CITY OF DAPHNE

ORDINANCE NO. 2013-30

AN ORDINANCE REGULATING SOLICITATION

WHEREAS the City Council of the City of Daphne has determined that the solicitation ordinance currently in place is inadequate to protect the public health, safety and welfare of the citizens, and preserve the quality of life, property values and character of the City of Daphne;

WHEREAS the City Council of the City of Daphne has determined that Solicitation (as hereinafter defined) endangers public health, safety and welfare of the citizens, and is a public nuisance that damages the quality of life, property values and character of the City of Daphne;

WHEREAS it is the intent of the City Council of the City of Daphne to enact a content-neutral ordinance regulating Solicitation to further a compelling governmental interest of protecting the public health, safety and welfare of the citizens, and preserving the quality of life, property values and character of the City of Daphne; and

WHEREAS it is not the intent of the City Council of the City of Daphne to suppress any speech activities protected by the United States Constitution or the Alabama Constitution.

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

I. DEFINITIONS. For the purposes of this Ordinance, the following words shall have the following meanings:

A. "Solicitation" means the practice of going in and upon private residences or business establishment in the City of Daphne, without permission, invitation or consent of the owner or occupant, for the purpose of soliciting orders for the sale of goods, wares, merchandise, services or donations.

B. "Solicitor" means a person engaged in Solicitation.

II. BACKGROUND CHECK AND BUSINESS LICENSE REQUIREMENT. Solicitors within the City must submit a Solicitors Background Check Request and receive a Business License (pursuant to the City Business License Ordinance) prior to engaging in Solicitation.

III. APPLICATION.

A. Before a Business License may be issued to a Solicitor, an applicant shall provide complete information concerning the applicant and the business represented including, but not limited to: goods to be sold, description of vehicle, employer's name and address, record of any convictions of any law

violation, identifying pictures, finger printing, and any other information which may be required to perform a criminal background check by the chief of police or his designee.

- B. A Business License shall be issued subject to the provisions of this section and inquiry of pertinent information to be made by the mayor, chief of police, or their designee after receipt of an application.
- C. No Business License shall be issued to any person who has been convicted of a federal or state felony, or a crime involving theft, harassment, sexual misconduct or moral turpitude.

IV. FEES. Upon filing of the application for permit, the following fees shall be collected from the applicant:

- A. Solicitor Fee of seventy-five dollars (\$75.00) for each Solicitor.
- B. A deposit against sales tax in the amount of one hundred dollars (\$100.00), which deposit shall be held by the City and for each Solicitor credited to any sales tax owing, returned to the licensee if the City determines that all sales tax due has been paid, or applied by the Solicitor as a deposit for a Business License issued in future years.
- C. In the event the Business License is denied, the applicant shall be entitled to receive a refund of one hundred sixty-five dollars (\$165.00), and the remaining ten dollars (\$10.00) will be retained by the City as reimbursement for the expenses involved in conducting the background check.

V. VIOLATION. Any persons convicted of a Violation (as defined below) shall be fined the sum of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), and the Solicitor's Business License shall be revoked. Each Solicitation of a household or business establishment resulting in a Violation shall be considered a separate offense. It is a Violation to engage in any of the following activities:

- A. Solicitation within the City of Daphne by persons not holding a valid Business License.
- B. Intentionally or recklessly making materially false or fraudulent statements in the course of Solicitation.
- C. Using a fictitious name, an alias, or any name other than a true, correct and legal name.

- D. Solicitation at a business establishment that has properly displayed a “No Soliciting” placard as outlined in the “NO SOLICITING’ NOTICES” Section of this Ordinance.
 - E. Solicitation at a private residence.
- VI. REVOCATION.** A Solicitor’s Business License shall be revoked if the Solicitor otherwise becomes disqualified for the issuance of a Business License.
- VII. “NO SOLICITING” NOTICES.**
- A. Any owner or occupant of a business establishment who desires not to have Solicitors call on them shall give notice of the desire to refuse Solicitors by displaying a clearly visible weatherproof placard no smaller than sixteen (16) square inches and no larger than ninety-four (94) square inches stating “No Soliciting” which shall be posted on or near the main entrance of the private property and not within the public right-of-way.
 - B. The display of said placard shall be deemed to constitute notice to any Solicitor that the owner or occupant of the business establishment does not desire to invite Solicitors.
- VIII. TIME OF DAY RESTRICTIONS.** No Solicitor shall conduct Solicitation before 9:00 a.m. or after sunset.
- IX. EXCEPTIONS.** Persons, organizations or entities which are (1) exempt from the City Business License Ordinance or (2) exempt from payment for such Business License or City Sales Tax or (3) conducting fundraisers on behalf of primary or secondary schools of which the citizens of the City of Daphne attend (the “Exempt Parties”) are exempt from the Background Check and Business License Requirement as stated in Section II of this Ordinance. Accordingly, the Exempt Parties are also exempt from the Violations described in Subsections A and E of Section V.
- X. SEVERABILITY.** The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence or part thereof shall be held to be unconstitutional or invalid, such decision shall not affect or impair the remainder of this Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence and part thereof separately and independently of each other.
- XI. REPEALER.** Ordinance Nos. 1995-01, 1995-08 and 2010-47 are hereby repealed in their entirety. All other City Ordinances or parts thereof in conflict with the provision of this Ordinance, in so far as they conflict, are hereby repealed.

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

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

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK