

**CITY OF DAPHNE
CITY COUNCIL MEETING AGENDA
1705 MAIN STREET, DAPHNE, ALABAMA
FEBRUARY 2, 2015
6:30 P.M.**

1. CALL TO ORDER

2. ROLL CALL

INVOCATION / Pastor Bryant Evans with the Eastern Shore Church of Christ

PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: Council Meeting Minutes / January 20, 2015

PRESENTATION: Daphne Art Center / Mrs. Annie Root

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Fry

B. BUILDINGS & PROPERTY COMMITTEE - Davis

C. PUBLIC SAFETY - Rudicell
Review minutes / January 20th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott
Review minutes / January 20th

a.) Ordinance 2015-10 / Authorize Mayor to enter into contracts not exceeding \$15,000 /
Unanimous recommendation

b.) Amending Ordinance 2014-43 / Council Rules of Procedure / Appointing council members
Committees / *Unanimous recommendation*

c.) Reappoint Municipal Judge, Michael Hoyt / Term 2015-2017

d.) Reappoint City Prosecutor, James Scroggins / Term February 2015-February 2016

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones
Review Staff Report / January 8th meeting

B. Downtown Redevelopment Authority – Conaway

C. Industrial Development Board – Davis
Review minutes / January 26th

D. Library Board - Lake

E. Planning Commission – Scott

a.) Review minutes / December 18th

b.) Review Staff Report / January 22nd meeting

c.) **MOTION:** Set a Public Hearing date for **March 16, 2015** and approve advertising to consider an Ordinance amending the Land Use and Development Ordinance 2011-54:

a.) Planned Unit Development / New Zoning District

b.) Recommendation: Unanimous Favorable

F. Recreation Board – LeJeune

G. Utility Board – Fry

6. Mayor’s Report

7. City Attorney’s Report

8. Department Heads Comments

9. City Clerk’s Report

a.) ABC License / El Mexicano of Daphne Restaurant / 020-Restaurant Retail Liquor

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

NO RESOLUTIONS TO CONSIDER

ORDINANCES:

2nd READ

a.) **Ordinance 2015-03.**..... Pre-Zone Property Located on the South Side of U.S. Highway 90 at Renaissance Boulevard / George Kalasountas

b.) **Ordinance 2015-04.**..... 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

c.) **Ordinance 2015-05.**..... Grant Management for the Tiawasee Creek Coastal Impact Assistance Program (CIAP) and National Fish and Wildlife Foundation (NFWF) Grant Tiawasee Creek Restoration

- d.) **Ordinance 2015-06.**.....Appropriating Funds for Reconstruction of Flumes, Ditches & Inlets along County Road 13
- e.) **Ordinance 2015-07.**.....Appropriating Funds: Piedmont Circle Drainage Repairs
- f.) **Ordinance 2015-08.**..... Appropriating Funds: Rolling Hills Drive (South) Grade, Drain, Base & Pave (Project #04-2014-RE06)
- g.) **Ordinance 2015-09.**.....Transition the Position of Treasurer to the Finance Director
- h.) **Ordinance 2015-10.**.....Authorizing the Mayor to Enter Into Certain Contracts
- i.) **Ordinance 2015-11.**.....Amending Ordinance 2014-43 / Council Rules of Procedure

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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**JANUARY 20, 2015
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REGULAR BUSINESS MEETING
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6:30 P.M.**

1. CALL TO ORDER:

There being a quorum present Council President Conaway called the meeting to order at 6:32 p.m.

2. ROLL CALL

COUNCIL MEMBERS PRESENT:

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

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Sarah Toulson, Assistant City Clerk; Jay Ross, City Attorney; Vickie Hinman, HR Director; David Carpenter, Police Chief; Richard Johnson, Public Works Director; James White, Fire Chief; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Tonja Young, Library Director; Adrienne Jones, Planning Director; Suzanne Henson, Senior Accountant/Treasurer; Ashley Campbell, Environmental Programs Manager; Larry Cooke, BZA; Willie Robison, BZA; Kevin Boucher, Adams & Reese;

Absent: Richard Merchant, Building Official; Michael Hoyt, Municipal Judge.

INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor George Collins with the Mt. Air Missionary Baptist Church gave the invocation.

3. APPROVE MINUTES:

January 5, 2015 Council Meeting Minutes

The January 5, 2015 Council Meeting Minutes were approved as written.

January 12, 2015 Council Work Session Minutes

The January 12, 2015 Council Work Session Minutes were approved as written.

PROCLAMATION: Daphne High School Graduation Rate

Mayor Haygood read and presented the proclamation to Dr. Foster, principal for Daphne High School and David Tarwater, Baldwin County Board of Education.

PUBLIC HEARINGS:

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

Mrs. Adrienne Jones, Planning Director, gave a presentation on the pre-zoning request mentioning that her recommendation to the Planning Commission and to Council, as well, is to pre-zone each parcel as requested. The B-2 request is consistent with the businesses across the street, the R-7 is a good transition between the businesses along Highway 90, and R-1 is consistent with the residential in the back. There were three motions made and none received a majority vote so there is really no recommendation from the Planning Commission.

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Mr. Daryl Russell with McCrory & Williams, Inc., the engineer for the project, gave a presentation on the project. He said that they consulted the City of Daphne Comprehensive Plan, and compared what the owner was proposing to do with these lots to the Comprehensive Plan, and they feel that what is being proposed is in line with that plan as far as commercial development on Highway 90, high density behind that transitioning into a lower density residential development. This provides a nice transition from commercial development, which already exists along Highway 90, to a high density residential development and then transition into lower density residential properties.

Council President Conaway opened the Public Hearing at 6:49.

Mr. Norman McAllister – 9595 Malbis Lane – spoke in opposition to the pre-zoning request.

Mr. John Lawler – Attorney representing Malbis Lane Property Owners Association – spoke regarding speculative zoning, and opposes the pre-zoning request.

Ms. Dona Glover – 9717 Malbis Lane – spoke in opposition to the pre-zoning request. Is opposed to giving the owner a blank check to build whatever he wants to as the owner has not submitted anything on paper.

Mr. Kevin Spriggs – Owner of Malbis Shell – President of Historic Malbis Subdivision - spoke against pre-zoning request with no plans submitted.

Mr. George Collins – Pastor for Mt. Air Missionary Baptist Church – Highway 90 - spoke against the pre-zoning request. His is concerned about the traffic, and he is also concerned about what will be built around the church which is the oldest church in the area.

Ms. Gertrude Malbis – 9655 Malbis Lane –spoke regarding traffic problems, and is against the pre-zoning request.

Ms. Betty Godwin – 9790 Malbis Lane – spoke against the pre-zoning request. She is for residential not multi-family.

Ms. Jennifer Miller 10358 – 10358 Tampary Street – spoke in opposition to the pre-zoning request. Her concerns were added traffic problems and the historic preservation of the area. Consideration should be given to how to develop around historic areas.

Mr. Demitrios Matthews – 29289 State Highway 181 – is concerned about the future of the City of Daphne and how this will affect everyone, and what it will look like 10-20-50 years down the line. He said this is important to preserve prime areas, historic districts and green space, and is opposed to the pre-zoning request.

Mr. Sculley – Attorney representing the property owner, Mr. Kalasountass – presented a power point presentation explaining the genesis of the project. He feels the pre-zoning request is in line with current zoning for the area and in line with the City of Daphne Comprehensive Plan.

Council President Conaway closed the Public Hearing at 7:20 p.m.

B. Annexation:	George Kalasountas
Property Located:	On the south side of U.S. Highway 90 at Renaissance Boulevard
Recommendation:	Favorable

Mrs. Adrienne Jones gave the presentation on the annexation request.

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Council President Conaway opened the Public Hearing at 7:29 p.m.

Mr. Kevin Spriggs – Owner of Malbis Shell – President of Historic Malbis Subdivision - spoke in favor of the annexation.

Mr. George Kalasountas – 9563 Malbis Lane – spoke in favor of the annexation.

Mr. Norman McAllister – 9595 Malbis Lane – spoke in opposition to the annexation.

Mrs. Felicia McAllister - 9595 Malbis Lane – spoke against the annexation.

Council President Conaway closed the Public Hearing at 7:35 p.m.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Fry

The minutes for the January 12th meeting are in the packet.

MOTION BY Councilman Fry to continue the City’s insurance coverage with John A. Robertson Insurance Agency, Inc. for a total annual renewal cost of \$554,575 and to enter a three (3) year contract in order to receive a 2.5 percent discount. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Fry to reject the bid for 2015-B-Renovations to Fire Station #3 and to go back out to bid with alternates to include an exterior similar to Fire Station #2. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

Treasurers Report / December 31, 2014

- Total Unrestricted Funds / \$9,613,210
- Total City Funds / \$18,294,309

Sales and Use Tax Collections / December 2014

- \$1,092,961.96 was collected in December 2014
- YTD Variance over Budget / \$23,797.12 + 2.2%
- Percent change from last year’s collections + 2.8%

Lodging Tax Collections / December 2014

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- \$77,289.64 was collected in December 2014
- Percentage change from last year's collections / + 43.2%
- Balance reserved for Recreation purchases is \$345,934.10
- Unreserved balance for Bayfront associated expenditures / \$1,971,758.89

B. BUILDINGS & PROPERTY COMMITTEE - Davis

The January 5th minutes are in the packet. The next meeting will be the first Monday of February.

C. PUBLIC SAFETY COMMITTEE – Rudicell

The committee met this afternoon and the minutes will be in the next packet. The next meeting will be the third Monday of February.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

The committee met this afternoon and the minutes will be in the next packet.

E. PUBLIC WORKS COMMITTEE – LeJeune

The January 5th minutes are in the packet, and the next meeting will be February 2nd. Councilman LeJeune reminded everyone about the meeting date change.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

The October 2nd minutes are in the packet. There will not be a meeting in February.

B. Downtown Redevelopment Authority – Conaway

The next meeting will be January 28th at 5:30 p.m.

C. Industrial Development Board – Davis

The next meeting will be January 26th at 6:00 p.m.

D. Library Board – Lake

The minutes for the last meeting will be in the next packet. The next meeting will be February 13th at 4:00 p.m. at the Library.

E. Planning Commission – Scott

The next meeting will be January 22nd at 5:00 p.m.

F. Recreation Board – LeJeune

There will be a Special Called Recreation Board meeting on January 28th at 6:30 p.m. Councilman LeJeune asked the City Clerk to post the announcement. The written proposals will be coming in on the 23rd, and will be presented at the February 9th work session.

G. Utility Board – Fry

The next meeting will be the first Wednesday in February which is February 4th at 5:00 p.m.

6. REPORTS OF OFFICERS:

A. Mayor's Report

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Mayor Haygood reported that the Bench Trial for Tiawasee vs City of Daphne Planning Commission was held January 8th and has been completed. Post-trial briefs have been submitted and are awaiting a decision.

B. City Attorney's Report

Mr. Ross added to the Mayor's comments saying Friday Judge Bishop proposed orders from both the plaintiff (Tiawasee Property Owners Association) and the defendant (City of Daphne Planning Commission), and the city's was submitted today, and Mr. Stankowski sent his in late last week on Friday. They could receive an order this week by e-mail and he will send it on to council when he does receive it.

There are a couple of pending litigation cases that he needs to update council on, and Mrs. Conaway will advise him of an appropriate time for an Executive Session.

MOTION: There is a matter that relates to Ordinance 2015-09, and that is the resignation of the Treasurer effective upon the commencement of a Finance Director, and he asked council to consider suspending the rules to consider Ordinance 2015-09.

MOTION BY Councilman Scott to accept the resignation of Suzanne Henson as Treasurer effective upon the start date of the Finance Director. *Seconded by Councilman Lake.*

Councilman Scott pointed out that Mrs. Henson has done an admirable job. The city was without a Treasurer because of some unusual circumstances, and in order to avail the city of some \$800,000 in savings by refinancing some bonds Mrs. Henson agreed to serve. She is a valued city employee, and they appreciate her efforts and willingness to work with them on this matter.

Councilman Lake said that Mrs. Henson has done a fantastic job, and he complimented her for her professionalism and how she has handled the position. He knows the next person will do a good job with Mrs. Henson's guidance. She is an awesome individual.

MOTION CARRIED UNANIMOUSLY

MOTION: Addendum to the video services agreement between Bellsouth Telecommunication DBA AT&T Alabama and the City of Daphne.

Mr. Ross said there was some discussion at the last meeting about a five year term with an automatic renewal. After thinking about it, and how the renewal would go into effect if the city had to trigger it or AT&T had to trigger it, and what those times would be, and he has presented to council one that would automatically terminate on December 31, 2019. Whatever the market is the council at that time can simply renew it or can change it to be in parody with other franchise agreements. He just could not get comfortable with how that mechanics ought to work without coming back to council and discussing it. So he took the liberty to end it on December 31, 2019. Nothing will prevent a subsequent council at that time from extending it or changing it as market conditions etc. dictate. They have encompassed everything that has been requested and the AT&T counsel has approved the agreement

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MOTION BY Councilman Lake to approve an addendum to the video services agreement between Bellsouth Telecommunication DBA AT&T Alabama and the City of Daphne:

ADDENDUM TO VIDEO SERVICE AGREEMENT

WHEREAS, City of Daphne and AT&T Alabama entered into an agreement styled Agreement on April 9, 2009 (“Agreement”), regarding the provision by AT&T Alabama of its integrated Internet Protocol (“IP”) enabled broadband platform of voice, data and video services (IP Network”), the video component of which is a switched, two-way, point-to-point and interactive service (“IP Video Service”); and

WHEREAS, paragraph 1 set for the term of the “Agreement” to expire effective May 1, 2014, but allows for extending the “Agreement” upon written mutual agreement of the parties; and

WHEREAS, City of Daphne and AT&T Alabama desire to extend the terms of the “Agreement” for an additional period effective May 1, 2014 and running until December 31, 2019 and agree that there is sufficient mutual consideration for renewing and extending the term of the “Agreement”.

AGREEMENTS

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and in the original “Agreement”, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City of Daphne and AT& T Alabama agree as follows:

1. Paragraph 1 of the “Agreement” is to be amended by changing the date of termination from December 31, 2013 to December 31, 2019. Paragraph 1 is hereby amended to read as follows:

“Term. Except as described in paragraph 1 (a) below, the term of this Agreement shall be from the Effective Date of the Agreement through December 31, 2019. The term may be extended upon mutual agreement of the parties in writing.”

2. The following paragraph 23 is added to the Agreement:

“23. AT&T, at the City’s request will, collectively with all other video Providers, provide the City free of charge one (1) basic video installation and monthly service to each public school, municipal governmental building, fire building, police building and library building that is passed by AT&T’s system, and where such service is available. No more than one (1) provider shall be required provide the service required by this Section 23 to any given location. The City will confer with all providers and determine the assignments in a reasonable manner. AT&T shall not seek to offset recurring costs associated with the requirements of this Section against the fees due under Section 2 of this Agreement, nor shall AT&T impose such costs on the schools or institutions receiving such free installation and service. AT&T may offset any non-recurring installation and non-recurring repair of service charges provided pursuant to this Section against any fees due under Section 2 of this Agreement. Such charges shall not exceed the installation charge applicable to residential customers, or at such time as a business product is available to business customers. Additional video programming, Internet access, voice over IP (VoIP) or other options or services offered by AT&T as part of the U-Verse offering beyond the scope of services provided in the Section may be separately requested and ordered by the City, subject to their availability at any particular location. Such additional services requested by the City shall be at the sole cost of the City and payable pursuant to the customary billing and payment terms consistent with available AT&T U-Verse offerings to business subscribers.

3. Unless amended by the terms of this Addendum, all other terms and conditions of the “Agreement” shall remain unchanged and in full force and effect throughout the extended term. In the event the terms and conditions of the “Agreement” conflict with the terms of this Addendum this Addendum shall be deemed to supersede and override the terms of the “Agreement”.

4. This Addendum incorporated and include all prior and contemporaneous negotiations, correspondence, conversations, agreements and understanding between the parties concerning the subject matter hereof. Otherwise, no deviation from the terms hereof shall be predicated upon any prior or contemporaneous representations, agreements or understandings whether oral or written.

Seconded by Councilman Fry.

MOTION CARRIED UNANIMOUSLY

C. Department Head Comments

David Carpenter – Police Chief – thanked everyone from the different departments for helping in the traffic fatality on Highway 90 at Starbucks.

Vickie Hinman – HR Director – reported that applications are being taken for Deputy Public Works Director which ends January 27th.

Adrienne Jones – Planning Director – reported that she has asked the Alabama Planning Institute to come and host classes for the certification and recertification of Planning and Zoning officials here at City Hall. Classes will be Friday, January 30th from 6:00 p.m. – 9:30 p.m. and Saturday 8:30 a.m. – 4:00 p.m.

Suzanne Henson – Senior Accountant/Treasurer – said that she appreciates the confidence council put in her to carry out the duties of Treasurer during this interim period.

C. City Clerk’s Report

1. Shadow Barons / Mardi Gras / February 14, 2015

MOTION BY Councilman Scott to approve the event permit for the Shadow Barons Mardi Gras parade to be held February 14, 2015. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

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7. PUBLIC PARTICIPATION

Mr. Rod Drummond – Ridgewood Avenue – said he like the new format for the agenda, because it was easier to read.

Council President Conaway said that Resolution 2015-06 has been pulled from the agenda by the City Attorney, because the covenants were not ready.

8. RESOLUTIONS & ORDINANCES:

- A. Resolution 2015-03..... ADEM 319 Tiawasee Creek Constructed Wetlands Grant Application
- B. Resolution 2015-04..... Support of the Combination of the City’s Coastal Impact Assistance Program (CIAP) Grant Funds with the Mobile Bay National Estuary Programs (MBNEP) National Fish And Wildlife Foundation (NFWF) Grant Funds to Restore an Impaired Segment of Tiawasee Creek
- C. Resolution 2015-05..... Adopting Purchasing Policies for the Tiawasee Creek Restoration Coastal Impact Assistance Coastal Impact Assistance Program’s (CIAP) & National Fish and Wildlife Foundation (NFWF)
- D. Resolution 2015-06..... Land Donation from Provision Investments LLC – Tiawasee Creek
- E. Resolution 2015-07..... Bid Award: 2015-C-Reconstruction of Flumes, Ditches & Inlets Along CR13 / Ammons & Blackmon Construction LLC
- F. Resolution 2015-08..... Bid Award: 2015-D-RE7-PIEDMONT CIRCLE / Sunset Contracting, Inc.
- G. Resolution 2015-09..... Bid Award: 2015-F-Rolling Hills Drive (South) Grade, Drain, Base & Pave Project
- H. Resolution 2015-10..... Authorizing Issuance of Credit Card for the Public Works Deputy Director

MOTION BY Councilman Scott to waive the reading of Resolutions 2015-03, 2015-04, 2015-05, 2015-07, 2015-08, 2015-09 and 2015-10. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolutions 2015-03, 2015-04 and 2015-05. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

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**MOTION BY Councilman Scott to suspend the rules to consider Ordinance 2015-09.
 Seconded by Councilman Fry.**

ROLL CALL VOTE

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

MOTION FAILED

MOTION BY Councilman Scott to adopt Ordinance 2014-60. *Seconded by Councilman Lejeune.*

MOTION CARRIED UNANIMOUSLY

9. COUNCIL COMMENTS

Councilman Scott- appreciated the school folks coming tonight. He said that the Daphne High School parking lot has been repaved.

Councilman LeJeune- commended Daphne High School for the graduation rate. His daughter will graduate next year, and has two others in Daphne schools. He is happy and proud to be a part of the Daphne school system.

Councilman Davis- apologized to the neighbors to the east for not telling them that the ordinances would not be voted on tonight, but will be next week. He would like the Malbis Lane folks to come into the City of Daphne. He said the city is going to grow whether they want to or not. Traffic is not going to get better or worse. He announced that February 24th is a Summit meeting at Daphne High School regarding property tax.

Councilman Lake- thanked the departments that helped with the Martin Luther King Celebration. The Mayor did a fantastic job on his welcoming address. He appreciates the citizens coming out from Malbis. He mentioned that he has been appointed to the Transportation Transit Committee which develops policy for Congress.

Councilman Fry – thanked citizens for coming out. It is important to hear resident’s concerns. The vote will be February 2nd. He asked them to remember that the owner has to come back to the Planning Commission for site preview. The city will have growth and traffic problems, and congestion in other areas. That is why they need to push the MPO for the Highway 13 interchange. There is no easy solution. He is looking forward to working with Mr. LeJeune looking at the proposals for Recreation. He congratulated Daphne High School for the graduation rate. He welcomed back the City Clerk, and asked folks to keep Michele Hanson in their prayers.

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Mayor Haygood – said that the MLK parade went will from City Hall to the Civic Center. The Dogwood Girls pageant was this past weekend. They do a wonderful job representing the community. He is excited about Daphne High School’s progress. He talked with Dr. Foster regarding a program with the broadcast of the council meetings.

Council President Conaway – is proud of all Daphne schools. She said that council will take in the citizen’s concerns.

10. ADJOURN:

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:45 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes,
City Clerk

Tommie Conaway,
Council President

Public Safety Committee

Wednesday, January 20, 2015

Councilman Pat Rudicell
Councilman Randy Fry
Councilman Robin LeJeune
Councilman Ron Scott
Fire Chief James White
Public Works Director, Richard Johnson

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. Ric Yelding, and Richard Johnson.

CALL TO ORDER

Councilman Rudicell **convened** the meeting at 4:29 p.m.

PUBLIC PARTICIPATION – Don Hastings was in attendance in reference to speeding on Ridgewood Drive. He lives at 349 Ridgewood Dr. and wanted to make the committee aware of speeding and that his wife had mustard thrown on her as she was walking their dog on Ridgewood. Chief advised that we would place the speed trailer at this location and also set up close patrols in the afternoons after school lets out.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

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

POLICE DEPARTMENT

- A. **New Business** – Chief stated that he was trying to get the Tahoe's equipped and on the road. Some equipment has been backordered and should come in sometime this week. We have six more ordered and there is a four to six month turnaround. We worked a fatality Thursday and it was a devastating scene. The fire department, police department, public works, and med units pulled together to work it and traffic and did an awesome job. The jail is being sued by a sovereign citizen who was sentenced to jail time. The date of retirement for Code Enforcement Officer Lonnie Jones is August 8th, 2015. Chief has not approached the mayor yet about the right seat ride. Councilman Rudicell stated that we have enough money to appropriate seven to eight months' salary for a right seat ride. Councilman Scott stated that people are putting yard signs in the right of way, i.e. Planet Fitness and others. We need to make calls, people will start complaining. Councilman Davis mentioned that the Mattress Place on Hwy 181 also has moving signs in the median. Chief stated that he has been written several tickets but will tell Lonnie to patrol that area.

FIRE DEPARTMENT

- A: **New Business** – Chief White went over his stats. They responded to four structure fires, one in Fairhope and three in Daphne. He submitted a Purchase Requisition for the ladder truck and is

waiting to get the Purchase Order back to get it ordered. The cost is \$753,158.00. Richard Johnson and the Chief met with the architect last week. They asked him for ideas to accomplish goals and build properties similar to Fire Station #2. At work session next month we will show the basic option, the medium options, and the padded options along with the timeline for completion. They will advertise after Buildings and Properties, and get started. Johnson stated that they will do the demo themselves, to save money and so that the contractor will know exactly where they need to begin. Chief White stated that the ladder truck purchase requisition was sent to the mayor. He sent it back to Suzanne for a few questions and that he should have it back now.

Old Business – Richard Johnson went over the report from his traffic counters that were put down in Timbercreek (see attached). The first peak time was 7:15-7:30 and the end highest time was 3:30-3:45. He put the counter out in December but was not sure the counts were right and sent it to the shop. He got it back and put it back out in January and got the same counts. The report shows that the roads are not over capacity but that speed is the issue. The speeds are high. Pine Run is a good candidate for traffic devices: chokers or chicanes. Councilman Davis asked what a 3-way stop would do and was it an option? Johnson was not in agreement. He has seen them work very well but not for this issue. Councilman Scott stated that we put a speed bump and a stop sign in Potters Mill. He suggested that if Timbercreek put up a decorative stop sign like Potters Mill maybe they would like that option. Councilman Davis stated that Middlecreek Circle is very dangerous. Chief Carpenter asked what the POA was saying? Have they been told the traffic counter/speed trailer results? Davis said he would get with Don Rubel and give him the results. Carpenter stated that his department could work it and write tickets but that the resident's were not going to be happy. He asked what they want. Rudicell and Davis will meet with the TCPOA between now and next month. Councilman Fry asked about signage...driveway ahead, driveway over the hill, etc. to make drivers aware on Middlecreek Circle. Chief White was asked how he felt about the chokers? He was not familiar with them but said that if it impedes the fire department response time he is not in favor. Richard Johnson stated that it would.

Lt. Yelding mentioned that Suzanne sent a letter in reference to encumbered monies from 2011-2012 from roof improvements. We got a new roof but had monies left over. We spray-painted the acoustic tiles but need to replace them which will cost \$585.50. Over the years with a leaky roof the carpet was ruined. We would like to replace the flooring in the training room and the records division and to have the remaining carpet professionally cleaned. Carpet replacement in the Training Room and cleaning will run around \$7,000.00 Replacing the carpet in Records will run around \$2,000.00. Councilman Davis said his OK for Buildings and Properties. Councilman Scott made a motion to recommend to council that the encumbered money be used to fix the flooring at the PD and send to Finance. Councilman LeJeune seconded the motion.

Yelding also mentioned that he had \$876.11 in encumbered monies for the Animal Shelter and needs to replace the watering bowls. Councilman Scott made a motion to recommend to council that the watering bowls be replaced with the encumbered funds at the animal shelter. Councilman LeJeune seconded the motion with the balance of encumbrances to go back in General Fund.

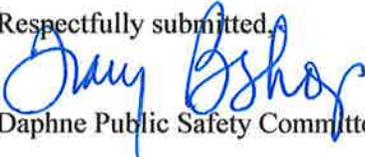
OTHER BUSINESS: Firefighter Tom Walker was in attendance to announce that the Daphne Volunteer Firefighters have mailed out their financial request letters for donations. He stated that we

still have Daphne Volunteer Firefighters.

ADJOURN

There being no further business to discuss, Councilman Scott made a motion to adjourn the meeting at 5:30 p.m. Councilman LeJeune seconded. The next meeting will be Monday February 16, 2015 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,


Jay Bshay
Daphne Public Safety Committee

Patrol Division (Capt. Bell/Lt. Hempfleng)	Detective Division: (Capt. Bell/Lt. Beedy)	JAIL: (Capt. Taylor/Lt. Yelding)	Animal Control (Capt. Taylor/Lt. Yelding)	Crimes Reported This Month:
# Complaints	1,124	Total Arrestees Received & Processed:	YTD	Arson
Accidents, Private Property	11	# New Cases Received:	167	Burglary - Commercial
Accidents, Roadway	43	# Previous Unsolved Cases:	348	Burglary - Residence
Accidents, Traffic Homicide	0	# Cases Solved:	232	Burglary - Vehicle
Arrest, Controlled Substance	1	Resulting in Total Arrests:	15	Criminal Mischief
Arrest, Drug Paraphernalia	1	Felonies:	81	Disorderly Conduct
Arrest, Felony Marijuana	0	Misdemeanors:	20	Domestic Disturbance
Arrest, Misdemeanor Marijuana	1	Houses Searched	0	False Info to Police
Arrest, Alias Warrant	29	Other Agencies	0	Felony Assault
Arrest, DUI	10	BCSO	7	Felony Theft
Arrest, Felony	2	Spanish Fort PD	45	Harassment
Arrest, Misdemeanor	59	Silverhill PD	12	Identity Theft
Assists, Motorist / Citizen	166	Troopers	0	Indecent Exposure
Citations	478	Other Agencies	0	Kidnapping
Drug Report	1	Warrants:	0	Menacing
Routine Patrol/Special OPS	0	Served	17	Misdemeanor Assault
Searches, Vehicle	36	Agency Assists	1	Misdemeanor Theft
Security Checks	802	Recalls (Pd Fines)	24	Murder
Warnings	262	Total Warrants Served	42	Other Death Investigations
		Sex Offender:		Public Intoxication
		New Registration:	0	Public Lewdness
		Contact Verification	7	Receiving Stolen Property
		Total # registered in Daphne	7	Reckless Endangerment
		DARE:		Resisting Arrest
		# Hours Report Writing:	3	Robbery
		# Students Instructed SRO	750	Sex Crime Investigations
Drugs Seized:	1	# Students Instructed DARE	660	Suicide
Money Seized:	0	# Police Reports by SRO	2	Suicide, attempted
Vehicles Seized:	0	# Arrest by SRO	1	Theft of Services
Vehicles Seized	0	CODE ENFORCEMENT:		Unauthorized Use of Services
		Warnings:	0	Weapon Offenses
CMV Inspections / CMV OOS	28	Citations	1	White Collar Crimes
		Warning Compliance	10	
		Follow - Up	14	

February 22, 2015 Council Meeting

20

David Carpent

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period November 2014

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	1	13
11-Structure Fire/Commercial	1	7
11-Structure Fire/Residential	2	26
12-Fire in Mobile Property used as fixed structure	0	4
13-Mobile Property (vehicle) Fire	1	17
14-Natural Vegetation Fire	2	18
15-Outside Rubbish Fire	0	16
16-Special Outside Fire	1	6
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	167	1846
4-Hazardous Conditions (No fire):	1	29
5-Service Call:	10	161
6-Good Intent Call:	17	138
7-False Alarm & False Call:	22	91
8-Severe Weather & Natural Disaster:	0	0
9-Other Situation:	0	2
Total Emergency Calls:	217	2619
Monthly Total Calls:	225	2592
Highest:		
	13:00	13:00
Lowest:		
	<1:00	<1:00
Average (Minutes/Seconds) :		
	5:05	5:05
Miscellaneous Reports:		
Training Hours	714.75	4220.53
Property Loss - \$	\$301,500.00	\$808,700.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues	107	1322
Number of Patients Treated	168	1782
Child Passenger Safety Seat Inspections/Installations	16	120
Pre-Plans	13	245
Classes		
	8	51
Persons Attending		
	26	615
Plan Reviews		
	2	22
Final/Certificate of Occupancy		
	2	10
General/Annual Inspections		
	99	586
General/Re-Inspections (Violation Follow-up - Annual)		
	35	235
Business Licenses		
	10	182
All Other/Misc. Activities		
	26	227
Total Activities:	174	1262

Authorized by:

James White



Daphne Police Department Directed Patrol Spreadsheets

Pine Run Statistics December 2014

February 2014 Meeting

DATE	LOCATION	START TIME	END TIME	HOURS	OFFICER	SPEED LIMIT	# OF VEHICLES	HIGHEST SPEED	LOWEST SPEED	TICKETS ISSUED	WARNINGS ISSUED	TYPE OF D-RUN	SHIFT
Speed Trailer Only													
12/12/2014 - 12/18/2014	9081 PINE RUN	13:27	23:59	10:32	SPEED TRAILER	25	8556	50	10	0	0	SPEEDING total # at 10+ mph over the speed limit (25) is 202 = 2.36%	N/A
12/13/2014	CONTINUED FROM ABOVE	0:00	23:59	23:59	SPEED TRAILER	-	-	-	-	-	-	SPEEDING	N/A
12/14/2014	CONTINUED FROM ABOVE	0:00	23:59	23:59	SPEED TRAILER	-	-	-	-	-	-	SPEEDING	N/A
12/15/2014	CONTINUED FROM ABOVE	0:00	23:59	23:59	SPEED TRAILER	-	-	-	-	-	-	SPEEDING	N/A
12/16/2014	CONTINUED FROM ABOVE	0:00	23:59	23:59	SPEED TRAILER	-	-	-	-	-	-	SPEEDING	N/A
12/17/2014	CONTINUED FROM ABOVE	0:00	23:59	23:59	SPEED TRAILER	-	-	-	-	-	-	SPEEDING	N/A
12/18/2014	CONTINUED FROM ABOVE	0:00	13:54	13:54	SPEED TRAILER	-	-	-	-	-	-	SPEEDING	N/A
12/18/2014 - 12/23/2014	TUPELO CT. @ PINE RUN	13:56	23:59	10:03	SPEED TRAILER	25	4173	51	10	0	0	SPEEDING total # at 10+ mph over the speed limit (25) is 114 = 2.73%	N/A
12/19/2014	CONTINUED FROM ABOVE	0:00	23:59	23:59	SPEED TRAILER	-	-	-	-	-	-	SPEEDING	N/A
12/20/2014	CONTINUED FROM ABOVE	0:00	23:59	23:59	SPEED TRAILER	-	-	-	-	-	-	SPEEDING	N/A
12/21/2014	CONTINUED FROM ABOVE	0:00	23:59	23:59	SPEED TRAILER	-	-	-	-	-	-	SPEEDING	N/A
12/22/2014	CONTINUED FROM ABOVE	0:00	23:59	23:59	SPEED TRAILER	-	-	-	-	-	-	SPEEDING	N/A
12/23/2014	CONTINUED FROM ABOVE	0:00	14:50	14:50	SPEED TRAILER	-	-	-	-	-	-	SPEEDING	N/A
Patrol Only													

ALL TOTAL DIRECTED PATROLS: **2** ALL TOTAL HOURS: **265 hrs., 10 mins.** ALL TOTAL TRAFFIC TICKETS: **0** ALL TOTAL WARNINGS ISSUED: **0**

TOTAL # OF DIRECTED PATROLS: **2 total** TOTAL # OF VEHICLES: **12,729** TOTAL # OF UTTC (TICKETS): **0** TOTAL # OF HOURS SPENT: **265 hours, 10 mins**

Daphne PD TOTAL # OF WARNINGS: **0** Total # at 10+ mph over the speed is **316 = 2.5%**

Speed Trailer ONLY 0 cars 0 0

Patrol Division 0 total 0 0

Patrol ONLY 0 cars 0 0

Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

Memorandum

To: Chairman of the Public Safety Committee
From: Richard D. Johnson, PE, Public Works Director
Cc: Chief David Carpenter; File
Date: January 15, 2015
Re: Traffic Study – Pine Run – TimberCreek – Executive Summary



Attached find the analysis of 72 hours of traffic data collected on Pine Run (Urban Collector) at two locations: the 9000 block (between Middlecreek Circle (east) and Laurel Court) and the 8000 block south of Tupelo Court. Traffic data was collected at both locations in the westbound and eastbound directions during the work week. The study began on 01/06/2015 at 11:00 AM and concluded on 01/09/2015 at 11:00 AM. The following findings are pertinent:

Location	Peak	Time	AADT	Posted Speed	Median Speed	Speed - 85 th Percentile	Headway
9052 Westbound	48	3:30-3:45 pm	1018	25 MPH	30 MPH	39.94 MPH	18.4 sec
9052 Eastbound	76	7:15-7:30 am	972	25 MPH	35 MPH	45.45 MPH	11.7 sec
8750 Westbound	35	3:00-3:15 pm	575	25 MPH	30 MPH	39.85 MPH	25.0 sec
8750 Eastbound	37	7:30-7:45 am	544	25 MPH	35 MPH	42.41 MPH	23.7 sec

Westbound peak times coincide with afternoon school traffic (returning) and eastbound peak times coincide with morning school/work traffic (departing). These peaks are intuitive and are consistent with an urban (residential) collector. Annual Average Daily Traffic (AADT) is not excessive for the width and geometric design of the roadway. Considering the high travel speeds, Level of Service (LOS) would rank A, meaning no expected delays in traffic at peak times.

Speed appears to be the controlling factor in ease of access to the roadway from residential driveways. For westbound traffic, over 50% of all vehicles are exceeding the posted speed limit by 5 or more miles per hour; for eastbound, over 50% of all vehicles are exceeding the posted speed limit by 10 or more miles per hour. During the eastbound morning peak the headway (average gap between vehicles) was a mere 11.7 seconds. This amount of time does not allow a comfortable egress onto the roadway from a residential driveway.

It is my conclusion that Pine Run is not burdened by lack of capacity; the roadway can easily accommodate the remaining growth left in the subdivision. Speed appears problematic. Within the last two years the Council reduced the speed to 25 MPH from the original posted 30 MPH. This change in posted limit appears to have had negligible effect on the observed speeds. Strict speed limit enforcement and/or introduction speed calming devices may alleviate the excessive speeds. I recommend frequent enforcement as the first actionable methodology.

**MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Daphne
Street: Pine Run – Map Location #1**

A study of vehicle traffic was conducted with the device having serial number 136416. The study was done in the West Bound lane at Pine Run in Daphne, AL in Baldwin County. The study began on 01/06/2015 at 11:00 AM and concluded on 09/01/2015 at 11:00 AM, lasting a total of 72.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 3054 vehicles passed through the location with a peak volume of 48 on 01/06/2015 at [17:30-17:45] and a minimum volume of 0 on 01/06/2015 at [23:30-23:45]. The AADT count for this study was 1,018.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 30 - 35 MPH range or lower. The average speed for all classified vehicles was 34 MPH with 96.44% vehicles exceeding the posted speed of 25 MPH. 1.05% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 30MPH and the 85th percentile was 38.94 MPH.

<	10	15	20	25	30	35	40	45	50	55	60	65	70	75
To	to	to	to	to	to	to	to	to	to	to	to	to	to	to
9	14	19	24	29	34	39	44	49	54	59	64	69	74	>
1	1	29	74	466	1381	789	183	43	18	10	12	2	3	4

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Small Cars and Motorcycles in the study was 43 which represents 1.4 percent of the total classified vehicles. The number of Passenger Vehicles in the study was 2905 which represents 95 percent of the total classified vehicles. The number of Busses & Trucks in the study was 100 which represents 3.3 percent of the total classified vehicles. The number of Tractor Trailers in the study was 6 which represents 0.2 percent of the total classified vehicles.

<	8	23	40	100	120	135	140							
To	to	to	to	to	to	to	to							
7	22	39	99	119	134	139	>							
43	2905	100	6	0	0	0	0							

CHART 2

HEADWAY

During the peak traffic period, on 01/06/2015 at [17:30-17:45] the average headway between vehicles was 18.367 seconds. During the slowest traffic period, on 01/06/2015 at [23:30-23:45] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 20.1 and 68.2 degrees F.

**MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Daphne
Street: Pine Run – Map Location #2**

A study of vehicle traffic was conducted with the device having serial number 137064. The study was done in the East Bound lane at Pine Run in Daphne, AL in Baldwin County. The study began on 01/06/2015 at 11:00 AM and concluded on 01/09/2015 at 11:00 AM, lasting a total of 72.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 2915 vehicles passed through the location with a peak volume of 76 on 01/08/2015 at [07:15-07:30] and a minimum volume of 0 on 01/06/2015 at [21:30-21:45]. The AADT count for this study was 972.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 35 - 40 MPH range or lower. The average speed for all classified vehicles was 40 MPH with 98.77% vehicles exceeding the posted speed of 25 MPH. 1.93% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 35MPH and the 85th percentile was 45.45 MPH.

<	10	15	20	25	30	35	40	45	50	55	60	65	70	75
To	to	to	to	to	to	to	to	to	to	to	to	to	to	to
9	14	19	24	29	34	39	44	49	54	59	64	69	74	>
0	1	14	20	83	329	995	954	323	80	26	9	8	9	3

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Small Cars and Motorcycles in the study was 23 which represents 0.8 percent of the total classified vehicles. The number of Passenger Vehicles in the study was 2573 which represents 88 percent of the total classified vehicles. The number of Busses & Trucks in the study was 100 which represents 10 percent of the total classified vehicles. The number of Tractor Trailers in the study was 21 which represents 0.7 percent of the total classified vehicles.

<	8	23	40	100	120	135	140							
To	to	to	to	to	to	to	to							
7	22	39	99	119	134	139	>							
23	2573	298	21	0	0	0	0							

CHART 2

HEADWAY

During the peak traffic period, on 01/08/2015 at [07:15-07:30] the average headway between vehicles was 11.688 seconds. During the slowest traffic period, on 01/06/2015 at [21:30-21:45] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 19.9 and 68.7 degrees F.

**MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Daphne
Street: Pine Run – Map Location #3**

A study of vehicle traffic was conducted with the device having serial number 137045. The study was done in the West Bound lane at Pine Run in Daphne, AL in Baldwin County. The study began on 01/06/2015 at 11:00 AM and concluded on 01/09/2015 at 11:00 AM, lasting a total of 72.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 1725 vehicles passed through the location with a peak volume of 35 on 01/06/2015 at [15:00-15:15] and a minimum volume of 0 on 01/06/2015 at [22:15-22:30). The AADT count for this study was 575.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 30 - 35 MPH range or lower. The average speed for all classified vehicles was 34 MPH with 92.95% vehicles exceeding the posted speed of 25 MPH. 1.79% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 30MPH and the 85th percentile was 39.85 MPH.

<	10	15	20	25	30	35	40	45	50	55	60	65	70	75
To	to	to	to	to	to	to	to	to	to	to	to	to	to	to
9	14	19	24	29	34	39	44	49	54	59	64	69	74	>
6	0	20	88	261	601	411	121	58	23	9	6	2	10	2

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Small Cars and Motorcycles in the study was 38 which represents 2.2 percent of the total classified vehicles. The number of Passenger Vehicles in the study was 1603 which represents 93 percent of the total classified vehicles. The number of Busses & Trucks in the study was 75 which represents 4.4 percent of the total classified vehicles. The number of Tractor Trailers in the study was 9 which represents 0.5 percent of the total classified vehicles.

<	8	23	40	100	120	135	140							
To	to	to	to	to	to	to	to							
7	22	39	99	119	134	139	>							
38	1603	75	9	0	0	0	0							

CHART 2

HEADWAY

During the peak traffic period, on 01/06/2015 at [15:00-15:15] the average headway between vehicles was 25 seconds. During the slowest traffic period, on 01/06/2015 at [22:15-22:30] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 19.5 and 69.0 degrees F.

**MH Corbin Traffic Analyzer Study
Computer Generated Summary Report
City: Daphne
Street: Pine Run – Map Location #4**

A study of vehicle traffic was conducted with the device having serial number 137065. The study was done in the East Bound lane at Pine Run in Daphne, AL in Baldwin County. The study began on 01/06/2015 at 11:00 AM and concluded on 01/09/2015 at 11:00 AM, lasting a total of 72.00 hours. Traffic statistics were recorded in 15 minute time periods. The total recorded volume showed 1633 vehicles passed through the location with a peak volume of 37 on 01/07/2015 at [07:30-07:45] and a minimum volume of 0 on 01/06/2015 at [21:00-21:15]. The AADT count for this study was 544.

SPEED

Chart 1 lists the values of the speed bins and the total traffic volume for each bin. At least half the vehicles were traveling in the 35 - 40 MPH range or lower. The average speed for all classified vehicles was 36 MPH with 96.22% vehicles exceeding the posted speed of 25 MPH. 2.18% percent of the total vehicles were traveling in excess of 55 MPH. The mode speed for this traffic study was 35MPH and the 85th percentile was 42.41 MPH.

<	10	15	20	25	30	35	40	45	50	55	60	65	70	75
To	to	to	to	to	to	to	to	to	to	to	to	to	to	to
9	14	19	24	29	34	39	44	49	54	59	64	69	74	>
6	3	15	35	151	474	532	228	69	14	8	4	11	6	5

CHART 1

CLASSIFICATION

Chart 2 lists the values of the classification bins and the total traffic volume accumulated for each bin. Most of the vehicles classified during the study were Passenger Vehicles. The number of Small Cars and Motorcycles in the study was 26 which represents 1.6 percent of the total classified vehicles. The number of Passenger Vehicles in the study was 1502 which represents 92 percent of the total classified vehicles. The number of Busses & Trucks in the study was 99 which represents 6.0 percent of the total classified vehicles. The number of Tractor Trailers in the study was 6 which represents 0.4 percent of the total classified vehicles.

<	8	23	40	100	120	135	140							
To	to	to	to	to	to	to	to							
7	22	39	99	119	134	139	>							
26	1502	99	6	0	0	0	0							

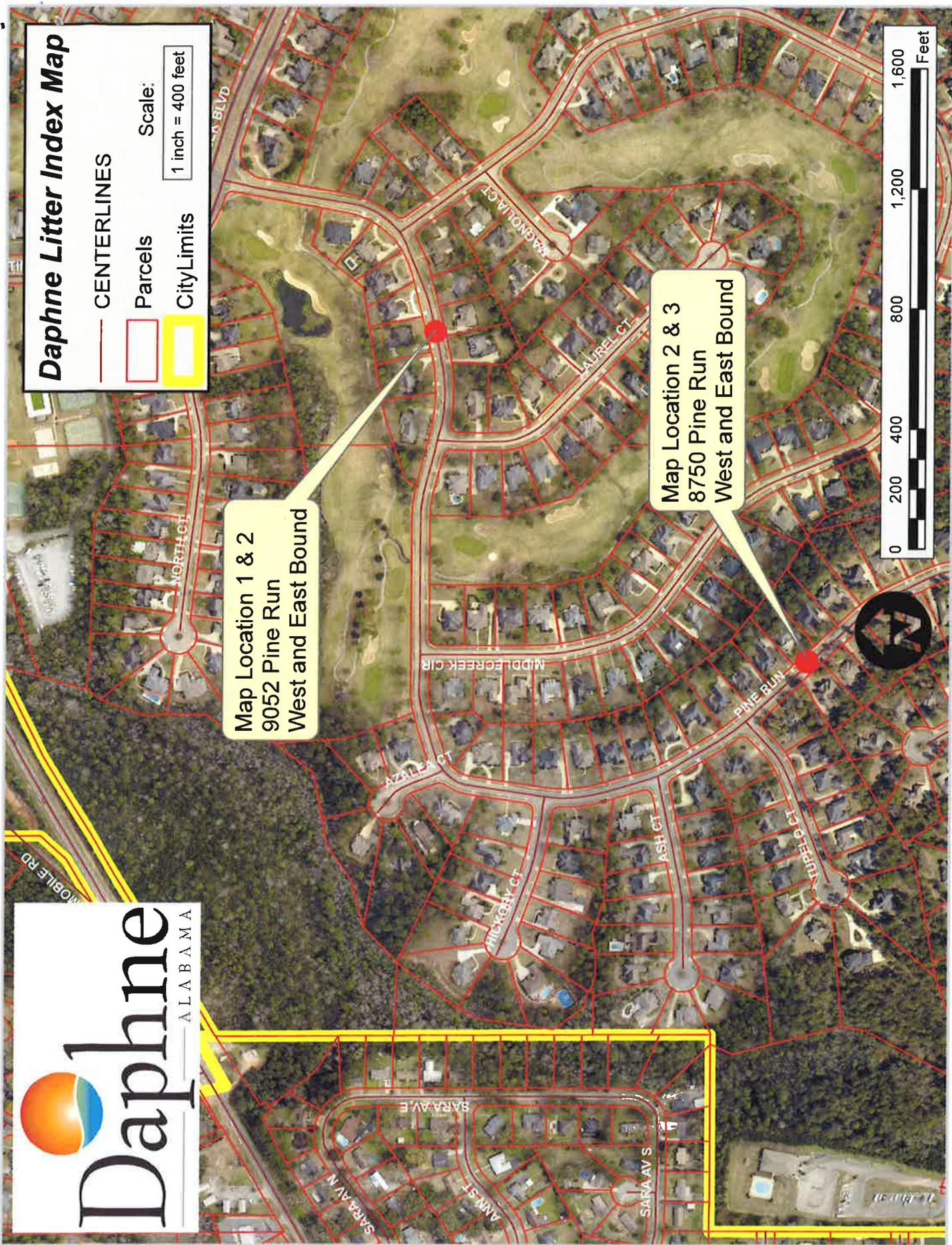
CHART 2

HEADWAY

During the peak traffic period, on 01/07/2015 at [07:30-07:45] the average headway between vehicles was 23.684 seconds. During the slowest traffic period, on 01/06/2015 at [21:00-21:15] the average headway between vehicles was 900 seconds.

WEATHER

The roadway surface temperature over the period of the study varied between 20.2 and 68.7 degrees F.



ORDINANCE COMMITTEE

*Wednesday, January 20, 2015
City Hall Executive Conference Room
1705 Main Street
Daphne, AL
5:30 P.M.*

*Councilman Ron Scott, Chairman
Councilman Randy Fry
Councilman Pat Rudicell
Councilman Robin LeJeune*

- I. CALL TO ORDER/ROLL CALL**
- II. APPROVE MINUTES / December 10, 2014**
- III. PUBLIC PARTICIPATION**
No one spoke.
- IV. ORDINANCE REVIEW/DISCUSSION**
 - a.) Council Rules of Procedure / Ordinance 2014-43
 - 1.) Procedure for Appointing Councilmembers to Committees

After discussion the committee agreed on the following motion

MOTION BY Councilman Fry that Ordinance 2014-43 be amended to reflect that the full council serve on the following committees:

- a.) Buildings & Property Committee
- b.) Public Works Committee
- c.) Finance Committee
- d.) Public Safety Committee
- e.) Code Enforcement/Ordinance Committee

and be included on the February 2, 2015 council meeting agenda.

Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

b.) Authorizing the Mayor to Enter Into Certain Contracts

After discussion the committee made the following motion:

MOTION BY Councilman Fry that the proposed ordinance authorizing the Mayor to enter into contracts not to exceed \$1,500 be on the February 2, 2015 council meeting agenda. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

V. OTHER BUSINESS

The committee discussed the reappointment to the Municipal Judge, Michael Hoyt and the City Prosecutor, James Scroggins, and recommend that these be placed on the February 2, 2015 council meeting agenda.

VI. ANY OTHER BUSINESS DEEMED NECESSARY

VII. NEXT MEETING / February 16, 2015

VIII. ADJOURN

**JANUARY 29, 2013
SPECIAL CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

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

2. ROLL CALL

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

Also present: Jane Ellis, Mayors Assistant; Jay Ross, Attorney; Richard Johnson, Public Works Director; Rick Whitehead, IT.

Absent: Rebecca Hayes, Interim City Clerk.

MOTION BY Councilwoman Haygood to amend the agenda to move Public Participation to item #3 before the interviews. *Seconded by Councilwoman Conaway.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

3. PUBLIC PARTICIPATION

NO ONE SPOKE

4. MUNICIPAL JUDGE INTERVIEWS

Council interviewed as follows:

6:30 P.M. Mr. Patrick Collins
6:55 P.M. Mr. Michael A. Dasinger
7:20 P.M. Mr. Michael J. Hoyt
7:45 P.M. Mr. James H. Sweet

NAME	VOTES	TOTAL
Collins, Patrick	Rudicell	1
Dasinger, Michael A.	Conaway, Lake, Fry, LeJeune, Haygood	5
Hoyt, J.Michael	Conaway, Rudicell, Lake, Scott, Fry, LeJeune, Haygood	7
Sweet, James H.	Scott	1

Mr. Michael. J. Hoyt is the new Municipal Judge.

SERVICE CONTRACT:

DAPHNE CITY PROSECUTOR

This Contract, entered into on this 17th day of October, 2011, by and between the CITY OF DAPHNE, ALABAMA, (hereinafter referred to as "City"), a municipal corporation organized under the laws of the State of Alabama and James Maurice Scroggins, (hereinafter referred to as "Prosecutor").

Whereas, the City is desirous of retaining the services of Prosecutor for the purpose of representing the City in its Municipal Court and in the Baldwin County Circuit and District Courts on appeal; and

Whereas, Prosecutor, by these presents, hereby agrees to use his experience and expertise in representing the City; and

Whereas, the parties hereto desire to more fully set forth the terms of their Agreement.

NOW THEREFORE, THE PREMISES CONSIDERED, THE PARTIES HEREBY AGREE AS FOLLOWS:

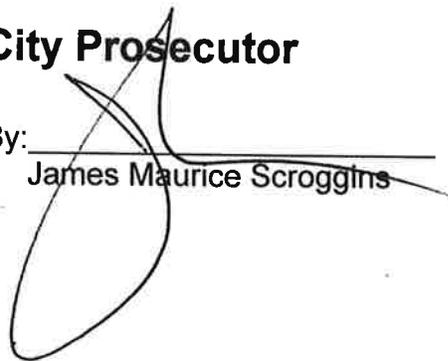
1. The City agrees to retain Prosecutor to perform the functions and duties as City Prosecutor for the year beginning on October 17, 2011 and ending on October 17, 2012, unless sooner terminated as provided hereinafter.
2. **Duties of Prosecutor**- Prosecutor agrees to provide services to the City, including representation of the City of Daphne at all hearings before the Municipal Court of the City of Daphne and any appeals to the Baldwin County Circuit Court or Baldwin County District Court. In addition, Prosecutor agrees to perform other services routinely required of the City Prosecutor and shall, upon request by the Mayor or City Council, report to the City concerning various matters relating to Prosecutor's activities and functions.
3. **Compensation for Services**- The parties hereto agree that the total compensation to be paid by the City to the Prosecutor during the 12 month term of this Agreement is hereby set at the sum of **THIRTY THOUSAND (\$ 30,000.00) DOLLARS** to be paid upon receipt of a monthly itemized statement reporting services provided. Furthermore, an additional sum of \$ 100 per hour, not to exceed **TEN THOUSAND (\$ 10,000.00) DOLLARS**, during the 12 month term of this Agreement shall be paid for representation of the City of Daphne in cases appealed to Baldwin County upon receipt of a monthly itemized statement. All sums requested and paid shall be considered as full and final compensation for all expenses incurred by the Prosecutor in the performance of his duties for each respective month.

4. **Termination of Agreement-** It is agreed and understood by the parties to this Contract that either party may terminate this Contract upon thirty (30) days written notice to the other party. Notice shall be effective upon delivery to the party to be notified. In the event of termination, City agrees to pay to the Prosecutor a portion of one month's compensation which shall be prorated based upon the number of days during the final month of employment which Prosecutor has been employed prior to the effective date of termination.
5. **Indemnification-** City agrees to indemnify, defend, and hold harmless the Prosecutor against any legal action or claim arising out of an alleged act or omission occurring in the performance of the Prosecutor's duties; provided, however, that the Prosecutor shall not be indemnified for any willful, intentional, or malicious conduct by the Prosecutor.
6. **Extension of Contract-** Parties agree that prior to the expiration of this Contract, unless sooner terminated as provided herein above, the City shall re-evaluate the Prosecutor's services and shall arrange a meeting at a mutually agreeable time with the Prosecutor to discuss the extension of this Contract. Any extension negotiated between the City and the Prosecutor, and the terms of such extension shall be agreed upon in writing by the parties hereto.
7. This Contract shall be construed according to the laws of the State of Alabama.
8. If any provision of this Contract is held to be void or unenforceable by a Court of competent jurisdiction, the remaining portions of this Contract shall remain in full force and effect notwithstanding such determination.

IN WITNESS WHEREOF, the parties have hereunto set their hands on this 17th day of October, 2011.

Attest: 
 David L. Cohen, City Clerk

City of Daphne
 By: 
 Fred Small, Mayor

City Prosecutor
 By: 
 James Maurice Scroggins

DAPHNE MUNICIPAL COURT

1502 HIGHWAY 98
DAPHNE, ALABAMA 36526
(251) 621-2824
(251) 621-3192 FAX



HONORABLE MICHAEL J. HOYT, JUDGE

**LEAH FORT, COURT ADMINISTRATOR
NICOLE WING, MAGISTRATE**

January 27, 2015

Hon. Tommie Conaway
Council President
Daphne City Council
Daphne City Hall
Post Office Box 400
Daphne, Alabama 36526

Hon. Pat Rudicell, District 2

Hon. John L. Lake, District 3

Hon. Randy Fry, District 4

Hon. Ron Scott, District 5

Hon. Robin LeJeune, District 6

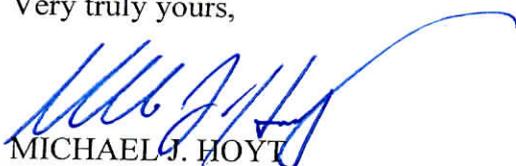
Hon. Joe Davis, III, District 7

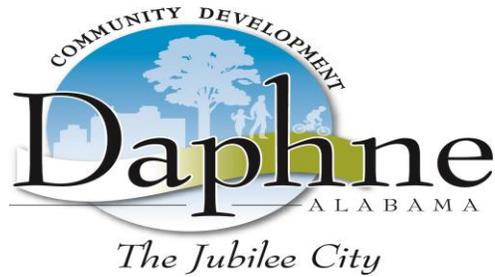
RE: Recommendation for City Prosecutor

Dear Council President Conaway and Members of the City Council:

Please accept this letter as my enthusiastic recommendation for the reappointment of James Maurice Scroggins as City Prosecutor for the City of Daphne.

Very truly yours,


MICHAEL J. HOYT
Municipal Judge



**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT AGENDA
JANUARY 8, 2015 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

1. **CALL TO ORDER - 6:00 p.m.**
2. **CALL OF ROLL - Present W. Robison, L. Cooke, B. Mayhand, P. Durant, F. Lamb**
3. **APPROVAL OF MINUTES - Approved**

October 2, 2014

4. **OLD BUSINESS**
5. **NEW BUSINESS - Approved**

Appeal #2014-10 C. Anne Smith

A request for a Variance to the Daphne Land Use and Development Ordinance has been filed with the City of Daphne Board of Zoning Adjustment. The Variance, if approved, would establish the lot area as fourteen thousand, one hundred and eighty nine square feet, in lieu of the required fifteen thousand square feet. The property is Lot 15 & 16, Block 6, Dryer Subdivision, which is zoned R-2, Medium Density, Single Family Residential.

6. **ADJOURNMENT - 6:08 p.m.**

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
JANUARY 26, 2015
6:00 P.M.**

1. CALL TO ORDER/ROLL CALL

There being a quorum present the chairman called the meeting to order at 6:05 p.m.

MEMBERS PRESENT – Toni Fassbender; Denis Kearney, III; Pokey Miller; Doug Bailey; John Cox; Jeffrey Ramsland, Dan Romanchuk.

Also present – Rebecca Hayes, Recording Secretary; Councilman Joe Davis, Council Liaison; Mayor Haygood; Hieko Einfeld, Executive Director for the Eastern Shore Chamber of Commerce.

2. TREASURERS REPORT

Dan explained the discrepancy from last month's treasurers report.

MOTION BY Doug Bailey to approve the Treasurers Report for November, 2015 with a balance of \$369,916.39 plus receivables of \$19,743.26. *Seconded by John Cox.*
MOTION CARRIED UNANIMOUSLY

3. APPROVE MINUTES / November 24, 2014

MOTION BY Jeffrey Ramsland to approve the November 24, 2014 meeting minutes as written. *Seconded by Doug Bailey.*
MOTION CARRIED UNANIMOUSLY

4. NEW BUSINESS

Opportunities / Joe Davis

Councilman Davis referred members to an article in the Alabama League of Municipalities Journal on Economic Development for municipalities. He said he would get the results of the survey Adrienne Jones took for the Comprehensive Plan. He mentioned the impact of things they are doing and things they want to do that would enhance the city and attract business:

- Right turn lanes for exit 38 onto Highway 181
- The Highway 13 interchange
- Retention from D'Olive Creek

He said the city wants to make the short list of businesses looking in the area and they need to show what Daphne has to offer. He also mentioned how important the Air Show is in making contacts and letting businesses know what Daphne has to offer.

The members agreed with Councilman Davis and supports the Mayor attending the Air Show every year to continue to give Daphne a presence, and let businesses know we are interested in having their business come to the City of Daphne.

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
JANUARY 26, 2015
6:00 P.M.**

5. NEXT MEETING

The next meeting will be February 23, 2015

6. UPDATE BY MAYOR HAYGOOD ON PROPERTY

MOTION BY Jeffrey Ramsland to adjourn into Executive Session to discuss the purchase of real property. *Seconded by Denis Kearney.*

MOTION CARRIED UNANIMOUSLY

The board adjourned into Executive Session at 6:35 p.m.

Submitted by:

Certification of Presiding Officer:

Rebecca Hayes, Secretary

Toni Fassbender, Chairman

Daphne Industrial Development Board
1/26/2015

Month	Wells Fargo #1	Wells Fargo #2	Compass	Total
October Report (10/24)				
Balance 9/30	\$189,122.58	\$174,038.91		
Deposit			\$12,185.34	
Total	\$189,122.58	\$174,038.91	\$12,185.34	\$375,346.83

November Report (11/24)				
Balance 10/31	\$189,127.40			
Credit Troy State		\$14,775.00		
Balance 10/31	\$189,127.40	\$159,263.91	\$9,332.73	\$357,724.04

January Report (1/26/15)				
Balance 11/1	\$189,127.40	\$159,263.91		
Interest	\$2.95			
11/20 Withdraw WF	\$189,130.35	\$159,263.91		
11/20 Deposit			\$348,394.26	
Total in Compass			\$369,912.33	
Less Maintenance Fee			\$18.00	
Balance 12/1/14			\$369,894.33	
Interest			\$51.07	
Checks			-\$26.45	
Bank Costs			-\$2.56	
Balance in Compass 12/15/14			\$369,916.39	
Receivable CHK 38-2485			\$19,743.26	

**The City of Daphne
Planning Commission Minutes
Regular Meeting of December 18, 2014
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

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

Call of Roll:

Members Present:

Don Terry
Larry Chason, Chairman
Tyrone Fenderson, Jr.
Ron Scott, Councilman
Hudson Sandefur
Charles Smith

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Kevin Boucher, Attorney

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

Chairman asked for questions, comments or corrections to the minutes *of the regular meeting of November 20, 2014.*

During Commission discussion, Chairman commented that the Land Use and Development Ordinance should provide for the city and/or county to have the authority to revise a master plan of a development, as well as, a developer.

After discussion, the minutes were approved as submitted.

The next order of business is preliminary plat review for Canaan Place Subdivision, Phase Two.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, of preliminary plat review for Canaan Place, Phase Two, a sixty-lot subdivision consisting of approximately twenty-three point three five acres located northwest of the intersection of County Road 54 and County Road 54 East. He stated three issues the Commission asked the developer to consider is the placement of a buffer adjacent to Lot 12, Canaan Place, Phase One B, to the west of Canaan Place, Phase Two; and on County Road 54 to prohibit lighting from being directed into lots in Avalon Subdivision.

The City of Daphne
Planning Commission Minutes
Regular Meeting of December 18, 2014
Council Chamber, City Hall - 5:00 P.M.

Mr. Pumphrey stated in response, the developer has revised the landscape plan with a ten-foot buffer easement to include various Live Oaks, Crepe Myrtle and Sweet Gum plantings, irrigation, and a six-foot high privacy fence located adjacent to Lot 12, Canaan Place, Phase One B, and along County Road 54.

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

Ms. Marcia Willhite, 11661 County Road 54, spoke for Mr. Kidd and in opposition, and recapped for the Commission the concerns expressed at previous meeting. She reiterated their concerns for estate size lots on County Road 54 and expressed concerns about the maintenance/design of the privacy buffer, and requested a berm on County Road 54 east.

Mr. Chad Dutton, 11491 County Road 54 west, to ask for the addition of a privacy buffer southwest of Canaan Place, Phase Two. Chairman stated that subdivision fencing is required on a case-by-case basis within the development and stated I cannot see how we can require him to change the plan. Ms. Jones commented the Commission required fencing in Chamberlain Trace and St. Augustine Subdivision. Mr. Fenderson asked if it is not a requirement, why is the developer proposing fencing. Chairman stated for distinction and aesthetics.

Chairman asked for Commission questions or comments and closed public participation.

Chairman commented on the fact that the developer is the only entity who can revise the master plan. The Commission should have the authority to revise an approved master plan. Mr. Boucher commented that unlike a subdivision plat, the master plan is not a recorded document of which you are legally bound. Ms. Jones stated the subdivision plat has the master plan note required by Ordinance 2011-54 of the Land Use and Development Ordinance.

Chairman asked for Commission questions or comments and a motion for approval.

A Motion was made by Mr. Terry and Seconded by Mr. Scott to grant approval of the preliminary plat for Canaan Place Subdivision, Phase Two, contingent upon the incorporation of the additional landscaping, irrigation and fencing as shown on the revised landscape plan. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is subdivision exemption review for Veteran's Pointe.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of December 18, 2014
Council Chamber, City Hall - 5:00 P.M.**

An introductory presentation was given by Ms. Jones of a subdivision exemption for public purpose.

Ms. Jones presented a two-lot subdivision consisting of one point four acres located at the corner of U.S. Highway 98 and Santa Rosa Avenue. The purpose of the division of land is for donation of the southern portion to the City of Daphne.

Chairman asked for Commission questions or comments.

A Motion was made by Mr. Scott and Seconded by Mr. Sandefur to grant approval of the subdivision exemption for Veteran's Pointe. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a site plan review for Infiniti Health.

Chairman recused himself from any discussion and passed the gavel to Vice Chairman to conduct the meeting and action on this matter.

An introductory presentation was given by Mr. Jeff Hudson, representative of HRG Design & Build, of a medical facility located southwest of the intersection of Mill Lane and Timber Circle.

Vice Chairman asked for Commission questions or comments.

Mr. Sandefur asked if there are any outstanding issues. Ms. Jones responded none.

Vice Chairman inquired about the width of the sidewalks. Mr. Hudson stated the sidewalk width will be consistent with those to the north and south of existing development. He asked for Commission questions or comments and a motion for approval.

A Motion was made by Mr. Sandefur and Seconded by Mr. Smith to grant site plan approval to Infiniti Health. There was no discussion on the motion. The Motion carried. Five voted in the affirmative with one abstention (Mr. Chason).

Vice Chairman passed gavel to Chairman.

The next order of business is site plan review for the Daphne Utilities Project - Lake Forest.

An introductory presentation was given by Ms. Melinda Immel, representative of Volkert Engineering, of the proposed construction of a sanitary sewer lift station for Daphne Utilities. The lift station will resolve an issue with a gravity sanitary sewer line which serves two hundred lots in Lake Forest Subdivision.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of December 18, 2014
Council Chamber, City Hall - 5:00 P.M.**

Chairman asked for Commission questions or comments.

Mr. Fenderson asked the location of the lift station. Ms. Jones stated the lift station will be constructed on Lot 62, Unit 9, of Lake Forest Subdivision.

Mr. Scott asked if noise will be associated with the lift station. Ms. Immel stated not unless there is a storm event and loss of power will make the generator operational.

Chairman asked for Commission questions or comments and a motion for approval.

A Motion was made by Mr. Terry and Seconded by Mr. Smith to grant Planning Commission approval of a sanitary sewer lift station in an R-3 zoned district and site plan approval to Daphne Utilities Project - Lake Forest. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary/final plat review for Berga-Rigsby Subdivision.

An introductory presentation was given by Mr. David Shumer, representative of Barton & Shumer Engineering, requesting preliminary/final plat review of a three-lot subdivision consisting of approximately forty-eight point seven four acres located northwest of the intersection of County Road 64 and Rigsby Road for the purpose of deeding two of the lots to her children.

Chairman asked for Commission questions or comments.

Mr. Fenderson asked if the lots are residential. Mr. Shumer concurred. Mr. Sandefur asked about the exclusion of the out parcel shown on the plat which contains a residence. Mr. Shumer stated it is a separate metes & bounds, rural agricultural, parcel with an eighteen foot easement for access to Rigsby Road.

Chairman opened the floor to public participation. No one came forth. He closed public participation. He asked for Commission questions or comments and a motion for approval.

A Motion was made by Mr. Scott and Seconded by Mr. Sandefur to grant preliminary/final approval for Berga-Rigsby Subdivision. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is Planning Commission Discussion - PUD.

Ms. Jones presented referenced the Planned Unit Development new zoning district proposal provided to the Commissioners.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of December 18, 2014
Council Chamber, City Hall - 5:00 P.M.**

Ms. Jones outlined the revisions in accordance to the response list as follows: not permitted in the Olde Towne Daphne District, compatibility is not mandatory, preparation of application, checklist and narrative details for enclosure, addition of standards for common area, removal of reference to written agreement and replaced with written statement.

Chairman asked for Commission questions or comments.

Mr. Scott concurred that is should be prohibited in the Olde Towne Daphne District. Chairman commented that we should not be able to limit architectural style. The Ordinance is intended to exempt a PUD from conventional setback, parking and zoning regulations.

Ms. Jones commented that any minor revision shall be approved by staff, and any major revision shall be required to have approval from the Planning Commission.

Mr. Terry asked if this is the final draft the Planning Commission will receive. Ms. Jones stated upon revisions being made, a copy will be provided to Commissioners.

Chairman asked for Commission questions or comments and a recommendation for approval.

A Motion was made by Mr. Scott and Seconded by Mr. Smith for an affirmative recommendation by the Planning Commission to the City Council of Daphne for the proposed revision to Ordinance 2011-54, the Land Use and Development Ordinance, for revisions to the applicable sections for Planned Unit Developments, contingent upon review of a final draft prior to presentation to City Council. The Motion carried unanimously.

The next order of business is public participation.

Chairman asked for public participation. No one came forward. He closed public participation.

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

Mr. Boucher stated Tiawasee Trace POA vs. the City of Daphne Planning Commission & City Council trial set for Thursday, January 8, 2014 in Bay Minette.

The next order of business is commissioner's comments.

None were presented.

The next order of business is director's comments.

The City of Daphne
Planning Commission Minutes
Regular Meeting of December 18, 2014
Council Chamber, City Hall - 5:00 P.M.

Ms. Jones presented the following:

Certified Alabama Planning/Zoning Official classes will be held on January 30 & 31, 2015. The goal is to have all Commissioners certified as Planning/Zoning Officials.

Ms. Jones stated the upcoming meeting dates are site preview, January 14, and regular meeting, January 22, 2014.

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

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: January 22, 2014



Larry Chason, Chairman

**CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JANUARY 22, 2015 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

C. PETITIONS: (UNANIMOUS FAVORABLE RECOMMENDATION, CONTINGENT UPON THE VACATION OF THE FIFTEEN FOOT EASEMENT TO COUNTY ROAD 13, AND PROVIDING FUTURE ACCESS TO PARCEL A TO PUBLIC WORKS ROAD)

1. JUBILEE PROPERTIES, L.L.C.:

(a) PRE-ZONING AMENDMENT: PUBLIC HEARING

File PZA15-01: Jubilee Properties, L.L.C.

Present Zoning(s): RSF-3, Single Family Residential, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

Proposed Zoning(s): B-2, General Business

Location: Northeast of Public Works Road and Rand Avenue

Area: 2.03 Acres ±

Owner: Jubilee Properties, L.L.C. - Spence Monroe

(b) ANNEXATION REVIEW:

File ANX15-01:

Presentation to be given by Mr. Spence Monroe, representing Jubilee Properties, L.L.C., requesting annexation of a two point three acre parcel into the City of Daphne located northeast of Public Works Road and Rand Avenue with B-2, General Business, zoning. The subject property is currently zoned RSF-3, Single Family Residential, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne. Jubilee Properties, L.L.C. (UNANIMOUS FAVORABLE RECOMMENDATION, CONTINGENT UPON THE VACATION OF THE FIFTEEN FOOT EASEMENT TO COUNTY ROAD 13, AND PROVIDING FUTURE ACCESS TO PARCEL A TO PUBLIC WORKS ROAD)

5. PUBLIC PARTICIPATION

6. ATTORNEY'S REPORT: Presented Tiawasee Trace POA vs. the City of Daphne Planning Commission & City Council trial was Thursday, January 8, 2014 in Bay Minette update.

7. COMMISSIONER'S COMMENTS

8. DIRECTOR'S COMMENTS:

a. Certified Alabama Planning/Zoning Official classes will be held on January 30 & 31, 2015

b. Meeting dates: Site preview, February 18, and regular meeting, February 26, 2015

9. ADJOURNMENT

To: Office of the City Clerk
 From: Adrienne D. Jones,
 Director of Community Development
 Subject: Proposed Amendment to Ordinance 2011-54, Land Use and Development Ordinance, Planned Unit Development - New Zoning District Proposal

MEMORANDUM

At the December 18, 2014, regular meeting of the City of Daphne Planning Commission, six members were present. The motion carried for a **unanimous favorable recommendation** of the above-mentioned revision to the Land Use and Development Ordinance.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set the public hearing.

Thank you,
 ADJ/jv

cc: file

attachment(s)

1. Community Development Report to Ordinance Committee

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

**AN ORDINANCE AMENDING THE CITY OF DAPHNE, ALABAMA
LAND USE AND DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE
CITY COUNCIL ON JULY 18, 2011
PLANNED UNIT DEVELOPMENT DISTRICT PROVISIONS**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, the Planning Commission of the City of Daphne, Alabama at its regular meeting held on December 18, 2014, considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same; and,

WHEREAS, the City of Daphne Planning Commission reviewed such changes at its regularly scheduled Commission meeting on the 18th day of December, 2014, and has made a favorable recommendation for adoption to the City Council; and,

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

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

SECTION I: THIS SECTION HEREBY AMENDS ARTICLE 8, DEFINITION OF TERMS, OF THE LAND USE AND DEVELOPMENT ORDINANCE BY ADDING THE FOLLOWING DEFINITIONS:

Planned Unit Development (PUD) zoning district. A zoning district intended to provide an opportunity for a land development process with the greatest flexibility available to the developer, consistent with the provisions of the Land Use & Development ordinance, and the PUD General Plan for the subject property.

Planned Unit Development. Land development guided by a total design plan in which one or more of the zoning or subdivision regulations, may be waived or varied to allow flexibility and creativity in site and building design and location in accordance with general guidelines.

PUD General Plan. The PUD General Plan consists of a narrative description and map(s) upon which the permitted uses, conditional uses, and site development regulations for a planned unit development are established.

PUD Documents. A collection of documents including a narrative description of the PUD General Plan, associated maps, etc. that depict proposed site development, which the City will rely upon to formulate decisions regarding PUD zoning and land development. The PUD documents shall be the zoning control for features depicted graphically on the PUD General Plan map.

Sketch Plan. An informal plan indicating existing features of a tract and its surroundings, including the general layout of a proposed development or subdivision.

Modified Master Plan. A land development scheme authorized by the appropriate body to change the PUD General plan previously approved by the Planning Commission.

Integral Land Use Unit. A community comprised of residential developments of multiple or mixed housing types, including multi-family dwellings, attached and detached single-family dwellings, or office parks or complexes, commercial uses, service centers, or any appropriate combination of uses which may be planned, developed or operated as a PUD.

Detailed Plans. Either a site plan or subdivision plat.

SECTION II: THIS SECTION HEREBY AMENDS ARTICLE 12, ESTABLISHMENT OF DISTRICTS, AND THE TABLE OF CONTENTS OF THE LAND USE AND DEVELOPMENT ORDINANCE AS FOLLOWS:

- A. Article 12, Establishment of Districts, shall be amended to include Section 12-8, Planned Unit Development District.
- B. The Table of Contents shall be amended to include the PUD zoning district and to include Appendix P as the PUD application.

SECTION III: THIS SECTION HEREBY DELETES IN ITS ENTIRETY ARTICLE 30, PLANNED UNIT DEVELOPMENT PROVISIONS, OF THE LAND USE AND DEVELOPMENT ORDINANCE AND REPLACES IT WITH THE FOLLOWING:

ARTICLE 30, PLANNED UNIT DEVELOPMENT DISTRICT PROVISIONS

30-1 General

The Planned Unit Development (PUD) District is designed to permit flexible development of projects which are comprehensively planned as a single development with a functional master development plan which fully considers the entire site as an integrated project and gives broad consideration to impacts and relationships to surrounding areas. The PUD District permits flexibility in locating buildings, mixtures of building types, land uses and open spaces. In permitting such flexibility, the City Council should consider goals in the City comprehensive plan and other broad public benefits demonstrated in a master development plan. Upon recommendation by the Planning

Commission or with sufficient cause, the City Council may attach conditions to a master development plan proposed for a PUD to safeguard the public health, safety, morals and general welfare of the City of Daphne.

In theory, a PUD zoned development, could modify (increase or decrease) the minimum setbacks, lot area and lot width, increase building height, minimum sidewalk and street standards, minimum parking requirements, while providing a more desirable area for open space and amenities for public and private use. Where such flexibility is permitted as established in this section and in the subdivision regulations, PUD project design and construction shall follow a PUD General Plan which shall be prepared in accordance with the development procedure prescribed in this Article. Where PUDs are permitted, regulations adapted to the unified development are intended to accomplish the purposes of zoning and subdivision regulations.

Overall, the City desires PUD zoning to produce development that is superior to development designed under conventional zoning and subdivision regulations.

30-2 Purpose

The purpose of this Article is to provide standards for the Planned Unit Development (PUD) zoning district, and to provide the procedures for PUD review and amendment.

30-3 Authority

The City Council retains the legislative authority to determine the appropriateness of PUD zoning regardless of whether the proposed development plan meets the standards prescribed in this Article.

30-4 Intent

The intent of this zoning district is to provide an opportunity for the best use of land, protection of valuable natural features, provision of larger areas of recreational open space and more economical public services by encouraging unified development of land through the use of creative and flexible land planning concepts. Furthermore, the intents of this Article are as follows:

- a. to promote the efficient use of land to facilitate a more economic arrangement of uses, buildings, traffic circulation systems and utilities;
- b. to encourage the combination and coordination of uses, building forms, building relationships and architectural styles in the PUD design;

- c. to promote the preservation and enhancement of existing natural landscape features, their scenic qualities and amenities to the greatest extent possible and utilize such features in a harmonious fashion;
- d. to provide flexibility to conventional zoning regulations, upon City Council approval of alternate standards. Such standards may include minimum setbacks, minimum yard size, minimum greenbelts, minimum off-street parking regulations and other regulations to achieve the intent described herein; and,
- e. to provide the developer reasonable assurance of approval before commencing final engineering work while providing City officials with reasonable assurance that the development will retain the character envisioned at the time of approval.

30-5 Permitted Uses

Permitted principal uses in a PUD zone district may include the following:

- a. Dwelling units of a permanent nature for ownership or rental.
- b. Public parks and specialized recreation centers. These areas may be counted toward the requirement for useable open space.
- c. Commercial, office, institutional and industrial.
- d. Any other use permitted by the City Council in accordance with Article 35, Table of Permitted Uses may be considered.

30-6 Accessory Uses

Accessory uses permitted in a PUD zone district may include the following:

- a. Home occupations.
- b. Facilities for the use of residents of the PUD development for recreation, children's nursery, kindergarten, laundry or similar services, and any similar facility.
- c. Off-street parking or parking garages.
- d. Any other use may be considered by the City Council where said use is permissible in accordance with Article 35, Table of Permitted Uses.

30-7 General Requirements

The following general requirements shall apply to all PUDs:

- a. The PUD shall be consistent in all respects with the purposes and intents of this Article.
- b. The PUD shall consider the goals of the Comprehensive Plan or portion thereof as may be applicable.
- c. The PUD shall advance the general welfare of and benefit the City and shall minimize to the greatest extent possible adverse impacts upon the surrounding lands.
- d. The PUD shall provide, through desirable arrangement and design, benefits which justify deviations from conventional development standards which would otherwise apply.
- e. The PUD shall encourage connection between uses and adjoining development where applicable and where practical. Connection between mixed use and residential areas is required as a means to provide cohesiveness in the overall development site and transportation network. Cohesiveness shall be provided, for example, through the connectedness of land uses, streets, utilities, pedestrian and bicycle paths, greenways and signage. The design of any planned development should reflect great effort by the developer to plan land uses so as to blend harmoniously, not only within the development site, but with adjacent land uses to ensure compatibility, cohesiveness and connectivity.
- f. The PUD shall promote a sense of community, demonstrate flexibility and consequently more creative and imaginative design to accommodate planned associations of uses developed as integral land use units.
- g. The PUD shall establish the permitted uses, conditional uses and site development regulations for the property in accordance with an approved PUD General Plan.

30-8 Other Applicable Regulations

In addition to applicable local, state and federal regulations, all PUD development shall be in compliance with the following Articles of the Land Use & Development Ordinance unless excepted herein.

- a. Article 10, General Provisions
- b. Article 11, Minimum Standards & Required Improvements for Subdivisions & Commercial Site Developments, except that Sections 11-6 and 11-11(b) may be modified by approved PUD documents.
- c. Article 15, Procedures for Site Plan Review
- d. Article 17, Procedures for Subdivision Review
- e. Article 18, Drainage and Storm Water Management Facilities and Erosion/Sediment Control
- f. Article 34, Schedule of Fees
- g. Article 19, Landscape Standards and Tree Protection and Article 33, Sign Provisions, except, upon request of the developer, the City may consider modifications to Article 19, Landscape Standards and Tree Protection and Article 33, Sign Provisions. Request for said modifications to Article 19 and/or Article 33 shall be submitted with the proposed project PUD zoning application.

30-9 General Provisions

- a. If it is determined that the development is a subdivision according to the laws of Alabama, it shall also be reviewed and approved according to the subdivision process of the City of Daphne as provided in Article 17, Procedures for Subdivision Review.
- b. No minimum land area shall be required for a PUD development. Lots shall be of sufficient size to be used for the purpose intended, provide adequate parking and loading facilities in addition to space required for conduct of other operation of the business, and otherwise comply with the provisions provided herein.
- c. All property shall be contiguous and under single ownership by a person, partnership, corporation, or multiple ownership with participation from all owners with adequate frontage serving as the principal means of access to the property and project design accommodates all infrastructure, including but not limited to drainage, streets, open space, etc.
- d. All open space shall be designated as public, private or common. If not designated, the City shall assume that such open spaces are for common enjoyment of all property owners.

- e. Minimum open space shall be no less than ten (10) percent of the development with permanent useable open space determined by the nature of the development and of the site. Development of open space shall be in accordance with the provisions of Section 11-14 (h) Common Open Space and Recreation Provisions.
- f. The PUD may utilize alternative roadway designs and standards may be allowed upon recommendation by the Public Works Director or designee thereof.
- g. The PUD may permit higher than typical densities of land in areas within the PUD in conjunction with provisions for more expansive functional open space and community services.
- h. The PUD may promote privacy by permitting the use of gates to control access on private streets; this is subject to approval by the City as part of the PUD and subdivision review process.
- i. All buildings and/or structures shall observe the minimum separation as allowed by the Fire Code. Lots or building envelopes with a zero (0) side building line must face a minimum five (5) foot wide maintenance easement upon the neighboring lot or building envelope for maintenance purposes.
- j. Design shall adequately address and plan for environmental protection, preservation and enhancement relating to water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, air quality, waterways, topography, and the natural character of the land, as well as areas, structures or sites that are of architectural, historical, archaeological, or cultural significance.
- k. Landscape design should be superior to that which is typically required by the minimum landscaping provisions of the City.
- l. The open space between buildings shall be so designed as to provide adequate privacy, safety and aesthetic value.
- m. All structures shall be accessible to service and emergency vehicles.
- n. Private and public streets shall comply with the intent of the PUD and shall be designed as approved by the City.
- o. On-street parking may be permitted along easements or streets adequate in size and internal to the project, but not along peripheral streets or major thoroughfares that serve other uses.

- p. The outside perimeter building line setback is recommended to be no less than forty (40) feet except that the required setback may be increased or decreased by Council where deemed appropriate. An increased setback may be required to mitigate the impact of the proposed development on abutting land(s). Furthermore, a reduced setback may be permitted where the proposed use is considered compatible, consistent and otherwise harmonious with the abutting land.

30-10 Large-Scale PUDs

Certain projects may call for additional requirements due to its location, size or combination thereof. In these instances, it shall be necessary to mitigate the anticipated impact of the large-scale planned unit development project. In no event shall a PUD three hundred (300) acres or less be deemed a Large-Scale PUD except where such designation is requested by the developer. It is the intent that projects three hundred acres or greater may be deemed a Large-Scale PUD; however, said determination shall not only take into consideration the site location and size but also the character, phasing, development time frame (example: 5 years, 10 years, 20 years), and/or number of developers.

For a project deemed large-scale, the following requirements shall be considered in addition to other applicable aforementioned requirements.

- a. In under-served areas, the Large-Scale PUD may be required to provide for public facilities and services that are adequate to support the proposed development. This may include fire, police, emergency service and/or school facilities.
- b. When necessary to mitigate adverse cumulative transportation impacts, the PUD design shall provide for appropriate transportation, appropriate connections to areas adjacent to the Large-Scale PUD as well as sidewalks, trails, and roadways.

30-11 PUD Review Process

- a. PUD Sketch Plan

Whenever a PUD is proposed the PUD developer or authorized agents thereof shall schedule a pre-application meeting with the Department of Community Development Director prior to submitting an application. The intent of the meeting is to discuss the scope and intent of the overall concept. No fee shall be charged for this review and no

formal application shall be required, however sufficient information including but not limited to a sketch plan that illustrates existing site conditions and conditions of its surroundings and the proposed PUD layout and potential development.

Fees shall be as required for each respective application (i.e., rezoning, site plan, preliminary plat, final plat, etc.) in accordance with Article 34, Fees.

b. Zoning Application

Any application for PUD zoning shall be considered either rezoning for land inside the corporate City limits or pre-zoning for land outside of the corporate limits. Zoning for a PUD district shall follow procedures as described in Article 22, Zoning Amendment. Established application procedures and public notice shall be adhered thereto. Said zoning application shall be supplemented by a PUD General Plan and associated PUD Documents. Public hearings for zoning may be held at the same time as associated preliminary plat public hearings when appropriate. Any subdivision review shall be in accordance with Article 17, Procedures for Subdivision Review.

1. Zoning Expiration & Reversion

Not more than three years after the effective date of the ordinance by which the PUD zoning classification was enacted, the developer must submit to the Planning Commission a Detailed Development Plan (site plan or preliminary plat) for the entire site or a portion thereof. Failure to submit said Plan(s) to the Planning Commission three years after the effective date of the ordinance shall automatically cause the expiration of the PUD General Plan.

Thereafter, the Community Development director or designee may request the City Council initiate rezoning of the property in accordance with Section 22-2, Reversionary Clause. Council action shall make void the PUD zoning and all related plans shall be automatically nullified. Said property shall revert to the prior zoning district or most similar zoning in effect at the time of reversion.

2. PUD Documents

The developer shall submit a document in a form acceptable to the City on behalf of the owner, their successors and assigns that will specify the following: proposed standards of each land use in the PUD including but not limited to minimum setbacks, lot area and width; maximum percentage of building coverage; minimum parking regulations; minimum buffer requirements; maximum building height; maximum density; maximum floor to area ratio; and other site development regulations that may be required by the City in determining appropriateness of the proposed PUD.

3. Violation of PUD General Plan

Any deviation from the PUD General Plan which is not approved in accordance with this article shall constitute a violation of the ordinance establishing that Planned Unit Development District and will cause the developer to be subject to procedures and penalties set forth in Section 45-7, Penalties and Remedies.

4. Phasing & Time Limits

For any PUD to be constructed in multiple phases, the construction of the first phase must begin no more than three years from the date of the approval of the PUD zoning and PUD General Plan by the City Council. Failure to begin shall result in zoning expiration and reversion as described herein above.

c. PUD Detailed Development Plan(s)

After receiving PUD zoning designation, the developer may submit a Master Plan and Detailed Development Plans for construction to the Planning Commission.

Master Plan review for a multi-phased PUD should occur prior to the approval of Detailed Development Plans. The Master Plan shall be of sufficient detail to show proposed street and site layout, maximum density (gross and net), stormwater management ponds, and common areas.

The purpose of the Master Plan review is to ensure that each phase of the PUD is consistent with the approved General Plan, intents, general requirements and general provisions of this Article. Each Detailed Development Plan submittal shall be in accordance with the approved PUD General Plan, approved Master Plan and processed in accordance with Article 15, Site Plan Review or Article 17, Subdivision Review as applicable.

Where the developer seeks to change or modify an approved master plan, a modified PUD master plan shall be submitted to the Planning Commission for review. Upon approval of said modified PUD master plan, the developer shall then submit Detailed Development Plans for approval.

Once Detailed Development Plans have been approved by the Planning Commission, minor changes may be approved administratively; however, major changes shall be considered for approval by the Planning Commission.

1. Amendments to Plan(s)

Modifications are permissible where in conformity with the PUD General Plan. Lack of conformity shall not be permitted. Non-conforming

modifications shall not be acted upon until the City Council has granted approval of said changes in the zoning amendment process.

2. Final Detailed Plan(s)

Upon receiving final approval of PUD Detailed Development Plan(s) from the Planning Commission said plan(s) shall be recorded by the developer in the Office of the Judge of Probate in Baldwin County.

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

SECTION IV: CONFLICT WITH OTHER ORDINANCES

That any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this ordinance, be and is hereby replaced to the extent of such conflict.

SECTION V: SEVERABILITY

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

SECTION VI: EFFECTIVE DATE

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

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

Dane Haygood, Mayor

Attest:

Rebecca A. Hayes, City Clerk

1/21/15
ck 4920
50.00 → for council

EL Mexicano
Restaurant #2778

CASE NO. 2015-1

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV.	<u>1-20-15</u>	(initial) <u>ca</u>
DATE FORWARDED TO POLICE DEPT.	<u>1-20-15</u>	<u>aa</u>
DATE RECEIVED BY POLICE DEPT.	<u>1-20-15</u>	<u>JH</u>
DATE: APPROVED <input checked="" type="checkbox"/>	DISAPPROVED <input type="checkbox"/>	
POLICE DEPT SIGNATURE	<u>[Signature]</u>	
DATE RETURNED TO REVENUE DIV.	<u>1-20-15</u>	<u>JH</u>
DATE FORWARDED TO CITY CLERK	<u>1-21-15</u>	<u>RH</u>
DATE RECEIVED BY CITY CLERK	<u>1-21-15</u>	<u>RH</u>
SCHEDULED DATE ON AGENDA	<u>2-02-15</u>	<u>RH</u>

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER _____
OR TO ABC FIELD OFFICE _____ (per taxpayer request)

Please fax back to Revenue at
251-~~621~~621-6904.

Thank you!



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20150116095654059

Type License: 020 - RESTAURANT RETAIL LIQUOR **State:** \$300.00 **County:** \$400.00

Type License: **State:** **County:**

Trade Name: EL MEXICANO OF DAPHNE **Filing Fee:** \$50.00

Applicant: EL MEXICANO OF DAPHNE INC **Transfer Fee:**

Location Address: 1410 US HWY 98 ; UNIT J DAPHNE, AL 36526

Mailing Address: 1410 US HWY 98 ; UNIT J DAPHNE, AL 36526

County: BALDWIN **Tobacco sales:** NO **Tobacco Vending Machines:**

Type Ownership: CORPORATION

Book, Page, or Document info: INST 1491875

Date Incorporated: 12/29/2014 **State incorporated:** AL **County Incorporated:** BALDWIN

Date of Authority: 12/29/2014 **Alabama State Sales Tax ID:** R009056253

Name: **Title:** **Date and Place of Birth:** **Residence Address:**

MARICELA AVALOS 7411394 - AL	SECRETARY	06/01/1972 MEXICO	9860 BELLATON AVE DAPHNE, AL 36526
ELISEO AVALOS 7014906 - AL	PRESIDENT	10/12/1972 MEXICO	9860 BELLATON AVE DAPHNE, AL 36526

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: ELISEO AVALOS

Business Phone: 251-621-4553

Fax:

Home Phone: 251-621-2455

Cell Phone: 251-377-0275

E-mail: AVALOS41@YAHOO.COM

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

February 2 2015 Council Meeting

Previous License Number(s)

License 1:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20150116095654059

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **COLONIAL LLC 251-591-4486**
 What is lessors primary business? **REAL ESTATE**
 Is lessor involved in any way with the alcoholic beverage business? **NO**
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**
 Is the business used to habitually and principally provide food to the public? **YES**
 Does the establishment have restroom facilities? **YES**
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
 Building Dimensions Square Footage: **1500** Display Square Footage:
 Building seating capacity: **40** Does Licensed premises include a patio area? **NO**
 License Structure: **ONE STORY** License covers: **OTHER**
 Number of licenses in the vicinity: **5** Nearest: **.5**
 Nearest school: **2 miles** Nearest church: **3 miles** Nearest residence: **1 miles**
 Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20150116095654059



Initial each

Signature page

E.A

In reference to law violations, I attest to the truthfulness of the responses given within the application.

E.A

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

E.A

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

E.A

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

E.A

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

E.A

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

E.A

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

E.A

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 23, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

E.A

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print):

ELISEO AVALOS

Signature of Applicant:

Eliseo Avalos

Notary Name (print):

MARY A. ADKINS

Notary Signature:

Mary A. Adkins

Commission expires: 03/20/2018

Application Taken: 01/16/2015 App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD**



ALCOHOL LICENSE APPLICATION

Confirmation Number: 20150116095654059

Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

License Covers: PORTION OF SHOPPING CENTER

Receipt Confirmation Page

Receipt Confirmation Number: **20150116095654059**
Application Payment Confirmation Number: 13786284

Payment Summary	
Payment Item	Fee
Application Fee for License 020	\$50.00
Total Amount to be Charged	\$50.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
020 - RESTAURANT RETAIL LIQUOR	\$400.00	\$300.00	\$700.00
			\$0.00
Total Amount to be Charged	\$400.00	\$300.00	\$700.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 020 - RESTAURANT RETAIL LIQUOR
License Type 2:
License County: BALDWIN
Business Type: CORPORATION
Trade Name: **EL MEXICANO OF DAPHNE**
Applicant Name: **EL MEXICANO OF DAPHNE INC**
Location Address: 1410 US HWY 98 ; UNIT J
DAPHNE, AL 36526

Mailing Address: 1410 US HWY 98 ; UNIT J
DAPHNE, AL 36526

Contact Person: ELISEO AVALOS
Contact Home Phone: 251-621-2455
Contact Business Phone: 251-621-4553
Contact Fax:
Contact Cell Phone: 251-377-0275
Contact Email Address:
Contact Web Address:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2015-03**

**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 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.
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.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2015-04**

**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 Hayes,
City Clerk

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.

ORDINANCE 2015-05

GRANT MANAGEMENT FOR THE TIAWASEE CREEK COASTAL IMPACT ASSISTANCE PROGRAM (CIAP) AND NATIONAL FISH AND WILDLIFE FOUNDATION (NFWF) GRANT TIAWASEE CREEK RESTORATION

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 City with large grants (\$500,000.00+) has always sought out grant management assistance to ensure compliance with all federal, state and local grant requirements; and

WHEREAS, the City's attorney and finance department recommends that a grant manager be hired to manage the Tiawasee Creek Restoration project; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2015 Budget is hereby amended to include a General Fund appropriation in the amount of \$25,000.00 for the procurement of a grant manger to assist with its CIAP-NFWF grant project and the Mayor is hereby authorized to execute all agreements required for the completion of these projects.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 20TH DAY OF JANUARY, 2015.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

ORDINANCE 2015-06

APPROPRIATING FUNDS FOR RECONSTRUCTION OF FLUMES, DITCHES&INLETS ALONG COUNTY ROAD 13

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 City of Daphne received 16.5 inches of rainfall for the period of April 29-30, 2014; and

WHEREAS, as a result of such heavy rains, the flumes, ditches and inlets along CR13 sustained severe damage; and

WHEREAS, the City of Daphne did receive and review bids for the repair of the Reconstruction of Flumes, Ditches & Inlets along County Road 13 and has determined that the bid as presented is reasonable (*Construction- \$313,356 + CE&I & Material Testing -\$59,538 = \$372,894 Total project cost*); and

WHEREAS, FEMA grant monies are available for 75% of the project cost (\$279,670) for the Reconstruction of Flumes, Ditches & Inlets along County Road 13; and

WHEREAS, the State of Alabama EMA monies are available for 12.5% of the project cost (\$46,612) for the repair of the Reconstruction of Flumes, Ditches & Inlets along County Road 13; and

NOW, THEREFORE, BE IT ORDAINED, that:

1. The City Council of the City of Daphne deems this project is key to the recovery efforts associated with this rain event and the repair of this public infrastructure is necessary to preserve the health, safety, and convenience of the public.
2. This project is a qualifying FEMA and State EMA PA, Cat D project at a guaranteed 87.5 percent reimbursement (\$326,282).
3. Ordinance 2014-24 appropriated \$14,250 for engineering on this project.
4. *Fiscal Year 2015 Budget is hereby amended to include an appropriation in the amount of \$32,362 from the General Fund for the repair of the Reconstruction of Flumes, Ditches & Inlets along County Road 13 cost not reimbursed by FEMA and the State EMA.*
5. The Mayor is hereby authorized to make application with FEMA and the State of Alabama EMA for the reimbursement of such funds and to sign and execute all documents associated with the described projects.

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

Dane Haygood, Mayor

Attest:

Rebecca A. Hayes, City Clerk

ORDINANCE 2015-07

Appropriating Funds for Piedmont Circle Drainage Repairs

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 City of Daphne received 16.5" of rainfall for the period of April 29-30, 2014; and

WHEREAS, as a result of such heavy rains, Piedmont Circle Drainage sustained severe damage; and

WHEREAS, the City of Daphne did receive and review bids for the repair of the Piedmont Circle Drainage Repairs and has determined that the bid as presented is reasonable (*Construction- \$57,671 + CE&I & Material Testing -\$27,076 = \$84,747 Total project cost*); and

WHEREAS, the City provided some in-kind services, NRCS monies are available for 75% of a portion of the Engineering Fees(\$10,252) , and FEMA (75%) and EMA (12.5%) grant monies are available for the remainder of the project cost (\$62,193) for the Piedmont Circle Drainage Repairs.

NOW, THEREFORE, BE IT ORDAINED, that:

1. The City Council of the City of Daphne deems this project is key to the recovery efforts associated with this rain event and the repair of this public infrastructure is necessary to preserve the health, safety, and convenience of the public.
2. This project is a qualifying partial NRCS and FEMA and State EMA PA, Cat D project at a guaranteed 87.5 percent reimbursement (\$72,445).
3. Ordinance #2014-24 appropriated \$7,875 for engineering on this project.
4. ***Fiscal Year 2015 Budget is hereby amended to include an appropriation in the amount of \$4,427 from the General Fund for the repair of the Piedmont Circle Drainage Repairs cost not reimbursed by FEMA and the State EMA.***
5. The Mayor is hereby authorized to make application with FEMA and the State of Alabama EMA for the reimbursement of such funds and to sign and execute all documents associated with the described projects.

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

Dane Haygood, Mayor

Attest:

Rebecca A. Hayes, City Clerk

ORDINANCE 2015-08

**Appropriating Funds for Rolling Hills Drive (South) Grade, Drain, Base & Pave
(Project #04-2014-RE06)**

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 City of Daphne received 16.5" of rainfall for the period of April 29-30, 2014; and

WHEREAS, as a result of such heavy rains, Rolling Hills Drive (South) sustained severe damage; and

WHEREAS, the City of Daphne did receive and review bids for the repair of the Rolling Hills Drive(South) Grade, Drain, Base & Pave project and has determined that the bid as presented is reasonable (*Construction- \$578,798 + CE&I & Material Testing -\$112,843 = \$691,641 Total project cost*); and

WHEREAS, FEMA and State of Alabama EMA grant monies are available for Category D (*Drainage*) of the project cost (\$192,705) for the Rolling Hills Drive(South) Grade, Drain, Base & Pave project; and

NOW, THEREFORE, BE IT ORDAINED, that:

1. The City Council of the City of Daphne deems this project is key to the recovery efforts associated with this rain event and the repair of this public infrastructure is necessary to preserve the health, safety, and convenience of the public.
2. This project is a qualifying FEMA and State EMA PA, for the Category D portion of the project (\$192,705).
3. Ordinance #2014-24 appropriated \$48,438 for engineering on this project.
4. ***Fiscal Year 2015 Budget is hereby amended to include an appropriation in the amount of \$450,498 from the General Fund for the repair of the Rolling Hills Drive (South) Grade, Drain, Base & Pave project cost not reimbursed by FEMA and the State EMA.***
5. The Mayor is hereby authorized to make application with FEMA and the State of Alabama EMA for the reimbursement of such funds and to sign and execute all documents associated with the described projects.

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

Attest:

Dane Haygood, Mayor

Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE
ORDINANCE NO. 2015-09**

**AN ORDINANCE TO TRANSITION THE POSITION OF TREASURER TO THE
FINANCE DIRECTOR**

WHEREAS, there exist certain overlapping duties and functions between the Office of the Treasurer and the Finance Director; and

WHEREAS, the position of Finance Director is currently vacant; and

WHEREAS, the Office of the Treasurer is currently filled by the senior accountant who has performed admirably to service the needs of the City; and

WHEREAS, the current Treasurer has agreed to voluntarily resign from the position of Treasurer to be effective upon the commencement date of the new Finance Director; and

WHEREAS, the position of Treasurer has heretofore been uncompensated; and

WHEREAS, City Council of the City of Daphne, after due consideration believes the duties and liabilities of the Office of the Treasurer demand that the position of Treasurer be compensated; said funding will enable the Treasurer of the City to confidently serve the City;

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

SECTION I: GENERAL PROVISIONS

A. Treasurer's Salary

The position of Treasurer of the City of Daphne as shall be compensated in the amount of \$12,000 per year for serving as Treasurer. Treasurer compensation shall be paid in the same manner and method of any other City employee as determined by the policies and procedures of the City of Daphne.

B. Current Treasurer

The current appointed Treasurer has tendered her resignation as Treasurer of the City of Daphne effective upon the start date of the Finance Director. Outgoing Treasurer shall remain as the Senior Accountant with the City of Daphne and shall be awarded a one-step pay raise effective as of the date of the authorization of this Ordinance.

C. Proposed Treasurer

The City Council hereby authorizes the Mayor to fill the Finance Director position at a salary level not to exceed Grade 36 Step 16. The City Council hereby appoints the new Finance Director of the City of Daphne as Treasurer effective upon the start date of employment as Finance Director. The Finance Director shall serve as Treasurer as long as the Financial Director is employed with the City of Daphne as the Finance Director.

SECTION II: REPEALER

That any Ordinance, or parts thereof, heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance be and is hereby repealed to the extent of such conflict.

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE.

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 20TH DAY OF JANUARY, 2015.

Attest:

Dane Haygood, Mayor

Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE
ORDINANCE NO. 2015-10**

**AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER
INTO CERTAIN CONTRACTS**

WHEREAS, pursuant to Alabama law, the City Council of the City of Daphne has the statutory authority over all expenditures of City funds; and

WHEREAS, the City Council of the City of Daphne has the sole authority to enter into contracts for the benefit of the City; and

WHEREAS, the City Council desires to delegate part of its authority to the Mayor of the City of Daphne to facilitate the day-to-day operations of the City and that authorizing the Mayor with the authority to enter into certain contracts not exceeding certain dollar amounts is in the best interest of the City;

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

SECTION 1: AUTHORITY

The Mayor is hereby authorized to execute contracts that bind the City of Daphne, and do not exceed FIFTEEN THOUSAND and 00/100 DOLLARS (\$15,000), as long as the purpose of the contract has been funded or budgeted by the City Council.

The Mayor is only authorized to fill employment positions that have been funded in the annual budget by the City Council.

The Mayor is hereby authorized to sign and execute all documents associated with the purchase of the capital equipment as long as the cost for such type of item is found in the annual budget or otherwise funded by the City Council.

It is also understood that the Mayor always has been and continues to be, authorized to execute contracts that have been competitively bid and awarded by the City Council.

This authority is subject to all laws and regulations of the State of Alabama including but not limited to the competitive bid law.

SECTION 2: REPEALER

Those other ordinances, parts of other ordinances, or resolutions conflicting with the provisions of this Ordinance are hereby repealed, insofar as they conflict.

SECTION 3: SEVERABILITY

That the provisions of this Ordinance are severable. If any section, subsection, clause, provision or part of this Ordinance shall be held to be invalid or unconstitutional in a court of

competent jurisdiction, such decision shall not affect or impair the remainder of this Ordinance, it being the legislative intent to ordain each provision, section, paragraph, sentence and part thereof separately and independently of each other.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect and shall be in force after approval by the City Council of the City of Daphne, Alabama and upon publication as provided by law.

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

DANE HAYGOOD
MAYOR

ATTEST:

REBECCA A. HAYES, CITY CLERK

**CITY OF DAPHNE
ORDINANCE NO. 2015-11**

AN ORDINANCE TO AMEND ORDINANCE NO. 2014-43

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the Rules of Procedure for the City Council of Daphne are necessary for the proper administration of said Ordinance; and

WHEREAS, said revisions to Ordinance 2014-43 will enable the City to more easily enforce the Ordinance in order to benefit the health, safety, and welfare of its citizens;

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

SECTION I: GENERAL PROVISIONS

That Section XIV(B) of Ordinance 2014-43, be and is hereby deleted in its entirety and is replaced as follows:

Each Council Member shall be a member of the following committees: Public Safety, Public Works, Finance, Code Enforcement/Ordinance, and Buildings and Property. Each of these committees shall consist of the seven members of the City Council. Should a member leave the office of City Councilperson, they will also forfeit membership on the aforementioned committees. Once said vacancy is filled, the replacement will become a member of each of the aforesaid committees upon taking the office of City Councilperson.

SECTION II: REPEALER

That any Ordinance, or parts thereof, heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance be and is hereby repealed to the extent of such conflict.

SECTION III: SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction,

such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION IV: EFFECTIVE DATE.

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

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

**TOMMIE CONAWAY,
CITY COUNCIL PRESIDENT**

**DANE HAYGOOD,
MAYOR**

ATTEST:

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