

**CITY OF DAPHNE
CITY COUNCIL MEETING AGENDA
1705 MAIN STREET, DAPHNE, ALABAMA
DECEMBER 15, 2014
6:30 P.M.**

1. CALL TO ORDER

2. ROLL CALL /

INVOCATION / Reverend Charles Jackson of Macedonia Missionary Baptist Church

PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council Meeting Minutes / December 1, 2014
Council Work Session Minutes / December 8, 2014

PRESENTATION: Mobile National Estuary Program / Ms. Roberta Swann

PRESENTATION: Certificate of Recognition / Melvin McCarley

PUBLIC HEARINGS:

Annexation:	Provision Investment, LLC
Property Located:	West of the Estates of Tiawasee Subdivision and Southeast of the intersection of Park Drive and Pollard Road
Present Zoning:	RSF-2, Single Family Residential District, Baldwin County District 15
Requested Zoning:	R-1, Low Density Single Family Residential District, City of Daphne
Recommendation:	Unanimous favorable

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Fry

Review minutes / December 8th

1.) Ordinances

- a.) ATRIP Project: Roundabout CR 64 & CR 13 – Baldwin County Intergovernmental Project / **Ordinance 2014-60**

2.) Resolutions

- a.) Bid Award: Fuel / Davison Fuels & Oil / **Resolution 2014-61**

3.) Financial Reports:

- Treasurers Report / November 2014
- Sales & Use Tax Collections/ November 2014
- Lodging Tax Collections / November 2014

B. BUILDINGS & PROPERTY COMMITTEE - Davis

Review minutes / December 1st

C. PUBLIC SAFETY - Rudicell

Review minutes / December 10th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott

Review minutes / December 10th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

- A. Board of Zoning Adjustments** – Adrienne Jones
- B. Downtown Redevelopment Authority** – Conaway
Review minutes / December 3rd
- C. Industrial Development Board** – Davis
- D. Library Board** - Lake
- E. Planning Commission** – Scott
- F. Recreation Board** – LeJeune
- G. Utility Board** – Fry
Review minutes / October 29th

6. Mayor’s Report**7. City Attorney’s Report****8. Department Heads Comments****9. City Clerk’s Report**

- 1. MOTION: To reset Public a Hearing date for January 20, 2015 and approve advertising to consider the following:**

- | | |
|------------------------|---|
| a.) Pre-Zoning: | George Kalasountas |
| Property Located: | On the south side of U.S. Highway 90 at Renaissance Boulevard |
| Present Zoning: | RSF-1, Single Family Residential District, Baldwin County District 15 |
| Requested Zoning: | B-2, General Business / R-7(T), Townhouse / R-1, Low Density Single Family Residential District, City of Daphne |
| Recommendation: | Three motions were made and failed which resulted in an unfavorable recommendation |
| | |
| b.) Annexation: | George Kalasountas |
| Property Located: | On the south side of U.S. Highway 90 at Renaissance Boulevard |
| Recommendation: | Favorable |

2.) EVENTS PERMITS

- a.) Prodissee Pantry Turkey Trot / October 24, 2015
- b.) Scott Ward Memorial “Fit for Duty” 5K / November 21, 2015
- c.) The Jubilee Festival and the attached requests / September 26 & 27, 2015

3.) **MOTION:** To change the following committee meeting schedules as follows starting January 1, 2015:

1st Monday of the Month

Buildings and Property Committee meeting / 4:30 p.m.

Public Works Committee meeting / 5:30 p.m.

2nd Monday of the Month

Finance Committee meeting / 4:30 p.m.

3rd Monday of the Month

Public Safety Committee meeting / 4:30 p.m.

Code Enforcement & Ordinance Committee meeting / 5:30 p.m.

10. PUBLIC PARTICIPATION:

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) **Bid Award: Fuel / Davison Fuels & Oil...../Resolution 2014-61**

ORDINANCES:

1ST READ

B.) **Annexation: Provision Investment, LLC / Property Located West of the Estates of Tiawasee Subdivision and Southeast of the Intersection of Park Drive and Pollard Road...../Ordinance 2014-59**

b.) **ATRIP Project: Roundabout CR 64 & CR 13 Baldwin County Intergovernmental Project...../Ordinance 2014-60**

12. COUNCIL COMMENTS

13. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL**

ROLL CALL

CITY COUNCIL:

COUNCILMAN RUDICELL	PRESENT ____	ABSENT ____
COUNCILMAN LAKE	PRESENT ____	ABSENT ____
COUNCILMAN FRY	PRESENT ____	ABSENT ____
COUNCILMAN SCOTT	PRESENT ____	ABSENT ____
COUNCILMAN LEJEUNE	PRESENT ____	ABSENT ____
COUNCILMAN DAVIS	PRESENT ____	ABSENT ____
COUNCIL PRESIDENT CONAWAY	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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**DECEMBER 1, 2014
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

There being a quorum present Council President Conaway called the meeting to order at 6:30 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Johnny Hunt with Celebration Church gave the invocation.

COUNCIL MEMBERS PRESENT:

Tommie Conaway; John Lake; Randy Fry; Ron Scott; Robin LeJeune; Joe Davis.

ABSENT: Pat Rudicell.

Also present: Rebecca Hayes, City Clerk; Sarah Toulson, Assistant City Clerk; Jay Ross, City Attorney; Vickie Hinman, HR Director; Richard Johnson, Public Works Director; James White, Fire Chief; David McKelroy, Recreation Director; Richard Merchant, Building Official; Tonja Young, Library Director; Margaret Thigpen, Civic Center Director; Adrienne Jones, Planning Director; Lt. Judd Beedy, Police Department; Battalion Chief, Kenny Hanak, Fire Department; Several Firefighters; Dorothy Morrison, Beautification Committee and DRA; Larry Cooke, BZA; Don Ouellette, BZA; Mickey Boykin, Daphne Museum; Kevin Boucher, Adams & Reese.

Absent: Mayor Haygood; David Carpenter, Police Chief; Michael Hoyt, Municipal Judge.

3. APPROVE MINUTES:

November 17, 2014 Council Meeting Minutes

Councilman Lake amended the minutes to include the reason for his resigning from the Finance Committee to include he disagreed with the procedure for appointing the chairman, and that there would be a super-majority on the committee.

Councilman Davis amended the minutes to include the reason he left the dais which was to talk with a constituent from his district, Mrs. Mary Gibbs, regarding her comments during public participation.

PRESENTATION: Certificate of Recognition / Battalion Chief Kenny Hanak

Council President Conaway read and presented to Kenny the certificate of recognition from the city. Councilman Scott read and presented him a certificate from Governor Bentley, and Councilman Lake read and presented him with a certificate from the Alabama State Fire College.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Fry

No report. The next meeting will be Monday, December 8th at 4:00 p.m.

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B. BUILDINGS & PROPERTY COMMITTEE - Davis

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

C. PUBLIC SAFETY COMMITTEE – Rudicell

No report. The minutes for the November 12th meeting are in the packet. The next meeting will be December 10th at 4:30 p.m.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

No report. The next meeting will be December 10th after the Public Safety meeting.

E. PUBLIC WORKS COMMITTEE – LeJeune

No report. The next meeting will be December 15th.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

No report.

B. Downtown Redevelopment Authority – Conaway

The next meeting will be December 3rd at 5:30 p.m.

C. Industrial Development Board – Davis

There will not be a meeting in December, and the next meeting will be January 26th.

D. Library Board – Lake

There will not be a meeting in December. The next meeting will be January 8th. Councilman Lake reported the different activities going on at the Library.

E. Planning Commission – Scott

The next Planning Commission meeting will be December 18th at 5:00 p.m.

F. Recreation Board – LeJeune

The next meeting will be December 10th, and there will be a mandatory meeting with the firms that submitted letters of intent for the Recreation Facilities.

G. Utility Board – Fry

No report. The next meeting will be December 3rd.

6. REPORTS OF OFFICERS:

A. Mayor's Report

No report.

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B. City Attorney's Report

No report.

C. Department Head Comments

James White – Fire Chief – thanked council for recognizing Kenny Hanak, and their support for all the firemen.

Margaret Thigpen – Civic Center Director – reported that the Hotel Tourism meeting will be Thursday. The Baldwin Pops concert will be December 9th doors open at 6:00 p.m. and starts at 7:00 p.m., and they will be collecting for Toys for Tots.

Vickie Hinman – Human Resources Director – reported that the posting for the Finance Director closed Friday with 13 new applications, and four of them were CPA's, and they are scheduling first interviews this week.

Richard Johnson – Public Works Director – reported Light Up Daphne will be Thursday beginning at 6:00 p.m. with the lighting of the Christmas tree at 7:00 p.m. to kick off the Christmas season.

D. City Clerk's Report

- a.) ABC License / Top of the Bay / 010 – Lounge Retail Liquor / Class 1

MOTION BY Councilman Lake to approve the ABC License for Top of the Bay / 010 – Lounge Retail Liquor / Class 1. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

- b.) **Motion:** Authorize the Mayor to enter into an agreement with EnCompass360 regarding the Hazard Mitigation Grant Program – Safe Room for Publics Works

MOTION BY Councilman Lake to authorize the Mayor to enter into an agreement with EnCompass360 regarding the Hazard Mitigation Grant Program – Safe Room for Publics Works. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

7. PUBLIC PARTICIPATION

No one spoke.

8. RESOLUTIONS & ORDINANCES:

- a.) **Declaring Certain Property Surplus / 1998 Ford F-150...../Resolution 2014-57**

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- b.) Supporting the Alabama Department of Transportation to Conduct a Signal Warrant Study at the Intersection of Bellaton Avenue, Austin Road and State Route 181. /Resolution 2014-58**
- c.) Donation of Real Property to City of Daphne. /Resolution 2014-59**
- d.) Donation of Real and Personal Property to City of Daphne. /Resolution 2014-60**

MOTION BY Councilman Scott to waive the reading of Resolutions 2014-57; 2014-58; 2014-59 and 2014-60. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2014-57. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2014-58. *Seconded by Councilman Fry.*

MOTION CARRIED

MOTION BY Councilman Davis to adopt Resolution 2014-59. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Davis to adopt Resolution 2014-60. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2ND READ

- a.) Appropriating Funds: Part-Time Events Assistant OR Additional Overtime and Temporary Services. /Ordinance 2014-53**
- b.) To Contribute to the Twenty Percent (20%) Local Match Requirement Funding a Traffic Signal System Technology Enhancements Study for Corridors Servicing the Eastern Shore. /Ordinance 2014-54**

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- c.) Recreational Trails Program Project: Village Point Park Preserve
Boardwalk/Trails Extension / Project #14-RT-54-08. /Ordinance 2014-55
- d.) Appropriation of Funds: Appraisal, Survey and Associated Fees
For Marino Property Located Near D'Olive Creek. /Ordinance 2014-56
- e.) Repeal Ordinance 2011-08 and Establishing Rules, Regulation,
Rates and A Lease Agreement for the Rental of the Daphne
Civic Center. /Ordinance 2014-57
- f.) Repeal Ordinance 2011-09 and Establishing Rules, Regulation,
Rates and A Lease Agreement for the Rental of the Bayfront
Pavilion. /Ordinance 2014-58

MOTION BY Councilman Scott to waive the reading of Ordinance 2014-53. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Davis to adopt Ordinance 2014-53. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to waive the reading of Ordinances 2014-54, 2014-55, 2014-56, 2014-57 and 2014-58. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2014-54. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2014-55. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Fry to adopt Ordinance 2014-56. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

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MOTION BY Councilman Scott to adopt Ordinance 2014-57. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Fry to adopt Ordinance 2014-58. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

9. COUNCIL COMMENTS

Councilman Lake commented on how hard it is to turn off Academy Drive onto north Main Street and suggested looking in to putting a traffic light there to relieve the problem. He reported things he learned at the NLC conference such as alternate transportation and using bicycles to get around the city.

Councilman Fry thanked the Police and Fire Departments for their handling of some events occurring in the city, and he appreciated their fine work. He is looking forward to the activities on Thursday.

Councilman Scott reminded everyone that the Christmas parade is December 17th at 11:00 a.m.

Councilman Davis expressed his thanks to Public Safety for keeping the citizens of Daphne safe. He also is looking forward to the activities on Thursday.

Council President Conaway thanked the Beautification Committee for the pretty decorations in the lobby, and she also thanked Public Safety for the hard work they do for the city.

10. ADJOURN:

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:15 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes,
City Clerk

Tommie Conaway,
Council President

**DECEMBER 8, 2014
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL

Council Members Present: Tommie Conaway; Pat Rudicell; John Lake; Randy Fry; Ron Scott; Robin LeJeune; Joe Davis.

Also present: Rebecca Hayes, City Clerk; Jay Ross, City Attorney; Kevin Boucher, Attorney, Adams & Reese.

Absent: Mayor Haygood.

3. AT&TU-VERSE FRANCHISE AGREEMENT / MS. GIGI ARMBRECHT

Ms. Armbrrecht discussed with council the renewal of the AT&T franchise agreement. The last time it was renewed was 2009. They pay the city 5% gross receipts every quarter. The last check was for about \$37,000. They will add to the new agreement free video services to buildings on the way of U-Verse, and city hall is on the way. There will be two streams of video channels available Public Education and Governmental. AT&T provides the vehicle and the city provides the programs. Ms. Armbrrecht said that the city can charge a 1% fee on the U-Verse services, and that money will come back to the city and the city can use it to set up equipment to broadcast meetings. Councilman LeJeune asked Ms. Armbrrecht about buying broadcasting equipment, and she said that she will send him some information.

Consensus of council is to put the franchise agreement on the December 15, 2015 council meeting agenda.

5. ANYTHING ELSE DEEMED NECESSARY

1. Rescheduling Committee Meetings

Council discussed rescheduling committee meetings that consist of councilmembers.

The consensus of council was to have a motion on the December 15, 2014 council meeting agenda with the following changes that will begin January 1, 2015:

1 st Monday of the month	4:30 p.m. Buildings and Property Committee 5:30 p.m. Public Works Committee
2 nd Monday of the month	4:30 p.m. Finance Committee
3 rd Monday of the month	4:30 p.m. Public Safety Committee 5:30 p.m. Code Enforcement/Ordinance Committee

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2. Redistricting

Council discussed redistricting for the 2016 election. They would like to discuss it at the January Work Session.

Council requested the City Clerk to gather population information and send to council.

Councilman Davis reminded everyone not to forget TimberCreek when compiling data by zip code.

Council also wants to look at polling places for the 2016 election.

6. ADJOURN

There being no further business to discuss the meeting adjourned at 7:40 p.m.

Respectfully submitted,

Certification of Presiding Officer

Rebecca A. Hayes, City Clerk

Tommie Conaway, Council President

**CERTIFICATE
OF
APPRECIATION**

“Public Works Superintendent Melvin McCarley”

WHEREAS, Melvin McCarley began his career with the City of Daphne on November 4, 1987 as a building inspector and;

WHEREAS, in October of 1990, he transferred to the Public Works Street Department where he became Street Supervisor the following year; and,

WHEREAS, on July 8, 1993, Melvin was promoted to Public Works Superintendent, where he has assisted the Public Works Director and has twice served as Interim Public Works Director; and

WHEREAS, he joined the Daphne Volunteer Fire Department in October of 1971 at the tender age of 18 where he has served as Treasurer, Lieutenant, Captain and Assistant Chief, and has served as Chief for the past 18 years; and

WHEREAS, during his tenure as the Daphne Volunteer Fire Chief, the Volunteer Fire Department has provided over six million dollars to the City of Daphne to purchase six Pumper Trucks and various other firefighting equipment and build the Training Station and Burn Tower. Melvin is also one of the founding members of the Daphne Search and Rescue Squad; and

WHEREAS, on December 17, 2014 Melvin McCarley will retire from the City of Daphne where he has served faithfully for 27 years and has assisted in many projects, not only in Public Works, but throughout all City departments.

NOW THEREFORE, the Mayor and City Council of the City of Daphne, Alabama hereby proclaim their highest appreciation to Melvin McCarley for his dedication and service to City of Daphne.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

PUBLIC HEARING
DECEMBER 15, 2014

TO CONSIDER:

Annexation for the Kalasountas property has been withdrawn per a letter from the owner and to be considered with the Pre-zoning for the property on January 20, 2015

- | | |
|-----------------------|--|
| 1. Annexation: | Provision Investment, LLC |
| Property Located: | West of the Estates of Tiawasee Subdivision and Southeast of the intersection of Park Drive and Pollard Road |
| Present Zoning: | RSF-2, Single Family Residential District, Baldwin County District 15 |
| Requested Zoning: | R-1, Low Density Single Family Residential, City of Daphne |
| Recommendation: | Favorable |

McCrorry  **Williams**
INCORPORATED
E n g i n e e r s S u r v e y o r s

December 11, 2014

City of Daphne
Post Office Box 400
Daphne, Alabama 36526

Attention: Mrs. Rebecca Hayes, City Clerk

RE: Kalasountas Annexation & Pre-zoning

Dear Mrs. Hayes:

This letter is sent to request that the referenced annexation hearing for the Kalasountas property be removed from the Council agenda for the December 15, 2014 meeting and that it be rescheduled to be heard at the January 20, 2015 meeting with the rescheduled hearing for pre-zoning of same property. Please advise if you have any questions regarding this request.

Yours Very Truly,

McCrorry & Williams, Inc.



Daryl B. Russell, P.E.

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Provision Investment, L.L.C.
Annexation Recommendation
Date: November 3, 2014

MEMORANDUM

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

PROPOSED RE-ZONING: R-1, Low Density Single Family Residential, City of Daphne

LOCATION: West of the Estates of Tiawasee Subdivision and southeast of the intersection of Park Drive and Pollard Road

RECOMMENDATION: At the Thursday, October 30, 2014, special meeting of the Daphne Planning Commission, six members were present. After holding a public hearing, a favorable recommendation for annexation was made and carried unanimously.

Attached please find documentation from the Office of Community Development. Ordinances shall be provided by the Office of the City Attorney.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Community Development Report
2. Petition for Annexation
3. Legal Description
4. Map of Property
5. Citizen's Opposition (Stankoski letter)
6. Draft of October 30th minutes re: Provision Investment

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

(Provision Investment, L.L.C.)

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

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

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

3. **Owner:** The petitioner, PROVISION INVESTMENTS LLC is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

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

Requested zoning, if other than R-1:

Any other conditions which may apply upon annexation:

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

DATED this 25th day of September, 2014

Respectfully submitted,

PROVISION INVESTMENTS LLC
Name of Corporation

By: [Signature]
Its: MANAGER

STATE OF ALABAMA
COUNTY OF BALDWIN

I, WANDA LACOSTE, the undersigned Notary Public in and for said county and state, hereby certify that Geoff Lane whose name as MANAGER of PROVISION INVESTMENTS LLC Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 25 day of September, 2014.

[Signature]
NOTARY PUBLIC

My commission expires: 10-19-2016

Corporation's Address

19940 STATE HIGHWAY 181
FAIRHOPE, AL 36532

ADDITIONAL INFORMATION

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

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

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

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

SELECT ONE OF THE FOLLOWING OPTIONS

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

Or

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

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

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 26th day of September, 2014.

Legal Description Attached (Exhibit A)? YES Map or Survey Attached (Exhibit B)? YES
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission Attached (Exhibit C)? _____ Acreage 51.33
Subdivision Name The Preserve @ Tiawasac Lot Number(s) _____

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

Signature: [Signature] Signature: _____

Printed Name: GEOFF LANE Printed Name: _____

Mailing Address: 19940 STATE HWY 181 Mailing Address: _____
FAIRHOPE, AL 36532

EXHIBIT A

LEGAL DESCRIPTION OF THE PRESERVE AT TIAWASEE

COMMENCE AT A CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF LOT 25, THE ESTATES OF TIAWASEE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2408-B & C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 03 DEGREES 20 MINUTES 40 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 25, A DISTANCE OF 273.94 FEET; THENCE RUN NORTH 03 DEGREES 19 MINUTES 55 SECONDS WEST, ALONG THE WEST LINE OF LOT 24 OF SAID ESTATES OF TIAWASEE, A DISTANCE OF 304.03 FEET TO THE SOUTHWEST CORNER OF LOT 18, THE ESTATES OF TIAWASEE; THENCE RUN NORTH 03 DEGREES 21 MINUTES 17 SECONDS WEST, ALONG THE WEST MARGIN OF THE ESTATES OF TIAWASEE, A DISTANCE OF 688.64 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF SAID THE ESTATES OF TIAWASEE, SAID POINT BEING ON THE SOUTH MARGIN OF LAKE FOREST UNIT 12, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 651-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 51 SECONDS WEST, ALONG SAID SOUTH MARGIN OF LAKE FOREST UNIT 12, A DISTANCE OF 1758.38 FEET; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 45 SECONDS WEST, A DISTANCE OF 842.22 FEET TO A POINT ON THE NORTH MARGIN OF PARK DRIVE; THENCE RUN NORTH 87 DEGREES 47 MINUTES 37 SECONDS EAST, ALONG SAID NORTH MARGIN, A DISTANCE OF 41.96 FEET TO A POINT ON THE EAST MARGIN OF POLLARD ROAD; THENCE RUN SOUTH 00 DEGREES 09 MINUTES 02 SECONDS WEST, ALONG SAID EAST MARGIN, A DISTANCE OF 403.21 FEET; THENCE RUN SOUTH 89 DEGREES 40 MINUTES 21 SECONDS EAST, A DISTANCE OF 1792.72 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 51.33 ACRES, MORE OR LESS, AND LIES IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

The next order of business is a preliminary/final plat review for the **Preserve of Tiawasee Subdivision**.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, of a three-lot subdivision consisting of fifty-one point three-three acres located west of the Estates of Tiawasee Subdivision and southeast of Park Drive and Pollard Road.

Mr. Pumphrey stated access for the lots is an ingress/egress easement through Lot 24 of the Estates of Tiawasee Subdivision for Lot 1 & 2, and 3 to access Pollard Road. He explained that the owner is willing to provide deed restrictions as follows: no further subdivision of the land, allow no cross easements, and access for Lot 3 to access Pollard Road.

Chairman asked for Commission questions or comments and opened the floor to public participation.

Mr. Robert Stankoski, attorney for Tiawasee Trace Property Owners Association, spoke in opposition to the development. He advised that he would withdraw an objection to the subdivision and annexation conditioned upon certain deed restrictions being imposed and recorded on the plat: no further subdivision of the land, allow no cross easements, and access for Lot 3 is Pollard Road. Mr. Boucher, City Attorney, asked if the ingress/easement had been drafted. Mr. Richard Davis, attorney for Provision Investment, L.L.C., stated we have the right to impose the easement of which will be prepared and transferred at the time of conveyance of the lots. Mr. Boucher asked if Mr. Davis is proposing the conditions. Mr. Davis stated the application will include those conditions.

Chairman asked for Commission questions or comments. None were presented. He closed public participation and asked for a motion for approval.

A Motion was made by Mr. Scott and Seconded by Mr. White to grant preliminary/final approval for the Preserve of Tiawasee Subdivision, predicated upon the addition of the deed restrictions. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a petition for annexation review for Provision Investments, L.L.C.

Chairman asked for Commission questions or comments and a motion for a recommendation for annexation.

A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur *of an affirmative recommendation by the Planning Commission to the City Council of the annexation of a fifty-one point three-three acre parcel into the City of Daphne located west of the Estates of Tiawasee Subdivision and southeast of the intersection of Park Drive and Pollard Road with R-1, Low Density Single Family, zoning, for Provision Investments, L.L.C. There was no discussion on the motion. The Motion carried unanimously.*

The next order of business is a pre-zoning amendment for George Kalasountas.

An introductory presentation was given by Mr. Daryl Russell, representative of Coleman Engineering Group of McCrory & Williams.

Chairman stated we acted on the replat of the interior property lot lines at the last meeting and asked for Commission questions or comments.

Mr. Sandefur asked for the purpose of the business zone. Mr. Russell stated there is not a specific use. Mr. Scott stated he did not believe in speculative zoning without a plan and he would prefer that the zoning requested is business zone of less intensity.

Chief White asked what safeguards have been put in place to protect the church and the cemetery. Mr. Russell stated there will be a buffer between the development and the church.

Mr. Montgomery asked has this applicant applied for rezoning in the County. Mr. Russell stated no. Ms. Jones stated his application was for conditional use of the property, but it was denied.

Chairman opened the floor to public participation.

Mrs. Felicia McAllister, 9595 Malbis Lane, spoke in opposition and asked for the denial of the request. She commented on the removal of trees which served as a buffer, a sound barrier, and provided privacy; flooding, and the use of his property for soccer practice which is prohibited by Baldwin County.

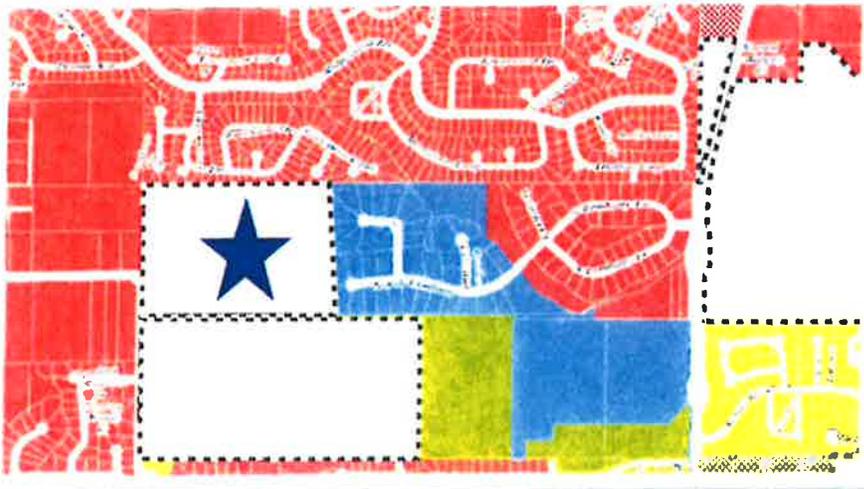
Ms. Gertrude Malbis, 9655 Malbis Lane, mentioned that the neighborhood now consists of elderly residents and the transients in the proposed development would not be safe.

Ms. Leeann Lanham, 29240 Vlahos Lane, spoke in opposition and stated that she strongly opposed the request. She mentioned: the congestion of low density development, the adverse effect on the adjacent property, and preservation of the historic value of the property. The request is premature without a development plan.

PLANNING COMMISSION:

ANNEXATION REQUEST BY PROVISION
INVESTMENTS, LLC.

THE PRESERVE AT TIAWASEE SUBDIVISION



**COMMUNITY DEVELOPMENT
ANNEXATION REQUEST**

**Annexation of the Preserve at Tiawasee
Located east of the intersection of Park Drive & Pollard Road
(Provision Investments, LLC)
51.33 acres**

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

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

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

Any land annexed to the City of Daphne hereafter shall be classified as an **R-1, Low Density Single Family Residential District** unless otherwise recommended by the Planning Commission through the zoning amendment procedure provide in *Article 22-1, Zoning Amendment Procedures*. In such case, City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications recommended by the Planning Commission. Multiple zoning requests for a single parcel shall be subject to the *Article 17, Subdivision Regulations and/or the Article 30, Planned Unit Development* regulations as applicable.

REQUEST

The applicant has submitted a petition to annex 51.33 acres of land into the corporate limits of Daphne with R-1, Low Density Single Family Residential Zoning. An application to create a 3-lot subdivision has been submitted to the Planning Commission for review. Plat approval is contingent upon annexation.

RECOMMENDATION

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. R-1 zoning is consistent with the zoning of the Estates of Tiawasee which is located immediately east of the subject property. **Staff recommends approval of the request to annex this land into the City of Daphne.**

STANKOSKI, LLP

ATTORNEYS AND COUNSELORS

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

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

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

October 23, 2014

**Adrienne D. Jones – Director
City of Daphne Department of Community Development
Daphne City Hall
1705 Main Street
Daphne, Alabama 36526**

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

Via Electronic Mail: cdirector@daphneal.com

Dear Ms. Jones:

Attached to this letter, please find a written correspondence addressed to the members of the City of Daphne Planning and Zoning Commission.

I would appreciate your circulating the attached letter to the following Commission members: Mr. Larry Chason, Mr. James White, Mr. Ron Scott, Mr. Charles Smith, Mr. Dan Gibson, Mr. Don Terry, and/or other personnel who needs to review the attached letter prior to the meeting on Thursday, October 23, 2014.

Thank you for your prompt attention.

Sincerely,

D. Robert Stankoski, Jr.

(electronic signature for email purposes)

**D. Robert Stankoski, Jr.
Attorney At Law**

DRSjr/cws

Enclosure

cc: Tiawasee Trace Property Owners Association, Inc. (w/ enclosure)

STANKOSKI, LLP

ATTORNEYS AND COUNSELORS

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October 23, 2014

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

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

Dear Commission Members:

As you know, I currently represent the Tiawasee Trace Property Owners Association, Inc. (hereinafter referred to as the "Trace") in that certain law suit styled as *Tiawasee Trace Property Owner's Association, Inc. v. City of Daphne, CV-2013-900846*. The subject matter of the litigation concerned the approval by the City of Daphne Planning Commission of a subdivision known as the Retreat at Tiawasee (hereinafter referred to as the "Retreat") immediately south of the Estates of Tiawasee (hereinafter referred to as the "Estates").

My client recently learned of an application for subdivision approval for a new project known as the Preserve at Tiawasee (hereinafter referred to as the "Preserve"). Based upon the same objection as to the approval of the Retreat, my client is now objecting the approval of the Preserve. At the time the Estates were developed, the master plat showed no further outgoing connections with any neighboring developments or parcels of real estate. The Preserve is now attempting to utilize the infrastructure of the Estates and the Trace for its subdivision.

This is the second occasion in which the developers of the Estates have employed documents filed in the Baldwin County Probate Court to change material characteristics of a subdivision's master plat previously approved by the City of Daphne Planning Commission. My client believes that such a document violates the City of Daphne Land Use and Development Ordinance as well as Alabama statutory law governing subdivision regulations.

My client additionally points out that the Preserve could easily access Pollard Road providing another access which would not overburden the existing infrastructure.

City of Daphne Planning Commission
October 23, 2014
Page Two

My client finally objects to the approval based upon the fact such an approval directly violates the City of Daphne Comprehensive Plan. To allow this subdivision to be approved again creates traffic issues for the Trace, establishes an adverse precedent, is not proper planning by the City of Daphne, and alters the very fabric of the purpose of subdivisions and the public's reliance upon documents approved by the City of Daphne.

As always, I appreciate your consideration and my client would request disapproval of the project.

Sincerely,

D. Robert Stankoski, Jr.

(electronic signature for email purposes)

D. Robert Stankoski, Jr.
Attorney At Law

DRSjr/cws

cc: Tiawasee Trace Property Owners Association, Inc.

**CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
DECEMBER 8, 2014
4:00 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:00 p.m. Present were Chairman Randy Fry, Councilwoman Mrs. Conaway, Councilman Joseph Davis, Councilman Ron Scott, Senior Accountant Suz anne Henson and Human Resource Director Vickie Hinman.

Also in attendance were Councilman Pat Rudicell, Councilman John Lake, Public Works Director Richard Johnson, Mayor’s Executive Assistant Jane Ellis, and Mr. Larry Cooke, BZA.

I. PUBLIC PARTICIPATION

III. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

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

<u>Positions</u>	<u>Status</u>
Finance Director	Closed 11/25 – interviewing applicants
PT Firefighter	Closed – 12/5
Office Asst., City Hall	Interviewing
PSW (Grounds)	Posted – 12/3-12/17
Events Assistant (Civic Center)	Posted: 12/3 – 12/17
Computer Services Technician	Open
Safety Coordinator	Open
PT Marketing Coordinator	Open
Accounting Technician (Revenue)	Open
Planner (Community Development)	Open
Building Maintenance Supervisor	Open
PW Deputy Director	Open

Mrs. Hinman discussed the pending positions. Discussion was made on the Finance Director position. Mrs. Hinman stated that 5 applicants had been interviewed for the Finance Director position and that 3 of those interviewed have a CPA License. Mrs. Hinman noted she will be scheduling some follow-up interviews hopefully before the Christmas Holidays. Mrs. Hinman discussed the 3 positions that require a new job reclassification and noted these will need a new job description from Archer. Mrs. Hinman state the 3 positions are Public Works Deputy Director, Planner, and Building Maintenance Supervisor. There is an existing job description for the Planner position but it is now being updated to include the GIS duties so a new job description is needed for this position. Mrs. Hinman noted that the Mayor is looking at making some changes to the Building Maintenance Supervisor position which would require it to have a new job description. Mr.

Mrs. Hinman stated that the Mayor wants to receive all the new job descriptions from Archer before he moves forward with approving any postings of the Open positions listed above. Mrs. Hinman also noted that some of the positions listed are budgeted to be filled at different times of the year.

Mr. Scott discussed that at the next Ordinance Committee they need to look at compensating the Treasurer's position because in the past this position has been held by the Finance Director and was kind of inclusive of those duties. Mr. Scott noted that Bond Documents had to be executed and there is risk and legal situations and compensation needs to be considered. Mr. Davis asked is this considered an interim arrangement and would this be considered additional compensation to help retain a Finance Director. Mr. Fry stated we have a Treasurer appointed and with a six month probation for the new Finance Director the appointment may not change for that period of time. Discussion continued on the Treasurer position. Mr. Davis stated he did not have a problem monetizing that position. Mr. Scott asked Mrs. Hinman to follow up on getting information on this.

Mrs. Hinman continued to discuss the Safety Committee meeting and noted that there was no Safety Committee meeting was held in November due to holiday week. The next meeting will be held on Wednesday, December 10 @ 10:00 a.m.

Mrs. Hinman reviewed the HR projects/meetings:

- A make-up Sexual Harassment training for Supervisors on November 18
- Collecting items for Relay for Life Silent Auction
- Interviewing applicants for Finance Director December 4-8
- Interviewing applicants for City Hall Office Asst. December 2-3
- December 12 – Red Cross blood drive @ City Hall
- Retirement of Public Works Superintendent 12/31/2014

IV. CURRENT BUSINESS

A. Financial Reports

1. Report: New Business Licenses – November, 2014

The Business Licenses Report was included in the packet. Total business license issued YTD is 4,279 - up 120 from last year

59 - Total Business License issued in November - down 53 from November 2013 (112 licenses issued). Mrs. Smith noted the reason the Business License total was down from November last year is because the insurance company renewals which are received through the State of Alabama were received in November for 2013 but this year they were received in September.

21 - Renewals – out of the 59

22 - New businesses with 3 ***of those having a physical location in Daphne*** and

16 - Prior year licenses. A map was included showing each of the 4 new business locations.

Mrs. Smith presented a Business License Delinquencies report and reviewed the following:

- Helpful Facts about Business License
- Overview of the report including
 - Insurance Companies are not included in the report since the Alabama League of Municipalities provides the service of collecting delinquent license fees from Insurance Companies
 - Contractors are not included in the report since fees are only due if the contractor works a project in the City.
- The report is separated to reflect categories of businesses with a physical location in the City from those that do not have a physical location in the City.
- List the top three categories for businesses that are located in the City that are delinquent are:
 - Attorneys
 - Personal Services
 - Professional Services
- Process that will be followed to track the delinquent businesses.

Mrs. Smith reviewed that the estimated amount of delinquent Business License is \$30,561 but she felt this number was high since some businesses may no longer be active. Mrs. Smith noted the % of businesses

estimated to be delinquent are 2.8% of the City's total customers and the delinquent fees are estimated to be less than 1% of revenues collected.

Mrs. Smith discussed several methods for cross referencing with other departments such as Code Enforcement, Fire Inspection, Building Inspection, Finance and stated that the City departments work very cohesively and that has made the process of cross referencing so much more effective. Mrs. Smith noted that she has discussed the City's process with other cities and commented that the City of Daphne's departments do an excellent job of working together and communicating. Mr. Davis said that is good to know.

2. Treasurer's Report: November, 2014

Mrs. Henson reviewed the Treasurer's Report and noted:

- Total Unrestricted Funds - \$9,576,208
- Decrease from Last Year's Unrestricted Funds – (\$294,514)
- # of months of Unrestricted cash to cover monthly operating Expenses & Debt Service – 4.3 months compared to the previous year - 4.5 months

Included in the packet are graphs that show that activity is a little down from the previous year but still on track. Mrs. Henson pointed out that the new account 2014 Capital Improvements was added to the Treasurer's Report and the balance \$782,116 was from the savings on the new 2014 Bond Issue that is designated for purchases for a Technology Park and property related purchases. Mrs. Henson reviewed that the 2012 Construction would be closed soon after designated projects are paid out of that fund. Mr. Scott asked how many funds does the City have that have to be reconciled. Mrs. Henson noted there are around 36 funds but all do not have a high level of activity like the General Fund or Court or Capital accounts. Mrs. Henson continued answering questions on the bank account funds vs. pooled cash account funds and the process for reconciling those different types funds. Mr. Davis asked about the Encumbrance Report status. Mrs. Henson stated she would be presenting that report in January since there are some FY14 pending invoices that will clear some of those line items – for example the Library Roof repair.

The Treasurer's Report as of November 30, 2014 Total Unrestricted Funds - \$9,576,208 and Total City Funds - \$17,523,948 was presented to be filed for audit.

3.. Sales and Use Taxes: November, 2014

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,073,290.88 was collected for November 2014:

- YTD Variance over Budget - \$35,246.90 + 1.6 %
- Percent change from last year's collections + 2.5%

4.. Lodging Tax Collections, November, 2014

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for November 2014 were \$74,581.63 which is up \$30,668.71 from November's 2014's collections of \$43,912.92.

- YTD Variance under Budget: (4,115.74) ; -.4%
- Percentage change from last year's collections: +36.9 %

Discussion continued that that November's collections were up even without the increase in the Lodging Tax rate.

5. Lodging Tax Fund : Statement of Rev over Exp, November 30,2014

Mrs. Henson reviewed the Lodging Tax report and noted the Unreserved balance for Bayfront related purchases is \$1,972,232 with a Recreation balance of \$307,289. Mr. Davis discussed how informative the report was. Mrs. Henson noted that the preparation of this report is now being done by Mrs. Lisa White, Accountant since Mrs. Donna Page had retired. Mrs. Henson noted this fund requires several Journal entries and allocations including payments made to the Industrial Development Board and Downtown Redevelopment so it requires a little more time and monitoring than some of the other funds.

6. Corrections/Court Fund Report, FY14& Draft Report through November, 2014

Mrs. Henson noted the draft reports in the packet are just for informational purposes since the new Jail Food system is being set up and had been discussed in previous Finance meetings. Mrs. Henson noted that for FY14 \$18,694 had to be transferred from the Court side of the fund to the Corrections side since the Correction balance was \$0 as of 8-30-14. Mrs. Henson noted that the FY15 report for December will be more reflective of the actual monthly activity since October and November include setup cost for equipment and first food product purchases. Mrs. Henson noted she has spoken with Lt. Yelding who is over the Jail and that FY14 averaged \$8,000/month for inmate meal expenditures and he anticipated the new monthly cost to be more like \$4,000/month. Mrs. Henson noted she had set up a table on the bottom of the report to list the equipment setup cost so that could be factored out to average the monthly meal cost. Collections average around \$3,500/month each for Corrections and Court so additional transfers are anticipated to be required throughout FY15.

7. Bills Paid Reports – November, 2014

The Bills Paid Report was presented in the packet. Mr. Davis asked about a Planet Fitness invoice Discussion continued this was for the Fire Department employees. Discussion continued on the invoices paid.

A. Appropriation Request: (*Ordinance*)

2012 CONSTRUCTION FUND:

1. CR64 & CR13 Roundabout: Intergovernmental Project with Baldwin County – City Match - \$215,959

Mr. Johnson reviewed the CR64 & CR13 Roundabout Project and stated the original estimate for the City's match was \$335,000 but after the bid was opened the match is \$215,959. Mr. Johnson noted the project is estimated to take approximately 6 months. Mrs. Henson stated that after the \$215,959 match is paid to the County the balance in the 2012 Construction account would be approximately \$261,364. Mr. Johnson discussed the City's share on the pending Main Street ALDOT project would be \$150,000 (an 80/20 split) and that would be due around February 2015. Mrs. Henson noted this project was initially planned to be funded from the 2012 Construction Fund and after that payment is made the 2012 Construction fund will need to be closed and remaining funds transferred to the Capital Reserve Fund as approved by Council in a previous Ordinance.

Motion by Mr. Conaway to appropriate \$215,959 (20% Match) from 2012 Construction Fund for the City's match for the CR64 & CR13 Roundabout Intergovernmental project with Baldwin County. Seconded by Mr. Scott. Motion carried.

B. Bids: (*Resolution*)

1. 2014- A-FUEL

Mr. Johnson reviewed the fuel bid and stated this is the lowest margin we have had in several years. Mrs. Henson stated the current contract (with Retif oil) is \$.034/Unleaded & \$.037/Diesel above Rack/Wholesale cost. Mr. Johnson stated it is his recommendation to award the bid to the lowest bidder Davison Fuel & Oil.

Motion by Mrs. Conaway to recommend to Council to award the 2015-A-FUEL for a margin of \$.024 above rack price as bid to Davison Fuel & Oil. Seconded by Mr. Scott. Motion carried.

V. OLD BUSINESS

A. FY14 Year-end Close

Mr. Davis asked where we were on closing FY2014. Mrs. Henson said that Mr. Hinson had closed March around June but it had been re-opened to process a few Journal entries but since the month was previously closed the process just had to be run again to re-close March. Mrs. Henson noted that Mrs. Ciancetta was working on closing April.

B. FY14 Community Contributions

Mrs. Conaway asked if the FY14 Community Contributions had been paid. Mrs. Henson noted that Mrs. Jane Ellis, Mayor's Assistant had volunteered last week to help by preparing the contributions for payment so that Ms. Ciancetta, Deputy Finance Director, could work on closing FY14. The Community Contribution payments were made last week. Discussion continued on the SEEDS Mama Mia event.

VI. ADJOURN The meeting adjourned at 5:05 p.m.

Dane Haygood
Mayor

Vickie Hinman
Human Resources Director



Sherree Hilburn
Payroll and Benefits Coordinator

Sandi Cushway
Human Resources Assistant

December 4, 2014

HUMAN RESOURCES DEPARTMENT
ACTIVITY REPORT

<u>Positions</u>	<u>Status</u>
Finance Director	Closed 11/25 – interviewing applicants
Computer Services Technician	Open
Office Asst., City Hall	Interviewing
Safety Coordinator	Open
PT Marketing Coordinator	Open
Accounting Technician (Revenue)	Open
Planner (Community Development)	Open
Events Assistant (Civic Center)	Posted: 12/3 – 12/17
PT Firefighter	Closed – 12/5
Building Maintenance Supervisor	Open
PSW (Grounds)	Posted – 12/3-12/17

No Safety Committee meeting was held in November due to holiday week. The next meeting will be held on Wednesday, December 10 @ 10:00 a.m.

HR projects/meetings:

- A make-up Sexual Harassment training for Supervisors on November 18
- Collecting items for Relay for Life Silent Auction
- Interviewing applicants for Finance Director December 4-8
- Interviewing applicants for City Hall Office Asst. December 2-3
- December 12 – Red Cross blood drive @ City Hall
- Retirement of Public Works Superintendent 12/31/2014

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

BUSINESS LICENSE ACTIVITY -NOVEMBER 2014

NEW BUSINESS LICENSES (BY TYPE)		
NAICS	ACTIVITY	QTY
23	Construction	6
31-33	Manufacturing	3
42	Wholesale Trade	2
44-45	Retail Trade	4
53	Real Estate, and Rental & Leasing	1
54	Professional, Scientific, and Technical Services	1
61	Educational Services	4
72	Accommodation and Food Services	1
TOTAL NEW BUSINESS LICENSES (BY TYPE)		22

NEW BUSINESS LICENSES (BY LOCATION)	
Daphne (physical location)*	3
Daphne (no physical location/home-based businesses)	5
Baldwin County	0
Mobile County	5
In State (not including Baldwin/Mobile counties)	3
Out of State	6
TOTAL NEW BUSINESS LICENSES (BY LOCATION)	22

*NEW BUSINESSES LOCATED IN DAPHNE		
NAICS	NAME & ADDRESS	
54	Professional, Scientific, and Technical Services	1
61	Educational Services	1
72	Accommodation and Food Services	1
*TOTAL NEW BUSINESSES LOCATED IN DAPHNE		3

CLOSED BUSINESSES LOCATED IN DAPHNE		
NAICS	NAME & ADDRESS	
TOTAL CLOSED BUSINESSES LOCATED IN DAPHNE		0

NET GAIN/-LOSS BUSINESSES LOCATED IN DAPHNE	
	3

BUSINESS LICENSE COUNT THROUGH 07/31/2014	
Issued THIS MONTH:	
NEW Licenses	22
RENEWAL Licenses	21
PRIOR YEAR Licenses	16
Total Issued THIS MONTH	59
Total Issued THIS MONTH - PREVIOUS YEAR	112
Net Gain/-Loss Current VS Previous Yr MONTH	-53
Total Issued YTD 2014	4,279
Total Issued in 2013	4,159
Net Gain/-Loss Current VS Previous Yr YTD	120

Business License Delinquencies

Table of Contents

Page 1	Helpful Facts About Business Licenses
Page 2	Overview
Page 3	Business License Delinquencies – PHSYICAL Location in Daphne
Page 4	Business License Delinquencies – NO Physical Location in Daphne
Page 5	Summary of Business License Delinquencies

Helpful Facts About Business Licenses

Statute of Limitations for Business Licenses is 3 years

Penalties After Feb 1 **15% one time**
 After March 1 **30% one time**
 (Assessed only one time to the license fee)

 Interest **1% per month**
 (Percentage accumulates until paid)

License fees are based upon revenue from prior year and most pay the minimum of \$105.

Ways of collecting renewals and capturing revenues:

- Banks
- Permits
- Planning
- Code Enforcement
- Sales Tax
- General Public/Feedback
- Newspaper
- Internet
- Phone Calls
- Follow up letters
- Invoices

Overview

→ Insurance Companies and Contractors

Insurance Companies and Contractors are not included in this report. The requirement for Insurance Companies and Contractors are different than all other businesses.

Insurance companies pay a business license fee based upon premiums written during the previous year and if they do not write new premiums, they are not required to renew the license fee. The Alabama League of Municipalities provides the service of collecting delinquent license fees from Insurance Companies and we generally receive a payment in October.

Contractors are not required to renew unless they work in our City or if they have an office located in the City Limits of Daphne. Often times, contractors have home-based businesses. I did not include Contractors in the report because many are home-based, “one time” licenses. (Many had licenses after Ivan and have since found new professions but have not contracted us to update their records.)

→ About the Report

The business license delinquencies are separated to reflect businesses with a physical location in Daphne and those who come into the city limits but do not have a physical location in the City of Daphne. Of those with a physical location, many are home based businesses.

→ Types of Delinquencies

Businesses with a Physical Location in Daphne, top three categories of delinquencies:

- Attorneys
- Personal Services
- Professional Services

Businesses with NO physical Location in Daphne, top three categories of delinquencies:

- Deliveries
- Retailers/Non Store
- Professional Services

→ Change in Procedure for Renewals

We intend to keep a copy of the business license renewal form for those businesses that are required to renew. When the license fee is paid we will discard the copy from the stack. On February 6th we will send “second notices” and again on March 6th we will send “third notices”. During the first week of April we will begin calling and visiting each business that has not paid their license.

By keeping copies – we will easily be able to access their renewal form and document all contact made with each business. The idea is to couple “old fashioned” methods with new technology to ensure proper documentation, as well as having a “back up” list of delinquent business licenses.

**DLQ Business License Report
Physical Location IN Daphne
2012, 2013, 2014**

<u>Description</u>	12/1/2012	12/1/2013	12/1/2014	Grand Total
ADMINISTRATIVE SERVICES			1	1
ARTS & SPORTS - DANCE,MUSICAL,ARTIST,PHOTOGRAPHY			1	1
ATTORNEY/LAWYERS	2	3	6	11
COMPUTER-PROGRAMER/SOFTWARE/CAD/HARDWARE/MAINT			1	1
CREDIT SERVICES, CHECK CASHING, FINANCE CO			1	1
MANAGEMENT COMPANIES, BROKERAGE, PROJECT MGMT			1	1
MISC RETAILERS			1	1
MOBILE FOOD SERVICE/ICE CREAM TRUCKS			1	1
* PERSONAL SVCS-HAIR,SKIN,SEAMSTRESS	2	2	6	10
* PROFESSIONAL SERVICES (NOT ELSEWHERE CLASSIFIED)		2	11	13
REAL ESTATE-AGENTS, BROKERS,APPRAISAL,MGMT			3	3
RENTAL AND LEASING			1	1
REPAIRS, MAINT & INSTALL - APPLIANCES, FURNITURE		1	1	2
RETAILERS- NON STORE		1	2	3
SOCIAL ASSISTANCE -SHELTERS,COUNSELING,CHILD CARE			4	4
TELECOMMUNICATION - RESELLERS OF SERVICE			1	1
UNCLASSIFIED MISCELLANEOUS PERSONAL SERVICES			1	1
USED MERCHANDISE STORES			1	1
WHOLESALE TRADE - DURABLE			2	2
WHOLESALE TRADE - NON-DURABLE			2	2
Grand Total	4	9	48	61

***Minimum License Fee with Penalties and Accrued Interest	\$171.00	\$159.00	\$147.00
Total License Fees/Grand Total	\$684.00	\$1,431.00	\$7,056.00
			\$9,171.00

**DLQ Business Licence
No Physical Location in Daphne
2012, 2013, 2014**

Description	12/1/2012	12/1/2013	12/1/2014	Grand Total
ARTS & SPORTS - DANCE,MUSICAL,ARTIST,PHOTOGRAPHY		1	1	2
BROADCASTING			1	1
BUILDING MATERIALS-HARDWARE,PAINT,FLOORING,NURSERY		1		1
CATERING	1	2	5	8
CHEMICAL MFG			1	1
COMPUTER & ELECTRONIC MFG	1		1	2
DELIVERIES - ANY KIND	8	5	6	19
ELECTRONIC & APPLIANCE STORE	1	1	1	3
ENGINEER		1	2	3
FUNDS, TRUST, BONDING & OTHER FINANCIAL	1			1
INFORMATION SERVICES		1	3	4
MISC RETAILERS	3	3	3	9
MISCELLANEOUS MFG		2		2
MOBILE FOOD SERVICE/ICE CREAM TRUCKS		1	1	2
MOTOR VEHICLE PARTS & ACCESSORIES		1	1	2
OPTOMETRIST		1		1
PASSENGER TRANSPORTATION	1		1	3
PHOTOGRAPHER		1	2	3
PLASTIC & RUBBER MFG		1		1
PROFESSIONAL SERVICES (NOT ELSEWHERE CLASSIFIED)		5	9	14
RENTAL & LEASING - MOVIE AND VIDEO RENTAL			1	1
RENTAL AND LEASING	3	2	5	10
REPAIR & MAINTENANCE- AUTO, PAINT/BODY, GLASS		1	1	2
REPAIRS, MAINT & INSTALL - APPLIANCES, FURNITURE			2	2
RETAILERS- NON STORE	2	4	10	16
SOCIAL ASSISTANCE -SHELTERS,COUNSELING,CHILD CARE			1	1
TAXI & LIMOS SERVICES		1	3	4
TELECOMMUNICATION - RESELLERS OF SERVICE	1	1	2	4
TELECOMMUNICATIONS - WIRELESS			1	1
UNCLASSIFIED MISCELLANEOUS BUSINESS	1	1	3	5
UNCLASSIFIED MISCELLANEOUS PERSONAL SERVICES		1	2	3
WHOLESALE TRADE - DURABLE	1	1	1	3
WHOLESALE TRADE - NON-DURABLE	2		1	3
WRECKER SERVICES			1	1
Grand Total	26	40	72	138

***Minimum License Fee with Penalties and Accrued Interest \$171.00 \$159.00 \$147.00
Total License Fees/Grand Total \$4,446.00 \$6,360.00 \$10,584.00 \$21,390.00

Summary of Business License Delinquencies

	<u>Number of Delinquencies By Year</u>			
	12/1/2012	12/1/2013	12/1/2014	Grand Total
<u>Physical Location IN Daphne</u>	4	9	48	61
<u>NO Physical Location in Daphne</u>	26	40	72	138
TOTAL DLQ Business Licenses	30	49	120	199

	<u>Estimated Fees for Delinquencies</u>			
	12/1/2012	12/1/2013	12/1/2014	Grand Total
<u>Physical Location IN Daphne</u>	\$684.00	\$1,431.00	\$7,056.00	\$9,171.00
<u>NO Physical Location in Daphne</u>	\$4,446.00	\$6,360.00	\$10,584.00	\$21,390.00
Total Estimated DLQ Fees	\$5,130.00	\$7,791.00	\$17,640.00	\$30,561.00

	<u>Percentage of Delinquencies by # of License</u>		
	12/1/2012	12/1/2013	*12/1/2014
Number of Licenses Issued During Period	3787	4186	4279
<u>Physical Location IN Daphne</u>	0.11%	0.22%	1.12%
<u>NO Physical Location in Daphne</u>	0.69%	0.96%	1.68%
Total DLQ Percentage	0.79%	1.17%	2.80%

	<u>Percentage of Delinquencies by</u>		
	12/1/2012	12/1/2013	*12/1/2014
Total License Fees Collected During Period	\$1,384,733.80	\$1,697,765.37	\$1,854,227.08
Estimated Delinquencies	\$5,130.00	\$7,791.00	\$17,640.00
Percentage of Delinquencies	0.370%	0.459%	0.951%

**Number of licenses issued for 2014 does not include December 2014 figures.

SALES & USE TAXES

FY 2015 BUDGET vs ACTUAL

ACTUAL COLLECTIONS

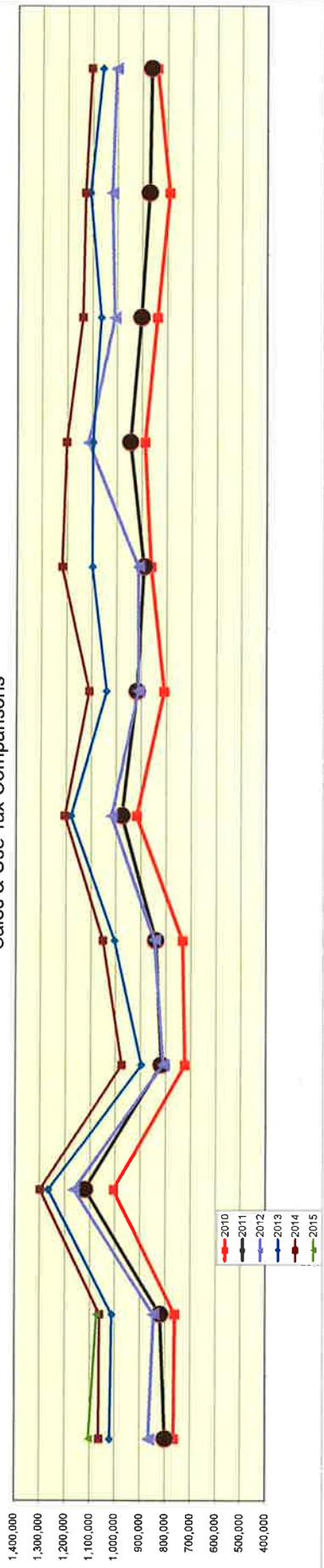
Month	7/8 Year Sparklines																						
	2010	2011	2012	2013	2014	2015	October	November	December	January	February	March	April	May	June	July	August	September	Totals	Budget	Monthly Variance	YTD Variance	% of Budget
October	764,641.13	800,512.03	864,727.27	1,019,065.37	1,062,861.14	1,104,411.74	1,072,524	1,069,932	1,388,651	1,000,908	1,070,994	1,254,014	1,138,545	1,179,034	1,247,928	1,178,374	1,182,762	1,153,953	13,937,617	31,888.23	3,358.67	31,888.23	3.0%
November	761,955.37	819,834.09	845,342.45	1,011,813.96	1,061,121.86	1,073,290.88	1,069,932	1,388,651	1,000,908	1,070,994	1,254,014	1,138,545	1,179,034	1,247,928	1,178,374	1,182,762	1,153,953	13,937,617	31,888.23	3,358.67	31,888.23	3.0%	
December	1,004,037.20	1,121,383.45	1,165,135.62	1,266,051.50	1,299,075.20	1,299,075.20	1,388,651	1,388,651	1,000,908	1,070,994	1,254,014	1,138,545	1,179,034	1,247,928	1,178,374	1,182,762	1,153,953	13,937,617	31,888.23	3,358.67	31,888.23	0.3%	
January	723,504.28	817,230.14	809,785.59	895,717.19	974,224.69	974,224.69	1,388,651	1,388,651	1,000,908	1,070,994	1,254,014	1,138,545	1,179,034	1,247,928	1,178,374	1,182,762	1,153,953	13,937,617	31,888.23	3,358.67	31,888.23	0.3%	
February	733,335.60	840,768.01	845,101.34	1,004,349.50	1,051,602.29	1,051,602.29	1,070,994	1,070,994	1,000,908	1,070,994	1,254,014	1,138,545	1,179,034	1,247,928	1,178,374	1,182,762	1,153,953	13,937,617	31,888.23	3,358.67	31,888.23	0.3%	
March	916,657.55	976,181.39	1,018,721.43	1,181,007.55	1,205,342.67	1,205,342.67	1,070,994	1,070,994	1,000,908	1,070,994	1,254,014	1,138,545	1,179,034	1,247,928	1,178,374	1,182,762	1,153,953	13,937,617	31,888.23	3,358.67	31,888.23	0.3%	
April	809,588.73	916,536.59	911,438.60	1,039,769.87	1,110,085.05	1,110,085.05	1,070,994	1,070,994	1,000,908	1,070,994	1,254,014	1,138,545	1,179,034	1,247,928	1,178,374	1,182,762	1,153,953	13,937,617	31,888.23	3,358.67	31,888.23	0.3%	
May	862,254.54	889,945.33	911,839.30	1,098,548.05	1,218,956.40	1,218,956.40	1,070,994	1,070,994	1,000,908	1,070,994	1,254,014	1,138,545	1,179,034	1,247,928	1,178,374	1,182,762	1,153,953	13,937,617	31,888.23	3,358.67	31,888.23	0.3%	
June	887,262.68	946,206.78	1,114,149.53	1,097,507.32	1,202,126.66	1,202,126.66	1,070,994	1,070,994	1,000,908	1,070,994	1,254,014	1,138,545	1,179,034	1,247,928	1,178,374	1,182,762	1,153,953	13,937,617	31,888.23	3,358.67	31,888.23	0.3%	
July	839,192.33	902,457.24	1,010,193.08	1,065,215.02	1,139,120.72	1,139,120.72	1,070,994	1,070,994	1,000,908	1,070,994	1,254,014	1,138,545	1,179,034	1,247,928	1,178,374	1,182,762	1,153,953	13,937,617	31,888.23	3,358.67	31,888.23	0.3%	
August	790,713.80	871,437.04	1,021,267.76	1,110,126.44	1,129,483.17	1,129,483.17	1,070,994	1,070,994	1,000,908	1,070,994	1,254,014	1,138,545	1,179,034	1,247,928	1,178,374	1,182,762	1,153,953	13,937,617	31,888.23	3,358.67	31,888.23	0.3%	
September	841,035.40	863,630.36	1,004,661.04	1,058,958.43	1,104,411.74	1,104,411.74	1,070,994	1,070,994	1,000,908	1,070,994	1,254,014	1,138,545	1,179,034	1,247,928	1,178,374	1,182,762	1,153,953	13,937,617	31,888.23	3,358.67	31,888.23	0.3%	
Totals	9,934,178.61	10,766,122.45	11,522,363.01	12,848,130.20	13,558,411.59	2,177,702.62	13,937,617	35,246.90	35,246.90	35,246.90	1.6%												

Budgeted Dollar Increase FY14 vs FY15: **379,205**
 Budgeted Percent Increase FY14 vs FY15: **2.8%**

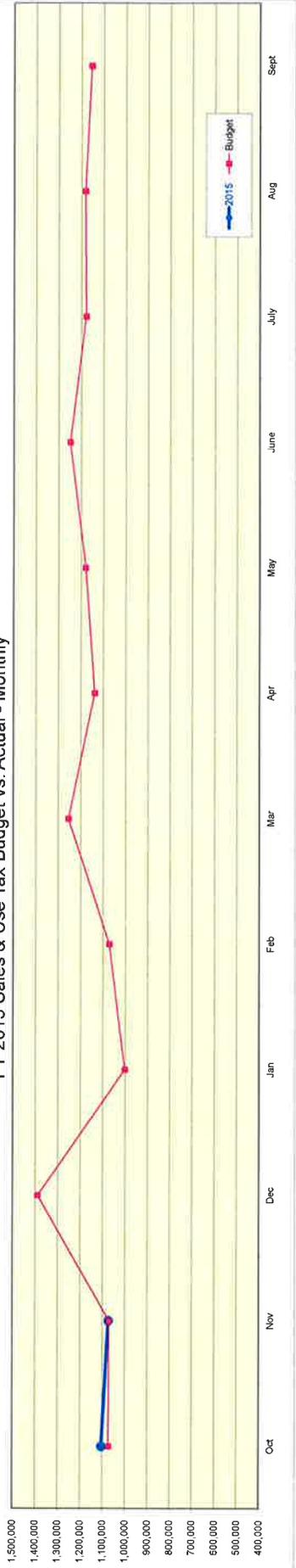
Fiscal Year Changes Year Over Year

Month	7/8 Year Sparklines												Percent Change						
	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	
October	35,870.90	64,215.24	154,338.10	41,550.60	12,169.02	12,169.02	4.7%	8.0%	17.8%	17.8%	17.8%	3.9%	4.7%	8.0%	17.8%	17.8%	17.8%	3.9%	
November	57,878.72	25,508.36	166,471.51	166,471.51	166,471.51	166,471.51	7.6%	3.1%	19.7%	19.7%	19.7%	1.1%	7.6%	3.1%	19.7%	19.7%	19.7%	1.1%	
December	117,346.25	43,752.17	100,915.88	100,915.88	100,915.88	100,915.88	11.7%	3.9%	8.7%	8.7%	8.7%	0.0%	11.7%	3.9%	8.7%	8.7%	8.7%	0.0%	
January	93,725.86	(7,444.55)	85,931.60	85,931.60	85,931.60	85,931.60	13.0%	-0.9%	10.6%	10.6%	10.6%	0.0%	13.0%	-0.9%	10.6%	10.6%	10.6%	0.0%	
February	107,432.41	4,333.33	159,248.16	159,248.16	159,248.16	159,248.16	14.6%	0.5%	18.8%	18.8%	18.8%	0.0%	14.6%	0.5%	18.8%	18.8%	18.8%	0.0%	
March	59,523.84	42,540.04	162,286.12	162,286.12	162,286.12	162,286.12	6.5%	4.4%	15.9%	15.9%	15.9%	0.0%	6.5%	4.4%	15.9%	15.9%	15.9%	0.0%	
April	106,947.86	(5,097.99)	128,331.27	128,331.27	128,331.27	128,331.27	13.2%	-0.6%	14.1%	14.1%	14.1%	0.0%	13.2%	-0.6%	14.1%	14.1%	14.1%	0.0%	
May	27,690.79	21,893.97	186,708.75	186,708.75	186,708.75	186,708.75	3.2%	2.5%	20.5%	20.5%	20.5%	0.0%	3.2%	2.5%	20.5%	20.5%	20.5%	0.0%	
June	58,944.10	167,942.75	(16,642.21)	(16,642.21)	(16,642.21)	(16,642.21)	6.6%	17.7%	-1.5%	-1.5%	-1.5%	0.0%	6.6%	17.7%	-1.5%	-1.5%	-1.5%	0.0%	
July	63,264.91	107,735.84	55,021.94	55,021.94	55,021.94	55,021.94	7.5%	11.9%	5.4%	5.4%	5.4%	0.0%	7.5%	11.9%	5.4%	5.4%	5.4%	0.0%	
August	80,723.24	149,830.72	86,858.68	86,858.68	86,858.68	86,858.68	10.2%	17.2%	8.7%	8.7%	8.7%	0.0%	10.2%	17.2%	8.7%	8.7%	8.7%	0.0%	
September	22,594.96	141,030.68	54,297.39	54,297.39	54,297.39	54,297.39	2.7%	16.3%	5.4%	5.4%	5.4%	0.0%	2.7%	16.3%	5.4%	5.4%	5.4%	0.0%	
Annual \$ Change	831,943.84	756,240.56	1,325,767.19	53,719.62	53,719.62	53,719.62	8.4%	7.0%	11.5%	11.5%	11.5%	2.5%	8.4%	7.0%	11.5%	11.5%	11.5%	11.5%	2.5%

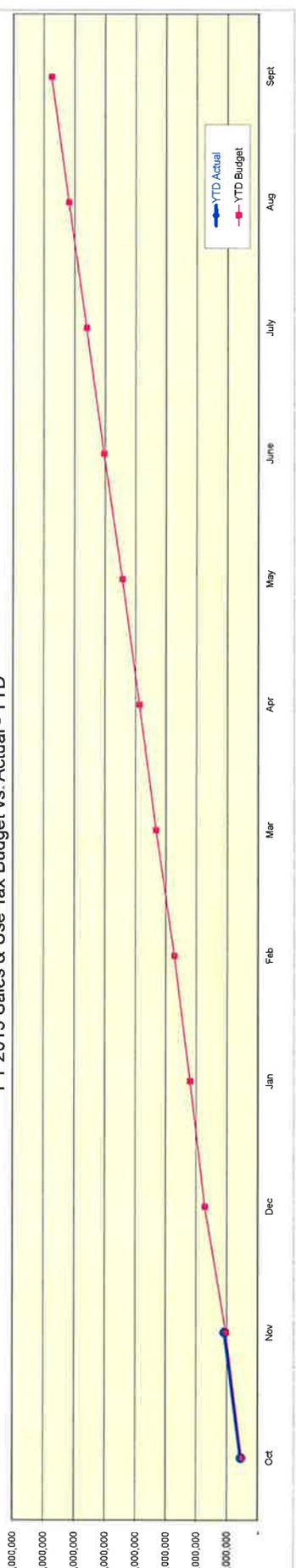
Sales & Use Tax Comparisons



FY 2015 Sales & Use Tax Budget vs. Actual - Monthly

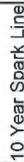
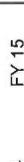
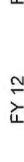
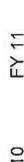


FY 2015 Sales & Use Tax Budget vs. Actual - YTD



MONTHLY LODGING TAX COLLECTIONS

ACTUAL COLLECTIONS

	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15	10 Year Spark Line
October	39,405.56	56,001.39	52,002.53	51,578.40	48,382.05	71,790.24	
November	33,763.37	48,329.73	47,568.08	43,459.48	43,912.82	74,581.63	
December	31,571.38	47,210.56	42,279.22	40,495.14	39,122.53		
January	42,883.70	49,006.12	41,917.34	47,548.01	43,198.04		
February	46,998.32	43,052.68	47,346.50	54,207.03	49,784.71		
March	52,771.52	67,422.43	70,058.33	64,325.47	71,954.97		
April	41,531.05	48,487.83	51,939.06	47,434.55	86,245.34		
May	66,820.96	57,880.48	54,740.45	68,448.49	107,155.55		
June	79,822.84	67,544.77	69,822.91	71,090.69	127,920.37		
July	91,906.47	76,631.86	79,417.80	94,310.47	139,397.37		
August	63,323.58	52,820.33	50,417.73	52,427.99	93,733.35		
September	52,662.79	45,216.75	46,968.89	45,148.35	71,790.24		
Total	643,461.54	659,604.93	654,478.84	680,474.07	922,597.44	146,371.87	

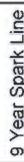
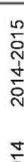
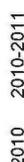
Ord 1997-28 adopted December 8, 1997 incr levy from 3% to 4%.

Ord 2014-06 adopted February 17, 2014, incr levy from 4% to 6% - effective for Collections for April 2014 reflected in May 2014

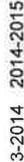
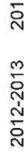
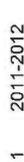
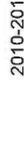
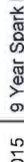
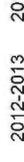
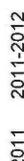
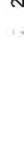
FY 2015 BUDGET vs. ACTUAL

	Budget	Monthly Variance	YTD Variance	% of Budget
October	80,009.54	(8,219.30)	(8,219.30)	-10.3%
November	70,478.07	4,103.56	(4,115.74)	5.8%
December	64,883.32			0.0%
January	72,491.46			0.0%
February	78,568.01			0.0%
March	107,164.01			0.0%
April	78,823.33			0.0%
May	101,531.42			0.0%
June	119,019.92			0.0%
July	137,740.01			0.0%
August	89,428.46			0.0%
September	74,862.45			0.0%
Total	1,075,000.00	(4,115.74)		-0.4%

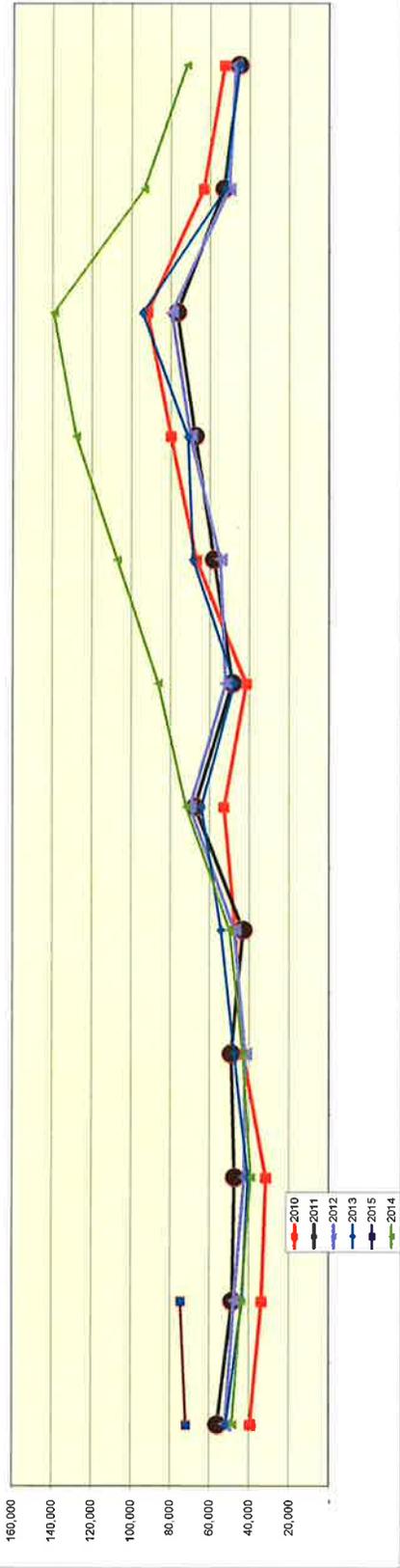
CHANGE IN DOLLARS

	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	9 Year Spark Line
October	(7,137.64)	16,695.83	(3,998.86)	(424.13)	(3,620.48)	23,408.19	
November	(6,415.32)	14,566.36	(761.65)	(4,108.60)	(3,655.16)	30,668.71	
December	(6,573.31)	15,639.18	(4,931.34)	(1,784.08)	(3,156.59)		
January	3,177.66	6,122.42	(7,088.78)	5,630.67	1,280.70		
February	299.31	(3,945.64)	4,293.82	6,860.53	2,438.21		
March	(459.33)	14,850.91	2,635.90	(5,732.86)	1,896.64		
April	(2,746.70)	6,956.78	3,451.23	(4,504.51)	34,306.28		
May	23,527.22	(8,940.48)	(3,140.03)	13,708.04	52,415.10		
June	23,328.73	(12,278.07)	2,278.14	1,267.78	58,097.46		
July	31,286.69	(15,274.61)	2,785.94	14,892.67	59,979.57		
August	18,686.76	(10,503.25)	(2,402.60)	2,010.26	43,315.62		
September	17,232.17	(7,446.04)	1,752.14	(1,820.54)	24,821.35		
Total	94,206.24	16,143.39	(5,126.09)	25,995.23	268,118.60	54,076.90	

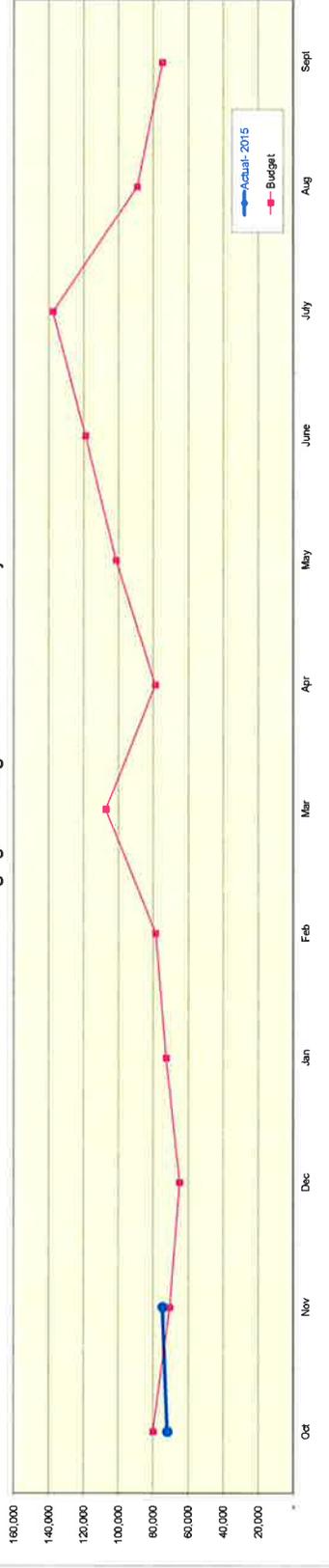
CHANGE IN PERCENTAGE

	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	9 Year Spark Line
October	29.6%	-7.7%	-0.8%	-7.5%	32.6%	
November	30.1%	-1.6%	-9.5%	-8.3%	41.1%	
December	33.1%	-11.7%	-4.4%	-8.1%	#DIV/0!	
January	12.5%	-16.9%	11.8%	3.0%	#DIV/0!	
February	-9.2%	9.1%	12.7%	4.9%	#DIV/0!	
March	21.7%	3.8%	-8.9%	2.6%	#DIV/0!	
April	14.3%	6.6%	-9.5%	39.8%	#DIV/0!	
May	-15.4%	-5.7%	20.0%	48.9%	#DIV/0!	
June	-18.2%	3.3%	1.8%	45.4%	#DIV/0!	
July	-19.9%	3.5%	15.8%	43.0%	#DIV/0!	
August	-19.9%	-4.8%	3.8%	46.2%	#DIV/0!	
September	-16.5%	3.7%	-4.0%	34.6%	#DIV/0!	
% Change	2.4%	-0.8%	3.8%	29.1%	36.9%	

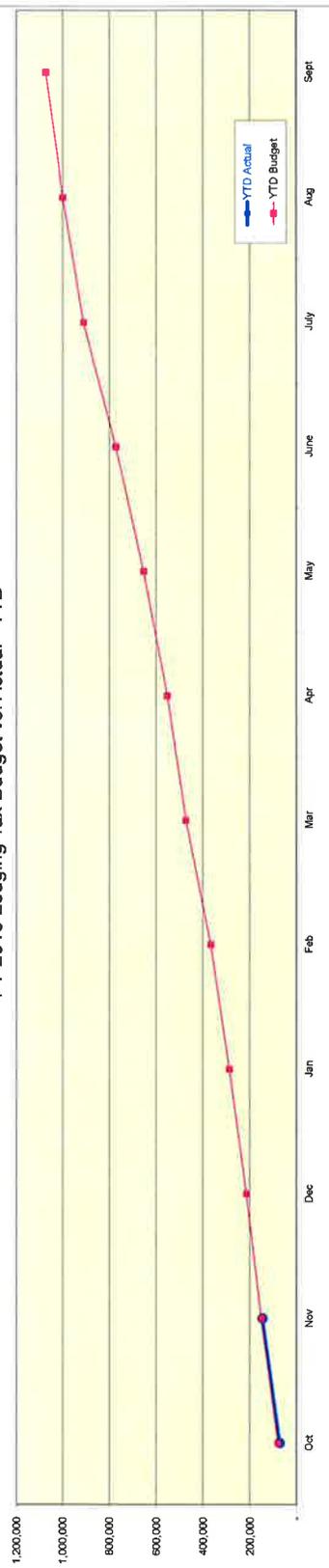
Lodging Tax Comparisons Year over Year



FY 2015 Lodging Tax Budget vs. Actual - Monthly



FY 2015 Lodging Tax Budget vs. Actual - YTD



Lodging Tax Fund - DRAFT
Statement of Revenues Over(Under)Expenditures
For the Fiscal Year ended September 30

	ACTUAL FY 1995-2004	ACTUAL FY 2005-2010	ACTUAL FY 2011	ACTUAL FY 2012	ACTUAL FY 2013	DRAFT URB FY 2014	DRAFT URB* 11/30/14	Total
Revenues								
Lodging Taxes	1,596,764.95	3,506,472.72	659,604.93	654,478.84	680,474.07	922,597.94	146,371.87	8,166,765.32
Settlement	30,000.00	-	-	-	-	-	-	30,000.00
Donations	240,300.00	10,000.00	-	-	-	-	-	250,300.00
Grants	498,100.00	1,390,048.13	21,768.93	52,629.91	98,059.17	-	-	2,060,606.14
Total Revenues	2,365,164.95	4,906,520.85	681,373.86	707,108.75	778,533.24	922,597.94	146,371.87	10,507,671.46
Expenditures								
Industrial Development Board	45,002.65	175,428.43	32,980.25	32,723.95	34,023.69	92,652.93	19,028.34	431,840.24
Downtown Redevelopment Authority	-	-	-	97,877.29	34,023.69	42,540.38	7,318.59	181,759.95
Cost of Debt Issuance	112,241.61	-	-	-	-	-	-	112,241.61
	157,244.26	175,428.43	32,980.25	130,601.24	68,047.38	135,193.31	26,346.93	725,841.80
BayFront Property Related Exp								
Bay Front Property	4,684,723.62	666,067.18	-	-	-	-	-	5,350,790.80
Bay Front Parking Lot	-	105,793.06	-	-	-	24,028.11	-	129,821.17
Bay Front Swing Bench	-	3,896.87	-	-	-	-	-	3,896.87
Bay Front Park Improvements	-	2,358.75	500.00	-	-	-	-	2,858.75
Bay Front Park Deck	-	-	-	-	20,000.00	-	-	20,000.00
Bay Front Restrooms	-	44,139.11	1,947.28	-	-	-	-	46,086.39
Bay Front Invasive Species Grant	-	-	-	47,163.35	-	3,181.25	-	50,344.60
Boardwalk Parking Lot	-	-	-	-	-	17,459.00	-	17,459.00
Boardwalks & Walking Trails	-	-	-	2,535.00	-	-	-	2,535.00
Building Improvements	48,956.54	56,000.97	-	44,158.00	-	-	-	149,115.51
Captain O'Neal Sidewalk	-	25,413.49	-	-	-	-	-	25,413.49
D'Olive Creek Pedestrian Bridge	-	85,279.08	7,965.00	-	98,627.66	2,043.73	-	193,915.47
Gator Alley Bridge	-	-	-	-	8,174.90	1,097.45	-	9,272.35
May Day Playground Eqpt	-	30,792.49	-	-	-	-	-	30,792.49
May Day Boat Ramp	-	414,655.63	18,247.24	-	-	-	-	432,902.87
May Day Parking Lot	-	271,248.90	-	-	-	-	-	271,248.90
May Day Drainage	-	5,000.00	-	-	-	-	-	5,000.00
May Day Sand Movement Study	-	12,273.50	15,726.50	20,634.00	14,147.00	-	-	62,781.00
May Day Grounds & Landscaping	-	-	-	5,000.00	-	-	-	5,000.00
Mobile Bay NEP Contribution	-	-	-	7,000.00	-	-	-	7,000.00
Property Improvements	1,712.30	2,244.00	-	2,629.57	-	-	-	6,585.87
Village Point Grant	-	-	10,823.95	-	24,852.02	-	-	35,675.97
Williams Property (1/2) Brdwlk Prkng Lot	-	-	-	-	-	47,138.87	-	47,138.87
Total Bay Front Related Exp	4,735,392.46	1,725,163.03	55,209.97	129,119.92	165,801.58	94,948.41	-	6,905,635.37
Recreation Exp								
(Rec Loan from GF-\$643,644 Forgiven 6/1/14)	-	-	-	-	-	-	-	-
Sports Complex Entrance Rd (FY12-14)	-	-	-	51,647.38	779,444.30	48,517.98	-	879,609.66
Softball/Football Lighting (FY11)	-	-	449,084.04	-	-	-	-	449,084.04
Bathroom/Concessions (2) (FY10-11)	-	1,152.00	273,593.93	-	-	-	-	274,745.93
Bleachers (4) (FY11)	-	-	50,000.00	-	-	-	-	50,000.00
Fence/Net Replacmnt-net of ins (FY11)	-	-	2,062.50	-	-	-	-	2,062.50
Repair-Blchr/Conces Roof-net of ins (FY11)	-	-	23,197.52	-	-	-	-	23,197.52
Total Recreation Exp	-	1,152.00	797,937.99	51,647.38	779,444.30	48,517.98	-	1,678,699.65
Other Financing Sources (Uses)								
Debt Proceeds	5,177,983.00	-	-	-	-	-	-	5,177,983.00
Transfers from General Fund	353,433.00	(353,433.00)	-	-	-	643,643.56	-	643,643.56
Transfers to Debt Service	(3,042,540.12)	(1,080,638.30)	(166,139.22)	(167,064.00)	(103,080.00)	(137,838.00)	(12,995.00)	(4,710,294.64)
Transfers to Gen Fund	(20,322.18)	-	-	-	-	-	-	(20,322.18)
Other Financing Sources (Uses)	2,468,553.70	(1,434,071.30)	(166,139.22)	(167,064.00)	(103,080.00)	505,805.56	(12,995.00)	1,091,009.74
Rev & Financing Sources Over								
(Under) Expend & Financing Uses	(58,918.07)	1,570,706.09	(370,893.57)	228,676.21	(337,840.02)	1,149,743.80	107,029.94	2,288,504.38

Reserve: In-Progress Projects: BdWalk Repairs: as of 9/14	(8,982.90)
Reserve for Recreation	(307,289.28)
Unreserved	1,972,232.20

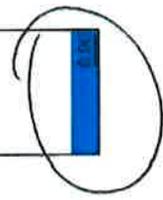
Lodging Taxes were levied 9/95 @ 3%
12/97 increase to 4% (Ord 1997-28) / 4/14 increase to 6% (Ord 2014-06)
FY 01 IDB Contributions started / DTR Authority added FY 10
DTR: FY 10-\$32,173.09/ FY 11-\$32,980.25/FY 12-\$32,723.95=\$97,877.29
Current Allocations: 13% IDB
5% Downtown Redevelopment
32% Debt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

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

Prior Mo Unreserved	1,948,366.08
Prior Mo Res for Rec	(269,998.46)

FY2014
 Correction/Court Fund
 Due To/From Other Funds
 46521-141430 / 141420

FY 2014 Month/Year	Court				Corrections				Total
	Collections	Warrant Fee	Interest Allocation	Disbursements	Transfer to Corrections	Net Activity for Month	Net Balance	Transfer From Court	
Beg Bal, 10/1/13	122,061.65	50,338.94				172,400.59			20,469.59
Oct-13	3,693.92	496.25	34.15	(274.37)		3,949.95			24,264.70
Nov-13	2,887.49	398.50	32.46	(749.46)		2,568.99			26,798.62
Dec-13	1,931.41	180.00	36.60	(608.74)		1,339.27			205,718.15
Jan-14	2,025.74	225.25	36.08	(721.45)		1,565.62			207,926.09
Feb-14	3,326.99	391.25	31.74	(477.69)		3,272.29			196,618.37
Mar-14	3,652.39	484.75	35.75	(2,835.70)		1,337.19			201,235.32
Apr-14	2,578.45	190.00	34.42	(3,651.46)		(848.59)			205,043.66
May-14	4,108.56	187.50	35.66	(771.09)		3,560.63			19,465.37
Jun-14	4,722.72	415.25	35.52	(3,382.21)		1,791.28			9,641.07
Jul-14	4,157.50	315.00	38.92	(2,371.15)		2,140.27			7,115.29
Aug-14	3,704.00	840.00	39.45	(4,026.08)		(1,665.58)			198,052.51
Sep-14	4,542.50	309.46	38.07	(1,897.33)		(13,478.51)			191,411.91
									177,933.40
	163,393.32	54,772.15	428.82	(21,966.73)		5,532.81			
Plus Interest	428.82								
Less Disbursements	(21,966.73)								
Less Transfers	(18,694.16)								
Net Balance	123,161.25	54,772.15							177,933.40



FY14 year end Bal \$0

Suzanne Henson

From: Richard D. Johnson, P.E.
Sent: Monday, November 10, 2014 8:47 AM
To: Dane Haygood; Christine Ciancetta; Suzanne Henson
Cc: jsedlack@baldwincountyal.gov; Andy
Subject: Number on the Roundabout at CR64 and CR13
Attachments: ACOA59420-ATRP(001) Letting Data.pdf

Mr. Mayor and Finance:

Please see attached. The bids were open on Friday. The numbers on the backend are solid, the frontend numbers are being finalized. Bottom line it appears we will be at or under total cost projections. The County will prepare and invoice us for our final share. My goal is to have it before Finance in December with second read on January 5, 2015.

Yours,

RDJ

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

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

directorpw@daphneal.com



Richard D. Johnson, P.E.
Public Works Director
rjohnson@daphneal.com
City of Daphne, Alabama - "The Jubilee City"
Phone: 251-621-3182 Web: www.daphneal.com

030. ACOA58616-ATRP(001)

County: CULLMAN

FOR CONSTRUCTING THE ADDITIONAL TURN LANES, MEDIAN CROSSOVER, AND GUARDRAIL ON SR-3 (US-31) AT PARK ROAD IN SOUTH VINEMONT. LENGTH 0.202 MI.

- | | | |
|----|--|--------------|
| 1. | CARCEL & G. CONSTRUCTION, LLC
31 COUNTY ROAD 240
HANCEVILLE, AL 35077 | \$426,698.81 |
| 2. | WIREGRASS CONSTRUCTION COMPANY, INC.
170 EAST MAIN STREET
DOTHAN, AL 36301 | \$431,895.76 |

031. ACOA59419-ATRP(001)

County: BALDWIN

FOR CONSTRUCTING THE INTERSECTION IMPROVEMENTS TO INCLUDE ADDITIONAL TURN LANES (GRADE, DRAIN, BASE, PAVE, AND SIGNALS) ON CR-65 AT THE INTERSECTION OF SR-42 (US-98) WEST OF FOLEY. LENGTH 0.220 MI.

- | | | |
|----|---|----------------|
| 1. | H. O. WEAVER & SONS, INC.
7450 HOWELLS FERRY ROAD
MOBILE, AL 36618 | \$1,025,914.88 |
| 2. | JOHN G. WALTON CONSTRUCTION COMPANY, INC.
1806 WOLF RIDGE ROAD
MOBILE, AL 36618 | \$1,184,406.56 |

032. ACOA59420-ATRP(001)

County: BALDWIN

FOR CONSTRUCTING THE ROUNDABOUT INSTALLATION ON CR-64 AT THE INTERSECTION OF CR-13 IN DAPHNE. LENGTH 0.132 MI.

- | | | |
|----|---|----------------|
| 1. | H. O. WEAVER & SONS, INC.
7450 HOWELLS FERRY ROAD
MOBILE, AL 36618 | \$1,173,058.77 |
| 2. | GULF EQUIPMENT CORPORATION
5540 BUSINESS PARKWAY
THEODORE, AL 36582 | \$1,293,426.67 |
| 3. | JOHN G. WALTON CONSTRUCTION COMPANY, INC.
1806 WOLF RIDGE ROAD
MOBILE, AL 36618 | \$1,491,899.18 |

CITY SHARE

UTILITY RELOCATES \approx \$400K $(80/20) \approx 10\% =$ \$40,000⁰⁰
 CONSTRUCTION: \$1,173,058.77 $(80/20) = 10\% =$ \$117,305.88
 CE & I : 10% OF CONST. 117,305.88 $(50/50) = 50\% =$ \$58,652.94

\$215,958.82

Engineering: \$43,338.50 pd 9/19/13 per Ord 2013-19 - Pd 2012 Const Fund

* 2012 Const Act Bal - \$477,330

ORDINANCE 2013-19

**INTERSECTION IMPROVEMENTS @ COUNTY ROAD 13 & 64 – ATRIP
PROJECT: INTERGOVERNMENTAL PROJECT WITH BALDWIN COUNTY**

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 Intersection Improvements at CR13 & 64 is an approved Alabama Transportation Rehabilitation and Improvement Program (ATRIP) project and grant monies are available for this project; and

WHEREAS, the City can entered into an agreement with Baldwin County for construction of Intersection Improvements at CR13 & CR64 for 50% cost share of the match monies required by the grant

WHEREAS, the estimated cost for the City and the County is \$335,838.50/each; and

WHEREAS, the Intersection Improvements are needed for enhanced traffic flow.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that

- Funds in the amount of \$43,338.50 for engineering from the 2012 Construction Fund are appropriated and made a part of the Fiscal Year 2013 budget for Intersection Improvements at County Road 13 & 04.
- Estimated total project cost of \$1,411,677 for construction/engineering of which ALDOT will reimburse \$740,000 (City's portion- \$335,838.50 and County's portion \$335,838.50).
- The Mayor is hereby authorized to execute any documents required in order for the City of Daphne to participate in such intersection project.

*Pd 9/19/13
CK# 55022*

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this 1st day of April, 2013.

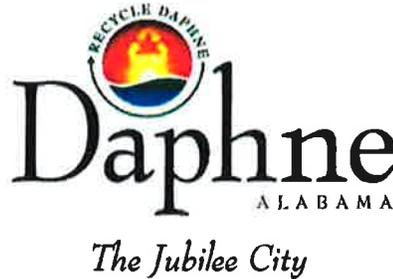


Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

Memorandum

To: Suzanne Henson, Senior Accountant
From: Richard D. Johnson, P.E.; Public Works Director
CC: Randy Fry, Chairman, Finance Committee; File
Date: November 21, 2014
Re: City-Wide Fuel Bid Recommendation

**Richard D.
Johnson, PE**

Digitally signed by Richard D. Johnson, PE
DN: cn=Richard D. Johnson, PE, o=City of
Daphne, ou=Director of Public Works,
email=directorjw@daphneal.com, c=US
Date: 2014.11.21 14:56:31 -06'00'

The Finance Department in cooperation with Public Works sent out requests for bids for a Fuel Supply and Delivery (unleaded gasoline and diesel) for the City's vehicles and equipment. Two (2) separate bidders submitted bids for the supply and delivery and it appears both meet the minimum specifications.

The qualifying low bidder was *Davison Fuel* at a margin of *0.024 for 89 Octane Non-Ethanol Unleaded and 0.024 for diesel* for contract period specified. I recommend that we accept the qualifying low bid from *Davison Fuel* at margins of *0.024 (89 Octane Non-Ethanol Unleaded) and 0.024 (diesel)* and proceed immediately to the execution of the contract.

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

Thanks,

RDJ

Public Works Department
26435 Public Works Road P.O. Box 400 Daphne, Alabama 36526
Phone: (251) 621-3182 Fax: (251) 621-3189

CITY OF DAPHNE
BID: 2015-A-FUEL

November 19, 2014
 11:30 A.M.

Those present were as follows:

Ms. Suzanne Henson Sr. Accountant
 Ms. Kerry Elliotte Mechanical Accounting Tech

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

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

<u>VENDOR</u>	<u>MARGIN UNL / DSL</u>	<u>DESCRIPTION BREAKDOWN</u>	Rack cost as of 11-10-14	<u>UNL 89</u>	<u>DIESEL</u>
<u>Davison Fuel & Oil</u>	<u>.024 / .024</u>				
		RACK \$/GAL		2.7177	2.4898
		INSPECTION FEE		0.0200	0.0200
		TRUST FUND FEE		0.0100	0.0100
		MARGIN		0.0240	0.0240
				2.7717	2.5438
<u>Retiff Oil & Fuel</u>	<u>.038 / .041</u>				
		RACK \$/GAL		2.7177	2.4898
		INSPECTION FEE		0.0200	0.0200
		TRUST FUND FEE		0.0100	0.0100
		MARGIN		0.0380	0.0410
				2.7857	2.5608

NOTE: RACK COST WILL FLUCTUATE WITH SUPPLIERS COST BUT MARGIN WILL REMAIN CONSTANT THROUGHOUT CONTRACT.



Suzanne Henson, Sr. Accountant

Buildings & Property Committee Meeting
Monday, December 1, 2014
5:30 PM
Daphne City Hall- Executive Conference Room

Committee Minutes

Present: Councilman Joe Davis; Councilman Randy Fry; Margaret Thigpen, Civic Center Director; Sarah Toulson, Assistant City Clerk (Recording Secretary); Richard Merchant, Building Official; Richard Johnson, Director of Public Works; Councilman Ron Scott; Selena Vaughn, Village Point Foundation; Kevin Boucher, City Attorney; Jay Ross, City Attorney; Councilwoman Tommie Conaway; Victoria Phelps, Lake Forest Property Owner's Association; Mary Ann Hampton, Lake Forest Property Owner's Association; George Lee, Lake Forest Property Owner's Association

Absent: Rick Whitehead, Councilman Pat Rudicell

The meeting brought to order at 5:30 pm by Chairman Joe Davis.

1. Public participation

Mary Ann Hampton opened the floor for questions from the Committee, to address any questions or concerns regarding the proposed recreational plan for property within Lake Forest subdivision as presented at the November 10, 2014 Work Session. The Committee discussed the actions that would be taken to move the project forward including the need to establish a timeline, costs, and opportunities. City Attorney Jay Ross will update the Committee at the January meeting regarding taking this matter to the Planning Commission.

Selena Vaughn addressed the Committee regarding the progress of various projects on behalf of the Village Point Foundation. Chiefly, she reminded the Committee that the ordinance approving funding for the Recreational Trails Grant project to extend the boardwalk at Village Point Park was up for second read at the Council meeting immediately following this meeting.

2. Approval of minutes: November 3, 2014

<p>Motion by Mr. Fry to adopt the November 3, 2014 minutes as written. Seconded by Mr. Davis. Motion carried unanimously.</p>

3. Civic Center & Bayfront report (November): Margaret Thigpen

Margaret Thigpen distributed and discussed her November report. November 2014 revenue totaled \$13,142.00, a decrease from November 2013 levels (this included one cancellation). Year to Date revenues stood at \$30,841.00, below figures listed for FY2014. Additionally, Ms. Thigpen reported total deposits for November stood at \$10,556.50, a slight decrease from last

year, and that the Civic Center has seen 14 events during November, for a total of 12 days used, not including setup days.

Ms. Thigpen then turned to Bayfront Pavilion, reporting revenues for November totaling \$6,672.00, above November 2013 levels, and year-to-date revenues totaling \$16,990.00, an increase from 2013 numbers. Additionally, Ms. Thigpen reported total deposits for November stood at \$7,262.00, and that Bayfront Pavilion has seen nine events during November, for a total of 10 days used, not including setup days. This month both facilities will be closed for three days.

In addition, she updated the Committee on the following:

- She reported on her action plan for the Daphne Civic and Visitors Bureau; she is currently working to connect with area organizations.
- Ms. Thigpen listed a number of recently passed and upcoming events through December 2014, both in the Civic Center and in the surrounding area, which are listed on her report herein.
- Ballroom Dance sales were down from last year both in ticket numbers and revenue generated.
- Capital Improvement for Bayfront: quotes for the flooring have gone before the Mayor. She is currently waiting for a third quote and would like to see this work completed in January.

4. Building inspection monthly reports (November): Richard Merchant

Richard Merchant reviewed the building report for the month of November. He reported 12 new residential construction projects initiated, and no new commercial development. The department issued 91 permits during November, with a total job valuation of \$2,321,166.00 with permit fees totaling \$12,210.00.

5. Bayfront property

Previously addressed under Public Participation.

6. Memorial policy

Chairman Davis noted that members should read over the previously given policy of San Antonio, Texas. This policy would be used as the basis from which he and Sarah would develop a draft for the Committee to consider for City use.

7. Use of City Hall facilities

Sarah Toulson provided a copy of the drafted form and rules to govern the use of City Hall facilities by outside groups. The following suggestions were made:

- Change title to reflect that this form governs only City Hall facilities

- Report to the Committee on use of City Facilities over the past six months
- In the future, give quarterly reports of facilities use.

8. Lake Forest Walking Trails Proposition

See Public Participation above.

9. Other Business

Richard Johnson noted the Hazard Mitigation Grant agreement that was on the agenda for tonight's Council meeting. He explained what the agreement was, and the timeframe needed for approval.

With no further business to discuss, the meeting was adjourned at 6:28, motion by Mr. Fry and seconded by Mr. Davis.

Public Safety Committee

Wednesday, December 10, 2014

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

Tracy Bishop - Secretary

Committee Members Attending:

Councilman Pat Rudicell, Councilman Robin LeJeune, Councilman Ron Scott, Councilman Randy Fry, Councilman Joe Davis, Chief James White, Lt. Kenny Hempfleng and Melvin McCarley.

CALL TO ORDER

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

PUBLIC PARTICIPATION – Don Rubel and Jeff Chandler were in attendance from Timbercreek with concerns about traffic safety on Pine Run/Middlecreek Circle. They have lived there 18+ years. Jeff stated that there are 736 homes in Timbercreek and that 466 of those homes feed into Pine Run. There will be 100 new construction homes completed soon which will also feed into Pine Run. The quick fix would be a stop sign but it will not cover the Pine Run/Timbercreek Blvd issue. There are limited solutions since speed bumps are out due to making it difficult for emergency vehicles needing to respond quickly to that area. The traffic/speeding situation is not good now and will be worse later. Councilman Rudicell asked what three hotspots need attention. He asked Lt. Hempfleng if a traffic study would be beneficial. Hempfleng stated that he could put out the speed trailer and that Melvin could set up the traffic table. He stated he would place the speed trailer at two different locations in Timbercreek and will have the results at next month's meeting. Councilman Davis asked Hempfleng to pull any old Timbercreek data he had from the speed trailer so it could be compared to the data Hempfleng will collecting over the next few weeks. Councilman Scott commented that he thought that two stop signs placed on Pine Run would help to break up the traffic flow. Melvin stated he would place the traffic counters at the first gully on Pine Run and the other one further down after January 6th, 2015. Councilman LeJeune reminded them that school is out in two weeks so figures may be skewed.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from November 2014 were adopted. Motion was made by Councilman LeJeune and seconded by Councilman Scott. Motion passed.

POLICE DEPARTMENT

- A. **New Business** – Lt Hempfleng reviewed the stats and D-Runs. Councilman Rudicell asked for jurisdictional data – pros and cons for taking in jurisdiction. Concerning the second Code Enforcement Officer, he would like to hire the second officer to train with Lonnie Jones to get on the job training before Lonnie retires. He asked if he should approach the mayor and ask. LeJeune and Scott both agreed that he should ask about a right seat ride on Lonnie's pending retirement. Rudicell will approach the mayor. It was reported that last year's jail food bill for November was \$10,781.30 (TV dinners) compared to this November 2014 \$4,565.38 since the PD has put in their own kitchen equipment.

FIRE DEPARTMENT

A: New Business – Chief White reported that he had the pre-bid walk thru with five contractors at Station 3 so the process is rolling. He has had good response for Toys for Tots donations at the fire station.

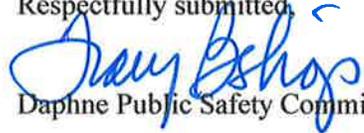
Old Business -

OTHER BUSINESS: Melvin reported that Richard Johnson heard back from the state on the situation at Bellaton/Hwy 181 traffic light and they do not think that a light is justified at this time. Rudicell asked if the citizens have been informed and Melvin stated not to his knowledge so Councilman Fry will take care of notifying the citizens there. This issue will need to be readdressed in the near future since there is much growth in that area. Melvin mentioned that the 4 laning of Hwy 181 is 3 or 4 years away for that area.

ADJOURN

There being no further business to discuss, Councilman LeJeune made a motion to adjourn the meeting at 5:20 p.m. Councilman Scott seconded. The next meeting will be Monday January 20, 2014 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,


Tracy Bishop
Daphne Public Safety Committee

Patrol 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	# New Cases Received:	Total Arrestees Received & Processed:	YTD	
1,135	66	181	181	Arson 0
Accidents, Private Property	# Previous Unsolved Cases:	Arrests by Agency:		Burglary - Commercial 1
14	108	Daphne PD		Burglary - Residence 6
Accidents, Roadway	# Cases Solved:	BCSO		Burglary - Vehicle 8
75	48	8		Criminal Mischief 5
Accidents, Traffic Homicide	Resulting in Total Arrests:	Spanish Fort PD		Disorderly Conduct 0
0	10	36		Domestic Disturbance 7
Arrest, Controlled Substance	Felonies:	Silverhill PD		False Info to Police 2
4	6	8		Felony Assault 1
Arrest, Drug Paraphernalia	Misdemeanors:	Troopers		Felony Theft 18
4	4	0		Harassment 5
Arrest, Felony Marijuana	Houses Searched	Other Agencies		Identity Theft 0
0	0	0		Indecent Exposure 0
Arrest, Misdemeanor Marijuana				Kidnapping 0
5				Menacing 0
Arrest, Alias Warrant				Misdemeanor Assault 2
82				Misdemeanor Theft 17
Arrest, DUI	Warrants:			Murder 0
11	Served			Other Death Investigations 0
Arrest, Felony	6			Public Intoxication 1
6	53			Public Lewdness 0
Arrest, Misdemeanor	Agency Assists			Receiving Stolen Property 0
76	9			Reckless Endangerment 1
Assists, Motorist / Citizen	Recalls (Pd Fines)			Resisting Arrest 2
177	13			Robbery 0
Citations	Total Warrants Served			Sex Crime Investigations 2
367	75			Suicide 0
Drug Report				Suicide, attempted 0
9				Theft of Services 0
Routine Patrol/Special OPS	Sex Offender:			Unauthorized Use of Services 3
0	New Registration:			Weapon Offenses 2
0	0			White Collar Crimes 8
Searches, Vehicle	Contact Verification			
42	0			
Security Checks	Total # registered in Daphne			
797	7			
Warnings	DARE:			
319	# Hours Report Writing:			
	1			
	# Students Instructed SRO			
	1,050			
	# Students Instructed DARE			
	660			
Drugs Seized:	# Police Reports by SRO			
9	1			
Money Seized:	# Arrest by SRO			
0	1			
Vehicles Seized:				
0				
Vehicles Seized	CODE ENFORCEMENT:			
	Warnings:			
	0			
CMV Inspections / CMV OOS	Citations			
51	1			
	Warning Compliance			
	5			
	Follow - Up			
	13			

David Cooper

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period October 2014

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	1	12
11-Structure Fire/Commercial	1	6
11-Structure Fire/Residential	2	24
12-Fire in Mobile Property used as fixed structure	0	4
13-Mobile Property (vehicle) Fire	4	16
14-Natural Vegetation Fire	1	16
15-Outside Rubbish Fire	0	16
16-Special Outside Fire	0	5
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	177	1679
4-Hazardous Conditions (No fire):	3	28
5-Service Call:	8	151
6-Good Intent Call:	11	121
7-False Alarm & False Call:	13	69
8-Severe Weather & Natural Disaster:	0	0
9-Other Situation:	0	2
Total Emergency Calls:	221	2402
Monthly Total Calls:	230	2367
Highest:		
	13:00	13:00
Lowest:		
	<1:00	<1:00
Average (Minutes/Seconds) :		
	5:14	5:14
Miscellaneous Reports:		
Training Hours	459.77	3505.78
Property Loss - \$	\$80,500.00	\$507,200.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues	138	1215
Number of Patients Treated	174	1641
Child Passenger Safety Seat Inspections/Installations	12	104
Pre-Plans	3	232
Classes		
	2	43
Persons Attending		
	39	553
Plan Reviews		
	3	20
Final/Certificate of Occupancy		
	4	8
General/Annual Inspections		
	124	487
General/Re-Inspections (Violation Follow-up - Annual)		
	60	200
Business Licenses		
	5	172
All Other/Misc. Activities		
	80	201
Total Activities:	276	1088

Authorized by:

James White

Code Enforcement / Ordinance Committee

Wednesday, December 10, 2014

1705 Main Street

Daphne, AL

Executive Conference Room

5:30 p.m.

Councilman Ron Scott, Chairman
Councilman Robin LeJeune

Councilman Pat Rudicell
Councilman Randy Fry

I. CALL TO ORDER / ROLL CALL:

A quorum being present Chairman Ron Scott called the meeting to order at 5:30 p.m.

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

Also present: Rebecca Hayes, City Clerk, recording secretary; Councilman Joe Davis; Councilwoman Conaway; Kevin Boucher, Attorney; Vickie Hinman, HR, Director.

II. APPROVE MINUTES / November 12, 2014

There were no corrections to the November 12, 2014 minutes and stand approved as written.

III. PUBLIC PARTICIPATION

No one spoke.

IV. ORDINANCE REVIEW

a.) Authorizing the Mayor to Enter Into Certain Contracts

The committee asked Mr. Boucher to bring the ordinance back to the committee at the January 2015 meeting.

b.) Council Rules of Procedure Ordinance / 2014-43

The committee discussed some procedures, and asked Mr. Boucher to research how other cities appoint committees and report back at the January meeting.

c.) Salary Amount for Treasurer

Council discussed compensating the Treasurer, and asked Mrs. Hinman to get with Archer for a job description. The committee asked Mr. Boucher to do some research to see if the city can pay the Treasurer and report back to the committee in January.

V. OTHER BUSINESS

No other business to discuss.

VIII. NEXT MEETING

The next meeting will be January 19, 2015

IX. ADJOURN

There being no further business to discuss the meeting adjourned at 6:05 p.m.

Respectfully submitted

Rebecca A. Hayes,
Recording Secretary

**DOWNTOWN REDEVELOPMENT AUTHORITY
1705 MAIN STREET, DAPHNE, AL
December 3, 2014**

COMMITTEE MINUTES

Members Present: Casey Zito, Kennard Balme, Debbie Strahley, Patricia Vanderpool, Dorothy Morrison, Council Member Tommie Conaway

Absent: Dayna Oldham, Doug Bailey

Also Present: Sarah Toulson (Recording Secretary) ; Kristin Dunreath

Casey Zito called the meeting to order at 5:30 pm

1. Approval of Minutes:

Motion: to approve the minutes from the October 22, 2014 meeting as written.
Moved by Dorothy Morrison, second by Debbie Strahley.

Carried unanimously.

2. Treasurer's report

Chairwoman Zito reported that the DRA currently had \$147,865.68 on hand, after all approved expenses cleared.

Motion: to appropriate \$262.54 to reimburse Dorothy Morrison for the purchase of new trees for the downtown planter boxes. **Moved by Debbie Strahley, second by Dorothy Morrison.**

Carried unanimously.

Motion: to approve the Treasurer's Report as reported. **Moved by Debbie Strahley, second by Kennard Balme.**

Carried unanimously.

3. Discussion: Walking Tour of Downtown Daphne

Chairman Zito updated the Committee on the Christ the King expansion plans and their effect on the downtown area. The Committee discussed the walking tour as a good, informative activity.

Debbie Strahley reported that she will attempt to bring an artist contact to the DRA's January meeting to discuss artistic or unique bicycle racks.

Dorothy Morrison suggested the need to get in touch with Mayor Haygood and update him on this project for the downtown area.

4. Museum Rack Cards

Ken Balme reported that the Daphne Museum had been awarded a \$2,000.00 tourism grant, which he would use to produce rack cards to be placed at welcome centers across the state. Mr. Balme introduced Kristin Dunreath, the graphic designer and illustrator who produced the rack cards.

5. Administrative Items

- Discussion of insuring that vendors used by DRA were City-used vendors that were insured, licensed and bonded has been tabled until the January meeting.
- Ms. Zito reported that she would review the current mini-grant application. Committee discussed need to include a provision on the application that funds would be paid to the grant applicant.

6. Constant Contact Seminar:

The Committee discussed the proposal, which is contained in the packet herein.

Motion: to accept the Constant Contact proposal dated September 26, 2014 from Never Give Up Enterprises. **Moved by Dorothy Morrison, second by Debbie Strahley.**

Carried unanimously.

Details for the event will be further discussed in January.

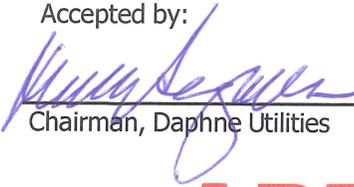
7. Any Other Items Deemed Necessary

- **Daphne Avenue Shopping Center:** Ms. Morrison commented that the Beautification Committee was working on getting some additional plantings at this location.
- **Christmas Ornaments for City Hall:** Mr. Balme mentioned that he would speak with a neighbor about possibly donating white reindeer ornaments. At the January meeting, the Committee will discuss what they will contribute to next year's Christmas decorations for the downtown area.

The meeting was adjourned at 6:15 pm. Motion by Dorothy Morrison, second by Debbie Strahley. Motion carried unanimously.

Next Meeting: January 28th at 5:30 pm.

Accepted by:


Chairman, Daphne Utilities



**DAPHNE
UTILITIES**

APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ October 29, 2014 ♦ 5:00 p.m.

I. Call to Order

The regular October 2014 Board meeting for the Utilities Board of the City of Daphne was held on October 29, 2014 and called to order by Chairman Robert Segalla, at 5:00 p.m., proceeded by the Roll Call:

II. Roll Call

Members Present: Robert Segalla, Chairman
Fenton Jenkins, Secretary/Treasurer
Dane Haygood, Mayor
Billy Mayhand

Others Absent: Randy Fry, Vice Chairman

Others Present: Jerry Speegle – Board Attorney
Danny Lyndall – General Manager
Drew Klumpp – Administrative Services Manager
Teresa Logiotatos – Finance Manager
Lori May-Wilson – Executive Assistant
Melinda Immel – Volkert & Associates
Ray Moore – HMR

Others Absent: Van Baggett – Operations Manager

III. Pledge of Allegiance

The Chairman led the Board and meeting attendees in the Pledge of Allegiance.

IV. Approval of Minutes

A. Utilities Board Minutes from October 1 (September), 2014:

The Chairman inquired if there were any corrections noted for the submitted Minutes for the October 1 (September), 2014, Utilities Board meeting. No corrections were recommended.

MOTION BY Billy Mayhand to approve the Minutes for October 1 (September), 2014 as submitted; Seconded by Fenton Jenkins.

AYE: HAYGOOD, JENKINS, MAYHAND, SEGALLA NAY: ABSENT: FRY ABSTAIN: MOTION CARRIED

V. OLD BUSINESS –

A. Items in Abeyance:

1. Update on Franchise Agreement for Natural Gas and Wastewater in Spanish Fort

Danny Lyndall advised the Board that he met with Mayor McMillan and reported that the Mayor is in favor of allowing Daphne Utilities to change the Natural Gas Franchise Agreement if the new customers that would be added on the wastewater side would overcome the amount of revenue

that Spanish Fort would loose on the franchise tax and that Daphne Utilities would do some research into what revenue Daphne Utility might anticipate from new wastewater customers and present this information to him to pass along to the Spanish Fort City Council.

VI. NEW BUSINESS –

A. FY2015 Proposed Budget (Board Action - Motion)

The Chairman called for questions from the Board on the presented updated budget. Mr. Lyndall clarified that the only changed involved was the increased legal budget.

MOTION BY Mayor Dane Haygood to approve the 2015 Budget as presented; Seconded by Billy Mayhand.

AYE: HAYGOOD, JENKINS, MAYHAND, SEGALLA NAY: ABSENT: FRY ABSTAIN: MOTION CARRIED

B. Property Purchase for New Sewer Lift Station

Danny Lyndall advised the Board of a sewer line located in a swampy area of Lake Forest that has failed and currently on a by-pass pump; Mr. Lyndall indicated that the long-term solution would be to build a lift-station and abandon the line that runs through the swamp and in order to proceed with the project, 2 parcels of property have been located and discussions with the property owner have resulted in negotiating terms of purchase of the property located at Ridgewood Drive near Buena Vista at the entrance. The purchase price for the two lots is \$12,000.

C. Resolution 2013-05 – Amending RESOLUTION 2011-04; RESOLUTION #2010-04; RESOLUTION #2009-07; RESOLUTION #2007-01; RESOLUTION #2005-03

Mr. Lyndall explained that a new Resolution was being presented to reduce the scheduled 3-year rate increases previously implemented by Resolution 2013-05. This change is based upon closer review of the 15-year capital improvement projects and the physical constraints of the completion timeline of these projects, which have been restructured. He clarified that all of the increase will go toward these capital projects and that Daphne Utilities is prepared to fund all of the projects with the reduced rate increase on the 2-year horizon and that increases will go directly towards those projects. Mr. Lyndall elaborated that while Resolution 2014-05 currently proposes a reduction in the scheduled rate increase, it is not a guarantee that a rate increase will not be necessary in the future due to the uncertainty of the aging infrastructure, forthcoming regulations and improbability in the utility industry. He reassured the Board that an extensive in-depth examination of finances will be performed every year to give an updated accounting. Teresa Logiotatos reminded the Board that the projects that were scheduled at the time the interval rate increases were proposed and implemented are still planned but postponed and/or delayed due to regulatory agencies. She advised that these project postponements have supported the reduction of the increases at this time. Mayor Haygood recapped for clarification the differences in the two Resolutions and asked the opinion of Mrs. Logiotatos and Mr. Lyndall. Mrs. Logiotatos advised that she supported the 2% water and 4% wastewater reduced rates; Mr. Lyndall concurred.

MOTION BY Mayor Dane Haygood to adopt Resolution 2014-05 which reduces the previously approved rate increases in Resolution 2013-05 down to 2% water and 4% wastewater for the fiscal years 2015 and 2016; Seconded by Fenton Jenkins.

AYE: HAYGOOD, JENKINS, MAYHAND, SEGALLA NAY: ABSENT: FRY ABSTAIN: MOTION CARRIED

add to his report but pointed out more detail on the property purchase for a new lift station mentioned earlier in the meeting. He answered questions from the Board on his report.

B. Operations Report

Danny Lyndall had nothing to add to Van Baggett's report.

C. Engineering & Consulting Reports

Volkert's Melinda Immel pointed out bid information on the water line project at Lakefront Drive and noted that it is a grant-funded project. She also gave kudos to Daphne Utilities for the participation for the Daphne Elementary Fall Festival.

HMR's Ray Moore updated the Board on the proposed water storage facility on Douglas Road and answered questions from the Board.

X. BOARD ACTION – Previously addressed under New Business.

XI. PUBLIC PARTICIPATION –

Mrs. Wilson reminded the Board members that the November Board meeting will be held on December 3rd to accommodate for the Thanksgiving holiday and also of the upcoming free Utility Board member training to be held at Fitzpen Place in Spanish Fort on November 13th sponsored by Alabama Rural Water Association and asked for attendance confirmation.

XII. BOARD COMMENTS –

Mayor Haygood suggested having the wording for proposed motions and resolutions better arranged and explained that while he voted against the Resolution 2014-06, he supported the net effect of the reduction in the rate increase and commended the staff for their efforts in keeping rates as low as possible for Daphne Utilities' customers.

XIII. ADJOURNMENT -

MOTION BY Mayor Dane Haygood to adjourn.

AYE: *Haygood, Jenkins, Mayhand, Segalla*

NAY:

ABSENT: *Fry*

ABSTAIN:

MOTION CARRIED

The meeting adjourned at 5:47 p.m.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities

RE-SET PUBLIC HEARING DATE FOR

JANUARY 20, 2015

TO CONSIDER:

1. Pre-Zoning:

George Kalasountas

Property Located: On the south side of U.S. Highway 90 at Renaissance Boulevard

Present Zoning: RSF-1, Single Family Residential District, Baldwin County District 15

Requested Zoning: B-2, General Business / R-7(T), Townhouse / R-1, Low Density Single Family Residential District, City of Daphne

Recommendation: Three motions made and failed which resulted in an unfavorable recommendation

2. Annexation:

George Kalasountas

Property Located: On the south side of U.S. Highway 90 at Renaissance Boulevard

Recommendation: Favorable

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: George Kalasountas
Pre-Zoning Amendment Recommendation
Date: November 3, 2014

MEMORANDUM

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

PROPOSED PRE-ZONING: B-2, General Business, R-7 (T), Townhouse, and R-1, Low Density Single Family Residential, City of Daphne

LOCATION: On the south side of U.S. Highway 90 at Renaissance Boulevard

RECOMMENDATION: At the Thursday, October 30, 2014, special meeting of the Daphne Planning Commission, six members were present. After holding a public hearing, the following recommendations to pre-zone the property were made and failed:

- a. Six members were present and a motion to set forth an unfavorable recommendation to the City Council for B-2, General Business, R-7 (T), Townhouse, and R-1, Low Density Single Family Residential, failed. Four members voted in the affirmative and two dissented.
- b. Six members were present and a motion to set forth a favorable recommendation to the City Council for B-1, Local Business, R-7 (T), Townhouse, and R-1, Low Density Single Family Residential, failed. Three members voted in the affirmative and three dissented.
- c. Six members were present and a motion to set forth a favorable recommendation to the City Council for R-1, Low Density Single Family Residential, failed. Four members voted in the affirmative and two dissented.

Attached please find documentation from the Office of Community Development. Ordinances shall be provided by the Office of the City Attorney.

Thank you,
ADJ/jv



PREZONING APPLICATION

Office use only	Date Submitted Sept. 23, 2014
Application Number: ZA-02	Planning Commission Public Hearing Date: Oct. 23, 2014

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

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection): On the South side of U.S. Highway 90 at Renaissance Boulevard	PPIN#(s): 102355, 099323 and 058644
Gross Site Area (acreage): Overall: 17.82+/- Ac. 10.06 Lot 1: 6.76+/- Ac. and Lots 2 & 3: 11.06+/- Ac. 1.00	Requested Zoning: Lot 1: B-2 Lot 2: R-7(M) and Lot 3: R-1 R-1
Current Zoning Designation(s): RSFI, Single Family Res. Bald. Cty District 15	Amended Zoning Request: Initials: _____ Date: _____
Current Land Use: None	Anticipated Land Use: B-2 Lot 1: Business, Lot 2: Townhouses and Lot 3: Single/Multi-Family Residential R-1, Low Density Family Res
Provide Legal Description (if necessary attach separate page entitled Legal Description for [Name of Applicant] Res See attached sheet)	

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

<input checked="" type="checkbox"/> Annexation	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Site Plan	<input type="checkbox"/> Special Exception	<input type="checkbox"/> Variance	<input type="checkbox"/> Specify Other
					<input type="checkbox"/> Replat

APPLICANT & AGENT INFORMATION

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

Name of Current Owner: George Kalasountas	
Mailing Address: 9563 Malbis Lane Daphne, AL 36526	Phone/Fax: (251) 626-1081 E-mail:
Name of Authorized Agent: Daryl Russell of The Coleman Engineering Group of McCrory & Williams, Inc.	Phone: (251) 479-4518
Mailing Address: 3207 International Drive Mobile, AL 36606	Phone/Fax: Fax: (251) 479-4522 E-mail: drussell@mcwinc.com
Name of Developer*: N/A	Phone/Fax: E-mail:
Other: N/A	Phone/Fax: E-mail:

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

Applicant's Signature:	Date 09/23/2014
Agent's Signature:	Date 09/23/2014

03/13/14



REVERSIONARY CLAUSE ACKNOWLEDGEMENT

Pursuant to Article 22-2 of the Land Use & Development Ordinance, zoning and rezoning may revert back to prior designation if certain conditions are not met. Said conditions are specified in Article 22 of the Land Use Ordinance. Legibly sign and print/type responses below. Indicate N/A or an X where item is not applicable. **Submit with rezoning request.**

CURRENT OWNER S ACKNOWLEDGEMENT

I, George Kalasountas, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 09/23/2014



Printed Name of Current Owner/Petitioner
George Kalasountas

DEVELOPER S ACKNOWLEDGEMENT

I, N/A, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: N/A

N/A

Printed Name of Developer

Property Address or PPIN#(s): 102355, 099323 and 058644

EXHIBIT "A"
PRE-ZONING APPLICATION
PROPERTY ON SOUTH SIDE OF U.S. HWY 90 ACROSS FROM RENAISSANCE BLVD.
DESCRIPTION OF PROPERTY TO BE PRE-ZONED

DESCRIPTION OF PROPERTY TO BE REZONED TO B-2:

COMMENCING AT A CAPPED REBAR FOUND ON THE NORTH RIGHT-OF-WAY LINE OF MALBIS LANE (50 FOOT RIGHT-OF-WAY), SAID POINT BEING SITUATED NORTH 00°03'47" WEST, 1459.33 FEET AND NORTH 83°26'27" WEST, 1091.70 FEET FROM THE PURPORTED SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 02°29'02" WEST, 410.61 FEET; THENCE RUN NORTH 36°55'32" WEST, 282.98 FEET; THENCE RUN SOUTH 89°45'52" WEST, 101.89 FEET; THENCE RUN SOUTH 89°51'27" WEST, 605.05 FEET; THENCE RUN SOUTH 89°36'45" WEST, 202.10 FEET; THENCE RUN SOUTH 89°39'51" WEST, 210.15 FEET; THENCE RUN SOUTH 89°37'12" WEST, 226.55 FEET; THENCE RUN NORTH 00°36'00" EAST, 407.87 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING NORTH 00°36'00" EAST RUN 300.13 FEET TO POINT ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NUMBER 90 (80 FOOT RIGHT-OF-WAY); THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, RUN NORTH 88°55'49" EAST, 841.46 FEET; THENCE RUN NORTH 89°01'56" EAST, 124.50 FEET; THENCE DEPARTING THE SAID SOUTH RIGHT-OF-WAY LINE, ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 259.25 FEET, CHORD BEARS SOUTH 06°36'27" EAST AND MEASURES 258.77 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 47.35 FEET, CHORD BEARS SOUTH 27°59'32" EAST AND MEASURES 47.35 FEET; THENCE RUN SOUTH 88°55'49" WEST, 1021.12 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.76 ACRES, MORE OR LESS.
BEING LOT 1, A REPLAT OF PROPERTY FOR GEORGE KALASOUNTAS #2, AS PER PLAT RECORDED ON SLIDE NO. 2520-F OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA.

DESCRIPTION OF PROPERTY TO BE REZONED TO R-7(T):

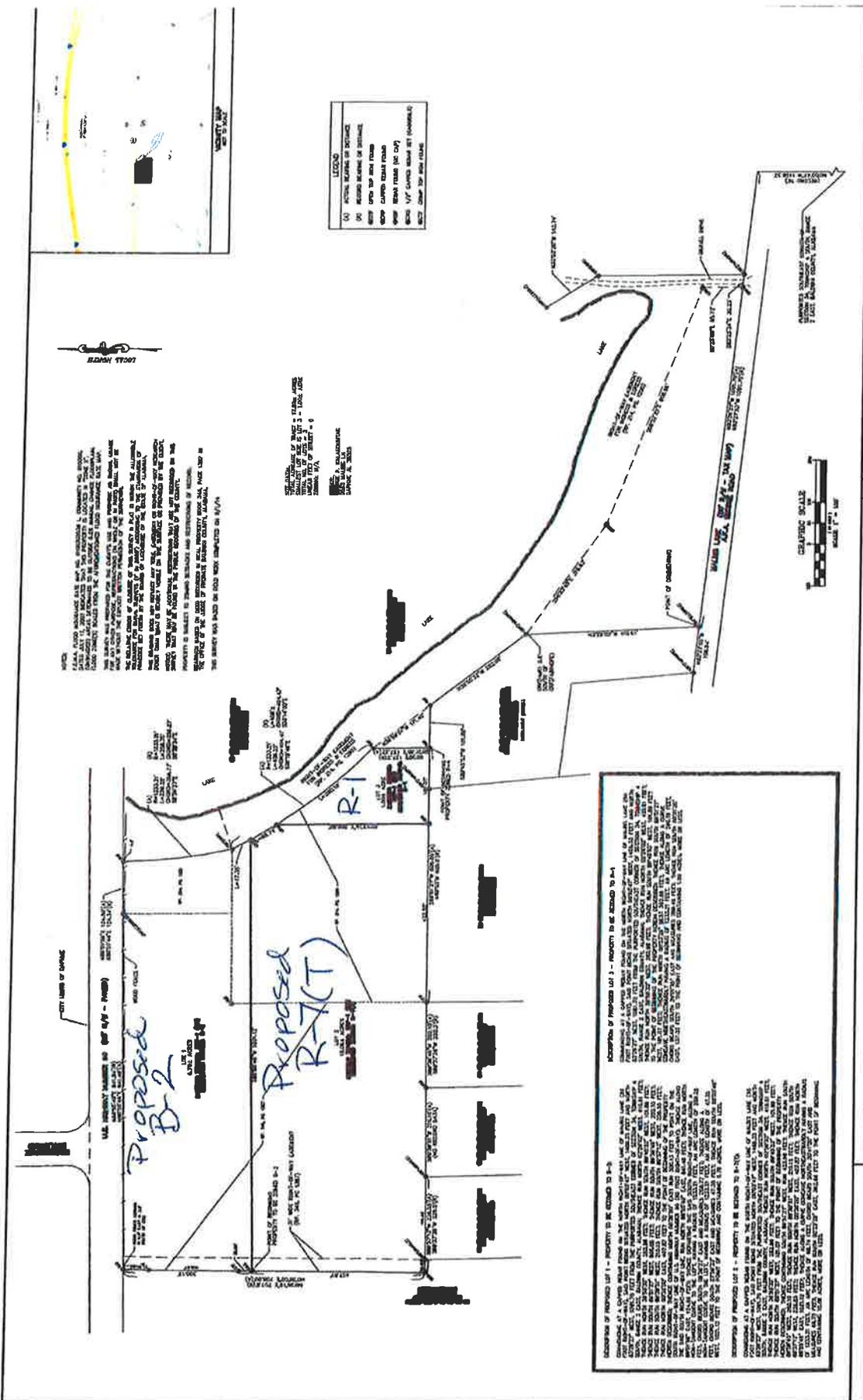
COMMENCING AT A CAPPED REBAR FOUND ON THE NORTH RIGHT-OF-WAY LINE OF MALBIS LANE (50 FOOT RIGHT-OF-WAY), SAID POINT BEING SITUATED NORTH 00°03'47" WEST, 1459.33 FEET AND NORTH 83°26'27" WEST, 1091.70 FEET FROM THE PURPORTED SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 02°29'02" WEST, 410.61 FEET; THENCE RUN NORTH 36°55'32" WEST, 282.98 FEET; THENCE RUN SOUTH 89°45'52" WEST, 101.89 FEET; THENCE RUN SOUTH 89°51'27" WEST, 181.07 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING SOUTH 89°51'27" WEST, RUN 423.98 FEET; THENCE RUN SOUTH 89°36'45" WEST, 202.10 FEET; THENCE RUN SOUTH 89°39'51" WEST, 210.15 FEET; THENCE RUN SOUTH 89°37'12" WEST, 226.55 FEET;

EXHIBIT "A"
PRE-ZONING APPLICATION
PROPERTY ON SOUTH SIDE OF U.S. HWY 90 ACROSS FROM RENAISSANCE BLVD.
DESCRIPTION OF PROPERTY TO BE PRE-ZONED

THENCE RUN NORTH 00°36'00" EAST, 407.87 FEET; THENCE RUN NORTH 88°55'49" EAST, 1021.12 FEET; THENCE ALONG A CURVE CONCAVE NORTHEASTWARDLY HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 68.74 FEET, CHORD BEARS SOUTH 30°41'20" EAST AND MEASURES 68.73 FEET; THENCE RUN SOUTH 00°23'29" EAST, 362.66 FEET TO THE POINT OF BEGINNING AND CONTAINING 10.06 ACRES, MORE OR LESS. BEING LOT 2, A REPLAT OF PROPERTY FOR GEORGE KALASOUNTAS #2, AS PER PLAT RECORDED ON SLIDE NO. 2520-F OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA.

DESCRIPTION OF PROPERTY TO BE REZONED TO R-1:

COMMENCING AT A CAPPED REBAR FOUND ON THE NORTH RIGHT-OF-WAY LINE OF MALBIS LANE (50 FOOT RIGHT-OF-WAY), SAID POINT BEING SITUATED NORTH 00°03'47" WEST, 1459.33 FEET AND NORTH 83°26'27" WEST, 1091.70 FEET FROM THE PURPORTED SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 02°29'02" WEST, 410.61 FEET; THENCE RUN NORTH 36°55'32" WEST, 282.98 FEET; THENCE RUN SOUTH 89°45'52" WEST, 101.89 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN SOUTH 89°51'27" WEST, 181.07 FEET; THENCE RUN NORTH 00°23'29" WEST 362.66 FEET; THENCE ALONG A CURVE CONCAVE NORTHEASTWARDLY HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 290.16 FEET, CHORD BEARS SOUTH 39°01'35" EAST AND MEASURES 289.49 FEET; THENCE RUN SOUTH 00°31'35" EAST, 137.32 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.00 ACRES, MORE OR LESS. BEING LOT 3, A REPLAT OF PROPERTY FOR GEORGE KALASOUNTAS #2, AS PER PLAT RECORDED ON SLIDE NO. 2520-F OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA.



McCrary Williams
INCORPORATED
REGISTERED SURVEYORS

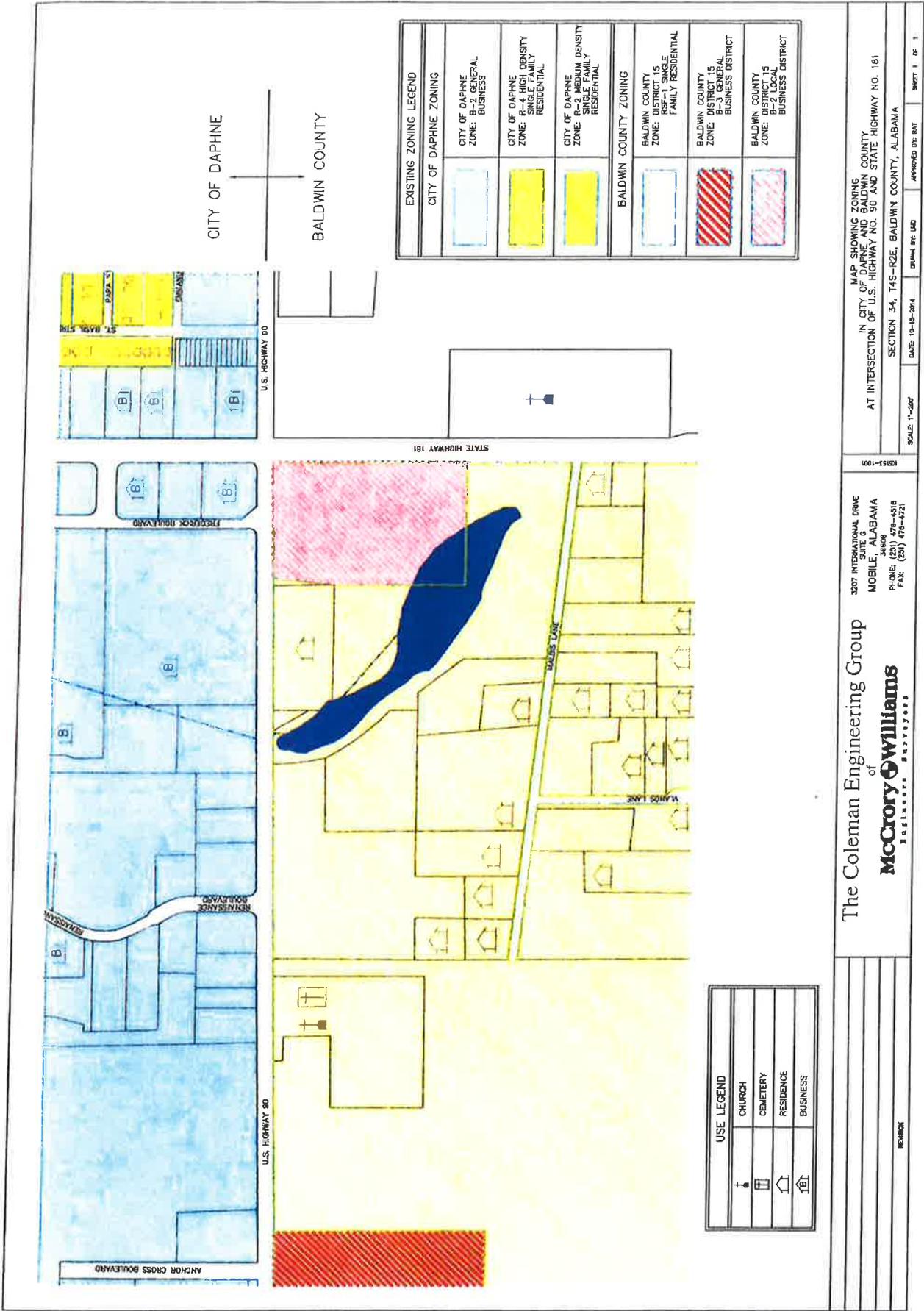
3077 INTERNATIONAL DRIVE, SUITE G
MOBILE, ALABAMA 36688
PHONE: (251) 478-4720
FAX: (251) 478-4721
EMAIL: info@mccrarywilliams.com

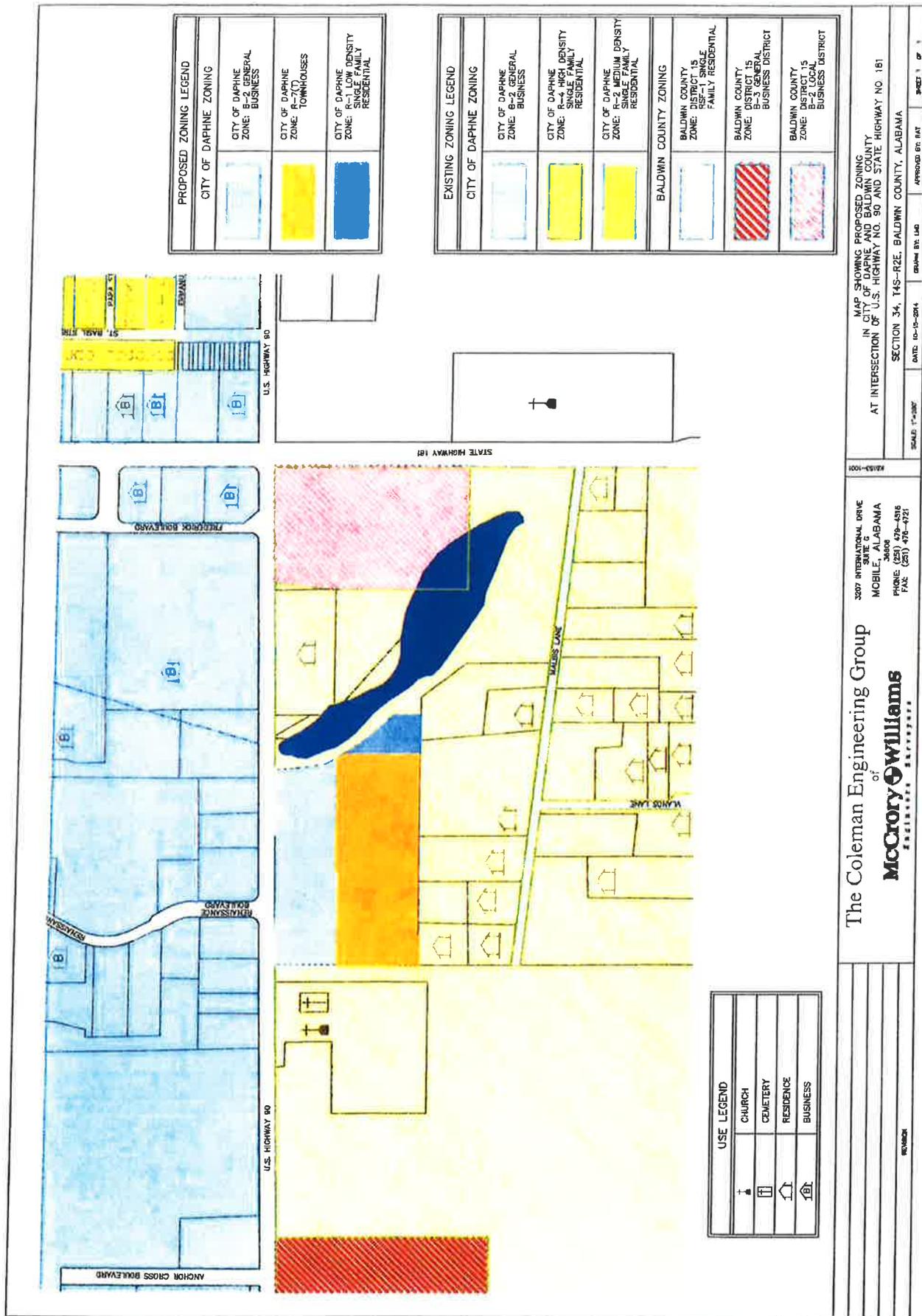
ZONING DISPLAY
MAP OF PROPERTY ON THE SOUTH SIDE OF U.S. HIGHWAY 90
AT RENAISSANCE BOULEVARD FOR GEORGE KALASOUNTIAS
SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA

SCALE: 1"=100'
DATE: 5/6/2014
DRAWN BY: MAR
APPROVED BY: [Signature]

REASON: [Blank]

SECTION 1 OF 1





PROPOSED ZONING LEGEND	
CITY OF DAPHNE ZONING	
	CITY OF DAPHNE ZONE: B-2 GENERAL BUSINESS
	CITY OF DAPHNE ZONE: R-7(T) TOWNHOUSES
	CITY OF DAPHNE ZONE: R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL

EXISTING ZONING LEGEND	
CITY OF DAPHNE ZONING	
	CITY OF DAPHNE ZONE: B-2 GENERAL BUSINESS
	CITY OF DAPHNE ZONE: R-4 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
	CITY OF DAPHNE ZONE: S-2 MEDIUM DENSITY RESIDENTIAL
BALDWIN COUNTY ZONING	
	BALDWIN COUNTY ZONE: DISTRICT 15 RSP-1 SINGLE FAMILY RESIDENTIAL
	BALDWIN COUNTY ZONE: DISTRICT 15 GENERAL BUSINESS DISTRICT
	BALDWIN COUNTY ZONE: DISTRICT 15 BUSINESS DISTRICT

USE LEGEND	
	CHURCH
	CEMETERY
	RESIDENCE
	BUSINESS

3007 INTERNATIONAL DRIVE
 SUITE C
 MOBILE, ALABAMA
 JACOB
 PHONE (251) 735-4516
 FAX (251) 735-4721

The Coleman Engineering Group
 of
McCroy Williams
 PROFESSIONAL ENGINEERS

MAP SHOWING PROPOSED ZONING
 IN CITY OF DAPHNE AND BALDWIN COUNTY
 AT INTERSECTION OF U.S. HIGHWAY NO. 90 AND STATE HIGHWAY NO. 181
 SECTION 34, T4S-R2E, BALDWIN COUNTY, ALABAMA
 SCALE: 1"=300'
 DATE: 10-15-2014
 DRAWN BY: LAG
 APPROVED BY: PAT
 SHEET 1 OF 1

GEORGE KALASOUNTAS
A REPLAT OF PROPERTY FOR
GEORGE KALASOUNTAS
APPLICATION *Rezoning Amendment*
ADJACENT PROPERTY OWNERS LIST

GEORGE KALASOUNTAS
9563 MALBIS LANE
DAPHNE, AL 36526

MALBIS PLANTATION INC
29470 ST HWY 181
DAPHNE, AL 36526

FELICIA ANN RIDLON
9595 MALBIS LANE
DAPHNE, AL 36526

GERTRUDE MALBIS
9655 MALBIS LANE
DAPHNE, AL 36526

DESPINA K PAPPAS (LIFE ESTATE)
104 GLENCOE WAY
DOTHAN, AL 36305

MALBIS PLACE LLC
ATTN: MIKE MCDONALD
28396 HWY 181, STE D
DAPHNE, AL 36526

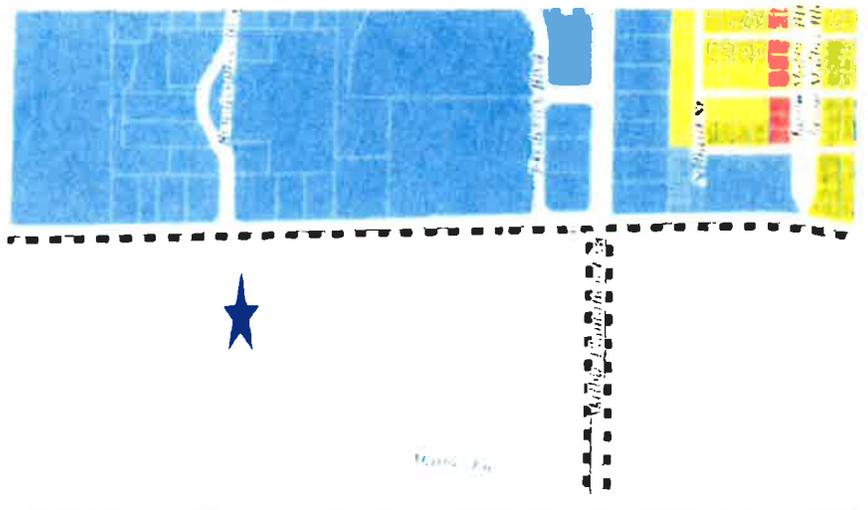
ESFAHANI REAL ESTATE HOLDINGS
29732 FREDERICK BLVD
DAPHNE, AL 36526

MYMS INC
PO BOX 160812
MOBILE, AL 36616

RENAISSANCE CENTER LLC
C/O J BARRONS LLC
PO BOX 2037
DAPHNE, AL 36526

PLANNING COMMISSION:

PRE-ZONING REQUEST BY GEORGE KALASOUNTAS



COMMUNITY DEVELOPMENT

Pre-zoning Request

**South Side of U.S. Highway 90 at Renaissance Boulevard
(George Kalasountas)
17.82 acres**

Owner: George Kalasountas

Existing Conditions: 17.82 acres of undeveloped land

Existing Zoning: *Unincorporated Baldwin County* RSF-1, Single Family Residential

Proposed Zoning: B-2 General Business, R-7(T) Townhouse and R-1, Single Family Residential

Surrounding Zonings/Uses:

North – The Renaissance Center, zoned B-2, General Business

South - *Unincorporated Baldwin County* RSF-1, Single Family Residential zoning and uses.

West - *Unincorporated Baldwin County* RSF-1, Single Family Residential zoning. Mt. Aid Church and Cemetery.

East - *Unincorporated Baldwin County* RSF-1, Single Family Residential zoning and uses.

Existing Utility Service Providers:

Water – Daphne Utilities

Sewer – Daphne Utilities

Gas - Daphne Utilities

Electric—Riviera Utilities

Affected City Service Providers:

Fire Protection— Station 3

Police Protection—Police Beat 3

Public Works

Baldwin County Schools—n/a

FROM THE 2000-2020 COMPREHENSIVE PLAN (adopted on June 26, 2003):

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. Commercial zoning along Highway 90 with high density single family residential zoning as a transition to the existing residential development to the south is appropriate. **Staff recommends approval of the request to annex this land into the City of Daphne.** *The reversionary clause is not recommended and should not be applicable to this property.*

NORMOND B. MCALLISTER, JR.
9595 Malbis Lane
Daphne, Alabama 36526
251-626-5861

October 14, 2014

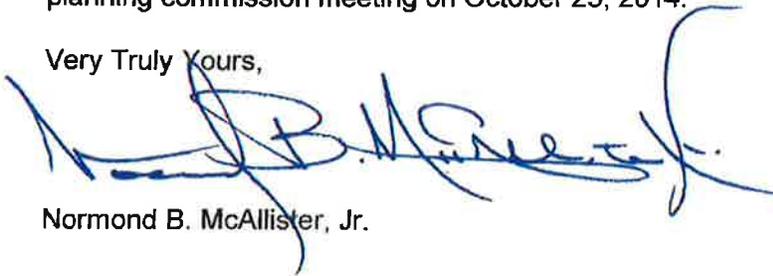
Mrs. Adrienne D. Jones
Planning Director
City of Daphne
P O Box 400
Daphne, AL 36526

Dear Mrs. Jones,

An unavoidable family medical emergency has made it impossible for me to attend the planning commission meeting on Thursday October 23, 2014. I respectfully request that the consideration for the request by Mr. George Kalasountas (file SRP14-11, SRP14-12 and Z14-02) be moved from this meeting to the November meeting. We are concerned about flooding problems and need time to engage an engineer to review the sight. As President of the Malbis Lane/Vlahos Lane Homeowners Association I would like to be present to represent them. The homeowners have additional concerns that have not been addressed and additional time is needed to address these issues.

Please give a copy of this letter to each of the commission members prior to the planning commission meeting on October 23, 2014.

Very Truly Yours,



Normond B. McAllister, Jr.



Adrienne Jones

From: Adrienne Jones
Sent: Thursday, October 16, 2014 11:49 AM
To: 'Donna Glover'
Subject: RE: Plea to postpone Kalasountas request from the October 23rd meeting until the November meeting.

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Ms. Glover,

Thank you for your e-mail regarding the upcoming public hearing for George Kalasountas property scheduled for October 23rd at 5:00 pm. *I will forward your e-mail to the Daphne Planning Commission for consideration during the meeting.* If you'd like to review the file for this application, feel free to visit Community Development during the business week between 9 am and 4:30 pm. We are located at 1705 Main Street in City Hall.

This is the first of 3 meetings where the topic will be discussed. In the pre-zoning process, the Planning Commission will make a recommendation to the City Council (1st meeting). Then, the City Council will hold a public hearing of its own (2nd meeting). Subsequent to that hearing, the Council will take a vote (3rd meeting). You will have the opportunity to speak at each public hearing.

Take care,
Adrienne

From: Donna Glover [<mailto:dqimkt@bellsouth.net>]
Sent: Thursday, October 16, 2014 11:27 AM
To: Adrienne Jones
Cc: Jeff Glover (jeffglover@bellsouth.net)
Subject: Plea to postpone Kalasountas request from the October 23rd meeting until the November meeting.

Dear Daphne Planning Commission:

I am writing to request a postponement of the George Kalasountas request from the October planning commission meeting until the November commission meeting to allow time to evaluate the impact on my property at 9717 Malbis Lane. Our property and home backs up to much of the Kalasountas property. We would like the opportunity to fully understand exactly what zoning changes he is asking for and what affect it will have on our property, property value and home life.

Your assistance is greatly appreciated.

Your constituents,

Donna and Jeff Glover
9717 Malbis Lane
Daphne, AL 36526
dqimkt@bellsouth.net
251.391.2378

WILLARD BELTON SIMMONS, JR.

October 20, 2014

Daphne Planning Commission
Attn: Mrs. Adrienne Jones
City of Daphne
Post Office Box 400
Daphne, Alabama 36526

RE: Postponement of George Kalasountas Request

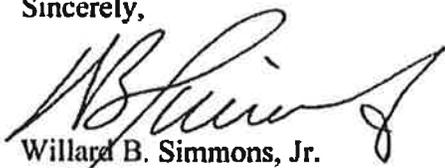
Dear Mrs. Jones:

I would request that you postpone the George Kalasountas request until the November Commission meeting to allow me time to evaluate the impact it will have on my property.

Thank you for your consideration of our request.

With warmest regards, I remain

Sincerely,



Willard B. Simmons, Jr.
WBSjr:dpm

MALBIS PLANTATION, INC.

October 20, 2014

Daphne Planning Commission
Attn: Mrs. Adrienne Jones
City of Daphne
Post Office Box 400
Daphne, Alabama 36526

RE: Postponement of George Kalasountas Request

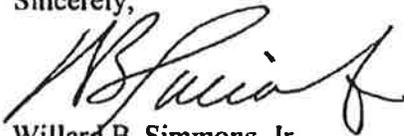
Dear Mrs. Jones:

On behalf of the Board of Directors of Malbis Plantation, Inc., we would request that you postpone the George Kalasountas request until the November Commission meeting to allow us time to evaluate the impact it will have on our properties.

Thank you for your consideration of our request.

With warmest regards, I remain

Sincerely,



Willard B. Simmons, Jr.
President
WBSjr:dpm

*29470 State Highway 181 * Daphne, Alabama 36526
Telephone: (251) 626-3050* Facsimile: (251) 626-9144
Email: wbs1@elmcorp.com*

My name is Felicia McAllister and I have lived on Malbis Lane for 22 years. George Kalasountas is my next door neighbor. The back of my property adjoins the land he is trying to rezone & develop.

I don't remember the exact year Mr. Kalasountas built his house but my first experience with him as a neighbor was when he went on our lot behind our pond and cut down our trees. We had several pine trees and a beautiful oak that had been there for years. These trees not only provided a sound barrier but also privacy. When we asked him why - he said it was an accident - they had misunderstood his request & offered to replace our trees. We appreciated the offer but those long standing trees could not be replaced.

Our next experience was after he built his house and our pond starting overflowing and our backyard flooded. Although he installed a drainage pipe it still floods after a heavy rain. I don't know the solution to the problem but I'm afraid further development will only make it worse.

Our most recent experience with him has been the installation of a practice soccer field behind our home. He has leased his property and put up soccer nets & lights with generators & allows soccer practice on this vacant property. We appeared before the Baldwin County Planning Commission in November of last year to object to the activity. By a vote of 6 to 1 our request for it to cease was approved and Mr. Kalasountas was told he was not allowed to let them practice soccer after dark or with lights. He has restarted this activity in violation of the order.

Mr. Kalasountas seems to find it easier to ask forgiveness than permission so in light of that I am asking you to decline his request for rezoning.

Opposition
letter

9595 MALBIS LANE

MCALLISTER RESIDENCE AFTER A NORMAL SUMMER RAIN. IT TAKES TWO TO FOUR DAYS FOR THE WATER TO RETURN TO THE AREA OF THE EXISTING POND.

THE EXISTING POND IS BEHIND THE FLOODED TREES SHOWN IN THE FOREFRONT THE SIZE OF WHICH IS APPROXIMATELY 1/3 OF THE AREA SHOWN FLOODED





A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur of an **affirmative recommendation by the Planning Commission to the City Council of the annexation of a fifty-one point three-three acre parcel into the City of Daphne located west of the Estates of Tiawasee Subdivision and southeast of the intersection of Park Drive and Pollard Road with R-1, Low Density Single Family, zoning, for Provision Investments, L.L.C. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a pre-zoning amendment for George Kalasountas.

An introductory presentation was given by Mr. Daryl Russell, representative of Coleman Engineering Group of McCrory & Williams.

Chairman stated we acted on the replat of the interior property lot lines at the last meeting and asked for Commission questions or comments.

Mr. Sandefur asked for the purpose of the business zone. Mr. Russell stated there is not a specific use. Mr. Scott stated he did not believe in speculative zoning without a plan and he would prefer that the zoning requested is business zone of less intensity.

Chief White asked what safeguards have been put in place to protect the church and the cemetery. Mr. Russell stated there will be a buffer between the development and the church.

Mr. Montgomery asked has this applicant applied for rezoning in the County. Mr. Russell stated no. Ms. Jones stated his application was for conditional use of the property, but it was denied.

Chairman opened the floor to public participation.

Mrs. Felicia McAllister, 9595 Malbis Lane, spoke in opposition and asked for the denial of the request. She commented on the removal of trees which served as a buffer, a sound barrier, and provided privacy; flooding, and the use of his property for soccer practice which is prohibited by Baldwin County.

Ms. Gertrude Malbis, 9655 Malbis Lane, mentioned that the neighborhood now consists of elderly residents and the transients in the proposed development would not be safe.

Ms. Leeann Lanham, 29240 Vlahos Lane, spoke in opposition and stated that she strongly opposed the request. She mentioned: the congestion of low density development, the adverse effect on the adjacent property, and preservation of the historic value of the property. The request is premature without a development plan.

**The City of Daphne
Planning Commission Minutes
Special Meeting of October 30, 2014
Council Chamber, City Hall - 5:00 P.M.**

Draft

Chairman asked Ms. Jones if an R-7 (T), Townhome, district exists in the City. Ms. Jones stated this will be the first one, but all other townhome developments are zoned R-4, for example: Summer Oaks.

Dimitrios Mathews, 29289 State Highway 181, spoke in opposition and asked for the denial of the request. Although the applicant has the right to develop his property, this is a bold maneuver in that the development of the right-of-way by the lake will impact the quality of life for the residents of Malbis and Vlahos Lane.

Mr. Norman McAllister, 9595 Malbis Lane, stated this is a residential and agricultural zoned area with a one hundred and thirty year old church. Thirteen families are in unanimous disagreement with the request.

Mr. John Lawler, 804 Commerce Building, attorney for the homeowners' association of Malbis and Vlahos Lane, stated this is a planning opportunity. Lessen the blow and allow this property to remain single family until the applicant has submitted a plan.

Mr. George Kalasountas, 9563 Malbis Lane, asked for support of the development.

Mr. William Scully, attorney for Mr. George Kalasountas, stated Malbis Lane, if the property is developed, the ingress/egress easement adjacent to the lake will not access Malbis Lane. The proposed B-2 zone is not speculative and is consistent with B-2 on U.S. Highway 90, and with a shortness of townhomes, R-7 would be good for Daphne. Also, in response to the comment regarding the soccer practice, it is on an occasional basis. Mr. Kalasountas is not scofflaw with regard to Baldwin County's order. He follows the law as it exists.

Mr. Norman McAllister stated if the property is ever developed, it could access the ingress/egress easement to Malbis Lane. It is also my understanding that the soccer team leases the property from Mr. Kalasountas. Mr. Scully stated I am not aware of the lease.

Mr. Kevin Spriggs, owner of Malbis Shell 29640 State Highway 181, stated the real question is one of planning. The Commission must establish where the residential and commercial boundary will be south of U.S. Highway 90.

Chairman asked for Commission questions or comments. None were presented. He closed public participation.

Chief White asked if anyone had contacted the church regarding the rezoning.

Mr. George Kalasountas commented that the church is in support of the request.

Chairman commented on the consideration of the appropriateness of the rezoning and expressed his appreciation for the public interest. The Commission can send forward a favorable or unfavorable recommendation or amend the request.

Mr. Sandefur stated he should be able to develop his property and transition from B-2 to the R-7 (T), but asked if the Commission can ask him to provide a plan which provides additional buffers in order to protect the homeowners.

Commissioners discussed the fifty-foot setback, parking, landscaping and buffer requirements of an R-7 (T) zone. Ms. Jones stated the buffer would be planted, not just grass to meet the minimum standards.

Chairman asked for Commission questions or comments and a motion for a recommendation for pre-zoning.

A Motion was made by Mr. Scott and Seconded by Mr. Montgomery of a negative recommendation by the Planning Commission to the City Council of the pre-zoning of seventeen point eight two acre parcel into the City of Daphne located on the south side of U.S. Highway 90 at Renaissance Boulevard with B-2, General Business, R-7 (T) Townhouse and R-1, Low Density Single Family Residential for George Kalasountas.

The Motion failed. Two members voted in the affirmative and four dissented (Mr. Smith, Mr. Montgomery, Mr. Chason and Mr. Sandefur).

An Amended Motion was made by Mr. Scott and Seconded by Mr. White of an affirmative recommendation by the Planning Commission to the City Council of the pre-zoning of seventeen point eight two acre parcel into the City of Daphne located on the south side of U.S. Highway 90 at Renaissance Boulevard with B-1, Local Business, R-7 (T) Townhouse and R-1, Low Density Single Family Residential for George Kalasountas. The Motion failed. Three members voted in the affirmative and three dissented (Mr. Montgomery, Mr. Chason and Mr. Sandefur).

During discussion on the motion, Commissioners note that B-2 may be appropriate with a site plan and R-7 (T) may be appropriate with a good buffer. If B-1 were approved, the property owner could re-apply for B-2 zoning in the future.

A Motion was made by Mr. Montgomery and Seconded by Mr. Sandefur of an affirmative recommendation by the Planning Commission to the City Council of the pre-zoning of seventeen point eight two acre parcel into the City of Daphne located on the south side of U.S. Highway 90 at Renaissance Boulevard with R-1, Low Density Single Family Residential for George Kalasountas. There was no discussion on the motion.

The Motion failed. Four members voted in the affirmative and two dissented (Chief White and Mr. Scott).

The next order of business is a petition for annexation review for George Kalasountas.

Chairman asked for Commission questions or comments and a motion for a recommendation for annexation.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur **of an affirmative recommendation by the Planning Commission to the City Council of the annexation of seventeen point eight two acre parcel into the City of Daphne located on the south side of U.S. Highway 90 at Renaissance Boulevard with the appropriate zoning as determined by the City Council.**

Commission discussed the pending motion and Mr. Scott explained that pre-zoning gives the applicant the opportunity to accept the zoning of the property prior to acceptance of annexation into the City.

Mr. Montgomery stated from my standpoint, the motion for annexation should not be construed as a favorable recommendation with regard to zoning because it should be zoned R-1.

The Motion carried unanimously.

The next order of business is Planning Commission discussion.

No discussion.

The next order of business is public participation.

Chairman asked for public participation.

Mr. Spriggs commented that businesses south of U.S. Highway 98 and Interstate 10 are suffering because of a traveler's visibility issue caused by the trees along the corridor.

Chairman closed public participation.

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

Mr. Boucher stated no report.

The next order of business is commissioner's comments.

Mr. Sandefur stated although the regular meeting of October 23, 2014 was his last meeting, he expressed appreciation for what Mr. Kirby brought to the Commission and the City.

PLEASE Publish in the Bulletin Legal Section on Friday
December 19, 2014

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on January 20, 2015 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance pre-zoning certain property from RSF-1, Single Family Residential District, Baldwin County District 15 to B-2, General Business District; R-7(T), Townhouse District; and R-1, Low Density Single Family Residential District, City of Daphne as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2015-**

**Ordinance to Pre-Zone Property Located
On the South Side of U.S. Highway 90 at Renaissance Boulevard
George Kalasountas**

WHEREAS, George Kalasountas as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property be pre-zoned from RSF-1, Single Family Residential District, Baldwin County District 15 to B-2, General Business; R-7 (T), Townhouse District and R-1, Low Density Single Family Residential District, City of Daphne; and

WHEREAS, said real property is on the south side of U.S. Highway 90 at Renaissance Boulevard, and more particularly described as follows:

DESCRIPTION OF PROPERTY TO BE REZONED TO B-2:

COMMENCING AT A CAPPED REBAR FOUND ON THE NORTH RIGHT-OF-WAY LINE OF MALBIS LANE (50 FOOT RIGHT-OF-WAY), SAID POINT BEING

PLEASE Publish in the Bulletin Legal Section on Friday,
December 26, 2014

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given December 19, 2014, that the City Council of the City of Daphne will hold a Public Hearing on January 20, 2015 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance pre-zoning certain property from RSF-1, Single Family Residential District, Baldwin County District 15 to B-2, General Business District; R-7(T), Townhouse District; and R-1, Low Density Single Family Residential District, City of Daphne as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2015-**

**Ordinance to Pre-zone Property Located
On the South Side of U.S. Highway 90 at Renaissance Boulevard
George Kalasountas**

WHEREAS, George Kalasountas as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property be pre-zoned from RSF-1, Single Family Residential District Baldwin County District 15 to B-2, General Business; R-7 (T), Townhouse District and R-1, Low Density Single Family Residential District, City of Daphne; and

WHEREAS, said real property is on the south side of U.S. Highway 90 at Renaissance Boulevard, and more particularly described as follows:

DESCRIPTION OF PROPERTY TO BE REZONED TO B-2:

COMMENCING AT A CAPPED REBAR FOUND ON THE NORTH RIGHT-OF-WAY

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2015-**

**Ordinance to Pre-zone Property Located
On the South Side of U.S. Highway 90 at Renaissance Boulevard
George Kalasountas**

WHEREAS, George Kalasountas as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property be pre-zoned from RSF-1, Single Family Residential District, Baldwin County District 15 to B-2, General Business; R-7(T), Townhouse and R-1, Low Density Single Family Residential District, City of Daphne; and

WHEREAS, said real property is on the south side of U.S. Highway 90 at Renaissance Boulevard, and more particularly described as follows:

DESCRIPTION OF PROPERTY TO BE REZONED TO B-2:

COMMENCING AT A CAPPED REBAR FOUND ON THE NORTH RIGHT-OF-WAY LINE OF MALBIS LANE (50 FOOT RIGHT-OF-WAY), SAID POINT BEING SITUATED NORTH 00°03'47" WEST, 1459.33 FEET AND NORTH 83°26'27" WEST, 1091.70 FEET FROM THE PURPORTED SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 02°29'02" WEST, 410.61 FEET; THENCE RUN NORTH 36°55'32" WEST, 282.98 FEET; THENCE RUN SOUTH 89°45'52" WEST, 101.89 FEET; THENCE RUN SOUTH 89°51'27" WEST, 605.05 FEET; THENCE RUN SOUTH 89°36'45" WEST, 202.10 FEET; THENCE RUN SOUTH 89°39'51" WEST, 210.15 FEET; THENCE RUN SOUTH 89°37'12" WEST, 226.55 FEET; THENCE RUN NORTH 00°36'00" EAST, 407.87 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING NORTH 00°36'00" EAST RUN 300.13 FEET TO POINT ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NUMBER 90 (80 FOOT RIGHT-OF-WAY); THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, RUN NORTH 88°55'49" EAST, 841.46 FEET; THENCE RUN NORTH 89°01'56" EAST, 124.50 FEET; THENCE DEPARTING THE SAID SOUTH RIGHT-OF-WAY LINE, ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 259.25 FEET, CHORD BEARS SOUTH 06°36'27" EAST AND MEASURES 258.77 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 47.35 FEET, CHORD BEARS SOUTH 27°59'32" EAST AND MEASURES 47.35 FEET; THENCE RUN SOUTH 88°55'49" WEST, 1021.12 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.76 ACRES, MORE OR LESS.

BEING LOT 1, A REPLAT OF PROPERTY FOR GEORGE KALASOUNTAS #2, AS PER PLAT RECORDED ON SLIDE NO. 2520-F OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA.

DESCRIPTION OF PROPERTY TO BE REZONED TO R-7(T):

COMMENCING AT A CAPPED REBAR FOUND ON THE NORTH RIGHT-OF-WAY LINE OF MALBIS LANE (50 FOOT RIGHT-OF-WAY), SAID POINT BEING SITUATED NORTH 00°03'47" WEST, 1459.33 FEET AND NORTH 83°26'27" WEST, 1091.70 FEET FROM

THE PURPORTED SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 02°29'02" WEST, 410.61 FEET; THENCE RUN NORTH 36°55'32" WEST, 282.98 FEET; THENCE RUN SOUTH 89°45'52" WEST, 101.89 FEET; THENCE RUN SOUTH 89°51'27" WEST, 181.07 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING SOUTH 89°51'27" WEST, RUN 423.98 FEET; THENCE RUN SOUTH 89°36'45" WEST, 202.10 FEET; THENCE RUN SOUTH 89°39'51" WEST, 210.15 FEET; THENCE RUN SOUTH 89°37'12" WEST, 226.55 FEET; THENCE RUN NORTH 00°36'00" EAST, 407.87 FEET; THENCE RUN NORTH 88°55'49" EAST, 1021.12 FEET; THENCE ALONG A CURVE CONCAVE NORTHEASTWARDLY HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 68.74 FEET, CHORD BEARS SOUTH 30°41'20" EAST AND MEASURES 68.73 FEET; THENCE RUN SOUTH 00°23'29" EAST, 362.66 FEET TO THE POINT OF BEGINNING AND CONTAINING 10.06 ACRES, MORE OR LESS. BEING LOT 2, A REPLAT OF PROPERTY FOR GEORGE KALASOUNTAS #2, AS PER PLAT RECORDED ON SLIDE NO. 2520-F OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA.

DESCRIPTION OF PROPERTY TO BE REZONED TO R-1:

COMMENCING AT A CAPPED REBAR FOUND ON THE NORTH RIGHT-OF-WAY LINE OF MALBIS LANE (50 FOOT RIGHT-OF-WAY), SAID POINT BEING SITUATED NORTH 00°03'47" WEST, 1459.33 FEET AND NORTH 83°26'27" WEST, 1091.70 FEET FROM THE PURPORTED SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 02°29'02" WEST, 410.61 FEET; THENCE RUN NORTH 36°55'32" WEST, 282.98 FEET; THENCE RUN SOUTH 89°45'52" WEST, 101.89 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN SOUTH 89°51'27" WEST, 181.07 FEET; THENCE RUN NORTH 00°23'29" WEST 362.66 FEET; THENCE ALONG A CURVE CONCAVE NORTHEASTWARDLY HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 290.16 FEET, CHORD BEARS SOUTH 39°01'35" EAST AND MEASURES 289.49 FEET; THENCE RUN SOUTH 00°31'35" EAST, 137.32 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.00 ACRES, MORE OR LESS. BEING LOT 3, A REPLAT OF PROPERTY FOR GEORGE KALASOUNTAS #2, AS PER PLAT RECORDED ON SLIDE NO. 2520-F OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA.

WHEREAS, at the Special Called City of Daphne Planning Commission meeting on October 30, 2014, the Commission considered said request and three motions were made and failed which resulted in a unfavorable recommendation regarding said property pre-zoning request; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on January 20, 2015; and,

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

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

SECTION I: ZONING

That above described real property is hereby pre-zoned from RSF-1, Single Family Residential District, Baldwin County District 15 to B-2, General Business; R-7(T), Townhouse District and R-1, Low Density Single Family Residential District, City of Daphne and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS day of , 2015.

**Dane Haygood,
Mayor**

ATTEST:

**Rebecca A. Hayes
City Clerk**

EXHIBIT "A"
PRE-ZONING APPLICATION
PROPERTY ON SOUTH SIDE OF U.S. HWY 90 ACROSS FROM RENAISSANCE BLVD.
DESCRIPTION OF PROPERTY TO BE PRE-ZONED

DESCRIPTION OF PROPERTY TO BE REZONED TO B-2:

COMMENCING AT A CAPPED REBAR FOUND ON THE NORTH RIGHT-OF-WAY LINE OF MALBIS LANE (50 FOOT RIGHT-OF-WAY), SAID POINT BEING SITUATED NORTH 00°03'47" WEST, 1459.33 FEET AND NORTH 83°26'27" WEST, 1091.70 FEET FROM THE PURPORTED SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 02°29'02" WEST, 410.61 FEET; THENCE RUN NORTH 36°55'32" WEST, 282.98 FEET; THENCE RUN SOUTH 89°45'52" WEST, 101.89 FEET; THENCE RUN SOUTH 89°51'27" WEST, 605.05 FEET; THENCE RUN SOUTH 89°36'45" WEST, 202.10 FEET; THENCE RUN SOUTH 89°39'51" WEST, 210.15 FEET; THENCE RUN SOUTH 89°37'12" WEST, 226.55 FEET; THENCE RUN NORTH 00°36'00" EAST, 407.87 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING NORTH 00°36'00" EAST RUN 300.13 FEET TO POINT ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NUMBER 90 (80 FOOT RIGHT-OF-WAY); THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, RUN NORTH 88°55'49" EAST, 841.46 FEET; THENCE RUN NORTH 89°01'56" EAST, 124.50 FEET; THENCE DEPARTING THE SAID SOUTH RIGHT-OF-WAY LINE, ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 259.25 FEET, CHORD BEARS SOUTH 06°36'27" EAST AND MEASURES 258.77 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 47.35 FEET, CHORD BEARS SOUTH 27°59'32" EAST AND MEASURES 47.35 FEET; THENCE RUN SOUTH 88°55'49" WEST, 1021.12 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.76 ACRES, MORE OR LESS.

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DESCRIPTION OF PROPERTY TO BE REZONED TO R-7(T):

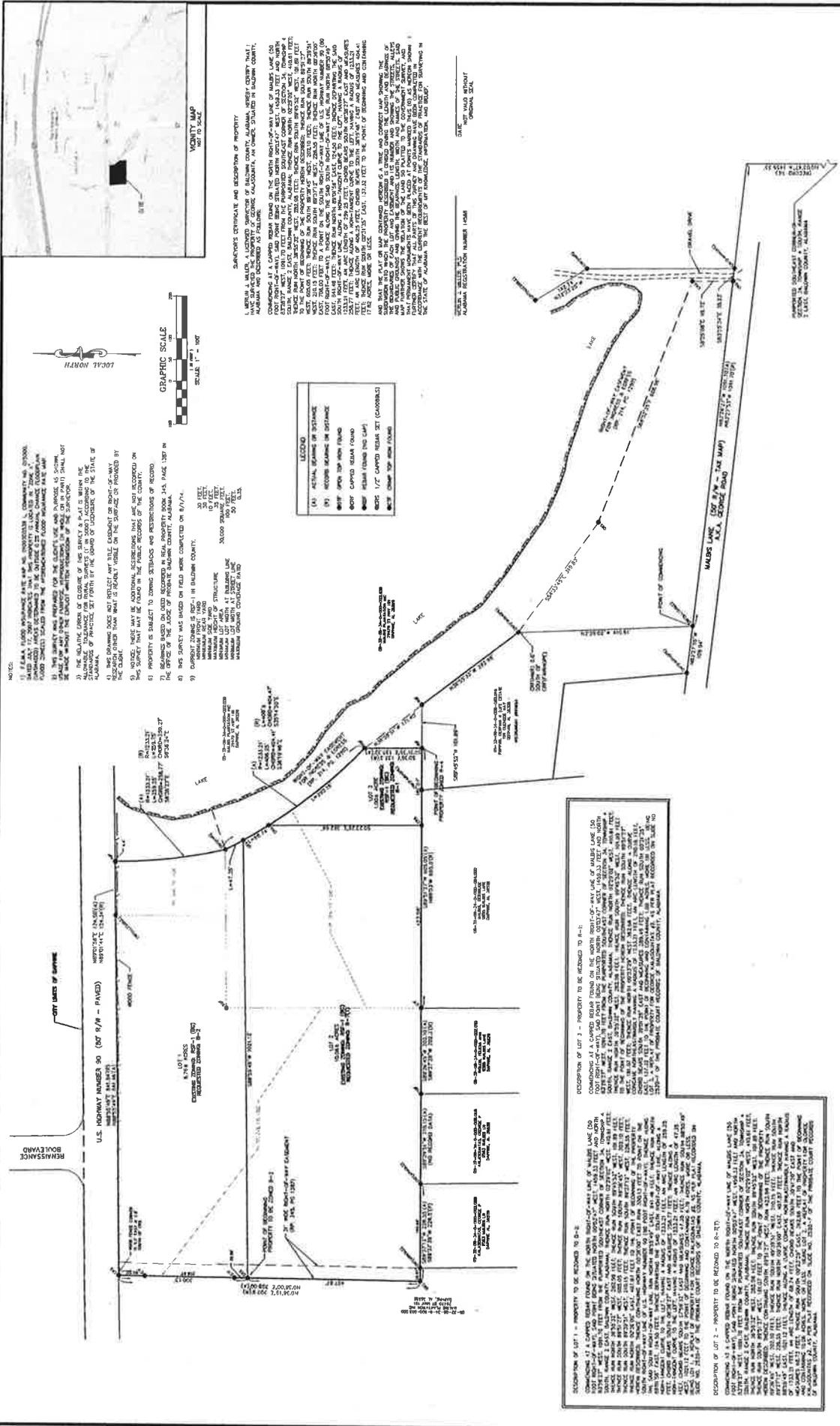
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EXHIBIT "A"
PRE-ZONING APPLICATION
PROPERTY ON SOUTH SIDE OF U.S. HWY 90 ACROSS FROM RENAISSANCE BLVD.
DESCRIPTION OF PROPERTY TO BE PRE-ZONED

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DESCRIPTION OF PROPERTY TO BE REZONED TO R-1:

COMMENCING AT A CAPPED REBAR FOUND ON THE NORTH RIGHT-OF-WAY LINE OF MALBIS LANE (50 FOOT RIGHT-OF-WAY), SAID POINT BEING SITUATED NORTH 00°03'47" WEST, 1459.33 FEET AND NORTH 83°26'27" WEST, 1091.70 FEET FROM THE PURPORTED SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 02°29'02" WEST, 410.61 FEET; THENCE RUN NORTH 36°55'32" WEST, 282.98 FEET; THENCE RUN SOUTH 89°45'52" WEST, 101.89 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN SOUTH 89°51'27" WEST, 181.07 FEET; THENCE RUN NORTH 00°23'29" WEST 362.66 FEET; THENCE ALONG A CURVE CONCAVE NORTHEASTWARDLY HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 290.16 FEET, CHORD BEARS SOUTH 39°01'35" EAST AND MEASURES 289.49 FEET; THENCE RUN SOUTH 00°31'35" EAST, 137.32 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.00 ACRES, MORE OR LESS. BEING LOT 3, A REPLAT OF PROPERTY FOR GEORGE KALASOUNTAS #2, AS PER PLAT RECORDED ON SLIDE NO. 2520-F OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA.



McCrorry Williams
INCORPORATED
Engineers Surveyors

3207 INTERNATIONAL DRIVE, SUITE G
MOBILE, ALABAMA 36606
PHONE: (251) 476-4720
FAX: (251) 476-4721
EMAIL: info@mccrorry.com

PRE-ZONING EXHIBIT
FOR
GEORGE KALASOUNTAS
SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA

SCALE: 1"=100'
DATE: MAY 12, 2014
DRAWN BY: MAM
APPROVED BY: [Signature]

K315-C-1001
SHEET 1 OF 1

MEMORANDUM

To: Office of the City Clerk
From: Adrienne D. Jones, ^{11/10/14}
Director of Community Development
Subject: George Kalasountas
Annexation Recommendation
Date: November 3, 2014

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

PROPOSED PRE-ZONING: B-2, General Business, R-7 (T),
Townhouse, and R-1, Low Density Single
Family Residential, City of Daphne

LOCATION: On the south side of U.S. Highway 90 at
Renaissance Boulevard

RECOMMENDATION: At the Thursday, October 30, 2014, special
meeting of the Daphne Planning Commission,
six members were present:

A favorable motion for annexation with the appropriate
zoning as determined by City Council was made and
carried unanimously.

Attached please find documentation from the Office of
Community Development. Ordinances shall be provided by
the Office of the City Attorney.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Petition for Annexation
2. Legal Description
3. Boundary Survey
4. Draft of October 30th minutes re: Kalasountas property
5. Community Development Report

STATE OF ALABAMA
COUNTY OF BALDWIN

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

(George Kalasountas)

The undersigned, George Kalasountas, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, A Replat of Property for George Kalasountas, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

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

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

3. **Owner:** The petitioner, George Kalasountas, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

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

Proposed Lot 1 to B-2
Proposed Lot 2 to R-7(1)
Proposed Lot 3 to ~~R-1~~ R-1

Requested zoning, if other than R-1: _____

Any other conditions which may apply upon annexation: _____

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

08/14/14

DATED this 23rd day of September, 2014

Respectfully submitted by,

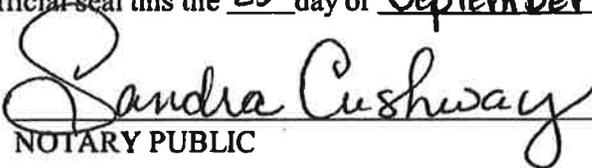
George Kalasountas
Name of Owner (Print)


Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Sandra Cushway, the undersigned Notary Public in and for said county and state, hereby certify that George Kalasountas has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 23 day of September, 2014.


NOTARY PUBLIC

My Commission Expires March 6, 2016
My commission expires: _____

Owner's Address

9563 Malbis Lane

Daphne, AL 36526

ADDITIONAL INFORMATION

We, the undersigned, constituting all of the owners of all of the hereinafter described real property do hereby execute and file this written petition asking and requesting that our property as described be annexed to the City of Daphne, Alabama, under the authority of Section 11-42-20 through 11-42-24, Code of Alabama 1975. Initials: [Signature]

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

We certify that the property is a single or multiple parcels under single or multiple ownership. Initials: [Signature]

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

Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): B-2, R-7(T) and R-1, and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition. Initials: [Signature]

Or

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

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

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 23rd day of September, 2014.

Legal Description Attached (Exhibit A)? YES Map or Survey Attached (Exhibit B)? YES
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission Attached (Exhibit C)? YES Acreage 17.82 Ac.
Subdivision Name A Replat of Property for George Kalasountas Lot Number(s) 1, 2 and 3

Names and Signature of ALL property owners:

Signature: [Signature] Signature: [Signature] *Sgt 23-14*

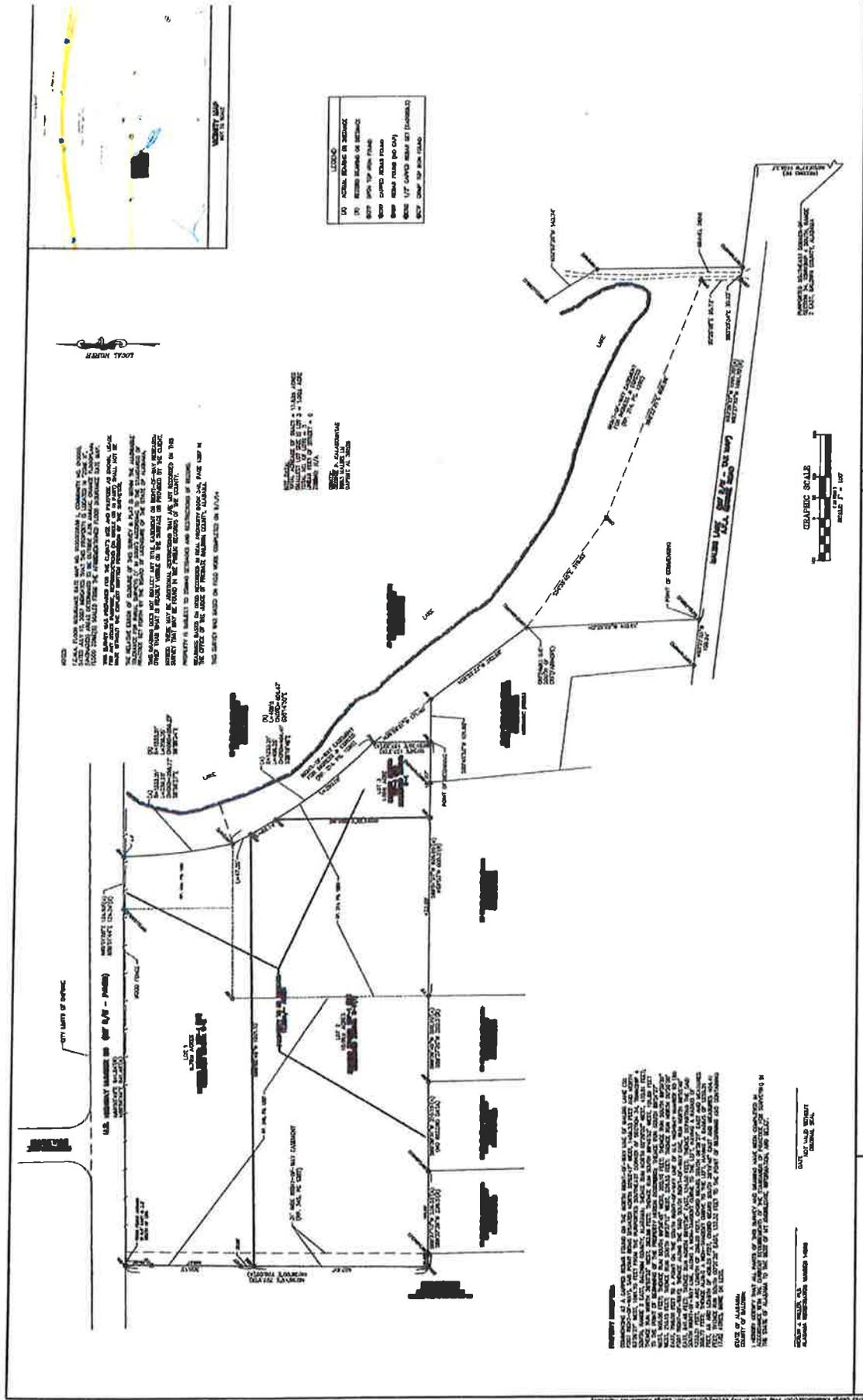
Printed Name: George Kalasountas Printed Name: _____

Mailing Address: 9563 Malbis Lane Daphne, AL 36526 Mailing Address: _____

EXHIBIT "A"
ANNEXATION APPLICATION
PROPERTY ON SOUTH SIDE OF U.S. HWY 90 ACROSS FROM RENAISSANCE BLVD.
DESCRIPTION OF PROPERTY TO BE ANNEXED

DESCRIPTION:

COMMENCING AT A CAPPED REBAR FOUND ON THE NORTH RIGHT-OF-WAY LINE OF MALBIS LANE (50 FOOT RIGHT-OF-WAY), SAID POINT BEING SITUATED NORTH 00°03'47" WEST, 1459.33 FEET AND NORTH 83°26'27" WEST, 1091.70 FEET FROM THE PURPORTED SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 02°29'02" WEST, 410.61 FEET; THENCE RUN NORTH 36°55'32" WEST, 282.98 FEET; THENCE RUN SOUTH 89°45'52" WEST, 101.89 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN SOUTH 89°51'27" WEST, 605.05 FEET; THENCE RUN SOUTH 89°36'45" WEST, 202.10 FEET; THENCE RUN SOUTH 89°39'51" WEST, 210.15 FEET; THENCE RUN SOUTH 89°37'12" WEST, 226.55 FEET; THENCE RUN NORTH 00°36'00" EAST, 708.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NUMBER 90 (80 FOOT RIGHT-OF-WAY); THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, RUN NORTH 88°55'49" EAST, 841.46 FEET; THENCE RUN NORTH 89°01'56" EAST, 124.50 FEET; THENCE DEPARTING THE SAID SOUTH RIGHT-OF-WAY LINE, ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 259.25 FEET, CHORD BEARS SOUTH 06°36'27" EAST AND MEASURES 258.77 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 406.25 FEET, CHORD BEARS SOUTH 36°19'46" EAST AND MEASURES 404.41 FEET; THENCE RUN SOUTH 00°31'35" EAST, 137.32 FEET TO THE POINT OF BEGINNING AND CONTAINING 17.82 ACRES, MORE OR LESS.



McCrary Williams
 Incorporated
 Engineers Surveyors

3607 INTERNATIONAL DRIVE, SUITE 6
 MOBILE, ALABAMA 36688
 PHONE: (205) 496-9789
 FAX: (205) 496-4721
 EMAIL: info@mcwilliams.com

EXHIBIT "B"
 MAP OF PROPERTY TO BE ANNEXED ON THE SOUTH SIDE OF U.S. HIGHWAY 90
 AT RENNAISSANCE BOULEVARD FOR GEORGE KALASOUNTAS
 SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA

DATE: Sep. 15, 2014
 DRAWN BY: MAB
 APPROVED BY: [Signature]

SCALE: 1" = 100'
 SHEET 1 OF 1

The Motion failed. Four members voted in the affirmative and two dissented (Chief White and Mr. Scott).

The next order of business is a petition for annexation review for George Kalasountas.

Chairman asked for Commission questions or comments and a motion for a recommendation for annexation.

A Motion was made by Mr. Scott and Seconded by Mr. Sandefur of an affirmative recommendation by the Planning Commission to the City Council of the annexation of seventeen point eight two acre parcel into the City of Daphne located on the south side of U.S. Highway 90 at Renaissance Boulevard with the appropriate zoning as determined by the City Council.

Commission discussed the pending motion and Mr. Scott explained that pre-zoning gives the applicant the opportunity to accept the zoning of the property prior to acceptance of annexation into the City.

Mr. Montgomery stated from my standpoint, the motion for annexation should not be construed as a favorable recommendation with regard to zoning because it should be zoned R-1.

The Motion carried unanimously.

The next order of business is Planning Commission discussion.

No discussion.

The next order of business is public participation.

Chairman asked for public participation.

Mr. Spriggs commented that businesses south of U.S. Highway 98 and Interstate 10 are suffering because of a traveler's visibility issue caused by the trees along the corridor.

Chairman closed public participation.

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

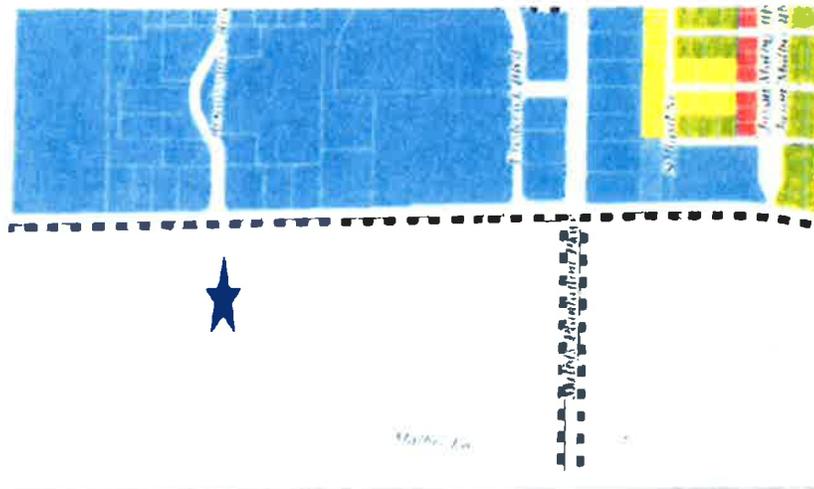
Mr. Boucher stated no report.

The next order of business is commissioner's comments.

Mr. Sandefur stated although the regular meeting of October 23, 2014 was his last meeting, he expressed appreciation for what Mr. Kirby brought to the Commission and the City.

PLANNING COMMISSION:

ANNEXATION REQUEST BY GEORGE KALASOUNTAS



Code of Alabama Section 11-52-85

PRE-ZONING TERRITORY PROPOSED FOR ANNEXATION

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

Code of Alabama Section 11-52-85

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

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

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

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

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

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

(Act 2009-629, p. 1926, §1.)

**COMMUNITY DEVELOPMENT
ANNEXATION REQUEST**

**South Side of U.S. Highway 90 at Renaissance Boulevard
(George Kalasountas)
17.82 acres**

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

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

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

Any land annexed to the City of Daphne hereafter shall be classified as an R-1, Low Density Single Family Residential District *unless otherwise recommended by the Planning Commission through the zoning amendment procedure provide in Article 22-1, Zoning Amendment Procedures*. In such case, City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications recommended by the Planning Commission. Multiple zoning requests for a single parcel shall be subject to the *Article 17, Subdivision Regulations and/or the Article 30, Planned Unit Development* regulations as applicable.

REQUEST

The applicant has submitted a petition to annex 17.82 acres of land into the corporate limits of Daphne with R-1, Low Density Single Family Residential, B-2 General Business and R-7(T) Townhouse Zoning. An application to replat 3 lots has been submitted to the Planning Commission for review. Plat approval is not contingent upon annexation. Once the plat is recorded in Probate Records, it will be used as the legal description for each separate zoning district.

RECOMMENDATION

The Comprehensive Plan encourages expansion and annexation of land contiguous to the corporate limits. Commercial zoning along Highway 90 with high density single family residential zoning as a transitional area between the existing residences to the south is appropriate. **Staff recommends approval of the request to annex this land into the City of Daphne.**

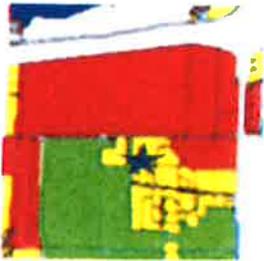


EXHIBIT "A"
ANNEXATION APPLICATION
PROPERTY ON SOUTH SIDE OF U.S. HWY 90 ACROSS FROM RENAISSANCE BLVD.
DESCRIPTION OF PROPERTY TO BE ANNEXED

DESCRIPTION:

COMMENCING AT A CAPPED REBAR FOUND ON THE NORTH RIGHT-OF-WAY LINE OF MALBIS LANE (50 FOOT RIGHT-OF-WAY), SAID POINT BEING SITUATED NORTH 00°03'47" WEST, 1459.33 FEET AND NORTH 83°26'27" WEST, 1091.70 FEET FROM THE PURPORTED SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 02°29'02" WEST, 410.61 FEET; THENCE RUN NORTH 36°55'32" WEST, 282.98 FEET; THENCE RUN SOUTH 89°45'52" WEST, 101.89 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN SOUTH 89°51'27" WEST, 605.05 FEET; THENCE RUN SOUTH 89°36'45" WEST, 202.10 FEET; THENCE RUN SOUTH 89°39'51" WEST, 210.15 FEET; THENCE RUN SOUTH 89°37'12" WEST, 226.55 FEET; THENCE RUN NORTH 00°36'00" EAST, 708.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NUMBER 90 (80 FOOT RIGHT-OF-WAY); THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, RUN NORTH 88°55'49" EAST, 841.46 FEET; THENCE RUN NORTH 89°01'56" EAST, 124.50 FEET; THENCE DEPARTING THE SAID SOUTH RIGHT-OF-WAY LINE, ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 259.25 FEET, CHORD BEARS SOUTH 06°36'27" EAST AND MEASURES 258.77 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 406.25 FEET, CHORD BEARS SOUTH 36°19'46" EAST AND MEASURES 404.41 FEET; THENCE RUN SOUTH 00°31'35" EAST, 137.32 FEET TO THE POINT OF BEGINNING AND CONTAINING 17.82 ACRES, MORE OR LESS.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2015-**

**Ordinance to Pre-zone Property Located
On the South Side of U.S. Highway 90 at Renaissance Boulevard
George Kalasountas**

WHEREAS, George Kalasountas as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property be pre-zoned from RSF-1, Single Family Residential District, Baldwin County District 15 to B-2, General Business; R-7(T), Townhouse and R-1, Low Density Single Family Residential District, City of Daphne; and

WHEREAS, said real property is on the south side of U.S. Highway 90 at Renaissance Boulevard, and more particularly described as follows:

DESCRIPTION OF PROPERTY TO BE REZONED TO B-2:

COMMENCING AT A CAPPED REBAR FOUND ON THE NORTH RIGHT-OF-WAY LINE OF MALBIS LANE (50 FOOT RIGHT-OF-WAY), SAID POINT BEING SITUATED NORTH 00°03'47" WEST, 1459.33 FEET AND NORTH 83°26'27" WEST, 1091.70 FEET FROM THE PURPORTED SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 02°29'02" WEST, 410.61 FEET; THENCE RUN NORTH 36°55'32" WEST, 282.98 FEET; THENCE RUN SOUTH 89°45'52" WEST, 101.89 FEET; THENCE RUN SOUTH 89°51'27" WEST, 605.05 FEET; THENCE RUN SOUTH 89°36'45" WEST, 202.10 FEET; THENCE RUN SOUTH 89°39'51" WEST, 210.15 FEET; THENCE RUN SOUTH 89°37'12" WEST, 226.55 FEET; THENCE RUN NORTH 00°36'00" EAST, 407.87 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING NORTH 00°36'00" EAST RUN 300.13 FEET TO POINT ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NUMBER 90 (80 FOOT RIGHT-OF-WAY); THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, RUN NORTH 88°55'49" EAST, 841.46 FEET; THENCE RUN NORTH 89°01'56" EAST, 124.50 FEET; THENCE DEPARTING THE SAID SOUTH RIGHT-OF-WAY LINE, ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 259.25 FEET, CHORD BEARS SOUTH 06°36'27" EAST AND MEASURES 258.77 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 47.35 FEET, CHORD BEARS SOUTH 27°59'32" EAST AND MEASURES 47.35 FEET; THENCE RUN SOUTH 88°55'49" WEST, 1021.12 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.76 ACRES, MORE OR LESS.

BEING LOT 1, A REPLAT OF PROPERTY FOR GEORGE KALASOUNTAS #2, AS PER PLAT RECORDED ON SLIDE NO. 2520-F OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA.

DESCRIPTION OF PROPERTY TO BE REZONED TO R-7(T):

COMMENCING AT A CAPPED REBAR FOUND ON THE NORTH RIGHT-OF-WAY LINE OF MALBIS LANE (50 FOOT RIGHT-OF-WAY), SAID POINT BEING SITUATED NORTH 00°03'47" WEST, 1459.33 FEET AND NORTH 83°26'27" WEST, 1091.70 FEET FROM

THE PURPORTED SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 02°29'02" WEST, 410.61 FEET; THENCE RUN NORTH 36°55'32" WEST, 282.98 FEET; THENCE RUN SOUTH 89°45'52" WEST, 101.89 FEET; THENCE RUN SOUTH 89°51'27" WEST, 181.07 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING SOUTH 89°51'27" WEST, RUN 423.98 FEET; THENCE RUN SOUTH 89°36'45" WEST, 202.10 FEET; THENCE RUN SOUTH 89°39'51" WEST, 210.15 FEET; THENCE RUN SOUTH 89°37'12" WEST, 226.55 FEET; THENCE RUN NORTH 00°36'00" EAST, 407.87 FEET; THENCE RUN NORTH 88°55'49" EAST, 1021.12 FEET; THENCE ALONG A CURVE CONCAVE NORTHEASTWARDLY HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 68.74 FEET, CHORD BEARS SOUTH 30°41'20" EAST AND MEASURES 68.73 FEET; THENCE RUN SOUTH 00°23'29" EAST, 362.66 FEET TO THE POINT OF BEGINNING AND CONTAINING 10.06 ACRES, MORE OR LESS. BEING LOT 2, A REPLAT OF PROPERTY FOR GEORGE KALASOUNTAS #2, AS PER PLAT RECORDED ON SLIDE NO. 2520-F OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA.

DESCRIPTION OF PROPERTY TO BE REZONED TO R-1:

COMMENCING AT A CAPPED REBAR FOUND ON THE NORTH RIGHT-OF-WAY LINE OF MALBIS LANE (50 FOOT RIGHT-OF-WAY), SAID POINT BEING SITUATED NORTH 00°03'47" WEST, 1459.33 FEET AND NORTH 83°26'27" WEST, 1091.70 FEET FROM THE PURPORTED SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 02°29'02" WEST, 410.61 FEET; THENCE RUN NORTH 36°55'32" WEST, 282.98 FEET; THENCE RUN SOUTH 89°45'52" WEST, 101.89 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN SOUTH 89°51'27" WEST, 181.07 FEET; THENCE RUN NORTH 00°23'29" WEST 362.66 FEET; THENCE ALONG A CURVE CONCAVE NORTHEASTWARDLY HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 290.16 FEET, CHORD BEARS SOUTH 39°01'35" EAST AND MEASURES 289.49 FEET; THENCE RUN SOUTH 00°31'35" EAST, 137.32 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.00 ACRES, MORE OR LESS. BEING LOT 3, A REPLAT OF PROPERTY FOR GEORGE KALASOUNTAS #2, AS PER PLAT RECORDED ON SLIDE NO. 2520-F OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA.

WHEREAS, at the Special Called City of Daphne Planning Commission meeting on October 30, 2014, the Commission considered said request and three motions were made and failed which resulted in a unfavorable recommendation regarding said property pre-zoning request; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on January 20, 2015; and,

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

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

SECTION I: ZONING

That above described real property is hereby pre-zoned from RSF-1, Single Family Residential District, Baldwin County District 15 to B-2, General Business; R-7(T), Townhouse District and R-1, Low Density Single Family Residential District, City of Daphne and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS day of , 2015.

**Dane Haygood,
Mayor**

ATTEST:

**Rebecca A. Hayes
City Clerk**

PLEASE Publish in the Bulletin Legal Section on Friday
December 19, 2014

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on January 20, 2015 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2015-**

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

**Property Located on the South Side of U.S. Highway 90 at Renaissance Boulevard
George Kalasountas**

WHEREAS, on the 23rd day of September, 2014, being the owner of all real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

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

WHEREAS, after proper publication, a public hearing was held by the City Council on January 20, 2015 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a Special Called meeting on October 30, 2014 and a favorable recommendation was approved for the City Council to consider said request for annexation and said property; and

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

SECTION ONE: ANNEXATION

PLEASE Publish in the Bulletin Legal Section on Friday
December 19, 2014

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on January 20, 2015 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2015-**

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

**Property Located on the South Side of U.S. Highway 90 at Renaissance Boulevard
George Kalasountas**

WHEREAS, on the 23rd day of September, 2014, being the owner of all real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

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

WHEREAS, after proper publication, a public hearing was held by the City Council on January 20, 2015 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a Special Called meeting on October 30, 2014 and a favorable recommendation was approved for the City Council to consider said request for annexation and said property; and

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

SECTION ONE: ANNEXATION

PLEASE Publish in the Bulletin Legal Section on Friday December 26, 2014.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given, December 19, 2014, that the City Council of the City of Daphne will hold a Public Hearing on December 15, 2014 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2015-**

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

**Property Located on the South Side of U.S. Highway 90 at Renaissance Boulevard
George Kalasountas**

WHEREAS, on the 23rd day of September, 2014, being the owner of all real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

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

WHEREAS, after proper publication, a public hearing was held by the City Council on January 20, 2015 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a Special Called meeting on October 30, 2014 and a favorable recommendation was approved for the City Council to consider said request for annexation and said property; and

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

END SYNOPSIS

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2015-**

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

**Property Located on the South Side of U.S. Highway 90 at Renaissance Boulevard
George Kalasountas**

WHEREAS, on the 23rd day of September, 2014, being the owner of all real property hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

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

WHEREAS, after proper publication, a public hearing was held by the City Council on December 15, 2014 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a Special Called meeting on October 30, 2014 and a favorable recommendation with appropriate zoning as determined by the City Council was approved for the City Council to consider said request for annexation and said property; and

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

SECTION ONE: ANNEXATION

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

SECTION TWO: DESCRIPTION OF TERRITORY

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

DESCRIPTION:

COMMENCING AT A CAPPED REBAR FOUND ON THE NORTH RIGHT-OF-WAY LINE OF MALBIS LANE (50 FOOT RIGHT-OF-WAY), SAID POINT BEING SITUATED NORTH 00°03'47" WEST, 1459.33 FEET AND NORTH 83°26'27" WEST, 1091.70 FEET FROM

THE PURPORTED SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 02°29'02" WEST, 410.61 FEET; THENCE RUN NORTH 36°55'32" WEST, 282.98 FEET; THENCE RUN SOUTH 89°45'52" WEST, 101.89 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN SOUTH 89°51'27" WEST, 605.05 FEET; THENCE RUN SOUTH 89°36'45" WEST, 202.10 FEET; THENCE RUN SOUTH 89°39'51" WEST, 210.15 FEET; THENCE RUN SOUTH 89°37'12" WEST, 226.55 FEET; THENCE RUN NORTH 00°36'00" EAST, 708.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NUMBER 90 (80 FOOT RIGHT-OF-WAY); THENCE ALONG THE SAID SOUTH RIGHT-OF-WAY LINE, RUN NORTH 88°55'49" EAST, 841.46 FEET; THENCE RUN NORTH 89°01'56" EAST, 124.50 FEET; THENCE DEPARTING THE SAID SOUTH RIGHT-OF-WAY LINE, ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 259.25 FEET, CHORD BEARS SOUTH 06°36'27" EAST AND MEASURES 258.77 FEET; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 1233.21 FEET, AN ARC LENGTH OF 406.25 FEET, CHORD BEARS SOUTH 36°19'46" EAST AND MEASURES 404.41 FEET; THENCE RUN SOUTH 00°31'35" EAST, 137.32 FEET TO THE POINT OF BEGINNING AND CONTAINING 17.82 ACRES, MORE OR LESS.

SECTION THREE: MAP OF PROPERTY

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

SECTION FOUR: PUBLICATION

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

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE _____ DAY OF _____, 2015.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE PRESERVE AT TIAWASEE

COMMENCE AT A CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF LOT 25, THE ESTATES OF TIAWASEE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2408-B & C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 03 DEGREES 20 MINUTES 40 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 25, A DISTANCE OF 273.94 FEET; THENCE RUN NORTH 03 DEGREES 19 MINUTES 55 SECONDS WEST, ALONG THE WEST LINE OF LOT 24 OF SAID ESTATES OF TIAWASEE, A DISTANCE OF 304.03 FEET TO THE SOUTHWEST CORNER OF LOT 18, THE ESTATES OF TIAWASEE; THENCE RUN NORTH 03 DEGREES 21 MINUTES 17 SECONDS WEST, ALONG THE WEST MARGIN OF THE ESTATES OF TIAWASEE, A DISTANCE OF 688.64 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF SAID THE ESTATES OF TIAWASEE, SAID POINT BEING ON THE SOUTH MARGIN OF LAKE FOREST UNIT 12, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 651-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 51 SECONDS WEST, ALONG SAID SOUTH MARGIN OF LAKE FOREST UNIT 12, A DISTANCE OF 1758.38 FEET; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 45 SECONDS WEST, A DISTANCE OF 842.22 FEET TO A POINT ON THE NORTH MARGIN OF PARK DRIVE; THENCE RUN NORTH 87 DEGREES 47 MINUTES 37 SECONDS EAST, ALONG SAID NORTH MARGIN, A DISTANCE OF 41.96 FEET TO A POINT ON THE EAST MARGIN OF POLLARD ROAD; THENCE RUN SOUTH 00 DEGREES 09 MINUTES 02 SECONDS WEST, ALONG SAID EAST MARGIN, A DISTANCE OF 403.21 FEET; THENCE RUN SOUTH 89 DEGREES 40 MINUTES 21 SECONDS EAST, A DISTANCE OF 1792.72 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 51.33 ACRES, MORE OR LESS, AND LIES IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



City of Daphne Event Permit Application

Date of Application: 10-31-2014 Permit Requested: Event/Fundraiser Parade/Run Band

Contact Information

Organization Name: Prodisee Pantry
Contact Name: Deann Servos E-mail Address: director@prodiseepantry.org
Address: P.O. Box 7403, Spanish Fort, AL 36577
Street / P.O. Box City/State/Zip Code
Primary Phone Number: 251-626-1720 Secondary: 251-610-1174

Event Information

Event Name: Prodisee Pantry Turkey Trot Event Date: 10-24-2015
Event Location: City Hall Parking Lot # Participants/Vehicles: 750
Start Time: 8 am Stop Time: 10 am Assembly Time: 7 am
Parades/Runs Only
Special Requests: Please see attached letter
Route 3 roads would be impacted Road Closures Requested: Yes No

Special Instructions

Approval: Internal Use Only

Date Routed: 11-4-2014
Fire Dept: [Signature]
Police Dept: [Signature]
Public Works: [Signature]
Parks & Recreation: [Signature]
Only required if event interrupts traffic near Daphne parks

Not valid unless stamped "Approved"

For Special Event/Band Permits:

Parade/Run Permits ONLY

Council Member: _____
District # Signature

Fee Paid: \$ _____ N/A Waived

For Parade/Run Permits & Use of City Grounds:

Insurance Filed N/A

City Council: _____
Date of Approval

Route Selection: 1 2 3 4



P.O. Box 7403
Spanish Fort, AL 36577
251-626-1720
www.prodiseepantry.org

October 31, 2014

Ms. Rebecca Hayes
City Clerk
City of Daphne
P.O. Box 400
Daphne, AL 36526

Dear Ms. Hayes,

Prodissee Pantry is gearing up to start planning our 6th Annual Turkey Trot. We have selected the date of Saturday, October 24, 2015. The City of Daphne has graciously allowed us to use W. O. Lott Park for our family friendly festival that wraps around the Turkey Trot 5K Race and 1-mile Fun Run since 2010. This annual fundraiser goes a long way in helping Prodissee Pantry bring hope by feeding physical, emotional and spiritual hunger. This is particularly true during the months of November and December aka the "months of Thanksgiving and Christmas" at Prodissee Pantry! We understand the changes to the city ordinances will impact our event and the race courses.

We are seeking use of the City Hall parking lot and restrooms for our family friendly festival and prize ceremony. We would also like use of the restrooms at Centennial Park. Access to electricity is important for the festival. City employees from several departments have been instrumental in the Turkey Trot's success and we are hoping they can continue to assist prior to and the day of the event. We see this event growing annually, but with increase of competing events on these beautiful October weekends, we would like to request permission to place signage at the Post Office, Whispering Pines, Starbucks, KFC and other venues the city may deem appropriate. I would welcome the opportunity to sit down and discuss this event with you.

We thank you for the City of Daphne's continuing support and prayers that help us fulfill our mission found in Matthew 25:35. *"I was hungry and you gave me food, I was thirsty and you gave me something to drink, I was a stranger and you welcomed me."*

Blessings,

Deann Servos
Executive Director

Prodissee Pantry brings hope by feeding physical, emotional and spiritual hunger!
Equal Opportunity Employer

3

Turn Around:
Ryan Avenue

McAdams Ave.

Van Ave.

3rd Street

5th Street

6th Street

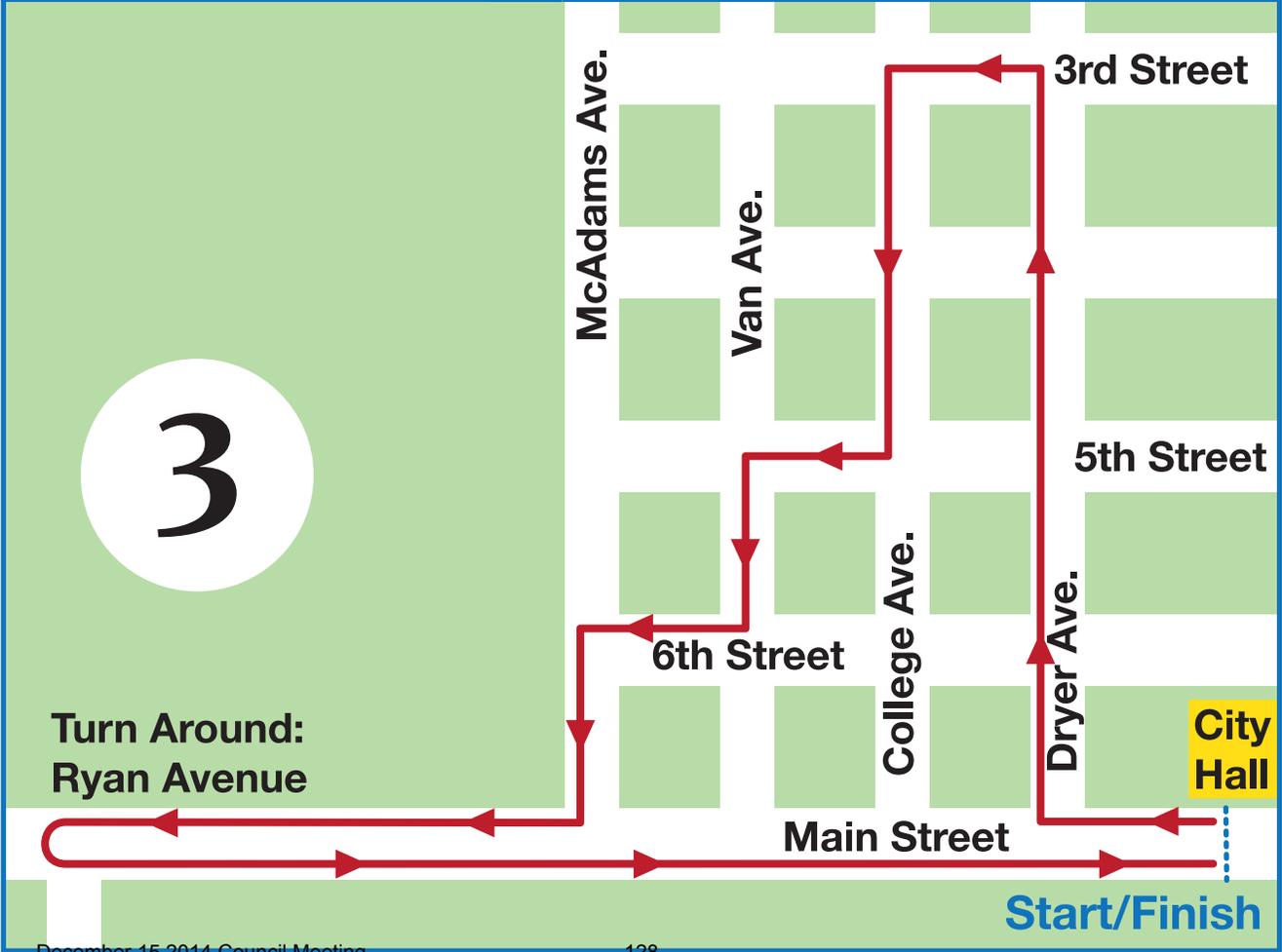
College Ave.

Dryer Ave.

City Hall

Main Street

Start/Finish





City of Daphne Event Permit Application

Date of Application: 11/20/14 Permit Requested: Event/Fundraiser Parade/Run Band

Contact Information

Organization Name: Scott Ward Memorial "Fit For Duty 5k"
 Contact Name: Andrea Ward E-mail Address: AEFWARD@gmail.com
 Address: 25130 Austin Rd, DAPHNE AL 36526
Street / P.O. Box City/State/Zip Code
 Primary Phone Number: 251-591-3053 Secondary: 251-591-3053

Event Information

Event Name: Scott Ward Memorial "Fit For Duty" Event Date: NOV 21, 2015
 Event Location: ALTRIONE PARK # Participants/Vehicles: 150/25
 Start Time: 8:00 AM Stop Time: 11:00 PM Assembly Time: 6:30 AM 7:00 AM
Parades/Runs Only
 Special Requests: USE OF ALTRIONE PARK FOR PARKING, RESTROOM AND REGISTRATION AREA Road Closures Requested: Yes No

Special Instructions
Route selected #4 1st choice / 2nd choice #1

Approval: Internal Use Only

Date Routed: Dec 10, 2014
 Fire Dept: [Signature]
 Police Dept: [Signature] Not valid unless stamped "Approved"
 Public Works: [Signature]
 Parks & Recreation: [Signature]
Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits: Council Member: _____
District # Signature

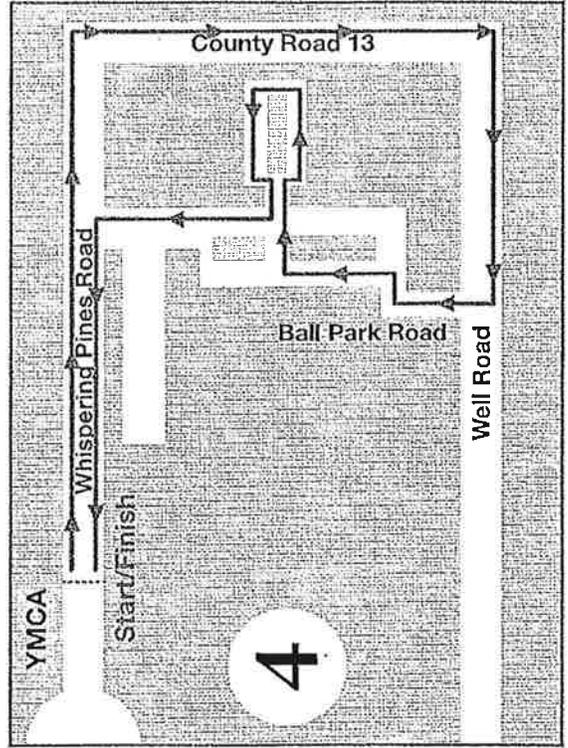
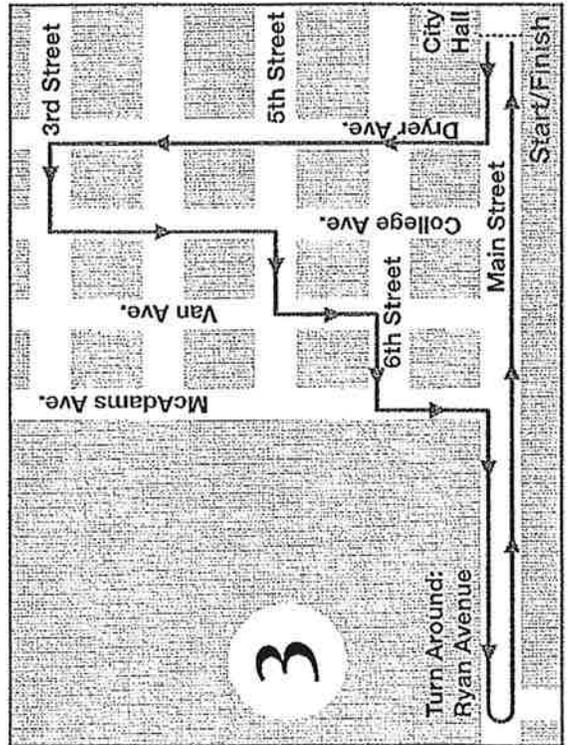
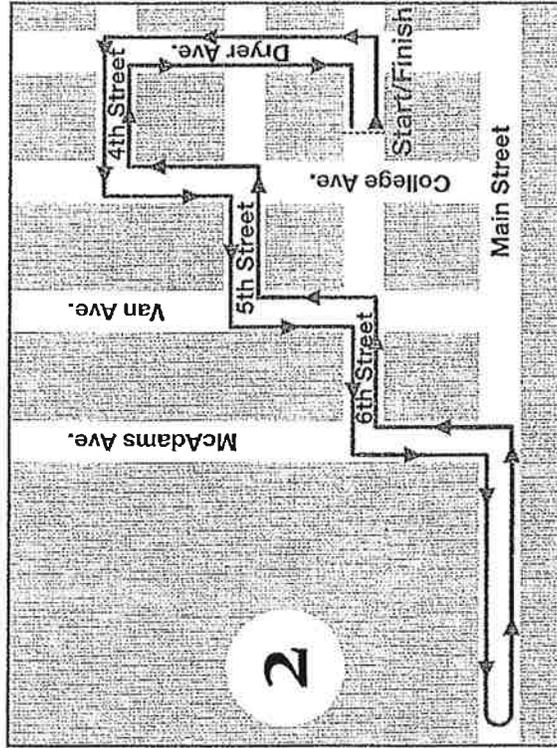
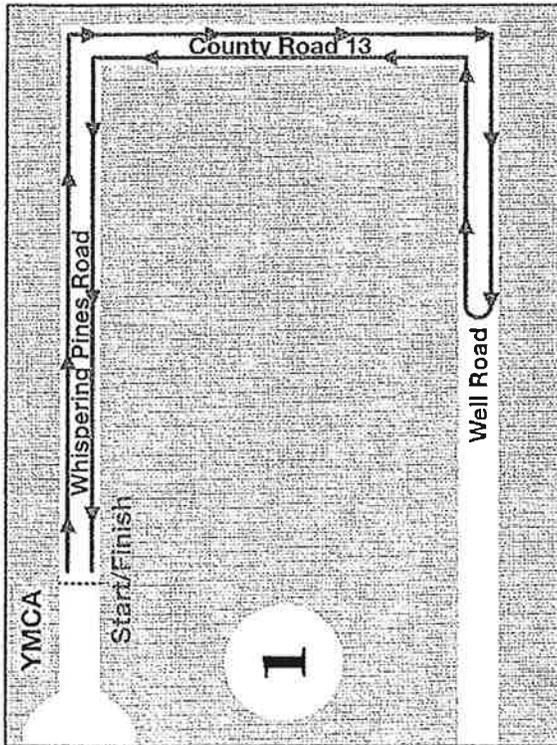
For Parade/Run Permits & Use of City Grounds: City Council: _____
Date of Approval

Parade/Run Permits ONLY

Fee Paid: \$ _____ N/A Waived
 Insurance Filed N/A
 Route Selection: 1 2 3 4

Route Map Selections

Please denote route selection at the bottom of your permit application where indicated.





City of Daphne Event Permit Application

Date of Application: December 2, 2014 Permit Requested: Event/Fundraiser Parade/Run Band

Contact Information

Organization Name: Eastern Shore Chamber of Commerce

Contact Name: Heiko Einfeld E-mail Address: _____

Address: _____

Primary Phone Number: 251-621-8222 Secondary: _____

Event Information

Event Name: 27th Annual Jubilee Festival Event Date: 09/25 - 27/2014

Event Location: Main Street from Magnolia Ave to Dryer Ave. # Participants/Vehicles: _____

Start Time: 5:00 pm 9/25 Stop Time: 6:00 pm 9/27 Assembly Time: _____

Special Requests: Block off Main St from Dryer Ave to Magnolia Ave. See attached letter for other requests.

Road Closures Requested: Yes No

Special Instructions

Approval: Internal Use Only

Date Routed: December 4, 2014

Fire Dept: [Signature]

Police Dept: [Signature]

Public Works: [Signature]

Parks & Recreation: [Signature]

Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Council Member: _____
District # Signature

For Parade/Run Permits & Use of City Grounds:

City Council: _____
Date of Approval

Parade/Run Permits ONLY

Fee Paid: \$ _____ N/A Waived

Insurance Filed N/A

Route Selection: 1 2 3 4



**EASTERN
SHORE**
CHAMBER OF
COMMERCE

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

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

Downtown Fairhope
327 Fairhope Avenue
251.928.6387
FAX 251.928.6389

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



December 2, 2014

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

Re: 27th Annual Jubilee Festival – September 26 & 27, 2015

Dear Dane Haygood and City Council Members:

The 27th Annual Jubilee Festival is scheduled to be held September 26 & 27, 2015. As always, the continued support of the Mayor and City Council is essential. At this time the festival committee would like to request the following from the City of Daphne:

1. Permission to block Main Street from Magnolia Avenue South to Dryer Avenue. The closing of this area would still allow access by area residents and church visitors.
2. Permission to use Centennial Park for KidsART.
3. Permission to allow children to paint on the back fence in Centennial Park.
4. Assistance from Police and Street Department with street closings and barricades from Friday, September 25, 2015 after 5:00 p.m. until Sunday, September 27, 2015 after 6:00 p.m.
5. Coordination by the Mayor with Riviera Utilities for additional electrical power access at the City Hall entrance utility pole.
6. Permission to use City Hall as headquarters for the festival staff and volunteers.
7. Permission to place temporary banners to help promote the 27th Annual Jubilee Festival.

Specifics of the banners are as follows:

- Banners to read: *Jubilee Festival, September 26th & 27th*
- Banners to be posted 2 weeks prior to event
- Size of Banners to be 120" x 34"
- Locations to include:

Santa Rosa & Main Street
Jubilee Mall
Lawson Road
Highway 98 at Montrose Welcome Sign

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

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

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

Sincerely,


Heiko Einfeld
Executive Director

cc: City Council, Eastern Shore Chamber of Commerce Board of Directors, Jubilee Chairs
Tabitha Raus and Jane Ellis.

**RESOLUTION NO. 2014-61
2015-A-FUEL**

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$15,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the FUEL will exceed this amount; and

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

WHEREAS, Staff recommends the bid for the FUEL be awarded to ____ .

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 Davison Fuels & Oil for margin cost of:

- **Unleaded (89+ Octane / Non-Ethanol) : \$.024 margin**
- **Diesel Fuel : \$.024 margin**

as bid in BID SPECIFICATION NO. 2015-A-FUEL.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____day of _____, 2014.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

ORDINANCE NO. 2014-59

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

**Property located West of the Estates of Tiawasee Subdivision and Southeast of the
Intersection of Park Drive and Pollard Road
Provision Investment, L.L.C.**

**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 at a Special Called meeting on October 30, 2014 and unanimous favorable recommendation was approved for the City Council to consider said request for annexation and said property shall be zoned R-1, Low Density Single Family Residential District; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on December 15, 2014 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:

LEGAL DESCRIPTION:

COMMENCE AT A CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF LOT 25, THE ESTATES OF TIAWASEE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2408-B & C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 03 DEGREES 20 MINUTES 40 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 25, A DISTANCE OF 273.94

FEET; THENCE RUN NORTH 03 DEGREES 19 MINUTES 55 SECONDS WEST, ALONG THE WEST LINE OF LOT 24 OF SAID ESTATES OF TIAWASEE, A DISTANCE OF 304.03 FEET TO THE SOUTHWEST CORNER OF LOT 18, THE ESTATES OF TIAWASEE; THENCE RUN NORTH 03 DEGREES 21 MINUTES 17 SECONDS WEST, ALONG THE WEST MARGIN OF THE ESTATES OF TIAWASEE, A DISTANCE OF 688.64 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF SAID THE ESTATES OF TIAWASEE, SAID POINT BEING ON THE SOUTH MARGIN OF LAKE FOREST UNIT 12, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 651-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 51 SECONDS WEST, ALONG SAID SOUTH MARGIN OF LAKE FOREST UNIT 12, A DISTANCE OF 1758.38 FEET; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 45 SECONDS WEST, A DISTANCE OF 842.22 FEET TO A POINT ON THE NORTH MARGIN OF PARK DRIVE; THENCE RUN NORTH 87 DEGREES 47 MINUTES 37 SECONDS EAST, ALONG SAID NORTH MARGIN, A DISTANCE OF 41.96 FEET TO A POINT ON THE EAST MARGIN OF POLLARD ROAD; THENCE RUN SOUTH 00 DEGREES 09 MINUTES 02 SECONDS WEST, ALONG SAID EAST MARGIN, A DISTANCE OF 403.21 FEET; THENCE RUN SOUTH 89 DEGREES 40 MINUTES 21 SECONDS EAST, A DISTANCE OF 1792.72 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 51.33 ACRES, MORE OR LESS, AND LIES IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

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.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this _____ day of _____, 2015.

Dane Haygood,
Mayor

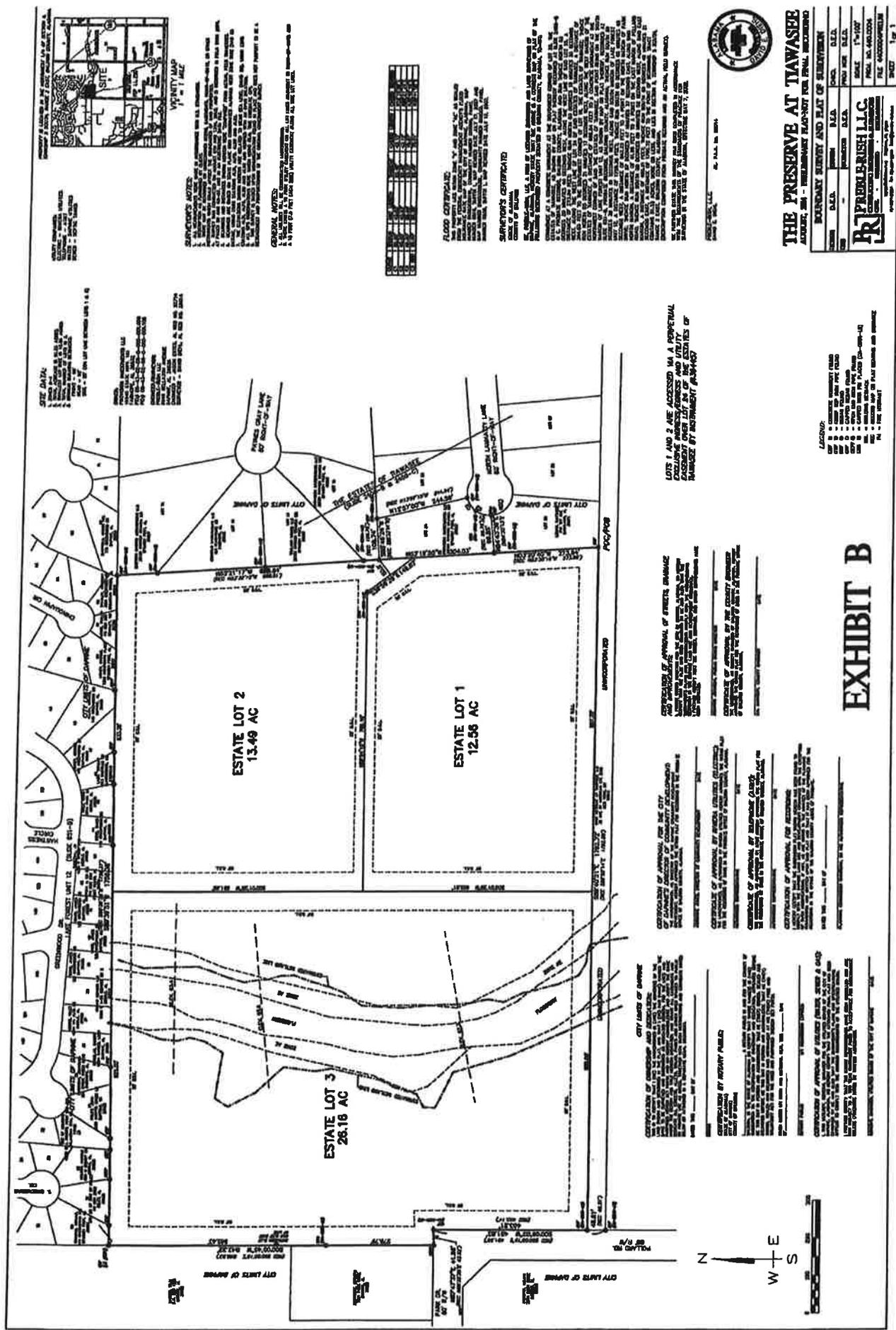
ATTEST:

Rebecca A. Hayes,
City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF THE PRESERVE AT TIAWASEE

COMMENCE AT A CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF LOT 25, THE ESTATES OF TIAWASEE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2408-B & C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 03 DEGREES 20 MINUTES 40 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 25, A DISTANCE OF 273.94 FEET; THENCE RUN NORTH 03 DEGREES 19 MINUTES 55 SECONDS WEST, ALONG THE WEST LINE OF LOT 24 OF SAID ESTATES OF TIAWASEE, A DISTANCE OF 304.03 FEET TO THE SOUTHWEST CORNER OF LOT 18, THE ESTATES OF TIAWASEE; THENCE RUN NORTH 03 DEGREES 21 MINUTES 17 SECONDS WEST, ALONG THE WEST MARGIN OF THE ESTATES OF TIAWASEE, A DISTANCE OF 688.64 FEET TO A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF SAID THE ESTATES OF TIAWASEE, SAID POINT BEING ON THE SOUTH MARGIN OF LAKE FOREST UNIT 12, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 651-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 51 SECONDS WEST, ALONG SAID SOUTH MARGIN OF LAKE FOREST UNIT 12, A DISTANCE OF 1758.38 FEET; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 45 SECONDS WEST, A DISTANCE OF 842.22 FEET TO A POINT ON THE NORTH MARGIN OF PARK DRIVE; THENCE RUN NORTH 87 DEGREES 47 MINUTES 37 SECONDS EAST, ALONG SAID NORTH MARGIN, A DISTANCE OF 41.96 FEET TO A POINT ON THE EAST MARGIN OF POLLARD ROAD; THENCE RUN SOUTH 00 DEGREES 09 MINUTES 02 SECONDS WEST, ALONG SAID EAST MARGIN, A DISTANCE OF 403.21 FEET; THENCE RUN SOUTH 89 DEGREES 40 MINUTES 21 SECONDS EAST, A DISTANCE OF 1792.72 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 51.33 ACRES, MORE OR LESS, AND LIES IN SECTION 9, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



SURVEYOR'S NOTES:
 1. THIS SURVEY WAS MADE FROM THE ORIGINAL SURVEY RECORDS OF THE PROJECT.
 2. THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT, R.S. 48:151.
 3. THE SURVEY WAS MADE ON THE 15th DAY OF APRIL, 2014.
 4. THE SURVEY WAS MADE BY THE SURVEYOR, JOHN J. HARRIS, JR., P.E., S.S., No. 12345.
 5. THE SURVEY WAS MADE IN THE PRESENCE OF THE PROPERTY OWNERS AND NEIGHBORS.
 6. THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT, R.S. 48:151.
 7. THE SURVEY WAS MADE ON THE 15th DAY OF APRIL, 2014.
 8. THE SURVEY WAS MADE BY THE SURVEYOR, JOHN J. HARRIS, JR., P.E., S.S., No. 12345.
 9. THE SURVEY WAS MADE IN THE PRESENCE OF THE PROPERTY OWNERS AND NEIGHBORS.

GENERAL NOTES:
 1. THE SURVEY WAS MADE FROM THE ORIGINAL SURVEY RECORDS OF THE PROJECT.
 2. THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT, R.S. 48:151.
 3. THE SURVEY WAS MADE ON THE 15th DAY OF APRIL, 2014.
 4. THE SURVEY WAS MADE BY THE SURVEYOR, JOHN J. HARRIS, JR., P.E., S.S., No. 12345.
 5. THE SURVEY WAS MADE IN THE PRESENCE OF THE PROPERTY OWNERS AND NEIGHBORS.



FLOOD CERTIFICATE:
 THE PROPERTY IS NOT IN A FLOOD HAZARD AREA AS SHOWN ON THE FLOOD HAZARD MAP OF THE UNITED STATES OF AMERICA, AND THE PROPERTY IS NOT IN A FLOOD HAZARD AREA AS SHOWN ON THE FLOOD HAZARD MAP OF THE STATE OF MISSISSIPPI, AND THE PROPERTY IS NOT IN A FLOOD HAZARD AREA AS SHOWN ON THE FLOOD HAZARD MAP OF THE COUNTY OF HARRIS, MISSISSIPPI.

SURVEYOR'S CERTIFICATE:
 I, JOHN J. HARRIS, JR., P.E., S.S., No. 12345, DO HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR IN THE STATE OF MISSISSIPPI, AND THAT I HAVE MADE THIS SURVEY IN ACCORDANCE WITH THE SURVEYING ACT, R.S. 48:151, AND THAT I HAVE MADE THIS SURVEY IN THE PRESENCE OF THE PROPERTY OWNERS AND NEIGHBORS.



THE PRESERVE AT TAWASEE
 ALBERT, MS - PRELIMINARY PLAT FOR FINAL RECORDING

DATE	DESCRIPTION	DATE	DATE
11-14-10	PRELIMINARY PLAT	11-14-10	11-14-10
11-14-10	PRELIMINARY PLAT	11-14-10	11-14-10
11-14-10	PRELIMINARY PLAT	11-14-10	11-14-10

PRELIMINARY PLAT
 PREPARED BY: [Firm Name]
 PROJECT NO.: [Project Number]

SETBACKS:
 1. FRONT SETBACK: 10 FT.
 2. REAR SETBACK: 10 FT.
 3. SIDE SETBACK: 5 FT.

UTILITIES:
 1. WATER MAIN: 12" DIA.
 2. SEWER MAIN: 12" DIA.
 3. GAS MAIN: 12" DIA.

EASEMENTS:
 1. EASEMENT FOR [Description]
 2. EASEMENT FOR [Description]

ADJACENT PROPERTIES:
 1. [Property Name]
 2. [Property Name]

ADDITIONAL NOTES:
 1. [Note]
 2. [Note]

LOTS 1 AND 2 ARE ACCESSIBLE VIA A PERPETUAL EASEMENT FROM THE ADJACENT PROPERTIES OF [Property Name] MANAGED BY [Company Name]

CONSENT OF APPROVAL OF ERECTION PERMITS AND UTILITIES TO BE OBTAINED FROM THE CITY OF [City Name] AND THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY.

CONSENT OF APPROVAL FOR THE CITY OF [City Name] TO BE OBTAINED FROM THE CITY OF [City Name] AND THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY.

CONSENT OF APPROVAL FOR THE CITY OF [City Name] TO BE OBTAINED FROM THE CITY OF [City Name] AND THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY.

- LEGEND:**
- 1. [Symbol] EXISTING PROPERTY LINES
 - 2. [Symbol] EXISTING EASEMENTS
 - 3. [Symbol] EXISTING UTILITY LINES
 - 4. [Symbol] EXISTING SETBACKS
 - 5. [Symbol] EXISTING ADJACENT PROPERTIES
 - 6. [Symbol] EXISTING ADJACENT PROPERTIES
 - 7. [Symbol] EXISTING ADJACENT PROPERTIES
 - 8. [Symbol] EXISTING ADJACENT PROPERTIES

EXHIBIT B

ORDINANCE 2014-60

**ATRIP PROJECT: ROUND-A-BOUT @ COUNTY ROAD 13 & 64:
INTERGOVERNMENTAL PROJECT WITH BALDWIN COUNTY**

WHEREAS, Ordinance 2014-44 approved and adopted the Fiscal Year 2015 Budget on September 23, 2014; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2015 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2015 budget; and

WHEREAS, the Round-A-Bout at CR13 & 64 is an approved Alabama Transportation Rehabilitation and Improvement Program (ATRIP) project and grant monies are available for this project; and

WHEREAS, the City can entered into an agreement with Baldwin County for construction of a Round-A-Bout at CR13 & CR64 for 10 Construction /50% CE&I cost share of the match monies required by the grant; and

WHEREAS, the bids have been received and the cost for the City and the County is \$215,959/each; and

WHEREAS, Funds in the amount of \$43,338.50 for engineering were previously approved in Ordinance 2013-19 and paid from the 2012 Construction Fund (*total project cost \$1,777,041.65*); and

WHEREAS, the Round-A-Bout Improvements are needed for enhanced traffic flow; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that

- Funds in the amount of \$215,959 from the 2012 Construction Fund are appropriated and made a part of the Fiscal Year 2015 budget for Round-A-Bout at County Road 13 & 64
- Total remaining project cost of \$1,690,364.65 for construction/engineering of which ALDOT will reimburse 80% construction with the County and the City's share each being 10% construction & 50% CE&I (*City's portion- \$215,959 and County's portion \$215,959*); and
- The Mayor is hereby authorized to execute any documents required in order for the City of Daphne to participate in such intersection project.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2014.

Dane Haygood , Mayor

ATTEST:

Rebecca A. Hayes, City Clerk