

CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
JUNE 17, 2013
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL / INVOCATION / Pastor Jerry Hewett / Bay Community Church

3. APPROVE MINUTES: Council meeting minutes / June 3, 2013
Council Work Session minutes / June 10, 2013

PROCLAMATION: Appreciation for Mrs. Kim Briley

PUBLIC HEARING: 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

MOTION: Appointing Sign Provision Committee

MOTION: Set Dates for Strategic Planning Meetings

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Conaway

Review minutes / June 10th

1.) Ordinances:

a.) Appropriation of Funds: 2012 Assistance to Firefighters Grant (AFG) / **Ordinance 2013-34**

2. Resolutions:

a.) Bid Award: 2013-N-Truck Chassis and Knuckleboom Loader // Gulf City Body & Trailer Works / **Resolution 2013-34**

b.) Bid Award: 2013-O-Pine Straw / John Deere Landscapes / **Resolution 2013-35**

3. Financial Reports:

a.) Treasurers Report / May 31, 2013

b.) Sales & Use Tax Collections / April 30, 2013

d.) Lodging Tax Report / April 30, 2013

e.) Summary Report: Revenues, Expenditures and Changes in Fund Balance / April 30, 2013

B. BUILDINGS & PROPERTY COMMITTEE- Davis

C. PUBLIC SAFETY - Rudicell

Review minutes / June 12th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - FryReview minutes / June 12th**E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - LeJeune**

Review minutes / May 20, 2013

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:**A. Board of Zoning Adjustments – Adrienne Jones**Review minutes / May 2nd**B. Downtown Redevelopment Authority - Conaway****C. Industrial Development Board – Davis****D. Library Board - Lake****E. Planning Commission – Scott**Set a Public Hearing date for **July 15, 2013** and approve advertising to consider the following:

1. Rezoning: John & Deborah Kim
Location: Southwest of the intersection of Pollard Road and County Road 64
Present Zoning: R-2, Medium Density Single Family Residential District
Requested Zoning: B-3, Professional Business District
Recommendation: Unanimous Unfavorable

2. Rezoning: Interstate-Baldwin Investment, LLC
Location: Northwest of the intersection of
TimberCreek Subdivision and Interstate 10
Present Zoning: B-2, General Business District
Requested Zoning: R-6 (G), Garden or Patio Homes
Recommendation: Unanimous Favorable

F. Recreation Board - LeJeune**G. Utility Board - Fry****6. REPORTS OF OFFICERS:****A. Mayors Report**

- a.) ABC License / LA Rosso / 040 – Retail Beer (On or Off Premises / 060 – Retail Table Wine (On or Off Premises) / Transfer of License from Benedetto's

- b.) **MOTION:** Authorize the Mayor to enter into a contract with Ecumenical Ministries for \$1,000

B. City Attorney's Report**C. Department Head Comments****City Clerk Report:****7. PUBLIC PARTICIPATION:**

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Bid Award: Truck Chassis and Knuckleboom Loader /
Gulf City Body & Trailer Works. /Resolution 2013-34**
- b.) **Bid Award: Pine Straw / John Deere Landscapes. /Resolution 2013-35**

ORDINANCES:

FOR RECONSIDERATION:

Annexation: GCOF Retreat at Tiawasee, LLC. /Ordinance 2013-27

2ND READ

a.) **Appropriation of Funds: Williams Property Acquisition /Ordinance 2013-32**

1ST READ

b.) **Appropriation of Funds: Daphne High School Band. /Ordinance 2013-33**

c.) **Appropriation of Funds: 2012 Assistance to Firefighters Grant. /Ordinance 2013-34**

d.) **Fiscal 2013 Amended Budget: New Personnel and Personnel
Restructuring. /Ordinance 2013-35**

e.) **Bicyclist Safety. /Ordinance 2013-36**

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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**JUNE 3, 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 6:33 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGAANCE:

Mr. Willie Robison gave the invocation.

3. COUNCIL MEMBERS PRESENT:

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

Also present: Rebecca Hayes, City Clerk; Jay Ross arrived at 7:15 p.m.; Kyle Navarro, 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; Adrienne Jones, Director of Community Development; Richard Merchant, Building Official; Suzanne Henson, Senior Accountant; Ashley Campbell, Environmental Programs Manager; Bob Segalla, Utility Board; Tomasina Werner, Beautification Committee; Willie Robison, BZA; Dorothy Morrison, Beautification Committee; Joe Lemoine, Planning Commission; Al Guarisco, Village Point Foundation.

Absent: Mayor Haygood; Kim Briley, Finance Director; Tonja Young, Library Director; Michael Hoyt, Municipal Judge.

PRESENTATION: Update from Baldwin County Commission / Bob James / Tucker Dorsey / David Brewer, Administrator / David Pimperl GIS / Mitchell Sims, EMA Cal Market, Engineer / Matt Brown, MPO

Commissioners Tucker Dorsey and Bob James made introductory comments and introduced David Brewer, Commission Administrator. .

David Brewer, Commission Administrator, alerted everyone how they can get information regarding the how the county operates and how it is governed from the county website.

David Pimperl, GIS Director, spoke to council about connecting and using the county's GIS technology by accessing topographies, pictometry and that all these were available on the Revenue Commissioners website.

Cal Market, County Engineer, discussed the roads and bridges in Baldwin County, and that they are being aggressive in improving them. He mention different projects they are working on such as the ATRIP projects one of which is the County Road 13 and County Road 64 Round-About.

Matthew Brown, Metropolitan Planning Organization (MPO) Administrator, explained what the MPO is and what it does.

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Mitchell Sims, Emergency Management Agency Director, reported on EMA plans and training.

Councilman Lake asked about the fiber optics agreement with the county.

David Pimperl said they are ready to hook up, but are waiting on the city to run fiber.

**3. APPROVE MINUTES:
May 20, 2013 Council meeting minutes**

Councilman Lake amended the minutes to reflect that he was attending the Alabama League of Municipalities Convention at the last council meeting.

MOTION BY Councilman Davis to adopt the minutes as amended. <i>Seconded by Councilwoman Conaway.</i>	
AYE Conaway, Rudicell, Fry, LeJeune, Davis, Scott	NAY NONE OPPOSED
ABSTAINED Lake	MOTION CARRIED

PUBLIC HEARING: Public Indecency Ordinance

Councilman Fry gave the presentation, and said that the Ordinance Committee felt it was in the best interest to get the thoughts of citizens regarding the ordinance. The ordinance will be discussed at the work session on June 10th.

Council President Scott opened the Public Hearing at 7:06 p.m.

Ms. Lynn Williams - 6403 Captains Lane – (Lucy’s Love Shop) – spoke favorably on Lucy’s Love shop opening. She does not feel they come under the heading of Adult Novelty.

Mr. Steve Barfield – 11750 Halcyon Loop – spoke favorably for Lucy’s Lover Shop.

Council President Scott closed the Public Hearing at 7:12 p.m.

Mr. Ross stated that the Mayor has some changes to the ordinance that he will bring to the work session.

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4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Conaway

The next meeting will be June 10th at 4:00 p.m. in the Executive Conference Room.

B. *BUILDINGS & PROPERTY COMMITTEE* - Davis

The minutes for the May 6th meeting are in the packet. The committee met before the council meeting, and there will be a report at the next meeting.

C. *PUBLIC SAFETY COMMITTEE* – Rudicell

The next meeting will be June 12th at 4:30 p.m.

D. *CODE ENFORCEMENT/ORDINANCE COMMITTEE* – Fry

The next meeting will be June 12th after the Public Safety meeting.

E. *PUBLIC WORKS COMMITTEE* – LeJeune

The next meeting will be June 17th at 5:00 p.m.

5. REPORTS OF SPECIAL BOARDS & COMMITTSIONS:

A. *Board of Zoning Adjustments* – Adrienne Jones

The next meeting will be June 6th at 6:00 p.m., and there are two (2) nominations for 2nd Alternate to consider.

Councilman Rudicell nominated Ms. Lynn Mitchell for the 2nd Alternate position.
 Councilwoman Conaway nominated Mr. Thomas Warner, III for the 2nd Alternate position.

VOTE FOR MS. LYNN MITCHELL

ROLL CALL VOTE

Conaway	Nay	LeJeune	Aye
Rudicell	Aye	Davis	Nay
Lake	Nay	Scott	Nay
Fry	Nay		
AYE	Rudicell, LeJeune	NAY	Conaway, Lake, Fry, Davis, Scott

MOTION FAILED

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VOTE FOR MR. THOMAS WARNER, III

<u>ROLL CALL VOTE</u>				
Conaway	Aye		LeJeune	Aye
Rudicell	Aye		Davis	Aye
Lake	Aye		Scott	Aye
Fry	Aye			
AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED

Mr. Thomas Warner, III is the 2nd Alternate for the BZA.

B. Downtown Redevelopment Authority – Conaway

The minutes for the May 22nd meeting are in the packet. The members have recommended appointing Mrs. Debbie Strahley to the DRA.

MOTION BY Councilwoman Conaway appoint Mrs. Debbie Strahley to the Downtown Redevelopment Authority. <i>Seconded by Councilman Rudicell.</i>				
AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED

C. Industrial Development Board – Davis

The next meeting will be June 27th at 6:00 p.m. They will be discussing the charter and by-laws to make sure they meet the latest information by State Code.

D. Library Board – Lake

The next meeting will be June 13th at 4:00 p.m. at the Library.

E. Planning Commission – Scott

The minutes for the May 2nd special called meeting are in the packet. There is a special called meeting scheduled for June 11th. The new appointed member is Hudson Sandefur.

F. Recreation Board – LeJeune

The next meeting will be June 12th at 6:30 p.m. at the Recreation Center. There is a board position open, and submissions can be sent to David McKelroy of Councilman LeJeune.

G. Utility Board – Fry

The next meeting will be June 26th at 5:00 p.m. There is an expiring board member that needs reappointing.

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MOTION BY Councilman Fry to re-appoint Mr. Bob Segalla to the Utility Board / term to expire June 2019. *Seconded by Councilman Davis.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

6. REPORTS OF OFFICERS:

A. Mayor's Report

B. City Attorney's Report

See report below

C. Department Head Comments

Richard Johnson – Public Works Director – reported Phase II of the Lake Forest project contract will end in June, and should be completed by the middle of July.

Vickie Hinman – Human Resources Director – reported that there are four (4) positions open.

James White – Fire Chief – reported they were notified Friday that they are to be awarded another AFG grant from FEMA in the amount of \$83,250. This brings the total to over \$104,000 in the past three (3) weeks.

David McKelroy – Recreation Director - reported that Art in the Park is Thursday from 10:00 a.m. to 1:00 p.m. for children 12 years old and younger. He reported on the 14th Dixie Youth All Star Tournament and other baseball games.

David Carpenter – Police Chief – reported they have replaced two (2) officers, and hired the two (2) officers council approved.

City Clerk Report – Rebecca Hayes –

No report.

City Attorney Report:

Mr. Ross asked council to adjourn into Executive Session at the end of the meeting to discuss pending litigation. There will be no action required by council.

7. PUBLIC PARTICIPATION:

Mr. Bob Segalla – Creekside Subdivision – thanked council for his reappointment to the Utility Board, and their vote of confidence.

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Ms. Lynn Mitchell – Daphne - alerted everyone to major changes of policy with FEMA. If there is a disaster FEMA will not cover any damages if people have insurance until the insurance company denies coverage.

Mr. Kevin Spriggs – Owner of Eastern Shore Motel – spoke regarding the proposed contribution to the Mobile National Estuary Program as a waste of money.

Mrs. Holly LeJeune – Lake Forest – spoke regarding the annexation of the Retreat at Tiawasee as being opposed to the ingress and egress of the proposed subdivision.

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

NO RESOLUTIONS

ORDINANCES:

2ND READ

- a.) **Annexation: GCOF Retreat at Tiawasee, LLC...../Ordinance 2013-27**
- b.) **Appropriation of Funds: Mobile Bay National Estuary
Program Community Contribution/Ordinance 2013-29**
- c.) **Regulating Solicitation/Ordinance 2013-30**

**MOTION BY Councilman Rudicell to waive the reading of Ordinance 2013-27.
Seconded by Councilman LeJeune.**

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Councilman Scott asked Mrs. Jones to read her response to a question asked by a newspaper reporter.

Mrs. Jones reply is attached to these minutes.

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MOTION BY Councilman Rudicell to adopt Ordinance 2013-27. *Seconded by Councilman LeJeune.*

ROLL CALL VOTE

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

ALL INFAVOR Rudicell, LeJeune, Scott NAY Conaway, Lake, Fry, Davis

MOTION FAILED

MOTION BY Councilwoman Conaway to waive the reading of Ordinance 2013-29. *Seconded by Councilman Fry.*

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

MOTION BY Councilwoman Conaway to adopt Ordinance 2013-29. *Seconded by Councilman Lake.*

MOTION BY Councilman Rudicell to table Ordinance 2013-29. *Seconded by Councilman LeJeune.*

VOTE ON AMENDMENT

AYE Rudicell NAY Conaway, Lake, Fry, LeJeune, Davis, Scott

MOTION FAILED

VOTE ON ORIGINAL MAIN MOTION

AYE Conaway, Rudicell, Lake, Fry, Davis, Scott NAY LeJeune

MOTION CARRIED

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MOTION BY Councilman LeJeune to waive the reading of Ordinance 2013-30. Seconded by Councilman Fry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman LeJeune to adopt Ordinance 2013-30. Seconded by Councilman Fry.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman LeJeune to postpone the first read for Ordinance 2013-31 the Public Indecency ordinance. Seconded by Councilman Lake.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES 2013-32 IS 1ST READ.

9. COUNCIL COMMENTS:

Councilman Lake said that Mrs. Briley is retiring, and he would like an audit to be done to protect the city and Mrs. Briley, and whoever comes after her will start with a clean slate. He will bring it up at the Finance meeting.

Councilman Davis said that it is good business to have audits. He thinks it will be important to the person that comes in to have that information. He likes the investment that the city has made with the Chamber of Commerce. He thinks the city need to be part of the Eastern Shore, and the fact that Daphne, Spanish Fort and Fairhope can work together makes a lot of sense.

Council President Scott said that the Mayor is responsible for selecting the auditing firm. Council can decide to appropriate funds to hire another auditor, but the auditing firm, according to state code, is selected by the Mayor.. He thanked the Commissioners and staff for the presentation.

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10. ADJOURN:

MOTION BY Councilman LeJeune to adjourn into Executive Session to discuss pending litigation. *Seconded by Councilman Davis.*

The City Attorney certified the forgoing reason is acceptable according to the Open Meetings Act, and should last about five (5) minutes.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:20 P.M.

Respectfully submitted by,

Rebecca A. Hayes, City Clerk

Certification of Presiding Officer,

Ron Scott, Council President

MEMO

TO: DAPHNE CITY COUNCIL

FROM: ADRIENNE JONES, COMMUNITY DEVELOPMENT DIRECTOR/ZONING ADMINISTRATOR 

SUBJECT: ANNEXATION REQUEST CLARIFICATIONS

DATE: JUNE 3, 2013

On Friday, May 31, 2013, I received an inquiry from a newspaper reporter regarding the approval of the Retreat at Tiawasee Plat. Below is a copy of the motion made on **February 28, 2013**.

A Motion was made by Mr. Chason and Seconded by Mr. Smith to approve the final plat for the Retreat at Tiawasee, subject to the submission and processing of an application for annexation with rezoning to R-2, Medium Density Single Family Residential. The Motion carried. Mr. Gibson abstained E.g., Outcome of the City Council process does not supersede preliminary plat approval.

The motion says that approval is subject to the submission (annexation petition submitted on 3/13 and voted on 3/28) and processing of an application for annexation with rezoning to R-2 (Processing=Planning Commission review and Council review). The final decision or outcome of the city council process does not supersede preliminary plat approval.

FYI: the design of the subdivision preliminary plat is such that each lot meets the minimum county zoning RSF-2 and the city zoning R-2. The county has reviewed the plat and noted modifications necessary for the county's approval. See attached.

Much has been said about matters unrelated to the request before the council. The request is to annex the 31.5 acres into the City limits and to grant R-2 zoning. Is it in the best interest of the entire city to annex the property? Is it in the best interest for the streets in the development to be maintained (upon dedication by the developer) by the city? Is it appropriate to plan for anticipated growth by encouraging connectivity and properly distributing traffic within the city? Remember, the infrastructure in the Estates of Tiawasee and Tiawasee Trace is maintained by the City of Daphne Public Works department. The neighborhood is patrolled by the City of Daphne Police Department and emergency calls are answered by the City of Daphne Fire Department.

Traffic has been touted as the most prevalent factor in the annexation/rezoning request; however, the true key factors of compatibility and consistency of adjacent land use has been greatly trivialized. The comprehensive plan purports to connect traffic from Pollard Road to CR 13 but it also purports compatibility in adjacent uses. Approving the annexation and zoning does not preclude or prohibit such a traffic connection, in time that recommendation can be achieved as vacant properties are developed. The connection is not bound by the straight line as shown on the map, the map is a guide and tool.

Several references have been made to the modification of restrictive covenants as well as vacating recorded plats. The Code of Alabama provides guidance to property owners to achieve such modification and vacations; none required municipal review and/or approval.

It was presented to Council that if a subdivision plat is changed, the city has the right to record the correct map. Again, the Code of Alabama provides guidance as noted above. The provision is included in the Land Use Ordinance as a safeguard. It applies to situations where the Planning Commission has granted approval of a final plat with, for example, 20 lots and after acquiring signatures and certifications to record the plat in the Office of the Judge of Probate, the developer modifies the plat to have 25 lots instead of 20 lots. In such case, the city would take action to "record a corrected plat." I hope this clarification is helpful for future reference.

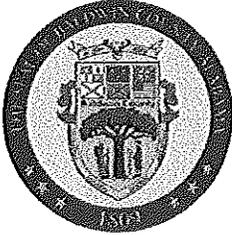
I did clarify the question with the newspaper reporter, by referencing the Planning Commission minutes. This information is intended to give accurate and relevant information for your consideration.

I noticed a few items in the Courier article were inaccurate. Only one relevant point--- the preliminary subdivision plat shows 48 lots not 57.

Please feel free to contact me or stop by if you ever have questions about anything I can help you with. I appreciate your time.

With warm regards,

Adrienne Jones, Community Development Director/Zoning Administrator



BALDWIN COUNTY
HIGHWAY DEPARTMENT
P.O. Box 220
SILVERHILL, ALABAMA 36576
TELEPHONE: (251) 937-0371
FAX (251) 937-0201

CAL MARKERT, P.E.
COUNTY ENGINEER

February 19, 2013

Preble-Rish LLC
David E Diehl, PLS
9949 Bellaton Avenue
Daphne, Alabama 36526

Subject: (S-13003) The Retreat at Tiawasee – Development Permit

Dear Mr. Diehl:

In accordance with §11-52-30 (b) of the Code of Alabama, the Development Permit of the above referenced subdivision located in the City of Daphne Extraterritorial Jurisdiction has been reviewed for compliance with the *Baldwin County Subdivision Regulations*.

The following items either describe items found to differ with the County regulations, or where additional information is required (The applicable section of the *Baldwin County Subdivision Regulations* is shown in parenthesis for your information):

1. Submit a document stating that the proposed preliminary plat has been approved by the City of Daphne.
2. Submit 5 full size sets of the proposed Subdivision Plat and one 11" x 17" copy. [§4.5.1 (c)];
3. Please revise the plat to show street names that have been approved by E-911 addressing and show documentation from E-911 that the revised street names have been approved. [§4.5.1(l)];
4. Please revise the curve table at the top of the preliminary plat – the items do not fall in the columns.
5. The total linear feet of streets is called out as 3,914 feet on the plat, but there is 3,841 feet of streets shown – please revise to match.
6. All drainage facilities outside of the road rights-of-way shall be included in common areas with perpetual unobstructed easements at least 20 feet in width and with satisfactory access to the road. [§5.11.6(b)];
 - Per our discussion, change the drainage easements outside of the ROW to 20' and add a note to the plat and covenants that no structures (including fences) may be built inside of the drainage easements.
 - A variance from the regulation asking that these drainage facilities can remain located in drainage easements instead of common areas needs to be submitted.
 - The detention pond and access to the detention pond will remain in a common area as discussed.

7. The modified rational method was used for sizing of the detention pond. Only the SCS Method will be accepted for sizing of detention/retention areas. [§5.12.2(d)];
8. The rational method may be used for determining inlet spacing, roadway spread, and the sizing of opened and closed pipe network and collection basins. The Kirpich Equation shall be the only method which may be used to determine the time of concentration. The method used to determine time of concentration was not supplied and needs to be added to the drainage calculations. [§5.11.3(e)];
9. An existing detention pond lies just downstream of the proposed lake outfall. Please show this structure in the plans and provide documentation that the increased volume of runoff through this pond can be handled. [§5.11.7(f)];
10. Please show the design Q at each outfall structure in the plans. [§5.11.7(g)];

Your assistance in the resolution of these deficiencies will be greatly appreciated. If you have any questions or concerns, or require further assistance, please do not hesitate to call at (251) 937-0278.

Sincerely,

CAL MARKERT, P.E.
COUNTY ENGINEER

By: 
Seth Peterson, E.I.
Permit / Subdivision Manager

Cc: City of Daphne Planning Department
P.O. Box 400
Daphne, AL 36526

File

JUNE 10, 2013
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

1

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

Also present: Mayor Dane Haygood; Rebecca Hayes, City Clerk; Sarah Toulson, Assistant city Clerk; Jay Ross, City Attorney; Richard Johnson, Public Works Director; Adrienne Jones, Director of Community Development; Joe Lemoine, Planning Commission; Willie Robison, BZA;

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

The City Clerk, Rebecca Hayes, introduced the new Assistant City Clerk, Sarah Toulson to everyone.

1. CREATE NEW POSITION:

Mayor Haygood discussed with council creating a new position combining marketing, communications, grant writer, IT and in the future city administrator. He said they need to be proactive with communications with citizens. Mrs. Hinman is writing a job description for the position.

Council discussed the proposal, and Councilman LeJeune asked if this person would be available to other departments, and Mayor Haygood said that the position would be a city wide resource.

2. SET DATE & TIME FOR STRATEGIC PLAN COMMITTEE WORK

Council discussed different days and times for the planning session.

Consensus of Council was to meet the second and fourth Monday's at 4:30 p.m. in the council chambers. The second Monday will have to be after the Finance Committee meeting around 5:00 p.m.

Council President Scott asked the City Clerk to put this on the agenda for a vote on Monday's agenda.

3. PUBLIC INDECENCY ORDINANCE

Kyle Navarro gave a genesis of the ordinance. The goal is to regulate the negative impact from these types of establishments. He mentioned the Mayor wanted to separate the ordinance into 1.) Public Indecency 2.) Adult Entertainment. There is not a problem with breaking out tattoo parlors.

Council discussed changing the buffer requirements.

Mayor Haygood said that there are problems with the definitions, and they need to make sure they are defining things properly, and to scrutinize everything and consider the impact. Also, they need to consider the enforcement, and how to make a determination, and when to apply for a business license.

Consensus of Council is to consider the ordinance at the Ordinance Committee meeting on Wednesday to consider:

- a.) Separate Tattoo Parlors / Put restrictions
- b.) Do not put under Adult Novelty
- c.) 500 feet / Compromise
- d.) Take out percentage / If they sale Adult Novelty they are under Adult Novelty
- e.) Schools, churches, daycares need a greater distance than 500 feet

4. DEBT REDUCTION / RESERVES

Councilman Rudicell stated there is no direction on spending money. They need to have a formula to go by. He feels that spending should be matched in debt reduction to build up the reserves. Council should apply discipline on spending and saving. He would like to continue to look at this issue.

Council discussed the need for a policy for community contributions

Council President Scott asked the City Clerk to research other cities to see how they handle community contributions.

5. WHATEVER ELSE IS DEEMED NECESSARY

a.) Sign Committee List

Council President Scott said appointment of the committee will be on the agenda Monday.

6. ADJOURN

There being no further business to discuss the meeting adjourned at 8:00 p.m.

Respectfully submitted by,

Rebecca A. Hayes,
City Clerk

Certification of Presiding Officer:

Ron Scott,
Council President

CITY OF DAPHNE
OFFICE OF THE MAYOR

PROCLAMATION

Appreciation for Mrs. Kim Briley

WHEREAS, Kimberly Sue Briley began her 22 years with the City of Daphne on the 13th day of August 1990 as an Accounting Supervisor in the Finance Department; and,

WHEREAS, she was promoted to Staff Accountant October 10, 1990 and promoted to Finance Director August 19, 1993; and,

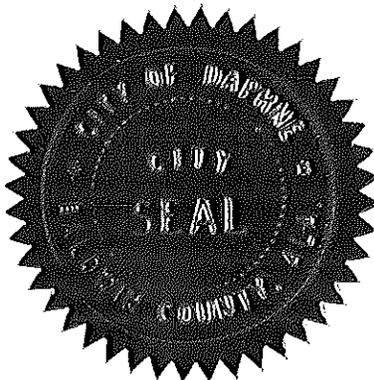
WHEREAS, Kim was selected for inclusion in the 1992-1993 edition of Gilford's Who's Who, The Elite Registry of Extraordinary Professionals; and,

WHEREAS, during Mrs. Briley's tenure the city's budget grew from \$5 million to the current budget of \$27 million. She has significantly improved the city's Budgeting Practices & Presentation & Internal Controls, required high ethical standards for the Finance staff, established the first inventory listing of capital property and equipment, implemented Government Financial Software according to GFOA and GASB Accounting Standards and set up General Ledger accounts accordingly; and

WHEREAS, since Kim has been the Finance Director the city has received Audits with No Audit Findings and during her tenure the City of Daphne's Bond Rating was upgraded from an A+ to AA; and

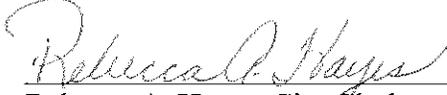
WHEREAS, Mrs. Briley has been awarded the Municipal Accounting Award of the Alabama Society of Certified Public Accountants in 1991, 1993 and 1999 and has a pending award for submitting the city's first Comprehensive Annual Financial Report.

NOW THEREFORE, the Mayor and City Council of the City of Daphne, Alabama hereby proclaim their appreciation to Mrs. Kim Briley for her untiring efforts and personal dedication exhibited toward making Daphne a fiscally sound city.




Dane Haygood, Mayor

Attest:


Rebecca A. Hayes, City Clerk

**PUBLIC HEARING
FOR COUNCIL MEETING
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

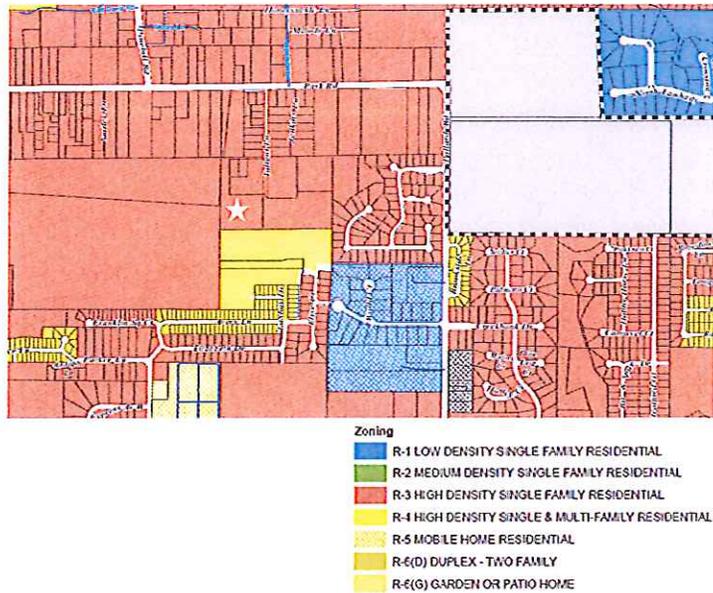
attachment(s)

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
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 RCG
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**

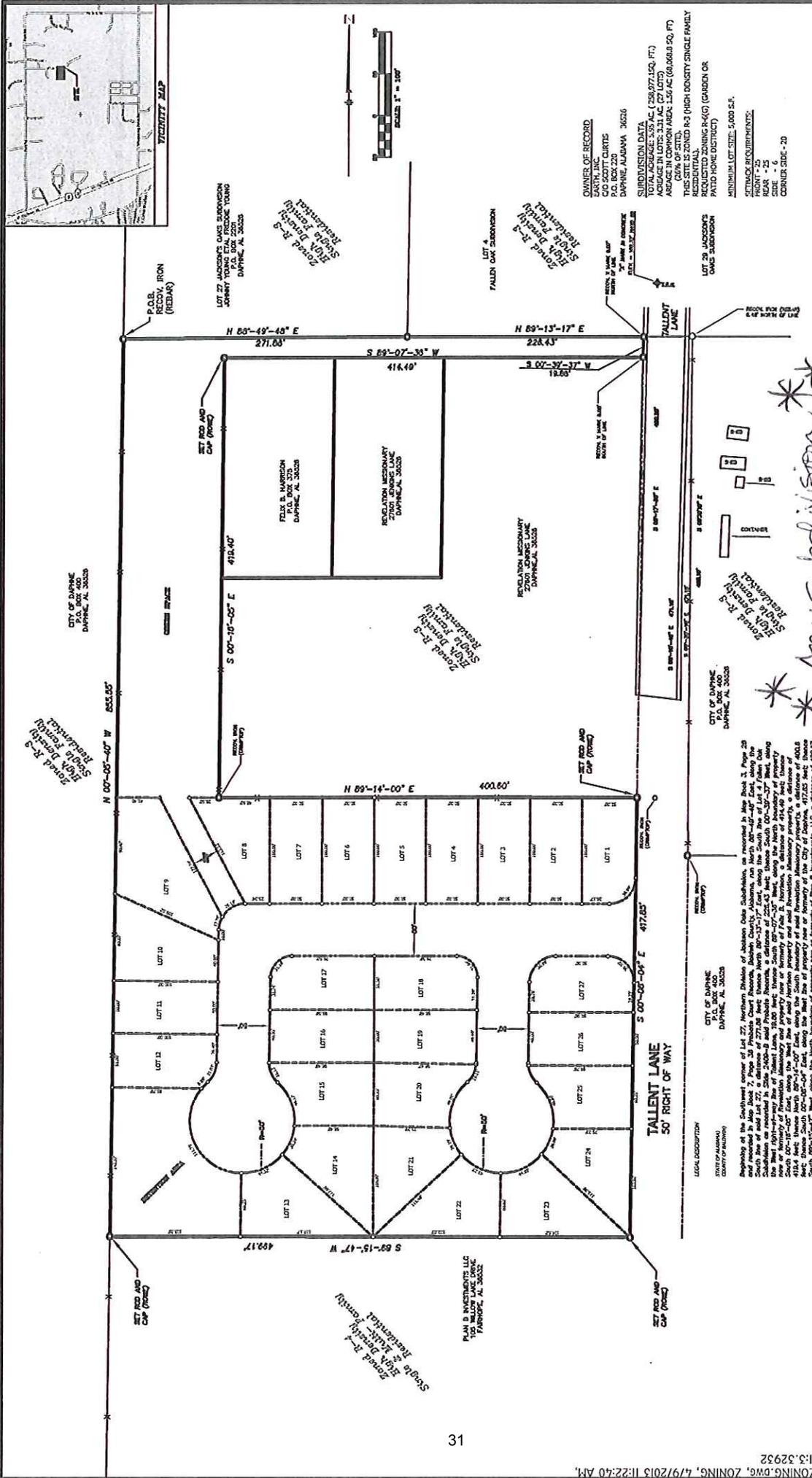
EXHIBIT "A"

**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
OWNER	ROSE SURVEYING AND ENGINEERING COMPANY, INC.
DESIGNER	ROSE SURVEYING AND ENGINEERING COMPANY, INC.
DATE	JUN 11, 2013
SCALE	1" = 40'

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

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

**REPORT
OF
STANDING COMMITTEES**

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
June 10, 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. Tommie Conaway, Councilman Ron Scott, Councilman Joe Davis, Councilman John Lake, Finance Director Kim Briley, Deputy Finance Director Christine Ciancetta, Senior Accountant Suz anne Henson and Accounting Technician Sue Moody.

Also in attendance were Human Resource Representative Sherree Hilburn, Public Works Director Richard Johnson, FD Chief White, Recreation Dept. Director David McKelroy and Civic Center Director Margaret Thigpen.

II. PUBLIC PARTICIPATION

A. Daphne High School Band – Appropriation requests-\$48,025

Mr. Jamar Dumas, Band Director for Daphne High School discussed the letter presented by the DHS Band requesting the City appropriate funds to help purchase new band instruments and a trailer. Mr. Dumas explained that the DHS Band needs the new instruments to play more advanced literature music. Mr. Fred Small spoke on the need for a new trailer so all equipment could be transported together. Councilman John Lake asked about scholarships that may be not received due to the band not having the instruments needed. Mr. Dumas discussed a very high percentage of band students receive scholarships so this equipment is important for the band. Councilman Ron Scott spoke on the importance of schools and recommended the Mayor and the Finance Director work together to give direction for what type of appropriation/financial assistance that could be given for this request. Chairperson Mrs. Conaway discussed the schools in Daphne will soon be coming to the City to request funds. The Mayor discussed an allotment in conjunction with a loan and funding from the TASTE (Taste of the Eastern Shore) function.

Motion by Councilman Ron Scott to recommend a funding and loan option to be worked out between the Mayor and Finance Director. Seconded by Councilman John Lake. Motion carried.

B. New Assistant City Clerk – Sarah Toulson

Mrs. Rebecca Hayes, City Clerk introduced the new assistant City Clerk, Sarah Toulson.

III. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Human Resource Representative Sherree Hilburn reviewed the Human Resource Report including open position status.

Positions

Fire Fighter (2)
Police Officer (4)
Children’s Librarian
Accounting Technician
Court Magistrate
Mechanic
PSW (Streets)

Status

Pre-employment/background
Date of Hire: 6/13/2013
Date of Hire: 5/30/2013
(Interviews completed 5/08/13)
Posting ends: 6/12/2013
Posting ends: 6/14/2013
Posting ends: 6/14/2013

Finance Director
Revenue Officer
Asst. City Clerk

Posting ends: 6/18/2013
Open 6/05/13 (*Pending Advertisement*)
Date of Hire: 6/6/13

Safety Committee Meeting: No meeting in May due to holiday week.

Other Human Resources' projects or meetings:

Oral Board Interviews for Fire Fighter candidates May 30 and 31
Asst. City Clerk interviews – May 14-25
HR Director attending Southern region IPMA-HR conference June 8-12

Mrs. Hilburn reviewed the open positions and noted that the Accounting Technician and the Revenue Officer positions will remain open per the Mayor pending the hiring of the new Finance Director.

Mrs. Briley emphasized the need to move forward quickly with the hiring of the Finance Director. Mrs. Briley noted that when she was out on leave for six months last year that the financials and several of her other duties were not done when she returned. Mrs. Briley emphasized the need to stay current on financial reporting. Mrs. Briley discussed that it would be better for a new person to come in while the financials are up to date.

Mrs. Henson asked when the Revenue Officer position would be advertised. Discussion continued on the two positions: Accounting Technician and Revenue Officer waiting to be filled after the Finance Director is hired. Mrs. Henson asked if the Revenue Officer position could go ahead and be advertised so that the applications would be available upon the hiring of a new Finance Director in order to reduce the time the Revenue position would be vacant. The Mayor agreed to go ahead and advertise the position.

IV. CURRENT BUSINESS

A. Financial Reports

1. Treasurer's Report: May 31, 2013

The DRAFT ONLY Treasurer's Report totaling \$17,885,283.37 was presented by Mrs. Henson. Mrs. Henson noted the draft numbers are directly from the Bank Statements. Mrs. Henson noted that Mrs. Manning, Accounting Technician had retired but had agreed to come back part time for a limited amount of time to train her replacement. Mrs. Henson noted that since the hiring of the new employee is pending that Mrs. Manning is trying to get all the cash receipts entered so that the final Treasurer's Report and other financial statement can be prepared. (*Mrs. Manning is only working part-time so a longer timeframe is necessary to get everything entered and reconciled*). Mrs. Henson noted that the financial information for Treasurer's Report and Sales and Lodging Tax collections will be included in the Council packet if all is entered and reconciled prior to the deadline to submit for the packet.

2. Sales and Use Taxes: April 30, 2013

DRAFT amount for April's Collections is: \$1,039,770

3. Lodging Tax Collections, April 30, 2013

DRAFT amount for April's Collections is: \$47,435

4. Summary Statement: Revenues & Expenditures w/comparatives, April 30, 2013

Finance Director Mrs. Briley stated the statement is not ready yet but should be ready for the Council meeting.

5. Report: New Business Licenses – May 31, 2013
Mrs. Conaway noted that Popeye's opened today.

6. Bills Paid Reports – May 31, 2013
The Bills Paid Report was presented.

A. Appropriation Request: (Ordinance)

1. Marketing/Communications/Technical Writing position-requested by Mayor Haygood-\$45,000/yr + benefits (*Total Salary & FY13 pro-rated amount will be a HANDOUT*)

Mayor Haygood discussed the need for three new positions at the City:
Marketing/Communications/Technical-Grant Writer... Director, IT Director and a City Manager.

Mayor Haygood noted he was waiting on supporting documentation from Archer for the job description and recommended salary range. Mayor Haygood discussed that during the process of interviewing for the Assistant City Clerk position there were a couple of applicants that possessed these skills. Mayor Haygood noted that one individual that was a finalist for the Assistant City Clerk position was both strong in communication and marketing and possessed good leadership skills as well. Mayor Haygood noted he thought their salary requirements were in the \$42,000-\$45,000 range but he would be waiting to obtain a mapping of pay grade from Archer. Job functions would include taking on website administration and training department heads as well as improving communication to Council and preparing news releases, and grant writing. Mayor Haygood noted Mr. Scott had also interviewed the candidates.

Councilman Scott agreed on the candidates having an incredible skillset and emphasized the need to have someone to communicate with the citizens. Mr. Scott stated there is a need for this position and hopefully will receive some good applicants. Councilman John Lake discussed he felt there should be more consideration given to addressing the City needs such as more ball parks, tennis courts and swimming pools before hiring more personnel. Councilman Lake stated we need to leverage current employee skills.

Mayor Haygood agreed recreational needs are important. Mayor Haygood noted he has been working on obtaining all the City's digital files for the City logo and noted that all departments are using different printers. Mayor Haygood stated the City needs help with a skillset for editing photos to put on the City's webpage. Mayor Haygood noted the City is paying \$1,600 labor/consulting for the website. Mayor sees the positions he is requesting falling within the salary range of \$60,000-\$70,000. Mayor noted he is fiscally conservative and that he has taken on his back the issue of internet connectivity project and he noted that prior Council had approved \$66,000/year for a fiber connection (*\$4,503/month-45MB / \$9,000 installation*) but he is working to save monies by working solely on using a wireless connection (*\$1,200/month-20MB*) at all locations with DSL backup. The Mayor noted he is still working on some infrastructure things with the internet connectivity but continuing to work to save the City money.

Councilman Joe Davis discussed the need for a single voice for the City for internal and external communication and he would support this additional position for as long as it is needed. Chairperson Mrs. Conaway noted the position was discussed during the Council Retreat and she agrees the position is needed and also agrees that Recreation needs are important too. Councilman Ron Scott recommended if Archer had information available for new position it could be presented at 1st Council meeting in July 2013.

2. 2012 AFG Grant – FD - \$8,325 Match
(Turnout Gear purchases will be made off the current bid: 2013-D-FD/TURNOUT GEAR)

Chief White reviewed the AFG Grant and noted the grant is a Federal share 90% with a required City match of 10%. Chief White discussed that turnout gear will be purchased with the grant monies and noted that there is a current bid that the turnout gear will be purchased from. Mayor Haygood congratulated Chief White for being awarded the 2012 AFG Grant.

Motion by Councilman Ron Scott to adopt an ordinance appropriating \$ 8,325 to match 2013AFG Grant. Seconded by Joe Davis. Motion carried.

B. BID AWARD (Resolution)

1. 2013-N-TRUCK CHASSIS AND KNUCKLEBOOM LOADER

Mr. Johnson noted they were very competitive bids. Mr. Johnson recommends the bid be awarded to Gulf City Body & Trailer.

Motion by Councilman John Lake to adopt a resolution to award the 2013-N-TRUCK CHASSIS AND KNUCKLEBOOM LOADER bid to Gulf City Body & Trailer in the amount of \$120,500. Seconded by Councilman Joe Davis. Motion carried.

2. 2013-O-PINE STRAW (Negotiated bid and recommendation will be a HANDOUT)

Discussion was made that there were no bidders so this is a negotiated bid with the vendor the City currently purchases pine straw from. Mr. Johnson recommends the bid be awarded to John Deere Landscape @ \$4.00 a bale.

Motion by Councilman Joe Davis to adopt a resolution to award the 2013-O-PINE STRAW bid as negotiated with John Deere Landscape in the amount of \$4.00/per bale. Seconded by Councilman John Lake. Motion carried.

V. OLD BUSINESS

A. CAFR (Comprehensive Annual Financial Report)

Mr. Scott discussed the CAFR and all the hard work Mrs. Briley had put into preparing the report. Mr. Scott noted there is a lot of information in the report, it is very informative. Mr. Lake also discussed all the hard work Ms. Briley had put into the report and that she had put all her heart and soul into the preparation of the CAFR. Mr. Lake asked when the award would be announced. Mrs. Briley noted in about four to six months. Mr. Lake noted he would like for someone to check to see if the City could pay for Mrs. Briley to attend the presentation of the award and accept on behalf of the City.

VI. ADJOURN

Meeting was adjourned at 4:55p.m.

Dane Haygood
Mayor

Vickie Hinman
Human Resources Director



The Jubilee City

Sherree Hilburn
Payroll and Benefits Coordinator

Michele Hanson
Human Resources Assistant

June 5, 2013

HUMAN RESOURCES DEPARTMENT
ACTIVITY REPORT

Positions

Status

Fire Fighter (2)	Pre-employment/background
Police Officer (4)	Date of Hire: 6/13/2013
Children's Librarian	Date of Hire: 5/30/2013
Accounting Technician	Open
Court Magistrate	Posting ends: 6/12/13
Mechanic	Posting ends: 6/14/13
PSW (Streets)	Posting ends: 6/14/13
Finance Director	Posting ends: 6/18/13
Revenue Officer	Open
Asst. City Clerk	Date of Hire: 6/6/13

Safety Committee Meeting: No meeting in May due to holiday week.

Other Human Resources' projects or meetings:

- Oral Board Interviews for Fire Fighter candidates May 30 and 31
- Asst. City Clerk interviews – May 14-25
- HR Director attending Southern region IPMA-HR conference June 8-12

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DRAFT BALANCE PER BANK STATEMENTS - All Statements Not Reconciled

TREASURER'S REPORT
As of May 31, 2013

TO: FINANCE COMMITTEE
FROM: KIMBERLY BRILEY, FINANCE DIRECTOR/TREASURER

<u>ACCT TITLE</u>	<u>BANK</u>	<u>BALANCE</u>
GENERAL FUND & ENTERPRISE FUNDS		
MMA ACCT	COMPASS	\$6,834,575.16
OPERATING ACCT	COMPASS	(\$151,219.05)
PAYROLL ACCT	COMPASS	\$0.00
CREDIT CARD DONATION ACCT (\$500 transf frm GF to open acct)	COMPASS	\$500.00
		<u>\$6,683,856.11</u>
INVESTMENT FUND	RAYMOND JAMES (investment \$4,828,875.15)	\$5,183,601.95
AGENCY FUNDS		
MUNICIPAL COURT	COMPASS	\$414,820.75
SPECIAL REVENUE FUNDS		
SAIL SITE	PNC BANK	\$2,883.49
4 CENT GAS TAX	PNC BANK	\$184,265.12
7 CENT GAS TAX	PNC BANK	\$381,671.58
		<u>\$568,820.19</u>
CAPITAL PROJECT FUNDS		
CAPITAL RESERVE	WELLS FARGO	\$1,184,799.63
2012 CONSTRUCTION	REGIONS	\$506,630.49
2012 CONSTRUCTION INVESTMENT ACCT	RAYMOND JAMES	\$1,389,728.56
		<u>\$3,081,158.68</u>
DEBT SERVICE FUNDS		
DEBT SERVICE	WELLS FARGO	\$1,953,025.69
2006 DEBT SERVICE (account closed - balance transferred to Debt Service)	PNC	\$0.00
		<u>\$1,953,025.69</u>
		<u>\$17,885,283.37</u>

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PRIOR YEAR BALANCE:

May 31, 2012

42

\$19,452,034.17

SALES & USE TAXES

ACTUAL COLLECTIONS

	FY 2013 BUDGET/ACTUAL COMPARISONS														
	2007	2008	2009	2010	2011	2012	2012 Eastern Shore Pair		2013	2013 Eastern Shore Pair		Actual: 2013	Budget	Monthly Variance	YTD Variance
October	944,542.36	867,130.18	806,503.85	764,641.13	800,512.03	864,727.27	-	919,399.50	919,399.50	1,019,065.37	925,163	93,902.37	93,902.37	10.15%	
November	918,837.95	915,890.97	801,075.91	761,955.37	819,834.09	845,342.45	-	910,116.86	1,141,639.06	1,011,813.96	924,116	87,697.76	181,600.13	9.49%	
December	1,162,584.39	1,120,005.09	1,078,930.45	1,004,037.20	1,121,383.45	1,165,135.62	-	1,141,639.06	1,266,051.50	1,266,051.50	1,252,860	13,191.55	194,791.68	1.05%	
January	914,876.33	822,020.87	755,541.41	723,504.28	817,230.14	809,785.59	-	803,032.70	92,684.49	895,717.19	894,947	770.52	195,562.20	0.09%	
February	877,975.60	865,625.83	748,820.87	733,335.60	840,768.01	845,101.34	-	901,887.85	102,461.65	1,004,349.50	921,088	83,251.44	278,813.64	9.04%	
March	1,071,598.38	988,616.04	863,535.78	916,657.55	976,181.39	1,018,721.43	-	1,054,154.80	126,852.75	1,181,007.55	1,108,559	72,448.05	351,261.70	6.54%	
April	960,140.54	983,691.85	823,173.33	809,588.73	916,536.59	911,438.60	-	925,050.96	114,718.91	1,039,769.87	1,004,237	35,532.92	386,794.62	3.54%	
May	1,021,498.14	957,187.20	829,099.81	862,254.54	889,345.33	911,839.30	-	-	-	-	1,122,289	-	-	0.00%	
June	1,066,433.92	997,274.15	868,309.52	887,262.68	946,208.78	985,894.44	118,255.09	-	-	-	1,047,748	-	-	0.00%	
July	993,216.66	888,690.34	808,113.93	839,192.33	902,457.24	898,566.91	111,626.17	-	-	-	1,021,696	-	-	0.00%	
August	954,421.57	964,626.26	831,984.35	790,713.80	871,437.04	909,570.34	111,697.42	-	-	-	1,031,560	-	-	0.00%	
September	965,107.35	918,551.15	825,257.74	841,035.40	863,630.36	898,557.39	106,103.65	-	-	-	-	-	-	0.00%	
Totals	11,871,233.19	11,279,349.93	10,039,546.95	9,934,178.61	10,766,122.45	11,074,680.68	447,682.33	6,655,281.73	762,493.21	7,417,774.94	12,266,590	386,794.62			

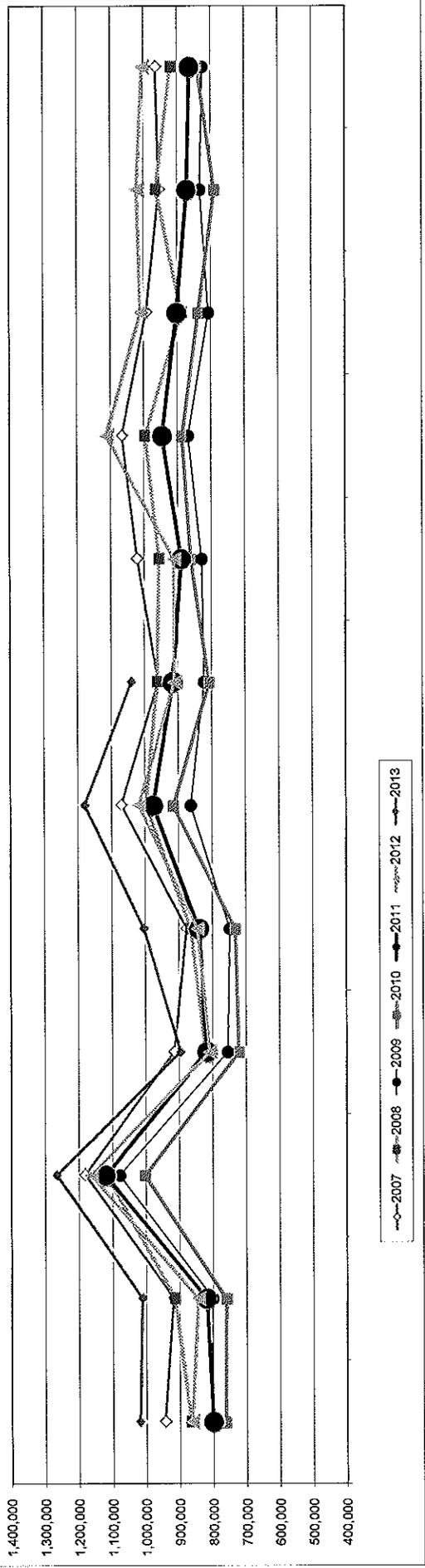
FISCAL YEAR COMPARISONS

	Percent Change													
	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2012 Eastern Shore Pair		2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
October	(77,352.18)	(60,688.33)	(41,862.72)	35,870.90	64,215.24	154,338.10	October	October	-8.19%	-7.00%	-5.19%	4.69%	8.02%	17.85%
November	(2,946.98)	(114,815.06)	(39,120.54)	57,878.72	25,508.36	166,471.51	November	November	-0.32%	-12.54%	-4.88%	7.60%	3.11%	19.69%
December	(62,579.30)	(41,674.64)	(74,293.25)	117,346.25	43,752.17	100,915.88	December	December	-5.29%	-3.72%	-6.89%	11.69%	3.90%	8.66%
January	(92,855.46)	(66,479.46)	(32,037.13)	93,725.86	(7,444.55)	85,931.60	January	January	-10.15%	-8.09%	-4.24%	12.95%	-0.91%	10.61%
February	(12,349.77)	(117,004.96)	(15,285.27)	107,432.41	4,333.33	159,248.16	February	February	-1.41%	-13.52%	-2.04%	14.65%	0.52%	18.84%
March	(72,982.34)	(195,080.26)	53,121.77	59,523.84	42,540.04	162,286.12	March	March	-6.81%	-13.53%	6.15%	6.49%	4.36%	15.93%
April	3,551.31	(140,518.52)	(13,584.60)	106,947.86	(5,097.99)	128,331.27	April	April	0.37%	-14.58%	-1.65%	13.21%	-0.56%	14.08%
May	(64,330.94)	(128,067.39)	33,154.73	27,690.79	21,893.97	-	May	May	-6.30%	-13.38%	4.00%	3.21%	2.46%	-
June	(69,159.77)	(128,964.63)	18,953.16	58,944.10	167,942.75	-	June	June	-6.49%	-12.93%	2.18%	6.64%	17.75%	-
July	(104,526.32)	(80,576.41)	31,078.40	63,264.91	107,735.64	-	July	July	-10.52%	-9.07%	3.85%	7.54%	11.94%	-
August	10,204.69	(132,641.91)	(41,270.55)	80,723.24	149,830.72	-	August	August	1.07%	-13.75%	-4.96%	10.21%	17.19%	-
September	(46,556.20)	(93,293.41)	15,777.66	22,594.96	141,030.68	-	September	September	-4.82%	-10.16%	1.91%	2.69%	16.33%	-
Annual \$ Change	(591,883.26)	(1,239,802.98)	(105,368.34)	831,943.84	756,240.56	957,522.64	Annual \$ Cha	Annual \$ Cha	-4.99%	-10.99%	-1.05%	8.37%	7.02%	8.65%

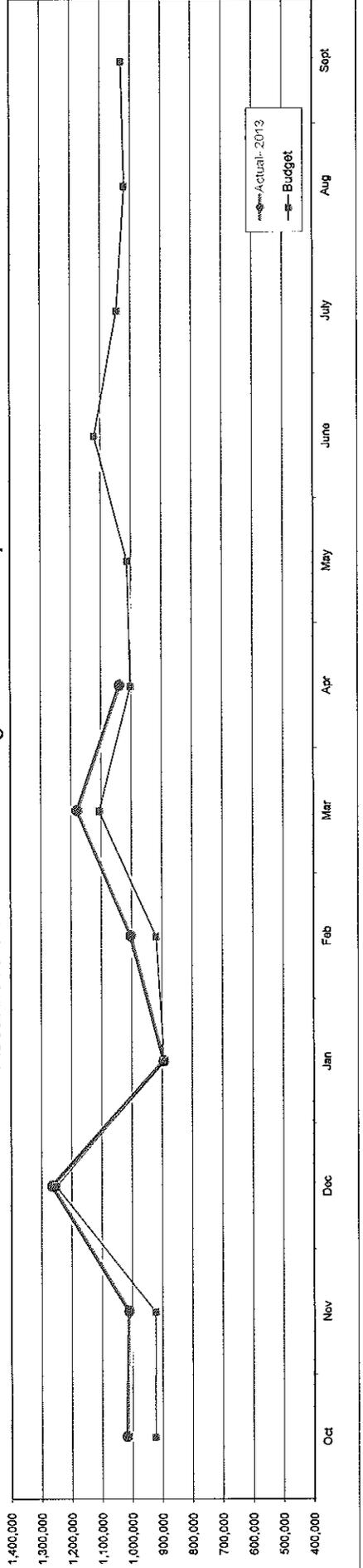
TOTAL collections thru: 2-28-13	7,417,775
Budgeted thru: 4-30-13	7,030,980
Actual Colls(-)/Budget 4-30-13	386,795
% Over/(Under) Budget 4-30-13	5.50%

TOTAL collections: FY 12	11,522,883
TOTAL est. bldg coll: FY 13	12,266,590
Budgeted Dollar Variance 12 & 13	746,227
Budgeted Percent Variance 12&13	6.48%

Sales & Use Tax Comparisons



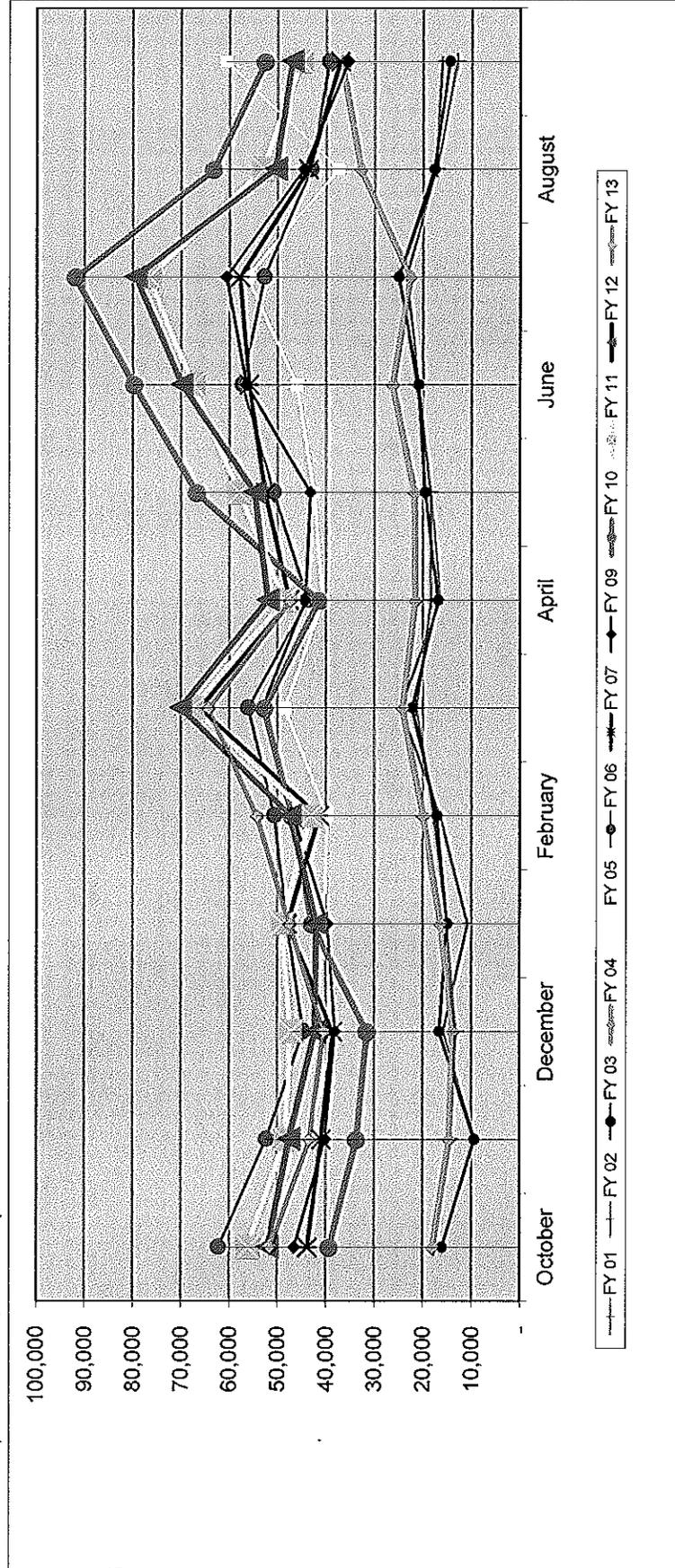
Fiscal 2013 Sales & Use Tax Budget vs. Actual Comparison



Monthly Lodging Tax Collections

	FY 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	47,434.55
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	349,048.08

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



GENERAL FUND

Summary Statement of Revenues and Expenditures

For the Month Ended April 30, 2013

with comparatives: 4-30-2006; 4-30-2007; 4-30-2008; 4-30-2009; 4-30-2010; 4-30-2011 & 4-30-2012

	4/30/2006	4/30/2007	4/30/2008	4/30/2009	4/30/2010	4/30/2011	4/30/2012	4/30/2013	Amended Budget	Adopted Budget	Budgetary Variance Over/(Under)	% Budget
Revenues												
Sales, Use, & Luxury Taxes	6,137,862	6,198,708	5,895,366	5,367,502	5,233,698	5,695,178	5,898,187	6,714,596	12,957,590	12,957,590	(6,242,994)	-48%
Payment in Lieu of Taxes	165,926	235,545	236,833	235,022	236,782	292,579	231,726	282,305	2,285,000	2,285,000	(2,002,695)	-88%
Ad Valorem Taxes	2,971,734	3,475,582	3,520,438	4,272,484	4,415,665	4,014,693	3,857,344	3,670,553	4,602,000	4,602,000	(931,447)	-20%
Licenses & Permits	1,714,258	1,895,655	2,065,837	1,561,587	1,560,018	1,675,846	1,677,596	1,850,917	1,846,700	1,851,000	4,217	0%
Other Revenues	1,061,674	891,616	779,661	776,012	901,916	806,643	756,310	736,590	1,374,372	1,338,183	(637,782)	-46%
Total Revenues	12,051,454	12,697,106	12,498,135	12,212,587	12,348,078	12,484,938	12,421,164	13,254,961	23,065,662	23,033,773	(9,810,701)	-43%
Expenditures												
General Government												
Personnel Operating	832,049	915,328	1,042,682	1,106,058	1,043,404	1,010,693	995,727	1,026,108	2,004,049	1,973,735	(977,941)	-49%
Capital	499,254	664,493	559,619	712,775	666,644	691,801	827,687	801,659	1,667,668	1,600,487	(866,009)	-52%
	78,750	-	-	-	-	-	-	-	130,000	-	(130,000)	-100%
	1,410,054	1,579,822	1,602,301	1,818,833	1,710,048	1,702,495	1,823,414	1,827,767	3,801,717	3,574,222	(1,973,950)	-52%
Public Safety												
Personnel Operating	2,460,354	2,896,570	3,877,836	4,030,685	4,235,889	4,228,544	4,245,787	4,284,649	7,931,726	7,893,309	(3,647,077)	-46%
Capital	632,720	730,039	816,822	688,584	538,324	531,428	639,735	693,294	1,242,530	1,228,575	(549,236)	-44%
	13,405	116,356	58,044	71,708	121,179	-	561,412	73,555	378,843	-	(305,288)	-81%
	3,106,479	3,742,965	4,750,702	4,790,976	4,895,391	4,759,972	5,446,933	5,051,497	9,553,099	9,121,884	(4,501,602)	-47%
Public Works												
Personnel Operating	1,061,625	1,317,370	1,210,218	1,302,129	1,251,101	1,284,537	1,325,310	1,377,977	2,485,481	2,475,145	(1,107,504)	-45%
Capital	677,468	738,212	683,650	700,282	528,375	746,581	703,660	858,887	1,630,887	1,676,128	(772,000)	-47%
	347,848	95,925	11,062	4,191	566,370	-	163,742	247,179	744,151	312,500	(496,972)	-67%
	2,086,940	2,151,508	1,904,930	2,006,602	2,345,846	2,031,118	2,192,712	2,484,043	4,860,519	4,463,773	(2,376,476)	-49%
Parks & Recreation												
Personnel Operating	508,610	531,080	688,222	687,433	681,745	644,973	659,789	661,946	1,279,869	1,260,820	(617,923)	-48%
Capital	284,316	329,031	353,707	313,326	318,092	320,017	311,051	369,420	763,715	763,715	(394,295)	-52%
	10,500	256,357	200,000	192,000	262,440	176,000	-	82,150	147,500	-	(65,350)	-44%
	803,426	1,116,467	1,241,930	1,192,758	1,262,277	1,140,990	970,840	1,113,516	2,191,084	2,024,535	(1,077,568)	-49%
Total Departmental												
Personnel Operating	4,862,638	5,660,348	6,818,958	7,126,304	7,212,138	7,168,748	7,226,613	7,350,679	13,701,125	13,603,009	(6,350,446)	-46%
Capital	2,093,758	2,461,775	2,413,799	2,414,967	2,051,435	2,289,827	2,482,133	2,723,260	5,304,800	5,268,905	(2,591,540)	-49%
Archer Pay Table	450,503	468,638	267,106	267,898	949,989	176,000	725,154	402,883	1,400,494	312,500	(897,611)	-71%
Archer Position Upgrades	-	-	-	-	-	-	-	-	142,579	154,547	-	0%
	-	-	-	-	-	-	-	-	37,238	37,238	-	0%
	7,406,899	8,590,761	9,499,863	9,808,169	10,213,561	9,634,575	10,433,900	10,476,822	20,586,236	19,376,199	(9,929,597)	-48%
Other Financing Sources & Uses												
Debt Proceeds	-	-	-	-	506,969	-	-	207,845	306,500	306,500	(98,655)	(98,655)
Transfers to Debt Service	(1,218,551)	(1,902,949)	(1,920,638)	(2,096,532)	(2,227,846)	(2,146,293)	(2,074,622)	(2,762,295)	(3,313,048)	(3,313,048)	(550,753)	17%
Other Transfers & Uses	(133,537)	(177,948)	(264,729)	(261,078)	(361,610)	(2,367,709)	(1,455,514)	(176,233)	(567,039)	(567,039)	(390,806)	69%
Total Other Financing Sources/Uses	(1,352,088)	(2,080,897)	(2,185,367)	(2,357,610)	(2,082,514)	(4,514,002)	(3,530,135)	(2,730,682)	(3,573,587)	(3,573,587)	(1,040,214)	29%
Total Revenues Over Expenditures	3,292,466	2,025,448	812,905	45,808	52,003	(1,663,639)	(1,542,871)	47,456	(1,094,161)	83,987	1,159,110	
Unreserved Fund Balance, 10-01	5,988,130	8,298,621	10,050,583	10,510,392	11,228,993	12,260,565	10,965,330	9,946,859				
Unreserved Fund Balance, 4-30	9,260,596	10,324,069	10,863,488	10,556,200	11,278,996	10,596,926	9,422,459	9,994,315				

NEW BUSINESSES

May-13

CITY LIMITS		CONTRACTORS	
RETAILERS		RNK PROPERTIES	1
BOB'S SCOOTER WORLD	1	LEES GLASS & WINDOW	1
LA ROSSO	1	COLONY FENCE CO LLC	1
E RECYCLING SYSTEMS	1	MASON EXCAVATING LLC	1
OLD IRON FENCE	1	AGA CURBS INC	1
DAPHNE PHARMACY	1	COMPASS CONSTRUCTION & DEVELOPMENT	1
POPEYES	1	JOHNS & KIRKSEY INC	1
U-SAVE LIQUIDATION OUTLET	1	INDUSTRIAL COATINGS GROUP INC	1
ALL OTHER		ALABAMA CONTAINER CO, LLC	1
MALAWI GIBSON	1	4 SONS CONSTRUCTION	1
HAMILTON MORTGAGE	1	MARQUIS TILE INC	1
PNC BANK	1	CUTTING EDGE CONSTRUCTION	1
SUMMIT INTEGRATION SYSTEMS	1	WORMLEY BROTHERS ENTERPRISES	1
FOODIES LLC	1	PRICE MASONRY LLC	1
JJPR LLC	1	RIDGELINE CONSTRUCTION INC	1
READ-WRITE	1	AIR TO AIR HEATING & COOLING	1
ALABAMA CREDIT UNION	1	ESTES REMODELING	1
USA OVERSTOCK	1	DUNKLEY STUCCO INC	1
CARRIGAN PROPERTIES	1	WHITE ELECTRICAL SERVICE	1
XOTIC ZUMBA	1	AHR METALS INC	1
HAGAN MEDIA	1	MONTEE FENCE COMPANY	1
HOMESTAR FINANCIAL CORP	1	TOTAL CONTRACTORS	21
CTI CONSULTANTS	1	INSURANCE	
NO OFF SEASON TRAINING FACILITY	1		1
JOHN H STRANGE LLC	1	TOTAL INSURANCE	1
BEST RATE INSURANCE	1		
WINUX LINDOWS	1		
TOTAL CITY LIMITS	25	TOTAL NEW BUSINESSES IN DAPHNE	64

OUTSIDE CITY LIMITS		CLOSED BUSINESSES IN DAPHNE	
STANLEY STEEMER	1		
WOLF BAY LODGE	1	TOTAL CLOSED BUSINESSES IN DAPHNE	0
ALABAMA BETA-COM INC	1		
CICERO'S DEVELOPMENT CO	1		
SAVVY MOM SALE LLC	1		



Daphne High School Band

Sound of the Eastern Shore

9300 Champions Way
Daphne, AL 36526



June 4, 2013

Dear Mayor Dane Haygood,

I am writing to request your help in obtaining new instruments and a new equipment trailer for the Daphne High School Band Program. The band program is capable of contributing a large amount to the purchase of this equipment but we need your help. Our band booster organization sought out a finance company but found the interest rate extremely high. Any help or guidance would be appreciative.

Our first need is a five octave marimba, which is an instrument we currently do not own. As of now we are unable to play the more advanced musical literature because of the lack of this instrument. Our indoor percussion ensemble needs this marimba to compete nationally. The discounted quoted price from a local music dealer is \$13,495.00.

Our second need is a set of five copper timpani. We currently own a set of four fiberglass timpani that are very old. Three of the timpani are twenty years old, the smallest is seventeen years old. Although we have taken very good care of these, age is starting to play a huge part in the sound and tone quality that the instrument produces. Also, we do not have a fifth timpani to make a complete set, which the more advanced literature that we perform requires. The cost of the new timpani would be \$13,665.00.

Our third need are new marching baritones. These instruments are over fifteen years old and have been repaired so many times that they will not hold out much longer. In the past few seasons we have had to spend a substantial amount of money just on repair and upkeep. Although we have nine of these instruments, we are only asking for three new ones. This will help us this year and allow us to start replacing our inventory little by little over the next couple of years. The price for a marching baritone is \$1,955.00 which would be \$5,865.00 total.

Finally, we would like to purchase a new equipment trailer. We have had considerable growth in our program and are currently using a 24 foot pull behind trailer and a box truck. The purchase of a new 38 foot fifth wheel or goose neck trailer would allow us to only use the box truck occasionally. We would save money on fuel by only using one trailer. We could also potentially sell our older trailer and use those funds for more equipment. We have estimated a cost of \$15,000.00 for a new trailer.

As I stated earlier, we are looking for any contribution or help in financing for this equipment. Our band booster organization has given our students great opportunities with the new instruments and equipment that we have purchased recently. Adding new baritones, a new marimba, new timpani, and a new trailer would further our goal of outstanding music education. Please help the Daphne High School Band continue to be the best band in our area.

Sincerely,

*Appropriation Request: \$48,025

Jamar Dumas
Daphne High School
Director of Bands

Mark Foster
Daphne High School
Associate Director of Bands

Perry Wolfe
Daphne High School
Band Booster President

City of Daphne Fire Department
MEMORANDUM

Date: June 6, 2013
To: Susanne Henson
From: K. Hanak
Subject: 2012 AFG Grant

Susanne,

Attached you will find the entire application as well as the award package for our 2012 AFG Grant to purchase 45 sets of turnout gear. As per your conversation with the Chief, we already have an active bid for these items. Will you please complete the direct deposit form and turn it in as soon as possible. We will also need to get on the Finance agenda for the match of \$8,325.

U.S. Department of Homeland Security
Washington, D.C. 20472



FEMA

Mr. Kenneth B. Hanak
Daphne Fire Department
P. O. Box 400
Daphne, Alabama 36526-0400

Re: Grant No.EMW-2012-FO-02871

Dear Mr. Hanak:

On behalf of the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS), I am pleased to inform you that your grant application submitted under the FY 2012 Assistance to Firefighters Grant has been approved. FEMA's Grant Programs Directorate (GPD), in consultation with the U.S. Fire Administration (USFA), carries out the Federal responsibilities of administering your grant. The approved project costs total to \$83,250.00. The Federal share is 90 percent or \$74,925.00 of the approved amount and your share of the costs is 10 percent or \$8,325.00.

As part of your award package, you will find Grant Agreement Articles. Please make sure you read and understand the Articles as they outline the terms and conditions of your grant award. Maintain a copy of these documents for your official file. **You establish acceptance of the grant and Grant Agreement Articles when you formally receive the award through the AFG online system.** By accepting the grant, you agree not to deviate from the approved scope of work without prior written approval from FEMA.

If your SF 1199A has been reviewed and approved, you will be able to request payments online. Remember, you should request funds when you have an immediate cash need.

If you have any questions or concerns regarding the awards process or how to request your grant funds, please call the helpdesk at 1-866-274-0960.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy W. Manning".

Timothy W. Manning
Deputy Administrator for National Preparedness and Protection

Agreement Articles



FEMA

U.S. Department of Homeland Security
Washington, D.C. 20472

AGREEMENT ARTICLES

ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM - Operations and Safety program

GRANTEE: Daphne Fire Department

PROGRAM: Operations and Safety

AGREEMENT NUMBER: EMW-2012-FO-02871

AMENDMENT NUMBER:

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Article II	Grantee Concurrence
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Article V	Financial Guidelines
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Article VII	GPD Allocations
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Article IX	FEMA Officials
Article X	Central Contractor Registration (CCR)

Article I - Project Description

The purpose of the Assistance to Firefighters Program is to protect the health and safety of the public and firefighting personnel against fire and fire-related hazards. After careful consideration, FEMA has determined that the grantee's project submitted as part of the grantee's application, and detailed in the project narrative as well as the request details section of the application - including budget information - is consistent with the program's purpose and worthy of award. Therefore, the grantee shall perform the work described in the approved grant application as itemized in the request details section of the application and further described in the grant application's narrative. These sections of the application are made a part of these grant agreement articles by reference. The grantee may not change or make any material deviations from the approved scope of work outlined in the above referenced sections of the application without prior written approval from FEMA.

Article II - Grantee Concurrence

By providing the Primary Contact's electronic signature and indicating acceptance of the award, the grantee accepts and agrees to abide by the terms and conditions of the grant as set forth in this document and the documents identified below. Grantees agree that they will use the funds provided through the Fiscal Year 2012 Assistance to Firefighters Grant Program in accordance with these Articles of Agreement and the

program guidelines provided in the Fiscal Year 2012 Assistance to Firefighters Grant program guidance. All documents submitted as part of the application are made a part of this agreement by reference.

Article III - Period of Performance

The period of performance shall be from **24-MAY-13 to 23-MAY-14**.

Article IV - Amount Awarded

The amount of the award is detailed on the Obligating Document for the Award attached to these articles. Following are the budgeted estimates for each object class of this grant (including Federal share plus grantee match):

Personnel	\$0.00
Fringe Benefits	\$0.00
Travel	\$0.00
Equipment	\$83,250.00
Supplies	\$0.00
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Indirect Charges	\$0.00
Total	\$83,250.00

NEGOTIATION COMMENTS IF APPLICABLE

The Program Office has made the following reductions to your grant:
 The approved quantity for turnout gear is 45 sets \$1,850 not 60 sets.
 Therefore, they have recommended the award at this level:
 Total budget \$83,250
 Federal share \$74,925
 Applicant share \$8,325

Any questions pertaining to your award package, please contact your GPD Grants Management Specialist:
 Marie Rogers
 Marie.Rogers@dhs.gov

Article V - Financial Guidelines

The grantee and any subgrantee shall comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit Requirements. A non-exclusive list of regulations commonly applicable to FEMA grants are listed below:

A. Administrative Requirements

1. 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
2. 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (OMB Circular A-110)

B. Cost Principles

- 1.

2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)

2. 2 CFR Part 220, Cost Principles for Educational Institutions (OMB Circular A-21)
3. 2 CFR Part 230, Cost Principles for Nonprofit Organizations (OMB Circular A-122)
4. Federal Acquisition Regulations (FAR), Part 31.2 Contract Cost Principles and Procedures, Contracts with Commercial Organizations

C. *Audit Requirements*

1. OMB Circular A-133, Audits of States, Local Governments, and Nonprofit Organizations

Article VI - Prohibition on Using Federal Funds

Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of FEMA.

Article VII - GPD Allocations

The recipient agrees that all allocations and use of funds under this grant will be in accordance with the FY 2012 Assistance to Firefighters Grant Program guidance and application kit.

Article VIII - Financial Reporting

Recipients of any Assistance to Firefighters Grants will be required to submit a semi-annual Federal Financial Report (FFR) via the automated system on the Standard Form 425. The FFR is intended to provide Federal agencies and grant recipients with a standard format and consistent reporting requirements throughout the government. The FFR, to be submitted using the online e-grant system, will be due semi-annually based on the calendar year beginning with the period after the award is made. Grant recipients will be required to submit a FFR throughout the entire period of performance of the grant.

The reporting periods for the FFR are January 1 through June 30 (Report due by July 31), and July 1 through December 31 (Report due by January 30).

At the end of the grant's period of performance, all grantees are required to produce a final report on how the grant funding was used and the benefits realized from the award. Grantees must submit a final financial report and a final performance report within 90 days after the end of the period of performance.

Article IX - FEMA Officials

Program Officer: Catherine Patterson is the Program Officer for the Assistance to Firefighters Grant Program. The Program Officer is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the approved grant application.

Grants Assistance Officer: Marketa Graham is the Assistance Officer for this grant program. The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all grant business matters. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a specialist.

Grants Management Division POC: The Grants Management Specialist shall be contacted to address all financial and administrative grant business matters for this award. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a specialist.

Article X - Central Contractor Registration (CCR)

Recipients of an AFG grant are required Central Contractor Registration (CCR) in the SAM.gov system. Active registration in the Central Contractor Registry ensures grantees are compliant with Federal regulations under Federal Financial Accountability and Transparency Act (FFATA). CCR registration is free, and may take up to 5 to 10 business days to process. For help with registering in the CCR, please visit SAM.gov for more information.

**FEDERAL EMERGENCY MANAGEMENT AGENCY
OBLIGATING DOCUMENT FOR AWARD/AMENDMENT**

1a. AGREEMENT NO: EMW-2012-FO-02871 **2. AMENDMENT NO:** 0 **3. RECIPIENT NO:** 63-0478139 **4. TYPE OF ACTION:** AWARD **5. CONTROL NO:** W279230N

6. RECIPIENT NAME AND ADDRESS:
Daphne Fire Department
28280 North Main Street
Daphne
Alabama, 36526-7604

7. ISSUING OFFICE AND ADDRESS:
Grant Programs Directorate
500 C Street, S.W.
Washington DC, 20528-7000
POC: Marketa Graham

8. PAYMENT OFFICE AND ADDRESS:
FEMA, Financial Services Branch
500 C Street, S.W., Room 723
Washington DC, 20472

9. NAME OF RECIPIENT PROJECT OFFICER: Kenneth B. Hanak **PHONE NO:** 2516212836 **10. NAME OF PROJECT COORDINATOR:** Catherine Patterson **PHONE NO:** 1-866-274-0960

11. EFFECTIVE DATE OF THIS ACTION: 24-MAY-13 **12. METHOD OF PAYMENT:** SF-270 **13. ASSISTANCE ARRANGEMENT:** Cost Sharing **14. PERFORMANCE PERIOD:** From:24-MAY-13 To:23-MAY-14

Budget Period
From:01-NOV-12 To:30-SEP-13

15. DESCRIPTION OF ACTION

a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (ACCS CODE) XXXX-XXX-XXXXX-XXXX-XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMMULATIVE NON-FEDERAL COMMITMENT
AFG	97.044	2013-1C-C111-P4000000-4101-D	\$0.00	\$74,925.00	\$74,925.00	\$8,325.00
TOTALS			\$0.00	\$74,925.00	\$74,925.00	\$8,325.00

b. To describe changes other than funding data or financial changes, attach schedule and check here:
N/A

16a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)

Assistance to Firefighters Grant recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)
N/A

DATE
N/A

18. FEMA SIGNATORY OFFICIAL (Name and Title)
Marketa Graham

DATE
15-MAY-13

[Go Back](#)

SECTION 1 (TO BE COMPLETED BY PAYEE)

Standard Form 1199A - Direct Deposit Sign-Up Form

OMB No 151-0007

NAME OF ORGANIZATION

City of Daphne

TYPE OF DEPOSITOR ACCOUNT

Checking

ADDRESS (Street/Route/FPO/Box/APO/HPO)

PO Box 400

DEPOSITOR ACCOUNT NUMBER

02000426

CITY

Daphne

STATE

Alabama

ZIP CODE

36526 -0400

TYPE OF PAYMENT

Other, Grant Award

EMW-2009-FO-09978 , EMW-2008-FO-02786 , EMW-2007-FO-00929 , EMW-2010-FO-07647 , EMW-2011-FO-07823 , EMW-2002-FG-19389 , EMW-2008-FF-00552 , EMW-2012-FO-02871

NAME OF PERSON(S) ENTITLED TO PAYMENT

Kimberly Briley

IS THIS BOX FOR A LOTMENT OF PAYMENT ONLY (if applicable)

EGITAN FOR PAYROLL NUMBER

Prefix 63-0478139

Suffix

TYPE

AMOUNT

PAYEE/JOINT PAYEE CERTIFICATION

I certify that I am entitled to the payment identified above. In signing this form, authorize my payment to be sent to the financial institution named below to be deposited to the designated account.

JOINT ACCOUNT HOLDERS' CERTIFICATION (optional)

I certify that I have read and understood the instructions, including the SPECIAL NOTICE TO JOINT ACCOUNT HOLDERS.

SIGNATURE

DATE

/ /

SIGNATURE

DATE

/ /

SIGNATURE

DATE

/ /

SIGNATURE

DATE

/ /

SECTION 2

GOVERNMENT AGENCY NAME

Federal Emergency Management Agency

GOVERNMENT AGENCY ADDRESS

Attn: Assistance to Firefighters Grant Program
Grants Management Branch, Room 350, 500 C Street S.W., Washington, D. C. 20472

SECTION 3 (TO BE COMPLETED BY FINANCIAL INSTITUTION)

NAME AND ADDRESS OF FINANCIAL INSTITUTION

ROUTING NUMBER

CHECK/DIGIT

DEPOSITOR ACCOUNT TITLE

FINANCIAL INSTITUTION CERTIFICATION

I confirm the identity of the above-named payee(s) and the account number and title. As representative of the above-named financial institution, I certify that the financial institution agrees to receive and deposit the payment identified above in accordance with 31 CFR Parts 240, 209, and 210.

PRINT OR TYPE REPRESENTATIVE'S NAME

SIGNATURE OF REPRESENTATIVE

TELEPHONE NUMBER DATE

/ /

Entire Application

Overview

*Did you attend one of the workshops conducted by DHS's regional fire program specialist?

No, I have not attended workshop

*Was a workshop offered within 2 hours drive?

No

*Are you a member, or are you currently involved in the management, of the fire department or non-affiliated EMS organization applying for this grant with this application?

Yes, I am a member/officer of this applicant

If you answered No, please complete the information below. If you answered Yes, please skip the Preparer Information section.

Fields marked with an * are required.

Preparer Information

- * Preparer's Name
- * Address 1
- Address 2
- * City
- * State
- * Zip [Need help for ZIP+4?](#)

In the space below please list the person your organization has selected to be the primary point of contact for this grant. This should be a Chief Officer or long time member of the organization who will see this grant through completion. Reminder: if this person changes at any time during the period of performance please update this information. Please list only phone numbers where we can get in direct contact with the POC.

Primary Point of Contact

- * Title Battalion Chief
- Prefix (check one) Mr.
- * First Name Kenneth
- Middle Initial B
- * Last Name Hanak
- * Business Phone (e.g. 123-456-7890) 251-621-2802 Ext.
- * Home Phone (e.g. 123-456-7890) 251-583-3215 Ext.
- Mobile Phone/Pager (e.g. 123-456-7890) 251-370-7817
- Fax (e.g. 123-456-7890) 251-621-2833
- * Email (e.g. user@xyz.org) KHanak864@Yahoo.com

Contact Information

Alternate Contact Information Number 1

* Title	Fire Chief
Prefix	Mr.
* First Name	James
Middle Initial	
* Last Name	White
* Business Phone	251-621-2810 Ext.
* Home Phone	251-626-9646 Ext.
Mobile Phone/Pager	251-583-8938
Fax	251-621-2833
* Email	jwhite@daphnfire.org

Alternate Contact Information Number 2

* Title	Finance Director
Prefix	Mrs.
* First Name	Kim
Middle Initial	
* Last Name	Briley
* Business Phone	251-621-9000 Ext.
* Home Phone	251-621-2836 Ext.
Mobile Phone/Pager	
Fax	251-626-3008
* Email	kmbriley@bellsouth.net

Applicant Information

EMW-2012-FO-02871

Originally submitted on 07/05/2012 by Kenneth B. Hanak (Userid: daphfire)

Contact Information:

Address: 28280 North Main Street

City: Daphne

State: Alabama

Zip: 36526

Day Phone: 2516212836

Evening Phone: 2515833215

Cell Phone: 2515833215

Email: KHanak864@yahoo.com

Application number is EMW-2012-FO-02871

- * Organization Name Daphne Fire Department
- * Type of Applicant Fire Department/Fire District
- * Type of Jurisdiction Served City
- If other, please enter the type of Jurisdiction
- * Employer Identification Number 63-0478139
- * What is your organization's DUNS Number? 800059230 (call 1-866-705-5711 to get a DUNS number)
- Headquarters or Main Station Physical Address
- * Physical Address 1 28280 North Main Street
- Physical Address 2
- * City Daphne
- * State Alabama
- * Zip 36526 - 7604
[Need help for ZIP+4?](#)
- Mailing Address
- * Mailing Address 1 P. O. Box 400
- Mailing Address 2
- * City Daphne
- * State Alabama
- * Zip 36526 - 0400
[Need help for ZIP+4?](#)
- * Please describe all grants that you have received from DHS, for example, 2008 AFG grant for a vehicle or 2010 HSGP grant for exercises. (Enter N/A if Not Applicable).
- 2002 AFG Grant for Wellness and Fitness
- 2007 CEDAP Grant for Hazardous Material Equipment
- 2007 AFG Grant for Fire Station Generators
- 2008 AFG Grant for Hose and Breathabale Air Compressor
- 2008 SAFER Grant for the Hiring of Firefighters
- 2009 AFG Grant for Cardiac Monitor Defibrillators
- 2010 AFG Grant for Radio Communications System
- 2011 AFG Grant for SCBA's and a Thermal Imaging Camera

Account Information

* Type of bank account Savings
 * Bank routing number - 9 digit number on the bottom left hand corner of your check 062001186
 * Your account number 02000426

Additional Information

* For this fiscal year (Federal) is your organization receiving Federal funding from any other grant program that may duplicate the purpose and/or scope of this grant request? No
 * If awarded the AFG grant, will your organization expend more than \$500,000 in Federal funds during your organization's fiscal year in which this AFG grant was awarded? No
 * Is the applicant delinquent on any Federal debt? No

If you answered yes to any of the additional questions above, please provide an explanation in the space provided below:

Department Characteristics (Part I)

* Are you a member of a Federal Fire Department or contracted by the Federal government and solely responsible for suppression of fires on Federal property? No
 * What kind of organization do you represent? Combination
 If you answered combination, above, what is the percentage of career members in your organization? 88 %
 If you answered volunteer or combination or paid on-call, how many of your volunteer Firefighters are paid members from another career department? 0
 * What type of community does your organization serve? Suburban
 * Is your Organization considered a Metro Department? No
 * What is the square mileage of your first-due response area? 19
 * What percentage of your response area is protected by hydrants? 100 %
 * In what county/parish is your organization physically located? If you have more than one station, in what county/parish is your main station located? Baldwin
 * Does your organization protect critical infrastructure of the state? Yes
 * How much of your jurisdiction's land use is for agriculture, wildland, open space, or undeveloped properties? 25 %
 * What percentage of your jurisdiction's land use is for commercial and industrial purposes? 30 %

* What percentage of your jurisdiction's land is used for residential purposes? 45 %

* How many occupied structures (commercial, industrial, residential, or institutional) in your jurisdiction are more than three stories tall? Do not include structures which are not regularly occupied such as silos, towers, steeples, etc. 14

* What is the permanent resident population of your Primary/First-Due Response Area or jurisdiction served? 21570

* Do you have a seasonal increase in population? Yes

If "Yes" what is your seasonal increase in population? 5000

* How many active firefighters does your department have who perform firefighting duties? 60

* How many ALS level trained members do you have in your department/organization? 22

* How many stations are operated by your organization? 4

* Is your department compliant to your local Emergency Management standard for the National Incident Management System (NIMS)? Yes

* Do you currently report to the National Fire Incident Reporting System (NFIRS)? Yes

If you answered yes above, please enter your FDIN/FDID 00508

* What percent of your active firefighters are trained to the level of Firefighter I? 100 %

* What percent of your active firefighters are trained to the level of Firefighter II? 100 %

If you answered less than 100% to either question above, are you requesting for training funds in this application to bring 100% of your firefighters into compliance with NFPA 1001? No

If you indicated that less than 100% of your firefighters are trained to the Firefighter II level and you are not asking for training funds in this application, please describe in the box below your training program and your plans to bring your membership up to Firefighter II.

* What services does your organization provide?

* Please describe your organization and/or community that you serve. We recommend typing your response in a Word Document outside of this application, then copying and pasting it into the written field. There is a 4000 character limit.

The Daphne Fire Department is a combination department on the Gulf Coast of Alabama. The City of Daphne is a suburb of Mobile, located on the eastern shore of Mobile Bay at Interstate 10, with a population of 21,570 people. Daphne provides protection to Interstate Ten at the entrance to the Mobile Bayway, an eight mile stretch of bridge that is part of the vital Interstate 10 corridor which stretches from the Atlantic to Pacific Oceans. The department operates out of four stations with 53 career personnel and 7 volunteer on call. For the past three years the department has averaged 2,375 emergency responses, with 2,480 in 2011. For 2012 we are on track to respond to 2,500, with 1,240 as of July 1, 2012. We provide fire suppression, advanced life

support EMS, a regional hazardous materials response team, and a regional technical rescue response. All firefighters are certified to a minimum of Firefighter I, II, and EMT Basic standard. All apparatus operators are certified as both pumper and aerial apparatus operators. All apparatus are staffed as ALS vehicles.

Fire Department Characteristics (Part II)

	2011	2010	2009
* What is the total number of fire-related civilian fatalities in your jurisdiction over the last three years?	0	0	0
* What is the total number of fire-related civilian injuries in your jurisdiction over the last three years?	1	0	0
* What is the total number of line of duty member fatalities in your jurisdiction over the last three years?	0	0	0
* What is the total number of line of duty member injuries in your jurisdiction over the last three years?	3	2	2
* Over the last three years, what was your organization's average operating budget?		2813369	
* What percentage of your TOTAL budget is dedicated to personnel costs (salary, overtime and fringe benefits)?		91 %	
* What percentage of your annual operating budget is derived from: Enter numbers only, percentages must sum up to 100%			
Taxes?	100 %		
<u>EMS Billing?</u>	0 %		
Grants?	0 %		
Donations?	0 %		
Fund drives?	0 %		
<u>Fee for Service?</u>	0 %		
Other?	0 %		
If you entered a value into Other field (other than 0), please explain	100% of operating funds is derived from tax revenue.		

* Please describe your organization's need for Federal financial assistance. We recommend typing your response in a Word Document outside of this application, then copying and pasting it into the written field. There is a 4000 character limit.

FINANCIAL NEED

Without the assistance of Federal Funds the Daphne Fire Department will be unable to replace this much needed equipment. The FY 2012 Operating budget for the Daphne Fire Department is broken down as follows:

- Salaries and benefits: \$2,685,620
- Employee Support (Training, Wellness, Immunizations): \$19,257
- Contracted Services (Volunteers, Medical Direction, Vehicle Insurance): \$ 14,760
- Community Fire Prevention:\$2,000
- Vehicle Fuel:\$25,000 (already over budget for FY12)
- Operating Supplies (Cleaning, office, etc.) \$8,900
- Medical Supplies: \$11,000
- Uniform Replacement: \$14,000

Small Equipment (Hose, Foam, Damaged Equipment): \$30,000
 Vehicle Maintenance: \$56,000
 Equipment Maintenance: \$14,000
 Computer Maintenance: \$5,000
 Software Maintenance: \$6,000
 Station Maintenance: \$14,000
 Utilities/Phone: \$49,745
 (The funding of this equipment has been consistently requested and denied)

Total Budget including salaries: \$2,955,282

Total Daily Operating: \$269,662 (Excluding salaries)

The Daphne Fire Department has requested these budget items multiple times without success. We have received no capital funds for the last four budget cycles, with none being available in current projections for upcoming years. The economy of the City of Daphne controlling tax revenues is highly driven by retail sales. The current economic downturn and slumping retail sales over the last three years has placed the city in a budget deficit. Slowing construction and housing markets have left low property tax returns as well. The recent BP oil spill caused a sharp decline in tourism to the area. The City of Daphne has been forced to pull funds from capital reserves to balance the operating budget for the last two years. The career fire department has no reserve funds. All operating funds are derived from tax revenue and are provided by the City of Daphne. Nine of the career personnel for the department have also been funded under the SAFER program for the last four years. As this grant period is coming to an end, the additional burden of these nine salaries is placing an ever increasing strain on the budget. Without assistance from this grant program, these projects will not be possible.

* How many vehicles does your organization have in each of the types or class of vehicle listed below? You must include vehicles that are leased or on long-term loan as well as any vehicles that have been ordered or otherwise currently under contract for purchase or lease by your organization but not yet in your possession. (Enter numbers only and enter 0 if you do not have any of the vehicles below.)

Type or Class of Vehicle	Number of Front Line Apparatus	Number of Reserve Apparatus	Number of Seated Riding Positions
Engines or Pumpers (pumping capacity of 750 gpm or greater and water capacity of 300 gallons or more): Pumper, Pumper/Tanker, Rescue/Pumper, Foam Pumper, CAFS Pumper, Type I or Type II Engine Urban Interface	5	1	24
Ambulances for transport and/or emergency response	0	0	0
Tankers or Tenders (pumping capacity of less than 750 gallons per minute (gpm) and water capacity of 1,000 gallons or more):	0	0	0
Aerial Apparatus: Aerial Ladder Truck, Telescoping, Articulating, Ladder Towers, Platform, Tiller Ladder Truck, Quint	1	0	5
Brush/Quick attack (pumping capacity of less than 750 gpm and water carrying capacity of at least 300 gallons): Brush Truck, Patrol Unit (Pick up w/ Skid Unit), Quick Attack Unit, Mini-Pumper, Type III Engine, Type IV Engine, Type V Engine, Type VI Engine, Type VII Engine	1	0	2
Rescue Vehicles: Rescue Squad, Rescue (Light, Medium, Heavy), Technical Rescue Vehicle, Hazardous Materials Unit	1	0	2
Additional Vehicles: EMS Chase Vehicle, Air/Light Unit, Rehab Units, Bomb Unit, Technical Support (Command, Operational Support/Supply), Hose Tender, Salvage Truck, ARFF (Aircraft Rescue Firefighting), Command/Mobile Communications Vehicle,	8	0	20

Department Call Volume

	2011	2010	2009
* How many responses per year by category? (Enter whole numbers only. If you have no calls for any of the categories, enter 0)			
Working Structural Fires	37	36	31
False Alarms/Good Intent Calls	451	436	314
Vehicle Fires	12	17	8
Vegetation Fires	45	15	11
EMS-BLS Response Calls	0	0	0
EMS-ALS Response Calls	1505	1462	1264
EMS-BLS Scheduled Transports	0	0	0
EMS-ALS Scheduled Transports	0	0	0
Vehicle Accidents w/o Extrication	228	260	217
Vehicle Extrications	10	5	5
Other Rescue	13	4	12
Hazardous Condition/Materials Calls	44	32	49
Service Calls	128	228	215
Other Calls and Incidents	9	17	8
Total	2482	2512	2134
* How many responses per year by category? (Enter whole numbers only. If you have no calls for any of the categories, enter 0)			
What is the total acreage of all vegetation fires?	7	1	5
* How many responses per year by category? (Enter whole numbers only. If you have no calls for any of the categories, enter 0)			
In a particular year, how many times does your organization receive mutual/automatic aid?	32	24	6
In a particular year, how many times does your organization provide mutual/automatic aid? (Do not include first-due responses claimed above).	68	48	11
Total Mutual / Automatic Aid	100	72	17
Out of the mutual/automatic aid responses, how many were structure fires?	57	35	9

Request Information

1. Select a program for which you are applying. If you are interested in applying under both Vehicle Acquisition and Operations and Safety, and/or regional application you will need to submit separate applications.

Program Name

Operations and Safety

2. Will this grant benefit more than one organization?

Yes

If you answered Yes to Question 2 above, please explain.

During 2011 the Daphne Fire Department provided mutual aid on 68 occasions. This equipment will be utilized in providing mutual aid response to any requesting department. The department currently has automatic mutual aid agreements with 3 surrounding volunteer fire departments and provides hazardous material and technical rescue response county wide.

3. Enter Grant-writing fee associated with the preparation of this request. Enter 0 if there is no fee.

\$0

Request Details

The activities for program **Operations and Safety** are listed in the table below.

Activity	Number of Entries	Total Cost	Additional Funding
Equipment	0	\$ 0	\$ 0
Modify Facilities	0	\$ 0	\$ 0
Personal Protective Equipment	1	\$ 83,250	\$ 0
Training	0	\$ 0	\$ 0
Wellness and Fitness Programs	0	\$ 0	\$ 0

* Total Funding for all EMS requested in this application \$0

Grant-writing fee associated with the preparation of this request. \$0

Personal Protective Equipment

Personal Protective Equipment Details

- | | |
|---|---|
| 1. Select the PPE that you propose to acquire | Complete Set of Turnout Gear |
| Please provide further description of the item selected above. | A complete set of turnout gear for each firefighter to include coat, pants, rubber boots, gloves, and nomex hood. |
| 2. Number of units: | 45 (whole number only) |
| 3. Cost per unit: | \$1850 (whole dollar amounts only) |
| 4. Please provide your percentage for the appropriate question below: | 100% |

- For turnout requests, what percentage of your on-duty active members **will have** PPE that meets applicable NFPA and OSHA standards if this grant is awarded?
- If you are requesting new SCBA, what percentage of your seated riding positions **will have** compliant SCBA assigned to it if this grant is awarded?
- If you are requesting specialized PPE (e.g., Haz-Mat), what percentage of applicable members **will have** specialized PPE that meets applicable NFPA and OSHA standards if this grant is awarded? For example, if your 100-member department has a 10-member Haz-Mat team and you are requesting 10 Haz-Mat suits, you are requesting 100% of the applicable members.

5. What is the purpose of this request?

to replace or upgrade old/obsolete equipment (It must be a minimum of 10 years or older)

If you have indicated you are requesting PPE (any PPE other than SCBA) in the Question 1 above, what are the specific ages of your equipment in years? If requesting SCBA, click on "N/A", do not provide PPE ages here but continue on to the next question. **Please assure that you've accounted for ALL gear for ALL members declared in Department Characteristics - not just the gear you wish to replace.**

Age (in Years)	# of Items
Less than 1	
1	
2	3
3	3
4	5
5	4
6	5
7	5
8	5
9	6
10	6
11	5
12	4
13	4
14	
15	
16 or more	
Number of members without gear	5

If you have indicated you are requesting SCBA in the Question above, to which edition(s) of NFPA are your SCBA compliant? If not requesting SCBA, please click on "N/A" and continue on to the next question. **Please account for ALL SCBA currently in your department's inventory - not just the equipment you wish to replace.**

Year	# of NFPA compliant SCBA
N/A	
2007 Standard	
2002 Standard	
Older Standards	

6. Is this PPE: For protection use against fire

If you selected For some other use above, please specify

7. Will this equipment be used for wildland firefighting purposes? Yes

8. Is your department trained in the proper use of this equipment being requested? Yes

9. Are you requesting funding for training for this equipment? No

If you are not requesting training funds through this application, will you obtain training for this equipment through other sources? Yes

Firefighting PPE - Narrative

* Section # 1 Project Description: In the space provided below include clear and concise details regarding your organization's project's description and budget. This includes providing local statistics to justify the needs of your department and a detailed plan for how your department will implement the proposed project. Further, please describe what you are requesting funding for including budget descriptions of the major budget items, i.e., personnel, equipment, contracts, etc.? *3000 characters

This project will be to replace or purchase a complete set of turnout gear for all members of the Daphne Fire Department, both career and volunteer. During 2011 the department responded to 37 working structural fires, 12 vehicle fires, 45 vegetation fires, and 238 motor vehicle collisions, 10 with extrication. We also provided mutual aid on 68 occasions. This turnout gear will provide the most basic, necessary level of safety to our responders while responding to fire and rescue incidents. The current condition of the majority of the department's turnout gear does not meet the current NFPA standards, leaving firefighters at risk. Budget cuts and increasing call volumes have prevented the department from replacing turnout gear as needed. The basic prices for the equipment were researched from multiple vendors and an average cost was established as follows:

Turnout Coat: \$800
 Turnout Pants: \$710
 Nomex Hood: \$15
 Rubber Boots: \$ 90
 Gloves: \$35
 Helmet: \$200

If awarded, this Equipment will be purchased through an open, competitive bid process, with the lowest cost vendor who meets the specifications being selected.

* Section # 2 Cost/Benefit: In the space provided below please explain, as clearly as possible, what will be the benefits your department or your community will realize if the project described is funded (i.e. anticipated savings and/or efficiencies)? Is there a high benefit for the cost incurred? Are the costs reasonable? Provide justification for the budget items relating to the cost of the requested items. *3000 characters

This equipment will be utilized by firefighters on a daily basis. This turnout gear will provide firefighters with the Daphne Fire Department the most basic and necessary level of protection needed in the fire service. Firefighters will be able to operate more safely and efficiently at the scene of incidents knowing that their personal protective equipment is providing an adequate level of safety. On a recent apartment fire, four firefighters sustained injuries which could have possibly been avoided with new turnout gear. This new equipment will help the department to reach its goal of zero firefighter injuries or fatalities. The cost of replacing turnout gear, boots, gloves, hood, and helmet is minimal compared to the cost which would be incurred by a single firefighter injury or fatality.

* Section # 3 Statement of Effect: How would this award affect the daily operations of your department (i.e., describe how frequently the equipment will be used or what the benefits will provide the personnel in your department)? How would this award affect your department's ability to protect lives and property in your community? *3000 characters

As mentioned previously, this equipment will be utilized by firefighters on a daily basis. It will provide them with the necessary level of personal protection for carrying out their duties. It will provide firefighters with the confidence that their personal protective equipment will provide adequate protection while operating at the scene of incidents. This will increase their efficiency while operating at the scene of incidents both within the jurisdiction of the Daphne Fire Department and while providing mutual aid to surrounding departments.

* Section # 4 In the space provided below include details regarding your organization's request not covered in any other section. *3000 characters

A decade ago, the department envisioned a program of replacing turnout gear for all members on a five year cycle. Budget shortfalls due to hurricanes Katrina and Ivan, the economic downturn, and the BP oil spill have prevented the department from replacing turnout gear once it has become worn and dated. The increased cost of fuel, utilities, maintenance, and supplies has forced funds to be allocated towards basic operating expenses rather than replacing turnout gear.

Without assistance from the AFG program, the firefighters within the City of Daphne will be unable to receive this essential equipment. The current financial projections show that this trend is likely to continue for several years. This problem being faced by Daphne firefighters will only continue to grow as time moves forward.

Budget

<u>Budget Object Class</u>	
a. Personnel	\$ 0
b. Fringe Benefits	\$ 0
c. Travel	\$ 0
d. Equipment	\$ 83,250
e. Supplies	\$ 0
f. Contractual	\$ 0
g. Construction	\$ 0
h. Other	\$ 0
i. Indirect Charges	\$ 0
j. State Taxes	\$ 0
Federal and Applicant Share	
Federal Share	\$ 74,925
Applicant Share	\$ 8,325
Federal Rate Sharing (%)	90/10
* <u>Non-Federal Resources</u> (The combined Non-Federal Resources must equal the Applicant Share of \$ 8,325)	
a. Applicant	\$ 8,325
b. State	\$ 0

c. Local	\$ 0
d. Other Sources	\$ 0

If you entered a value in Other Sources other than zero (0), include your explanation below. You can use this space to provide information on the project, cost share match, or if you have an indirect cost agreement with a federal agency.

The project match will be provided by the City of Daphne.

Total Budget	\$ 83,250
---------------------	------------------

Narrative Statement

For 2011 and on, the Narrative section of the AFG application has been modified. You will enter individual narratives for the Project Description, Cost-Benefit, Statement of Effect, and Additional Information in the Request Details section for each Activity for which you are requesting funds. Please return to the Request Details section for further instructions. You will address the Financial Need in Applicant Characteristics II section of the application. We recommend that you type each response in a Word Document outside of the grant application and then copy and paste it into the spaces provided within the application.

Assurances and Certifications

FEMA Form SF 424B

You must read and sign these assurances. These documents contain the Federal requirements attached to all Federal grants including the right of the Federal government to review the grant activity. You should read over the documents to become aware of the requirements. The Assurances and Certifications must be read, signed, and submitted as a part of the application.

Note: Fields marked with an * are required.

O.M.B Control Number 4040-0007

Assurances Non-Construction Programs

Note: Certain of these assurances may not be applicable to your project or program. If you have any questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. Section 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. Sections 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. Sections 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Acts of 1968 (42 U.S.C. Section 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination

provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Title II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interest in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. Section 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Section 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signed by **Kenneth Hanak** on **07/05/2012**

Form 20-16C

You must read and sign these assurances.

Certifications Regarding Lobbying, Debarment, Suspension and Other Responsibility Matters and Drug-Free Workplace Requirements.

Note: Fields marked with an * are required.

O.M.B Control Number 1660-0025

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying; and 44 CFR Part 17, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Homeland Security (DHS) determines to award the covered transaction, grant, or cooperative agreement.

1. Lobbying

A. As required by the section 1352, Title 31 of the US Code, and implemented at 44 CFR Part 18 for persons (entering) into a grant or cooperative agreement over \$100,000, as defined at 44CFR Part 18, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid by or on behalf of the undersigned to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement and extension, continuation, renewal amendment or modification of any Federal grant or cooperative agreement.

(b) If any other funds than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities", in accordance with its instructions.

(c) The undersigned shall require that the language of this certification be included in the award documents for all the sub awards at all tiers (including sub grants, contracts under grants and cooperative agreements and sub contract(s)) and that all sub recipients shall certify and disclose accordingly.

2. Debarment, Suspension and Other Responsibility Matters (Direct Recipient)

A. As required by Executive Order 12549, Debarment and Suspension, and implemented at 44CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A, the applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency.

(b) Have not within a three-year period preceding this application been convicted of or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or perform a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

(c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification: and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. Drug-Free Workplace (Grantees other than individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 44CFR Part 17, Subpart F, for grantees, as defined at 44 CFR part 17, Sections 17.615 and 17.620:

(A) The applicant certifies that it will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug free awareness program to inform employees about:

- (1) The dangers of drug abuse in the workplace;
- (2) The grantees policy of maintaining a drug-free workplace;
- (3) Any available drug counseling, rehabilitation and employee assistance programs; and
- (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant to be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

- (1) Abide by the terms of the statement and
- (2) Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

(e) Notifying the agency, in writing within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to the applicable DHS awarding office, i.e. regional office or DHS office.

(f) Taking one of the following actions, against such an employee, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement or other appropriate agency.

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

(B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance

Street	City	State	Zip	Action
28280 N Main St	Daphne	Alabama	36526 -7064	

If your place of performance is different from the physical address provided by you in the Applicant Information, press *Add Place of Performance* button above to ensure that the correct place of performance has been specified. You can add multiple addresses by repeating this process multiple times.

Section 17.630 of the regulations provide that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for DHS funding. States and State agencies may elect to use a Statewide certification.

Signed by Kenneth Hanak on 07/05/2012

FEMA Standard Form LLL

Only complete if applying for a grant for more than \$100,000 and have lobbying activities. See Form 20-16C for lobbying activities definition.

Submit Application

Application 100% complete, Submitted

Please click on any of the following links to visit a particular section of your application. Once all areas of your application are complete, you may submit your application.

Application Area	Status
Overview	Complete
Contact Information	Complete
Applicant Information	Complete
Applicant Characteristics (I)	Complete
Applicant Characteristics (II)	Complete
Department Call Volume	Complete
Request Information	Complete
Request Details	Complete
Budget	Complete
Narrative Statement	Complete
Assurances and Certifications	Complete

PLEASE READ THE FOLLOWING STATEMENTS BEFORE YOU SUBMIT.

- YOU WILL NOT BE ALLOWED TO EDIT THIS APPLICATION ONCE IT HAS BEEN SUBMITTED. If you are not yet ready to submit this application, save it, and log out until you feel that you have no more changes.
- When you submit this application, you, as an authorized representative of the organization applying for this grant, are certifying that the following statements are true:

To the best of my knowledge and belief, all data submitted in this application are true and correct.

This application has been duly authorized by the governing body of the applicant and the applicant will comply to the Assurances and Certifications if assistance is awarded.

To sign your application, check the box below and enter your password in the space provided. To submit your application, click the Submit Application button below to officially submit your application to FEMA.

Note: The primary contact will be responsible for signing and submitting the application. Fields marked with an * are required.

I, Kenneth B Hanak, am hereby providing my signature for this application as of 05-Jul-2012.

Dane Haygood
Mayor

Rebecca 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

Memorandum

To: Councilwoman Tommie Conaway; Chairman, Finance Committee
Thru: The Honorable Mayor Dane Haygood
From: Richard D. Johnson, P.E.; Public Works Director 
CC: Kim Briley, Finance Director; File
Date: June 4, 2013
Re: BID#: 2013-N-Truck Chassis and Knuckleboom Loader – Public Works Trash Department

Councilwoman Conaway:

Six bids were received for the 2013-N-Truck Chassis and Knuckleboom Loader. Based upon our review of the submitted bids, it is my recommendation to award the Contract to **Gulf City Body and Trailer**. They were the only bidder that met the letter of the issued specification without noted exception. The contract should be awarded in the amount of the qualifying bid: \$120,500.00.

This is a request for the acceptance of the qualifying low bid and the awarding of the contract. An appropriation of \$140,000.00 for a replacement Knuckleboom Loader was made as part of the recent FY2013 Capital Equipment Budget.

Yours,

RDJ

CITY OF DAPHNE
2013-N-TRUCK CHASSIS AND KNUCKLEBOOM LOADER

JUNE 10, 2013
11:30AM
CITY HALL

Those present were as follows:

Melvin McCarley	PW Superintendent
Buck Conaway	SW Supervisor
Duke Crutchfield	Mechanical Supervisor
Suzanne Henson	Senior Accountant
Richard Johnson	PW Director

18 bid invitations were mailed/picked up, 4 sealed bids were received.
Melvin McCarley opened the bids presented and the bids were read aloud as follows:

<u>VENDOR</u>	<u>Description</u>	<u>AMOUNT</u>
Ingram Equipment Co., LLC	2013 FreightLiner Pac-mac-KBF-20H (TKB1824 Body) \$119,778 / 2-4 Weeks Delivery Pac-Mac-KBF-20H-HJ (TKB1925 Body) \$122,662 / 2-4 Weeks Delivery	
Empire Truck Sales, LLC	2014 Freightliner- subject to EOY Year Model Increase w/Brush Hawg \$126,500 /90-120 Day Delivery w/Peterson Loader \$112,800 /90-120 Day Delivery	
Gulf City Body & Trailer Works, Inc.	2013 Kenworth/Bushhog	\$120,500 / 3 Day Delivery
Ward International Trucks Inc.	2014 International / Pac-Mac	\$118,785 / 90-105 Day Delivery



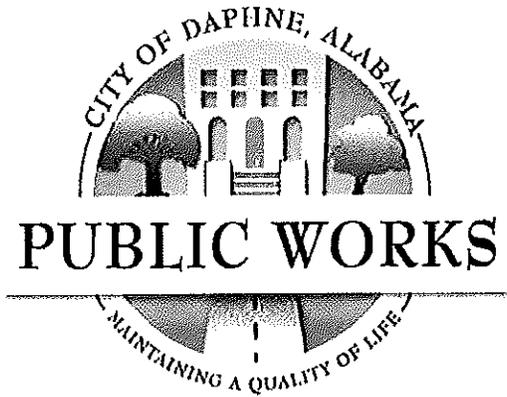
Suzanne Henson, Senior Accountant

Fred Small
Mayor

David Cohen
City Clerk

Kimberly Briley
Finance Director/Treasurer

Richard Johnson, P. E.
Director of Public Works



Bailey Yelding, Jr.
District 1

Cathy Barnette
District 2

John L. Lake
District 3

Kelly Reese
District 4

Ronald Scott
District 5

Derek Boulware
District 6

August Palumbo
District 7

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

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

A handwritten signature in black ink, appearing to read "R. Johnson".

Date: June 10, 2013

Re: 2013-O-Pine Straw

Bids were sent out for the annual purchase of pine straw. No bids were received and we went out for negotiations. John Deere Landscape has submitted a bid of \$4 per bale. This cost is comparable to current prices paid for pine straw.

We recommend awarding the bid to John Deere Landscape in the amount of \$4 per bale.

Please call me if you have any questions.

Negotiated Bid

1. Long Leaf Pine Straw

Comply YES Exception _____

2. Bale – Size 14' x14" x 26"

Comply YES Exception _____

3. The trailer will be dropped off to work out of until it is empty

Comply YES Exception _____

4. All bales need to be clean pine straw

Comply YES Exception _____

5. Delivery Time – 10 working days after order is placed

Comply YES Exception _____

Bid for the described work submitted to the City of Daphne, Al this 5 day of June, 2013.

Corporate Seal

Signature: C.B. Wilson

Printed Name: Christopher B. Wilson

Company: JOHN DEERE LANDSCAPE

Address: 26280 Public Works Rd
Daphne, AL 36526

Telephone: 251) 626-8178

Fax: 251) 626-2491

Federal Identification Number: 364 485550

E-Mail: C.Wilson@johndeere Landscapes.com

\$4.00
PER BALE

CITY OF DAPHNE
BID OPENING MINUTES
BID DOCUMENT NO: 2013-O-PINESTRAW
MAY 21, 2013
11:30 A.M. CITY HALL

Those present were as follows:

Mr. Melvin McCarley PW Superintendent – *(Did not attend since there were no bids)*
Ms. Suzanne Henson Senior Accountant

5 bid invitations were mailed/picked up, 0 sealed bids were received.

Melvin McCarley opened the bids presented and the bids were read aloud as follows:

VENDOR

COST

NO BIDDERS

Long Leaf Pine Straw - \$ /Bale



Suzanne Henson, Sr. Accountant

Public Safety Committee

Wednesday, June 12, 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, Melvin McCarley, Captain Taylor.

CALL TO ORDER

Councilman Rudicell **convened** the meeting at 4:35 p.m.

PUBLIC PARTICIPATION – David Fannon, 1317 Lovette Lane, was in attendance asking the committee to consider changing the speed limit back to 30 mph on College Avenue. He didn't understand why it was changed due to a few complainers. He said that cars look like they are going faster than they actually are. Councilman Scott advised Mr. Fannon that those that attended wanting something done about the speeding traffic wanted speed bumps but that we compromised by lowering the speed limit. Scott also stated that the PSC responded to a need and that the police department does not go over the top writing petty tickets. Melvin stated that as he replaces street signs every 10 years to regulation and that as that as he replaces speed limit signs, they are being changed to 25 mph and the City Council passed an ordinance to that affect. Mr. Scott thanked Mr. Fannon from coming and speaking but that the speed limit in Daphne is 25 mph unless otherwise posted and that they speed limit change on College Avenue was going to stay as is.

Sherry Forte, 1260 Patrick Street, secretary of Potters Mill HOA was in attendance. Their HOA had their general meeting in May and many were unhappy about the traffic. These included speeding problems, and enforcement problems. The 3-way stop is being run constantly. Randy Parkison from 505 Potters Mill Avenue is also on the HOA board in Potters Mill. He requested that the city place a Pedestrian Crosswalk Yield sign at the crosswalk at Main Street and Potters Mill Avenue. He also suggested that one be placed in front of Christ the King School on Main Street at that crosswalk. Councilman Rudicell talked with Richard Johnson on running a sidewalk behind the Nicholson Center on Second Street and Johnson advised him that it was in the Master Plan. Melvin stated that he believes that Second St will be paved by the end of this year and will more than likely get a sidewalk on Second St. rather than on McMillan Ave that leads down to Captain O'Neal. Captain Taylor said that even if a Pedestrian Crosswalk sign was placed on Main Street at the crosswalk coming from Potters Mill S/D you can't make people stop. Rudicell asked Melvin to check on other ways to slow down traffic for pedestrians. Taylor reiterated that it is not a state law to yield to pedestrians that are in the middle of the road which is why we have school crossing guards to walk people across the roadways at crosswalks. Rudicell asked Melvin if painting "Prepare to Stop" in yellow paint in the roadway help? He stated probably not. Melvin stated he could place orange flags at the crosswalk to help get their attention.

Kathy Ebbit, 306 Potters Mill Avenue, was in attendance is opposition of speed bumps in Potters Mill. She stated that this has been an ongoing issue. You can't get a fire truck in the Main Street entrance which means they have to access the neighborhood from the back way. She does not want orange flags.

rumble strips, or speed bumps. She asked a realtor is all of the above devalued a property and he stated that sometimes it does.

Shirley Reisinger, 308 Potters Mill Avenue, lives right at the 3 way stop in Potters Mill. She asked where rumble strips would be placed if some were installed. Melvin responded that they would be placed about 2 houses back from the stop sign. Reisinger stated that she is not in favor of any devices being put in Potters Mill S/D. She is not sure if it is a pet peeve of the board to have them installed but if they lived on the main drag, they would not be pursuing it. Kathy Ebbitt stated that if they were all about safety and protecting people then they need to put iron bars on their houses.

Councilman Rudicell stated to let's see what response we get by doing a minimum, painting "Stop Ahead"

Mike Schiebert, 1261 Frances St is no fan of speed bumps. He is aware that many run the stop sign and is not sure of an answer. Maybe a flashing light on the signs or across the street. He asked what solutions the committee could offer. Melvin advised that he could do a traffic study now and another one when school starts. Rudicell will talk with Richard Johnson to confirm that the street behind the Nicholson Center is on the list to be paved.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from May 8, 2013. Councilman Fry made a motion to accept the minutes with a second by Councilman Scott. Motion passed.

POLICE DEPARTMENT

- A. New Business – Captain Taylor stated that the PD had 4 new officers starting tomorrow at 8:00 a.m. All will go through the police academy in Anniston starting September 3 and will be training in-house until then. They will be solo officers around December 15 and 17, 2013. Taylor advised that the murder case at Eastern Shore Motel in April will go to the Grand Jury in September. Rudicell advised that the mayor had signed off on permission to apply for the SRO Grant. Councilman Lejeune inquired why so many B&E's on the monthly report? Taylor advised that they were just a carryover from the rash of B&E's we had a few months ago. He advised that May's B&E's were way down. Councilman Fry asked if there were a way to mount a camera on the speed trailers. Taylor advised "No".

FIRE DEPARTMENT

- A: New Business – Chief White advised that HR conducted the oral part of the firefighter exam and that he offered two a job. They should start June 29th. They will require no school as they are already certified. He reminded all of the Ribbon Cutting Ceremony on Saturday, June 15 from 10:00 – 2:00 at the new Training Facility/Fire Station. Daphne Utilities is supplying hot dogs, Spanish Fort and inflatable safety house, Sunbelt and Sam's a monetary donation, and Recreation – popcorn.

Councilman Scott asked Chief White to commend Battalion Chief Hanak for his grant application efforts and hard work on grant writing.

Melvin advised that Public Works received 11 new upgraded traffic counters.

B. Old Business-

OTHER BUSINESS :

ADJOURN

There being no further business to discuss, Mr. Rudicell made a motion to adjourn the meeting at 5:35 p.m. Mr. LeJeune seconded. The next meeting will be Wednesday, July 10, 2013 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,
Daphne Public Safety Committee



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

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	1	4
11-Structure Fire/Commercial	0	0
11-Structure Fire/Residential	0	7
12-Fire in Mobile Property used as fixed structure	0	0
13-Mobile Property (vehicle) Fire	0	7
14-Natural Vegetation Fire	1	4
15-Outside Rubbish Fire	1	6
16-Special Outside Fire	0	0
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	1	1
3-Rescue Call and Emergency Medical Service Incidents:	155	622
4-Hazardous Conditions (No fire):	3	14
5-Service Call:	14	66
6-Good Intent Call:	19	68
7-False Alarm & False Call:	14	73
8-Severe Weather & Natural Disaster:	0	0
9-Other Situation:	0	1
Total Emergency Calls:	205	846
Monthly Total Calls:	209	875
Highest:		
	12 min 20:00 3:00	20:00 3:00
Lowest:		
	<1:00	<1:00
Average (Minutes/Seconds) :		
	5:00	5:00
Miscellaneous Reports:		
Training Hours	151.75	788.75
Property Loss - \$	0	97,345
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues	115	421
Number of Patients Treated	154	678
Child Passenger Safety Seat Inspections/Installations	5	32
Pre-Plans	2	2
Classes		
	0	0
Persons Attending		
	0	0
Plan Reviews		
	1	10
Final/Certificate of Occupancy		
	1	3
General/Annual Inspections		
	5	26
General/Re-Inspections (Violation Follow-up - Annual)		
	0	5
Business Licenses		
	3	18
All Other/Misc. Activities		
	6	6
Total Activities:	16	68

12 min.

Authorized by:

James White

10:00 AM
 Ribbon Cutting:

Parol Division	Detective Division:	JAIL:	Animal Control	Crimes Reported This Month:
(Capt Bell/Lt Hempfleng)	(Capt Bell/Lt Beedy)	(Capt Taylor/Lt Yelding)	(Capt Taylor/Lt Yelding)	
# Complaints	1,062	# New Cases Received:	70	Total Arrestees Received & Processed:
# Misd. Arrests	41	# Previous Unsolved Cases:	56	174
# Felony Arrests	10	# Cases Solved:	46	1,273
DUI Arrests	11	Resulting in Total Arrests:	6	YTD
Alias Warrant Arrests	20	Felonies:	6	
Citations	217	Misdemeanors:	0	
Close Patrols	294	Houses Searched	0	
Warnings	155		0	
Motorist Assists	177		0	
Roadway Accidents	53	Warrants:	27	
Private Property Accidents	19	Served	2	
Traffic Homicide	0	Agency Assists	2	
		Recalls (Pd Fines)	10	
DRUG REPORT		Total Warrants Served	39	
ROUTINE PATROL/SPECIAL OPS				
# Misd. Marijuana Arrest	2	Sex Offender:	0	Meals Served
# Felony Marijuana Arrest	1	New Registration:	0	2,082
# Controlled Substance Arrest:	2	Contact Verification	0	Medical Cost
# Drug Paraphernalia Arrest	3	Total # registered in Daphne	6	\$2,444.21
Vehicles Searched	13	DARE:	4	1,008
		# Hours Report Writing:	4	14,139
		# Students Instructed SRO	675	
Drugs Seized:	5	# Students Instructed DARE	850	
Type:	0	# Police Reports by SRO	4	
Money Seized	0	# Arrest: by SRO	3	
Vehicles Seized				
Commercial Vehicle Inspections	29	CODE ENFORCEMENT:		
		Warnings:	6	
		Citations	5	
		Warning Compliance	35	
		Follow - Up	62	

David Carpenter

8

DRAFT
SUBJECT TO APPROVAL

Ordinance Committee
Wednesday, June 12, 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 5:32 p.m.

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

Also present: Rebecca Hayes, recording secretary; Captain Scott Taylor, Animal Control Officers Rhonda Jones and Linda Matthews; Ms. Lynn Williams Cook; Charles Neese.

II. APPROVE MINUTES / May 8, 2013

Councilman Scott asked that the minutes be amended to delete the first sentence under the heading Bicycle Ordinance.

Motion by Councilman Scott to approve the May 8, 2013 minutes as amended. Seconded by Councilman LeJeune.
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AYE	AL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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III. PUBLIC PARTICIPATION

Mr. Charles Neese, Owner of Royal Street Tattoo Eastern Shore, requested that tattoo parlors not be placed under Adult Novelty category.

IV. ANIMAL CONTROL ORDINANCE

Animal Control Officers Rhonda Jones and Linda Matthews spoke regarding the tethering of dogs saying that would be hard to enforce unless you have guidelines of how many feet the run wire should be, where should the run and so forth in order for them to enforce the ordinance. They had rather tethering of dogs not be in the ordinance at all, but if it is they would like to establish specs so they can enforce the ordinance. They also asked that cats be removed from Section 14 A the restraint section.

The committee discussed the issue and requested that Kyle get with Animal Control and Mrs. Jones to revise the ordinance, and bring it back to the next meeting.

MOTION BY Councilman Scott to table the ordinance while Kyle works with Animal Control and Mrs. Jones on further revisions. Seconded by Councilman LeJeune.

AYE ALL INFAVOR NAY NONE OPPOSED MOTION CARRIED

V. BICYCLE ORDINANCE

The committee discussed whether the ordinance was necessary since it is addressed in the state code. They felt this would bring awareness of bicyclist being on the road, and the state code does not designate that vehicles must pass within three (3) feet of the cyclist.

MOTION BY Councilman Scott to send the Bicycle Safety Ordinance to council with a recommendation for adoption. Seconded by Councilman LeJeune.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

VI. PUBLIC INDECENCY ORDINANCE

Kyle presented the separated ordinances to the committee. One is titled Public Indecency and the other is Regulating Community Standards. Kyle said that the Public Indecency ordinance deals with nudity, flashers and sexual activity. The Regulating of Community Standards deals with sexually oriented business and tattoo facilities.

The committee discussed Section II of the Community Standards ordinance / sexually oriented businesses. The 35% clause has been deleted.

The consensus of the committee is the following recommendations for Section II the Community Standards ordinance / Sexually Oriented Businesses :

- a. Must be 500 feet from residential
- b. Must be 1,000 feet from all other like businesses
- c. Can go into Commercial-Industrial (C-I) By-Right
- d. Can go into B-2 with Planning Commission approval
- e. Penalty \$50 and not to exceed the maximum allowed by state law per day

MOTION BY Councilman Scott to recommend the following revisions to Section II of “The Regulating of Community Standards” Ordinance / Sexually Oriented Businesses and after revisions are made to send ordinance to council for adoption:

- a.) **Must be 500 feet from residential**
- b.) **Must be 1,000 feet from all other like businesses**
- c.) **Can go into Commercial-Industrial (C-I) District By-right**
- d.) **Can go into B-2, General Business District with Planning Commission Approval**
- e.) **Penalty \$50 and not to exceed the maximum allowed by state law per day**

Seconded by Councilman Rudicell.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

The committee discussed Section III of the Community Standards ordinance / tattoo facilities. The committee made the following recommendations for Section II of The Community Standards ordinance / Tattoo Parlors:

- a.) **Must be 250 feet from Residential**
- b.) **Must be 500 feet from all other tattoo facilities**
Buffer applies to churches except those in a commercial building
- c.) **B-2, General Business District By-Right**
- d.) **B-1, Local Business District with Planning Commission approval**

MOTION BY Councilman LeJeune to recommend the following revisions to Section III of “The Regulating of Community Standards” Ordinance / Tattoo Facilities and after revisions are made to send ordinance to council for adoption:

- a.) **Must be 250 feet from Residential**
- b.) **Must be 500 feet from all other tattoo facilities**
Buffer applies to churches except those in a commercial building
- c.) **B-2, General Business District By-right**
- d.) **B-1, Local Business District with Planning Commission approval**

Seconded by Councilman Rudicell.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

VI. BUSINESSE LISCENSE ORDINANCES CONSOLIDATION

Kyle is working on combing all the amendments to the business license ordinance and will have it for the next meeting.

VII. OTHER BUSINESS

Captain Taylor mentioned they may want to consider repealing the texting while driving ordinance, because it is in conflict with state law.

VIII. ADJOURN

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

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

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

Respectfully submitted

Code Enforcement / Ordinance Committee

Rebecca A. Hayes, City Clerk,
Recording Secretary

I. CALL TO ORDER

The May meeting of the Public Works Committee was called to order at 5:07 PM. There was not a quorum, therefore these notes were taken in place of minutes.

Present:

Councilwoman Tommie Conaway, Robin LeJeune (Chairman), Richard D. Johnson-Director Public Works, Sandra Cushway-Administrative Assistant Public Works, Dorothy Morrison-Daphne Beautification Committee, Randy Davis-Volkert, Doug-HMR Engineers

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. Work Request Report for April 2013 was reviewed. The number of work orders for street light repairs was significantly higher than normal. Richard reported that periodically the police department does a sweep throughout the city and reports back to Public Works all of the lights that need to be repaired/replaced.
- B. Vehicle/Equipment Maintenance Reports for April 2013 were reviewed. Richard noted that the engine was replaced in Solid Waste vehicle #1005.
- C. Public Participation – None
- D. Correspondence – None

III. OLD BUSINESS

- A. Minutes from April 20, 2013 Meeting – Due to lack of quorum, minutes will be represented at the June 17, 2013 meeting for approval.
- B. Mosquito Report – April reports reviewed. No comments
- C. Street Sweeper Reports for April 2013 were reviewed. No comments.

IV. NEW BUSINESS

- A. None

V. DIRECTOR'S REPORT

- A. Street Striping – Richard reported that 9.2 miles of City streets are being striped this week.
- B. Richard reminded the committee that this week is National Public Works Week and that the Annual Equipment Expo is going to be held on Wednesday. He invited the committee members to come out and join us.
- C. Work is continuing on the CR64 sidewalk. The Council needs to authorize the PW Director to research the purchase of the additional land to use for parking. He will be submitting for a grant in June.

VI. DAPHNE SOLID WASTE DISPOSAL AUTHORITY

- A. Monthly Equipment Use Report for April 2013 was reviewed. No Comments
- B. Monthly Recycle Tonnage Report (Tonnage Comparison) for April 2013 was reviewed. Tonnage was up almost 2,000 lbs. So far this year, we are trending upward by almost 30 tons.
- C. Solid Waste New Customer Report for April 2013 was reviewed. Thirteen (13) new residential customers in the City this past month. So far, almost 100 new residents this fiscal year with many more new homes currently under construction.

VII. MUSEUM COMMITTEE

- A. Minutes not submitted for April meeting.

VIII. BEAUTIFICATION COMMITTEE

- A. Minutes from May 1, 2013 Meeting were reviewed.
- B. The hotels close to Gator Alley have requested hand-out cards. Several boards need to be replaced.
- C. Need to look at beautifying malfunction Junction. Need to develop plans.
- D. Dorothy reviewed the Beautification Committee's Mission Statement.
- E. South bound on Hwy 98 towards Montrose, the Crape Myrtles need to be pruned. There are suckers growing at the base of the trees.

IX. ENVIRONMENTAL ADVISORY COMMITTEE

- A. Minutes from April 29, 2013 reviewed.
- B. The committee will be making recommended changes to the Council.

X. ENGINEER'S REPORT

- A. HMR: Phase II on schedule and budget. Profit Drive completed. Lake Forest Phase III in June. D'Olive Creek: Barges were moved in last week. Requested that same language be used when proposition is taken to the Finance Committee. It will be 1/3, 1/3 & 1/3 split. Hoping to take to June 10, 2013 Finance Committee meeting. The state is ready and okay with the agreement. Just need approval from the Finance Committee. Councilman LeJeune stated that he would prefer that the request be delayed so that the PW Committee can make a motion to send it to the Finance Committee for approval.
- B. Volkert: Nothing to report.

XI. FUTURE BUSINESS

- A. Next Meeting for June 17, 2013 was announced

XII. ADJOURNMENT

Meeting adjourned at 5:46 PM

**REPORT
OF
SPECIAL BOARDS**

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF MAY 2, 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
Larry Cooke
Billy Mayhand
Willie Robison, Chairman

Members Absent:

Jim Moss
Philip Durant

Staff Present:

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

Chairman: we do not have any old business tonight, but let me say this, we have four members present tonight, which is a quorum and it will take four affirmative votes to pass an appeal. We do have a quorum. Is that correct?

Ms. Johnson: yes, sir.

Chairman: The first order of business is approval of the January 3rd, 2013 meeting minutes. If there are no other corrections, additions or deletions, the Chair will entertain a motion.

Approval of Minutes:

The minutes of the January 3rd, 2013 meeting were considered for approval.

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

The Motion carried unanimously.

New Business:

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF MAY 2, 2013 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Appeal #2013-01 Sportsman's Storage, LLC

Chairman: next item on the agenda is Appeal #2013-01 Sportsman's Storage, LLC, a variance request to allow the north rear setback to be twenty-feet, in lieu of, the required twenty five-feet, and the west side setback to be five-feet, in lieu of, the required twenty five-feet. The property is Lot 2 of Sportsman Marine Subdivision, which is zoned B-2, General Business. Ms. Jones.

Ms. Jones: (displayed a Power Point Presentation of Lot 2 of Sportsman Marine Subdivision and the surrounding area). I think you have said it all. Because we have two applications tonight that are dealing with nonconformities, I felt it necessary to at least talk about nonconformity, as it is listed in our Land Use Ordinance. Article 9-2 talks about nonconformance, in that, it is the intent of this section to recognize the elimination of existing buildings and structures or uses that are not in conformance with the provisions of this Ordinance, in so much as it is a subject of health, safety, and general welfare and for the prevention of the establishment of new uses, which would violate said provisions. It is also the intent of this Ordinance to administer the elimination of nonconforming uses, buildings, and structures so as to avoid any unreasonable invasion of established private property rights. In approving variances it is the BZA's authority to authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice served. Such variances may be granted in such individual cases of unnecessary hardship upon a finding by the Board, and that is found in Article 21 of the Land Use and Development Ordinance. These provisions apply to both applications tonight. Sportsman's Storage is located on Gabel Street, and it is a lot that has a frontage on McIntyre Street as well. Here are pictures that show McIntyre, as well as Third Street, which shows the back of the building. This picture shows you Third Street looking toward Highway 98, you can see the boats stored in that area on the left. The property is zoned B-2 General Business and the setbacks depend on the way that the lot is configured. It appears that in 2007 the Planning Commission approved a site plan where the front setback was measured from Highway 98. The back setback would be on Third Street, and the setback to the north, which is twenty five-feet on McIntyre Street, as well as the setback on the south, which is Gabel Street, was considered a side setback.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF MAY 2, 2013 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Ms. Jones: in 2008, the subdivision plat was approved with twenty five-feet on McIntyre Street as you can tell the subdivision plat changed the configuration of the front of the lot, and it appears that the front of the lot is supposed to be Gabel Street, making the rear of the lot McIntyre Street, and the side would be Third Street and the interior side would abut the three lots that are adjacent to Highway 98. So there in-lay's the problem. The main questions that we have to consider here is are there any topographic conditions peculiar to this lot. I would say yes because this is a double frontage flag lot and the reconfiguration of the orientation from the front, rear and side setbacks that were established with the site plan, which at that time met our zoning requirements, but at the time that the subdivision plat was laid out it did not. Are they self-imposed conditions? In reconfiguring the lot, the answer would be yes, and the encroachment to the north on McIntyre Street was an error of the contractor. Unnecessary hardship? I find that to be debatable because the question would be did we find an unnecessary hardship at this time or would we find an unnecessary hardship if the building were destroyed beyond the amount that is listed in Article 9-2 for altering nonconformities. The buildings are already there and the encroachments do not appear to be causing any hardships or causing any other problems for the existing and surrounding area, which would be Third Street, which also provides access to a church that is located north of the subject property, as well as, McIntyre Street, which also provides access for that church, this business and another business that is located on Highway 98. Would relief cause substantial detriment to the public good? I do not think so. I do not think that it would have made a difference if they had come and gotten a variance before they built it or it being replaced as it is currently sitting now. Because of those reasons I would recommend that you approve it. Again they are existing nonconforming, and they are not trying to expand it. They are just trying to get an entitlement to have a twenty-foot setback along McIntyre Street and a five-foot setback along Third Street, which is a sixty six-foot right-of-way, and I think the gravel drive is maybe ten-foot wide at this time. So there is plenty of room for expansion, if the City or the County wanted to develop that road in the future. That is all I have.

Chairman: thank you Ms. Jones. Before we have any participation would you go back to the slide showing the 2007 site plan? The site approval plan is 2007 and the subdivision approval was in 2008. What changed between 2007 and 2008?

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF MAY 2, 2013 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Ms. Jones: in 2007 they considered the entire area. If you can see the flag, that entire flag on the 2007 side was one property, one parcel, and the setback was where they measured the front on Highway 98. Now the subdivision plat was where they carved out three lots along Highway 98 and so they could not consider Highway 98 to be the front setback for Lot 2 anymore. They had to reconfigure it where you have your frontage along a public right-of-way. So they chose Gabel Street as their frontage. So the difference between 2007 and 2008 is where they measured their front setback. When they reconfigured that, it threw everything into a tizzy.

Chairman: okay, this is Gabel Street out here right and this would be Third and McIntyre back here?

Ms. Jones: that is correct.

Chairman: okay. Does anyone else have any questions for Ms. Jones?

Mr. Lamb: had the storage buildings been constructed by 2008 or just the subdivision of the lot?

Ms. Jones: let me see.

Chairman: I believe it was done prior to that. It might have been done in 2008. Because I stood there at my sons business at Shoreline Power Equipment and watched them while they built those first units there.

Ms. Jones: the site disturbance permit was issued in 2007.

Mr. Lamb: I just want to be sure in my mind that the storage buildings were not built when it was five-feet, which is 2007 and in 2008 it was twenty five-feet, and at that point that is when they built the buildings, that is what I am trying to clarify in my mind.

Mr. Smith: my name is Stewart Smith with HMR. It is my understanding that construction was beginning prior to the recording of this plat, and the twenty five-feet was actually thought of, on our part, as a Scrivener error, as the five-feet was based on Third Street being considered an alleyway.

Chairman: Third Street at one time was dirt, it was not gravel.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
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Chairman: you are saying that they considered it as just an alleyway that had been built by vehicles going in and out there. Because I use to make that little circle my way many times to dodge the potholes.

Mr. Smith: yes, sir. Mr. Eady, who was the former Planning Director, considered it that, and that was what one of his statements were concerning it, that it was five-feet off that line. So after the site development plans and everything were processed, then the subdivision came along after the fact, and then that is where, like Ms. Jones said or explained, the confusion came about.

Chairman: does anyone have any questions?

Mr. Lamb: for you Ms. Jones. It says in here that the Planning Commission approved a five-foot setback. Now it is my understanding that only the Board of Adjustment can approve a variance from the established setbacks under the Ordinance. Where am I going wrong?

Ms. Jones: the Land Use Ordinance says that there is no rear setback except where there is five-foot abutting an alley or thirty-feet where abutting a residential district. They considered Third Street to be an alley, so five-feet was the zoning district requirement.

Mr. Lamb: okay.

Ms. Jones: it is just when they reconfigured the frontage, side and rear, then those numbers switched. I would contend that Third Street is not an alley, but it is a recorded right-of-way. Although, it is a gravel driveway it is still a right-of-way. It is not designated as an alley, as alleys are specified on subdivision plats and lots. So I would contend that Third Street is not an alley, McIntyre Street is not an alley and they should be subject to whatever the minimum district requirements are from a street or a corner lot.

Mr. Lamb: at the present time Third Street is maintained by the County as a street?

Ms. Jones: well, the City of Daphne does some maintenance in the area too. They both do maintenance in that area.

Mr. Lamb: so they are considering it not an alley, but a street.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
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Ms. Jones: yes, sir.

Chairman: McIntyre is considered a street, I hate to do like some people do, be antidotal, but my sons business there paid City taxes, so therefore it was in the City. It was maintained by the City and after doing much research, and at that time, Ken Eslava was the Public Works Director, and he and I looked at it and found out that yes it is maintained by the City so therefore that was a city street. It was not an alleyway. Even though when you get to the woods and it picks up on the other side that is maintained by the County, that part of McIntyre is in the County, but coming off of Highway 98 and going back to where Third Street comes in that is a street, and I maintain that Third Street, even though they said it was an alleyway, that it was a street because it was on the map as a city street, I believe it was. So how did it get from twenty five-feet to five-feet? Go over that again. Because somewhere down the line it was originally the twenty five-feet then it went back to the five-feet or five-feet to twenty five-feet, one or the other.

Ms. Jones: well, I cannot defend or explain what Mr. Eady's thought process may have been, but the Ordinance has always said what Article 13 currently says about setbacks.

Chairman: so if that was quote, "by the City", deemed an alley then the five-feet would be correct.

Ms. Jones: that is correct.

Chairman: if it was deemed as an alley, by the City, if it was not a street the twenty five-feet does not come into play. Is that correct?

Mr. Lamb: originally.

Ms. Jones: right.

Mr. Lamb: subsequently on the second plat, 2008 was it?

Ms. Jones: yes that was the subdivision plat. You have got your site plan and you have the subdivision plat.

Mr. Lamb: the subdivision plat approved in 2008 recognized it as being a street.

Ms. Jones: yes, it was recognized as now being a city street.

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Mr. Lamb: and they said the setback was twenty five-feet. However, the building was already constructed.

Ms. Jones: the building was already built, that is correct.

Mr. Lamb: based on prior knowledge that it was five-feet and they thought they were okay.

Ms. Jones: that is correct, yes. So it was not a Scrivener's error, it was on purpose, this is what the book says should be on the subdivision plat, and that had to be on the plat before it could be approved, but that does create a conflict. Well it does create nonconformity for the buildings that are already there.

Mr. Cooke: Gabel Street, Third Street and McIntyre Street. On the city maps they are not shown as city streets. Is that correct?

Ms. Jones: I have no idea, but what I can show you is, if you will look at the zoning map there. It does show that Third Street is outside of the Daphne city limits, but it also shows that McIntyre Street is within the city limits.

Mr. Cooke: okay. So one street is not within the city limits of Daphne?

Ms. Johnson: Third Street is not ours.

Ms. Jones: Pat says that Third is not ours.

Mr. Cooke: okay.

Chairman: Third is not in the city?

Ms. Jones: no.

Chairman: okay.

Ms. Jones: but that makes no difference in whether it is considered an alley or a right-of-way. It is still a right-of-way.

Mr. Cooke: but is that within the County then, that street?

Ms. Jones: it would have to be because Montrose is Baldwin County's jurisdiction.

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Mr. Cooke: I just wondered if the church that is located on the northwest corner that has two signs up stating they are within the city limits of Fairhope were, that is what I was wondering.

Ms. Jones: some businesses and entities if they have the zip code claim that municipality. So they probably have a Fairhope zip code.

Mr. Cooke: so this street is a County street?

Ms. Jones: Montrose is Baldwin County. Yes, sir.

Chairman: Ms. Jones, Sportsman's Marine itself, the boat and repair, that is in the County?

Ms. Jones: that is correct.

Chairman: the storage facilities are in the City because I believe they requested that they be annexed into the City. Just the storage facility and not, I call it the store, the store itself.

Ms. Jones: when it was annexed it was vacant property, but they did annex with a request for B-2 zoning.

Chairman: I could be wrong on this, I believe that the Church of the Apostles and all of that property surrounding it was owned by one individual, from where Enterprise is located and where Home Renewer's was, it was all owned by one individual and I believe she sold the property to Church of the Apostles. If I am not mistaken the property that she owned was annexed into the City. Was it or was it not?

Ms. Jones: I am not sure what property you are talking about.

Chairman: the part that she requested to be annexed into the City or was it just the property on Highway 98 that she asked to be annexed into the City?

Ms. Jones: just the property on Highway 98 says Ms. Johnson.

Chairman: does anyone else have any questions?

Mr. Lamb: let me clarify this. The storage buildings are in the City.

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Ms. Jones: yes.

Mr. Lamb: the Sportsman's Marine along Highway 98 is not in the City.

Ms. Jones: that is correct. It is not. They opted out.

Mr. Lamb: so the little sign there stating Daphne City limits does not mean anything?

Ms. Jones: what matters are Ordinances that have been approved by the City Council, and we do not have an ordinance that says that Sportsman's Marine legal description is within the city limits. They have not made a request to come in. I think they purposely wanted to stay in the County.

Mr. Lamb: it would seem to me that Sportsman's Marine comes to the Planning Commission saying this is what we would like to do and they say okay. They look at it and then they say in 2006 you can build five-feet from the western side, and then two years later the Planning Commission says the Ordinance says you have to build twenty five-feet, well they have already built the building based on the prior submission to the Planning Commission. So it seemed to me that Sportsman's Marine is following the dictates of the Planning Commission, which changes their mind.

Ms. Jones: no. The original site plan approval did meet the zoning regulations for setbacks.

Mr. Lamb: because they said it was an alley.

Ms. Jones: because Mr. Eady, as well as HMR, considered that to be an alley. Mr. Eady went to Public Works in 2008 and I got to be here in 2008, and this book says that setbacks should be thus and so, and if this book says it should be thus and so, then in order for it to be approved by the Planning Commission, the plat would have to say thus and so. Because I know that the Planning Commission cannot grant variances on setbacks then it would have to be by the book. So that is the reason why it is twenty five-feet because the book says it should be twenty five-feet. So it is a matter of Mr. Eady's understanding and enforcement and my understanding and enforcement.

Mr. Lamb: it is our position that we have to correct this misunderstanding.

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Ms. Jones: yes, sir.

Mr. Mayhand: that leads me to ask my question that I have been pondering here in looking through this book, but I have not found it. Could you tell me why this variance is being requested?

Ms. Jones: because they wanted it. Let us ask Stewart.

Mr. Smith: it is kind of a long story. The individual units themselves are being sold or they are beginning to be sold as condo units, they are individually assigned out. In order for the County to acknowledge each individual unit as a private parcel or for them to give it an individual tax identification number itself, clear title has to be shown with the development. From there when they went to the title company, the title company started reviewing all of the information and a lot of this was caught by the title company. So this is the process that we are doing to be able to clear up the title by creating a re-plat of the development to re-record, and then go back through the process of creating the condominium documents.

Mr. Mayhand: thank you.

Chairman: yes, I believe the original plans call for them to be sold as condos, but the economy kind of went south and so they leased some of them out, originally. So now they have gone back to selling the units and that is why they want this variance to get this cleaned up. Are there any other questions? Ms. Jones.

Ms. Jones: yes, sir.

Chairman: I do have a problem with the contractor in building this. It called for twenty five-foot setbacks and they built twenty-foot setbacks. How could the contractor go wrong and go five-feet outside of the setback?

Ms. Jones: before any site is developed there is a survey done. So the property line should have been established. The corner should have been established. So it would have been encumbered upon the contractor to measure from the established boundary lines, to find where the setbacks should have been.

Chairman: so HMR the engineer and whoever the surveyor was on it.

Ms. Jones: they should have. I do not know that for certain. Stewart, can you speak concerning that?

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Mr. Smith: in that particular case the contractor themselves were responsible for staking out the units, and back at this time I do not believe that HMR, I could be corrected with that, but they were not a part of the actual construction staking of the units. They are now and continue to be done by the contractor themselves.

Chairman: HMR was strictly the engineer, PPI, out of Mobile on Moffett Road, I believe was the contractor that constructed the original building. Now I do not know about unit two, the second building, as to who the contractor was on that. Thank you, I appreciate it.

Mr. Cooke: Ms. Jones is it a requirement that anyone from the City verify the location of any buildings or lots or anything of this effect?

Ms. Jones: I do not know this for certain because I have never asked, but I thought that Building Inspections would have to have an Inspector to come out and measure footings that have been poured for foundations. I do not know for certain, but that is what I thought.

Mr. Lamb: well this Board has been told in the past by the Building Inspector that he does not have time to do that. Well I do not know who has the time. Now is it fair to say that PPI assumed that from prior things that there was a five-foot setback, without checking to see if there had been any subsequent changes?

Ms. Jones: what I imagine PPI should have had was a current set of site plan drawings that showed where the setbacks were supposed to be.

Mr. Lamb: but if they did not ask for any changes they made an assumption that it was five-feet.

Chairman: Does anyone else have any questions? Is there anyone here tonight that would like to speak in favor or in opposition of this appeal? Let the record show that there is not anyone here to speak in opposition, public participation is closed. Mr. Lamb.

Mr. Lamb: let me ask one more question. In the event that this appeal is denied by this Board, the next step is Circuit Court, is that correct?

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Ms. Jones: that is correct.

Mr. Mayhand: if the setbacks are approved, would there be a problem with running utility wires, lines or sewerage or anything like that? Would that ever come into effect with the setbacks? Is that not why we have those setbacks?

Ms. Jones: that is a very good point, but because you have the sixty six-feet of right-of-way on McIntyre and Third there is room for utilities along the right-of-way, that is where the utilities are supposed to be.

Mr. Mayhand: is that part of the request for that particular street?

Ms. Jones: yes, what is part of the request is Third and McIntyre, for the setback on Third to be five-feet and the setback on McIntyre to be twenty-feet.

Mr. Mayhand: so if this was approved there would still be room for the utilities?

Ms. Jones: there should be. Yes, in the right-of-way there should be room. Should be, I cannot guarantee it because I do not have a utility plan in front of me to look at, but it should be in theory.

Chairman: somewhere down the line somebody dropped the ball, from preconstruction to construction. Sometimes I feel as if we fall, as a City, we fall far short in our procedures from start to finish, in making sure things are done the way they should be. Because there are times when you are presented or the Planning Commission is presented with a set of plans, and they change them. The contractor or somebody goes out there and does not do it exactly the way that it was approved and it makes them look bad if they are the ones that approved it, when they were not the ones that approved it. Then the contractor comes along and builds it and says what are you going to do, make me tear down the whole construction job that it has cost me a million dollars or more to build. Well I know of places where they have made them take two stories off of a building because they were told it could not go but so high because it was in a landing zone area. Somewhere, somehow, we have got to have something that will hold people accountable, and I am not talking about the City. I am talking about the contractor or whomever. Mr. Lamb brought this up way back last year, that the contractor can be fined for doing this.

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Chairman: and this, oh, I thought that was where it was, the dog ate the homework type stuff went out the window a long time ago. Does anyone have any other questions or comments? If not, the Chair will entertain a motion and it must be made in the affirmative.

A Motion was made by Mr. Lamb and Seconded by Mr. Mayhand to approve Appeal #2013-01, Sportsman's Storage, LLC, for a variance to allow the north rear setback to be twenty-feet, in lieu of the required twenty five-feet, and the west side setback to be five-feet, in lieu of the required twenty five-feet. The property is Lot 2 of Sportsman's Marine Subdivision, which is zoned B-2, General Business.

Upon roll call vote, the motion failed.

Mr. Cooke	Aye
Mr. Mayhand	Aye
Mr. Lamb	Nay
Mr. Robison	Nay

Chairman: your appeal for a variance is denied. You have fifteen days from today to notify Community Development in writing of your plans to appeal this decision with the Circuit Court of Baldwin County. You can pick up your paperwork in the Community Development office in the morning after nine o'clock. Thank you.

New Business:

Appeal #2013-02 Daphne Apartments, LTD & Bay Breeze II, LLC

Chairman: next item on the agenda is Appeal #2013-02 Daphne Apartments, LTD & Bay Breeze II, LLC, a variance request to allow existing setback encroachments and establish setbacks for certain Bay Breeze Apartment buildings located at 29150 Lake Forest Boulevard zoned R-4 High Density Single & Multi-family residential. If granted the setbacks shall be as follows: Rather than reading them please note them on the screen (a) thru (h).

(a) Northeast corner of Building #5, nine point five-feet in lieu of the required twelve-foot side yard setback;

(b) Southwest corner of Building #11, nine point five-feet in lieu of the required ten-foot side yard setback;

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(c) North side of Building #6, nine point six-feet in lieu of the required ten-foot side yard setback;

(d) Northeast point of Building #14, four point one-feet in lieu of the required thirty-foot rear yard setback;

(e) Building #16, fifteen-feet in lieu of the required thirty-foot rear yard setback;

(f) Building #17, fifteen-feet in lieu of the required thirty-foot rear yard setback;

(g) Building #18, fifteen-feet in lieu of the required thirty-foot rear yard setback;

h) Building #19, twenty-feet in lieu of the required thirty-foot rear yard setback. The request, if granted would also permit the use and application of the following parking ratio: 1.5 parking spaces per unit per Article 16-2 of Ordinance 2002-22, as amended in lieu of 2 parking spaces per unit, per Article 16-2 of Ordinance 2012-54, as amended.

Ms. Jones: (displayed a Power Point Presentation of 29150 Lake Forest Boulevard, Bay Breeze Apartments) on your overhead you see Phase I and Phase II of Bay Breeze Apartments. The applicant has submitted a request for variances. You have a letter in your packet from Rowe Surveying & Engineering Company, which is a narrative that accompanies the variance request. I would like to just highlight a couple of things that are in the letter. It says both complexes were constructed utilizing approved site plans. I can affirm that that is correct. It also notes that this application is a request for variance approving the placement of all buildings within Bay Breeze Phase I and Bay Breeze Phase II as shown on an ALTA/ACSM Land Title Survey, which they have provided, which means that they are not asking to increase the number of units or make changes to the site itself, but they are looking for approval of the site as it is currently situated. The letter also mentions that the parking for the complex was built in compliance with the regulations in effect at that time, which is true, and the minimum parking was 1.5 parking spaces per unit. In 2011, the City Council adopted a new Land Use and Development Ordinance and they did increase the parking requirements for multi-family from 1.5 parking spaces per unit to 2.0 parking spaces per unit. It is probably more easily viewed in your packet than on the overhead, but the property is zoned R-4, and R-4, Multi-family has specific setbacks, as noted here on the screen.

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Ms. Jones: here are images taken at the apartment complex. The first on the left is the clubhouse, the one at the bottom right shows the transition from Phase I to Phase II, you can see the property falls a little bit to the south, and it rises on the east side. You can see this embankment in the new phase where topography is an issue. I tried to get a picture of Lake Forest Lake, which is located behind Phase II. Again, as with the first request, in letting each tub sit on its own bottom, I have made a recommendation that you approve this request, subject to the map that has been presented, and I also made a recommendation that you approve the parking to be 1.5 parking spaces, in lieu of, having to conform to our current parking provisions. That is all.

Chairman: Ms. Jones, before the gentleman gives us his name, I do not know what page it is on, but under staff comments, it talks about the parking spaces, third paragraph down. It says the site plan for Bay Breeze Apartments Phase II cites the required parking for 72 units verses or as 108 spaces, 111 spaces were proposed thereby exceeding the minimum standard. In total, there are 186 units and a total of 296 parking spaces, where 279 is the minimum required. What is the maximum?

Ms. Jones: we do not do maximum.

Chairman: we do not do maximum. We just say that this is the minimum that you can have.

Ms. Jones: yes, sir.

Chairman: okay, first paragraph under staff comments going back to Daphne Apartment 1995. A plot plan from Rester & Coleman Engineers is attached for us to review, and it shows the setbacks. You are of the assumption that they were in conformance with the zoning ordinance in place at that time.

Ms. Jones: the way that they were laid out, yes.

Chairman: at that time?

Ms. Jones: the site plan showed conforming setbacks, yes.

Chairman: alright, ALTA/ACSM survey shows that 3 buildings were constructed over the setbacks, so noted on the plot plan and thus encroachments exist in Phase I. Now does that mean that they were already built over the encroachment?

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Ms. Jones: it means that I do not know when it happened. It had to have happened during construction that they encroached. Because again the site plan showed conforming setbacks so if there is a deficiency it was created by the construction of the building.

Chairman: in Phase II, which was built backing up to Lake Forest, the property line is the high water mark on the Lake. The high water mark is the property line, so when they established that property line from the high water mark then they should go back whatever the setback is and build from there.

Ms. Jones: that is correct. It should be measured for their rear setback. The rear setback should be measured from the high water mark.

Chairman: from the high water mark of Lake Forest Lake, so going back from there and it is kind of uphill from the lake, and I have not been out there in quite some time, so when they were constructing them that should have been taken into consideration when they built those units. If there were some problems with them doing that then it should have been addressed at that time. Once again we are coming back on something, and there is one unit in there, Unit 15, there is no setback request on it, it is 14, 16, 18, 19, and then some before them. How did Unit 15 fall within the required setbacks, just the way that the land runs?

Ms. Jones: just the way that the land lays, yes, sir. You will see that it is an irregularly shaped lot and the property does rise coming to the south. The site plan that is on file in Community Development does not show setbacks at all. There is no reference to setbacks, but in looking at the project for zoning certification, if a letter is requested for zoning certification, and in my reviewing, I know that the R-4 setbacks are established. If the front of the building faces the parking lot then the rear is the high water line. In looking closely at the setbacks I realized that most of the buildings were nonconforming for the rear setback. Although we could say that it is justified, yet there was no approval on deviating from the minimum setback requirements. I do have to say that it is a viable development, and it seems that it has been well kept, and that is part of the reason that I recommended approval on it. Because if a storm came through and wreaked havoc on the place, rebuilding it would not be a problem, and it would not cause any detriment to the adjoining properties, but it would be more of an asset for them to be able to rebuild

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Ms. Jones: rather than having to wait and go through the process of getting approval. Another thing that I did not mention is that it is a closed loop community, because there is only one way in and one way out. So their neighbor is the golf course on one side and the sewer treatment plant on the other side, and the lake on the back side.

Chairman: the last paragraph, the application of the minimum area requirement would create an unnecessary hardship. Rebuilding in conformity would shift the buildings in Phase II closer to the parking area out of alignment and into the driveway, the driveway and parking area would need to be shifted to the south into a hill. They are currently aligned and have a symmetrical balance. Well sometimes you have to do these things. It becomes hard for you, but sometimes if you are going to rebuild and I am sure those people up in North Alabama, who had tornadoes blow their houses away, might have had to rebuild and create things that were necessary for them to do, tougher. But sometimes you have to do those things. I am not saying one way or the other that this is the case, I am saying that sometimes those things happen.

Ms. Jones: yes, sir. One thing that I do want to refer back to is the intent of the nonconforming provision. It says to eliminate uses that would cause an unreasonable invasion of established private property rights. I do not see that approving this even now or in the future would be an invasion on anybody's property rights. That is just my opinion.

Chairman: okay. Thank you, Ma'am. Does anyone have any questions for Ms. Jones? Sir, I apologize for your having to stand there while those questions were asked, but would you please state your name and who you represent for the record.

Mr. Rowe: I am Don Rowe with Rowe Surveying & Engineering, we are the one who drew up the survey plat. Ms. Jones would you back up to the survey plat? The hardship here is that these two properties are being combined into one entity or one entity is going to own both phases, and to do that they need financing and to get financing they have to have insurance, and to get insurance we have got to have this variance. Because if the insurance company does not know that the buildings can be put back where they are we cannot buy the insurance and if you cannot buy the insurance you cannot get the financing, so the whole thing is blown up. It is really not as bad as that sounds because the buildings were built according to an approved site plan. It did not have any setbacks on it.

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Mr. Rowe: there were no requirements on the site plan and I think they were probably shooting for ten-feet on the sides, and I think in Phase II probably what is currently being called a back yard was probably thought to be a side yard because it is kind of an extension of the side yard for Phase I. Be that as it may, it would be impossible to rebuild the Phase II buildings to the south, not only because of the parking lot being in the way, but because of the terrain. There is a tremendous hillside to the south of the parking lot in Phase II. So there is a hardship there if we had destruction in just being able to rebuild them. All we are trying to do is get permission to live and let live in the position that the buildings are, and if a bad storm comes along we can take the insurance money and put them back, but without the variance, apparently the whole deal cannot happen.

Chairman: Mr. Rowe, did I hear you say that there were no setbacks requirements when Phase II in 2008 was built?

Mr. Rowe: no, sir, I did not say that. I said there were no setbacks shown on the approved plot plan.

Chairman: Ms. Pat can you read back what he said? I thought he said there were none required on the plat or did I hear him wrong. I heard none were shown.

Ms. Jones: he may have misspoken. There were none shown, but there were applicable setbacks.

Mr. Rowe: that is what I meant to say. I did not mean to say there were no requirements, but there were not on the approved site plan.

Chairman: thank you, sir. Does anyone have any questions for Mr. Rowe?

Mr. Lamb: what does that mean? There were no setbacks on the approved site plan.

Ms. Jones: there were no setbacks listed on the site plan, but there were setback requirements in existence per the Land Use Ordinance.

Mr. Lamb: which takes precedence?

Ms. Jones: I say that the Zoning Ordinance always takes precedence unless you have a variance that has been approved by you.

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Chairman: and who grants variances?

Ms. Jones: the BZA.

Mr. Lamb: in affect the contractor, who looks at the plans?

Ms. Jones: I am saying the engineer presented it without setbacks on it. I am saying that staff reviewed it and there were no setbacks on it and still made a favorable recommendation to the Planning Commission and the Planning Commission took their word and they approved it.

Mr. Lamb: I am trying to be reasonable as to whose responsibility it is. Where does the failure go?

Ms. Jones: I can tell you as of today when a site plan is presented, I check for setbacks.

Mr. Lamb: at this point you were not approving them?

Ms. Jones: no.

Mr. Lamb: now can one reasonably say that since there were no setbacks shown on the site plan and it was approved, even though there is an Ordinance that says there are setbacks that if the contractor then builds buildings that violate the setbacks, can you reasonably say that he was in error?

Ms. Jones: I do not know.

Mr. Lamb: because if he is looking at a site plan with no setbacks would a reasonable person say he was in error or would a reasonable person say well he should have investigated the Ordinance that governed it?

Ms. Jones: the contractor is never responsible for checking the Ordinance. It is the Engineer's job to make sure that they present civil plans that meet the Ordinance. It is not the Contractor's job. The contractor uses the documents that have been designed and approved by the Civil Engineer.

Mr. Lamb: so in this instance would a reasonable person say that it was the engineering company that failed to discharge their responsibility?

Ms. Jones: I say that it would be shared responsibility.

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Mr. Lamb: shared responsibility.

Chairman: the Engineer's and the City.

Ms. Jones: the Engineer's and Staff. Because it is Staff's job to review the civil plans and it is the Civil Engineers job to present civil drawing that meet the Land Use Ordinance. It is what it is and that is where we are today.

Chairman: Mr. Rowe you were not the original engineer surveying this were you?

Mr. Rowe: I sure am glad I was not.

Chairman: I have never heard of having site plans without setbacks on them.

Ms. Jones: neither have I.

Chairman: that is hard to get your arms around. There were no setbacks on the site plan.

Mr. Rowe: there were dimension on where the contractor was supposed to put the buildings. Ninety-eight percent of them are perfectly in the right place. There are a couple of them that are two or three, six inches out of pocket, but for the most part the thing is a rubber stamp of the site plan that was approved.

Chairman: yes, some of them are ten-feet out of pocket. One of them is about fifteen-feet off.

Mr. Rowe: from the currently zoning code, correct, but not from where they were placed on the approved site plan.

Mr. Lamb: there are eight buildings involved and they range in violation of the setbacks from point four to twenty five point nine feet.

Ms. Jones: point four is in Phase I. The more minor encroachments are in Phase I. The more excessive encroachments are in Phase II. Now, I do not know if I mentioned this, but in looking at front and rear setbacks, the front of the building faces the parking lot and the rear of the building is the opposite of that. So I could not find any rationality in saying that the north portion would be a side and the south portion would be a side and the portion that is contiguous to Phase I, would be a front.

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Ms. Jones: and then a portion that is contiguous to, I think, Lakeview Townhomes would be the rear, I could not wrap my mind around that, to say that it was supposed to be. Because in looking and measuring the setbacks for Phase I, I looked at the front of the building, and the opposite as being the rear, so there we are.

Mr. Rowe: all those buildings with the short rear setbacks of course are along the Lake so we are not looking in anybody's window there. We are looking across the Lake to the back of Jubilee Square.

Mr. Cooke: Ms. Jones, the Lake Forest Lake, who owns it?

Ms. Jones: Lake Forest Property Owners Association.

Mr. Cooke: okay and the high water mark is the boundary?

Ms. Jones: yes.

Mr. Cooke: and that was established a number of years ago?

Ms. Jones: it was established more than likely by some recorded subdivision plat. It is kind of like Mobile Bay, where the tide line meanders, but there is a certain mark where they establish as being that boundary.

Chairman: I have a little problem when you go from thirty-feet down to four point one feet, in lieu of, the required thirty-foot rear yard setback, which is on Unit 14.

Mr. Rowe: Mr. Chairman, the one that is four-feet is on the upper left on Phase II and you can see that the property line has got a gash in it. So it is only four-feet right at the apex of the property line, and the rest of the building is fairly normal, but here again that is the way that the site plan was approved.

Chairman: yes, but it says from thirty-feet to four point one foot. So whether it is one little corner of it or whether it is the whole thing it is being asked for the entire building, unless they want to cut the corner off, which they do not, and nobody wants them to.

Mr. Rowe: all we want to do is to be able to put the building back if it gets blown away by something, and certainly I cannot argue with you, for and in lieu of, the rear setbacks.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF MAY 2, 2013 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Mr. Rowe: I just wanted to point out that it just that little gash. The property line here is established by the twenty-foot contour it is not depending on where the water is. A twenty-foot contour is reasonable though because I know the dam is at nineteen.

Chairman: I have always been told that the high water mark in the Lake was the property line.

Mr. Rowe: well it was probably intended to be, but the deed for this property says elevation twenty-feet.

Ms. Jones: I stand corrected in that then. I did not know that it was the contour that established the property line.

Chairman: any other questions for Mr. Rowe?

Mr. Cooke: Ms. Jones, for the Lake, is this thirty-foot setback completely around the Lake or just for these buildings?

Ms. Jones: do you mean just for this development or any development that is contiguous to the Lake?

Mr. Cooke: is this requirement for any development with this setback?

Ms. Jones: it is for any development that is zoned R-4.

Chairman: yes.

Mr. Cooke: it has nothing to do with the Lake?

Ms. Jones: no, because it is R-4 zoning.

Chairman: you go across the Lake and you have homes over there, on the other side of the Lake, on Ridgewood and they have a different zoning than this.

Ms. Jones: if they have a different zoning then yes they would have a different setback. Their setback would depend upon their zoning classification.

Mr. Cooke: and nothing to do with the Lake.

Ms. Jones: nothing to do with the Lake, just being the front or rear of their property.

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Mr. Cooke: the reason I am asking is because everyone from our Congressional office, to the Mayor, to everyone else that has had meetings over this, and I just wondered to, if this had anything to do with it because it stated here in a October 1995 meeting that this land does not lend itself, because of the excessive grades to any other variation, except for this building. I just wondered about that. It is the third sentence from the bottom there on page five. There have been a number of meetings and issues over the years that you are aware of over this, and I just wondered if this had something to do with it because there is quite a grade there. Now this is concrete, asphalt and these apartments rather than natural vegetation. You know the wooded areas, the grasses, and trees there between the Lake and the buildings. I was just wondering about that and if you had heard any issues about this.

Ms. Jones: from any adjoining owners?

Mr. Cooke: no, at these meetings and so on and so forth.

Ms. Jones: I was not here back then. I came in 2006.

Mr. Cooke: okay.

Ms. Jones: but there were several meetings on the development of this site, and you can see that some were denied and some where they were approved and not developed. Then they finally got a site plan approved that they went ahead and developed in June 2006.

Chairman: Mr. Hoffman, I know in the past we have put caveats on something approved. If this, this and this is done then it is approved. Can it be partially approved? They are wanting money. What they want to do is borrow money. Can half of it be approved or any section of it be approved and the other not? Or can a caveat be put in there that should more than fifty percent of the units be damaged or destroyed they would have to be built to conformity?

Mr. Hoffman: as to that caveat about the fifty percent, I have not researched that issue, but I can. My concern would be that you would be usurping the authority of the BZA, at the time that may come into play. In other words the building has not been blown over yet, but you would be making your decision that it can be rebuilt, and granting basically an additional variance on an conforming structure.

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Mr. Hoffman: and you may not be the individuals at the time dealing with that fifty percent, that would be my initial thought process, but I have not looked at it to see whether or not the Attorney General has allowed such a provision in the past. As for approval, you can approve it with caveats as needed.

Chairman: beg your pardon.

Mr. Hoffman: you may approve with caveats as needed.

Chairman: okay, thank you.

Mr. Rowe: Mr. Chairman, the fifty percent rule is where we are now. The property is grandfathered nonconforming, so if more than fifty percent of it is destroyed now that is where we are, we have to move it. So that is what we are trying to get the variance for so we can put it back like it is if more than half of it is destroyed.

Chairman: right that is what I am saying, yes it is nonconforming now. Correct. If the appeal is approved, and we hope it never happens, but a hurricane comes through and wipes them out, obliterates them, at the present time they could go back on the same slabs back where they are now if this is approved. Is that correct?

Mr. Rowe: yes, sir, that is what we are asking for.

Chairman: thank you. Any other questions?

Mr. Lamb: it is my understanding that the BZA is being asked to approve a series of errors by other people, and it comes down to us because they discharged their responsibility, that the BZA now is asked to look past that and say well that is okay. Am I incorrect in that?

Ms. Jones: you are being asked to discharge the responsibilities that have been vested in you, which are to determine whether there is a hardship or some condition that is particular to this site, and you are to determine whether their request is reasonable or appropriate, rather than focusing on the failures of others in the past. I think your focus should be on the criteria for approving the variance because that is why the BZA exists.

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Mr. Lamb: would it be unreasonable to say that because I did not take the proper steps to ensure that a given action is taken that that is in fact a self-imposed hardship?

Ms. Jones: I would not say that. I would say that the problem is that someone built according to plans that were approved, and they are now asking you to approve the development as it stands, not to expand it, not to do anything to the site, but the ability to rebuild it if it gets destroyed to a point that they need to rebuild it immediately. It is a viable development and I think it would be in the City's best interest that if anything happened to it they would have the right to get in there and put it back the way it should be.

Chairman: is there some way that the Planning Department can ask the City Council to tighten up a few issues, and can the Planning Department ask the Planning Commission to tighten up in a few areas? That the ordinances that they deem necessary, as I say we are either going to control the ordinances or the ordinances are going to control us, and I had rather control them without having one thrown in there like the Alabama Constitution for every time you want to do something they throw in an amendment to it, but I want to help people out as much as I can and fall within that perimeter of these are the issues that you are faced with. It is a little different in this situation than it is in cutting five-feet of a building off. This is a little different. You have got the convoluted type of situation there. So that is why I am asking all of these questions.

Mr. Jones: well what I can tell you for certain is that, I cannot guarantee it and I cannot promise it, but I can tell you that when I review site plans I review setbacks. Upon the completion of a building I require letters from the Engineer and the Landscape Architect to make sure that the design meets the plans that have been approved. Now in the past it may have been a little bit more flexible, and you may get other requests just like this one because somebody did not follow the book. You may. You may get a series of them because everybody is trying to get refinanced, and the title company wants to clear it all up.

Chairman: I know Mr. Merchant before he gives a C/O he looks at certain things that has to do with the building, perhaps it can be put in there whether it takes an engineer or a surveyor or whomever to go out there when it is finished before he gives the C/O and says look you are ten-feet outside of the setback line and I am not giving you a C/O, that would nip it in the bud, as Barney says.

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Ms. Jones: it would be nice to know that once the footing is poured, once the permanent part of the structure is poured to know that it is in conformance with the requirements at that time, so that they do not invest any more money into it.

Chairman: I know that the developer and the builder of the units do not want to have to go through this. They would rather do it right, but if they build it the way the plans had to build it then somebody prior to them is in error. Thank you, Mr. Rowe. Does anyone else wish to address the BZA? Yes, sir, if you would step up and state your name and address for the record, and let us know if you are in favor of or opposed to this appeal.

Mr. Tonsmeire: my name is Skipper Tonsmeire, our office is in Fairhope.

Chairman: well you are certainly in favor of it.

Mr. Tonsmeire: yes, sir. I also would have to say that since I was there with Bill Eady when we came up with this site plan in 1994 that anything that we did wrong back then that I had a hand in, but I had a specific discussion with Bill. Because as Ms. Jones has pointed out it is kind of hard to tell where your side yard and rear yard are on these because the buildings face the parking lot, and some of them are turned at an angle. We felt like at that time when we got the City's Planning Commission to approve the plot plan that we were okay to build like that plot plan, and I think Don Rowe has said and I think Ms. Jones has also said that they are built like the approved plot plan. Now I know that there are some large numbers for these setbacks, but we were thinking we were talking about a side yard. We did not know we were talking about a rear yard for some of those. Like Ms. Jones said it is a viable development. We are pretty much full and we house people from all walks of life. A lot of them work in Mobile. I do not know and it is probably not a big factor, but we have tried to be good citizens of the Daphne community. We have done quite a few developments in this area. We built, at our expense, the ball fields that are out there at what use to be the Boys and Girls Club, which is now the Ruff Wilson Youth Club. So we have tried to make our contributions to the community, and we just need, like Don Rowe said, we do not want to build any more buildings, we do not want to move anything, all we want to do is in the event of some kind of catastrophic storm, catastrophic fire or heaven forbid an airliner lands there and takes all of the buildings out we would like to be able to build back to where they are.

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Mr. Tonsmeire: we do not want to build any closer to anything else, we do not want to build any more units, we would just like to be able to build as we built them to start with. I will say this one more time. We felt like we built like the City approved the site plan, that we should be okay, but I am hearing a lot of different things now, that we did not address back in 1994 with Bill Eady. Do you have any questions for me?

Chairman: does anyone have any questions for Mr. Tonsmeire? Thank you, Mr. Tonsmeire. Is there anyone here tonight that would like to speak in opposition to this appeal? Let the record show that there is not anyone here to speak in opposition of this appeal, public participation is closed. Does anyone else have any questions or statements? If not, the Chair will entertain a motion. Once again the motion must be made in the affirmative.

A Motion was made by Mr. Mayhand and Seconded by Mr. Lamb to approve Appeal #2013-02, Daphne Apartments, LTD & Bay Breeze II, LLC, a variance request to allow existing setback encroachments and establish setbacks for certain Bay Breeze Apartment buildings located at 29150 Lake Forest Boulevard zoned R-4 High Density Single & Multi-family residential. If granted the setbacks shall be as follows:

- (a) Northeast corner of Building #5, nine point five-feet in lieu of the required twelve-foot side yard setback;
- (b) Southwest corner of Building #11, nine point five-feet in lieu of the required ten-foot side yard setback;
- (c) North side of Building #6, nine point six-feet in lieu of the required ten-foot side yard setback;
- (d) Northeast point of Building #14, four point one-feet in lieu of the required thirty-foot rear yard setback;
- (e) Building #16, fifteen-feet in lieu of the required thirty-foot rear yard setback;
- (f) Building #17, fifteen-feet in lieu of the required thirty-foot rear yard setback;
- (g) Building #18, fifteen-feet in lieu of the required thirty-foot rear yard setback;

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h) Building #19, twenty-feet in lieu of the required thirty-foot rear yard setback.

The request, if granted would also permit the use and application of the following parking ratio: 1.5 parking spaces per unit per Article 16-2 of Ordinance 2002-22, as amended, in lieu of, 2 parking spaces per unit, per Article 16-2 of Ordinance 2012-54, as amended.

Upon roll call vote, the motion failed.

Mr. Cooke	Nay
Mr. Mayhand	Aye
Mr. Lamb	Aye
Mr. Robison	Aye

Chairman: your appeal for a variance is denied. You have fifteen days from today to notify Community Development Department in writing of your plans to appeal this decision with the Circuit Court of Baldwin County. You can pick up your paperwork in the Community Development office in the morning after nine o'clock. Thank you very much.

Mr. Lamb: Ms. Jones, could I request that we find out who in the City is responsible to check setbacks.

Ms. Jones: I can ask.

Mr. Lamb: I am not sure who does it. I have been told that the Building Inspector does not, and maybe there is nobody that should. Maybe it should be up to the contractor, and subsequently there are no penalties if he does not build within the setbacks. There is no financial penalty. So in other words if he builds over the setbacks, sorry about that, BZA will approve it, that is where we are right now. The BZA is a last resort and people think well you are not going to not approve it, I mean we have already built it, what is the matter with you, but I am operating where I do not know who is supposed to do that, if anybody, and if not, why not. I know when you build the building the financier always makes sure of did that building get built within the setbacks, because they are not going to sign off to have it surveyed again, and that is when they come to us saying, oops, I built over the setbacks, and I cannot get the loan, you have got to approve it. We are the bad guys if we do not approve it, no you are the bad guy because you did not do it right, but I would appreciate your asking that for me.

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Mr. Mayhand: there is no incentive to get it right.

Mr. Cooke: my house was constructed in 1992 and the C/O approved in January of 1993. The stakes on the property was laid out when I measured them from the property boundaries and this, that and the other for the correct location. Before the concrete was poured into the form, the City Building Inspector came to my property. He did not take any measurements. He just looked at the stakes, this, that and the other. He could see that my setbacks were okay. I do not know that in 1992, that is, if they did any measurements, but he came before the concrete was poured for the slab.

Chairman: I believe Mr. Mayhand has something before we adjourn.

Mr. Mayhand: I was just going to reiterate what Mr. Lamb said earlier. We need to find out if there should be a penalty for them missing a setback on a newly built structure. The old stuff I understand all of that, but we need to do something so that twenty years from now the people sitting here in these chairs will not be confronted with what we are because nobody checked, that is all I wanted to say.

Chairman: Ms. Jones, Ms. Pat, and Mr. Hoffman, we are still in session, so what I am about to say is business. However, minutes only reflect an action taken that is what minutes reflect. So if there are no actions taken normal conversation does not have to be recorded, and of course, we destroy the tapes after the minutes are approved. Is that correct? Do we get rid of the recorded tapes?

Ms. Johnson: no, I do not keep them.

Chairman: do we re-record over them or something?

Ms. Johnson: once I heard in our class that by law we do not have to keep them, and then I do not keep them anymore.

Chairman: but they should be kept until the minutes are approve? Right? Once the minutes are approved they become official, so with minutes reflecting actions taken not necessarily the discussions made.

Ms. Johnson: I do not keep them after the minutes are approved.

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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. Mayhand to adjourn.

The motion carried unanimously.

There being no further business the meeting was adjourned at 7:25 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: June 6, 2013



Willie Robison, Chairman

SET DATE FOR PUBLIC HEARING

JULY 15, 2013

TO CONSIDER:

1.

Rezoning: John & Deborah Kim

Location: Southwest of the intersection of
Pollard Road and County Road 64

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

Requested Zoning: B-3, Professional Business District

Recommendation: Unanimous Unfavorable

2.

Rezoning: Interstate-Baldwin Investment, LLC

Location: Northwest of the intersection of
TimberCreek Subdivision and Interstate 10

Present Zoning: B-2, General Business District

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

Recommendation: Unanimous Favorable

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: John & Deborah Kim
Zoning Amendment Review
Date: June 12, 2013

MEMORANDUM

PRESENT ZONING: R-2, Medium Density Single Family Residential District

PROPOSED ZONING: B-3, Professional Business District

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

RECOMMENDATION: At the Tuesday, June 11, 2013, special meeting of the Daphne Planning Commission, nine members were present and the motion to set forth an unfavorable recommendation carried unanimously.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, June 17, 2013 to set the public hearing for Monday, July 15, 2013.

Thank you,
ADJ/jv

cc: file

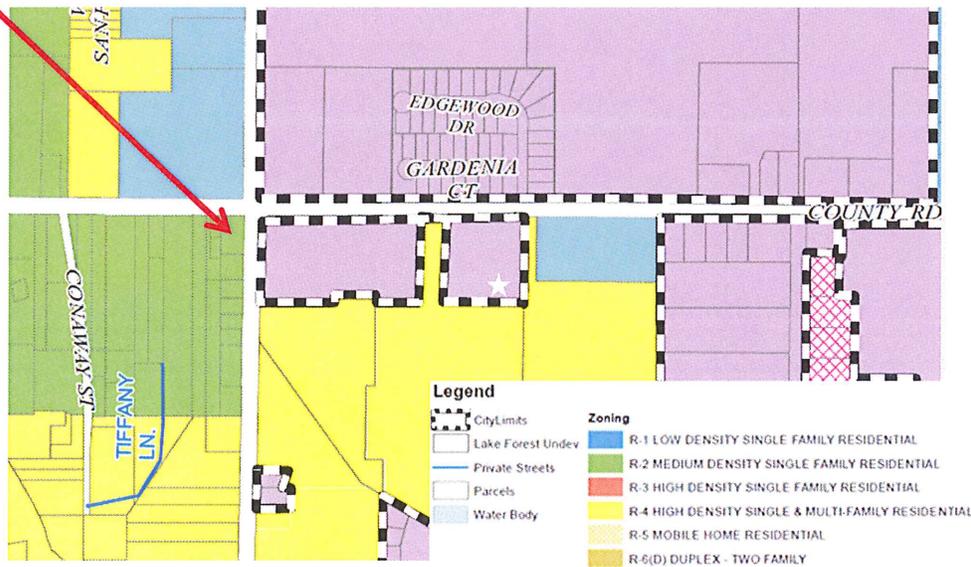
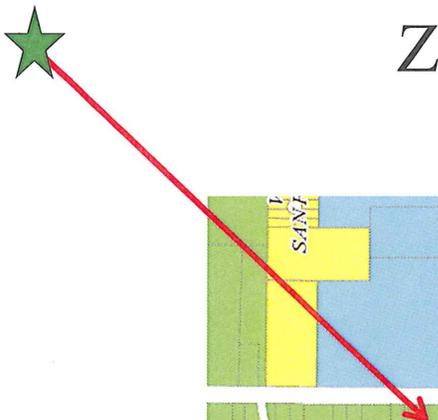
attachment(s)

1. Community Development Report
2. Petition
3. Legal description
4. Map of property - Boundary Survey
5. Correspondence to Adjacent Property Owners
6. Adjacent property owners' list

Planning Commission



Zoning Amendment Review John & Deborah Kim



COMMUNITY DEVELOPMENT

ZONING AMENDMENT PROPOSAL

Owner: John & Deborah Kim
Existing Conditions: 0.46 acres
Existing Zoning: R-2, Medium Density Single Family Residential District
Proposed Zoning: B-3, Professional Business District

Surrounding Zonings/Uses:

North - (B-2) General Business zoned (Baldwin Bone & Joint Medical Office)
South - R-2, Medium Density Single Family Residential District (residence)
East - Baldwin County unincorporated
West - R-2, Medium Density Single Family Residential District (residence)

Existing Utility Service Providers:

Sewer – Daphne Utilities
Gas – Daphne Utilities
Electric – Riviera Utilities
Water – Daphne Utilities

Affected City Service Providers:

Fire Protection—Station 2 (North Main Street)
Police Protection—Police Beat 1
Public Works

Baldwin County Schools

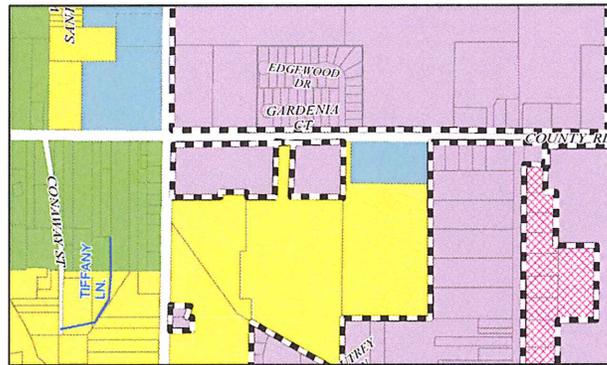
School district zones are not set by municipal boundaries; therefore school districting will not be affected by zoning.

Comprehensive Plan

The current Comprehensive Plan designates the subject property as residential. The proposed use is not consistent with the comprehensive plan. It should be noted that the Future Land Use Map doesn't reflect the commercial property development located north (Baldwin Bone & Joint), and is outdated in that respect. The Comprehensive Plan is in need of amendments, to show changes that have occurred overtime and bring the map-up to-date.



Future Land Use Map



Existing Zoning Map

What is B-3 zoning? According to Article 13 of the Land Use & Development Ordinance, “the B-3 zoning district is established to provide an opportunity for business establishments of a professional nature and is restricted to offices and businesses which provide specific corporate functions or professional services to the general public, but *not the sale of goods or services at retail or wholesale.*”

What is allowed in a B-3 district?

According to Article 35-3 Permitted Uses & Conditions, of the Land Use & Development Ordinance the following are permissible uses by right and/or by Planning Commission approval:

By Right: Agriculture and related farming operations, bank, including drive in bank, church or related accessory bldg., city hall or public bldg., clinic- dental, medical, or psychiatric for humans, employee credit union, home occupation, professional office building, optician, radio and tv antenna.

By Planning Commission Approval: business school or college, college or university, college sorority or frat house, electric power substation, gas regulator station, hospital, clinic, extended care facility, police substation, post office, public utility substation with proper screening, telephone exchange, water storage.

What buffers are required for B-3 zoned district? According to Article 19 of the LUDO, the minimum buffer is a 10-ft wide buffer zone between B-3 and R-2 (and any other residential zone district).

What is the difference in the proposed zone and the adjacent property? See Article 13-6 of the Land Use & Development Ordinance to compare and contrast the minimum requirements.

Article 13-6 excerpt

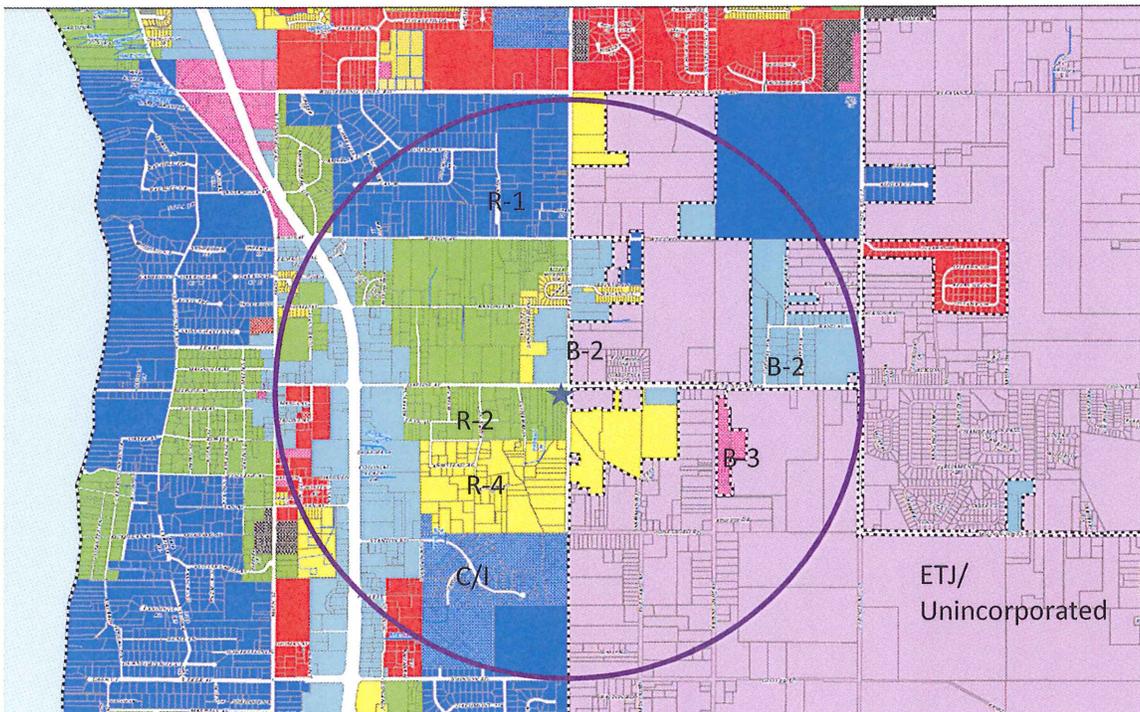
EXCERPT FROM 13-4	Minimum Lot Area Square feet (sq ft)	Minimum Lot Width at Setback Line (ft)	Maximum Lot Coverage Percent (%) ^a	Maximum Density ^b (units/acre)	Maximum Height ^c (stories) (ft)
ZONING OF PROPERTY TO NORTH ACROSS CR 64 AND PROPOSED B-1, B-2, B-3 Business Districts and Mixed Use Districts	N/A	N/A	N/A	N/A	4 stories 50 ft
EXISTING ZONING OF SITE AND SURROUNDING R-2, Medium Density Single Family	15,000	90	25	2.5	2.5 stories 35 ft

Article 13-6 Setbacks

EXCERPT FROM 13-6	Front Yard Local Streets	Front Yard County Roads	Rear Yard	Side Yard	Corner Lot Side Yard
R-2	35	75	35	10	35 or 20
B-3	30	75	30	30	30 or 25

What can be said about development in the immediate and surrounding area? There are various uses and zones along Pollard Road, as there are various uses and zones along County Road 64. Zones range from B-2 General Business (near intersection of Hwy 98 and County Road 64 (CR 64) as well as near the intersection of CR 13 and CR 64), R-4 Single and Multi Family (south of Pollard & CR 64--AHEPA apartments and St. Charles Village townhomes, and to the east, Audubon Park apartments), B-3 Professional Business (east along Friendship Road), R-2 Medium Density Single Family Residential (immediately west and south). The immediately abutting property is zoned R-2 and used for single family dwellings.

ONE MILE RADIUS OF KIM PROPERTY



THINGS TO CONSIDER

Potential Benefits--Redevelopment of the existing structure and/or land would have some benefit and value by revitalizing what has been a blighted and unkempt property. If any commercial zone were to be considered, B-3, Professional Business, would be the most appropriate.

Negative Impacts--One may be tempted to use the phrase "spot zoning," however, it's more important to determine whether there will be any significantly negative impacts that can't be mitigated or prevented. It isn't clear that an office use would have a significant negative impact on the neighboring properties. Through site plan review the Planning Commission would certify that any development would meet the provisions of the LUDO, including parking, buffering, landscaping, setbacks etc. The size of the property (0.46 acres) automatically limits the potential use of the site (must have room to add parking, landscaping, buffering, meet setback requirements, etc.).

Timing--Although commercial zoning is located across CR 64 (north) the nature of Baldwin Bone and Joint's adjoining property is institutional and agricultural. Is this the right time to

introduce commercial use and zoning to this end of Pollard Road? Is this area ripe for commercial development?

South of the intersection of Pollard Road and County Road 64—(CR 64), although there are some multi-family developments along Pollard, the remaining and contiguous land is predominately single family residential. The city must weigh the benefits and potential impact of adding a commercial zone at this location at this time.

In summary, if the Planning Commission and City Council find it to be the right time to introduce commercial zoning to this end of Pollard Road, then B-3 certainly would be the most appropriate district to allow.

Adjoining property owner notices shall be 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.

June 2013 Planning Report-Special Called Meeting

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: 213-05 Date Plat Submitted: April 24, 2013

Date Presented: May 23, 2013

Name of Owner: John + Deborah Kim

Address: 25478-B Friendship Telephone# 391-0546
(Street or P.O. Box) (City) (State) (Zip Code) Rd Daphne AL 36526

Name of Authorized Agent, if other than owner: n/a

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

Subdivision: _____

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 the names and mailing addresses for the adjacent property owners (Date Submitted: April 24, 2013).

Meeting Dates:

Planning Commission: May 23, 2013

City Council: _____

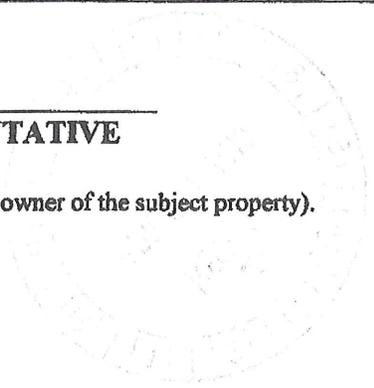
Reason(s) for requesting the Zoning Amendment:

to change use to general business
to Rent for business use

[Signature]
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

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

Revised: March 18, 2004



APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

- a) Address 1709 Pollard RD
- b) Name of Subdivision _____
- c) Lot numbers involved in change _____
- d) Total acreage of change 0.46
- e) Recorded in Map Book _____ Page _____
- f) Owned in whole by the undersigned? no
- g) If owned in part, name(s) of co-owner(s):
Deborah Kim

2) Zoning change requested:

- a) Present classification of property R-2
- b) Reclassification desired B-3 JK
- c) Character of neighborhood B-2, general business

3) Certifications:

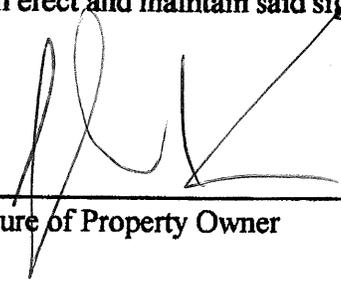
- a) Owner's Name John Kim
- b) Address 25478-13 Friendship Road
Daphne AL 36526
- c) Telephone Number 301-0546
- d) Date 04/24/13
[Signature]
Signature of Property Owner
Deborah L. Kim
Signature of Property Owner

AGREEMENT

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

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

4/24/13
Date


Signature of Property Owner

**JOHN & DEBORAH KIM
ZONING AMMENDMENT REVIEW**

**SOUTHWEST OF THE INTERSECTION OF
POLLARD ROAD AND COUNTY ROAD 64**

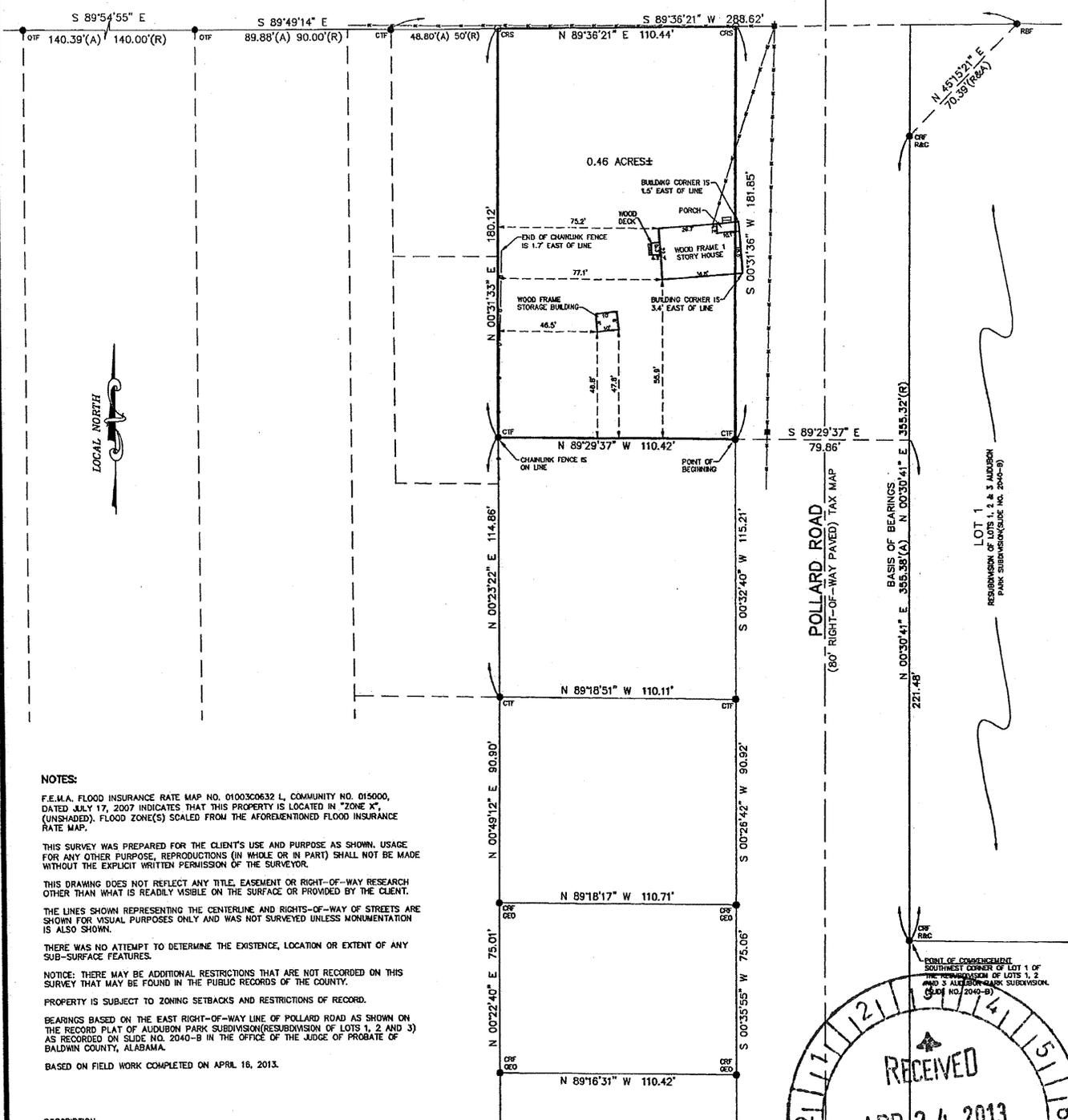
EXHIBIT "A"

**STATE OF ALABAMA
COUNTY OF BALDWIN**

**DESCRIPTION OF PROPERTY TO BE REZONED FROM (R-2) MEDIUM DENSITY SINGLE
FAMILY RESIDENTIAL, TO (B-3) PROFESSIONAL BUSINESS**

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF THE RESUBDIVISION OF LOTS 1, 2, AND 3 AUDUBON PARK SUBDIVISION AS RECORDED ON SLIDE NO. 2040-B IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00-DEGREES 30-MINUTES 41-SECONDS EAST ALONG THE WEST LINE OF SAID LOT 1 AND THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD (80' RIGHT-OF-WAY) A DISTANCE OF 221.48 FEET; THENCE RUN NORTH 89-DEGREES 29-MINUTES 37-SECONDS WEST, 79.86 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF POLLARD ROAD; SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE NORTH 89-DEGREES 29-MINUTES 37-SECONDS WEST, 110.42 FEET; THENCE RUN NORTH 00-DEGREES 31-MINUTES 33-SECONDS EAST, 180.12 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 64 (80' RIGHT-OF-WAY); THENCE RUN NORTH 89-DEGREES 36-MINUTES 21-SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 110.44 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF POLLARD ROAD; THENCE RUN SOUTH 00-DEGREES 31-MINUTES 36-SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 181.85 FEET TO THE POINT OF BEGINNING CONTAINING 0.46 ACRES, MORE OR LESS.

BALDWIN COUNTY HWY. NO. 64
(80' RIGHT-OF-WAY PAVED) TAX MAP



NOTES:

F.E.M.A. FLOOD INSURANCE RATE MAP NO. 0100320632 L, COMMUNITY NO. 015000, DATED JULY 17, 2007 INDICATES THAT THIS PROPERTY IS LOCATED IN "ZONE X", (UNSHADED), FLOOD ZONE(S) SCALED FROM THE AFOREMENTIONED FLOOD INSURANCE RATE MAP.

THIS SURVEY WAS PREPARED FOR THE CLIENT'S USE AND PURPOSE AS SHOWN. USAGE FOR ANY OTHER PURPOSE, REPRODUCTIONS (IN WHOLE OR IN PART) SHALL NOT BE MADE WITHOUT THE EXPLICIT WRITTEN PERMISSION OF THE SURVEYOR.

THIS DRAWING DOES NOT REFLECT ANY TITLE, EASEMENT OR RIGHT-OF-WAY RESEARCH OTHER THAN WHAT IS READILY VISIBLE ON THE SURFACE OR PROVIDED BY THE CLIENT.

THE LINES SHOWN REPRESENTING THE CENTERLINE AND RIGHTS-OF-WAY OF STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WAS NOT SURVEYED UNLESS MONUMENTATION IS ALSO SHOWN.

THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION OR EXTENT OF ANY SUB-SURFACE FEATURES.

NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY.

PROPERTY IS SUBJECT TO ZONING SETBACKS AND RESTRICTIONS OF RECORD.

BEARINGS PLAT ON THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD AS SHOWN ON THE RECORD PLAN OF AUDUBON PARK SUBDIVISION (RESUBDIVISION OF LOTS 1, 2 AND 3) AS RECORDED ON SLIDE NO. 2040-B IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

BASED ON FIELD WORK COMPLETED ON APRIL 16, 2013.

DESCRIPTION:
COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF THE RESUBDIVISION OF LOTS 1, 2 AND 3 AUDUBON PARK SUBDIVISION AS RECORDED ON SLIDE NO. 2040-B IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°30'41" EAST ALONG THE WEST LINE OF SAID LOT 1 AND THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD (80' RIGHT-OF-WAY) A DISTANCE OF 221.48 FEET; THENCE RUN NORTH 89°29'37" WEST, 79.86 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF POLLARD ROAD; SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE NORTH 89°29'37" WEST, 110.42 FEET; THENCE RUN NORTH 00°31'33" EAST, 180.12 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 64 (80' RIGHT-OF-WAY); THENCE RUN NORTH 89°36'21" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 110.44 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF POLLARD ROAD; THENCE RUN SOUTH 00°31'36" WEST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 181.85 FEET TO THE POINT OF BEGINNING CONTAINING 0.46 ACRES, MORE OR LESS.

LEGEND	
OCRS	CAPPED REBAR SET (CA 0089LS)
●	CAPPED REBAR FOUND
○	OPEN TOP IRON PIPE FOUND
○	CIF
○	CIF
(R)	RECORD DATA
(A)	ACTUAL DATA
---	CHUNK FENCE
---	OVERHEAD ELECTRICITY
■	POWER POLE

STATE OF ALABAMA
COUNTY OF BALDWIN:

I, MERLIN J. MILLER, HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Merlin J. Miller
MERLIN J. MILLER, PLS
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER 14588

RECEIVED
APR 24 2013

NOT VALID WITHOUT ORIGINAL SEAL

AS-BUILT SURVEY FOR JOHN KIM		DRAWNAME: SECTION 20, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA	
JOENO: K5148-1001	SCALE: 1" = 30'	DATE: APR. 19, 2013	DRAWN BY: SHY
		APPROVED BY: MAM	SHEET 1 OF 1
<p>1024-B STANTON ROAD DAPHNE, ALABAMA 36528 PHONE: (251) 625-2072 FAX: (251) 621-4040 EMAIL: daphne@mcwinc.com CA 0089LS</p>		<p>REVISION</p>	

JOHN & DEBORAH KIM

ADJACENT PROPERTY OWNERS FOR ZONING AMENDMENT

John & Deborah Kim
25478-B Friendship Road
Daphne, AL 36526

Baldwin Bone & Joint
1505 Daphne Avenue
Daphne, AL 36526

Irmgard Brantley
26070 Pollard Road
Daphne, AL 36526

Gates LLC
c/o Stephen Crawford
P.O. Box 123
Mobile, AL 36601

Leonda Jones
1408 Daphne Ave.
Daphne, AL 36526

Celestine Martin
P.O. Box 1443
Daphne, AL 36526

Charles Hubbard
1707 Pollard Road
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

May 31, 2013

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for John and Deborah Kim, site containing 0.465 acres +/- located southwest of the intersection of County Road 64 and Pollard Road to be rezoned from an R-2, Medium Density Single Family District, to a B-3, Professional Business, district.

The public hearing scheduled to be held by the Daphne Planning Commission on Thursday, May 23rd has been rescheduled to June 11, 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

John & Deborah Kim Zoning Amendment

ORDINANCE NO. 2013 –

**Ordinance to Rezone Property Located Southwest of the Intersection of Pollard Road and County Road 64
John & Deborah Kim**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from R-2, Medium Density Single Family Residential District to B-3, Professional Business District, said property is located Southwest of the intersection of Pollard Road and County Road 64 being more particularly described as follows:

Legal Description:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 1 OF THE RESUBDIVISION OF LOTS 1, 2, AND 3 AUDUBON PARK SUBDIVISION AS RECORDED ON SLIDE NO. 2040-B IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00-DEGREES 30-MINUTES 41-SECONDS EAST ALONG THE WEST LINE OF SAID LOT 1 AND THE EAST RIGHT-OF-WAY LINE OF POLLARD ROAD (80' RIGHT-OF-WAY) A DISTANCE OF 221.48 FEET; THENCE RUN NORTH 89-DEGREES 29-MINUTES 37-SECONDS WEST, 79.86 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF POLLARD ROAD; SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE NORTH 89-DEGREES 29-MINUTES 37-SECONDS WEST, 110.42 FEET; THENCE RUN NORTH 00-DEGREES 31-MINUTES 33-SECONDS EAST, 180.12 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 64 (80' RIGHT-OF-WAY); THENCE RUN NORTH 89-DEGREES 36-MINUTES 21-SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 110.44 FEET TO THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF POLLARD ROAD; THENCE RUN SOUTH 00-DEGREES 31-MINUTES 36-SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 181.85 FEET TO THE POINT OF BEGINNING CONTAINING 0.46 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on June 11, 2013 has considered said request and set forth an *unanimous unfavorable recommendation* to the City Council of the City of Daphne that said property be rezoned; and

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, July 15, 2013 concerning the requested rezoning.

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Interstate-Baldwin Investment, L.L.C.
A portion of the remainder of
TimberCreek Subdivision
Zoning Amendment Review
Date: June 12, 2013

MEMORANDUM

PRESENT ZONING: B-2, General Business District

PROPOSED ZONING: R-6 (G), Garden or Patio Home District

LOCATION: Northwest of the intersection of
TimberCreek Subdivision and Interstate
10

RECOMMENDATION: At the Tuesday, June 11, 2013, special
meeting of the Daphne Planning
Commission, nine members were present
and the motion to set forth an
favorable recommendation carried
unanimously.

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

Upon receipt of said documentation, please prepare an
ordinance for placement on the City Council agenda of Monday,
June 17, 2013 to set the public hearing for Monday, July 15,
2013.

Thank you,
ADJ/jv

cc: file

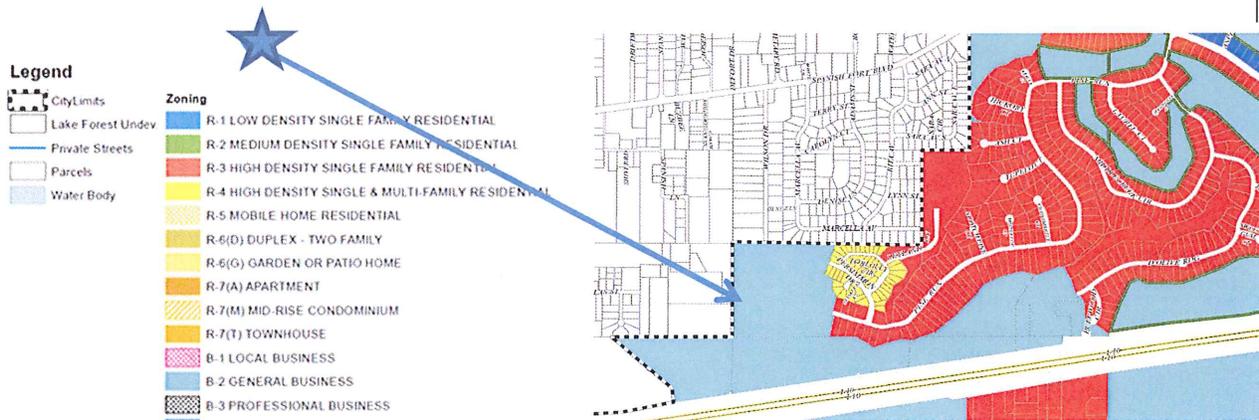
attachment(s)

1. Community Development Report
2. Petition
3. Legal description
4. Map of property - Boundary Survey
5. Correspondence to Adjacent Property Owners
6. Adjacent property owners' list

Planning Commission



ZONING AMENDMENT REVIEW A PORTION OF TIMBERCREEK REMAINDER INTERSTATE –BALDWIN INVESTMENT, LLC



THE COLEMAN ENGINEERING GROUP
Of
McCRORY & WILLIAMS, INC.
CONSULTING ENGINEERS - LAND SURVEYORS
66 MIDTOWN PARK WEST (251) 479-4518
MOBILE, ALABAMA 3606-4148

May 24, 2013

City of Daphne
Community Development
Post Office Box 400
Daphne, Alabama 36526

Attn: Adrienne Jones, MURP, Director/Zoning Administrator

RE: Special Meeting for Consideration
Of Master Plan and Rezoning for Timbercreek Phase 11

Dear Mrs. Jones:

On behalf of Interstate-Baldwin Investment, LLC , we respectfully request consideration for the scheduling of a special meeting of the Daphne Planning Commission for the public hearing and commission vote on the referenced applications. As previously discussed with you, our client wishes to begin construction of subdivision as soon as possible and after obtaining all necessary approvals. By rescheduling hearing to next month for subject applications due to commission not having a necessary quorum of members to vote, it will delay approval process by another month. This unfortunately will push the start of construction closer to the rain season which is not desirable as previously discussed.

Your consideration of this request is sincerely appreciated. Please advise of the decision regarding this request and any additional material you may require from us regarding this request.

Yours Very Truly

The Coleman Engineering Group of McCrory & Williams, Inc.



Daryl B. Russell, P.E.

DBR/sf

COMMUNITY DEVELOPMENT

**A PORTION OF TIMBERCREEK SUBDIVISION
ZONING AMENDMENT REVIEW**

Owner: Interstate-Baldwin, Investment, LLC.

Existing Conditions: 97.49 acres of undeveloped land

Existing Zoning: B-2, General Business

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 - Residential zone (City of Spanish Fort)

South- Interstate 10

East – Timbercreek Phase 9 - zoned R-3, High Density Single Family Residential (along Pine Run) zoned lots and houses; and R-4, High Density Single Family (along Persimmon Drive)

West - City of Spanish Fort—Alabama Public TV site (38 acres)

Existing Utility Service Providers:

Sewer - Daphne Utilities

Gas - Daphne Utilities

Electric - Riviera Utilities

Affected City Service Providers:

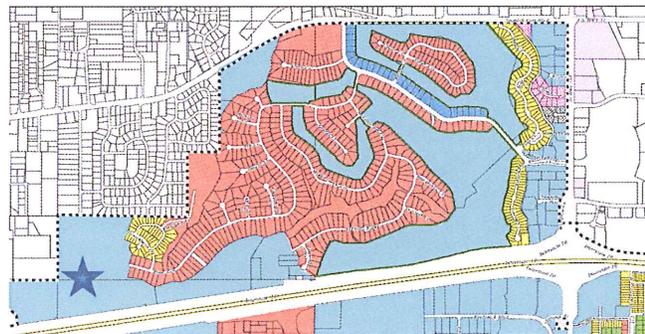
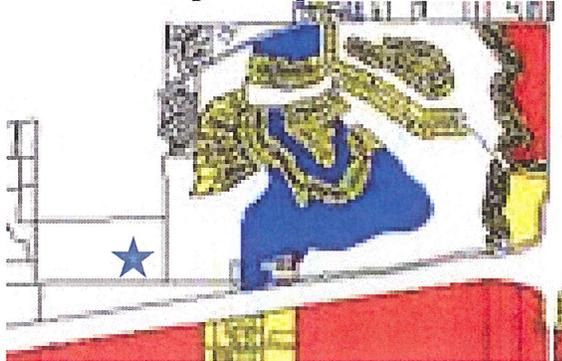
Fire Protection—Station 4 (Timber Creek Fire Station)

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 zoning.

**Comprehensive Plan Future
Land Use Map Excerpt**



Existing Zoning Map of Timbercreek

Legend	
City Limits	Zoning
Lake Forest Undev	R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
Private Streets	R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
Parcels	R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
Water Body	R-4 HIGH DENSITY SINGLE & MULTI-FAMILY RESIDENTIAL
	R-5 MOBILE HOME RESIDENTIAL
	R-6(D) DUPLEX - TWO FAMILY
	R-6(G) GARDEN OR PATIO HOME
	R-7(A) APARTMENT
	R-7(M) MID-RISE CONDOMINIUM
	R-7(T) TOWNHOUSE
	B-1 LOCAL BUSINESS
	B-2 GENERAL BUSINESS
	B-3 PROFESSIONAL BUSINESS

The current Comprehensive Plan illustrates the subject property as undeveloped. That gives flexibility in determining the appropriate use and zoning of the site. Over the years, Timbercreek development has transitioned from east to west from Highway 181(Commercial along Hwy 181, R-4, High Density Single Family on the fringe, Golf course (B-2 zone) meandering through the development, to R-3 (Medium Density Single Family), R-1(Low Density Single Family), back to R-3 (Medium Density Single Family) to R-4, High Density Single Family on the fringe.

Recommendation:

The proposal is consistent with the existing development in Timber Creek and the residential developments to the north in Spanish Fort's jurisdiction. **Recommend approval.**

Adjoining property owner notices shall be 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

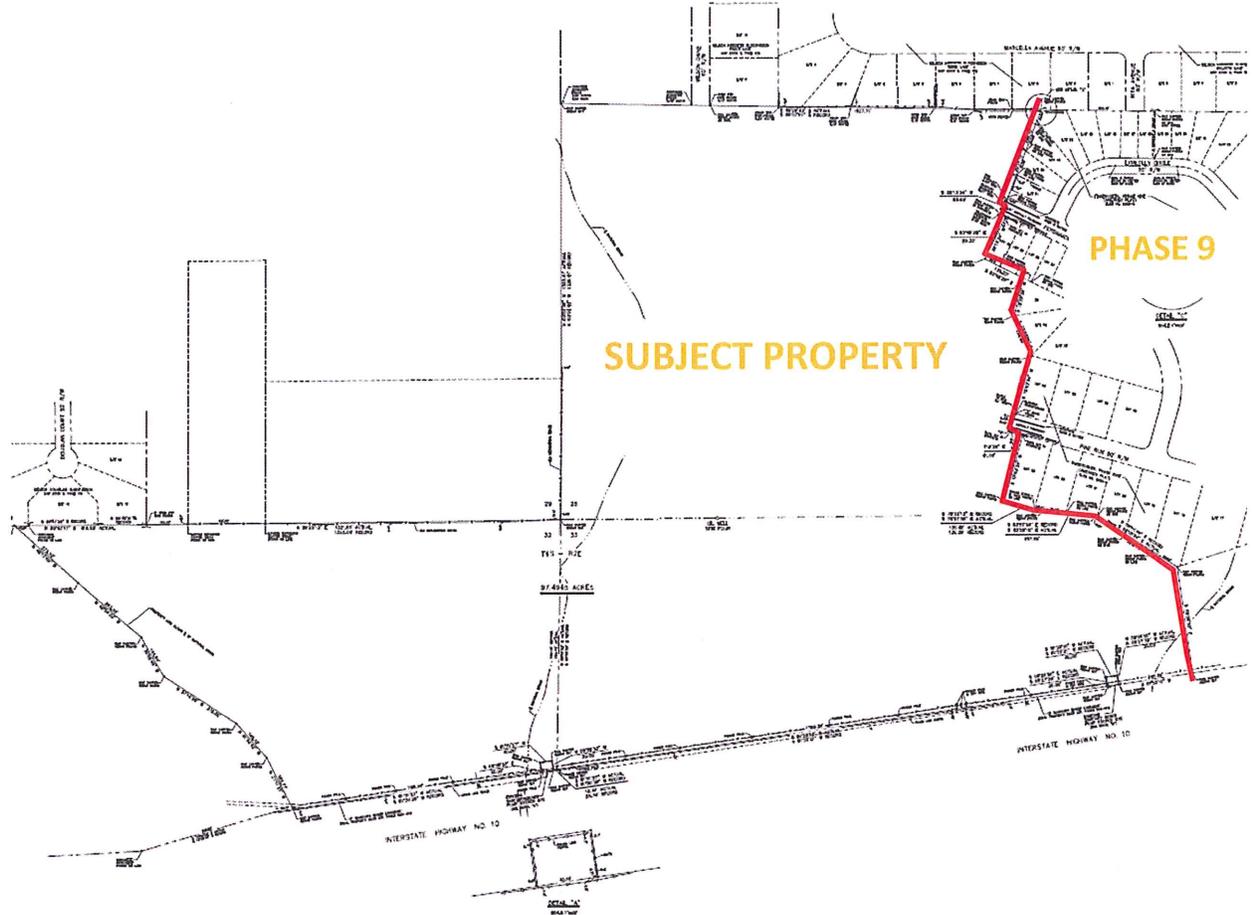
Minimum Lot Requirements

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 B-1, B-2, B-3 Business Districts and Mixed Use Districts	N/A	N/A	N/A	N/A	4 stories 50 ft
TIMBERCREEK PHASE 9-along Pine Run 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	8.0	2.5 stories 35 ft
TIMBERCREEK PHASE 9 Along Persimmon Drive and Loblolly Circle R-4, High Density Single Family	5,000	50	38	8.0	2.5 stories 35 ft

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
B-2	30	O/30	O/30	25

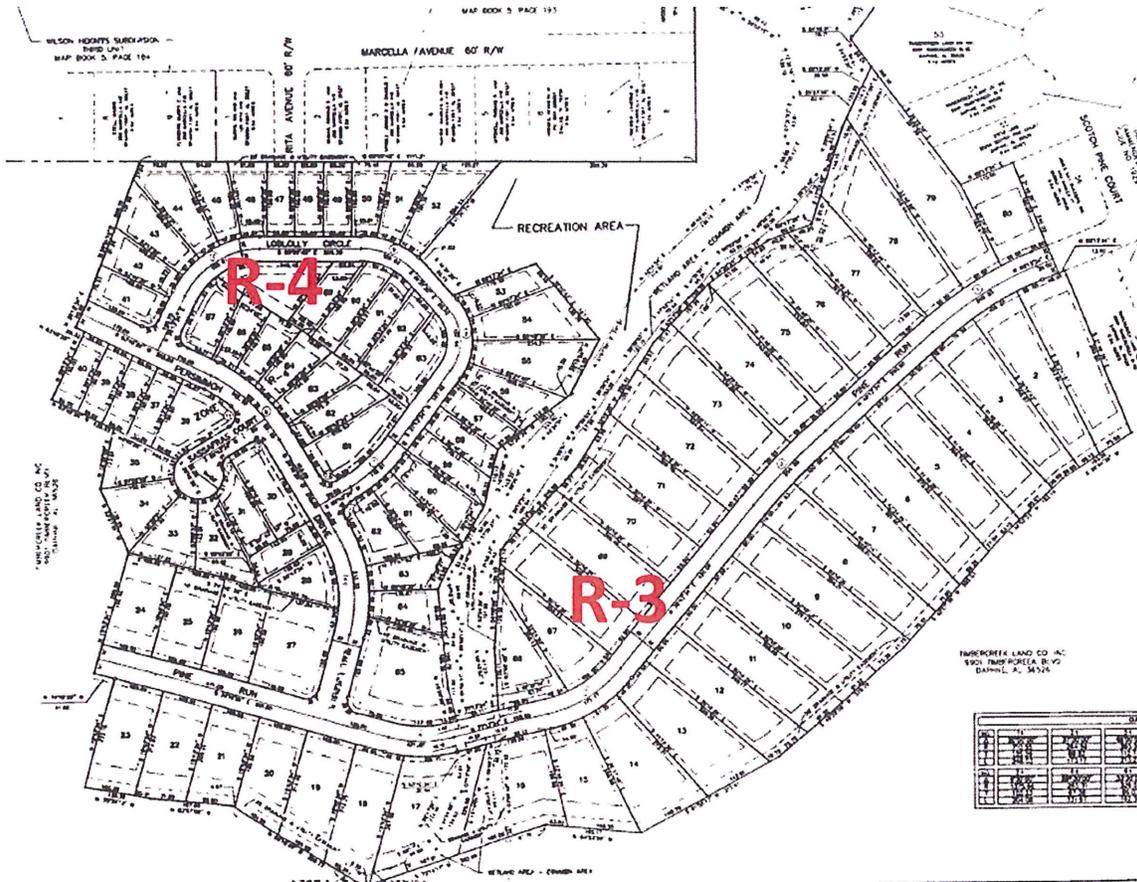
Setbacks Table Article 13-6

REZONING BOUNDARY



Phase 9 Timbercreek Subdivision

Excerpt from Record Plat Slide 2056 D Baldwin County Probate Records



THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: Z13-04 Date Plat Submitted: April 23, 2013

Date Presented: May 23, 2013

Name of Owner: Interstate-Baldwin Investment, L.L.C. ATTN: Allen Cox

Address: 32128 Brokenbranch Circle Spanish Fort, AL 36527 Telephone# (251) 621-1194
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: Daryl Russell
Coleman Engineering Group of McCrory & Williams

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

Subdivision: TimberCreek - 97.4945 Acres

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 the names and mailing addresses for the adjacent property owners (Date Submitted: April 23, 2013).

Meeting Dates:

Planning Commission: May 23, 2013

City Council: _____

Reason(s) for requesting the Zoning Amendment:

Property is currently zoned B-2. Owner wishes to rezone this property to R-6G in anticipation of developing ~~the East~~ ^{this portion} of the TimberCreek Subdivision.

The residential property to the North and East suggest that an R-6G zoning would be appropriate for this property.

Allen Cox

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

Allen Cox - Interstate-Baldwin Investment, LLC

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

Revised: March 18, 2004

APPLICATION FOR ZONING AMENDMENT

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

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

1) Description of property for which amendment is requested:

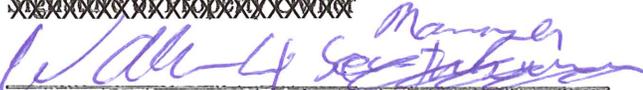
- a) Address N/A
- b) Name of Subdivision _____
- c) Lot numbers involved in change _____
- d) Total acreage of change 97.4945 Acres
- e) Recorded in Map Book - Page -
- f) Owned in whole by the undersigned? Yes
- g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

- a) Present classification of property B-2
- b) Reclassification desired R-6G
- c) Character of neighborhood Residential to the North and East, Alabama Public TV to the West and I-10 to the South

3) Certifications:

- a) Owner's Name Interstate-Baldwin Investment, L.L.C. ATTN: Allen Cox
- b) Address 32128 Brokenbranch Circle Spanish Fort, AL 36527
- c) Telephone Number (251) 621-1194
- d) Date April 23, 2013

~~Signature of Property Owner~~


Signature of Property Owner
Allen Cox - Interstate-Baldwin Investment, LLC

INTERSTATE-BALDWIN INVESTMENT, L.L.C.

ZONING AMENDMENT

NORTH OF WOODROW LANE, WEST OF TIMBERCREEK, PHASE NINE

EXHIBIT "A"

STATE OF ALABAMA)
COUNTY OF BALDWIN)

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED FROM B-2 TO R-6(G) :

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 28, T4S R2E , BALDWIN COUNTY, ALABAMA, THENCE RUN N 00° 02' 26" W 1323.41 FEET TO A POINT ON A WESTWARD PROJECTION OF THE SOUTH BOUNDARY LINE OF WILSON HEIGHTS SUBDIVISION, FIRST UNIT AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 123 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE RUN S 89° 09' 40" E ALONG SAID PROJECTION LINE AND SAID SOUTH BOUNDARY LINE OF WILSON HEIGHTS SUBDIVISION, FIRST UNIT, AND ALONG THE SOUTH BOUNDARY LINE OF WILSON HEIGHTS SUBDIVISION, THIRD UNIT, AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 184 OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1527.71 FEET TO THE NORTHWEST CORNER OF TIMBERCREEK, PHASE NINE (AMENDED PLAT), AS PER PLAT RECORDED ON SLIDE NO. 2056-D OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE RUN S 20° 51' 15" W ALONG THE WESTERN BOUNDARY LINE OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT) A DISTANCE OF 296.10 FEET TO A POINT ON THE WEST TERMINUS OF PERSIMMON DRIVE; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) AND ALONG SAID WEST TERMINUS OF PERSIMMON DRIVE RUN S 26° 13' 34" W 60.00 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY LINE OF SAID PERSIMMON DRIVE, THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) AND ALONG SAID SOUTHERN RIGHT OF WAY LINE OF PERSIMMON DRIVE, RUN S 63° 46' 26" E 20.33 FEET TO A POINT; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) RUN AS FOLLOWS: S 26° 13' 34" W 150.00 FEET, S 63° 46' 26" E 135.23 FEET, S 12° 39' 08" W 123.51 FEET, S 23° 27' 51" E 138.95 FEET TO A POINT; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) AND ALONG THE WEST TERMINUS OF PINE RUN, RUN S 15° 43' 34" W 250.00 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY LINE OF SAID PINE RUN; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) AND ALONG SAID SOUTHERN RIGHT OF WAY LINE OF PINE RUN, RUN S 74° 16' 26" E 41.00 FEET TO A POINT ; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) RUN S 15° 43' 34" W 222.16 FEET TO THE SOUTHWEST CORNER OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT); THENCE ALONG THE SOUTHERN BOUNDARY LINE OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT) RUN AS FOLLOWS: S 78° 27' 58" E 130.46 FEET, S 83° 59' 10" E 167.69 FEET, S 58° 15' 04" E 308.72 FEET TO A POINT; THENCE RUN S 08° 26' 50" E 340.74 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10; THENCE RUN S 81° 33' 10" W ALONG SAID NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10, A DISTANCE OF 240.59 FEET TO THE SOUTHEAST CORNER OF AN EXISTING SANITARY SEWER PUMP STATION SITE; THENCE RUN N 08° 26' 50" W ALONG THE EAST BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF SAID SANITARY SEWER PUMP STATION SITE; THENCE RUN S 81° 33' 10" W ALONG THE NORTH BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 40.00 FEET TO THE

NORTHWEST CORNER OF SAID SANITARY SEWER PUMP STATION SITE; THENCE RUN S 08° 26' 50" E ALONG THE WEST BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF SAID SANITARY SEWER PUMP STATION SITE, SAID POINT BEING ON THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10; THENCE RUN S 81° 33' 10" W ALONG SAID NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10, A DISTANCE OF 1769.26 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10 RUN S 81° 31' 27" W 10.41 FEET TO THE SOUTHEAST CORNER OF AN EXISTING SANITARY SEWER PUMP STATION SITE; THENCE RUN N 08° 28' 33" W ALONG THE EAST BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF SAID SANITARY SEWER PUMP STATION SITE; THENCE RUN S 81° 31' 27" W ALONG THE NORTH BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 40.00 FEET TO THE NORTHWEST CORNER OF SAID SANITARY SEWER PUMP STATION SITE; THENCE RUN S 08° 28' 33" E ALONG THE WEST BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF SAID SANITARY SEWER PUMP STATION SITE, SAID POINT BEING ON THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10, THENCE RUN S 81° 31' 27" W ALONG SAID NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10, A DISTANCE OF 798.04 FEET TO A POINT ON THE CENTERLINE OF A NATURAL DRAIN; THENCE ALONG SAID CENTERLINE OF A NATURAL DRAIN, RUN AS FOLLOWS: N 27° 11' 27" W 182.77 FEET, N 41° 34' 42" W 146.10 FEET, N 57° 14' 28" W 276.05 FEET, N 30° 58' 45" W 144.94 FEET, N 48° 54' 33" W 263.34 FEET, N 48° 17' 00" W 273.03 FEET TO A POINT ON THE SOUTH BOUNDARY LINE OF SENIOR DOUGLAS SUBDIVISION, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 116 OF THE AFOREMENTIONED PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE RUN N 89° 43' 17" E 419.65 FEET TO THE SOUTHEAST CORNER OF SAID SENIOR DOUGLAS SUBDIVISION; THENCE RUN N 89° 25' 13" E 1321.85 FEET TO THE POINT OF BEGINNING. CONTAINING 97.4945 ACRES.

REVISED: APRIL 23, 2013



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

May 31, 2013

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for proposed TimberCreek Subdivision, Phase Eleven, consisting of 97.49 acres +/- located northwest of the intersection of TimberCreek Subdivision and Interstate 10 to be rezoned from a B-2, General Business, to an R-6 (G), Garden or Patio Home, district. Site is west of Phase Nine, TimberCreek Subdivision.

The public hearing scheduled to be held by the Daphne Planning Commission on Thursday, May 23rd has been rescheduled to June 11, 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

Interstate-Baldwin Investment, L.L.C.

INTERSTATE-BALDWIN INVESTMENT,
LLC
ZONING AMENDMENT
ADJACENT PROPERTY OWNER'S LIST



INTERSTATE-BALDWIN INVESTMENT,
LLC
ATTN: ALLEN COX
32128 BROKENBRANCH CIR
SPANISH FORT, AL 36527

TIMBERCREEK LAND COMPANY, INC
ATTN: ALLEN COX
32128 BROKENBRANCH CIR
SPANISH FORT, AL 36527

AL EDUCATIONAL TELEVISION COMM
2112 11TH AVE SOUTH
BIRMINGHAM, AL 35205

MIXON CARLA & JOSEPH JR
PO BOX 1573
FAIRHOPE, AL 36533

DOUGLAS STEPHEN
C/O ANNA P DOUGLAS
15784 WABASH ST
DETROIT, MI 48238-1536

DOUGLAS CARL L & DOROTHY
PO BOX 7441
SPANISH FORT, AL 36577

DOUGLAS SENIOUR ELBERT SR
1416 W HIGHLANDS ST
CHANDLER, AZ 85224

WILKINS TAYLOR III
PO BOX 7849
SPANISH FORT, AL 36577

BETHEA KATHERINE M
30226 SPANISH LN
SPANISH FORT, AL 36527

DIEHL ELIZABETH H
PO BOX 1892
ORANGE BEACH, AL 36561

TAYLOR ONEIDA
134 WILSON DR
SPANISH FORT, AL 36527

MARKHAM EARBY C
131 WILSON DR
SPANISH FORT, AL 36527

THOMAS ANGIE ELIZABETH
254 MARCELLA AVE
SPANISH FORT, AL 36527

MORRIS WES JR & MARGARET S
256 MARCELLA AVE
SPANISH FORT, AL 36527

MOORE JOSEPH & OUIDA
258 MARCELLA AVE
SPANISH FORT, AL 36527

LENOX VELMA M
260 MARCELLA AVE
SPANISH FORT, AL 36527

JONES KATHRYN & MELANIE TOOMEY
262 MARCELLA AVE
SPANISH FORT, AL 36527

MILLS GREGORY
264 MARCELLA AVE
SPANISH FORT, AL 36527

EZELL MAXINE
266 MARCELLA AVE
SPANISH FORT, AL 36527

SORRELL WESLEY & ASHLEY
106 WICKER WAY
DAPHNE, AL 36526

LAWRENCE HENRY P
2121 W MAIN RD #505
PORTSMOUTH, RI 02871

SMITH SCOTT & SHANNON
30362 CREPE MYRTLE CT
SPANISH FORT, AL 36527

SIMPSON JONATHAN & SARAH
30238 LOBLOLLY CIR
SPANISH FORT, AL 36527

SPEARS YANCY & JUDITH O
30195 PERSIMMON DR
SPANISH FORT, AL 36527

WALKER DANIEL T & TATJANA J
105 SUMMIT ST
OYSTER BAY, NY 11771

BARNES WILLIAM A
4678 WINDSTARR DR
DESTIN, FL 32541

JANUSZKOWSKI MICHAEL ETAL
8307 SASSAFRAS CT
SPANISH FORT, AL 36527

FRANTZ KATHRYN & JARROD GIBSON
313 OLD CAHABA TRAIL
HELENA, AL 35080

ANDERSON JAMES A
8312 SASSAFRAS CT
SPANISH FORT, AL 36527

WHEELER KEVIN D & LESLIE A
7878 PINE RUN
SPANISH FORT, AL 36527

LOTT DENNIS & REBECCA
4263 CHRISTINE CIR E
MOBILE, AL 36619

SEOANE, EDUARDO & MARIA I
7907 PINE RUN
SPANISH FORT, AL 36527

GRIFFIN CHARLES & JEANNIN
7923 PINE RUN
SPANISH FORT, AL 36527

MCCRACKEN MICHAEL ETAL
30058 PERSIMMON DR
SPANISH FORT, AL 36527

BROCKMAN THOMAS JR & BRENDA
7957 PINE RUN
SPANISH FORT, AL 36527

FLOYD GEORGE R III & BEVERLY
27155 STRATFORD GLEN DR
DAPHNE, AL 36526

CITY OF DAPHNE UTILITIES BOARD
PO BOX 2550
DAPHNE, AL 36526

ORDINANCE NO. 2013 –

**Ordinance to Rezone Property Northwest of the Intersection of TimberCreek
Subdivision and Interstate 10
Interstate-Baldwin Investment, LLC**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District to R-6 (G), Garden or Patio Home District, said property is located Northwest of the intersection of TimberCreek Subdivision and Interstate 10 being more particularly described as follows:

Legal Description:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 28, T4S R2E , BALDWIN COUNTY, ALABAMA, THENCE RUN N 00° 02' 26" W 1323.41 FEET TO A POINT ON A WESTWARD PROJECTION OF THE SOUTH BOUNDARY LINE OF WILSON HEIGHTS SUBDIVISION, FIRST UNIT AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 123 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE RUN S 89° 09' 40" E ALONG SAID PROJECTION LINE AND SAID SOUTH BOUNDARY LINE OF WILSON HEIGHTS SUBDIVISION, FIRST UNIT, AND ALONG THE SOUTH BOUNDARY LINE OF WILSON HEIGHTS SUBDIVISION, THIRD UNIT, AS PER PLAT RECORDED IN MAP BOOK 5, PAGE 184 OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1527.71 FEET TO THE NORTHWEST CORNER OF TIMBERCREEK, PHASE NINE (AMENDED PLAT), AS PER PLAT RECORDED ON SLIDE NO. 2056-D OF SAID PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE RUN S 20° 51' 15" W ALONG THE WESTERN BOUNDARY LINE OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT) A DISTANCE OF 296.10 FEET TO A POINT ON THE WEST TERMINUS OF PERSIMMON DRIVE; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) AND ALONG SAID WEST TERMINUS OF PERSIMMON DRIVE RUN S 26° 13' 34" W 60.00 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY LINE OF SAID PERSIMMON DRIVE, THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) AND ALONG SAID SOUTHERN RIGHT OF WAY LINE OF PERSIMMON DRIVE, RUN S 63° 46' 26" E 20.33 FEET TO A POINT; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) RUN AS FOLLOWS: S 26° 13' 34" W 150.00 FEET, S 63° 46' 26" E 135.23 FEET, S 12° 39' 08" W 123.51 FEET, S 23° 27' 51" E 138.95 FEET TO A POINT; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) AND ALONG THE WEST TERMINUS OF PINE RUN, RUN S 15° 43' 34 W 250.00 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY LINE OF SAID PINE RUN; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) AND ALONG SAID SOUTHERN RIGHT OF WAY LINE OF PINE RUN, RUN S 74° 16' 26" E 41.00 FEET TO A POINT ; THENCE CONTINUING ALONG SAID WESTERN BOUNDARY LINE OF TIMBERCREEK, PHASE NINE (AMENDED PLAT) RUN S 15° 43' 34" W 222.16 FEET TO THE SOUTHWEST CORNER OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT); THENCE ALONG THE SOUTHERN BOUNDARY LINE OF SAID TIMBERCREEK, PHASE NINE (AMENDED PLAT) RUN AS FOLLOWS: S 78° 27' 58" E 130.46 FEET, S 83° 59' 10" E 167.69 FEET, S 58° 15' 04" E 308.72 FEET TO A POINT; THENCE RUN S 08° 26' 50" E 340.74 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10; THENCE RUN S 81° 33' 10" W ALONG SAID NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10, A DISTANCE OF 240.59 FEET TO THE SOUTHEAST CORNER OF AN EXISTING SANITARY SEWER PUMP STATION SITE; THENCE RUN N 08° 26' 50" W ALONG THE EAST BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF SAID SANITARY SEWER PUMP STATION SITE; THENCE RUN S 81° 33' 10" W ALONG THE NORTH BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 40.00 FEET TO THE NORTHWEST CORNER OF SAID SANITARY SEWER PUMP STATION SITE; THENCE RUN S 08° 26' 50" E ALONG THE WEST BOUNDARY LINE OF SAID SANITARY SEWER PUMP STATION SITE, A DISTANCE OF 30.00 FEET TO THE SOUTHWEST CORNER OF SAID SANITARY SEWER PUMP STATION SITE, SAID POINT BEING ON THE AFOREMENTIONED NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10; THENCE RUN S 81° 33' 10" W ALONG SAID NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10, A DISTANCE OF 1769.26 FEET TO A POINT; THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY NO. 10 RUN S 81° 31' 27" W 10.41 FEET TO THE SOUTHEAST CORNER OF AN EXISTING SANITARY SEWER PUMP STATION SITE; THENCE RUN N 08° 28' 33" W ALONG THE EAST

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WHEREAS, the Planning Commission of the City of Daphne on June 11, 2013 has considered said request and set forth an *unanimous favorable recommendation* to the City Council of the City of Daphne that said property be rezoned; and

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, July 15, 2013 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-2, General Business 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.

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

**REPORT
OF
OFFICERS**

Transfer from Benedetto's

CASE NO. _____

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 5-24-14 (initial) aa
 DATE FORWARDED TO POLICE DEPT. 5-28-14 aa
 DATE RECEIVED BY POLICE DEPT. 5-29-13 JH
 DATE: APPROVED DISAPPROVED _____
 POLICE DEPT SIGNATURE [Signature]
 DATE RETURNED TO REVENUE DIV. 5-29-13 JH
 DATE FORWARDED TO CITY CLERK 5-30-13 aa
 DATE RECEIVED BY CITY CLERK 6-04-13 RH
 SCHEDULED DATE ON AGENDA 6-17-13 RH

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER _____
OR TO ABC FIELD OFFICE _____ (per taxpayer request)



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20130520104041794



Type License: 040 - RETAIL BEER (ON OR OFF PREMISES) State: County:

Type License: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES) State: County:

Trade Name: LA ROSSO Filing Fee:

Applicant: FOODIES LLC Transfer Fee: \$100.00

Location Address: 1716 MAIN ST SUITE C DAPHNE, AL 36526

Mailing Address: 30290 DOLIVE RIDGE SPANISH FORT, AL 36527

County: BALDWIN Tobacco sales: NO Tobacco Vending Machines:

Sale of Products Containing Ephedrine: NO Type Ownership: LLC

Book, Page, or Document info: 1395626 Do you sell Draft Beer: N

Date Incorporated: 04/30/2013 State incorporated: AL County Incorporated: BALDWIN

Date of Authority: 04/30/2013 Alabama State Sales Tax ID: R008492470

Name: Title: Date and Place of Birth: Residence Address:

Name:	Title:	Date and Place of Birth:	Residence Address:
IAN MICHAEL SHEARD 8388287 - AL	MEMBER	04/20/1963 DARLINGTON, UK	30290 DOLIVE RIDGE SPANISH FORT, AL 36527

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: IAN SHEARD
 Business Phone: 251-300-9315
 Fax:

Home Phone: 251-279-9875
 Cell Phone: 251-300-9315
 E-mail: iansheard2008@yahoo.com

PREVIOUS LICENSE INFORMATION:

Trade Name: BENEDETTO
 Applicant: BENEDETTO LLC

Previous License Number(s)

License 1: 040-002216502
 License 2: 060-002216502



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20130520104041794



If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **DAPHNE LAND COMPANY 251-621-4140**
 What is lessors primary business? **PROPERTY RENTAL**
 Is lessor involved in any way with the alcoholic beverage business? **NO**
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**
 Is the business used to habitually and principally provide food to the public? **YES**
 Does the establishment have restroom facilities? **YES**
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
 Building Dimensions Square Footage: **2000** Display Square Footage:
 Building seating capacity: **35** Does Licensed premises include a patio area? **NO**
 License Structure: **SHOPPING CENTER** License covers: **PORTION OF**
 Number of licenses in the vicinity: **5** Nearest: **.01**
 Nearest school: **1.5 miles** Nearest church: **.5 miles** Nearest residence: **.25 miles**
 Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
 Confirmation Number: 20130520104041794



NOTICE OF TRANSFER OF ABC LICENSED BUSINESS

NOTE: A Copy of Operating Agreement Must be Attached To Application

CURRENT LICENSEE:
 BENEDETTO LLC
 Address: 1716 MAIN STREET STE C
 DAPHNE, AL 36526
 Telephone: 251-269-0935

NEW APPLICANT:
 FOODIES LLC
 Address: 30290 DOLIVE RIDGE
 SPANISH FORT, AL 36527
 Telephone: 251-300-9315

Current License No: 040-002216502
 060-002216502

LICENSED PREMISES ADDRESS: 1716 MAIN ST SUITE C DAPHNE, AL 36526

THE AFORENAMED HEREBY SERVE NOTICE TO THE ABC BOARD OF THE ATTACHED CONTRACTUAL AGREEMENT GOVERNING THE CONTINUATION OF SALES OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES.

The Parties to this agreement hereby acknowledge and affirm that the New (Applicant) Licensee will, at all times, act as the AGENT for the Current (Named) Licensee, and the Current Licensee shall act as PRINCIPAL for the purposes of the attached Agreement. The Principal shall be bound by all acts and/or omissions of the Agent in the operation of the licensed premises.

The Current Licensee is now and shall remain liable for any violations of ABC Rules and Regulations or other Alabama Law for the duration of the attached Agreement; and, further, that the Current Licensee has the right and authority, under Alabama Law, to surrender the ABC License to the ABC Board at any time.

The parties acknowledge that the operation of the licensed premises shall remain subject to inspection by ABC Enforcement, and must comply with all State and Local regulations and Laws, and that the local ABC Enforcement District Office must be immediately notified of any change in the attached Agreement.

THE CURRENT LICENSE WILL NOT BE RENEWED.

WITNESS our hands and seals on this the 20 day of MAY, 2013.

CURRENT LICENSEE (NAMED ON LICENSE)

NEW LICENSEE (APPLICANT)

Stephanie Kelley by William Bruce
 Print Name: William Bruce Title: P.O.A. *[Signature]*
 Print Name: IAN SHEARD Title: MEMBER

WITNESS: (By ABC Enforcement) Tyann Warren
 Revised 9/08



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20130520104041794



Initial each

Signature page

 LS
 LS

In reference to law violations, I attest to the truthfulness of the responses given within the application.

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

 LS

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

 LS

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

 LS

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

 LS

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

 LS

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

 LS

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

 LS

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): IAN STEPHENS

Signature of Applicant: *[Handwritten Signature]*

Notary Name (print): TRONE WALKER

Notary Signature: *[Handwritten Signature]*

Commission expires: 10-1-2016

Application Taken: 5-20-13 App. Inv. Completed:

Submitted to Local Government: 5-20-13

Received in District Office:

Reviewed by Supervisor:

Forwarded to District Office:

Received from Local Government:

Forwarded to Central Office:

Receipt Confirmation Page

Receipt Confirmation Number: **20130520104041794**
Application Payment Confirmation Number: **5667058**

Payment Summary	
Payment Item	Fee
Transfer Fee for License 040 and License 060	\$100.00
Total Amount to be Charged	\$100.00

Application Type

Application Type: TRANSFER

Applicant Information

License Type 1: 040 - RETAIL BEER (ON OR OFF PREMISES)
License Type 2: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES)
License County: BALDWIN
Business Type: LLC
Trade Name: LA ROSSO
Applicant Name: FOODIES LLC
Location Address: 1716 MAIN ST SUITE C
DAPHNE, AL 36526
Mailing Address: 30290 DOLIVE RIDGE
SPANISH FORT, AL 36527
Contact Person: IAN SHEARD
Contact Home Phone: 251-279-9875
Contact Business Phone: 251-300-9315
Contact Fax:
Contact Cell Phone: 251-300-9315
Contact Email Address:
Contact Web Address:

Response Info

XXXXXXXXXX STATE ABI SEARCH RESULT AND RAP SHEET XXXXXXXXXXXX

ICN 8121302620

NAME SHEARD, IAN MICHAEL

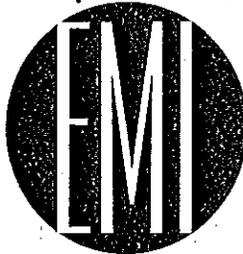
SOC. 533375019

ABI RESULT: NON IDENT

SID. AL02611123

ALABAMA ABC BOARD--DISTRICT 7

CERTIFIED COPY
OF
ABI DOCUMENT



Ecumenical Ministries, Inc.
Helping People Help Themselves

June 3, 2013

Dear Mayor Haygood,

Thank you for believing in our ability to tackle this insurance crisis. And thank you for contributing to the expenses in hosting this event in reducing insurance premiums in Baldwin County.

Please make check payable to Ecumenical Ministries, Inc.

Sincerely,

Sally Deane
Executive Director

\$1000

www.baldwinemi.org
P.O. Box 1103 • Fairhope, AL 36533

Eastern Shore Office
564 Fairhope Ave. • Fairhope, AL 36532
(251) 928-3430 • Fax (251) 928-3902
ecumenic@bellsouth.net



South Baldwin Office
102 W. Spruce Ave. • Foley, AL 36535
(251) 943-3445 • Fax (251) 943-3452
emifoley@gulftel.com

RESOLUTIONS

&

ORDINANCES

RESOLUTION NO. 2013-34
2013-N-TRUCK CHASSIS AND KNUCKLEBOOM LOADER

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

WHEREAS, The City of Daphne acknowledges that the cost for the TRUCK CHASSIS AND KNUCKLEBOOM LOADER will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the TRUCK CHASSIS AND KNUCKLEBOOM LOADER and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the TRUCK CHASSIS AND KNUCKLEBOOM LOADER be awarded to Gulf City Body & Trailer Works, Inc.; and

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 Gulf City Body & Trailer Works, Inc. in the amount of \$120,500 as specified in BID SPECIFICATION NO: 2013-N-TRUCK CHASSIS AND KNUCKLEBOOM LOADER.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

**RESOLUTION NO. 2013-35
2013-O-PINE STRAW**

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

WHEREAS, The City of Daphne acknowledges that the cost for the PINE STRAW will exceed this amount; and

WHEREAS, No bids were received and therefore can be negotiated; and

WHEREAS, Staff has reviewed the negotiated bid for the PINE STRAW and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the negotiated bid for the PINE STRAW be awarded to John Deere Landscapes, Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the negotiated bid of John Deere Landscapes, Inc. for unit cost in the amount of \$4.00/bale as specified in BID SPECIFICATION NO. 2013-O-PINE STRAW.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

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

GCOF RETREAT AT TIAWASEE

ANNEXATION REVIEW

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

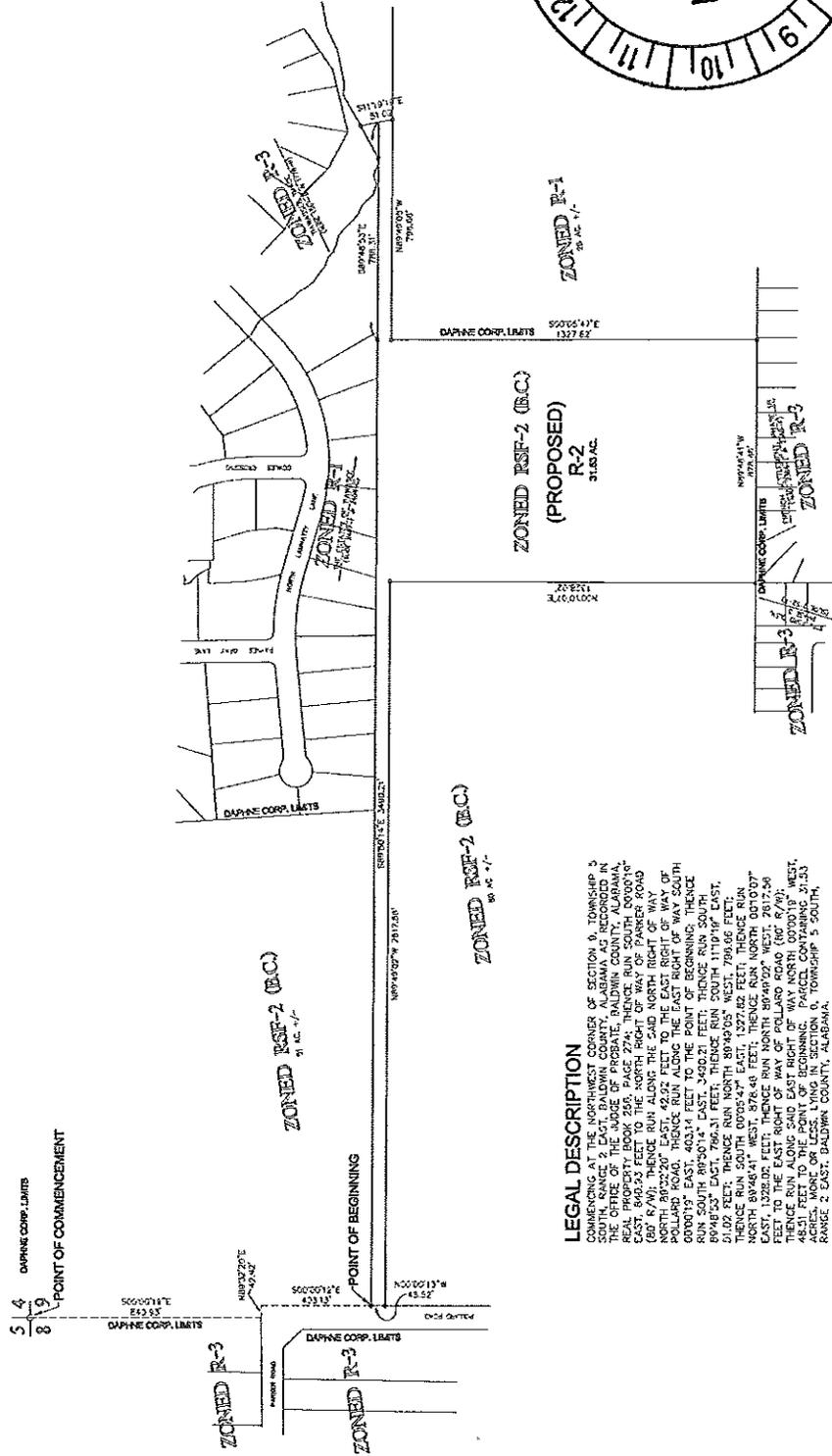
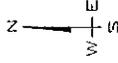
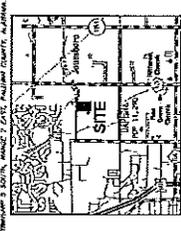
EXHIBIT "A"

**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

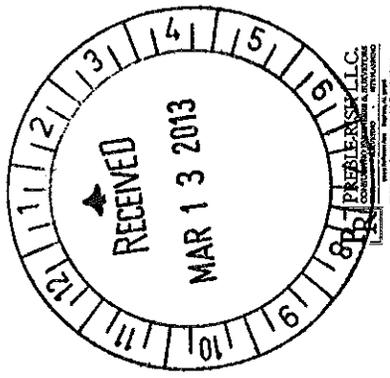
GCOF RETREAT AT TIAWASEE, LLC EXHIBIT "B"



LEGAL DESCRIPTION

COMMENCING AT THE NORTHWEST CORNER OF SECTION 9, TOWNSHIP 3 NORTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, REAL PROPERTY BOOK 255, PAGE 274; THENCE RUN SOUTH 00°00'18" EAST, 640.92 FEET TO THE NORTH RIGHT OF WAY OF PARKER ROAD (100 FEET WIDE); THENCE RUN NORTH 00°00'18" EAST, 42.00 FEET TO THE NORTH RIGHT OF WAY OF POLLARD ROAD; THENCE RUN ALONG THE EAST RIGHT OF WAY SOUTH 00°00'15" EAST, 403.14 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89°00'14" EAST, 349.02 FEET; THENCE RUN SOUTH 51°00'55" EAST, 96.31 FEET; THENCE RUN SOUTH 11°19'19" EAST, 51.00 FEET; THENCE RUN SOUTH 00°05'57" EAST, 137.62 FEET; THENCE RUN NORTH 89°48'41" WEST, 878.48 FEET; THENCE RUN NORTH 00°10'07" EAST, 1328.00 FEET; THENCE RUN NORTH 89°49'29" WEST, 2917.58 FEET TO THE EAST RIGHT OF WAY OF POLLARD ROAD (100 FEET WIDE); THENCE RUN ALONG THE EAST RIGHT OF WAY SOUTH 00°00'15" WEST, 485.11 FEET TO THE POINT OF BEGINNING. PARCELS CONTAINING 2.563 ACRES, MORE OR LESS, LYING IN SECTION 9, TOWNSHIP 3 NORTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

(DESCRIPTION COPIED FROM RECORD DEED - JUD # 1308552, WITH CORRECTIONS MADE TO ELIMINATE OVERLAP WITH PLAT OF THE ESTATES OF TIAWASEE)



FILE COPY

Becky Hayes

From: Randy Fry <councildistrict4@daphneal.com>
Sent: Wednesday, June 12, 2013 5:57 AM
To: Ron Scott
Cc: Becky Hayes
Subject: Re: Council Meeting

I request this be on the agenda for reconsideration at our next meeting. Thanks

Randy Fry
Daphne City Council
District 4

On Jun 11, 2013, at 7:55 PM, Ron Scott <councildistrict5@daphneal.com> wrote:

Randy is considering what to do. It's up to him and I'll be comfortable with his decision.

Ron

Sent from my iPhone

On Jun 11, 2013, at 4:05 PM, "Becky Hayes" <cityclerk@daphneal.com> wrote:

Is anyone on the prevailing side requesting that the annexation of the Retreat at Tiawasee back on the agenda?

Rebecca A. Hayes

CITY CLERK
P. O. Box 400
1705 Main Street
Daphne, AL 36526
251-621-9000
251-621-3538 FAX
cityclerk@daphneal.com

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Becky Hayes

From: Jay Ross <Jay.Ross@arlaw.com>
Sent: Thursday, June 13, 2013 3:58 PM
To: 'Becky Hayes'
Subject: FW: Retreat at Tiawasee - Proposed annexation into the City of Daphne

Jay M. Ross
Adams and Reese LLP
RSA Battle House Tower
11 North Water Street, Suite 23200 (36602)
Post Office Box 1348
Mobile, Alabama 36633
Main: 251-433-3234
Cell: 251-422-8201
Direct: 251-650-0873
E-Fax: 251-650-2058
Fax: 251-438-7733
jay.ross@arlaw.com
www.adamsandreeese.com

From: Richard Davis [REDACTED]
Sent: Monday, June 10, 2013 2:54 PM
To: Jay Ross
Cc: 'Nathan Cox'; John
Subject: Retreat at Tiawasee - Proposed annexation into the City of Daphne

Jay: In response to your call this afternoon, I have confirmed that my client, GCOF Retreat at Tiawasee, LLC, has no objection to the Council's reconsideration of the annexation petition.

Richard E. Davis, Attorney
DAVIS & FIELDS, P.C.
Post Office Box 2925
Daphne, Alabama 36526
(251) 621-1555
(251) 621-1520, fax
email: rdavis@davis-fields.com

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ANY ADVICE CONTAINED IN THIS MESSAGE WAS NOT WRITTEN OR INTENDED TO BE AND CANNOT BE, USED BY ANY TAXPAYER FOR THE PURPOSE OF AVOIDING PENALTIES WITH RESPECT TO TAXES. (SEE IRS CIRCULAR 230). UNLESS

ORDINANCE 2013-32

Appropriation of Funds: Williams Property Acquisition

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, it has been determined that large amounts of sediment are impacting Yancey Branch, Daphne's beachfront property, and ultimately Mobile Bay; and

WHEREAS, the source of such sediment deposits has been identified as property currently owned by Henry C. Williams, Jr; and

WHEREAS, future remediation of the property to control the flow of sediment into Daphne's beachfront areas and Mobile Bay will be needed and is estimated to cost \$ 50,000; and

WHEREAS, remediation needs will be evaluated and research will be done for any available grant monies for this purpose; and

WHEREAS, the acquisition and subsequent remediation of this property will preserve and protect the water quality and habitat of Yancey Branch and Mobile Bay, and thereby maintain the valuable and limited asset the City of Daphne has in waterfront property.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2013 Budget is hereby amended to include a General Fund appropriation in the amount of **\$96,000** for 1) the acquisition of the Williams property (\$ 92,000); and 2) title search, appraisal, taxes, legal and associated cost with closing (\$4,000).

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 2013-33

DAPHNE HIGH SCHOOL BAND FY 13 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 a certain appropriation is required and should be approved and made a part of the Fiscal Year 2013 budget; and

WHEREAS, the City of Daphne recognizes Daphne High School and the importance of its band to the citizens of Daphne.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that \$ 35,000 is hereby appropriated to the Baldwin County Board of Education for the benefit of the Daphne High School Band with a total of \$ 25,000 to be withheld from future allocations to the band through the City's annual Taste of Eastern Shore Event with annual withholdings not to exceed \$ 5,000.

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)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

COOPERATION AGREEMENT

THIS COOPERATION AGREEMENT between the City of Daphne, Alabama, a municipal corporation existing under the laws of the State of Alabama (the “City”) and the Baldwin County Board of Education, an agency of the State of Alabama (the “Board”) made and entered this _____ day of _____, 2013.

RECITALS

WHEREAS, the Board is vested with the general administration and supervision of the public schools and educational interests of Baldwin County, Alabama; and

WHEREAS, the City Council of the City of Daphne desires to promote the health, safety, and welfare of the citizens of the City of Daphne; and

WHEREAS, the Daphne High School Band (DHS Band) has requested that the City appropriate funds for the DHS Band’s use for the benefit, either directly or indirectly, of the residents of the City; and

WHEREAS, the City desires to have the Board, by and through organizations like the DHS Band, to promote discipline while representing the City of Daphne and serving as the City’s good will ambassadors while representing the City in various competitions, performances, and school functions; and

WHEREAS, the City proposes to make a \$ 35,000 (thirty-five thousand dollar) payment to the Board, and in return the Board shall appropriate the same \$ 35,000 (thirty-five thousand dollars) to Daphne High School which shall be restricted for use only by the DHS Band; and

WHEREAS, it is further agreed and understood that the funds received and allocated to the DHS Band through the City of Daphne’s annual Taste of Eastern Shore Event shall be withheld by the City until such time as \$ 25,000 (twenty-five thousand dollars) is collected and “paid back” to the City. (Total annual amount to be withheld not to exceed \$ 5,000.)

NOW, THEREFORE, in consideration of the benefits moving each to the other, it is mutually agreed by and between the City and the Board as follows:

SECTION 1. Authority

The Board 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, provided however that the Board makes no representation or warranty regarding the propriety of the subject funding as a municipal expenditure.

The Board further warrants that funding from the City shall be used in accordance herewith and for no other purpose.

SECTION 2. Services

The Board shall direct the DHS Band to promote discipline while representing the City of Daphne and serving as Daphne's good will ambassadors by representing the City in various competitions, performances and school functions, which shall be a public service to the City and its citizens. If the Board provides public services both inside and outside the Corporate Limits of the City, then, if requested by the City or its representative, it shall provide appropriate documentation demonstrating that the funding provided for herein was used within the Corporate Limits of the City.

SECTION 3. Agreement of City to Provide Funds

The City shall appropriate funds to the Board in the following amount for the 2013 fiscal year: \$ 35,000 (Thirty-Five Thousand Dollars) with \$ 25,000 (Twenty-Five Thousand Dollars) to be withheld by the City from future allocations to the DHS Band through the City's annual Taste of Eastern Shore Event. (Total annual amount to be withheld not to exceed \$ 5,000.) 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.

SECTION 4. Separate Agreements

The City shall be under no obligation to the Board 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 Board, then this Cooperation Agreement is supplemental thereto and in the event of a conflict the terms of the latest written agreement shall prevail.

SECTION 5. Term, Termination

This Agreement shall take effect upon the date hereof and shall not be terminated by either party until the obligations set forth in Sections 2 and 3 herein are performed in full.

SECTION 6. Non-Discrimination and Compliance

The Board hereby covenants and agrees that in performing its responsibilities and obligations hereunder, the Board, 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 Board 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 Board further agrees to appoint an ADA coordinator. Said coordinator will be responsible for ensuring that the Board 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 Board's state of compliance with the Americans with Disabilities Act.

SECTION 7. Audit

The City may require appropriate documentation from the Board to document the disbursement and use of the funding provided herein. The City may have the Board records provided in accordance herewith audited by an independent CPA firm.

SECTION 8. 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.

SECTION 9. 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.

SECTION 10. 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.

SECTION 11. 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.

SECTION 12. 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.

SECTION 13. Mandatory and Permissive

"Shall", "will", and "agrees" are mandatory, "may" is permissive.

SECTION 14. 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.

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

BALDWIN COUNTY BOARD OF EDUCATION, an Agency of the State of Alabama

BY: _____

TITLE: Superintendent and Ex-officio Secretary

Federal ID# _____

WITNESS:

By: _____

STATE OF ALABAMA

COUNTY OF BALDWIN

I, _____, a Notary Public, in and for said County in said State, hereby certify that _____ and _____, whose names as Mayor and City Clerk of the City of Daphne, Alabama, an Alabama municipal corporation, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they in their capacities as such officers and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this _____ day of _____, 2013.

Notary Public

My Commission Expires: _____

STATE OF ALABAMA

COUNTY OF BALDWIN

I, _____, a Notary Public, in and for said County in said State, hereby certify that _____ whose name as Superintendent and Ex Officio Secretary of the Baldwin County Board of Education, an Agency of the State of Alabama, 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 in his capacity as such and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this _____ day of _____, 2013.

Notary Public

My Commission Expires: _____

June 18, 2013

Baldwin County Board of Education
Jean McCutchen, Director of Business & Finance
2600-A North Hand Avenue
Bay Minette, AL 36507

RE: Agreement: Daphne High School Band

Dear Ms. McCutchen:

During the June 17, 2013, Daphne City Council meeting the City Council appropriated \$ 35,000 to the Daphne High School Band. Of this amount, \$ 25,000 will be withheld from future collections allocated to the DHS Band from the City's annual Taste of Eastern Shore Event. (total annual withholdings not to exceed \$ 5,000) To that effect, enclosed are three copies of the Cooperation Agreement. Please have each Agreement executed and notarized. Then, return them to me. Upon execution of the Agreement by the Mayor and City Clerk, a copy of the Agreement and payment according to the contract terms will be forwarded to you.

Thank you for your assistance and should you need to contact me, I can be reached at 625-2000.

For the City of Daphne,

Kimberly Briley, Finance Director

ORDINANCE 2013-34

2012 Assistance to Firefighters Grant (AFG)

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 City of Daphne has applied and been awarded a grant through the Fiscal Year 2012 Assistance to Firefighters Grant program to receive funding to assist with the purchase of a complete set of turnout gear for each firefighter to include coat, pants, rubber boots, gloves, and hood; and

WHEREAS, this personal protective equipment is critical to each fireman's safety and will also be used when providing mutual aid response to any requesting department county wide.

WHEREAS, the total Grant award is \$83,250, (*Federal share (90%)- \$74,925 & City's match (10%) - \$8,325*); and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the Fiscal Year 2013 Budget is hereby amended to include a General Fund appropriation for \$8,325 the required match for the AFG Grant and the Mayor is hereby authorized to execute any and all documents relative to this grant project.

APPROVED AND ADOPTED by the City Council of the City of Daphne this _____ day of _____, 2013.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Ordinance 2013-35

**Fiscal 2013 Amended Budget:
New Personnel and Personnel Restructuring**

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, Ordinance 2013-25 amending the Fiscal 2013 budget was adopted by the City Council and certain personnel amendments were funded; and

WHEREAS, there is a need to increase the total personnel in the Court, Police, Public Works, and Recreation Departments and to restructure existing personnel in the Library and Fire Departments; and

WHEREAS, such new personnel and personnel restructuring have been evaluated by the Mayor and deemed necessary.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that:

A) The following new positions are hereby created and the total authorized positions in the requisite departments is hereby increased as follows:

- (1) Magistrate- Municipal Court
- (2) Patrol Officers- Police
- (1) Part-Time- Grounds
- (1) Part-Time- Recreation

B) The following positions are hereby restructured with no increase in total authorized positions:

- (1) Library Svcs Tech Grade 8 to Library Computer Svcs Tech Grade 14
- (1) Part-Time Library Aide from Grade 6 to Library Technician Grade 8
- (3) Firefighters from Grade PF 20 to Fire Lieutenants Grade PF 22

The Library Services Technician, Part-Time Library Aide, and 3 Firefighter positions shall no longer be funded, filled, or authorized until such time as the City Council determines necessary.

Such new positions and restructuring shall be effective with the pay period beginning July 11, 2013.

APPROVED AND ADOPTED 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
ORDINANCE NO. 2013-36**

AN ORDINANCE CONCERNING THE SAFETY OF BICYCLISTS

WHEREAS the City Council of the City of Daphne has determined that the safety of bicyclists is important; and

WHEREAS the City Council of the City of Daphne has determined that the following ordinance is in the interest of the public health, safety and welfare of the citizens of the City of Daphne.

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

- a) The driver of a motor vehicle overtaking and passing a bicyclist that is proceeding in the same direction shall pass the bicyclist at a safe distance between the motor vehicle and the bicyclist of not less than three (3) feet and shall maintain such clearance until safely past the overtaken bicyclist.
- b) The driver of a motor vehicle that passes a bicyclist proceeding in the same direction may not make a right turn at any intersection or into any roadway or driveway unless the turn can be made with reasonable safety.
- c) A violation of this section shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or in the alternative, may be sentenced to community service as the municipal judge may deem appropriate.

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