

**CITY OF DAPHNE
CITY COUNCIL MEETING AGENDA
1705 MAIN STREET, DAPHNE, ALABAMA
MARCH 16, 2015
6:30 P.M.**

1. CALL TO ORDER

2. ROLL CALL

INVOCATION / Bay Community Church

PLEDGE OF ALLEGIANCE

- 3. APPROVE MINUTES:** Council Meeting Minutes / March 2, 2015
Council Work Session Minutes / March 9, 2015

PUBLIC HEARINGS:

- 1.) Pre-Zone: Jubilee Properties
Location: Northeast of Public Works Road and Rand Avenue
Present Zoning: RSF-3, Single Family Residential District, Baldwin County District 15
Requested Zoning: B-2, General Business District, City of Daphne
Recommendation: Favorable, contingent upon the vacation of the fifteen-foot easement to County Road 13, and providing future access from Parcel A to Public Works Road / **Ordinance 2015-15**
- 2.) Annexation: Jubilee Properties
Location: Northeast of Public Works Road and Rand Avenue
Recommendation: Favorable, contingent upon the vacation of the fifteen-foot easement to County Road 13, and providing future access from Parcel A to Public Works Road / **Ordinance 2015-16**
- 3.) Amendment to the Land Use and Development Ordinance 2011-54 / New Zoning District / Planned Unit Development

Recommendation : Unanimous favorable / **Ordinance 2015-17**

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Fry

Review minutes March 9th

1. Ordinances:

- a.) Appropriating Funds: Donette Loop Properties Drainage Repairs / Additional Appropriation
Ordinance 2015-18
- b.) Appropriation of Funds: Fire Station #3 Renovations / **Ordinance 2015-19**
- c.) Appropriation of Funds: NRCS Projects: Emergency Watershed Protection for: Old Pump Station – LF / Judicial Center / Wacky Shrimp / Palmetto-Creekside / Maizie Gulch-West of Main Street / Canterbury Subdivision / **Ordinance 2015-20**
- d.) City Hall Maintenance Appropriation of Funds: City Hall Back Door Card Reader Installation / **Ordinance 2015-21**
- e.) Appropriation of Funds: Design Engineering for Tallent Lane Facility Landfill C&D ADEM

Permit / **Ordinance 2015-22**

2. Resolutions:

- a.) Pre-Paid Travel / Adrienne Jones, Planning Director / 2015 American Planning Assoc. National Planning conference / April 18-22, 2015 / Seattle, Washington / \$306 / **Resolution 2015-17**
- b.) Bid Award: Donette Loop Drainage / Sunset Contracting / **Resolution 2015-18**
- c.) Bid Award: Renovation / Fire Station #3 / Eric Lazzari Construction / **Resolution 2015-19**
- d.) Extension of Disaster Debris Bid Contract through pending new bid award / **Resolution 2015-20**

3. Motions:

- a. To release remaining funds appropriated in FY2014 through Ordinance 2014-13 for Fire Station #3 in order to appropriate funds in FY2015 to cover total project cost
- b.) To recommend to drop the Boardwalk coverage, maintain the light pole coverage, and acquire a mechanical breakdown policy for city property locations, and the savings from cancelling the Boardwalk coverage covering the cost of the new policy (\$5,532)

4. Financial Reports:

- ❖ Treasurer's Report / January 2015
- ❖ Sales & Use Tax Collections / January 2015
- ❖ Lodging Tax Collections / January 2015

B. BUILDINGS & PROPERTY COMMITTEE - Davis

Review minutes / March 2nd

- a.) Declaring Certain Personal Property Surplus / 1996 Ford 150 / 2004 Ford Crown Vic / 2003 Crown Vic / **Resolution 2015-14**
- b.) Declaring Certain Property Surplus & Authorize Disposition for Donation / Police Radio Equipment / Washington County and Baldwin County Board of Education/Trade School / **Resolution 2015-15**

C. PUBLIC SAFETY - Rudicell

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune

MOTION: To move forward with the hiring of Steven Henning as the Public Works Environmental Programs GIS Intern at a rate of \$15.00/hr.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway
The Authority needs one member

C. INDUSTRIAL DEVELOPMENT BOARD – Davis

D. LIBRARY BOARD - Lake
Review minutes / February 12th

Review January Stats

MOTION: To appoint Katherine G. Alsip to the Library Board / Term ending September 30, 2017

MOTION: To re-appoint Jim Morris / Term ending September 30, 2018 and Windrela Longmire / Term ending September 30, 2019 to the Library Board

E. PLANNING COMMISSION – Scott

F. RECREATION BOARD – LeJeune

G. UTILITY BOARD – Fry

6. MAYOR’S REPORT

7. CITY ATTORNEY’S REPORT

MOTION: To authorize the Mayor to enter into a lease agreement with the Lake Forest Property Owner’s Association for the “Back Nine” Golf Course

8. DEPARTMENT HEAD’S REPORT

9. CITY CLERK’S REPORT

a.) ABC License / Bayside Academy / Annual Fundraiser / 240 Non-Profit Tax Exempt

b.) ABC License / Southern Napa / 140 – Special Events Retail

10. PUBLIC PARTICIPATION

11. RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

a.) **Resolution 2015-14.**Declaring Certain Property Surplus & Authorize Disposition

b.) **Resolution 2015-15.**Declaring Certain Property Surplus & Authorize Donation to Washington County & Baldwin County Board Of Education / Trade School

c.) **Resolution 2015-16.**Support for a Baldwin County Recycling Cooperative

- d.) **Resolution 2015-17**.....Pre-Paid Travel / Adrienne Jones, Planning Director
2015 American Planning Assoc. National Planning
Conference / April 18-22, 2015 / Seattle, WA / \$306
- e.) **Resolution 2015-18**.....Bid Award: Donette Loop Drainage / Sunset Contracting
- f.) **Resolution 2015-19**.....Bid Award: Renovations to Fire Station #3 / Eric Lazarri Const.
- g.) **Resolution 2015-20**.....Contract Extension / Disaster Debris Removal & Disposal Services

ORDINANCES:

1ST READ

- a.) **Ordinance 2015-15**.....Pre-Zone Property Located on the Northeast of Public Works
Road and Rand Avenue / Jubilee Properties / From RSF-3,
Single Family Residential District, Baldwin County District 15
to B-2, General Business District, City of Daphne
- b.) **Ordinance 2015-16**.....Annexation: Property Located on the Northeast of Public
Works Road and Rand Avenue //Jubilee Properties
- c.) **Ordinance 2015-17**..... Amend the Land Use and Development Ordinance 2011-54
New Zoning District / Planned Unit Development
- d.) **Ordinance 2015-18**.....Appropriating Funds: Donette Loop Properties Drainage
Repair / Additional Appropriation
- e.) **Ordinance 2015-19**.....Appropriation of Funds: Fire Station #3 Renovations
- f.) **Ordinance 2015-20**.....Appropriation of Funds: Emergency Watershed Protection for:
Old Pump Station –LF / Judicial Center / Wacky Shrimp /
Palmetto-Creekside / Maizie Gulch-West Main Street /
Canterbury Subdivision
- g.) **Ordinance 2015-21**.....City Hall Building Maintenance Appropriation: City Hall Back
Door Card Reader Installation
- h.) **Ordinance 2015-22**.....Appropriation of Funds: Design Engineering for Tallent Lane
Facility Landfill C&D ADEM Permit

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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**MARCH 2, 2015
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

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

2. ROLL CALL

COUNCIL MEMBERS PRESENT:

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

ABSENT: Pat Rudicell.

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Sarah Toulson, Assistant City Clerk; Kevin Boucher, City Attorney; Richard Merchant, Building Official; James White, Fire Chief; Margaret Thigpen, Civic Center Director; Vickie Hinman, HR Director; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Adrienne Jones, Planning Director; David Carpenter, Police Chief; Tonja Young, Library Director; Suzanne Henson, Senior Accountant/Treasurer; Dorothy Morrison, DRA and Beautification Committee; Larry Cooke, BZA; Don Ouellette, Environmental Advisory Committee; Toni Fassbender, IDB; Jeffrey Ramsland, IDB; Pokey Miller, IDB; Denis Kearney, IDB.

Absent: Jay Ross, City Attorney

INVOCATION/PLEDGE OF ALLEGIANCE:

Councilman Ron Scott gave the invocation.

3. APPROVE MINUTES:

February 16, 2015 Council Meeting Minutes

There being no amendments the February 16, 2015 Council Meeting Minutes were approved as written.

PRESENTATION: Oratorical Competition Contestant / Katherine Parslow

Ms. Parslow, a sophomore at Daphne High School, gave a speech on optimism that she will give in competition.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Fry

The next meeting will be March 9th at 4:30 p.m.

B. *BUILDINGS & PROPERTY COMMITTEE* - Davis

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

C. *PUBLIC SAFETY COMMITTEE* – Rudicell

The minutes for the February 16th meeting are in the packet. The next meeting will be March 16th.

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D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

The next meeting will be March 16th at 5:30 p.m.

E. PUBLIC WORKS COMMITTEE – LeJeune

The committee met this afternoon, and the February 2nd minutes are in the packet. The Arbor Day tree give-a-way has been moved to this Saturday starting at 8:00 a.m. due to inclement weather preventing the trees from being shipped.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

No report.

B. Downtown Redevelopment Authority – Conaway

The March 25th minutes are in the packet.

C. Industrial Development Board – Davis

The February 23rd minutes are in the packet. The board is in the process of a project which is reflected in the minutes.

D. Library Board – Lake

The board will meet March 12th at 4:00 p.m.

E. Planning Commission – Scott

The February meeting was canceled due to the applicant rescheduling for March. The next meeting will be the fourth Thursday of the month.

F. Recreation Board – LeJeune

The January 28th minutes are in the packet. The next meeting will be March 11th at 6:30 p.m. at the Recreation Center. They will be discussing the recreation facilities proposals.

G. Utility Board – Fry

The next meeting will be March 25th at 5:00 p.m.

6. MAYOR'S REPORT

Mayor Haygood updated council that he has engaged Crow, Shields and Bailey to perform the audit ending September 13, 2014. They are looking to commence those activities on or about March 15th, as soon as Smith, Dukes and Buckalew has the pre-audit activities completed, and that is moving very well. Secondly, he reported on the issue of the City of Daphne being characterized as un-American. He explained there was a BBQ contest held in conjunction with Sam's Club over the weekend called the Sam's Club National BBQ Tour held in association with the Kansas City BBQ Association, and apparently some participants were asked by event organizers not to display flags, banners or other signage. Apparently, it was stated or it was left that it was due to the ordinances of the City of Daphne. Some of the participants either proceeded or

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asked about erecting an American flag, and there were concerns expressed over that, and they were advised not to erect it or to take it down. That left a bad taste in this participant's mouth, and Mayor Haygood thinks, as any American, they should have the right to fly the flag whenever and wherever they want as long as it is in a proper manner. A lot of that frustration and anger was directed to the City of Daphne in social media sites. Mayor Haygood did not learn of it personally until about 9:30 p.m. last night. He was able to discover the gentleman doing most of the reporting of this issue. He sent him an e-mail, as well as, one other event organizer that had posted it on his page, and tried to accept some of the responsibility for the event organizer. He has not heard back from the gentleman who did most of the reporting, however, he has spoken to a number of news outlets, as well as, the event organizers, and they apologized for the situation, and indicated the City of Daphne had no involvement. It was pointed to the city's ordinance that the city did not allow flags, but there is an exception in the sign ordinance that says the national flag or other flags of a political subdivision are exempt from the requirements in the sign ordinance. It has been more of an issue to combat the negative messages that are out there, and it has been an all-day affair. The most interesting call he received was from someone he thought was from Fox 10, and it turned out with his long distance number someone from Fox News. They do not have appeared to have aired the story, hopefully, they were able to understand both sides, and realize that it was not a real story. He thinks it is unfortunate. He wanted everyone in the room, and for it to be reflected in the record as well, the City of Daphne did not have any involvement in this issue, and he hopes the corrections of this story propagates just as loudly and reaches as far as the original reporting that was found to be inaccurate.

7. CITY ATTORNEY REPORT:

No report.

8. DEPARTMENT HEAD COMMENTS:

David McKelroy – Recreation Director – reported on all the sports activities going on at Trione Sports Complex. He thanked Mary Jensen for her 18 years with the City of Daphne. She currently is the Senior Coordinator at the Senior Center. The Sunset Series will start this month at Bayfront Park.

Margaret Thigpen – Civic Center Director - reported that the Home Builders Show is this weekend, then the Bottle Show moves in and then elections.

Richard Johnson – Public Works Director – reported the makeup Arbor Day tree give-a-way is March 7th from 8:00 a.m. until 11:00 a.m., the S.E.E.D.S. 5K run is Saturday.

9. CITY CLERK REPORT:

Council President Conaway introduced an Events Permit for Christ the King's Annual Celebrate Life Pilgrimage / March 14, 2015. The permit failed to make it onto the agenda, and the event will take place before the next council meeting.

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MOTION BY Councilman Scott to suspend the rules to consider a motion to approve the Events Permit for Christ the King’s Annual Celebrate Life Pilgrimage for March 14, 2015. *Seconded by Councilman Lake.*

ROLL CALL VOTE

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

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to approve the Events Permit for Christ the King’s Annual Celebrate Life Pilgrimage for March 14, 2015. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

10. PUBLIC PARTICIPATION

Mrs. Toni Fassbender – Chairman of the Industrial Development Board – asked Council to postpone the vote on Ordinance 2015-13 until they can make a presentation to Council on their project.

Mr. Kevin Spriggs – 29640 Highway 181 – Owner of Malbis Shell Station – spoke regarding Resolution 2015-13 on extending the tax for schools and encouraged everyone to vote no.

Mrs. Mary Gibbs – Lake Forest – spoke regarding the ongoing problem with water run-off from D’Olive Creek flooding her property. She said her fence is still down from the last event. She asked Council for a solution to the problem.

8. RESOLUTIONS & ORDINANCES:

- a.) **Resolution 2015-13.**Encourage Citizens to Become Educated Regarding
“Build Baldwin Now”

MOTION BY Councilman Scott to waive the reading of Resolutions 2015-13. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

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MOTION BY Councilman Scott to adopt Resolution 2015-13. *Seconded by Councilman Davis.*

AYE Fry, Scott, LeJeune, Davis, Conaway

ABSTAIN Lake

MOTION CARRIED

ORDINANCES:

2ND READ

- a.) Ordinance 2015-12. Amending Ordinance 2004-52 Job Classification Schedule
- b.) Ordinance 2015-13. Revising 2014 Capital Improvement Fund Projects
- c.) Ordinance 2015-14. Additional Audit/CPA Services for FY2014

MOTION BY Councilman Scott to waive the reading of Ordinances 2015-12, 2015-13 and 2015-14. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2015-12. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2015-13. *Seconded by Councilman Lake.*

AYE Lake, Fry, Scott, Conaway

NAY LeJeune, Davis

MOTION CARRIED

MOTION BY Councilman LeJeune to adopt Ordinance 2015-14. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

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9. COUNCIL COMMENTS

Councilman Lake mentioned that he will not be at the work session as he will be attending the National League of Cities Conference in Washington, D.C.

Councilman Fry reminded everyone not to forget the Arbor Day tree give-away on Saturday.

Councilman Scott reminded everyone that the S.E.E.D.S. run is Saturday, March 8th at City Hall.

Councilman LeJeune asked everyone to keep Councilman Rudicell's father in their prayers as he had some minor surgery today. He also reminded everyone that Arbor Day has been rescheduled to Saturday, March 8th.

Councilman Davis – said that he watched some soccer games at Trione, and it was great, and a real boon for the city. He complimented David McKelroy on the creative use of the fields. He talked with the management of Sam's and hope's an apology will be dispersed as much as the situation that cast the city in a bad light, which was not any of the city's doing. He is going to meet with the Malbis Foundation leadership to talk about projects that could impact their area, and he hopes they will be interested in coming into the City of Daphne. Regarding Build Baldwin Now he reminded everyone to look at their watches tomorrow at 10:30 a.m. and see if they are ready for lunch.

Mayor Haygood – complimented Ms. Parslow on her speech saying it was a great job. He is looking forward to this weekend, because there is a lot going on.

Council President Conaway reminded everyone that the Lupus Walk is March 21st beginning at City Hall. She thanked Mrs. Jones for the Community Buzz e-mail keeping council informed of the businesses coming to the City of Daphne.

Councilman Scott mentioned that the Alabama Baptist Convention will be held in Daphne in May. He said this is the first time it has been held in Baldwin County. There will be over 800 rooms used at this time. He applauded Mrs. Thigpen for the great job she is doing in the new position of Visitor's Bureau Director.

Councilman Davis thanked the Industrial Development Board members for the wonderful job they are doing, and that council needed to thank to too.

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10. ADJOURN:

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:43 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes,
City Clerk

Tommie Conaway,
Council President

**FEBRUARY 9, 2015
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

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

ABSENT: John Lake (*attending the NLC in Washington, D.C.*)

Also present: Mayor Haygood; Rebecca Hayes, City Clerk Kevin Boucher, City Attorney; David McKelroy, Recreation Director; Margaret Thigpen, Civic Center Director;

Absent: Jay Ross, City Attorney.

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

1. DISCUSS: RECREATION FACILITIES PROPOSALS

Councilman LeJeune gave an overview of the proposals submitted for the recreation facilities for each firm.

Council discussed the proposals:

1. **Hatch Mott McDonald**
2. **Volkert & Associates**
3. **Lose & Associates**
4. **Goodwin, Mills, Cawood, Inc**
5. **Preble-Rish**

Council will consider the proposals and will make a decision at the April 6th council meeting.

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:05 P.M.

Respectfully submitted by,

Certification of Presiding Officer:

Rebecca A. Hayes,
City Clerk

Tommie Conaway,
Council President

PUBLIC HEARING

MARCH 16, 2015

TO CONSIDER:

1. Pre-Zoning:

Jubilee Properties

Property Located:

Northeast of Public Works Road and Rand Avenue

Present Zoning:

RSF-3, Single Family Residential District, Baldwin County District 15

Requested Zoning:

B-2, General Business, City of Daphne

Recommendation:

Favorable / Contingent upon the vacation of the fifteen-foot easement to County Road 13, and Public Works Road

2. Annexation:

Jubilee Properties

Property Located:

Northeast of Public Works Road and Rand Avenue

Recommendation:

Favorable / Contingent upon the vacation of the fifteen-foot easement to County Road 13, and Public Works Road

3. Amend the Land Use and Development Ordinance 2011-54 / New Zoning District / Planned Unit Development

Recommendation:

Unanimous favorable

To: Office of the City Clerk
From: Adrienne D. Jones, 
Director of Community Development
Subject: Jubilee Properties
Pre-Zoning Recommendation
Date: February 10, 2015

MEMORANDUM

PRESENT ZONING: RSF-3, Single Family Residential District, Baldwin County District 15

PROPOSED PRE-ZONING: B-2, General Business, City of Daphne

LOCATION: Northeast of Public Works Road and Rand Avenue

RECOMMENDATION: At the Thursday, January 22, 2015, regular meeting of the Daphne Planning Commission, six members were present and the motion to set forth a favorable recommendation, contingent upon the vacation of the fifteen-foot easement to County Road 13, and providing future access from Parcel A to Public Works Road was made and carried unanimously.

Attached please find documentation from the Office of Community Development.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Zoning Application
2. Map of Property
3. Adjacent property owners' list
4. Community Development Report



REZONING OR PRE-ZONING APPLICATION

Office use only	Date Submitted Dec. 21, 2014
Application Number: ZA- or PZA- 15-01	Planning Commission Public Hearing Date: Jan 22, 2015

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

SITE DATA Jubilee Properties, LLC	
Site Location (Address or General Proximity to Nearest Intersection): Northeast of Public Works Road + Rand Avenue	PPIN#(s): 219552 + 234209
Gross Site Area (acreage): 2.03	Requested Zoning or Pre-Zoning: B-2
Current Zoning Designation(s): RSF-3 - Baldwin County	Amended Request: Initials: Date:
Current Land Use: Agricultural	Anticipated Land Use: office / Warehouse
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": Tax Parcels 43-05-16-0-000-020.001 and 020.003	

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).
 Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION	
<i>*If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.</i>	
Name of Current Owner: Jubilee Properties LLC	Phone/Fax: E-mail:
Mailing Address: P.O. Box 928, Montrose AL 36559	
Name of Authorized Agent: Spence Monroe	251-510-8001
Mailing Address: P.O. Box 928, Montrose AL 36559	Phone/Fax: E-mail: Spence@SpenceMonroe.com
Name of Developer*: Jubilee Properties LLC	Phone/Fax: E-mail:
Other:	Phone/Fax: E-mail:

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

Applicant's Signature:	Date 12/12/14
Agent's Signature:	Date



REVERSIONARY CLAUSE
ACKNOWLEDGEMENT

SKIP THIS PAGE IF REQUESTING PRE-ZONING

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

CURRENT OWNER'S ACKNOWLEDGEMENT

I, Jubilee Properties LLC, Spence Manroe, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 12/12/14

Spence Manroe for Jubilee Properties LLC
PRINTED NAME OF CURRENT OWNER/PETITIONER

DEVELOPER'S ACKNOWLEDGEMENT

I, Jubilee Properties LLC, Spence Manroe, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 12/12/14

Spence Manroe
PRINTED NAME OF DEVELOPER

PROPERTY ADDRESS OR PPIN#(s): 219559 + 234209

**JUBILEE PROPERTIES LLC
REZONING REQUEST**

ADJACENT PROPERTY OWNER'S LIST

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

Hunter, Cynthia
P. O. Box 1636
Daphne, AL 36526

Skipwith, Helen
26301 County Road 13
Daphne, AL 36526

Langenbach Construction
P. O. Box 1275
Point Clear, AL 36564

Bayside Investments
13419 County Road 54
Loxley, AL 36551

Austin Place Development Co
P. O. Box 1948
Daphne, AL 36526

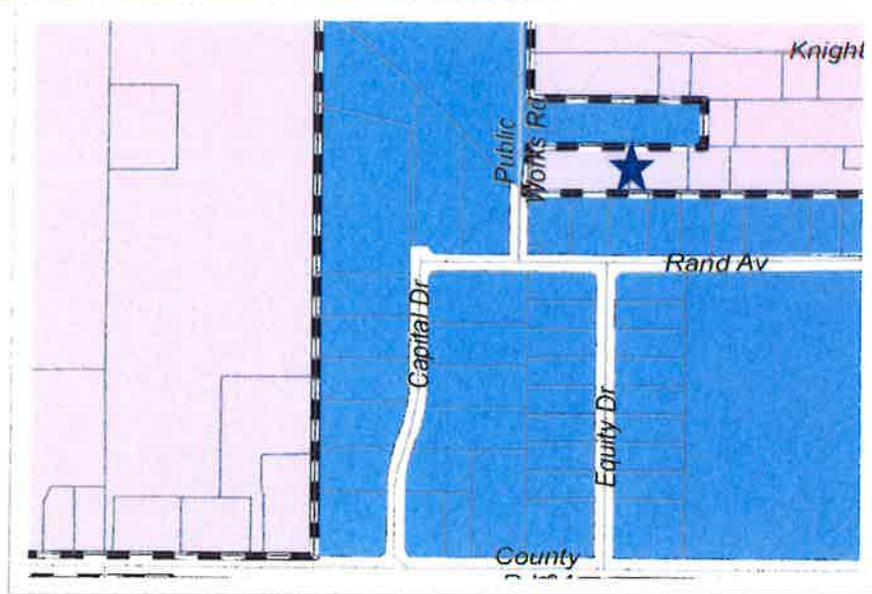
Jubilee Properties LLC
P. O. Box 888
Montrose, AL 36559

PLANNING COMMISSION:

PRE-ZONING REQUEST BY

PLANNING COMMISSION:

ANNEXATION REQUEST BY JUBILEE PROPERTIES, LLC.



COMMUNITY DEVELOPMENT

Pre-zoning Request

**Northeast of the intersection of Public Works Road and Rand Avenue
(Jubilee Properties, LLC)
2.03 acres**

Owner: Jubilee Properties, LLC

Existing Conditions: 2.03 acres of undeveloped land

Existing Zoning: Unincorporated Baldwin County RSF-3, Single Family Residential

Proposed Zoning: B-2 General Business

Surrounding Zonings/Uses:

North – Business, zoned B-2, General Business

South - Business, zoned B-2, General Business

West – Daphne Public Works Campus and Recycling Center, zoned B-2, General Business

East - Unincorporated Baldwin County RSF-3, Single Family Residential

Existing Utility Service Providers:

Water - Daphne Utilities

Sewer - Daphne Utilities

Gas - Daphne Utilities

Electric - Riviera Utilities

Affected City Service Providers:

Fire Protection— Station 3

Police Protection—Police Beat 1

Public Works

Baldwin County Schools—n/a

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

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. B-2 is compatible zoning and business use is consistent with land to the north, south and west, *therefore, the reversionary clause is not recommended and should not be applicable to this property.* **Staff recommends approval of the request to pre-zone this land B-2, General Business. Staff also recommends approval of the annexation petition submitted by the applicant.**

CITY OF DAPHNE, ALABAMA

ORDINANCE NO. 2015-

**Ordinance to Pre-Zone Property Located
Property Located on the Northeast of Public Works Road and Rand Avenue
Jubilee Properties**

WHEREAS, Jubilee Properties 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-3, Single Family Residential District, Baldwin County District 15 to B-2, General Business District, City of Daphne; and

WHEREAS, said real property is located northeast of Public Works Road and Rand Avenue, and more particularly described as follows:

DESCRIPTION OF PROPERTY TO BE PREZONED TO B-2:

PARCEL "A"

FROM THE RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA, THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH 89° 39' 18" WEST A DISTANCE OF 746.50 FEET TO THE SIMS SURVEYING CAPPED REBAR AT THE **POINT OF BEGINNING** OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE NORTH 89° 39' 18" WEST A DISTANCE OF 181.65 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 166.11 FEET TO A SIMS SURVEYING CAPPED REBAR; SOUTH 89° 38' 56" EAST A DISTANCE OF 182.55 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN SOUTH 00° 02' 59" EAST A DISTANCE OF 166.08 FEET TO THE SIMS SURVEYING CAPPED REBAR AT THE **POINT OF BEGINNING**, CONTAINING 0.69 ACRES, MORE OR LESS, **TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS** OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY TO-WIT: FROM THE RAILROAD SPIKE AT THE EXISTING AND LOCALLY ACCEPTED SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH ALONG THE WEST RIGHT OF WAY LINE OF SAID HIGHWAY, A DISTANCE OF 58.17 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT HEREIN DESCRIBED; THENCE RUN SOUTH 88° 32' 21" WEST, A DISTANCE OF 174.48 FEET TO A POINT; THENCE RUN SOUTH 76° 05' 33" WEST A DISTANCE OF 213.94 FEET TO A POINT OF THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY; THENCE RUN NORTH 89° 39' 18" WEST ALONG SAID SOUTH LINE A DISTANCE OF 728.07 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 15.00 FEET TO A POINT; THENCE RUN SOUTH 89° 39' 18" EAST A DISTANCE OF 726.67 FEET TO A POINT; THENCE RUN NORTH 76° 05' 33" EAST A DISTANCE OF 213.72 FEET TO A PETER G. Garsed CAPPED REBAR; RUN NORTH 88° 32' 21" EAST A DISTANCE OF 176.19 FEET TO A POINT ON THE WEST RIGHT O WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL "B"

PARCEL ONE AND 2 AS DESCRIBED IN INSTRUMENT NUMBER 703710. **LESS AND EXCEPT** THE WESTERN 11.2 FEET, MORE OR LESS, IN USE AS PART OF PUBLIC WORKS DRIVE A PAVED 60 FOOT WIDE RIGHT-OF-WAY. **MORE PARTICULARLY DESCRIBED AS FOLLOWS:** COMMENCING AS A RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, RUN THENCE NORTH ALONG THE EAST BOUNDARY OF SAID SECTION A DISTANCE OF 1329.3 FEET TO A POINT; THENCE RUN NORTH 89°56'48" WEST, 40.00 FEET TO A CAPPED REBAR ON THE NORTH BOUNDARY OF AUSTIN PLACE COMMERCIAL PARK, UNIT 3, AS RECORDED ON SLIDE 2064-A, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE CONTINUE NORTH 89°56'48" WEST ALONG SAID NORTH BOUNDARY 927.34 FEET TO A CAPPED REBAR AT THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT NO. 564669, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, FOR THE **POINT OF BEGINNING**; THENCE CONTINUE NORTH 89°56'48" WEST ALONG THE NORTH BOUNDARY OF AUSTIN PLACE COMMERCIAL PARK PHASE 2, AS RECORDED ON SLIDE 1886-A, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 352.77 FEET TO A CAPPED REBAR ON THE EAST RIGHT-OF-WAY LINE OF PUBLIC WORKS DRIVE; THENCE RUN NORTH 00°02'14" EAST ALONG SAID RIGHT-OF-WAY LINE 165.85 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89°56'14" EAST, 352.74 FEET TO A CAPPED REBAR AT THE NORTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT NO. 564669, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°01'37" WEST ALONG THE WEST BOUNDARY OF SAID PARCEL A DISTANCE OF 165.82 FEET TO THE **POINT OF BEGINNING**. SAID PARCEL OF LAND CONTAINS 1.34 ACRES, MORE OR LESS. **TOGETHER WITH AND SUBJECT TO** AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING PROPERTY TO WIT: FROM THE RAILROAD SPIKE AT THE EXISTING AND LOCALLY ACCEPTED SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH ALONG THE WEST RIGHT OF WAY LINE OF SAID HIGHWAY, A DISTANCE OF 58.17 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE RUN SOUTH 88° 32' 21" WEST, A DISTANCE OF 174.48 FEET TO A POINT; THENCE RUN SOUTH 76° 05' 33" WEST A DISTANCE OF 213.94 FEET TO A POINT OF THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY; THENCE RUN NORTH 89° 39' 18" WEST ALONG SAID SOUTH LINE A DISTANCE OF 728.07 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 15.00 FEET TO A POINT; THENCE RUN SOUTH 89° 39' 18" EAST A DISTANCE OF 726.67 FEET TO A POINT; THENCE RUN NORTH 76° 05' 33" EAST A DISTANCE OF 213.72 FEET TO A PETER G. GARSED CAPPED REBAR; RUN NORTH 88° 32' 21" EAST A DISTANCE OF 176.19 FEET TO A POINT ON THE WEST RIGHT O WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**.

WHEREAS, at the City of Daphne Planning Commission meeting on January 22, 2015, the Commission considered said request and a unanimous favorable recommendation was made contingent upon the vacation of the fifteen-foot easement to County Road 13, and providing future access from Parcel "A" to Public Works Road; 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, and a public hearing was held before the City Council on March 16, 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-3, Single Family Residential District, Baldwin County District 15 to B-2, General Business District, City of Daphne and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

To: Office of the City Clerk
From: Adrienne D. Jones, Director of Community Development
Subject: Jubilee Properties Annexation Recommendation
Date: February 10, 2015

MEMORANDUM

PRESENT ZONING: RSF-3, Single Family Residential District, Baldwin County District 15

PROPOSED PRE-ZONING: B-2, General Business, City of Daphne

LOCATION: Northeast of Public Works Road and Rand Avenue

RECOMMENDATION: At the Thursday, January 22, 2015, regular meeting of the Daphne Planning Commission, six members were present and the motion to set forth a favorable recommendation contingent upon the vacation of the fifteen-foot easement to County Road 13, and providing future access from Parcel A to Public Works Road was made and carried unanimously.

Attached please find documentation from the Office of Community Development.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Petition for Annexation
2. Legal Description
3. Boundary Survey
4. Community Development Report

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

(Jubilee Properties LLC)

The undersigned corporation, Jubilee Properties LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, TAX ID's: 43-05-16-0-000-020.001 to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of the petition:

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

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

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

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

Requested zoning, if other than R-1: B-2

Any other conditions which may apply upon annexation:

ADDITIONAL INFORMATION

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

Initials: SSB

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

Initials: SSB

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

Initials: SSB

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

Initials: SSB

SELECT ONE OF THE FOLLOWING OPTIONS

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

Initials: SSB

Or

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

Initials: _____

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

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 12 day of December 2014.

Legal Description Attached (Exhibit A)? Yes Map or Survey Attached (Exhibit B)? Yes
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission Attached (Exhibit C)? No Acreage _____
Subdivision Name NA Lot Number(s) _____

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

Signature: [Signature] Signature: for Jubilee Properties, LLC
Printed Name: Spence Monroe Printed Name: _____
Mailing Address: P.O. Box 928 Mailing Address: _____
Montrose, AL 36559

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

DATED this 12 day of December, 2014

Respectfully submitted,

Jubilee Properties, LLC
Name of Corporation

By: [Signature]

Its: Manager

STATE OF ALABAMA
COUNTY OF BALDWIN

I, BRENDA L. COPELAND, the undersigned Notary Public in and for said county and state, hereby certify that SPENCE MONROE whose name as MANAGER of JUBILEE PROPERTIES, LLC an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 12th day of DECEMBER, 2014.

Brenda L. Copeland
NOTARY PUBLIC

My commission expires: 06/24/2018

Corporation's Address

P.O. Box 928

Montrose AL 36559

EXHIBIT A

LEGAL DESCRIPTIONS

ANNEXATION REQUEST JUBILEE PROPERTIES LLC

PARCEL "A"

FROM THE RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA, THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH 89° 39' 18" WEST A DISTANCE OF 746.50 FEET TO THE SIMS SURVEYING CAPPED REBAR AT THE **POINT OF BEGINNING** OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE NORTH 89° 39' 18" WEST A DISTANCE OF 181.65 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 166.11 FEET TO A SIMS SURVEYING CAPPED REBAR; SOUTH 89° 38' 56" EAST A DISTANCE OF 182.55 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN SOUTH 00° 02' 59" EAST A DISTANCE OF 166.08 FEET TO THE SIMS SURVEYING CAPPED REBAR AT THE **POINT OF BEGINNING**, CONTAINING 0.69 ACRES, MORE OR LESS, **TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS** OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY TO-WIT: FROM THE RAILROAD SPIKE AT THE EXISTING AND LOCALLY ACCEPTED SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH ALONG THE WEST RIGHT OF WAY LINE OF SAID HIGHWAY, A DISTANCE OF 58.17 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT HEREIN DESCRIBED; THENCE RUN SOUTH 88° 32' 21" WEST, A DISTANCE OF 174.48 FEET TO A POINT; THENCE RUN SOUTH 76° 05' 33" WEST A DISTANCE OF 213.94 FEET TO A POINT OF THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY; THENCE RUN NORTH 89° 39' 18" WEST ALONG SAID SOUTH LINE A DISTANCE OF 728.07 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 15.00 FEET TO A POINT; THENCE RUN SOUTH 89° 39' 18" EAST A DISTANCE OF 726.67 FEET TO A POINT; THENCE RUN NORTH 76° 05' 33" EAST A DISTANCE OF 213.72 FEET TO A PETER G. Garsed CAPPED REBAR; RUN NORTH 88° 32' 21" EAST A DISTANCE OF 176.19 FEET TO A POINT ON THE WEST RIGHT O WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL "B"

PARCEL ONE AND 2 AS DESCRIBED IN INSTRUMENT NUMBER 703710. **LESS AND EXCEPT** THE WESTERN 11.2 FEET, MORE OR LESS, IN USE AS PART OF PUBLIC WORKS DRIVE A PAVED 60 FOOT WIDE RIGHT-OF-WAY. **MORE PARTICULARLY DESCRIBED AS FOLLOWS:** COMMENCING AS A RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, RUN THENCE NORTH ALONG THE EAST BOUNDARY OF SAID SECTION A DISTANCE OF 1329.3 FEET TO A POINT; THENCE RUN NORTH 89°56'48" WEST, 40.00 FEET TO A CAPPED REBAR ON THE NORTH BOUNDARY OF AUSTIN PLACE COMMERCIAL PARK, UNIT 3, AS RECORDED ON SLIDE 2064-A, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE CONTINUE NORTH 89°56'48" WEST ALONG SAID NORTH BOUNDARY 927.34 FEET TO A CAPPED REBAR AT THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT NO. 564669, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, FOR THE **POINT OF BEGINNING**; THENCE CONTINUE NORTH 89°56'48" WEST ALONG THE NORTH BOUNDARY OF AUSTIN PLACE COMMERCIAL PARK

PHASE 2, AS RECORDED ON SLIDE 1886-A, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 352.77 FEET TO A CAPPED REBAR ON THE EAST RIGHT-OF-WAY LINE OF PUBLIC WORKS DRIVE; THENCE RUN NORTH 00°02'14" EAST ALONG SAID RIGHT-OF-WAY LINE 165.85 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89°56'14" EAST, 352.74 FEET TO A CAPPED REBAR AT THE NORTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT NO. 564669, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°01'37" WEST ALONG THE WEST BOUNDARY OF SAID PARCEL A DISTANCE OF 165.82 FEET TO THE **POINT OF BEGINNING**. SAID PARCEL OF LAND CONTAINS 1.34 ACRES, MORE OR LESS. **TOGETHER WITH AND SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING PROPERTY TO WIT:** FROM THE RAILROAD SPIKE AT THE EXISTING AND LOCALLY ACCEPTED SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH ALONG THE WEST RIGHT OF WAY LINE OF SAID HIGHWAY, A DISTANCE OF 58.17 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE RUN SOUTH 88° 32' 21" WEST, A DISTANCE OF 174.48 FEET TO A POINT; THENCE RUN SOUTH 76° 05' 33" WEST A DISTANCE OF 213.94 FEET TO A POINT OF THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY; THENCE RUN NORTH 89° 39' 18" WEST ALONG SAID SOUTH LINE A DISTANCE OF 728.07 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 15.00 FEET TO A POINT; THENCE RUN SOUTH 89° 39' 18" EAST A DISTANCE OF 726.67 FEET TO A POINT; THENCE RUN NORTH 76° 05' 33" EAST A DISTANCE OF 213.72 FEET TO A PETER G. Garsed CAPPED REBAR; RUN NORTH 88° 32' 21" EAST A DISTANCE OF 176.19 FEET TO A POINT ON THE WEST RIGHT O WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**.

**COMMUNITY DEVELOPMENT
ANNEXATION REQUEST**

**Annexation of Jubilee Properties, LLC 2.03 acres
Northeast of the intersection of Public Works Road and Rand Avenue**

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

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

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

Any land annexed to the City of Daphne hereafter shall be classified as an R-1, Low Density Single Family Residential District unless otherwise recommended by the Planning Commission through the zoning amendment procedure provided in *Article 22-1, Zoning Amendment Procedures*. In such case, City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications recommended by the Planning Commission.

REQUEST

The applicant has submitted a petition to annex 2.03 acres of land into the corporate limits of Daphne. Additionally the applicant has request to pre-zone (see Code 11-52-85 attached) the site B-2 General Business.

RECOMMENDATION

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. **Staff recommends approval of the request to annex this land into the City of Daphne.**

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

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

**Property Located Northeast of Public Works Road and Rand Avenue
Jubilee Properties**

WHEREAS, on the 12th day of December, 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 March 16, 2015 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a meeting on January 22, 2015 and an unanimous favorable recommendation was made contingent upon the vacation of the fifteen-foot easement to County Road 13, and providing future access from Parcel "A" to Public Works Road; 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:

PARCEL "A"

FROM THE RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA, THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH 89° 39' 18" WEST A DISTANCE OF 746.50 FEET TO THE SIMS SURVEYING CAPPED REBAR AT THE **POINT OF BEGINNING** OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE NORTH 89° 39' 18" WEST A DISTANCE OF 181.65 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN

NORTH 00° 21' 41" WEST, A DISTANCE OF 166.11 FEET TO A SIMS SURVEYING CAPPED REBAR; SOUTH 89° 38' 56" EAST A DISTANCE OF 182.55 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN SOUTH 00° 02' 59" EAST A DISTANCE OF 166.08 FEET TO THE SIMS SURVEYING CAPPED REBAR AT THE **POINT OF BEGINNING**, CONTAINING 0.69 ACRES, MORE OR LESS, **TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS** OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY TO-WIT: FROM THE RAILROAD SPIKE AT THE EXISTING AND LOCALLY ACCEPTED SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH ALONG THE WEST RIGHT OF WAY LINE OF SAID HIGHWAY, A DISTANCE OF 58.17 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT HEREIN DESCRIBED; THENCE RUN SOUTH 88° 32' 21" WEST, A DISTANCE OF 174.48 FEET TO A POINT; THENCE RUN SOUTH 76° 05' 33" WEST A DISTANCE OF 213.94 FEET TO A POINT OF THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY; THENCE RUN NORTH 89° 39' 18" WEST ALONG SAID SOUTH LINE A DISTANCE OF 728.07 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 15.00 FEET TO A POINT; THENCE RUN SOUTH 89° 39' 18" EAST A DISTANCE OF 726.67 FEET TO A POINT; THENCE RUN NORTH 76° 05' 33" EAST A DISTANCE OF 213.72 FEET TO A PETER G. GARSE D CAPPED REBAR; RUN NORTH 88° 32' 21" EAST A DISTANCE OF 176.19 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL "B"

PARCEL ONE AND 2 AS DESCRIBED IN INSTRUMENT NUMBER 703710. **LESS AND EXCEPT** THE WESTERN 11.2 FEET, MORE OR LESS, IN USE AS PART OF PUBLIC WORKS DRIVE A PAVED 60 FOOT WIDE RIGHT-OF-WAY. **MORE PARTICULARLY DESCRIBED AS FOLLOWS:** COMMENCING AS A RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, RUN THENCE NORTH ALONG THE EAST BOUNDARY OF SAID SECTION A DISTANCE OF 1329.3 FEET TO A POINT; THENCE RUN NORTH 89°56'48" WEST, 40.00 FEET TO A CAPPED REBAR ON THE NORTH BOUNDARY OF AUSTIN PLACE COMMERCIAL PARK, UNIT 3, AS RECORDED ON SLIDE 2064-A, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE CONTINUE NORTH 89°56'48" WEST ALONG SAID NORTH BOUNDARY 927.34 FEET TO A CAPPED REBAR AT THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT NO. 564669, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, FOR THE **POINT OF BEGINNING**; THENCE CONTINUE NORTH 89°56'48" WEST ALONG THE NORTH BOUNDARY OF AUSTIN PLACE COMMERCIAL PARK PHASE 2, AS RECORDED ON SLIDE 1886-A, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 352.77 FEET TO A CAPPED REBAR ON THE EAST RIGHT-OF-WAY LINE OF PUBLIC WORKS DRIVE; THENCE RUN NORTH 00°02'14" EAST ALONG SAID RIGHT-OF-WAY LINE 165.85 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89°56'14" EAST, 352.74 FEET TO A CAPPED REBAR AT THE NORTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT NO. 564669, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°01'37" WEST ALONG THE WEST BOUNDARY OF SAID PARCEL A DISTANCE OF 165.82 FEET TO

THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINS 1.34 ACRES, MORE OR LESS. **TOGETHER WITH AND SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING PROPERTY TO WIT:** FROM THE RAILROAD SPIKE AT THE EXISTING AND LOCALLY ACCEPTED SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH ALONG THE WEST RIGHT OF WAY LINE OF SAID HIGHWAY, A DISTANCE OF 58.17 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE RUN SOUTH 88° 32' 21" WEST, A DISTANCE OF 174.48 FEET TO A POINT; THENCE RUN SOUTH 76° 05' 33" WEST A DISTANCE OF 213.94 FEET TO A POINT OF THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY; THENCE RUN NORTH 89° 39' 18" WEST ALONG SAID SOUTH LINE A DISTANCE OF 728.07 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 15.00 FEET TO A POINT; THENCE RUN SOUTH 89° 39' 18" EAST A DISTANCE OF 726.67 FEET TO A POINT; THENCE RUN NORTH 76° 05' 33" EAST A DISTANCE OF 213.72 FEET TO A PETER G. Garsed CAPPED REBAR; RUN NORTH 88° 32' 21" EAST A DISTANCE OF 176.19 FEET TO A POINT ON THE WEST RIGHT O WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING.**

SECTION THREE: MAP OF PROPERTY

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

SECTION FOUR: PUBLICATION

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk



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

Handwritten: A circled date "1/28/15" with a checkmark above it.

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 March 16, 2015.

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

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
March 9, 2015
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:30 p.m. Present were Chairman Randy Fry, Councilwoman Mrs. Conaway, Councilman Joseph Davis, Councilman Ron Scott, Councilman Pat Rudicell, Councilman Robin LeJeune, Senior Accountant Suz anne Henson, Human Resource Director Vickie Hinman, and Accounting Technician Sue Moody.

Also in attendance were, City Attorney Kevin Boucher, Public Works Director Richard Johnson, Civic Center Director Margaret Thigpen, Fire Chief James White, Fireman Joey Holasz, Fireman Tom Walker, Environmental Programs Manager Ashley Campbell, and Mr. Larry Cooke, BZA.

I. PUBLIC PARTICIPATION

A. Insurance Coverage – Additional policies:

1. Excess Automobile Liability

Mr. Robertson stated questions had been asked to come back to the Finance Committee to further discuss the option to purchase the excess liability coverage to give the City additional coverage on the automobile policy. Discussion continued that the City attorney had given a legal opinion on the city's liability and existing caps. City Attorney Kevin Boucher reviewed the letter and cap limits for Federal claims state claims. Discussion continued and the item was tabled for discussion at a later meeting.

2. Boardwalk & Light Pole Policy

Mr. Robertson reviewed the boardwalk coverage and cost - \$11,561 and light pole coverage and cost-\$3,398. Mr. Johnson stated that in the last 5 years that he has been at the City there had not been any claims on the boardwalks and for the premium that is paid, coverage provided and the low chance of damages occurring to the boardwalks the monies would be better spent in improving or extending the boardwalks. Mr. Scott stated that Public Works should include this insurance savings for Boardwalk repairs/additions in next year's budget.

3. Mechanical Breakdown policy

Mr. Robertson stated that the mechanical breakdown policy would cover property equipment breakdowns for all City property locations listed on the insurance policy. Mr. Robertson stated the deductible is \$5,000 and the policy would cover equipment breakdowns not covered by the City's general liability policy which includes lightning strikes, storm damage..ect.. Discussion continued that the Civic Center chiller was hit by lightning so that damage had coverage through the City's liability policy for City property. Discussion was made that the savings from cancelling the boardwalk policy would cover the cost of the mechanical breakdown policy - \$5,532.

Motion by Mr. Scott to recommend to drop the Boardwalk coverage, maintain the Light Pole coverage, and acquire mechanical breakdown policy for city property locations. The Mechanical Breakdown policy will be purchased using the savings from cancelling the Boardwalk coverage. Seconded by Mrs. Conaway.

B. FY2014 Year End / Audit Preparation

Ms. Kelli Kichler, Smith, Dukes, & Buckalew discussed that she plans to have some final draft numbers for FY2014 Year end by Friday. Discussion was made on closing the months from April 2014 through September 2014. Ms. Kichler stated she was working on closing the books for April through August and leave September open until the final audit is done. Ms. Kichler stated that Crow Shields Bailey PC will be coming in the next weeks to work on the audit after she has the final year end numbers ready. Discussion continued on the months being closed. Mrs. Henson noted the months will still need to go through the process of closing in the financial software (Munis) but that Ms. Kichler was reconciling and balancing accounts/funds/Due to/Due Froms interfund accounts..ect... so she can prepare the year end financials and so that the months can be closed in Munis later. Mr. Scott asked about the DAC (Digital Assurance Certification) financial reporting requirement. Mrs. Henson noted the deadline to submit financials to DAC is 3/29/14. Mrs. Henson noted draft financials will need to be submitted by 3/29/14 with audited financials being submitted once completed. Mrs. Henson stated

the Mayor had obtained an extension to 4/30/15 from GFOA for submittal of the CAFR review. Mr. Scott asked about the DAC requirements. Mrs. Henson stated the City is required to file year-end financial because of continuing disclosure requirements for current bond issues. Mr. Scott stated he would like to see the CAFR before it is submitted. Mr. Scott stated the last CAFR had some business information that he felt was incorrect and he would like Council to review this section before it is submitted for the final report. Ms. Kichler stated that information is from the statistical section that Ms. Ciancetta works on so once she completes that information she could forward it to Council to review. Mr. Davis discussed that we are now 6 months into this year and these months are not closed. Mr. Davis asked about financial reports for FY2015 and Ms. Kichler assisting with those? Mrs. Henson stated that the Mayor had approved a contract for a set amount and set amount of hours so additional work would need to be addressed again. Ms. Kichler stated that over 90% of the work is being done by Finance staff on a regular basis so that work is not behind. Discussion continued that A/P, Cash Receipt, Bank Reconciliations, monthly reconciliations.. ect.. is being done and monthly reports are included in each months Finance packet. There is additional work at year end but monthly work is being done. Mr. Davis asked if Departments received monthly updates on their budget. Mrs. Henson stated that each department has access to Munis and their department accounts. Each department can see their Purchase Orders issued, invoices paid, and remaining budget balance.

II. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – January, 2015

The Business Licenses Report was included in the packet.

JANUARY:

2,834 - Total Business License issued in January - up 401 from January 2014 (2,433 licenses issued).

2723 - Renewals – out of the 2834

82 - New businesses with **11 of those having a physical location in Daphne** and

29 - Prior year licenses.

FEBRUARY:

531 - Total Business License issued in February - down 9 from February 2014 (540 licenses issued).

397 - Renewals – out of the 531

115 - New businesses with **9 of those having a physical location in Daphne** and

19 - Prior year licenses.

Discussion continued on the new businesses with a physical location in Daphne:

III. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

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

Positions

Deputy PW Director

Code Enforcement Officer

Rec. Program Coordinator (S.A.I.L. Site)

IT Computer Services Technician

Accounting Technician (Revenue)

PT Marketing Coordinator

Building Maintenance Supervisor

Finance Director

Safety Coordinator

Planner (Community Development)

Status

DOH: 4/16/2015

Interviewing

Reviewing applications

Posting effective April 1, 2015

Posting effective April 1, 2015

Posting effective April 1, 2015

Job re-classification per Mayor

Open

Open

Open

Mrs. Hinman reviewed the positions listed above. Mrs. Hinman stated the Finance Director position is still open – there has been no decision on filling that position. The Safety Coordinator and Planner positions have not been approved to be posted. The Mayor has approved for the posting of the IT Computer Services Technician, Revenue Accounting Technician, and PT Marketing Coordinator and they should all be posted this week. The Building Maintenance Supervisor is still on hold from the Mayor as of right now.

Mrs. Hinman reviewed the following:

Then next Safety Committee meeting is @ 10:00 a.m. on March 25, 2015 and the following HR projects/meetings:

- New Employee Orientation – Feb. 25, 2015
- Service Awards Luncheon – March 18, 2015
- Relay for Life is May 1, 2015

Mrs. Conaway discussed her concerns on the open Finance Director position and she and the Mayor would be meeting to discuss. Mrs. Conaway stated she wanted to get some input from the Council before her meeting with the Mayor. Mrs. Conaway stated she would speak with Mrs. Hinman and then Mayor. Discussion was made that the City had been without a Building Maintenance Supervisor for six months. Mr. Johnson discussed the problems that have occurred because of this vacancy and it is requiring him to step more into daily operations than should be required. Mr. Rudicell stated that Council had approved a budget for a Building Maintenance Supervisor position and the existing job description but had not approved the reclassification of this position. Mr. Rudicell asked wouldn't we just move forward with the old position since the reclassification was not approved. Mr. Scott discussed he felt that the Building Supervisor should report to the PW Director since the Mayor already has so much on him. Mr. Rudicell stated the Safety Coordinator was approved in the budget. Mr. LeJeune asked what month the Safety Coordinator position was budgeted for? Mrs. Hinman stated it was budgeted for employment to start on November 1, 2015. Mr. Johnson noted the City is involved in three legal issues that require Human Resources to research back 10 years for safety training and safety information. Mr. Johnson stated this has required himself and Mrs. Hinman to pull off their other job duties to do this research and respond to these claims and this is the type project that the new Safety Coordinator would have handled. Mr. Johnson stated in this age of legal litigation this position is needed. Discussion continued on the open positions: Finance Director, Safety Coordinator, and Planner.

IV. CURRENT BUSINESS

A. Approve previous months minutes

There were no changes to the minutes and the previous months minutes were approved.

B. Financial Reports

1. Treasurer's Report: February, 2015

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

- Total Unrestricted Funds - \$ 11,420,565
- # of months of Unrestricted cash to cover monthly operating Expenses & Debt Service – 5.2 months compared to the previous year - 6 months
- Total City Funds - \$21,509,617

Discussion was made that the Debt Service fund was higher due to large semi-annual debt payments that will be paid in the next couple weeks.

Mrs. Henson noted that the remaining items listed on the report for encumbrances for previous years are the

- Civic Center electronic signage - \$30,000,
- Upgrading City Hall Telecommunications - \$5,012.18, and
- Recreation – Senior Center Flooring - \$50,000.

Discussion continued on these items and that more information is needed on the Recreation flooring. Mr. LeJeune noted this can be discussed at the Recreation Board meeting. Mrs. Henson stated that the Mayor wanted to get with Rick Whitehead on what was needed for technology upgrades at City Hall. Mr. Davis noted Finance Minutes.doc

this encumbrance is 5 years old. Mrs. Henson noted that these monies were original encumbered for fiber installation project and that some of the encumbered monies (\$22,328) were used for wireless technology installations.

The Treasurer's Report as of February 28, 2015 Total Unrestricted Funds - \$11,420,565 and Total City Funds - \$21,509,617 was presented to be filed for audit.

2. Sales and Use Taxes: January, 2015

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,023,171 was collected for January 2015:

- Monthly Variance over Budget \$22,263 / +2.2 % of budget
- Percent change from last year's collections +48,946 / 5%

Discussion was made on Sales Tax collections and the increase over last year's collections. Mr. Scott noted that this was the first time the City has collected over \$1 million for Sales Tax in January.

3. Lodging Tax Collections, January, 2015

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for January 2015 were \$72,323 which is up \$29,125 from January's 2014's collections of \$43,198.04.

- YTD Variance over Budget: \$4,534; - .2%
- Percentage change from last year's collections: +40.3 %

Discussion was made on Lodging Tax collections.

5. Lodging Tax Fund : Statement of Rev over Exp, January, 2015

Mrs. Henson reviewed the Lodging Tax report and noted the Recreation balance is \$416,888 and the Bayfront balance is \$1,955,602. Mrs. Henson noted expenditure activity is listed on the report. Discussion was made that the Bay Front's facility flooring was listed on the report. Mrs. Thigpen noted the flooring is in at Bay Front facility and it can be seen on Bay Front's Facebook page.

6. Correction/Court Fund Report, January, 2015

Mrs. Henson reviewed the Correction/ Court Fund Report and reported that \$14,775 has been transferred to date from the court portion of the fund to the corrections for the purchase of inmate meals and kitchen appliances. Mrs. Henson noted the last of the appliances and food trays (Refrigerator-\$4,692 + Trays-\$1,887=\$6,579) was paid last month so the total monthly expenditures for corrections is higher - \$11,796. Mrs. Henson noted these appliances were for the new kitchen setup required to process the new jail food system. Mrs. Henson noted the meal cost is lower than the previous frozen meal system. Mrs. Henson noted that the corrections side continues to receive its portion of the allocations from fees/fines collected but it is not enough to sustain the jail food costs.

7. Bills Paid Reports – February, 2015

The Bills Paid Report was presented in the packet.

C. Pre-Paid Travel:

1. Adrienne Jones, Community Development Director, 2015 American Planning Association National Planning Conference, April 18th through April 22th, 2015, Seattle, Washington - \$306.00.

Motion by Mr. Davis to approve pre-paid travel in the amount of \$306 for Mrs. Jones to attend the 2015 American Planning Association National Planning Conference, April 18th through April 22th, 2015 in Seattle, Washington. Seconded by Mr. Scott. Motion carried.

D. Appropriation Request: (Ordinance)

GENERAL FUND:

1. City Hall Back Door – install card reader access - \$3,450

Mrs. Henson noted the quotes presented at the Building and Properties Committee meeting are included in the packet. Mrs. Henson noted there was a discussion about this door having a sensor to open. Mrs. Henson noted the other employee back door does not open automatically due to security reasons. After hours you do not want the door to open when you walk up to it. Mr. Johnson stated the door would be like the North door that has a crash bar you have to push to open.

Motion by Mr. Davis to appropriate \$ 3,450 from the General Fund for the installation of a card reader access for City Hall's back door (by Building Inspection). Seconded by Mrs. Conaway. Motion carried.

2. Tallent Lane Facility C&D ADEM Permit – Engineering Fees - \$70,300

Mr. Johnson reviewed the engineering and design process that has been ongoing to obtain a permit from Alabama Department of Environmental Management (ADEM) for Construction & Demolition (C&D) materials. Mr. Johnson noted the permit will save the City approximately \$70,000/annually from landfill fees charged for these materials as well as fuel cost and time to travel to the current land field. Discussion continued this would be an annual savings of \$70,000 for future budget years.

Motion by Mr. Scott to appropriate \$70,300 from the General Fund for an ADEM permit cost for the Tallent Lane Facility to be able to receive Construction & Demolition (C&D) material. Seconded by Mr. Davis. Motion carried.

3. NRCS Projects Costs - \$67,393 City's match

Mrs. Campbell reviewed the NRCS project grant, total estimated project cost of \$269,569 with the City's match being \$67,393. Mrs. Campbell stated this project covers five (5) sites and requires the City 220 days to complete the projects. Mrs. Campbell reviewed each project and the related issues. Mr. Johnson stated there is potential for City forces to complete some of the projects so there may be some savings from the in-house labor.

Motion by Mr. Scott to appropriate \$67,393 from the General Fund for the Emergency Watershed Protection NRCS Grant approved project sites (5). Seconded by Mr. Davis. Motion carried.

CAPITAL RESERVE FUND:

4. Donette Loop Drainage - \$32,620 (Total Project cost - \$180,558 (previous appropriations: Ord#2014-40 - \$147,938))

Mr. Johnson reviewed the project and noted that Ord 2014-40 previously appropriated \$147,938 so therefore we will need an additional appropriation of \$32,620.

Motion by Mr. Scott to appropriate \$32,620 from Capital Reserve for Donette Loop Drainage project . Seconded by Mr. Rudicell. Motion carried.

5. 2015-H-RENOVATIONS FIRE STATION #3 - \$249,000

Chief White reviewed the project and requested the City move forward with completing this project. Discussion was made that replacement furnishings would also be needed gave an updated estimated cost of \$10,000. There was discussion that \$200,000 was approved in the FY15 Budget and an ordinance was adopted in FY14 (2014-13 - \$20,000) for repairs and initial research on the project. Mrs. Henson stated that some of these monies had been spent on the initial engineering work so a new appropriation is needed and since this was a

Capital asset it would be better to appropriate monies in a new ordinance **in the current year** to cover the remaining project cost. Discussion was made that the Finance Committee wanted to make sure the remaining monies from Ord 2014-13 were released back into the General Fund Reserves. Discussion continued on the cost of the project as compared to the Fire Training Facility construction project. Mr. Johnson noted that inflation in the current economy has caused cost to increase and noted the previous Fire Training facility was built when construction cost/labor were much lower. Mr. Johnson asked if it would be appropriate for the City to move forward since \$200,000 is already approved, the Finance Committee agreed.

Motion to release remaining funds appropriated in FY14 through Ord 2014-13 for FS#3 in order to appropriate funds in FY15 to cover total project cost.

Motion by Mrs. Conaway to appropriate \$249,370 from the General Fund for Renovations at Fire Station #3 and furnishings. Seconded by Mr. Rudicell. Motion carried.

E. Bids: (Resolution)

1. 2015-E-DONETTE LOOP DRAINAGE

Mr. Johnson reviewed the bids submitted and the recommendation to award to the low bidder Sunset Contracting Inc.

Motion by Mr. Scott to recommend to Council to award the 2015-E-DONETTE LOOP DRAINAGE in the amount of \$149,221.51 as bid to Sunset Contracting, Inc.. Seconded by Mrs. Conaway. Motion carried.

2. 2015- - RENOVATONS FIRE STATION #3

Mr. Johnson and Chief White reviewed the project and recommendation to award to the low bidder Eric Lazzari Construction.

Motion by Mr. Scott to recommend to Council to award the 2015-H-RENOVATION FIRE STATION #3 in the amount of \$ 414,500 as bid to Eric Lazzari Construction. Seconded by Mrs. Conaway . Motion carried.

3. RFP: Grant Manager: CIAP – Tiawasee Creek Stream Restoration & Watershed

Mrs. Campbell discussed that proposals had also been received for the grant manager that Council had previously approved funding for. Mrs. Campbell stated that she and the Mayor had reviewed the proposals and selected Ms. Kara Stallman, Grant Management. Mrs. Campbell stated the contract should be signed later this week..

4. Extension of Disaster Debris Bid Contract - pending new bid award

Mrs. Henson stated that she had discussed the extension of the Disaster debris Bid Contract with City attorney, Kevin Boucher and he had reviewed the resolution. Mrs. Henson noted an extension was needed to allow time to prepare and award a new bid. A letter from Crowder Gulf was included in the packet confirming their agreement to extend the contract.

Motion by Mr. Scott to recommend to Council to extend the Disaster Debris bid contract with Crowder Gulf for 90 days. Seconded by Ms. Conaway. Motion carried.

V. OLD BUSINESS

A. Civic Center Trade Show Booth at Winn Lakes Golf Course in Montgomery.

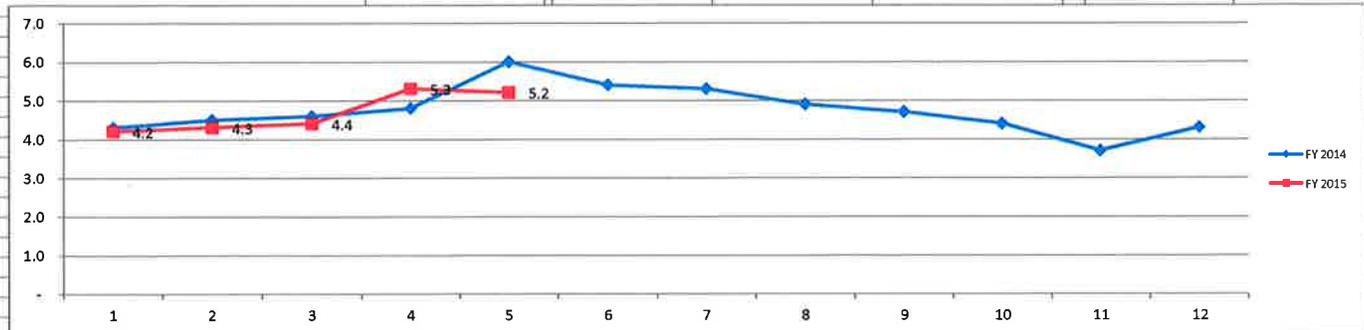
Mr. Fry asked Mrs. Thigpen for an update on the Trade Show booth at the upcoming event at the Winn Lakes Golf Course in Montgomery. Mrs. Thigpen stated the Mayor had approved for the Civic Center to have a booth at this event and she wanted to clarify that they would not be playing golf at this event but would have a booth to promote the Daphne Civic Center. Mr. LeJeune stated he attended the Hotel meeting and several attendees stated this was a very important event to attend for promotion purposes. Discussion continued that this event would be beneficial for the promotion of the City of Daphne and the Daphne Civic Center.

VI. ADJOURN The meeting adjourned at 6:00 p.m.

TREASURER'S REPORT

As of February 28, 2015

Account Type/Title	Bank / Brokerage	2/28/2015	1/31/2015	Increase (Decrease) from last Month	Balance Last Year 2/28/14	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	Compass Bank1	\$ 6,056,061	\$ 6,322,733	\$ (266,672)	\$ 7,961,836	\$ (1,905,775)
INVESTMENT FUND	Raymond James	5,269,434	5,209,431	60,003	\$ 5,181,224	\$ 88,210
MUNICIPAL COURT	Compass Bank2	95,070	98,417	(3,347)	\$ 81,703	\$ 13,367
Total Unrestricted Funds		11,420,565	11,630,581	(210,016)	\$ 13,224,763	\$ (1,804,198)
SPECIAL REVENUE FUNDS						
MUNICIPAL COURT	Compass Bank1	30,009	7,739	22,270	18,598	11,411
SELF INSURANCE	Compass Bank1	54,285	70,031	(15,746)	29,781	24,504
FLEX SPENDING	Compass Bank1	(5,882)	7,133	(13,015)	(4,469)	(1,413)
4 CENT GAS TAX	PNC Bank1	123,399	119,098	4,301	122,400	999
7 CENT GAS TAX	PNC Bank2	415,327	409,800	5,527	429,638	(14,311)
TREE & FLOWER	Compass Bank1	17,200	17,200	-	11,200	6,000
SAIL SITE	PNC3/Compass1	(603)	1,455	(2,058)	(178)	(425)
NON-MAJOR STORMS	Compass Bank1	(620,996)	(612,601)	(8,395)	-	(620,996)
BP OIL SPILL	Compass Bank1	426,768	426,768	0	426,768	0
FEDERAL DRUG FORFEITURES	Compass Bank1	14,784	14,044	740	49,174	(34,390)
LOCAL DRUG FORFEITURES	Compass Bank1	20,860	20,860	(0)	10,747	10,113
LIBRARY	Compass Bank1	3,660	(1,847)	5,507	17,038	(13,378)
CONCESSION STAND	Compass Bank1	(4,370)	(3,434)	(936)	(4,473)	103
COURT TRAINING & EQUIPMENT	Compass Bank2	29,687	29,039	648	25,198	4,489
COURT JUDICIAL ADMINISTRATIVE	Compass Bank2	104,924	99,386	5,538	59,388	45,536
COURT CORRECTION	Compass Bank2	172,659	168,980	3,679	199,531	(26,872)
LODGING TAX	Compass Bank1	2,384,734	2,333,036	51,698	1,034,997	1,349,737
		<u>3,166,444</u>	<u>3,106,689</u>	<u>59,755</u>	<u>2,425,338</u>	<u>741,106</u>
CAPITAL PROJECT FUNDS						
CAPITAL RESERVE	Wells Fargo Bank1	1,597,832	1,184,300	413,532	1,370,318	227,514
2012 CONSTRUCTION	Regions Bank	374,127	374,135	(8)	712,250	(338,123)
2014 CAPITAL IMPROVEMENTS	Compass Bank	782,152	782,136	16	-	782,152
		<u>2,754,111</u>	<u>2,340,571</u>	<u>413,540</u>	<u>2,082,568</u>	<u>671,543</u>
DEBT SERVICE FUNDS						
DEBT SERVICE	Wells Fargo Bank2	4,168,496	3,147,239	1,021,257	1,336,045	2,832,451
Total Restricted Funds		10,089,051	8,594,498	1,494,553	5,843,951	4,245,100
Total City Funds		\$ 21,509,617	\$ 20,225,079	\$ 1,284,538	\$ 19,068,714	\$ 2,440,903
# of Months of UNRESTRICTED Cash to cover monthly Operating Expenses & Debt Service		5.2	5.3		6.0	



Encumbrances FY 05 - FY 13: \$85,012 (as of 2/28/15)

Reserve for Encumbrances		Encumbrances for Review	Pending Project Completion	Release back to Unreserved GF Balance	Notes
9/30/2014	FY 05 30,000.00 Civic Center: Electronic Signage	30,000.00			Discussion at Finance Mtg
	FY 2010 5,012.18 Upgrading City Hall Telecommunications	5,012.18			Needs to be addressed by Mayor & IT Coordinator
	FY 2013 50,000.00 Recreation-Senior Center flooring	50,000.00			Discussion at Finance Mtg
Total		85,012.18	-	-	

SALES & USE TAXES

*Adjusted to accrued collections

ACTUAL COLLECTIONS

FY 2015 BUDGET vs ACTUAL

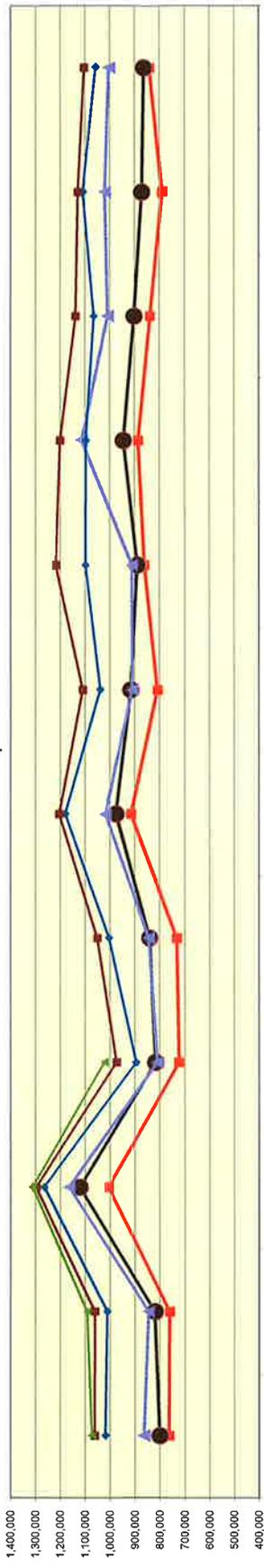
	7/8 Year													
	2010	2011	2012	2013	2014	2015	Sparklines				Budget	Monthly Variance	YTD Variance	% of Budget
October	764,641.13	800,512.03	864,727.27	1,019,065.37	1,062,861.14	1,073,290.88					1,072,524	767.37	767.37	0.1%
November	761,955.37	819,834.09	845,342.45	1,011,813.96	1,061,121.86	1,092,961.96					1,069,932	23,029.75	23,797.12	2.2%
December	1,004,037.20	1,121,383.45	1,165,135.62	1,266,051.50	1,299,075.20	1,312,012.89					1,388,651	(76,637.74)	(52,840.62)	-5.5%
January	723,504.28	817,230.14	809,785.59	895,717.19	974,224.69	1,023,171.34					1,000,908	22,263.07	(30,577.55)	2.2%
February	733,335.60	840,768.01	845,101.34	1,004,349.50	1,051,602.29	1,051,602.29					1,070,994			
March	916,657.55	976,181.39	1,018,721.43	1,181,007.55	1,205,342.67	1,205,342.67					1,254,014			
April	809,688.73	916,536.59	911,438.60	1,039,769.87	1,110,085.05	1,110,085.05					1,138,545			
May	862,254.54	889,945.33	911,839.30	1,098,548.05	1,218,956.40	1,218,956.40					1,179,034			
June	887,262.68	946,206.78	1,114,149.53	1,097,507.32	1,202,126.66	1,202,126.66					1,247,928			
July	839,192.33	902,457.24	1,010,193.08	1,065,215.02	1,139,120.72	1,139,120.72					1,178,374			
August	790,713.80	871,437.04	1,021,267.76	1,110,126.44	1,129,483.17	1,129,483.17					1,182,762			
September	841,035.40	863,630.36	1,004,661.04	1,058,958.43	1,104,411.74	1,104,411.74					1,153,953			
Totals	9,934,178.61	10,766,122.45	11,522,363.01	12,848,130.20	13,558,411.59	4,501,437.07					13,937,617	(30,577.55)		-0.7%
	-1.05%	8.37%	7.02%	11.51%										

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

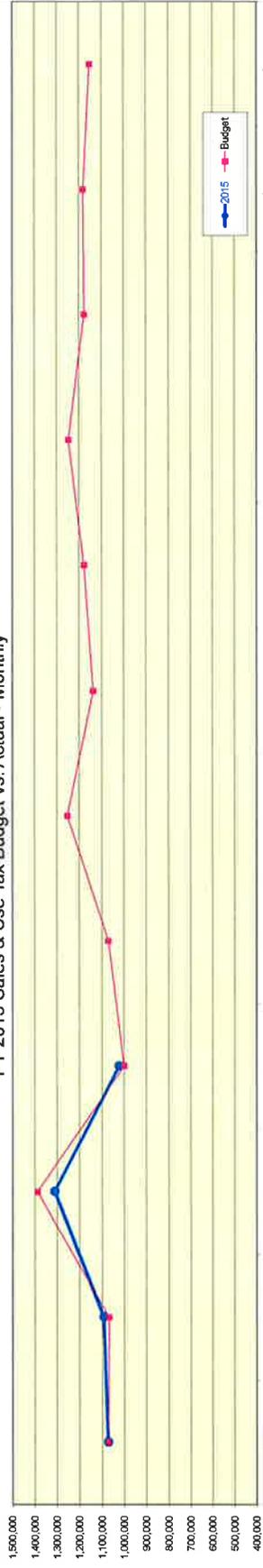
Fiscal Year Changes Year Over Year

	\$ Change												Percent Change			
	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	6/7 Year Sparklines		6/7 Year Sparklines		2010-2011	2011-2012	2012-2013	2013-2014	2014-2015		
October	35,870.90	64,215.24	154,338.10	10,429.74	31,840.10					4.7%	8.0%	17.8%	17.8%	1.0%		
November	57,878.72	25,508.36	166,471.51	100,915.88	12,937.69					7.6%	3.1%	19.7%	19.7%	3.0%		
December	117,346.25	43,752.17	100,915.88	12,937.69	48,946.65					11.7%	3.9%	8.7%	8.7%	1.0%		
January	93,725.86	(7,444.55)	85,931.60	159,248.16	162,286.12					13.0%	-0.9%	10.6%	10.6%	5.0%		
February	107,432.41	4,333.33	159,248.16	162,286.12	186,708.75					14.6%	0.5%	18.8%	18.8%	0.0%		
March	59,523.84	42,540.04	162,286.12	186,708.75	(16,642.21)					6.5%	4.4%	15.9%	15.9%	0.0%		
April	106,947.86	(5,097.99)	128,331.27	186,708.75	55,021.94					13.2%	-0.6%	14.1%	14.1%	0.0%		
May	27,690.79	21,893.97	186,708.75	186,708.75	88,858.68					3.2%	2.5%	20.5%	20.5%	0.0%		
June	58,944.10	167,942.75	(16,642.21)	55,021.94	54,297.39					6.6%	17.7%	-1.5%	-1.5%	0.0%		
July	63,264.91	107,735.84	88,858.68	54,297.39						7.5%	11.9%	8.7%	8.7%	0.0%		
August	80,723.24	149,830.72	141,030.68							10.2%	17.2%	5.4%	5.4%	0.0%		
September	22,594.96	141,030.68								2.7%	16.3%	5.4%	5.4%	0.0%		
Annual \$ Cha	831,943.84	756,240.56	1,325,767.19	104,154.18						8.4%	7.0%	11.5%	29.3%	2.4%		

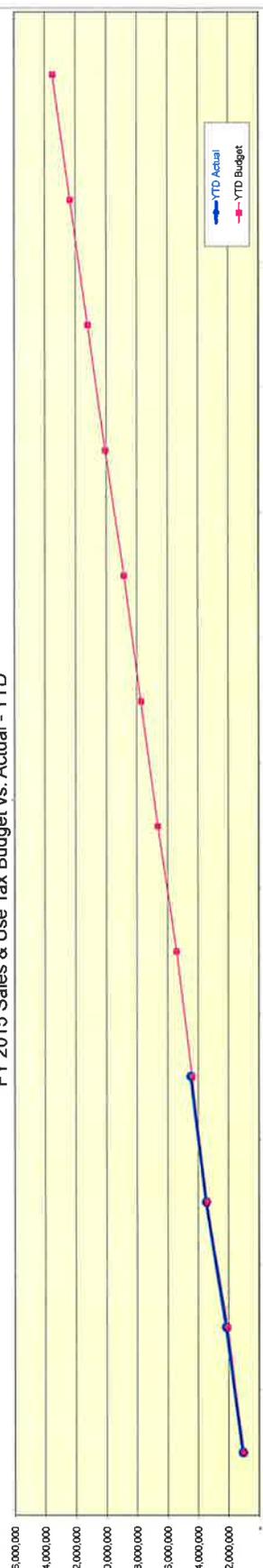
Sales & Use Tax Comparisons



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



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



MONTHLY LODGING TAX COLLECTIONS

*Based on Accrued Collections

ACTUAL COLLECTIONS

	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15	10 Year Spark Line
October	39,405.56	56,001.39	52,002.53	51,578.40	48,382.05	74,581.63	
November	33,763.37	48,329.73	47,568.08	43,459.48	43,912.92	77,289.64	
December	31,571.38	47,210.56	42,279.22	40,495.14	39,122.53	69,585.61	
January	42,883.70	49,006.12	41,917.34	47,548.01	43,198.04	72,323.09	
February	46,998.32	43,052.68	47,346.50	54,207.03	49,784.71		
March	52,771.52	67,422.43	70,058.33	64,325.47	71,954.97		
April	41,531.05	48,487.83	51,939.06	47,434.55	86,245.34		
May	66,820.96	57,880.48	54,740.45	68,448.49	107,155.55		
June	79,822.84	67,544.77	69,822.91	71,090.69	127,920.37		
July	91,906.47	76,631.86	79,417.80	94,310.47	139,397.37		
August	63,323.58	52,820.33	50,417.73	52,427.99	93,733.35		
September	52,662.79	45,216.75	48,968.89	45,148.35	71,790.24		
Total	643,461.54	659,804.93	664,478.84	680,474.07	922,597.44	293,779.97	

60

Ord 1997-28 adopted December 8, 1997 incr levy from 3% to 4%.
Ord 2014-06 adopted February 17, 2014 incr levy from 4% to 6% - effective for Collections for April 2014 reflected in May 2014

FY 2015 BUDGET vs. ACTUAL

	Budget	Monthly Variance	YTD Variance	% of Budget
October	80,009.54	(5,427.91)	(5,427.91)	-6.8%
November	70,478.07	6,811.57	1,383.66	9.7%
December	64,883.32	4,702.29	4,702.29	7.2%
January	72,491.46	(168.37)	4,533.92	-0.2%
February	78,568.01			0.0%
March	107,164.01			0.0%
April	78,823.33			0.0%
May	101,531.42			0.0%
June	119,019.92			0.0%
July	137,740.01			0.0%
August	89,428.46			0.0%
September	74,862.45			0.0%
Total	1,075,000.00	5,917.58		0.6%

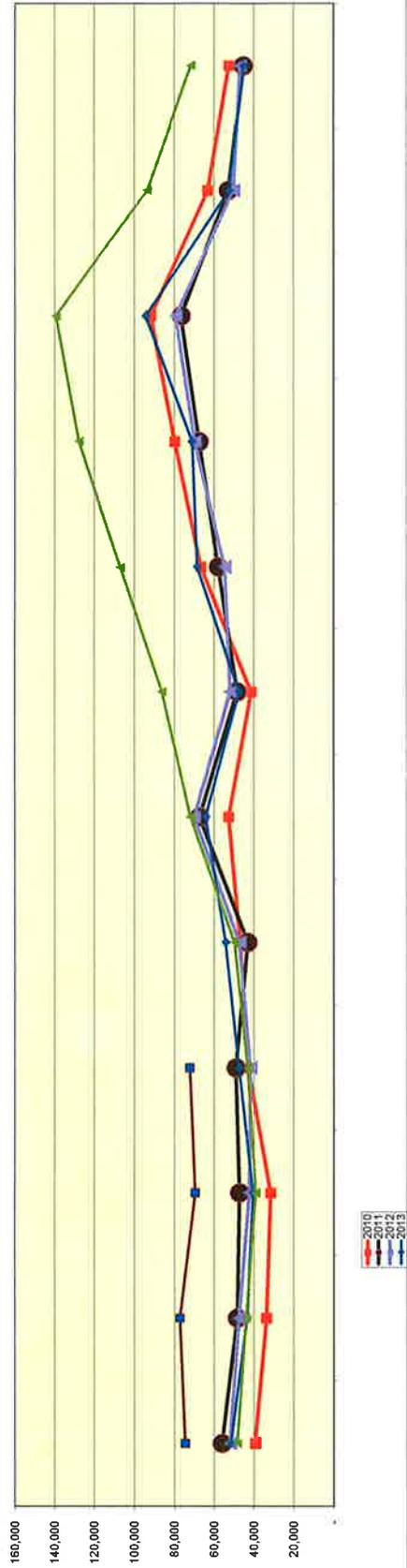
CHANGE IN DOLLARS

	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	9 Year Spark Line
October	(7,137.64)	16,595.83	(3,998.86)	(424.13)	(3,620.48)	26,199.58	
November	(6,415.32)	14,566.36	(761.65)	(4,108.60)	(3,655.16)	33,376.72	
December	(6,573.31)	15,639.18	(4,931.34)	(1,784.08)	(3,156.68)	30,463.08	
January	3,177.66	6,122.42	(7,088.78)	5,630.67	1,280.70	29,125.05	
February	299.31	(3,945.64)	4,293.82	6,860.53	2,438.21		
March	(459.33)	14,650.91	2,635.90	(5,732.86)	1,896.64		
April	(2,746.70)	6,956.78	3,451.23	(4,504.51)	34,306.28		
May	23,527.22	(8,940.48)	(3,140.03)	13,708.04	52,415.10		
June	23,328.73	(12,278.07)	2,278.14	1,267.78	58,097.46		
July	31,286.69	(15,274.61)	2,785.94	14,892.67	59,979.57		
August	18,686.76	(10,503.25)	(2,402.60)	2,010.26	43,315.62		
September	17,232.17	(7,446.04)	1,752.14	(1,820.54)	24,821.35		
Total	94,206.24	16,143.39	(5,126.09)	25,995.23	268,118.60	119,164.43	

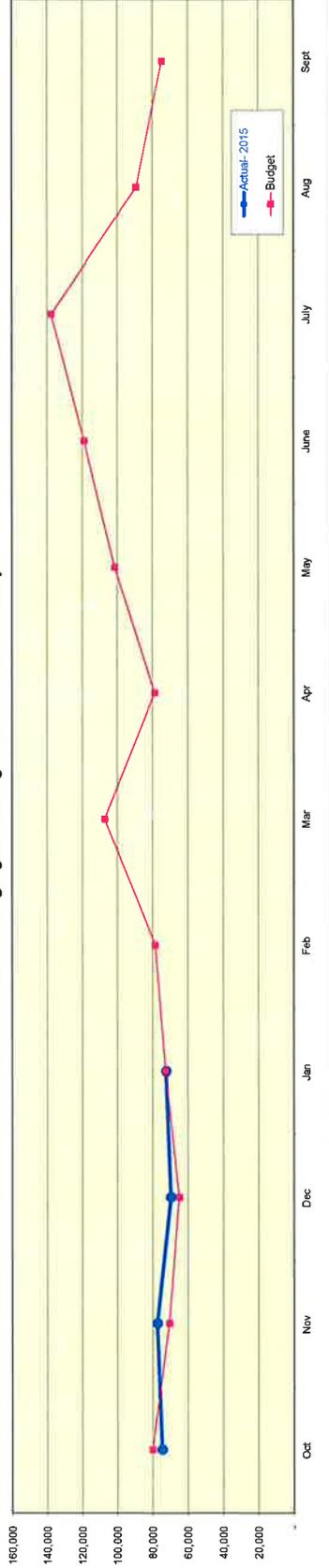
CHANGE IN PERCENTAGE

	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	9 Year Spark Line
October	29.6%	-7.7%	-0.8%	-7.5%	35.1%	
November	30.1%	-1.6%	-9.5%	-8.3%	43.2%	
December	33.1%	-11.7%	-4.4%	-8.1%	43.8%	
January	12.5%	-16.9%	11.8%	3.0%	40.3%	
February	-9.2%	9.1%	12.7%	4.9%		
March	21.7%	3.8%	-8.9%	2.6%		
April	14.3%	6.6%	-9.5%	39.8%		
May	-15.4%	-5.7%	20.0%	48.9%		
June	-18.2%	3.3%	1.8%	45.4%		
July	-19.9%	3.5%	15.8%	43.0%		
August	-19.9%	-4.8%	3.8%	46.2%		
September	-16.5%	3.7%	-4.0%	34.6%		
% Change	2.4%	-0.8%	3.8%	29.1%	40.6%	

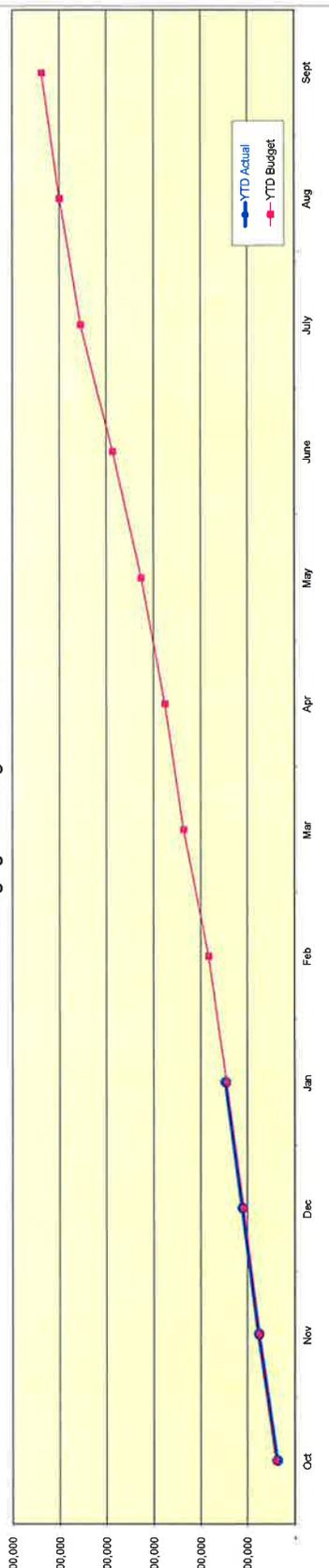
Lodging Tax Comparisons Year over Year



FY 2015 Lodging Tax Budget vs. Actual - Monthly



FY 2015 Lodging Tax Budget vs. Actual - YTD



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

	ACTUAL FY 1995-2004	ACTUAL FY 2005-2010	ACTUAL FY 2011	ACTUAL FY 2012	ACTUAL FY 2013	DRAFT URB FY 2014	DRAFT URB 2/28/15	Total
Revenues								
Lodging Taxes	1,596,764.95	3,506,472.72	659,604.93	654,478.84	680,474.07	922,597.94	365,570.21	8,385,963.66
Settlement	30,000.00	-	-	-	-	-	-	30,000.00
Donations	240,300.00	10,000.00	-	-	-	-	-	250,300.00
Grants	498,100.00	1,390,048.13	21,768.93	52,629.91	98,059.17	-	-	2,060,606.14
Total Revenues	2,365,164.95	4,906,520.85	681,373.86	707,108.75	778,533.24	922,597.94	365,570.21	10,726,869.80
Expenditures								
Industrial Development Board	45,002.65	175,428.43	32,980.25	32,723.95	34,023.69	92,652.93	47,524.12	460,336.02
Downtown Redevelopment Authority	-	-	-	97,877.29	34,023.69	42,540.38	18,278.50	192,719.86
Cost of Debt Issuance	112,241.61	-	-	-	-	-	-	112,241.61
	157,244.26	175,428.43	32,980.25	130,601.24	68,047.38	135,193.31	65,802.62	765,297.49
BayFront Property Related Exp								
Bay Front Property	4,684,723.62	666,067.18	-	-	-	-	-	5,350,790.80
Bay Front Parking Lot	-	105,793.06	-	-	-	24,028.11	-	129,821.17
Bay Front Swing Bench	-	3,896.87	-	-	-	-	-	3,896.87
Bay Front New Floors	-	-	-	-	-	-	23,758.35	23,758.35
Bay Front Park Improvements	-	2,358.75	500.00	-	-	-	-	2,858.75
Bay Front Park Deck	-	-	-	-	20,000.00	-	-	20,000.00
Bay Front Restrooms	-	44,139.11	1,947.28	-	-	-	-	46,086.39
Bay Front Invasive Species Grant	-	-	-	47,163.35	-	3,181.25	-	50,344.60
Boardwalk Parking Lot	-	-	-	-	-	17,459.00	-	17,459.00
Boardwalks & Walking Trails	-	-	-	2,535.00	-	-	-	2,535.00
Building Improvements	48,956.54	56,000.97	-	44,158.00	-	-	-	149,115.51
Captain O'Neal Sidewalk	-	25,413.49	-	-	-	-	-	25,413.49
D'Olive Creek Pedestrian Bridge	-	85,279.08	7,965.00	-	98,627.66	2,043.73	-	193,915.47
Gator Alley Bridge	-	-	-	-	8,174.90	1,097.45	-	9,272.35
May Day Playground Eqpt	-	30,792.49	-	-	-	-	-	30,792.49
May Day Boat Ramp	-	414,655.63	18,247.24	-	-	-	-	432,902.87
May Day Parking Lot	-	271,248.90	-	-	-	-	-	271,248.90
May Day Drainage	-	5,000.00	-	-	-	-	-	5,000.00
May Day Sand Movement Study	-	12,273.50	15,726.50	20,634.00	14,147.00	-	-	62,781.00
May Day Grounds & Landscaping	-	-	-	5,000.00	-	-	-	5,000.00
Mobile Bay NEP Contribution	-	-	-	7,000.00	-	-	-	7,000.00
Property Improvements	1,712.30	2,244.00	-	2,629.57	-	-	-	6,585.87
Village Point Grant	-	-	10,823.95	-	24,852.02	-	-	35,675.97
Williams Property (1/2) Brdwlk Prkng Lot	-	-	-	-	-	47,138.87	-	47,138.87
Total Bay Front Related Exp	4,735,392.46	1,725,163.03	55,209.97	129,119.92	165,801.58	94,948.41	23,758.35	6,929,393.72
Recreation Exp								
<i>(Rec Loan from GF-\$643,644 Forgiven 6/1/14)</i>								
Sports Complex Entrance Rd (FY12-14)	-	-	-	51,647.38	779,444.30	48,517.98	-	879,609.66
Softball/Football Lighting (FY11)	-	-	449,084.04	-	-	-	-	449,084.04
Bathroom/Concessions (2) (FY10-11)	-	1,152.00	273,593.93	-	-	-	-	274,745.93
Bleachers (4) (FY11)	-	-	50,000.00	-	-	-	-	50,000.00
Fence/Net Replacmnt-net of ins (FY11)	-	-	2,062.50	-	-	-	-	2,062.50
Repair-Blchr/Conces Roof-net of ins (FY11)	-	-	23,197.52	-	-	-	-	23,197.52
Total Recreation Exp	-	1,152.00	797,937.99	51,647.38	779,444.30	48,517.98	-	1,678,699.65
Other Financing Sources (Uses)								
Debt Proceeds	5,177,983.00	-	-	-	-	-	-	5,177,983.00
Transfers from General Fund	353,433.00	(353,433.00)	-	-	-	643,643.56	-	643,643.56
Transfers to Debt Service (Debt pd 9/20)	(3,042,540.12)	(1,080,638.30)	(166,139.22)	(167,064.00)	(103,080.00)	(137,838.00)	(76,010.00)	(4,773,309.64)
Transfers to Gen Fund	(20,322.18)	-	-	-	-	-	-	(20,322.18)
Other Financing Sources (Uses)	2,468,553.70	(1,434,071.30)	(166,139.22)	(167,064.00)	(103,080.00)	505,805.56	(76,010.00)	1,027,994.74
Rev & Financing Sources Over								
(Under) Expend & Financing Uses	(58,918.07)	1,570,706.09	(370,893.57)	228,676.21	(337,840.02)	1,149,743.80	199,999.24	2,381,473.68

Reserve: In-Progress Projects: BdWalk Repairs: as of 9/14	(8,982.90)
Reserve for Recreation	(416,888.45)
Unreserved	1,955,602.33

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

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

Correction/Court Fund - FY2015

Due To/From Other Funds
46521-141430 / 141420

FY 2015 Month/Year	Court					Corrections					Total
	Collections	Warrant Fee	Interest Allocation	Disbursements	Net Activity for Month	Net Balance	Transfer to Corrections	Transfer from Court	Net Activity for Month	Net Balance	
Beg Bal, 10/1/14	123,161.25	54,772.15	-	(4,180.00)	180.55	177,933.40				-	177,933.40
Oct-14	4,058.25	302.30	-	(922.67)	1,610.83	178,113.95	(768.71)		(1,549.91)	2,810.63	180,924.58
Nov-14	2,972.21	330.00	-	(869.79)	1,307.44	179,724.78	(2,208.96)	768.71	(6,881.51)	(3,579.34)	179,724.78
Dec-14	4,116.19	270.00	-	(1,870.49)	(9,455.18)	181,032.22	(11,796.95)	2,208.96	(6,595.14)	(2,208.96)	181,032.22
Jan-15	3,992.26	220.00	-	-	-	171,577.04		11,796.95	(16,009.19)	(11,796.95)	171,577.04
Feb-15	-	-	-	-	-	-			-	-	-
Mar-15	-	-	-	-	-	-			-	-	-
May-15	-	-	-	-	-	-			-	-	-
Jun-15	-	-	-	-	-	-			-	-	-
Jul-15	-	-	-	-	-	-			-	-	-
Aug-15	-	-	-	-	-	-			-	-	-
Sep-15	-	-	-	-	-	-			-	-	-
63											
Plus Interest	138,300.16	55,894.45	-	(7,842.95)	(6,356.36)		(14,774.62)		(31,035.75)	(14,774.62)	
Less Disbursements	(7,842.95)	-	-								
Transfers	(14,774.62)	-	-								
Net Balance	115,682.59	55,894.45	-			171,577.04					171,577.04

Add back Due to General Fund (46521-141420)
Add back Accounts Payable (46522-200200)

Equals Due from Agency Funds (46521-141430)

Jail Kitchen Equipment purchased:	
3 convection ovens w/Table - US Foods - 11/14/14	3,449.21
48 Trays - Bob Barker - 1/29/15	1,886.98
Refrigerator Mobile Fixtures - 1/15/15	4,692.15
Dishwasher -Dade Paper -\$3,350 (Court Pd 465235)	-
TOTAL	10,028.34

Buildings & Property Committee Meeting
Monday, March 2, 2015
4:30 PM
Daphne City Hall- Executive Conference Room

Committee Minutes

Present: Councilman Joe Davis; Councilman Robin Lejeune (arrived at 5:15 pm); Councilman Ron Scott; Councilman Randy Fry; Councilwoman Tommie Conaway; Councilman John Lake; Mayor Dane Haygood; Kevin Boucher, City Attorney; Margaret Thigpen, Civic Center Director; Richard Merchant, Building Official; Richard Johnson, Public Works Director; Ashley Campbell, Environmental Programs Manager (arrived 5:20 pm); Suzanne Henson, Senior Accountant; Vickie Hinman, Human Resources Director; Sarah Toulson, Assistant City Clerk (recording secretary); Dorothy Morrison, Beautification Committee & Downtown Redevelopment Authority; Casey Zito, Downtown Redevelopment Authority; Selena Vaughn, Village Point Foundation; Al Guarisco, Village Point Foundation; Patrick Collins, Lake Forest Property Owner's Association; John Peterson, Engineer.

Absent: Rick Whitehead, IT Coordinator; Councilman Pat Rudicell

The meeting was brought to order at 4:34 pm by Chairman Joe Davis.

1. Public participation

Casey Zito, Chairman of the Daphne Downtown Redevelopment Authority, addressed the committee regarding the DRA's proposed project to install artistic bicycle racks in downtown Daphne. Ms. Zito gave a brief description of the project, which has the aim to encourage bicyclists to spend time in Olde Towne. Designs are by local artist America Jones, in keeping with the spirit of a bayfront city.

- Many comments were made approving of the crab design.
- Suggestions for the future:
 - o Begin a program for sponsorships of bicycle racks across the city by businesses.
 - o Expand beyond downtown with the help of other organizations.
 - o Ensure the safety of the design is considered.
 - o Include municipal/DRA branding or other instructional information.

2. Approval of minutes: February 2, 201

<p>Motion by Mr. Fry to adopt the February 2, 2015 minutes as written. Seconded by Mr. Scott. Motion carried unanimously.</p>

3. Resolution for Surplus Property: Suzanne Henson

Suzanne Henson explained that the equipment under consideration has already been replaced by the Public Works Department.

Motion by Mr. Scott to recommend the Resolution for Surplus Property for adoption by the Council. Seconded by Mr. Fry. **Motion carried unanimously.**

Ms. Henson also informed the Committee that some police radio equipment that had already been approved for surplus has been requested for donation to Washington County, and the Fire Department also has radio equipment which they would like to donate to the Baldwin County Board Education BCBE – Trade School.

Motion by Mr. Scott to have a resolution drafted for the donation of the electronic property. Seconded by Mr. Fry. **Motion carried unanimously.**

4. Civic Center & Bayfront report (February): Margaret Thigpen

Margaret Thigpen distributed and discussed her February report. February 2015 revenue totaled \$21,720.75, an increase from February 2014 levels. Year to Date revenues stood at \$67,664.00, below figures listed for FY2014. Additionally, Ms. Thigpen reported total deposits for F stood at \$24,368.50, and that the Civic Center has seen nine events during February, for a total of nine days used, not including setup days.

Ms. Thigpen then turned to Bayfront Pavilion, reporting revenues for February totaling \$2,140.00, above February 2014 levels, and year-to-date revenues totaling \$28,509.00, an increase from 2014 numbers. Additionally, Ms. Thigpen reported total deposits for February stood at \$3,976.00, and that Bayfront Pavilion has seen four events and one cancellation during February, for a total of three days used, not including setup days. In February both facilities were closed for one day.

Convention & Visitors Bureau Report:

- She reported that the City had received its first lead from the Lead form that was distributed to all hotels in the City. This provided information regarding the economic impact of this group, which is contained in her report herein.
- Tourism Town Hall meeting attended on February 27 came with many takeaways for utilization in our own tourism efforts, including:
 - The “If you build it, they will come” principle does not work without an effective sales and marketing force.
 - A solid, collective branding effort is a must for a city to be successful. The City must set itself apart as a destination and create a unique experience for its visitors.
- Official Visitors Guide: Ms. Thigpen shared Mobile’s official visitors guide and pointed out that this project is on her CVB Action Plan which is on the Mayor’s desk.

Ms. Thigpen has already developed a CVB calendar of area events and distributes this at the monthly hotel/tourism meeting.

- Ms. Thigpen is currently working to make the City a sponsor of an event for the Alabama Association of Council Executives. Exposure to this group would assist in showing Daphne as a prime location for event hosting. She is waiting on a positive response from the Mayor.

Other items addressed:

- Break even numbers for the Civic Center are included in the handout contained in the report herein, as requested by Councilman Lejeune.

5. Building inspection monthly reports (February): Richard Merchant

Richard Merchant reviewed the building report for the month of February. He reported nine new residential construction projects initiated, and one new commercial development. The department issued 81 permits during February, with a total job valuation of \$2,775,334.00 with permit fees totaling \$27,586.75.

6. Bayfront property

The Committee reviewed the property appraisal, contained in the report herein. Members of the Village Point Foundation will speak with the property owners about moving forward.

(Mayor Haygood arrived at 5:07 pm)

7. Fire Station #3 Update: Richard Johnson

Mr. Johnson reported that bids would be opened on March 4th, and will be presented to the Finance Committee on March 9th.

8. Lake Forest POA Lease: Lake Nine Golf Course

(Councilman Robin Lejeune arrived at 5:15 pm)

Kevin Boucher addressed the committee, explaining the lease as a thirty year term for \$1.00 per year. He asked the Committee for direction regarding section 3, subsection A of the agreement, which states that activities should not be more invasive than golf course use. The Committee discussed this item with Mr. Boucher and Patrick Collins, attorney for the Lake Forest POA, and asked that the attorneys continue to work through the details of the agreement, possibly providing some broad categories of accepted and unaccepted use.

9. City Hall Back Door: Richard Johnson

Mr. Johnson noted that one of the two back entrances to City Hall does not currently have a card reader for employee access.

Motion by Mr. Scott to refer this item to the Finance Committee and recommend it for a \$1,500.00 appropriation. Seconded by Mr. Lake. **Motion carried unanimously.**

10. Telescope at Daphne Historic Overlook

Mayor Haygood reported that this telescope unit was scheduled to be taken by the operating company, but the City has been given the option to buy the unit at a reduced price. The Committee opted to see what other options existed for placement of a similar structure at the Overlook.

11. Other Business

None was brought forward for consideration.

With no further business to discuss, the meeting was adjourned at 5:34, motion by Mr. Scott and seconded by Mr. Fry.

Rebecca A. Hayes

From: Richard D. Johnson, P.E.
Sent: Thursday, March 05, 2015 3:47 PM
To: Rebecca A. Hayes; Sarah Toulson
Cc: Michele Hanson
Subject: FW: PW Intern Motion
Attachments: Public Works GIS Intern 02-24-2015.pdf

See below – from PW Committee.

Thanks,

RDJ

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

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

directorpw@daphneal.com

From: Michele Hanson
Sent: Thursday, March 05, 2015 3:40 PM
To: Richard D. Johnson, P.E.
Subject: PW Intern Motion

Please forward to Becky.

At the March 2nd Public Works Committee Meeting the following motion was made:

Motion by Ron Scott, seconded by John Lake to favorably recommend to the City Council to move forward with hiring Steven Henning as the Public Works/Environmental Programs GIS Intern at a rate of \$15.00/hr. All in favor. Motion carried.

Information attached.

Michele T. Hanson
Assistant to the Public Works Director
City of Daphne
Post Office Box 400
251-621-3182
251-621-3189 fax

Steven Henning
706.799.7319
envirosoci.henning@gmail.com

OBJECTIVE

To obtain a position that brings my experience, education, skills, and knowledge attributes together to enhance a company's value.

PROFILE

High quality professionalism and being detail oriented are qualities I pride myself in towards my work. I am known for my dependability and dedication, both individually and on a team, while maintaining flexibility. I possess excellent organizational and communication skills—both oral and written. While maintaining the scope of the "Big Picture," I thrive to reach every goal set forth. I am a holder of an active US Secret clearance.

EDUCATION

- **Gainesville State College (Oakwood, Georgia)**
Bachelor of Science in Applied Environmental Spatial Analysis *GPA (3.2)* July 2009
Associate of Science in Biology July 2008
Associate of Science in Geography December 2006
Certificate in Global Information Science December 2006
- **Augusta Technical College (Augusta, Georgia)**
Associate of Science in Technical Studies June 2004
- **Georgia Work Ready (Certified)**
www.gaworkready.org (Certificate# Z4H04M90T62J) *Gold (Top 5 %)* December 2009
- **North Carolina State University,**
Masters of Geospatial Information & Technology (MGIST) "Online" Currently Enrolled

TECHNICAL SKILLS

- ArcGIS/Arc Catalog 9.0, 9.2, 10.1
- Microsoft Office Suite: Word, Excel, Outlook, PowerPoint
- GeoExpress 9
- Erdas Imagine 9.2, 10.1
- AVSWAT, ArcSWAT, BASINS, ARC Objects, Visual Basics, Arc Scene, Arc View
- Google Earth
- Familiarity with SQL server
- SimSuite

SPECIFIC TRAINING COURSES WITHIN DEGREE

- Land Use & Conservation
- Hydrology
- Fundamentals of Soils Science
- Ecology of Wetlands and Streams
- Limnology
- Environmental Chemistry
- Freshwater Invertebrate Biology
- Fundamentals of Remote Sensing
- Data Acquisition and Conversion in GIS
- Spatial Analysis in GIS
- Application Development in GIS
- Cartography and Earth Measurement
- Digital Image Processing

CERTIFICATIONS

- Global Information Systems (Gainesville State College)
- Geospatial Information System Professional (GISP) Certification through Environmental Systems Research Institute (ESRI)
- Temporary Roofing First Responder (US Army Corps of Engineers)

EXPERIENCE

Oak Grove Technologies LLC Contractor (in conjunction with the with the United States Army Corps of Engineers)

GIS Developer

January 2014 – November 18, 2014

- Serve as the in-house GIS professional for all the geospatial needs in the office.
- Serve as the lead POC for the enhancement of technology and replacing the expired devices in the office.
- Create technical documentation to support the creations of tutorials and video clips for training and briefing needs.
- Serve as the POC for any FEST equipment; trouble shooting, repairing, replacing for upgrades, etc...
- Perform research for GIS related data in support of civilian/military exercises.
- Manipulate raw data into GIS formats to be visible in GIS related software.
- Communicate with co-workers to keep them abreast of the changing technology with GIS related data.
- Serve as the POC for other offices in support of the equipment for training events held both locally and abroad.
- Created technical documentation for the use of GIS software (SimSuite).
- Serve as technical personnel for military and civilian needs regarding field equipment, computer, or GIS related issues.
- Correlate with other GIS personnel in other regions to obtain data for exercise or real time usage.
- Create hurricane and hazardous scenarios to depict through GIS software for civilian/military situational awareness and training.
- Serve as the technical persomel for FEST training, instruction and equipment.
- Perform random duties as assigned in support of the office's mission.
- Self taught python code in support of the development of Simsuite software.

HX5 LLC Contractor (In conjunction with the United States Army Corps of Engineers)

Systems Application Specialist II / GIS Specialist

April 2010 – December 2013

- Served as technical reachback personnel for military and civilian needs regarding field equipment or computer issues encountered in the field.
- Served on a team for the creation of the Infrastructure Reconnaissance Information System (IRIS) software and deployment on multiple GPS field data collecting devices.
- Lead the UROC Mobile, AL office to become self sufficient in creating their own documentations and media resources for training to support field personnel rather than relying on home office for documentation.
- Served as the subject matter expert for all the document duplication devices, disk printers/duplicators.
- Volunteered to move to the satellite office from the home office to initiate and serve as a Subject Matter Expert on all FEST equipment.
- Served on a development team to assist in the ongoing mission to support civilian and military GIS needs worldwide.
- Volunteered to assist with the expansion of this office to incorporate training areas.
- Served as a POC in the creation of mass reimaging/duplication of the CF-U1 GPS field data collection device hard drives.
- Served as lead personnel with the data transfer connection from the satellite office to the home office via database connectivity.
- Served as a Subject Matter Expert for multiple geospatial devices and software.
- Created technical documentation for the uses of each of the field devices.
- Instructed military and civilian personnel at various locations throughout the US on the uses of the geospatial devices and the archived databases where the collected data is stored.
- Obtained and manipulated imagery into formats usable for each of the different GPS devices.
- Mosaic/re-project raster data for specified areas using ERDAS Imagine/ESRI ArcGIS.
- Edited geospatial vector files (roads, boundaries, buildings, etc.) based upon newly updated raster imagery and/or when new boundaries were assigned using ERIDAS Imagine and ArcMap software.
- Completed requested products/updated existing geospatial products using ArcGIS.
- Exported geospatial products to .jpeg, .pdf, and .geopdf for storage/planning purposes.
- Created all technical documents for all the "Step-by-Step" instructions for how to utilize the various databases that is supported by the United States Army Corp of Engineers Reachback Operation Center.
- Served as the resource personnel to reimage GPS and computers after training events to have them ready for the next event often times requiring quick timely actions.
- Experience with FEDex shipping at a government level worldwide.

City of Daphne, Alabama
Student Intern Work Assignment Agreement

This student internship agreement is made as of April 30, 2015 between the City of Daphne Public Works Department and Steven Henning (the graduate student intern) a student of North Carolina State University.

The City of Daphne desires to offer a student internship with regard to the purpose of a specific work assignment and the student intern is willing to perform such work assignment as requested by the City of Daphne and as defined in Exhibit A, Student Intern Work Assignment Description.

This agreement is as follows:

1. **Terms.** This agreement shall commence on the effective date and shall continue until work assignment is completed or the agreement is terminated.

In the event of a default in the performance of the work assignment by the student intern, the City of Daphne may immediately terminate this agreement.

2. **Duties.** During the term of this agreement, the student intern shall carry out the work assignment as defined in Exhibit A. The student intern agrees to use best efforts to ensure that the work assignment will be carried out as defined. The work assignment shall be described in terms of the specifications and/or stated requirements and/or deliverables within Exhibit A. The Daphne Public Works Department and the student intern each agree to use reasonable efforts to assist each other where appropriate in mutual pursuit of fulfilling the work assignment specified. The student intern will furnish the services diligently, professionally and in a manner consistent with the good public image of the City of Daphne.
3. **Compensation.** The student intern shall perform the stated work assignment set forth in Exhibit A with compensation of \$15.00 per hour. If requested, a letter will be provided to the student intern's school describing the work assignment and level of successful completion of the work assignment

All working time shall be recorded by time clock by the student intern to the City of Daphne Public Works Department on a daily basis for each shift work.

4. **Expenses.** The student intern is responsible for any expenses incurred to perform the work assignment unless specifically pre-arranged and defined in Exhibit A.
5. **Confidentiality.** The student intern agrees that he/she: (i) will not disclose any confidential information (ii) will not and does not intend to use any confidential information belonging to any third party in connection with the performance of the work assignment; and (iii) will not removed any books, papers, or records belonging to the City of Daphne any third party including any document containing any confidential information, business plans, or confidential or proprietary information about the City of

**City of Daphne, Alabama
Student Intern Work Assignment Agreement**

Daphne any third party. The student intern shall exercise the utmost good faith in protecting all confidential information.

6. **Ownership of Work Products.** Any ideas, processes, methods, reports, plans, manuals, tapes, card decks, web pages, listings, notes, flowcharts, or any other work product produced by the consultant relating to the assignment and developed, prepared, conceived, made or suggested by the student intern are assigned to the City of Daphne.
7. **Equipment and Other Resources.** The student intern shall supply all equipment and other resources necessary to perform the work assignment, except as may be specifically agreed to by the City of Daphne Public Works Department.
8. **Compliance with laws.** The student intern agrees to comply with all laws, ordinances, rules and regulations that are now or may become applicable by this agreement in accordance with the laws of the State of Alabama.

The student intern has signed and delivered this agreement, and the City of Daphne Public Works Department has signed and delivered by its authorized representative, as of the date first set forth above.

The Student Intern:

Printed Name: Steven Henning

School: North Carolina State University

The City of Daphne Public Works Department

By: _____

Printed: Richard D. Johnson, P.E.

Title: Director of Public Works

Executive Approval by the City of Daphne:

By: _____

Printed: Dane Haygood

Title: Mayor, City of Daphne

**City of Daphne, Alabama
Student Intern Work Assignment Agreement**

Exhibit A

Student Intern Work Assignment Description

I. Specifications and/or Requirements and/or Deliverables for this Work Assignment (to be completed by City of Daphne department head or supervisor: (Attached – Exhibit “B”)

Provide the following work assignment for the City of Daphne Public Works Department and under the supervision of Richard D. Johnson, P.E., Director and Ashley Campbell, Environmental Programs Manager. See Attached Exhibit “B”

II. Term of Engagement: Beginning April 30, 2015 through August 31, 2015 or notice of termination.

III. Compensation: \$15.00 per hour – not to exceed 32 hours per work week

IV. The Student Intern’s address:

Spanish Fort, Alabama 36527

The student intern has signed and delivered this agreement and Exhibit A, and the City of Daphne Public Works Department has signed and delivered by its authorized representative this Exhibit A dated: April _____, 2015.

Student Intern

City of Daphne Public Works Department

BY: _____

BY: _____

Name: Steven Henning

Name: Richard D. Johnson, P.E.

School: N.C. State University

Title: Director of Public Works

Executive Approval: _____

Title: Mayor, City of Daphne

Exhibit "B"

Public Works/Environmental Programs GIS Intern (PW/EP GIS) – City of Daphne

Job Description:

Based in Daphne, Alabama, this internship position affords an insider view of both on-going infrastructure programs and current engineering projects of a dynamic, Public Works Division. The Civil Engineering Intern will perform all or some of the following Job description:

- Collection and preparation of material quantity calculations, field investigations, relevant data and photographs of City Infrastructure(s) to be cataloged and displayed in GIS;
- Provide coordination, oversight and other support services to Public Works and Environmental Programs personnel in the field collecting, cataloging and/or mapping infrastructure data. (Project Management);
- Report writing and related correspondence;
- Execution of routine GIS design and Mapping work assignments, as needed;
- Assist in, conduct analyses, and/or review GIS and Trimble Survey data;
- GIS Data Entry, Processing and Mapping;
- Transportation & Drainage Infrastructure Field Evaluations;
- GIS support Environmental Permitting Review and Application;
- Reports to Director of Public Works: Richard D. Johnson, P.E. & Environmental Programs Manager: Ashley Campbell

Qualifications:

Prospective intern should possess a keen interest in Public Works and Environmental projects and a desire to pursue career pathways in the Public Sector. GIS students and/or students from related disciplines are especially encouraged to apply. Ideal candidates possess good general computer knowledge, leadership qualities, and solid communication skills. Candidates should be able to work independently, and as part of a team. Minimum requirements:

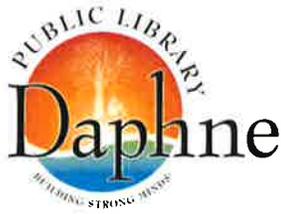
- Coursework in GIS pursuing a BS and or MS
- Possess a Valid Driver's License
- All applicants must be available starting the Summer Semester 2015
- Students must provide a resume, unofficial transcript, and 500-word personal statement expressing internship expectations and career interests
- Meet City of Daphne Employment Requirements

Pay:

Minimum Wage for undergraduate; \$15.00 for graduate - Part time (15- 32 (Max) Hours a week) Monday-Friday (flexible)

Term:

This is a one semester internship (Summer 2015) with both the City and the Intern having the right to mutually renew or discontinue the internship at the conclusion of the semester.



Library Board - Meeting Minutes

February, 2014

In Attendance:

Library Director Tonja Young; Chair Jim Morris; Library Board Members Windrila Longmire and Nancy Volovecky; Friends President Karen Kyzar; and Councilman John Lake.

1) Call to Order:

Meeting called to order at 4:05 pm by Chair Jim Morris.

2) Old Business:

Nancy moved to approve the January minutes. Windrila seconded the motion. Motion passed.

3) New Business:

Jim announced that he would like to have very orderly meetings, following Robert's Rules more closely. For those unfamiliar with Robert's Rules, Jim stated that the chair cannot make a motion or second a motion. He also said if any discussion carries on too long, that we should "call the question" for a vote as to whether the discussion should continue.

A new member was needed. Nancy moved to accept the nomination of Starke Irvine, with a second from Windrila. Jim discussed that he had spoken personally with Starke who had declined the invitation to serve. Starke said that due to time constraints at the moment he would not be able to serve on the board, but would like to serve at another time. Nancy withdrew her nomination and Windrila seconded the motion.

Windrila made a motion to accept Kathi Alsip as the new board member, seconded by Nancy. Nancy discussed Kathi's background: active at Christ the King, on the school board, children are outstanding students, husband a doctor. Motion passed.

As an addendum to the agenda, Jim discussed the Foundation's plans for library growth.

Library statistics report showed that circulation and patronage was up to 34,394 in January 2015 compared to 32,984 in January 2014. Meeting room use was 631, up 81% from last year's 349. Public computer use was up at 2,428 compared to 2,239 from January 2014. Database use was up 89%, from 2,960 in January 2014 to 5,597 in January 2015. Events for the month were included in the attached agenda.

Two board members were required to participate on the Library Foundation Board. Jim said he would attend as chairman of the Library Board. Windrila made a motion that Nancy be appointed to attend the meetings as well. Nancy seconded the motion and the motion passed.

4) Friends Of the Daphne Library Participation:

Karen commented about new Friends of the Library Officers. She also stated that the semi-annual book sale will be held on Saturday, March 28. She is preparing a flyer and putting the event in the Lake Forest newsletter. Any books or other items left after the sale will go to charity for a women's shelter/thrift shop.

6) Public Participation:

None.

7) Adjourn:

Windrila made a motion to adjourn at 4:40 pm.

Respectfully submitted by T. Young, March 9, 2015.

Library Board
Daphne Public Library
A G E N D A
February 12, 2015
4:00 pm

1. Call to Order (J. Morris)

2. Old Business

Approval of minutes of January Meeting

Elect new member to Board: nominees in alpha order attached:

Kathi Alsip
Starke Irvine
Kim Pierce Qualls
From the floor

3. New Business

Statistical Report (T. Young)

Report on Library Activities (T. Young)

- Statistical Report attached.
- Annual History Series: *The Deconstruction of America* was a huge success! Patrons have asked for more speaking events throughout the year.
- Events for children and teens were well-attended during January and early February: Make-n-Take Snowman, Teen Field Trip to Daphne Museum, Family Movie Night, ACT Practice Test, ACT Parent & Student Test Evaluation, Alabama Virtual Library Workshop, Email: Setting up Account Workshop, Teen Mardi Gras Crafts, Using Camellia Net & eBooks Workshop, Teen Bead Parade Outreach at The Gardens Assisted Living Center, Story Time Valentine Parties.
- Tonja attended one of two annually required meetings for the Alabama Public Library Service in Mobile. Annual attendance of two meetings is required of library directors for the library to receive State Aid Funds.
- Expenditures and events related to the 2015 LSTA (Library Services & Technology Act) Cultural Grant including travel guides, language books on CD, music CDs, and books for all ages.

Choose member of Library Foundation Board

6. Friends of the Library Participation (K. Kyzar)

7. Citizen Participation

8. Adjourn

Reminder: Next meeting: March 12, 2015

Katherine G. Alsip
Biography

I was born and raised in Daphne graduating from Fairhope High School. I have also spent time in Birmingham, Alabama and Colombia, SC. I have served on the City of Daphne Beautification Committee and have volunteered on several mayoral campaigns. I am an active member of Christ the King Church and have served on both the school board and Parish Council. I have helped instruct 3 and 4 year olds in their religious education. I currently volunteer for several ministries in the Parish. I am a past member of The Junior Auxiliary of the Eastern Shore and was very active in the "Good Touch Bad Touch" puppet program presented in the elementary schools throughout Baldwin County. I have volunteered at Care House in Bay Minette. My Italian cookies are requested yearly for the Mamma Mia cook-off.

I am an RN by profession; pediatric critical care was my love along with the fast pace of the Emergency Department. I currently work part-time at Eastern Shore Ob-Gyn in Fairhope. Patient care and education is my primary responsibility. I also assist with ordering supplies, restocking rooms, and minor repairs.

The most important title I hold is being a wife and mom. Jorge and I will be married 30 years in May and have two grown daughters.

While my experience as a nurse in dealing with adults and children in both a hospital and community setting is an asset. I also believe the experience of volunteering in Daphne and the surrounding communities has allowed me to be open to other ideas and opportunities.

The Library has been a wonderful resource for our family and holds a very important place in our community. I would like to thank you for your consideration to serve on the Daphne Public Library Board.



Current Board of Trustees – Fiscal Year 2015
(Fiscal Year Beginning Oct. 1, 2014, ends Sept. 31, 2015)

<u>Board Member Name</u>	<u>Phone</u>	<u>Term Expires</u>
Kathi Alsip 1320 Old County Road Daphne, AL 36526	626-8931	Sept. 30, 2017 Seat 1
Nancy Volovecky 26949 Rigsby Road Daphne, AL 36526 Email: jvolovec@bellsouth.net	625-0793	Sept. 30, 2017 Seat 2
Andre LaPalme (Vice Chair) 14501 Neal Road Loxley, AL 36551 Email: rumpanos@gulftel.com, alapalme@bcbe.org	964-7371	Sept. 30, 2015 Seat 3
Jim Morris (Chairman) 41 Lakeshore Drive Daphne, AL 36526 Email: MJAMES792@aol.com	625-3346	Sept. 30, 2014 Seat 4
Windrela Longmire P.O. Box 2025 Daphne, AL 36526 Email: windrila@yahoo.com	626-4714	Sept. 30, 2015 Seat 5

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(Fiscal Year Beginning Oct. 1, 2014, ends Sept. 31, 2015)

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Andre LaPalme (Vice Chair) 14501 Neal Road Loxley, AL 36551 Email: rumpanos@gulftel.com, alapalme@bcbe.org	964-7371	Sept. 30, 2015 Seat 3
Jim Morris (Chairman) 41 Lakeshore Drive Daphne, AL 36526 Email: MJAMES792@aol.com	625-3346	Sept. 30, 2014 Seat 4
Windrela Longmire P.O. Box 2025 Daphne, AL 36526 Email: windrila@yahoo.com	626-4714	Sept. 30, 2015 Seat 5



Daphne Public Library
 Monthly Statistics Report
 January 2015

Circulation						
	2015 Totals	2014 Totals	% Change		2015 FYTD	2014 FYTD
Adult Books	9,321	8,684	7%			
Adult Audiovisual	5,029	5,075	-1%			
YA Books	694	642	8%			
YA Audiovisual	100	21	376%			
Junior Books	8,426	7,769	8%			
Junior Audiovisual	1,212	1,288	-6%			
E-books	1,477	1,331	11%			
Interlibrary Loans In/Out	32	30	7%			
Renewals	4,271	4,064	5%			
Holds	2,674	2,844	-6%			
On the Fly	23	16	44%			
In House Use	1,135	1,220	-7%			
					FYTD Change = 0.85 %	
Total Circulation	34,394	32,984	4%		138,052	136,895

Miscellaneous			
	2015 Totals	2014 Totals	% Change
Total Patrons	23,061	21,652	7%
Total Patron in DPL this month	14,447	13,285	9%
New Patron Cards	142	108	31%
Patron Cards Updated	988	1,746	-43%
AVL Card Users	2,630	2,630	0%
Reference Questions	120	531	-77%
Exams Proctored	1	2	-50%
Meeting Room Use (patrons)	631	349	81%
Repairs	50	34	47%
Public Volunteer Hours	18	21	-14%
FODL Volunteer Hours	253	231	10%

Collection Development				
	2015 Totals	2014 Totals	% Change	Area Totals
Adult Book	361	307	18%	436
Adult DVD	62	26	138%	
Adult Book on CD	13	96	-86%	
Adult Music	0	0	n/a	33
YA Books	32	83	-61%	
YA Books on CD	1	29	n/a	
Junior Books	83	140	-41%	90
Junior Books on CD	1	47	n/a	
Junior DVD	6	6	0%	
Junior Music	0	0	0%	
Total Cataloging	559	734	-24%	559

Computer Activity			
Computers	2015 Totals	2014 Totals	% Change
Junior Computer Users (estimate)	100	100	0%
YA Computer Users (estimate)	100	100	0%
Adult Computer Users	1,878	1,712	10%
Wireless Computer Users	350	327	7%
Total Computer Users	2,428	2,239	8%

Library Face Book Visitors	Visits	New Likes	Total Likes
FaceBook Users	4,234	12	390



Daphne Public Library
Monthly Statistics Report

January 2015

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Library Face Book Visitors	Visits	New Likes	Total Likes
FaceBook Users	4,234	12	390

Daphne Public Library Statistics

Online Database Activity						
	2015 Users	2014 Users	% Change			
A to Z Maps		n/a	NEW			
Alabama Virtual Library	2063	n/a	n/a			
African-American Heritage	90	n/a	NEW			
Ancestry Library Edition	330	75	340%			
CamelliaNet	1,477	1,331	11%			
Career Cruising	16	16	0%			
Gutenberg	246	580	-58%			
HeritageQuest	17	185	-91%			
Mango Languages	109	611	-82%			
ProQuest News Stand	1,227	162	839%			
Rosen Teen Health & Wellness	22	n/a	NEW			
Total Database Users	5,597	2,960	89%	Overall Increase		

Special Software			
	2015 Users	2014 Users	% Change
Rosetta Stone	0	4	-100%

Displays				
	2015	2014		Display List
Left Cabinet	1	1		Christmas/Winter Village
Right Cabinet	1	1		Student Art Display
Rotunda	2	3		BRAG Art, Quilt Club Quilt

Programming						
Children's Library Programs	Program Total	Children	Adults	2015 Attn	2014 Attn	% Change
Lapbabies	4	90	74	164	59	177%
Preschool	8	120	161	281	108	160%
After-School	4	13	8	21	16	31%
Children's Special Events						
Snowman Workshop	1	25	20	45	n/a	
Family Movie Night	1	15	15	30	n/a	
Total Children Participants	18	263	278	541	183	

YA Library Programs	Program Total	2015 Attn	2014 Attn	% Change	YA Displays
Teen Book Club	3	11	4	175%	
Outreach/Alternative School	0	0	8	n/a	
Teen Volunteers	n/a	2	0	200%	
Daphne Museum Field Trip	1	7	0	n/a	MLK Speech Display
ACT Programs	3	50	n/a	n/a	Teen Book Club Display
Teen Displays	3				Local History Display
Total Young Adult Participants	10	70	12	483%**	**counts special activities

Adult Library Programs	Program Total	2015 Attn	2014 Attn	% Change
Jubilee Book Club	1	14	10	-40%
Mystery Book Club	1	5	0	500%
Total Adult Participants	2	19	10	90%

Computer Classes/Training	Program Total	2015 Attn	2014 Attn	% Change
AVL	1	1	0	n/a
Beginning Computer	0	0	18	n/a
Camellia Net	0	0	5	n/a
Learning Express	0	0	0	n/a
Mango	0	0	0	n/a
Using Career Cruising	0	0	2	n/a
Total Training Participants	1	1	25	n/a

GROUND LEASE

THIS AGREEMENT is made by and between the **CITY OF DAPHNE, ALABAMA**, An Alabama Municipal Corporation, ("CITY" or "LESSEE") and the **LAKE FOREST PROPERTY OWNERS' ASSOCIATION, INC.**, An Alabama Corporation ("LFPOA or LESSOR").

WITNESSETH:

WHEREAS, the Lessor is the owner of certain real property commonly known as "the Back Nine", being that parcel or parcels of land formerly used as a nine-hole golf course by the Lessor and its members, more particularly described in Exhibit "A" to this Lease Agreement which is attached hereto and incorporated herein; and

WHEREAS, Lessee recognizes the importance of recreational activities to youth and adult citizens of the City of Daphne and believes it to be in the best interest of the health, safety, and welfare of its citizens to promote recreational activities and provide facilities therefor; and

WHEREAS, Lessee desires to utilize the Leased Land for walking and fitness trails, non-spectator sports, storm water control, spoil site detention for the Lake Forest Lake, if needed, and any other activities deemed appropriate in the opinion of the Lessee, subject to approval of Lessor as set out in Article 3, and

NOW, THEREFORE, for and in consideration of the covenants and conditions herein to be kept, performed and observed, the parties agree as follows:

**ARTICLE 1
DEMISE OF LEASED LAND**

Description of Leased Land

1.01 Lessor leases to Lessee, and Lessee rents and accepts from Lessor, a parcel of land ("Leased Land") situated in Baldwin County, Alabama, commonly referred to as "The Back Nine" and more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference.

Land Subject to Liens, Encumbrances, and Other Conditions

1.02 This Lease and the Leased Land are subject to all present and future leases, liens, encumbrances, conditions, rights, easements, restrictions, rights of way, covenants, other matters of record, and zoning and building laws, ordinances, regulations, and codes affecting or governing the Leased Land or that may affect and govern the Leased Land after the execution of this Lease, and all matters that may be disclosed by inspection or survey.

**ARTICLE 2
TERM AND RENT**

Term of Lease

2.01 This Lease shall be for a term of thirty (30) years ("Term"), commencing on the ____ day of _____, 20____, and ending on the ____ day of _____, 20____, unless terminated at an earlier date for any reason set forth in this Lease.

Holdover

2.02 If Lessee holds over after the expiration of the initial term of this lease agreement or any extensions thereof, then Lessee's tenancy shall be from year to year on all the terms and conditions as set forth in this Lease.

Consideration

2.03 Lessee shall pay to the Lessor the fixed rent amount of THIRTY AND 00/100 DOLLARS (\$30.00) for the whole term of the Lease Agreement. Said sum is payable in the amount of ONE AND 00/100 (\$1.00) DOLLARS per year with first year due upon execution of this Lease Agreement and each subsequent year due on or before January 1 of each year, plus an amount equal to any and all ad valorem taxes on the property, which shall be reimbursed to the Lessor by Lessee on an annual basis. Said ad valorem tax amount shall be provided to the Lessee in the form of a tax assessment from the Baldwin County Revenue Commission as to the parcel of property described in Exhibit "A" and shall be presented to the Lessee no later than October 15 of each year.

2.04 Both the Lessee and Lessor shall have the right and privilege to terminate this lease agreement at any time without cause, provided that the terminating party must provide the other party with written notice no less than 180 calendar days prior to said termination. Should the Lessor terminate this Lease Agreement pursuant to this section the Lessor shall be responsible and shall owe to the Lessee the amount of any approved capital improvements made by the Lessee on the Leased Land, less depreciation of the same. Capital improvements shall be defined as those improvements that will last for more than one year and increase the value of the leased property.

**ARTICLE 3
USE AND CONSTRUCTION OF IMPROVEMENTS**

Primary Use

3.01 Lessee shall have the right to use the Leased Land for the following lawful purposes:

- (a) Subject to Article 3.01(d), Lessee shall have the right to use the premises solely and exclusively for municipal recreational purposes to include but

not be limited to walking and fitness trails, non-spectator sports, storm water control, spoil site detention for the Lake Forest Lake, if needed, and any other activities deemed appropriate by the lessee and so long as said activities are no more invasive than a golf course adjacent to occupied residential homes. The term invasive shall not refer to the number of people involved but shall refer to the impact such activities have on the environment including noise, light, smell and physical contact.

- (b) At all times, Lessee shall provide that such municipal recreational activities shall be under the direction, supervision and control of agents and employees of Lessee so as to insure safe and appropriate use.
- (c) During the term of this Lease, Lessee at its own expense, shall keep and maintain the Leased Land by grass cutting and such other typical lawn care maintenance. Lessor acknowledges that the property at issue will be maintained to a standard that is consistent with the aforesaid uses. This standard will necessarily be different than use as a golf course would demand(d) The Lessor shall approve, in writing, any projects to be made by the Lessee and such approval shall be granted or denied by the Lessor within forty-five (45) calendar days of the Lessee submitting a written request for approval. Said request shall include reasonably suitable drawings, cost estimates and information necessary to allow Lessor to make a reasonable decision. Lessor's failure to respond within the (45) days will act as an approval. Lessor may request additional information and extend the deadline by an additional (30) calendar days. "Projects" subject to approval shall include, but are not limited to, capital improvements and non-capital improvements, spoil sites, drainage alterations and improvements, installation or relocation of utilities, and installation or modification of recreational improvements. "Projects," as used in this Article, shall not include normal maintenance and repairs.

ARTICLE 4 OPERATING COSTS AND IMPOSITIONS

Operating Costs

4.01 Lessee shall pay all "Operating Costs" and "Impositions" defined in Paragraphs 4.02 and 4.03, below, in connection with the Leased Land.

Definition of Operating Costs

4.02 "Operating Costs" shall include, but shall not be limited to, all expenses paid or incurred in connection with the following activities:

- a. Repairs and maintenance
- b. Landscaping

- c. Insurance
- d. Utilities, as necessary
- e. Rubbish Removal
- f. Ad valorem taxes due on the Leased Property
- g. All other expenses, whether or not mentioned in this Lease, that are incurred with regard to operation of the Leased Land, including any replacements, if necessary, for repairs and maintenance or otherwise.

Definition of Impositions

4.03 "Impositions" shall include all fines and levies that result from construction activities or the normal operation of the premises on the Leased Land, all real estate property taxes, assessments, and other governmental charges that are laid, assessed, levied, or imposed on the Leased Land and become due and payable during the term of this Lease, or any lien that arises during the time of this Lease on the Leased Land and Improvements.

ARTICLE 5 LAWS AND GOVERNMENTAL REGULATIONS

Compliance With Legal Requirements

5.01 Lessee shall promptly comply with all laws and ordinances, and all orders, rules, regulations, and requirements of federal, state, and municipal governments and appropriate departments, commissions, boards, and officers of these governments ("Legal Requirements") throughout the term of this Lease, and without cost to Lessor. Lessee shall promptly comply with these legal requirements whether they are foreseen or unforeseen, or ordinary or extraordinary.

ARTICLE 6 LIENS AND ENCUMBRANCES

Creation Not Allowed

6.01 Lessee shall not create, permit, or suffer any mechanics' or other liens or encumbrances on or affecting the Leased Land or the fee estate or reversion of Lessor.

Discharge After Filing or Imposition

6.02 If any lien or encumbrance shall at any time be filed or imposed against the Leased Land or the fee estate or reversion of Lessor, Lessee shall cause the lien or encumbrance to be discharged of record within fifteen (15) days after notice of the filing or imposition by payment, deposit, bond, order of a court of competent jurisdiction, or as otherwise permitted by law. If Lessee shall fail to cause the lien or encumbrance to be discharged within the fifteen (15) day period, then in addition to any other right or remedy of Lessor, Lessor shall be entitled, but

not obligated to discharge the lien or encumbrance either by paying the amount claimed to be due or by procuring the discharge by deposit or by bonding proceedings. In any event, Lessor shall be entitled to compel the prosecution of an action for the foreclosure of any lien or encumbrance by the lienor and to pay the amount of the judgment for and in favor of the lienor with interest, costs, and allowances if Lessor elects to take this action. All amounts paid by Lessor and all of its costs and expenses in connection with the actions taken by Lessor, including court costs, reasonable attorneys' fees, and interest at the highest legal rate in effect at the time these moneys are due, shall be deemed to be additional rent under this Lease and shall be paid by Lessee to Lessor promptly on demand by Lessor.

Lessor Not Liable for Labor, Services, or Materials Furnished to Lessee

6.03 Lessor shall not be liable for any labor, services, or materials furnished or to be furnished to Lessee in connection with any work performed on or at the Leased Land.

**ARTICLE 7
INSURANCE AND INDEMNITY**

Fire and Extended Coverage

7.01 At all times during the Term of this Lease, Lessee shall maintain, at its sole cost, insurance covering any improvements including, without limitation, all improvements now located on the Leased Land or that may be erected on the Leased Land, against loss or damage by fire, vandalism, malicious mischief, windstorm, hail, smoke, explosion, riot, civil commotion, vehicles, aircraft, flood, or earthquake, together with any other insurance that Lessor may require from time to time. The insurance shall be carried by insurance companies authorized to transact business in Alabama, selected by Lessee and approved by Lessor. In addition, the following conditions shall be met:

- a. The insurance shall be in amounts no less than one hundred (100%) percent of the replacement cost of the buildings and other improvements, exclusive of foundations and below-ground improvements (but sufficient to satisfy the requirements of any coinsurance clause).
- b. The insurance shall be maintained for the mutual benefit of Lessor and Lessee, any succeeding owners of the fee title in the Leased Land, and any successors and assigns of this Lease. The insurance policy or policies shall name both Lessor and Lessee as insureds.
- c. Any and all fire or other insurance proceeds that become payable at any time during the Term of this

Lease because of damage to or destruction of any improvements on the Leased Land shall be paid to Lessee and applied by Lessee toward the cost of repairing, restoring, and replacing the damaged or destroyed improvements in the manner required by Article 8 of this Lease.

Property and Personal Injury Liability Insurance

7.02 At all times during the term of this Lease, Lessee shall maintain, at its sole cost, comprehensive broad-form general public liability insurance against claims and liability for personal injury, death, and property damage arising from the use, occupancy, disuse, or condition of the Leased Land and Improvements, and adjoining areas. The insurance shall be carried by insurance companies authorized to transact business in the State of Alabama, selected by Lessee and approved by Lessor. In addition, the following conditions shall be met:

- a. The insurance provided pursuant to this Paragraph 7.02 shall be in an amount no less than \$1,000,000 for property damage, and in an amount no less than \$1,000,000 for one person and \$1,000,000 for one accident for personal injury.
- b. The insurance shall be maintained for the mutual benefit of Lessor and Lessee, any succeeding owners of the fee title in the Leased Land, and any successors and assigns of this Lease. The insurance policy or policies shall name both Lessor and Lessee as insureds.
- c. The amount of liability insurance shall be subject to determination by the City of Daphne with any increases that may be reasonably required by Lessor from time-to-time to account for inflation or other market conditions shall be made in cooperation between Lessor and Lessee. Notwithstanding the foregoing, the amount of liability insurance shall not be decreased without the prior written authorization of the Lessor.

Certificates of Insurance

7.03 Lessee shall furnish Lessor with certificates of all insurance required by this Article 7. Lessee agrees that if it does not keep this insurance in full force and effect, Lessor may notify Lessee of this failure, and if Lessee does not deliver to Lessor certificates showing all of the required insurance to be in full force and effect within ten (10) days after this notice, Lessor may, at its option, take out and pay the premiums on the insurance needed to fulfill Lessee's

obligations under the provisions of this Article 7. On demand from Lessor, Lessee shall reimburse Lessor the full amount of any insurance premiums paid by Lessor, with interest at the rate of ten percent (10%) per annum from the date of Lessor's demand until reimbursement by Lessee.

Indemnification of Lessor

7.04 Lessor shall not be liable for any loss, damage, or injury of any kind or character to any person or property arising from any use of the Leased Land or Improvements, or caused by any defect in any building, structure, equipment, facility, or other improvement on the Leased Land, or caused by or arising from any act or omission of Lessee, or any of its agents, employees, licensees, or invitees, or by or from any accident, fire, or other casualty on the land, or occasioned by the failure of Lessee to maintain the premises in safe condition. Lessee waives all claims and demands on its behalf against Lessor for any loss, damage, or injury, and agrees to hold Lessor entirely free and harmless from all liability for any loss, damage, costs, or injury of other persons, and from all costs and expenses arising from any claims or demands of other persons concerning any loss, damage, or injury, caused other than by the negligent or intentional act or omission of Lessor.

ARTICLE 8 DAMAGE OR DESTRUCTION OF IMPROVEMENTS

Damage or Destruction; Option to Terminate or Repair

8.01 In the event that the Leased Land, the Improvements, or any part of them are damaged or destroyed by any cause whatsoever, Lessee may elect either of the following options:

- a. Within one hundred twenty (120) days, Lessee shall commence and diligently pursue to completion the repair, restoration, or replacement of the damaged or destroyed Leased Land and Improvement, and this Lease shall remain in full force and effect.
- b. Lessee may terminate this Lease with one hundred twenty (120) days written notice to Lessor and shall return the Leased Land to the condition existing at the time of the commencement of this Lease except for completed improvements constructed by Lessee which Lessee may leave or may remove at its sole discretion, normal wear and tear excepted.

**ARTICLE 9
CONDEMNATION**

Interests of Parties

9.01 If the Leased Land and Improvements or any part of these premises is taken for public or quasi-public purposes by condemnation in any action or proceeding in eminent domain, or is transferred in lieu of condemnation to any authority entitled to exercise the power of eminent domain, the interests of Lessor and Lessee in the award or consideration for the taking or transfer and the effect of the taking shall be governed as follows: Lessor shall retain all proceeds less the value of capital improvements – as defined in Article 2.04 - constructed by Lessee, less depreciation, which shall be retained by Lessee.

Termination on Total Taking

9.02 If all or substantially all of the Leased Land and Improvements are taken or transferred as described in Paragraph 9.01, this Lease and all of the rights, title, and interest under this Lease shall cease on the date that title to the Leased Land and Improvements vests in the condemning authority, and the proceeds of the condemnation shall be paid pursuant to the provisions of Paragraph 9.01.

Termination on Partial Taking

9.03 If less than all or less than substantially all of the Leased Land and Improvements is taken or transferred as described in Paragraph 9.01, and, if the remainder of the Leased Land and Improvements is in a location, or in a form, shape, or reduced size that makes it impossible for Lessee to effectively and practicably use the remaining Leased Land and Improvements as set forth herein, then this Lease shall terminate on the date title to the portion of the Leased Land and Improvements taken or transferred vests in the condemning authority. The proceeds of the condemnation shall be paid pursuant to the provisions of 9.01.

Voluntary Conveyance

9.04 Nothing in this Article 9 prohibits Lessor from voluntarily conveying all or part of the Leased Land and Improvements to a public utility, agency, or authority under threat of a taking under the power of eminent domain. Any voluntary conveyance shall be treated as a taking within the meaning of this Article and compensation and proceeds therefrom shall be paid to the Lessor and Lessee pursuant to provisions of 9.01.

**ARTICLE 10
LEASE HOLD MORTGAGES**

Leasehold Mortgages Not Permitted

10.01 Lessee shall not be permitted to mortgage Lessee's leasehold interest in the Leased Land. Lessee agrees to subordinate any interest created by this lease to any indebtedness

of the Lessor presently or hereinafter existing. This includes, without limitation, bond financing.

ARTICLE 11 DEFAULT

Events of Default

11.01 Any one or more of the events listed in Subparagraphs (a) through (b) of this Paragraph 11.01 shall constitute a default under this Lease.

- (a) Lessee's failure to observe or perform or cause to be observed or performed any other term, covenant, or agreement under this Lease shall constitute a default under this Lease.
- (b) Lessee's assignment of the leasehold interest under this Lease without the prior written consent of Lessor shall constitute a default under this Lease.

Notice of Election to Terminate Lessee's Possession

11.02 If any event creating default occurs, Lessor may elect to terminate Lessee's right of possession under this Lease. Upon termination, all of Lessee's rights, title, and interest in the Leased Land shall expire completely and Lessee shall, within a reasonable time, quit and surrender the Leased Land. Any Improvements erected on the subject leased premises shall revert back to the Lessor, however, Lessee shall have a reasonable time not to exceed one hundred eighty (180) days for removal of any such improvements or equipment and/or may leave the same for the benefit of Lessor, such to be determined at Lessee's option.

Lessor's Entry After Termination of Lessee's Possession

11.03 At any time after the termination of Lessee's right of possession under this Lease pursuant to Paragraph 11.02 or Paragraph 12.01 of this Lease, Lessor may enter and possess the Leased Land and Improvements by summary proceedings, ejectment, or otherwise, and Lessor may remove Lessee and all other persons and property from the Leased Land and Improvements. If Lessor takes the actions described in this Paragraph 11.03, Lessor may then possess the Leased Land and Improvements and Lessor may also sell any of the Improvements.

Costs Incurred Due to Breach

11.04 Lessee expressly agrees to pay all expenses that Lessor may incur for reasonable attorneys' fees, and all other costs paid or incurred by Lessor for enforcing the terms and provisions of this Lease, restoring the Leased Land and Improvements to good order and condition, and for maintaining the Leased Land and Improvements.

ARTICLE 12

EXPIRATION OF TERM

Lessee's Delivery of Possession After Termination or Expiration

12.01 On the expiration date of this Lease as set forth in Paragraph 2.01 of this Lease, or the termination of Lessee's possession under this Lease pursuant to Paragraph 11.03, or any entry or possession of the Leased Land and Improvements by Lessor pursuant to Paragraph 11.03 (collectively referred to as the "Expiration Date"), Lessee shall promptly quit and surrender the Leased Land and Improvements, and deliver to Lessor actual possession and ownership of the Leased Land, less improvements, which the Lessee shall have a right to remove pursuant to paragraph 11.02 but shall otherwise return the premises without improvements in good condition, wear and tear excepted.

Lessee's Removal of Movable Objects

12.02 If at time of termination, Lessee shall have the sole right to remove from the Leased Land and Improvements all movable fixtures, movable equipment, and articles of personal property used or procured for use in connection with the use of the Leased Land on or before the Expiration Date, provided that Lessee shall promptly repair, or cause to be repaired, any damage resulting to the Leased Land or Improvements by reason of this removal. Any fixtures, equipment, or articles of personal property of Lessee that remain at or on the Leased Land after the Expiration Date shall be deemed to have disposed of by Lessor without accountability to Lessee for the value of these fixtures, equipment, or articles of personal property, or any proceeds denied from the sale of the items.

ARTICLE 13 GENERAL PROVISIONS

No Waiver of Breach by Lessor's Actions

13.01 The failure of Lessor to seek redress for violation of, or to insist on the strict performance of any covenant, agreement, term, provision, or condition of this Lease shall not constitute a waiver of the covenant, agreement, term, provision, or condition. The receipt by Lessor of rent with knowledge of the breach of any covenant, agreement, term, provision, or condition of this Lease shall not be deemed a waiver of that breach.

Waiver of Any Provision Must Be Written

13.02 No provision of this Lease shall be deemed to have been waived, unless the waiver is in writing and signed by the party against whom enforcement is sought. Each right and remedy of Lessor provided for in this Lease shall be cumulative and in addition to every other right or remedy provided for in this Lease, or now or later existing at law, in equity, by statute, or otherwise.

Entire Agreement

13.03 This Lease and the Exhibits annexed to this Lease contain the entire agreement between Lessor and Lessee, and any agreement made after the execution of this Lease between Lessor and Lessee shall be ineffective to change, modify, waive, release, discharge, terminate, or effect a surrender or abandonment of this Lease, in whole or in part, unless that agreement is in writing and signed by the party against whom enforcement is sought.

Notices

13.04 All notices and demands of any kind that either party may be required or may desire to give to the other in connection with this Lease must be given by registered or certified mail, return receipt requested, with postage fully prepaid, and addressed to the party to be served at the party's address as set forth above. Any notice shall be deemed received on first attempted delivery. Any party may change the address to which notices to that party are to be directed by notice given in the manner provided in this Paragraph 13.04.

**Lake Forest Property Owners' Association, Inc.
1 Golf Terrace
Daphne, AL 36526**

**City of Daphne
Mayor
Post Office Box 400
Daphne, AL 36526**

Lessor's Entry and Inspection of Premises

13.05 Lessor, or its agents or designees, shall have the right to enter the Leased Land and Improvements during reasonable business hours for inspection, or to complete any work that may be necessary because of Lessee's default under any of the terms, covenants, and conditions of this Lease continuing beyond the applicable periods of grace, or to exhibit the Leased Land and Improvements to potential buyers and agents.

Partial Invalidity or Unenforceability

13.06 If any term, covenant, or condition of this Lease shall be invalid or unenforceable to any extent, the remainder of the terms, covenants, and conditions of this Lease shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

Individuals Benefited by Lease

13.07 This Lease shall inure to the benefit of and be binding on Lessor and Lessee and their respective distributees, personal representatives, executors, successors, and assigns except

as otherwise provided in this Lease.

Assignment and Subletting

13.08 This Lease and the Term and estate granted by this Lease, or any part of this Lease or that Term and estate, may not be subleased or assigned, without Lessor's written consent.

13.09 Nothing contained in this Agreement shall be deemed or construed by the parties or by any third person to create a relationship of principal and agent or of partnership or of joint venture or of any association between Lessee and Lessor, and neither the provisions contained in this Agreement or any acts of the parties shall be deemed to create any relationship between Lessee and Lessor, other than the relationship of Lessor and Lessee.

**ARTICLE 14
DISCLAIMER OF WARRANTIES**

14.01 The execution by the Lessor and Lessee of this Agreement shall not be construed as a warranty or representation by the Lessor or by Lessee that the premises are fit and suitable for the use which Lessee intends to make or may make of the premises or for the installation of the proposed improvements. The Lessor hereby specifically disclaims any and all warranties whether express or implied.

IN WITNESS WHEREOF, Lessor and Lessee have executed and signed this Lease or have caused this Lease to be executed and signed on this the ____ day of _____, 2015.

LAKE FOREST PROPERTY OWNERS' ASSOCIATION, INC.

BY: Mary Ann Hampton
AS ITS: President

ATTEST:

George Richard Kelsey

CITY OF DAPHNE, ALABAMA
(An Alabama municipal corporation)

BY: _____
AS ITS: Mayor

ATTEST:

REBECCA A. HAYES, CITY CLERK

Bayside Academy

CASE NO. _____

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 3-4-15 (Initial) aa
DATE FORWARDED TO POLICE DEPT. 3-4-15 aa
DATE RECEIVED BY POLICE DEPT. 3-4-15 JH
DATE: APPROVED DISAPPROVED _____
POLICE DEPT SIGNATURE [Signature]
DATE RETURNED TO REVENUE DIV. 3-4-15 JH
DATE FORWARDED TO CITY CLERK 3-9-15 JH
DATE RECEIVED BY CITY CLERK 3-09-15 JH
SCHEDULED DATE ON AGENDA 3-16-15 RH

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD**



**ALCOHOL LICENSE APPLICATION
Confirmation Number: 20150304090136912**

If applicant is leasing the property, is a copy of the lease agreement attached?
 Name of Property owner/lessor and phone number: **BAYSIDE ACADEMY 251-338-6300**
 What is lessors primary business? **EDUCATION**
 Is lessor involved in any way with the alcoholic beverage business? **YES**
 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? **NO**
 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: **14000** Display Square Footage:
 Building seating capacity: **800** Does Licensed premises include a patio area? **YES**
 License Structure: **TWO STORY** License covers: **ENTIRE STRUCTURE**
 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: 20150304090136912



Initial each

Signature page

HDRD
HDRD

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

HDRD

In reference to ACT No. 80-626, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

HDRD

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.

HDRD

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

HDRD

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

HDRD

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.

HDRD

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

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

HDRD

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): Homer Dennis Ring III
 Signature of Applicant: Homer Dennis Ring III (POA)

Notary Name (print): Betty G. Dean

Notary Signature: Betty G. Dean

Commission expires: 1/13/2019

Application Taken: 3/4/15 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: 20150304090136912**



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

Are there any special restrictions, instructions, and/or conditions for this license?
EVENT DATE 04/18/2015, EVENT TIME 6:00PM - 11:00PM. LICENSED AREA WILL BE BARRICADED TO CONTROL ENTRANCE/EXIT. BEER TO BE SOLD IN 12 OZ CANS AND CUPS, WINE & LIQUOR TO BE SOLD IN 12 OZ CUPS. NO ALCOHOLIC BEVERAGES ARE ALLOWED TO LEAVE THE LICENSED PREMISE. THIS LICENSE IS NON-RENEWABLE.

Is the lessor involved in any way with the alcohol beverage business?: **APPLICANT FOR 240 LICENSE**

Receipt Confirmation Page

Receipt Confirmation Number: **20150304000136912**
Application Payment Confirmation Number: **99999**

Application Fee for License 240	60.00
---------------------------------	-------

License Payment Confirmation Number: **99999**

NON-PROFIT TAX EXEMPT	40.00	40.00	40.00
			60.00

Application Type

Application Type: **APPLICATION**

Applicant Information

License Type 1: **240 - NON-PROFIT TAX EXEMPT**
License Type 2:
License County: **BALDWIN**
Business Type: **CORPORATION**
Trade Name: **THE BAY AFFAIR 2015**
Applicant Name: **BAYSIDE ACADEMY INC**
Location Address: **303 DRYER AVENUE
DAPHNE, AL 36526**
Mailing Address: **303 DRYER AVENUE
DAPHNE, AL 36528**
Contact Person: **DENNIS RING**
Contact Home Phone: **336-482-2628**
Contact Business Phone: **251-338-8448**
Contact Fax:
Contact Cell Phone: **336-482-2828**
Contact Email Address:
Contact Web Address:

Southern Napa

CASE NO. _____

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 3-4-15 (initial) Oa
DATE FORWARDED TO POLICE DEPT. 3-4-15 Oa
DATE RECEIVED BY POLICE DEPT. 3-4-15 JH
DATE: APPROVED DISAPPROVED _____
POLICE DEPT SIGNATURE [Signature]
DATE RETURNED TO REVENUE DIV. 3-4-15 JH
DATE FORWARDED TO CITY CLERK 3-10-15 Oa
DATE RECEIVED BY CITY CLERK _____
SCHEDULED DATE ON AGENDA _____

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: _____ APPROVED _____ DISAPPROVED _____ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20150304082348089



Type License: 140 - SPECIAL EVENTS RETAIL **State:** \$150.00 **County:** \$212.00
Type License: **State:** **County:**
Trade Name: SOUTHERN NAPA **Filing Fee:** \$50.00
Applicant: SOUTHERN NAPA LLC **Transfer Fee:**
Location Address: 2304 MAIN STREET DAPHNE, AL 36526
Mailing Address: 2304 MAIN STREET DAPHNE, AL 36526
County: BALDWIN **Tobacco sales:** NO **Tobacco Vending Machines:**
Type Ownership: LLC

Book, Page, or Document info: INST 1307877
Date Incorporated: 10/19/2011 **State incorporated:** AL **County Incorporated:** BALDWIN
Date of Authority: 10/19/2011 **Alabama State Sales Tax ID:** R007917983

Name:	Title:	Date and Place of Birth:	Residence Address:
JAMES ALLEN COX 6969729 - AL	MEMBER	01/07/1971 ELMHURST, IL	9172 CHASEWOOD PLACE SPANISH FORT, AL 36527
CARRIE RAE COX 6846706 - AL	MEMBER	04/30/1971 WURZBURG, GERMANY	9172 CHASEWOOD PLACE SPANISH FORT, AL 36527

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES
Does ABC have any actions pending against the current licensee? NO
Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO
Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO
Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES
Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation 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: JIM COX **Home Phone:** 251-802-2664
Business Phone: 251-375-2800 **Cell Phone:** 251-802-2672
Fax: **E-mail:** JIM@SOUTHERNNAPA.COM

PREVIOUS LICENSE INFORMATION: **Previous License Number(s)**
Trade Name: **License 1:**
Applicant: **License 2:**



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD**



**ALCOHOL LICENSE APPLICATION
Confirmation Number: 20150304082348089**

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **ROCKWELL RENTALS INC 251-928-9265**
 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? **NO**
 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: **3300** Display Square Footage:
 Building seating capacity: **300** Does Licensed premises include a patio area? **NO**
 License Structure: **ONE STORY** License covers: **OTHER**
 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: 20150304082348089



Initial each

Signature page

JAC

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

JAC

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.

JAC

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.

JAC

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

JAC

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

JAC

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.

JAC

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

JAC

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): *James Cox*

Signature of Applicant: *James Cox*

Notary Name (print): Betty G. Dean

Notary Signature: *Betty G. Dean*

Commission expires: 01/13/2019

Application Taken: 3/4/15

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: 20150304082348089**



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: 05/05/2015 Ending Date: 05/11/2015

Special terms and conditions for special event/special retail:

EVENT DATE 05/05/2015 - 05/11/2015, EVENT TIME 1:00PM - 10:00PM. LICENSED AREA WILL BE BARRICADED TO CONTROL ENTRANCE/EXIT. BEER TO BE SOLD IN 5 OZ SAMPLING GLASS. NO ALCOHOLIC BEVERAGES ARE ALLOWED TO LEAVE THE LICENSED PREMISE. THIS LICENSE IS NON-RENEWABLE.

Other Explanations

License Covers: LAWN

Receipt Confirmation Page

Receipt Confirmation Number: 20150304082348089
Application Payment Confirmation Number: 15088700

Payment Summary	
Payment Item	Fee
Application Fee for License 140	\$50.00
Total Amount to be Charged	\$50.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
140 - SPECIAL EVENTS RETAIL	\$212.00	\$150.00	\$362.00
			\$0.00
Total Amount to be Charged	\$212.00	\$150.00	\$362.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 140 - SPECIAL EVENTS RETAIL
License Type 2:
License County: BALDWIN
Business Type: LLC
Trade Name: **SOUTHERN NAPA**
Applicant Name: **SOUTHERN NAPA LLC**
Location Address: 2304 MAIN STREET
 DAPHNE, AL 36526

Mailing Address: 2304 MAIN STREET
 DAPHNE, AL 36526

Contact Person: JIM COX
Contact Home Phone: 251-802-2664
Contact Business Phone: 251-375-2800
Contact Fax:
Contact Cell Phone: 251-802-2672
Contact Email Address:
Contact Web Address:

RESOLUTION 2015 - 14

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

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

WHEREAS, the items listed below are recommended for disposal.

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

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

DEPT	EQ/VEH#	DESCRIPTION	VIN
Street	80	1996 Ford F150	1FTEF15N9TLB82234
Patrol	2040	2004 FORD CROWN VIC	2FAFP71WX4X137882
IT	5030	2003 FORD CROWN VIC	2FAFP71W43X183805

- 2- The Mayor is authorized to advertise and accept bids through Govdeals.com as contracted for the sale of such personal property, and

- 3- The Mayor is authorized to sell said property to the highest bidder and deposit any and all proceeds to the General Fund. The Mayor is further authorized to direct the disposition of any property which is not claimed by any bidder.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

RESOLUTION 2015 - 15

A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING DISPOSITION FOR DONATION

WHEREAS, the City of Daphne has determined that there are some older radio equipment that is no longer required for public or municipal purposes; and

WHEREAS, such radio equipment are no longer used by the City; and

WHEREAS, Washington County and the Baldwin County Board of Education/Trade School provide a certain quality of life services to their citizens.

WHEREAS, the City of Daphne supports the efforts of these community organizations; and

WHEREAS, the City of Daphne has determined that these organizations could utilize this Radio Equipment; and

WHEREAS, the Police and Fire Department Radio Equipment is recommended for disposal;

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

- 1- The following property is hereby declared to be surplus computer equipment and
- 2- The Mayor is authorized to donate:
 - Police and Radio Equipment: 800Mhz controllers, repeaters, power amps, power supply, transmitting/receiving equipment, Kenwood Radios (120+), Microphones, antennas, batteries, misc chargers & cords to Washington County, *and*
 - FD: TK-480 Radios (10+), pagers, and miscellaneous equipment to the Baldwin County Board of Education/Trade School, *and*
 - Any other miscellaneous surplus radio equipment to other community agencies as needed.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk



WASHINGTON COUNTY COMMISSION

P.O. Box 146 • Chatom, Alabama 36518

February 20, 2015

David Carpenter
Chief of Police
1502 Hwy 98
Daphne, AL 36526
Attn: Jim Rivers

Dear Chief Carpenter

It is our understanding that The City of Daphne is installing a new public safety communication system for the city and will be abandoning the current 800 MHz system. Washington County is utilizing the 800MHz system for public safety and would be grateful for any of your 800MHz system equipment to expand our existing communication network.

We appreciate your consideration and will be looking forward to hearing from you. Our contact person for this project is Burk Williams, Washington County 911 Director. Mr. Williams can be reached at 251-847-2911 if you have any questions.

Sincerely,

Allen Bailey
Chairman

MEMORANDUM

TO: SUZANNE HENSON, FINANCE
FROM: CHIEF DAVID CARPENTER *DC*
DATE: MARCH 3, 2015
RE: OLD RADIO SYSTEM

I am in agreement to donate our old 800 MHz system to Washington County for their public safety. This system is obsolete and we no longer use it.

Please contact me if you have any questions.

Resolution 2015-16

Support for a Baldwin County Recycling Cooperative

WHEREAS, the City of Daphne, through a dynamic Recycling Program, recognizes the importance of protecting and preserving our natural resources, and works to make the world a better place by adopting conscientious living habits that will improve our daily lives and bring about a cleaner, safer and healthier environment; and

WHEREAS, the City of Daphne has undertaken many positive and successful waste reduction programs that have helped make Daphne a recycling leader, however, we can further reduce waste and recycle even more; and

WHEREAS, although there has been a significant increase in the amount of recycling in Daphne we must continue to focus on other initiatives such as waste reduction, composting, the reuse of products and materials, and purchasing recycled products and packaging; and

WHEREAS, by encouraging businesses, County and State agencies, nonprofit organizations, schools, citizens and visitors to actively recycle we can further promote recycling as an environmentally efficient and economically smart way of life; and

WHEREAS, local community and county recycling leaders have come to the realization that we have advanced our individual recycling programs in our respective communities as far as possible as separate stand-alone franchises; and

WHEREAS, local community and county recycling leaders have come together to join in a discussion of a concentrated cooperative effort to share resources to maximize the environmental and economic value of county-wide recycling; and

WHEREAS, local community and county recycling leaders, working together, will need to conduct a feasibility study and develop a draft business plan for the possibility of forming a Baldwin County Recycling Cooperative; and

WHEREAS, the City of Daphne desires to work with Baldwin County Solid Waste as the lead agency along with the cities and towns of Fairhope, Foley, Bay Minette, Orange Beach, Gulf Shores, Robertsdale, Loxley, Magnolia Springs, Perdido Beach and Spanish Fort to expedite the critical need to maximize our recycling efficiency and commodity value through a cooperative effort.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that it supports the concept of a Baldwin County Recycling Cooperative and authorizes City Staff to work with Baldwin County and our sister communities to conduct a feasibility study, develop a business plan for an effective and productive county-wide recycling cooperative and to report back its findings for possible future legislative action.

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

**RESOLUTION 2015-17
PREPAID TRAVEL**

**BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA HEREBY AUTHORIZES THE FOLLOWING:**

Prepaid travel expenses are approved for the purpose and amount indicated below for the following:

Adrienne Jones, Community Development Director, 2015 American Planning Association National Planning Conference, April 18th through April 22th, 2015, Seattle, Washington - \$306.00.

A complete expense summary with receipts will be submitted and approved by the Mayor upon return from the above.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

RESOLUTION 2015-18

2015-E-DONETTE LOOP DRAINAGE

WHEREAS, the City of Daphne is required under section 39-1-1(E) of the Code of Alabama to secure competitive bids for public works contracts in excess of \$ 50,000; and

WHEREAS, the City of Daphne acknowledges that DONETTE LOOP DRAINAGE will exceed \$50,000; and

WHEREAS, the City of Daphne did receive and review bids for the DONETTE LOOP DRAINAGE and has determined that the bid as presented is reasonable; and

WHEREAS, staff recommends the bid for DONETTE LOOP DRAINAGE be awarded to Sunset Contracting, Inc.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid from Sunset Contracting, Inc in the amount of \$149,221.51 as specified in BID SPECIFICATION NO. 2015-E- DONETTE LOOP DRAINAGE.

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

Dane Haygood
Mayor

Rebecca Hayes
City Clerk

Finance Director/Treasurer

Richard D. Johnson, P.E.
Director of Public Works



Tommie Conaway
District 1

Pat Rudicell
District 2

John L. Lake
District 3

Randy Fry
District 4

Ronald Scott
District 5

Robin LeJeune
District 6

Joe Davis, III
District 7

Memorandum

To: Councilman Randy Fry - Chairman, Finance Committee
From: Richard D. Johnson, P.E.; Public Works Director
CC: Hatch Mott MacDonald Engineers; Finance; File
Date: March 3, 2015
Re: Project 2015 PW-001- Donette Loop Drainage Repairs

A handwritten signature in black ink that reads 'Richard D. Johnson'.

Mr. Chairman:

Based upon the bid tabulations provided by the Project Engineer, Hatch Mott MacDonald, on February 19, 2015, it is my recommendation to award the Contract to Sunset Contracting, Inc. for the repair of the drainage damage along 103,105,107,109,111 & 113 Donette Loop sustained during the April 29 & 20, 2014 flood event. They are the qualifying low bidder.

I further recommend the following general fund appropriations be made:

• Donette Loop Drainage Repairs – Sunset Contracting	\$149,221.51
• Survey, Design, Specification & Letting – HMM (9.5%)	\$ 14,176.04
• Construction Engineering Inspection & Testing – HMM (11.5%)	\$ 17,160.47
Project Total:	\$180,558.02
Less Ord. 2014-40:	(\$147,938.00)
Appropriation Required:	\$ 32,620.02



Hatch Mott MacDonald
805 Daphne Ave.
P.O. Box 1290
Daphne, AL 36526
T 251.626.5514
F 251.626.7321
www.hatchmott.com

February 19, 2015

Mr. Richard D. Johnson, PE
City of Daphne Public Works
P.O. Box 400
Daphne, Alabama 36526

Re: 2015-E-Donette Loop Drainage Bid Tabs and Recommendation

Dear Mr. Johnson:

Hatch Mott MacDonald has reviewed and verified the bids submitted for the referenced project. The bid tabulation spreadsheet is attached. We have found that Sunset Contracting, Inc. has submitted the lowest qualified bid for the amount of One Hundred forty-nine thousand two hundred twenty one dollars and fifty one cents (\$149,221.51). Hatch Mott MacDonald recommends this project be awarded to Sunset Contracting for the submitted bid amount.

Hatch Mott MacDonald will, upon your directive, begin preparing the contracts for execution and delivery upon the official award from the City Council.

Sincerely,

A handwritten signature in blue ink, appearing to read "John W. Peterson".

John W. Peterson, PE
Senior Project Engineer
Hatch Mott MacDonald

cc: FILE

* Ord 2014-40 Appropriated \$149,938 (\$122,263 for Construction)

**RESOLUTION NO. 2015-19
2015-H-RENOVATIONS TO FIRE STATION #3**

WHEREAS, the City of Daphne is required under section 39-1-1(E) of the Code of Alabama to secure competitive bids for public works contracts in excess of \$50,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the RENOVATIONS TO FIRE STATION #3 will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the RENOVATIONS TO FIRE STATION #3 and determined that the low bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the RENOVATIONS TO FIRE STATION #3 be awarded to Eric Lazzari Construction.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the negotiated bid of Eric Lazzari Construction in the amount of \$414,500 as specified in BID SPECIFICATION NO: 2015-H-RENOVATIONS TO FIRE STATION #3.

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

Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

Memorandum

7

To: Councilman Randy Fry - Chairman, Finance Committee
Councilman Joe Davis, III – Chairman of the B&P Committee

From: Richard D. Johnson, P.E.; Public Works Director *Richard D. Johnson*

CC: Paul C Davis, AIA; Mayor; City Clerk; Finance; Chief White; File

Date: March 5, 2015

Re: Project 2014-PW025 - remediation, repair, remodeling & roof/façade of FS #3

Mr. Chairman:

Based upon the bid tabulations provided by the Project Architect, Paul Davis, on March 5, 2015, it is my recommendation to award the contract to Eric Lazzari Construction for the remediation, repair, remodeling, roof and façade to Fire Station #3. They are the qualifying low bidder.

The bid is structured with cumulative Add Alternatives, here are the required appropriations:

Renovation of Fire Station No. 3	Base Bid – Basic Exterior Full Interior	Alternate #1 Split-Face + Accent Band + Windows + Lettering	Alternate #2 Split-Face + Illuminating + Numeral	Alternate #3 Overhead Colling Doors + Floor Coating	Alternate #4 New Roof + Insulation + Translucent Roof Panels
Construction Total	\$344,200.00	\$358,000.00	\$363,100.00	\$393,600.00	\$415,500.00
Architectural Fees (6%)	\$20,652.00	\$21,480.00	\$21,786.00	\$23,616.00	\$24,870.00
Total	\$364,852.00	\$379,480.00	\$384,886.00	\$417,216.00	\$439,370.00
Less Ord. 2014-13&44	(\$220,000.00)	(\$220,000.00)	(\$220,000.00)	(\$220,000.00)	(\$220,000.00)
Appropriation Required	\$144,852.00	\$159,480.00	\$164,886.00	\$197,216.00	\$219,370.00

I believe Base Bid + Alternative #1 + Alternative #2 at \$363,100.00 (in green) is the best value for the city. This represents a value engineering savings of \$142,133.00 from the prior bid price. The roll up doors can be repaired and floor epoxy coating can be done at a later date. The Base Bid provides for roof coating system renovation/repair with a 10 year (5+5) water tightness warranty. The Fire Department has requested a \$7,500.00 new furniture allowance to be included in this appropriation.

200,000
239,000
Furniture 10,000
\$ 249,000

Yours,

RDJ

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



61 Saint Joseph Street, Suite 902
Mobile, Alabama 36602

P: 251.432.3480
F: 251.432.3482

pcda.net

March 5, 2015

Mr. Dane Haygood, Mayor
City of Daphne
Daphne City Hall
P.O. Box 400
Daphne, Alabama 36526

Re: 2015-H-Renovations to Daphne Fire Station #3
Bid Results

Mayor Haygood:

It has been a pleasure working with you on this project. According to the results from the bid opening on March 4, 2015, Eric Lazzari Construction is the apparent low bidder at \$414,500.00. This amount includes the base bid and all four (4) alternates. After further review, I have not found any discrepancies with their proposal. I would like to recommend that the contract be awarded to Eric Lazzari Construction.

Should you have any questions, please call my office.

Sincerely,

A handwritten signature in black ink that reads "Paul C. Davis". The signature is written in a cursive style with a large, looping "P" and "D".

Paul C. Davis



Project No: 2014-28
 AS TABULATED BELOW, BID WERE RECEIVED
 DATE: March 4, 2015 TIME: 11:30 AM
 PLACE: Daphne City Hall

2015-H-Renovations to Daphne Fire Station 3

Certified Tabulation of Bids

CONTRACTOR	Rec'd Addenda 1-3		Base Bid	Alternate #1 Split-Face + Accent Band + Windows + Lettering	Alternate #2 Split-Face + Illuminating Numeral	Alternate #3 Overhead Coiling Doors + Floor Coating	Alternate #4 New Roof + Insulation + Translucent Roof Panels	Base Bid + All Alternates
Stirling Contracting, Inc. 2902 Circle Court Mobile, AL 36605 License # 23500	Yes	Bid	\$378,469.00	\$10,157.00	\$9,258.00	\$34,976.00	\$23,214.00	
		Env. Notes	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
		Adjusted Bid	\$378,469.00	\$10,157.00	\$9,258.00	\$34,976.00	\$23,214.00	
		Total	\$378,469.00	\$10,157.00	\$9,258.00	\$34,976.00	\$23,214.00	\$456,074.00
BES Construction 311 Fels Avenue Fairhope, AL 36532 License # 43145	Yes	Bid	\$399,555.00	\$62,595.00	\$67,555.00	\$23,354.00	\$39,000.00	
		Env. Notes	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
		Adjusted Bid	\$399,555.00	\$62,595.00	\$67,555.00	\$23,354.00	\$39,000.00	
		Total	\$399,555.00	\$62,595.00	\$67,555.00	\$23,354.00	\$39,000.00	\$592,059.00
Eric Lazzari Construction P.O. Box 1015 Daphne, AL 36526 License # 27554	Yes	Bid	\$344,200.00	\$13,800.00	\$5,100.00	\$30,500.00	\$20,900.00	
		Env. Notes	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
		Adjusted Bid	\$344,200.00	\$13,800.00	\$5,100.00	\$30,500.00	\$20,900.00	
		Total	\$344,200.00	\$13,800.00	\$5,100.00	\$30,500.00	\$20,900.00	\$414,500.00
Steve Cumble General Contractors 3682 Halis Mill Rd Mobile, AL 36693 License # 47325	Yes	Bid	\$347,473.00	\$14,400.00	\$7,300.00	\$28,300.00	\$24,400.00	
		Env. Notes	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
		Adjusted Bid	\$347,473.00	\$14,400.00	\$7,300.00	\$28,300.00	\$24,400.00	
		Total	\$347,473.00	\$14,400.00	\$7,300.00	\$28,300.00	\$24,400.00	\$421,873.00
Platt Builders 11141 Hwy 31, Suite C Spanish Fort, AL 36527 License # 23464	Yes	Bid	\$349,904.00	\$24,648.00	\$24,468.00	\$36,916.00	\$13,189.00	
		Env. Notes	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	
		Adjusted Bid	\$349,904.00	\$24,648.00	\$24,468.00	\$36,916.00	\$13,189.00	
		Total	\$349,904.00	\$24,648.00	\$24,468.00	\$36,916.00	\$13,189.00	\$449,125.00

Sworn and subscribed before me this 3rd day of MARCH 2015

Theresa Chubb
 Notary Public
 L.S.

Paul C. Davis, AIA
 Typed or Printed Name of Architect or Engineer

 Signature

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
 MY COMMISSION EXPIRES: 04/15/16
 BONDED THRU NOTARY PUBLIC UNDERWRITERS

RESOLUTION 2015-20

2012-G-DISASTER DEBRIS REMOVAL & DISPOSAL SERVICES – CONTRACT EXTENSION

WHEREAS, the City of Daphne is required under section 39-1-1(E) of the Code of Alabama to secure competitive bids for public works contracts in excess of \$ 50,000; and

WHEREAS, the City of Daphne acknowledges that in the event of a natural disaster the cost for the DISASTER DEBRIS REMOVAL & DISPOSAL will exceed \$ 50,000; and

WHEREAS, the City of Daphne did award the DISASTER DEBRIS REMOVAL & DISPOSAL to Gulf Equipment Corp d/b/a Crowder Gulf; and

WHEREAS, the City of Daphne acknowledges that in the event of a declared emergency disaster that FEMA Eligibility requirements will have to be met to receive any type of reimbursement and these requirements must be followed by the City and the awarded Contractor and his subcontractors; and

WHEREAS, staff recommends the bid for DISASTER DEBRIS REMOVAL & DISPOSAL contract be extended with Gulf Equipment Corp d/b/a Crowder Gulf for an additional 90 days to allowing time for a new bid to be let.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby extends the contract with Gulf Equipment Corp d/b/a Crowder Gulf for unit cost as specified in BID SPECIFICATION NO. 2012-G-DISASTER DEBRIS REMOVAL & DISPOSAL SERVICES until June 1, 2015 or a new bid contract is awarded.

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

CITY OF DAPHNE, ALABAMA

ORDINANCE NO. 2015-15

**Ordinance to Pre-Zone Property Located
Property Located on the Northeast of Public Works Road and Rand Avenue
Jubilee Properties**

WHEREAS, Jubilee Properties 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-3, Single Family Residential District, Baldwin County District 15 to B-2, General Business District, City of Daphne; and

WHEREAS, said real property is located northeast of Public Works Road and Rand Avenue, and more particularly described as follows:

DESCRIPTION OF PROPERTY TO BE PREZONED TO B-2:

PARCEL "A"

FROM THE RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA, THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH 89° 39' 18" WEST A DISTANCE OF 746.50 FEET TO THE SIMS SURVEYING CAPPED REBAR AT THE **POINT OF BEGINNING** OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE NORTH 89° 39' 18" WEST A DISTANCE OF 181.65 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 166.11 FEET TO A SIMS SURVEYING CAPPED REBAR; SOUTH 89° 38' 56" EAST A DISTANCE OF 182.55 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN SOUTH 00° 02' 59" EAST A DISTANCE OF 166.08 FEET TO THE SIMS SURVEYING CAPPED REBAR AT THE **POINT OF BEGINNING**, CONTAINING 0.69 ACRES, MORE OR LESS, **TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS** OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY TO-WIT: FROM THE RAILROAD SPIKE AT THE EXISTING AND LOCALLY ACCEPTED SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH ALONG THE WEST RIGHT OF WAY LINE OF SAID HIGHWAY, A DISTANCE OF 58.17 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT HEREIN DESCRIBED; THENCE RUN SOUTH 88° 32' 21" WEST, A DISTANCE OF 174.48 FEET TO A POINT; THENCE RUN SOUTH 76° 05' 33" WEST A DISTANCE OF 213.94 FEET TO A POINT OF THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY; THENCE RUN NORTH 89° 39' 18" WEST ALONG SAID SOUTH LINE A DISTANCE OF 728.07 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 15.00 FEET TO A POINT; THENCE RUN SOUTH 89° 39' 18" EAST A DISTANCE OF 726.67 FEET TO A POINT; THENCE RUN NORTH 76° 05' 33" EAST A DISTANCE OF 213.72 FEET TO A PETER G. GARSE D CAPPED REBAR; RUN NORTH 88° 32' 21" EAST A DISTANCE OF 176.19 FEET TO A POINT ON THE WEST RIGHT O WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL "B"

PARCEL ONE AND 2 AS DESCRIBED IN INSTRUMENT NUMBER 703710. **LESS AND EXCEPT** THE WESTERN 11.2 FEET, MORE OR LESS, IN USE AS PART OF PUBLIC WORKS DRIVE A PAVED 60 FOOT WIDE RIGHT-OF-WAY. **MORE PARTICULARLY DESCRIBED AS FOLLOWS:** COMMENCING AS A RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, RUN THENCE NORTH ALONG THE EAST BOUNDARY OF SAID SECTION A DISTANCE OF 1329.3 FEET TO A POINT; THENCE RUN NORTH 89°56'48" WEST, 40.00 FEET TO A CAPPED REBAR ON THE NORTH BOUNDARY OF AUSTIN PLACE COMMERCIAL PARK, UNIT 3, AS RECORDED ON SLIDE 2064-A, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE CONTINUE NORTH 89°56'48" WEST ALONG SAID NORTH BOUNDARY 927.34 FEET TO A CAPPED REBAR AT THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT NO. 564669, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, FOR THE **POINT OF BEGINNING**; THENCE CONTINUE NORTH 89°56'48" WEST ALONG THE NORTH BOUNDARY OF AUSTIN PLACE COMMERCIAL PARK PHASE 2, AS RECORDED ON SLIDE 1886-A, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 352.77 FEET TO A CAPPED REBAR ON THE EAST RIGHT-OF-WAY LINE OF PUBLIC WORKS DRIVE; THENCE RUN NORTH 00°02'14" EAST ALONG SAID RIGHT-OF-WAY LINE 165.85 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89°56'14" EAST, 352.74 FEET TO A CAPPED REBAR AT THE NORTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT NO. 564669, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°01'37" WEST ALONG THE WEST BOUNDARY OF SAID PARCEL A DISTANCE OF 165.82 FEET TO THE **POINT OF BEGINNING**. SAID PARCEL OF LAND CONTAINS 1.34 ACRES, MORE OR LESS. **TOGETHER WITH AND SUBJECT TO** AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING PROPERTY TO WIT: FROM THE RAILROAD SPIKE AT THE EXISTING AND LOCALLY ACCEPTED SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH ALONG THE WEST RIGHT OF WAY LINE OF SAID HIGHWAY, A DISTANCE OF 58.17 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE RUN SOUTH 88° 32' 21" WEST, A DISTANCE OF 174.48 FEET TO A POINT; THENCE RUN SOUTH 76° 05' 33" WEST A DISTANCE OF 213.94 FEET TO A POINT OF THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY; THENCE RUN NORTH 89° 39' 18" WEST ALONG SAID SOUTH LINE A DISTANCE OF 728.07 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 15.00 FEET TO A POINT; THENCE RUN SOUTH 89° 39' 18" EAST A DISTANCE OF 726.67 FEET TO A POINT; THENCE RUN NORTH 76° 05' 33" EAST A DISTANCE OF 213.72 FEET TO A PETER G. GARSEDD CAPPED REBAR; RUN NORTH 88° 32' 21" EAST A DISTANCE OF 176.19 FEET TO A POINT ON THE WEST RIGHT O WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**.

WHEREAS, at the City of Daphne Planning Commission meeting on January 22, 2015, the Commission considered said request and a unanimous favorable recommendation was made contingent upon the vacation of the fifteen-foot easement to County Road 13, and providing future access from Parcel "A" to Public Works Road; 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, and a public hearing was held before the City Council on March 16, 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-3, Single Family Residential District, Baldwin County District 15 to B-2, General Business District, City of Daphne and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

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

**Dane Haygood,
Mayor**

ATTEST:

**Rebecca A. Hayes,
City Clerk**

EXHIBIT "A"

LEGAL DESCRIPTIONS

**PRE-ZONING REQUEST
JUBILEE PROPERTIES LLC**

PARCEL "A"

FROM THE RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA, THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH 89° 39' 18" WEST A DISTANCE OF 746.50 FEET TO THE SIMS SURVEYING CAPPED REBAR AT THE **POINT OF BEGINNING** OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE NORTH 89° 39' 18" WEST A DISTANCE OF 181.65 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 166.11 FEET TO A SIMS SURVEYING CAPPED REBAR; SOUTH 89° 38' 56" EAST A DISTANCE OF 182.55 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN SOUTH 00° 02' 59" EAST A DISTANCE OF 166.08 FEET TO THE SIMS SURVEYING CAPPED REBAR AT THE **POINT OF BEGINNING**, CONTAINING 0.69 ACRES, MORE OR LESS, **TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS** OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY TO-WIT: FROM THE RAILROAD SPIKE AT THE EXISTING AND LOCALLY ACCEPTED SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH ALONG THE WEST RIGHT OF WAY LINE OF SAID HIGHWAY, A DISTANCE OF 58.17 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT HEREIN DESCRIBED; THENCE RUN SOUTH 88° 32' 21" WEST, A DISTANCE OF 174.48 FEET TO A POINT; THENCE RUN SOUTH 76° 05' 33" WEST A DISTANCE OF 213.94 FEET TO A POINT OF THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY; THENCE RUN NORTH 89° 39' 18" WEST ALONG SAID SOUTH LINE A DISTANCE OF 728.07 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 15.00 FEET TO A POINT; THENCE RUN SOUTH 89° 39' 18" EAST A DISTANCE OF 726.67 FEET TO A POINT; THENCE RUN NORTH 76° 05' 33" EAST A DISTANCE OF 213.72 FEET TO A PETER G. Garsed CAPPED REBAR; RUN NORTH 88° 32' 21" EAST A DISTANCE OF 176.19 FEET TO A POINT ON THE WEST RIGHT O WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL "B"

PARCEL ONE AND 2 AS DESCRIBED IN INSTRUMENT NUMBER 703710. **LESS AND EXCEPT** THE WESTERN 11.2 FEET, MORE OR LESS, IN USE AS PART OF PUBLIC WORKS DRIVE A PAVED 60 FOOT WIDE RIGHT-OF-WAY. **MORE PARTICULARLY DESCRIBED AS FOLLOWS:** COMMENCING AS A RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, RUN THENCE NORTH ALONG THE EAST BOUNDARY OF SAID SECTION A DISTANCE OF 1329.3 FEET TO A POINT; THENCE RUN NORTH 89°56'48" WEST, 40.00 FEET TO A CAPPED REBAR ON THE NORTH BOUNDARY OF AUSTIN PLACE COMMERCIAL PARK, UNIT 3, AS RECORDED ON SLIDE 2064-A, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE CONTINUE NORTH 89°56'48"

WEST ALONG SAID NORTH BOUNDARY 927.34 FEET TO A CAPPED REBAR AT THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT NO. 564669, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, FOR THE **POINT OF BEGINNING**; THENCE CONTINUE NORTH 89°56'48" WEST ALONG THE NORTH BOUNDARY OF AUSTIN PLACE COMMERCIAL PARK PHASE 2, AS RECORDED ON SLIDE 1886-A, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 352.77 FEET TO A CAPPED REBAR ON THE EAST RIGHT-OF-WAY LINE OF PUBLIC WORKS DRIVE; THENCE RUN NORTH 00°02'14" EAST ALONG SAID RIGHT-OF-WAY LINE 165.85 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89°56'14" EAST, 352.74 FEET TO A CAPPED REBAR AT THE NORTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT NO. 564669, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°01'37" WEST ALONG THE WEST BOUNDARY OF SAID PARCEL A DISTANCE OF 165.82 FEET TO THE **POINT OF BEGINNING**. SAID PARCEL OF LAND CONTAINS 1.34 ACRES, MORE OR LESS. **TOGETHER WITH AND SUBJECT TO** AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING PROPERTY TO WIT: FROM THE RAILROAD SPIKE AT THE EXISTING AND LOCALLY ACCEPTED SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH ALONG THE WEST RIGHT OF WAY LINE OF SAID HIGHWAY, A DISTANCE OF 58.17 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE RUN SOUTH 88° 32' 21" WEST, A DISTANCE OF 174.48 FEET TO A POINT; THENCE RUN SOUTH 76° 05' 33" WEST A DISTANCE OF 213.94 FEET TO A POINT OF THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY; THENCE RUN NORTH 89° 39' 18" WEST ALONG SAID SOUTH LINE A DISTANCE OF 728.07 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 15.00 FEET TO A POINT; THENCE RUN SOUTH 89° 39' 18" EAST A DISTANCE OF 726.67 FEET TO A POINT; THENCE RUN NORTH 76° 05' 33" EAST A DISTANCE OF 213.72 FEET TO A PETER G. Garsed CAPPED REBAR; RUN NORTH 88° 32' 21" EAST A DISTANCE OF 176.19 FEET TO A POINT ON THE WEST RIGHT O WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2015-16**

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

**Property Located Northeast of Public Works Road and Rand Avenue
Jubilee Properties**

WHEREAS, on the 12th day of December, 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 March 16, 2015 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a meeting on January 22, 2015 and an unanimous favorable recommendation was made contingent upon the vacation of the fifteen-foot easement to County Road 13, and providing future access from Parcel "A" to Public Works Road; 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:

PARCEL "A"

FROM THE RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA, THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH 89° 39' 18" WEST A DISTANCE OF 746.50 FEET TO THE SIMS SURVEYING CAPPED REBAR AT THE **POINT OF BEGINNING** OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE NORTH 89° 39' 18" WEST A DISTANCE OF 181.65 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN

NORTH 00° 21' 41" WEST, A DISTANCE OF 166.11 FEET TO A SIMS SURVEYING CAPPED REBAR; SOUTH 89° 38' 56" EAST A DISTANCE OF 182.55 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN SOUTH 00° 02' 59" EAST A DISTANCE OF 166.08 FEET TO THE SIMS SURVEYING CAPPED REBAR AT THE **POINT OF BEGINNING**, CONTAINING 0.69 ACRES, MORE OR LESS, **TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS** OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY TO-WIT: FROM THE RAILROAD SPIKE AT THE EXISTING AND LOCALLY ACCEPTED SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH ALONG THE WEST RIGHT OF WAY LINE OF SAID HIGHWAY, A DISTANCE OF 58.17 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT HEREIN DESCRIBED; THENCE RUN SOUTH 88° 32' 21" WEST, A DISTANCE OF 174.48 FEET TO A POINT; THENCE RUN SOUTH 76° 05' 33" WEST A DISTANCE OF 213.94 FEET TO A POINT OF THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY; THENCE RUN NORTH 89° 39' 18" WEST ALONG SAID SOUTH LINE A DISTANCE OF 728.07 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 15.00 FEET TO A POINT; THENCE RUN SOUTH 89° 39' 18" EAST A DISTANCE OF 726.67 FEET TO A POINT; THENCE RUN NORTH 76° 05' 33" EAST A DISTANCE OF 213.72 FEET TO A PETER G. Garsed CAPPED REBAR; RUN NORTH 88° 32' 21" EAST A DISTANCE OF 176.19 FEET TO A POINT ON THE WEST RIGHT O WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL "B"

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THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINS 1.34 ACRES, MORE OR LESS. **TOGETHER WITH AND SUBJECT TO** AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING PROPERTY TO WIT: FROM THE RAILROAD SPIKE AT THE EXISTING AND LOCALLY ACCEPTED SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH ALONG THE WEST RIGHT OF WAY LINE OF SAID HIGHWAY, A DISTANCE OF 58.17 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE RUN SOUTH 88° 32' 21" WEST, A DISTANCE OF 174.48 FEET TO A POINT; THENCE RUN SOUTH 76° 05' 33" WEST A DISTANCE OF 213.94 FEET TO A POINT OF THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY; THENCE RUN NORTH 89° 39' 18" WEST ALONG SAID SOUTH LINE A DISTANCE OF 728.07 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 15.00 FEET TO A POINT; THENCE RUN SOUTH 89° 39' 18" EAST A DISTANCE OF 726.67 FEET TO A POINT; THENCE RUN NORTH 76° 05' 33" EAST A DISTANCE OF 213.72 FEET TO A PETER G. GARSE D CAPPED REBAR; RUN NORTH 88° 32' 21" EAST A DISTANCE OF 176.19 FEET TO A POINT ON THE WEST RIGHT O WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING.**

SECTION THREE: MAP OF PROPERTY

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

SECTION FOUR: PUBLICATION

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

EXHIBIT "A"

LEGAL DESCRIPTIONS

**ANNEXATION REQUEST
JUBILEE PROPERTIES LLC**

PARCEL "A"

FROM THE RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA, THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH 89° 39' 18" WEST A DISTANCE OF 746.50 FEET TO THE SIMS SURVEYING CAPPED REBAR AT THE **POINT OF BEGINNING** OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUE NORTH 89° 39' 18" WEST A DISTANCE OF 181.65 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 166.11 FEET TO A SIMS SURVEYING CAPPED REBAR; SOUTH 89° 38' 56" EAST A DISTANCE OF 182.55 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN SOUTH 00° 02' 59" EAST A DISTANCE OF 166.08 FEET TO THE SIMS SURVEYING CAPPED REBAR AT THE **POINT OF BEGINNING**, CONTAINING 0.69 ACRES, MORE OR LESS, **TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS** OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY TO-WIT: FROM THE RAILROAD SPIKE AT THE EXISTING AND LOCALLY ACCEPTED SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH ALONG THE WEST RIGHT OF WAY LINE OF SAID HIGHWAY, A DISTANCE OF 58.17 FEET TO THE **POINT OF BEGINNING** OF THE EASEMENT HEREIN DESCRIBED; THENCE RUN SOUTH 88° 32' 21" WEST, A DISTANCE OF 174.48 FEET TO A POINT; THENCE RUN SOUTH 76° 05' 33" WEST A DISTANCE OF 213.94 FEET TO A POINT OF THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY; THENCE RUN NORTH 89° 39' 18" WEST ALONG SAID SOUTH LINE A DISTANCE OF 728.07 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 15.00 FEET TO A POINT; THENCE RUN SOUTH 89° 39' 18" EAST A DISTANCE OF 726.67 FEET TO A POINT; THENCE RUN NORTH 76° 05' 33" EAST A DISTANCE OF 213.72 FEET TO A PETER G. Garsed CAPPED REBAR; RUN NORTH 88° 32' 21" EAST A DISTANCE OF 176.19 FEET TO A POINT ON THE WEST RIGHT O WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL "B"

PARCEL ONE AND 2 AS DESCRIBED IN INSTRUMENT NUMBER 703710. **LESS AND EXCEPT** THE WESTERN 11.2 FEET, MORE OR LESS, IN USE AS PART OF PUBLIC WORKS DRIVE A PAVED 60 FOOT WIDE RIGHT-OF-WAY. **MORE PARTICULARLY DESCRIBED AS FOLLOWS:** COMMENCING AS A RAILROAD SPIKE AT THE SOUTHEAST CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, RUN THENCE NORTH ALONG THE EAST BOUNDARY OF SAID SECTION A DISTANCE OF 1329.3 FEET TO A POINT; THENCE RUN NORTH 89°56'48" WEST, 40.00 FEET TO A CAPPED REBAR ON THE NORTH BOUNDARY OF AUSTIN PLACE COMMERCIAL PARK, UNIT 3, AS RECORDED ON SLIDE 2064-A, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE CONTINUE NORTH 89°56'48"

WEST ALONG SAID NORTH BOUNDARY 927.34 FEET TO A CAPPED REBAR AT THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT NO. 564669, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, FOR THE **POINT OF BEGINNING**; THENCE CONTINUE NORTH 89°56'48" WEST ALONG THE NORTH BOUNDARY OF AUSTIN PLACE COMMERCIAL PARK PHASE 2, AS RECORDED ON SLIDE 1886-A, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 352.77 FEET TO A CAPPED REBAR ON THE EAST RIGHT-OF-WAY LINE OF PUBLIC WORKS DRIVE; THENCE RUN NORTH 00°02'14" EAST ALONG SAID RIGHT-OF-WAY LINE 165.85 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89°56'14" EAST, 352.74 FEET TO A CAPPED REBAR AT THE NORTHWEST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT NO. 564669, IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°01'37" WEST ALONG THE WEST BOUNDARY OF SAID PARCEL A DISTANCE OF 165.82 FEET TO THE **POINT OF BEGINNING**. SAID PARCEL OF LAND CONTAINS 1.34 ACRES, MORE OR LESS. **TOGETHER WITH AND SUBJECT TO** AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS THE FOLLOWING PROPERTY TO WIT: FROM THE RAILROAD SPIKE AT THE EXISTING AND LOCALLY ACCEPTED SOUTHEAST CORNER OF SECTION 16, T-5-S, R-2-E, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH ALONG THE SECTION LINE A DISTANCE OF 1329.00 FEET TO A POINT; THENCE RUN NORTH 89° 39' 18" WEST, A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN NORTH ALONG THE WEST RIGHT OF WAY LINE OF SAID HIGHWAY, A DISTANCE OF 58.17 FEET TO THE POINT OF BEGINNING OF THE EASEMENT HEREIN DESCRIBED; THENCE RUN SOUTH 88° 32' 21" WEST, A DISTANCE OF 174.48 FEET TO A POINT; THENCE RUN SOUTH 76° 05' 33" WEST A DISTANCE OF 213.94 FEET TO A POINT OF THE SOUTH LINE OF THE ABOVE DESCRIBED PROPERTY; THENCE RUN NORTH 89° 39' 18" WEST ALONG SAID SOUTH LINE A DISTANCE OF 728.07 FEET TO A SIMS SURVEYING CAPPED REBAR; THENCE RUN NORTH 00° 21' 41" WEST, A DISTANCE OF 15.00 FEET TO A POINT; THENCE RUN SOUTH 89° 39' 18" EAST A DISTANCE OF 726.67 FEET TO A POINT; THENCE RUN NORTH 76° 05' 33" EAST A DISTANCE OF 213.72 FEET TO A PETER G. Garsed CAPPED REBAR; RUN NORTH 88° 32' 21" EAST A DISTANCE OF 176.19 FEET TO A POINT ON THE WEST RIGHT O WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 13; THENCE RUN SOUTH A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**.

**CITY OF DAPHNE
ORDINANCE NO. 2015-17**

**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 March 16, 2015.

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

ORDINANCE 2015-18

**Appropriating Funds for Donette Loop Properties Drainage Repair-
Additional Appropriation**

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, several properties on Donette Loop have had drainage issues with the last occurrence being during the 16.5" rainfall for the period of April 29-30, 2014; and

WHEREAS, the repair of this public infrastructure is necessary to preserve the health, safety, and convenience of the public; and

WHEREAS, this drainage project is NOT eligible for FEMA reimbursement; and

WHEREAS, monies were appropriated in **Ordinance 2014-40- \$147,938** based upon the estimated project cost and

WHEREAS, the project was bid and additional monies - \$32,620 will be needed to complete the project (*Engineering-\$31,337 + Construction-\$149,221=\$180,558*).

NOW, THEREFORE, BE IT ORDAINED, that the Fiscal Year 2015 Budget is hereby amended to include an additional appropriation in the amount of \$32,620 from Capital Reserve Fund for the Donette Loop Properties Drainage Repairs project.

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 2014-40

Appropriating Funds for Donette Loop Properties Drainage Repair

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, several properties on Donette Loop have had drainage issues with the last occurrence being during the 16.5" rainfall for the period of April 29-30, 2014; and

WHEREAS, the repair of this public infrastructure is necessary to preserve the health, safety, and convenience of the public; and

WHEREAS, this drainage project is NOT eligible for FEMA reimbursement; and

WHEREAS, the estimated project cost is \$147,938 (*Engineering-\$25,675 + Construction-\$122,263*); and

WHEREAS, staff has recommended that Hatch, Mott, MacDonald Engineers undertake the project survey, design, and preparing the project for bid.

NOW, THEREFORE, BE IT ORDAINED, that the Fiscal Year 2015 Budget is hereby amended to include an appropriation in the amount of \$147,938 from Capital Reserve Fund for design and letting of the Donette Loop Properties Drainage Repairs.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this 6th day of October, 2014.

Attest:


Rebecca A. Hayes, City Clerk


Dane Haygood, Mayor

ORDINANCE 2015-19

APPROPRIATION OF FUNDS: FIRE STATION #3 RENOVATIONS

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, certain improvements, repairs and furnishings are needed at Fire Station #3 to prepare the station to be operational; and

WHEREAS, the FY2015 adopted budget included an appropriation for \$200,000; and

WHEREAS, bids were received for Station #3 Renovations and the total project cost for the project is \$439,370 (*Construction: \$414,500 + Architectural Fees: \$24,870*) and \$10,000 is needed for replacement furnishings; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that from the General Fund are hereby appropriated and made a part of the Fiscal Year 2015 budget in the amount of \$249,370 for the Fire Station #3 Renovations and remaining architectural fees.

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 2014-13

An Ordinance Appropriating Funds

Facility Repairs

WHEREAS, Ordinance 2013-50 approved and adopted the Fiscal Year 2014 Budget on September 23, 2013; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2014 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2014 budget; and

WHEREAS, repairs and improvements for the Library in the amount of thirty five thousand dollars (\$35,000) and Fire Station #3 in the amount of twenty thousand dollars (\$20,000) are needed

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the Fiscal Year 2014 Budget is hereby amended to include a total General Fund appropriation in the amount of \$55,000 for the purpose of facility repairs for the Library and Fire Station #3 and the Mayor is hereby authorized to execute any documents required in order for the City of Daphne to effectuate said necessary facility repairs.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this 17th day of March, 2014.



Dane Haygood, Mayor

ATTEST:



Rebecca A. Hayes, City Clerk

ORDINANCE 2015-20

Appropriating Funds for Emergency Watershed Protection for: Old Pump Station – LF, Judicial Center – Wacky Shrimp, Palmetto-Creekside, Maizie Gulch-West of Main Street, & Canterbury Subdivision

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, watersheds and their drainage systems located within the City of Daphne sustained severe damage and require emergency repairs in order to prevent further impacts to the City's watersheds; and

WHEREAS, the City of Daphne has made application with the NRCS (Natural Resources Conservation Service) through their Emergency Watershed Protection (EWP) program for 75% reimbursement of expenses incurred for such private watershed emergency repairs as described below; and

WHEREAS, the EWP Projects listed below have been selected by NRCS for funding with the City of Daphne as the "Sponsor".

NOW, THEREFORE, BE IT ORDAINED, that:

1. The City Council of the City of Daphne deems these private projects key to the recovery efforts associated with this rain event and the repair of these private property watershed issues is necessary to preserve the health, safety, and convenience of the public.
2. Fiscal Year 2015 Budget is hereby amended to include an appropriation from the General Fund in the amount of \$67,393 the total City match for the below EWP Projects:

NRCS #	Site Name	Project Total	Engineering	
DAP 14-005	Old Pump Station Lake Forest	\$26,898.00	\$5,380.00	\$32,278.00
DAP 14-006	Judicial Center-Wacky Shrimp	\$46,406.00	\$9,281.00	\$55,687.00
DAP 14-007	Palmetto-Creekside	\$23,850.00	\$4,770.00	\$28,620.00
DAP 14-008	Maizie Gulch-West of Main St	\$105,713.00	\$21,143.00	\$126,856.00
DAP 14-009	Canterbury-Subdivision	\$21,773.00	\$4,355.00	\$26,128.00
			Total for all Projects	\$269,569.00
			City Inkind Match 25%	\$67,392.25

3. The City will serve solely as EWP Project Sponsor and this is not a Public Works Project, the City will assume no short or long-term maintenance/repair responsibility for the work performed, all future maintenance/repair will be the responsibility of the private property owner.
4. The Environmental Program Manager/Public Works Director or the Mayor is authorized to coordinate application with the NRCS 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

NRCS EWP Sites
FEMA Flood May 2014

NRCS #	Site Name	Project Total	Engineering	
DAP 14-005	Old Pump Station Lake Forest	\$26,898.00	\$5,380.00	\$32,278.00
DAP 14-006	Judicial Center-Wacky Shrimp	\$46,406.00	\$9,281.00	\$55,687.00
DAP 14-007	Palmetto-Creekside	\$23,850.00	\$4,770.00	\$28,620.00
DAP 14-008	Maizie Gulch-West of Main St	\$105,713.00	\$21,143.00	\$126,856.00
DAP 14-009	Canterbury-Subdivision	\$21,773.00	\$4,355.00	\$26,128.00
		Total for all Projects		\$269,569.00
			City Inkind Match 25%	\$67,392.25

ORDINANCE 2015-21

City Hall Building Maintenance Appropriation: City Hall Back Door Card Reader Installation

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, a card reader installation is required on the double back doors of City Hall to create an additional employee entrance; and

WHEREAS, this card reader installation will create a second back door entrance for City employees and a monitoring system for those who enter that door.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$3,450 from the General Fund are hereby appropriated and made a part of the Fiscal Year 2015 budget for the maintenance required for the City Hall building.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2015.

Dane Haygood , Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

ORDINANCE 2015-22

APPROPRIATION OF FUNDS:

Design Engineering for Tallent Lane Facility Landfill C&D ADEM Permit

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 desires to obtain permitting from Alabama Department of Environmental Management (ADEM) for the Tallent Lane Facility to be allowed to receive Construction and Demolition materials (C&D); and

WHEREAS, permitting Tallent Lane Facility for C&D will create a savings of approximately \$70,000 annually in tipping fees currently paid to Baldwin County Solid Waste Authority ; and

WHEREAS, additionally the C&D permitting will provide a facility for the City that can receive, process and landfill most debris associated with a natural disaster.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds from the General Fund are hereby appropriated and made a part of the Fiscal Year 2015 budget in the amount of \$70,300 for Engineering services to complete the required plans for the ADEM Permit for the City's Construction and Demolition Landfill at the Tallent Lane Facility.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Daphne, Alabama, this _____ day of _____, 2015.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

Memorandum

To: Councilman Randy Fry - Chairman, Finance Committee
Thru: Suzanne Henson, Sr. Accountant/Treasurer
From: Richard D. Johnson, P.E.; Public Works Director
CC: HMR Engineers; File
Date: March 3, 2015
Re: Tallent Lane Facility C&D ADEM Permit – Engineering Fees

A handwritten signature in black ink that reads "Richard D. Johnson". The signature is written in a cursive style and is positioned to the right of the "From:" line in the memorandum header.

Mrs. Henson:

At their regular meeting on March 2, 2015, the Public Works Committee made a motion to the Finance Committee to appropriate \$70,300.00 for Hutchinson, Moore and Rauch Engineers to complete the required engineering and plans for Alabama Department of Environmental Management (ADEM) Permit for the City's Construction and Demolition (C&D) Landfill at our Tallent Lane Facility.

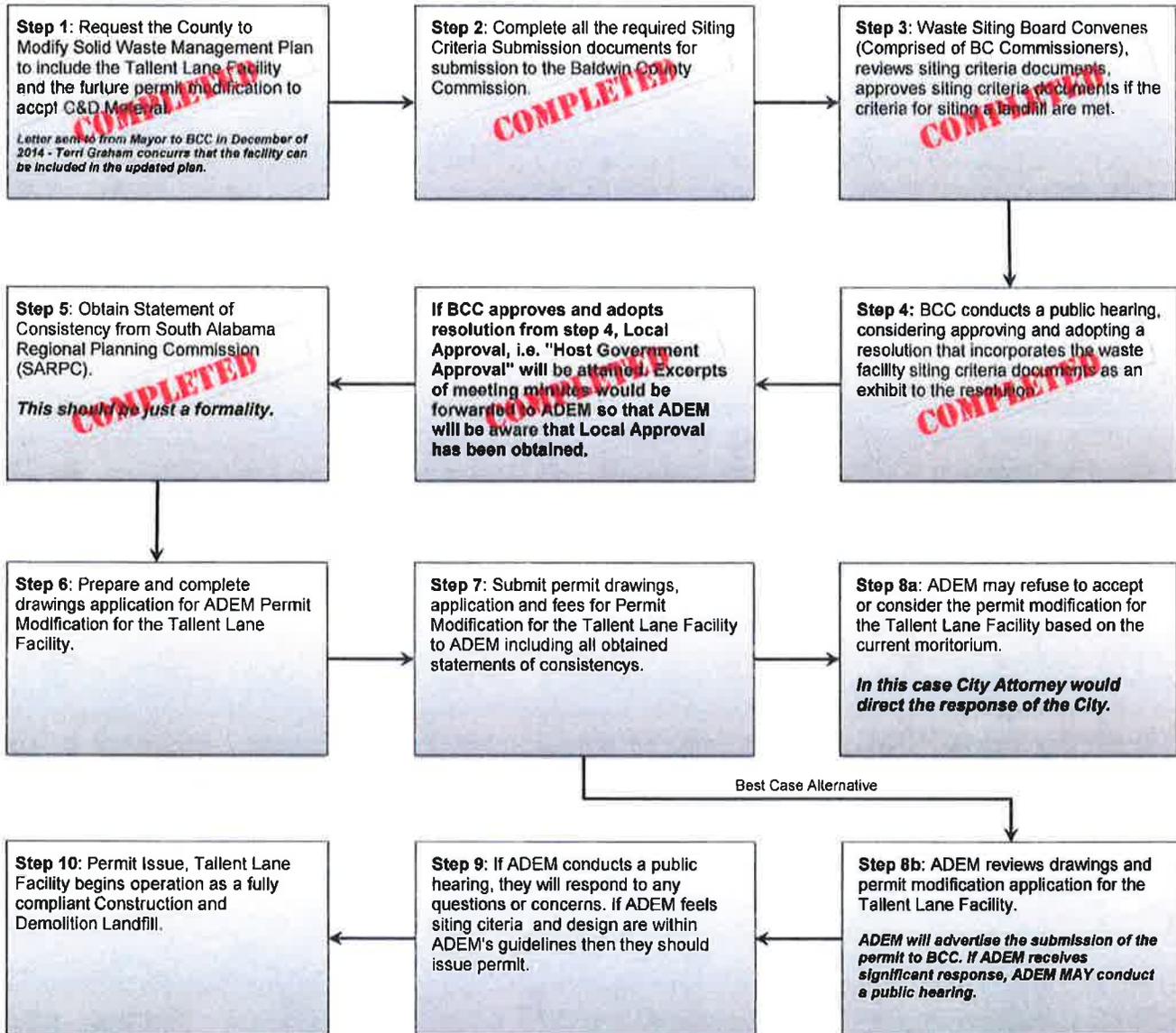
Tallent Lane Facility, once permitted for C&D will save the City of Daphne, through our Division of Solid Waste, approximately \$70,000.00 annually in Tipping Fees currently paid to Baldwin County Solid Waste Authority. In addition, the C&D Permitting will provide for the City a facility that can receive, process and landfill all debris associated with a natural disaster.

Yours,

RDJ

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

Tallent Lane Facility - Timeline for C & D Permitting





HUTCHINSON, MOORE & RAUCH, LLC

Post Office Box 1127
Daphne, Alabama 36526

Telephone: (251) 626-2626
Fax: (251) 626-6934

November 20, 2014

Mr. Richard Johnson, Director
City of Daphne Public Works Department
26435 Public Works Road
Daphne, Alabama 36526

RE: Construction/Demolition Landfill off Tallent Lane

Dear Mr. Johnson:

Thank you for the opportunity to provide a proposal for the design and permitting of a new Solid Waste Disposal Facility in Daphne. Following is an explanation of the requirements and their associated fees:

In order to apply for a new solid waste disposal facility permit, the permittee must develop and submit a Permit Application Package that addresses the requirements of the ADEM Administrative Code 335-13. These requirements include the following:

1. Certificate of Local Approval:

HMR Fee \$0.00

The site must be acceptable to the local government officials in whose jurisdiction it is located. The Local Government does not address the technical aspects of the landfill site, but considers the socioeconomic impacts of the selected location.

The Local Government must consider its consistency with identified solid waste management plans and community needs; its relationship to existing and projected development; the availability of roads and utilities; the social and economic benefits and impacts to the community; and the protection of public health, safety and the environment. The Local Government must conduct a public hearing and take official action concurring with development of the landfill.

Statement of Consistency:

The South Alabama Regional Planning Commission must also determine if the landfill is consistent with regional solid waste plans. The Alabama Department of Environmental Management (ADEM) will not consider an application until the regional planning commission has issued a statement of consistency.

Based upon the information you provided, Local Approval and a Statement of Consistency has been acquired by the Public Works Staff.

2. Siting Standards Study:

HMR Fee \$0.00

Written concurrence of U.S. Fish and Wildlife Service, Alabama Historical Commission and US Army Corps of Engineers are needed. This concurrence should be obtained during the early stages of the project so that all limitations or obstructions to development of the landfill are identified prior to the design phase. These regulatory agencies can certify the site is acceptable without additional work, but they typically request reports from independent consultants prior to approval of the development. The concurrence from these agencies must be included as attachments to the permit application.

A. Cultural Resources Survey: Alabama Historical Commission (AHC) must determine that development of the landfill will not contribute to the destruction of artifacts of archeological or historical significance. You must provide site maps and a property description to AHC and request permission for development of the landfill. AHC may have data in their files to indicate such artifacts are not likely to be found at this site. In which case, they may grant concurrence without requiring the site to be surveyed. If required by AHC, a consultant will inspect the site and write a report of their findings that we will submit to AHC for a determination.

Engineers • Surveyors

Mr. Richard Johnson, Director
November 20, 2014
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B. Threatened or Endangered Species or Habitat Survey: U.S. Fish and Wildlife Service (FWS) must determine that development of the landfill will not contribute to the taking of threatened or endangered species or habitat. Agency personnel may inspect the site themselves and concur with the development. However, FWS personnel are not usually available and they typically require the site to be surveyed by an independent consultant. The consultant will inspect the site and write a report of their findings that that will be submitted to FWS for a determination.

C. Wetlands Delineation: Wetlands may not be used for construction of a landfill and no waste may be placed within one hundred (100') feet of wetlands. Our proposal is based on the assumption that there are no wetlands on the site.

Based upon the information you provided, Siting Standard Approvals have been acquired by the Public Works Staff.

3. Hydrogeological Study: HMR Fee \$22,700

For informational purposes, a scope of hydrogeological work required is summarized below. HMR proposes to hire Southern Earth Sciences, Inc. as a subconsultant to provide these services.

The hydrogeological report must be certified and signed by a registered professional engineer. If this work is done by a firm whose qualifications are acceptable, then ADEM will often accept the geologist's report without a review and site inspection by their geologist.

The geologist will take soil borings and install additional piezometers on the site. The location and elevation of the borings and piezometers must be established. The geologist will develop a preliminary hydrogeological report from which HMR will determine limitations, which will impact the design of the landfill.

The geologist will continue to monitor water levels while the remaining work is being done on the landfill. This will give HMR data to establish the seasonal high groundwater levels at the site. This information will be incorporated into the final report, which will be submitted to ADEM.

Following is a summary of the hydrogeological work required:

- Establish Groundwater Elevations throughout Site
- Potentiometric Mapping of Site
- Boring Logs
- Soil Classifications
- Water Well Survey
- Hydrogeological Evaluation Report
- Certification by Registered Professional Engineer

4. Site Surveys: HMR Fee \$7,800

The following survey tasks must be performed by HMR to support the hydrogeological, engineering and permitting requirements for developing a landfill. This phase of work typically takes two weeks and involves the following tasks:

- Topographic Mapping of the Site
- Permanent Horizontal and Vertical Control Points (*Minimum of Two*)
- Elevations and Locations of Piezometers and Soil Borings
- Boundary Survey and Plat
- Permanent Boundary Markers (*Intervisible*)
- Legal Description of Property Boundary
- Legal Description of Disposal Unit
- Wetlands Delineation and Mapping (*If Required*)



Mr. Richard Johnson, Director
November 20, 2014
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5. Engineering Plans:

HMR Fee \$31,500

HMR will design the landfill and prepare the permit drawings. The drawings will contain sufficient detail for construction of the facility. Completion of this phase of work typically takes thirty to sixty days. The drawings must address the following items:

- Existing Topography
- Buffer Zones
- Access Roads
- Overall Layout of Landfill
- Location of Personnel Facilities
- Location of Septic Tank
- Existing Surface Drainage
- Final Grading and Drainage
- Drainage of Landfill Cells
- Location, Size and Details of Drainage Structures
- Sedimentation and Erosion Controls
- Vertical Separation of Waste and Groundwater
- Construction Notes and Details
- Location of Explosive Gas Monitoring Probes
- Final Cover and Vegetation
- Construction and Operational Phasing
- Drainage Calculations

6. Operational Plan:

HMR Fee \$5,500

The Operational Plan sets forth procedures for operation of the facility in accordance with regulatory conditions and outlines technical data relating to site approval and design standards. This work will be accomplished within the same time frame indicated for developing the permit drawings. HMR will develop an Operational Plan which addresses the following items:

- Description of Site Conditions
- Summary of Siting Standards
- Description of Design Standards
- Access Control
- Traffic Flow
- Signage
- Acceptable Waste
- Waste Inspection Procedures
- Supervision of Operators
- General Operational Procedures
- Daily Operational Procedures
- Special Waste Handling
- Unloading Procedures
- Record Keeping and Reporting Procedures
- Fill and Compaction Plans
- Weekly and Final Cover
- Emergency Procedures
- Dust, Fire, Litter and Vector Control
- Storm Water Management Plan
- Explosive Gas Monitoring and Reporting
- Environmental Monitoring
- Closure Procedures
- Post-Closure Inspection and Maintenance Plan



Mr. Richard Johnson, Director
November 20, 2014
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7. NPDES General Permit:

HMR Fee \$2,800

All landfills are required to have a National Pollutant Discharge Elimination System (NPDES) permit which regulates storm water discharge from the site during operation and construction of the facility. Public notice of the intent to permit the facility must be published in a local paper. HMR will prepare and submit the following documentation, which is required for the permit application.

- ADEM Supplemental Information Form
- Maps, Site Plan and Descriptions
- Notice of Intent Form
- Proof of Public Notice
- Best Management Practices Plan
- Spill Prevention Control and Countermeasures Plan

SUMMARY OF PERMITTING INFORMATION

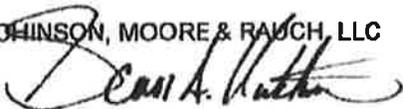
Upon completion of work, the following documents will have been submitted to ADEM:

- Solid Waste Facility Permit Application
- NPDES Permit Application Documents
- Certified Hydrogeological Evaluation
- Proof of Public Notice for City/County Public Hearing
- Documentation of Local Approval
- Statement of Consistency from Regional Planning Commission
- Letter of Concurrence from Alabama Historical Commission
- Letter of Concurrence from Fish and Wildlife Service
- Letter of Concurrence from U.S. Army Corps of Engineers
- Landfill Permit Drawings
- Landfill Operational Plan

I hope that this information is helpful. HMR has a great deal of experience with Landfill design and permitting and will be glad to assist in this process. Should you have any questions, please contact me at 380-8744.

Sincerely,

HUTCHINSON, MOORE & RAUCH, LLC



Scott A. Hutchinson, P.E.
Project Manager

SAH/blg
14.058

