

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

1. CALL TO ORDER

2. ROLL CALL

INVOCATION / Pastor Johnny Hunt of Celebration Church

PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: Council Meeting Minutes / March 16, 2015

PROCLAMATION: Child Abuse Prevention Month / Ms. Jessica Ware / Care House

PROCLAMATION: Earth Day Mobile Bay

CONGRATULATIONS: Bayside Academy Varsity and Junior Chess Team / State Champions

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Fry

B. BUILDINGS & PROPERTY COMMITTEE - Davis

C. PUBLIC SAFETY - Rudicell
Review minutes / March 16th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott
Review minutes / March 16th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

C. INDUSTRIAL DEVELOPMENT BOARD – Davis
Review minutes / March 30th

D. LIBRARY BOARD - Lake

E. PLANNING COMMISSION – Scott

Review minutes / January 22nd
Review Staff Report / March 26th meeting

MOTION: Set a Public Hearing date for **May 4, 2015** to consider ordinances amending the Land Use and Development Ordinance 2011-54 and approve advertising:

- 1.) Amending Section 40-7 / Self-Service Vending Machine Units
Recommendation: Unanimous favorable
- 2.) Creating a new Zoning District / B-2a, General Business Alternate District
Recommendation: Unanimous favorable

F. RECREATION BOARD – LeJeune

VOTE: RFP: Selection of Firm

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

G. UTILITY BOARD – Fry

Review minutes / February 25th

6. MAYOR’S REPORT

- 1.) Past Due Account FY2014

7. CITY ATTORNEY’S REPORT

YMCA Public Park and Recreation Board of the City of Daphne / Board Members

8. DEPARTMENT HEAD’S REPORT

9. CITY CLERK’S REPORT

- a.) Events Permit / Bayside Medical Missions / Annual 5K & 1 Mile Fun Run / September 19, 2015
- b.) ABC License / Mancini’s Antique Club / 120 – Restaurant Retail Liquor
- c.) AL League Annual Business Session / May 18, 2015 / Tuscaloosa, AL
- d.) Three nominations for Board of Equalization by August 14, 2015

10. PUBLIC PARTICIPATION

11. RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

- a.) **Resolution 2015-21**.....Declaring Certain Property Surplus & Authorize Disposition / 1994 Caterpillar Dozer

ORDINANCES:

2ND 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 2015-20.**Appropriation of Funds: Emergency Watershed Protection for: Old Pump Station –LF / Judicial Center / Wacky Shrimp / Palmetto-Creekside / Maizie Gulch-West Main Street / Canterbury Subdivision

- f.) **Ordinance 2015-21.**City Hall Building Maintenance Appropriation: City Hall Back Door Card Reader Installation

- g.) **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 16, 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 (*arrived at 6:35 p.m.*); Rebecca Hayes, City Clerk; Sarah Toulson, Assistant City Clerk; Jay Ross, 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; Suzanne Henson, Senior Accountant/Treasurer; Dorothy Morrison, DRA and Beautification Committee; Larry Cooke, BZA; Don Ouellette, Environmental Advisory Committee; Willie Robison, BZA; Heiko Einfeld, Executive Director of the ES Chamber of Commerce.

Absent: Michael Hoyt, Municipal Judge; Tonja Young, Library Director;

INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Bart Hare with Bay Community Church gave the invocation.

3. APPROVE MINUTES:

March 2, 2015 Council Meeting Minutes

There being no amendments the March 2, 2015 Council Meeting Minutes were approved as written.

March 9, 2015 Council Work Session Minutes

There being no amendments the March 9, 2015 Council Meeting Minutes were approved as written.

PUBLIC HEARINGS:

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

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Adrienne Jones gave the presentation. The zoning change has no effect on the adjoining property. Properties are zoned B-2 to the north, east and south and this will fill in the gap. There was opposition presented at the Planning Commission meeting, and they are present at the council meeting.

Council President Conaway opened the Public Hearing at 6:38 p.m.

No one spoke for or against the pre-zoning request.

Council President Conaway closed the Public Hearing at 6:39 p.m.

- | | |
|-----------------------|--|
| 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 |

Mrs. Jones said that the annexation received a favorable recommendation from the Planning Commission

Council President Conaway opened the Public Hearing at 6:39 p.m.

No one spoke for or against the annexation request.

Council President Conaway closed the Public Hearing at 6:39 p.m.

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

Recommendation: Unanimous favorable

Adrienne Jones gave the presentation. The amendment will be adding an additional zoning district where there can be mixed use in other parts of town instead of just in the Olde Towne District. The amendment received a favorable recommendation from the Planning Commission.

Council President Conaway opened the Public Hearing at 6:46 p.m.

No one spoke for or against the annexation.

Council President Conaway closed the Public Hearing at 6:46 p.m.

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4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Fry

The minutes for the March 9th meeting are in the packet,

MOTION BY Councilman Lake 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.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune 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). *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

Treasurer's Report / February 2015

- 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

Sales & Use Tax Collections / January 2015

\$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%

Lodging Tax Collections / January 2015

\$72,323 was collected 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 %

The reports were submitted for audit.

B. *BUILDINGS & PROPERTY COMMITTEE* – Davis

The minutes for the March 2nd meeting are in the packet. Mrs. Thigpen in her new position has her first big landing for the city the Alabama Baptist Association is holding its convention in the city. The attorney's continue to work on the lease with the Lake Forest Property Owners Association.

C. *PUBLIC SAFETY COMMITTEE* – Rudicell

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The committee met before the council meeting, and there were several citizens who spoke regarding speeding in Lake Forest. The next meeting will be April 20th.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

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

E. PUBLIC WORKS COMMITTEE – LeJeune

MOTION BY Councilman Scott to move forward with the hiring of Steven Henning as the Public Works Environmental Programs GIS Intern at a rate of \$15.00/hr. Seconded by Councilman Davis.

The City Attorney, Mr. Ross, mentioned Council does not have the authority to hire somebody and fill the position. The Council does have the right to fund the position, but the hiring for the position goes to the Mayor.

Councilman Scott withdrew his motion and Councilman Davis withdrew his second.

MOTION BY Councilman Scott to fund the position of Public Works Environmental Programs GIS Intern, and authorize the Public Works Director to offer up to \$15.00 per hour for an intern for the summer quarter. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

No report.

B. Downtown Redevelopment Authority – Conaway

Council President Conaway stated that the Authority needs one member, and if anyone is interest to send their resume to the city Clerk's office.

C. Industrial Development Board – Davis

The next meeting will be Monday, March 23rd at 6:00 p.m. The members will be discussing the latest project, and the latest data out shows that of existing space requests in Baldwin County 58% of those requests want to be close to I-10. The City of Daphne has exit 35 and exit 38 that are very prominent in those plans. There are a number of projects in the works. Also, of the sites and interest 35% of them are interested in office space, and 23% are interested in mixed use which the PUD will work with these plans.

D. Library Board – Lake

The minutes for the February 12th meeting are in the packet. He mentioned that the Mango languages, newspapers from around the world and the Rosetta Stone are available at the Library. The next meeting will be April 9th at 4:00 p.m.

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MOTION BY Councilman Scott to appoint Katherine Alsip to the Library Board / Term ending September 30, 2017 and to reappoint Jim Morris and Windrela Longmire to the Library Board / Term ending September 30, 2019. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

E. Planning Commission – Scott

The Site Preview meeting will be Wednesday, March 18th at 8:30 a.m., and the regular Planning Commission meeting will be Thursday, March 26th at 5:00 p.m.

F. Recreation Board – LeJeune

The board met this past week, and the topic was the recreation proposals. The Recreation Board will present a letter of recommendation to council with no specific firm. They will state what they want at the facilities. The next meeting will be April 8th, and hopefully, council will have a decision before that meeting. They do not want to get past April without a decision. Council can hold an extra meeting if necessary.

G. Utility Board – Fry

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

6. MAYOR'S REPORT

Mayor Haygood reported that starting tomorrow the north side of County Road 13 at County Road 64 will be closed for six to eight weeks. The south side will be closed after the north side is completed. The pre-audit is almost completed, and they are now working on the CAFR report. There is an issue of a past due balance for a vendor in the amount of \$115,000, which was discussed at the Finance meeting. There are two ways of handling the past due amount: 1.) Write it off 2.) Defer revenue to FY2015. He needs input from council on how they want to handle the issue.

MOTION BY Councilman Scott to suspend the rules to consider a motion to recommend to write this debt off in FY2014. *Seconded by Councilman Lake.*

ROLL CALL VOTE

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

MOTION FAILS

After discussion by Council the matter was deferred to the next council meeting.

Mayor Haygood said he will supply information to the council regarding this issue.

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7. CITY ATTORNEY REPORT:

Mr. Ross discussed the lease agreement with the Lake Forest Property Owners Association (LFPOA) saying that he, Mr. Johnson and Adrienne Jones worked out the legal description for the area in which the city will lease the premises. There is some concern by Councilman Davis, and maybe Mr. LeJeune which can be dealt with at this meeting or a subsequent meeting.

Councilman Scott said that he has been working on this agreement from the beginning, and the 30 acres has not been maintained by the LFPOA as well as the local citizens would like, and if you look at New York's Central Park the city could have something similar. Lake Forest has agreed to let the city lease this land and have access to their parking lot on Country Club for parking and access to the property. The city's desire is to maintain the property, and initially put in some walking trails. The folks in Lake Forest would probably like to see some fitness trails added with some other improvements. The city is to pay for property tax if the city has to with a 30 year lease. There is some question as to if the city has to or not, by the city will certainly be able to negotiate with the Revenue Department as far as the value of the property since it is not a golf course now it is just raw land. There are some topographical challenges with some wetland areas and drainage issues, etc. so he does not think the property taxes will be a major issue. The agreement says it will be a 30 year lease at one dollar per year. Either party can cancel the lease with a 180 day written notice. The agreement also says that the LFPOA will reimburse the city for any improvements less depreciation. It also says there are certain activities the city can have, basically, non-intense usage. Also in the agreement is a clause that says the LFPOA has to approve any activities that the city suggests with 45 days for LFPOA approval or else the City of Daphne can go ahead as deemed to be approved.

Councilman LeJeune is concerned about the line that says the LFPOA has approval of projects. There is a line that sights spoil sites, drainage, capital improvements and non-capital improvements, and his concern is about the installation and modification of recreational improvements. He thought it gave the LFPOA a lot more determination on even the smallest items. It is kind-of vague.

Mr. Ross replied that he had a discussion with their attorney and Kevin, and for the one dollar per year they wanted the reservation or right of control if they didn't agree with the project. It originally started out as capital projects that if the lease was terminated, and they had to pay the city back, and then it expanded to what is in the agreement. They just wanted control over property owned by the LFPOA.

Councilman LeJeune understands that, and he is in support of the project, but he has concerns for the city's side that the city would be beholden to them asking them for the smallest items, and in that aspect, and with keeping with Mr. Scott's wanting to move this along, he will make a motion to amend the agreement to set a dollar amount of anything over \$50,000 in a calendar year. That would give protection on major projects, but then if the city wanted to go in and put in something small like a walking path it keeps the city from waiting for them to approve something minimal. It gives the city protection, and gives them protection from anything major.

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MOTION BY Councilman LeJeune to amend Article 3 Section (C) (toward the bottom of page 86 of the lease agreement with the Lake Forest Property Owners Association) where it says “installation or modification of recreational improvements add over \$50,000 in a calendar year” *Seconded by Councilman Scott.*

AYE Lake, Fry, Scott, LeJeune, Conaway

NAY Davis

MOTION CARRIED

MOTION BY Councilman Scott to authorize the Mayor to enter into a lease agreement with the Lake Forest Property Owners Association for the “Back Nine” Golf course as amended by Councilman LeJeune. *Seconded by LeJeune.*

ROLL CALL VOTE

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

AYE Scott, LeJeune, Conaway

ABSTAIN Lake

NAY Davis

MOTION CARRIED

8. DEPARTMENT HEAD COMMENTS:

David Carpenter – Police Chief – alerted everyone to a skimming scam that has taken place at a couple of banks. He urged citizens to be careful using the ATM machines and credit cards at gas pumps, and to be observant.

David McKelroy – Recreation Director – reported on the sports activities at Trione Sports Complex and Lott Park.

Margaret Thigpen – Civic Center Director - reported on the upcoming events at the Civic Center.

Vickie Hinman – Human Resources Director – invited council to the Employee Service Awards luncheon, and reported the current job postings.

Richard Johnson – Public Works Director – reported on the closing of north bound County Road 13.

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9. **CITY CLERK REPORT:** _____

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

MOTION BY Councilman Scott to approve the ABC License / Bayside Academy / Annual Fundraiser / 240 Non-Profit Tax Exempt. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

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

MOTION BY Councilman Scott to approve the ABC License / Southern Napa / Annual Fundraiser / 140 Special Events Retail. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

10. **PUBLIC PARTICIPATION**

Mrs. Dorothy Morrison – Daphne Beautification Committee - reported that she is working with the Mayor on the gateway signs and more gazebos, and affiliated with Keep America Beautiful she went to Washington, D.C. and Clanton, and the main focus was litter. She said the city must enforce the litter ordinance. She presented council with a “Litter-Gitter.”

Mr. David Ringler – 49 Lakeshore Drive - thanked Mr. Scott for always keeping him informed. He thanked Public Works for picking up litter, and thanked the city. He spoke regarding the lease of the “Back Nine” Golf Course.

Mr. Willie Robison – 560 Stuart Street – thanked Mrs. Conaway for using the front screen. He commented on the Alabama Baptist Association Convention being held in Baldwin County for the first time in history. He thanked Council for the job they do.

11. **RESOLUTIONS & ORDINANCES:**

- 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

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- 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

MOTION BY Councilman Scott to waive the reading of Resolutions 2015-14, 2015-15, 2015-16, 2015-17, 2015-18, 2015-19 and 2015-20. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Lake to adopt Resolutions 2015-14, 2015-15, 2015-16, 2015-17, 2015-18, 2015-19 and 2015-20. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

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

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- 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

MOTION BY Councilman Scott to suspend the rules to consider Ordinance 2015-19. *Seconded by Councilman Fry.*

ROLL CALL VOTE

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

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to waive the reading of Ordinance 2015-19. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2015-19. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

ORDINANCES 2015-15, 2015-16, 2015-17, 2015-18, 2015-20, 2015-21 AND 2015-22 WERE 1ST READ

**MARCH 16, 2015
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12. COUNCIL COMMENTS

Councilman Fry thanked everyone for coming out, and encouraged everyone to come out for the Sunset Series Concerts. He is in favor of leasing the Lake Forest property, and thinks it is a great opportunity.

Councilman Scott thanked Council for authorizing the Mayor to enter into the lease agreement with the Lake Forest Property Owners Association, and thanked everyone for coming out.

Councilman LeJeune thanked Public Works for the first bit of sidewalks being laid down in Lake Forest. He said the lease agreement is an asset for the whole city not just Lake Forest. Children need a big area for activities, and the city is lacking an open space park.

Councilman Davis said he is in favor of the Lake Forest project, but he is not used to making deals without numbers. He thanked Mrs. Morrison for the “Litter-Gitter”. He said it is two weeks until the election for schools and encouraged all to get the facts, and vote on how to handle the growth of the schools.

Councilman Lake said he was in Washington for the NLC conference and there are several bills up for passage, and one is the Market Place Sales Tax which will allow communities to collect sales tax from the internet.

Mayor Haygood – commented on the fun activities held in the city last weekend. He spoke regarding Build Baldwin Now and encouraged citizens to come vote equipped with the facts. April 5th is Easter and he wished everyone a happy Easter. He mentioned that Daphne Methodist Church will have a Sunrise Service at Bayfront Park on Easter Sunday.

Council President Conaway reminded everyone that the Lupus Walk is this weekend.

13. ADJOURN:

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:19 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes,
City Clerk

Tommie Conaway,
Council President

Office of the Mayor
Proclamation

Child Abuse Prevention Month

WHEREAS, children are vital to the City of Daphne's future prosperity and quality of life; and

WHEREAS, all children deserve to have safe, stable, nurturing and healthy homes and communities that foster well-being; and

WHEREAS, municipalities in Baldwin County are participating in the recognition of Child Abuse Prevention during the month of April; and

WHEREAS, statistics of children who are abused and neglected escalate each year; and

WHEREAS, these statistics reflect the seriousness of child abuse and how it affects not only those children living in violent situations, but the community as a whole; and

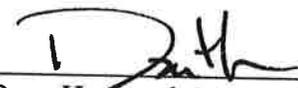
WHEREAS, every child should have every chance in life, every chance at happiness and every chance at success; and

WHEREAS, Care House now offers programs that provide resources and services to child victims of sexual and physical abuse, their supportive family members and the community, while empowering all toward child abuse prevention; and

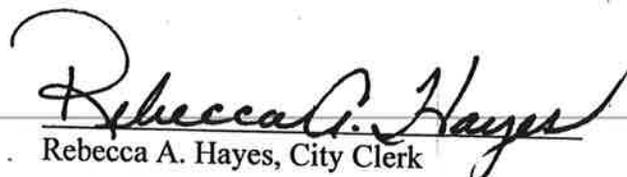
WHEREAS, programs of this type need the support and awareness of all citizens in the community by becoming more involved in supporting parents to raise their children in a safe environment.

NOW, THEREFORE, the Mayor and City Council of the City of Daphne do hereby proclaim the month of April as "**CHILD ABUSE PREVENTION MONTH**", and urges all citizens to become more aware of child abuse, and report any information to the proper authorities for the safety and protection of our children.




Dane Haygood, Mayor

Attest:


Rebecca A. Hayes, City Clerk



CARE House, Inc.

Baldwin County Child Advocacy Center

March 6, 2015

Mayor Dane Haygood
City of Daphne
P. O. Box 400
Daphne, AL 36526

Dear Mayor Haygood,

April is Child Abuse Prevention Month. It is a time to focus on ways not only to protect children but also to prevent abuse from ever occurring. As Mayor of Daphne, Baldwin County Child Advocacy Center (d/b/a CARE House, Inc.) is asking for your help by proclaiming April as Child Abuse Prevention Month. Since the first Presidential Proclamation in 1983, individuals and organizations have joined together during April to raise public awareness of child abuse and the need for its prevention.

For the past 26 years, CARE House has provided resources and programs for child victims of sexual abuse and/or severe physical abuse by providing the following services:

- Multidisciplinary Team
- Forensic Interviews
- Counseling Services
- Family Advocate Program
- Court School Program
- Solutions Program
- "Keeping Our Kids Safe" Prevention Program
- Transparenting Program
- Rollercoasters Program

It is the vision of CARE House that all children in Baldwin County shall be free from abuse, neglect, and maltreatment. Please help us promote and support safe, healthy families in an effort to prevent child abuse. April's observance – and particularly your proclamation – of Child Abuse Prevention Month stands to remind us all of our collective responsibility to protect the children in Daphne.

For the Children,

Gwyn Smith
Prevention Coordinator

Niki Whitaker
Executive Director



P. O. Box 884 • Summerdale, AL 36580
Summerdale Office: (251) 989-2555 • Bay Minette Office: (251) 937-2055
www.bccarehouse.org



Office of the Mayor
Daphne, Alabama

PROCLAMATION

“Earth Day Mobile Bay”

WHEREAS, the City of Daphne realizes that the land surrounding our bay is a precious natural resource which supports the economy, society, and daily lives of our citizens; and

WHEREAS, the city also recognizes the diversity of animals and plant life that exist in our bay area; and

WHEREAS, we want to support the efforts of citizens, businesses, and organizations to celebrate the beauty and wonder of the land, skies, and water in the bay area; and

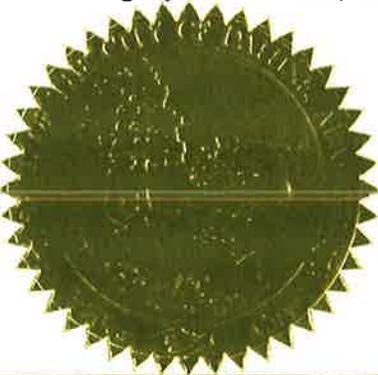
WHEREAS, we recognize our dependence upon the Earth and upon one another for our common existence, well-being, and development; and

WHEREAS, we further recognize our interdependence with other local governments for the protection of the bay area; and

WHEREAS, we are committed to work for the preservation and protection of our natural resources in the Mobile Bay area; and

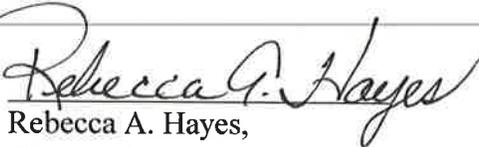
WHEREAS, we encourage all citizens to attend the Earth Day Mobile Bay Celebration to be held Sunday, April 18, 2015 at the Fairhope Municipal Pier beginning at 10:00 a.m. and concluding at 7:00 p.m.

NOW THEREFORE, the Mayor and City Council of the City of Daphne do hereby proclaim *April 18, 2015*, as **EARTH DAY MOBILE BAY** in the City of Daphne, and in the spirit of commitment encourage our citizens, businesses, and organizations to participate in this celebration, and accept responsibility to protect the integrity of the Earth, our home.




Dane Haygood,
Mayor

ATTEST:


Rebecca A. Hayes,
City Clerk

City of Daphne

CONGRATULATIONS

Bayside Academy Varsity and Junior Varsity Chess Teams

2015 State Champions

WHEREAS, the Bayside Academy Chess Team won the Alabama State Championship held in Mobile, Alabama on March 15, 2015; and

WHEREAS, this is the team's second consecutive title, third in the last four years and sixth overall; and

WHEREAS, Bayside was the smallest school competing in the championship against much larger schools, and there are no class divisions in chess by school size so this represents 7A State Championship while Bayside Academy is a 3A school; and

WHEREAS, Bayside Academy finished with an undefeated season of 9-0-2, also winning their 10th title in the past 12 years in the Mobile-Baldwin County Scholastic Chess League, and since 2013 they have an unbeaten streak of 22 matches; and

WHEREAS, Bayside Academy earned the program's 100th trophy this year with over half being first place trophies at the local, state and national levels. This year is the 10 year anniversary of Bayside Academy's National Championship in chess; and

WHEREAS, the Varsity Team members are Steve Chen, Trent Kannegieter, Ford Taylor and Thomas Denton; and

WHEREAS, the Alabama Chess Federation for the first time offered a Junior Varsity section at the State Championships which Bayside also won. The Junior Varsity Team members are Philip Dobbins, Ian Austill, Richard O'Neill and Will Smith; and

WHEREAS, Southern Capital Services deserves commendation for allowing Eric Nager the time away from work to coach the Bayside Academy Chess Team, and Bayside is to be commended for assigning Ms. Sally Kalaris as Faculty Sponsor.

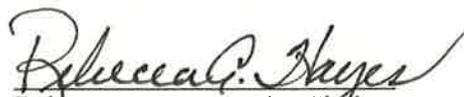
NOW THEREFORE, the Mayor and City Council of City of Daphne, Alabama congratulates the Bayside Academy Varsity and Junior Chess Teams, their coach Eric Nager, and Ms. Sally Kalaris for their achievement in again winning the 2015 State Championship.

This certificate of Congratulations is presented by the City of Daphne, Alabama and affixed with the official seal this 6th day of April, 2015.



ATTEST:


Dane Haygood, Mayor


Rebecca A. Hayes, City Clerk

Public Safety Committee

Monday, March 16, 2015

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

Police Chief David Carpenter
Captain Scott Taylor
Tracy Bishop - Secretary
Councilwoman Tommie Conaway
Councilman John Lake
Councilman Joe Davis

Committee Members Attending:

Councilman Pat Rudicell, Councilman Robin LeJeune, Councilman Ron Scott, Councilman Randy Fry, Councilman Joe Davis, Richard Johnson, Chief James White, Lt. Brian Gulsby, Chief Carpenter, and Councilman John Lake (4:50pm).

CALL TO ORDER

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

PUBLIC PARTICIPATION – James Farr was in attendance in reference to speeding vehicles on Lakefront Drive. James Gibbs and Rebecca Trosclair were in attendance in reference to speeding on Bayview Drive. Tony Jackson was in attendance in reference to speeding vehicles on Lakefront Drive. He lives at 108 Lakefront Drive. They were all told that the police department will place the speed trailer at each of these locations as well as Public Works putting out their traffic counters to gather vehicle data. Councilman Fry suggested more police presence in these areas. Councilman Lake stated that rumble strips worked really well in problem areas in his district.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from February 2015 were adopted. Motion was made by Councilman LeJeune and seconded by Councilman Fry. Motion passed.

POLICE DEPARTMENT

- A. New Business** – Chief Carpenter went over the stats. He advised that he is still working on the body cams and that Taser is coming in next week as well as Viewu. Still looking at a several vendors trying to get a price. Court money cannot be used for this purpose. The President only allotted so much grant money for body cams and smaller towns will not be grant funded for body cameras. We will be looking at about \$30,000 for every officer to be outfitted.

Advertised for Code Enforcement Officer to replace Lonnie Jones and Matt Creel was selected. Councilman Lake mentioned the cigarette butts being tossed out of cars at intersections. Chief stated that it is littering and they can be fined. Chief will advise patrol to enforce the litter laws when they witness someone throwing out their cigarette butts. Richard Johnson stated that Ashley Campbell is launching a campaign this spring in reference to this.

FIRE DEPARTMENT

- A: New Business** – Chief White went over his stats. It will be October or November before we have our ladder truck. We had 4 structure fires, three in city limits and one outside. Waiting on

vote tonight to move forward. He asked that the rules be suspended to consider the ordinance for repairs to Fire Station #3. Councilman Davis stated that the public doesn't know how many ALS calls that the fire department runs on each day and they ought to be made known of this. Tom Walker replied that the stats are posted on the bottom of the fire department Facebook page so as to let the public know.

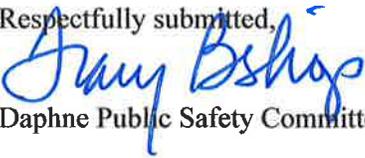
Old Business –

OTHER BUSINESS:

ADJOURN

There being no further business to discuss, Councilman Scott made a motion to adjourn the meeting at 5:30 p.m. Councilman LeJeune seconded. The next meeting will be Monday April 20, 2015 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,



Daphne Public Safety Committee

Patrol Division (Capt. Beedy/Lt. Hempfleng)	Detective Division: (Capt. Beedy/Lt. Gulsby)		JAIL: (Capt. Taylor/Lt. Yelding)		Animal Control (Capt. Taylor/Lt. Yelding)		Crimes Reported This Month:
	# Complaints	# New Cases Received:	Total Arrestees Received & Processed:	YTD			
Accidents, Private Property	1,085	54	174	705		Arson	0
Accidents, Roadway	8	85	Arrestees by Agency:			Burglary - Commercial	0
Accidents, Traffic Homicide	69	39	Daphne PD	475		Burglary - Residence	2
Arrest, Controlled Substance	1	2	BCSO	44		Burglary - Vehicle	5
Arrest, Drug Paraphernalia	2	2	Spanish Fort PD	144		Criminal Mischief	8
Arrest, Felony Marijuana	3	0	Silverhill PD	42		Disorderly Conduct	0
Arrest, Misdemeanor Marijuana	0	0	Troopers	0		Domestic Disturbance	10
Arrest, Alias Warrant	4		Other Agencies	0		False Info to Police	1
Arrest, DUI	23					Felony Assault	1
Arrest, Felony	11	Warrants:				Felony Theft	8
Arrest, Misdemeanor	6	Served				Harassment	3
Assists, Motorist / Citizen	53	Agency Assists	41	44		Identity Theft	0
Citations	126	Recalls (Pd Fines)	24	21		Indecent Exposure	0
Drug Report	426	Total Warrants Served				Kidnapping	0
Routine Patrol/Special OPS	6		Meals Served	2,880		Menacing	1
Searches, Vehicle	0	Sex Offender:	Medical Cost	\$2,103.00		Misdemeanor Assault	2
Security Checks	52	New Registration:	Worker Inmate Hours	151		Misdemeanor Theft	20
Warnings	384	Contact Verification				Murder	0
	207	Total # registered in Daphne				Other Death Investigations	0
		DARE:				Public Intoxication	1
		# Hours Report Writing:				Public Lewdness	0
		# Students Instructed SRO				Receiving Stolen Property	0
Drugs Seized:	5	# Students Instructed DARE				Reckless Endangerment	0
Money Seized:	0	# Police Reports by SRO				Resisting Arrest	1
Vehicles Seized:	0	# Arrest by SRO				Robbery	1
Vehicles Seized	0					Sex Crime Investigations	1
		CODE ENFORCEMENT:				Suicide	0
CMV Inspections / CMV OOS	14	Warnings:				Suicide, attempted	0
		Citations				Theft of Services	0
		Warning Compliance				Unauthorized Use of Services	1
		Follow -- Up	14			Weapon Offenses	1
			19			White Collar Crimes	4

David Caputo

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period January 2015

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	2	2
11-Structure Fire/Commercial	0	0
11-Structure Fire/Residential	4	4
12-Fire in Mobile Property used as fixed structure	1	1
13-Mobile Property (vehicle) Fire	1	1
14-Natural Vegetation Fire	2	2
15-Outside Rubbish Fire	0	0
16-Special Outside Fire	1	1
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	168	168
4-Hazardous Conditions (No fire):	2	2
5-Service Call:	17	17
6-Good Intent Call:	14	14
7-False Alarm & False Call:	17	17
8-Severe Weather & Natural Disaster:	0	0
9-Other Situation:	0	0
Total Emergency Calls:	230	230
Monthly Total Calls:	242	242
Highest:		
	00:15:00	00:15:00
Lowest:		
	<00:01:00	<00:01:00
Average (Minutes/Seconds) :		
	00:05:12	00:05:12
Training Hours		
	435.00	435.00
Property Loss - \$		
	\$8000.00	\$8000.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire		
	0	0
Advance Life Support Rescues		
	137	137
Number of Patients Treated		
	174	174
Child Passenger Safety Seat Inspections/Installations		
	14	14
Pre-Plans		
	101	101
Classes		
	7	7
Persons Attending		
	43	43
Plan Reviews		
	2	2
Final/Certificate of Occupancy		
	1	1
General/Annual Inspections		
	154	154
General/Re-Inspections (Violation Follow-up - Annual)		
	30	30
Business Licenses		
	8	8
All Other/Misc. Activities		
	0	0
Total Activities:	195	195

Authorized by:

James White

5

ORDINANCE COMMITTEE

*Wednesday, March 16, 2015
City Hall Executive Conference Room
1705 Main Street
Daphne, AL
5:30 P.M.*

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

*Councilwoman Tommie Conway
Councilman John Lake
Councilman Joe Davis*

I. CALL TO ORDER/ROLL CALL

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

Also Present: Rebecca Hayes, City Clerk and recording secretary; Jay Ross, City Attorney; Richard Johnson, Public Works Director.

II. APPROVE MINUTES / February 16, 2015

There were no corrections to the February 16, 2015 minutes and stand approved as written.

III. PUBLIC PARTICIPATION

No one spoke.

IV. ORDINANCE REVIEW/DISCUSSION

Discuss: Junk Advertising

The committee discussed the issue of unwanted junk advertising being thrown in citizen's driveways. The committee wants to wait and see the outcome of Mobile's ordinance prohibiting junk advertising. Mr. Ross will monitor the situation, and keep the committee updated on the progress of the ordinance.

a.) Discuss: Ordinance to uphold Historic Designation by the County for annexation with such designation

The committee discussed the county doing an additional review of plans before issuing a site permit.

Mr. Ross suggested talking with the Baldwin County Commission attorney David Connor.

The committee requested Mr. Ross to contact Mr. Connor regarding this issue.

Mr. Ross said they could get an Attorney General's Opinion.

It was suggested that they need to consider how it affects the commercial development, and have the most restrictive sign regulations apply.

V. ANY OTHER BUSINESS DEEMED NECESSARY

There was no other business to discuss.

VI. NEXT MEETING / April 20, 2015

VII. ADJOURN

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

MOTION CARRIED UNANIMOUSLY

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING
ADJOURNED AT 6:14 P.M.**

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
MARCH 30, 2015
6:00 P.M.**

1. CALL TO ORDER/ROLL CALL

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

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

Absent: Pokey Miller; John Cox.

Also present – Rebecca Hayes, Recording Secretary; Councilman Joe Davis, Council Liaison; John Peterson; Jennifer Jenkins, Jessica Peterson (*both with JJ PR*).

2. APPROVE MINUTES / February 23, 2015

MOTION BY Jeff Ramsland to approve the February 23, 2015 meeting minutes as written. Seconded by Denis Kearney.

MOTION CARRIED UNANIMOUSLY

3. PUBLIC PARTICIPATION

No one spoke.

4. TREASURER'S REPORT

Cash balance	\$399,000.86
Receivable Check	\$ 9,402.00

MOTION BY Doug Bailey to accept the Treasurer's report as presented. Seconded by Denis Kearney.

MOTION CARRIED UNANIMOUSLY

5. OLD BUSINESS

1.) Proposed Commercial Park Project

a.) Logo for the Proposed Commercial Park

Ms. Jennifer Jenkins and Jessica Peterson made a presentation of logos for the proposed commercial park. They presented nine concepts.

MOTION BY Denis Kearney to approve concept #8 as the logo for the proposed commercial park with revisions as discussed. Seconded by Doug Bailey.

MOTION CARRIED UNANIMOUSLY

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
MARCH 30, 2015
6:00 P.M.**

b.) Commercial Park Economic Impact of Development Study

The members discussed the study done by Semoon Chang to see what impact the commercial park would have on the surrounding areas.

The IDB members will make a presentation at the April 13th council work session.

6. NEW BUSINESS

No new business.

7. REPORT FROM BALDWIN COUNTY ECONOMIC ALLIANCE

No report.

8. OTHER BUSINESS

No other business to discuss.

9. NEXT MEETING

The next meeting will be April 27, 2015

10. ADJOURN

MOTION BY Jeff Ramsland to adjourn. Seconded by Doug Bailey.

MOTION CARRIED UNANIMOUSLY

The board adjourned at 7:42 p.m.

Submitted by:

Certification of Presiding Officer:

Rebecca Hayes, Secretary

Toni Fassbender, Chairman

**The City of Daphne
Planning Commission Minutes
Regular Meeting of January 22, 2015
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

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

Call of Roll:

Members Present:

Dwayne Smith
Don Terry
Larry Chason, Chairman
Tyrone Fenderson, Jr.
Ron Scott, Councilman (left @ 5:59 p.m.)
Hudson Sandefur

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Jay Ross, Attorney

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

Chairman asked for questions, comments or corrections to the minutes ***of the regular meeting of December 18, 2014. There being none, the minutes are approved as submitted.***

The first order of business is subdivision exemption review for C. Anne Smith.

An introductory presentation was given by Daryl Russell, representative of McCrory & Williams, Inc., requesting a subdivision exemption for a two-lot subdivision consisting of zero point three-three acres located at the northwest corner of Dryer Avenue and Fifth Street for the purpose of the removal of the interior lot line.

Chairman asked for Commission questions or comments.

Mr. Terry asked the number of homes currently on the property. Mr. Russell stated one. Mr. Sandefur asked for clarification of the variance granted to confirm that the square footage was less than fifteen thousand feet. Mr. Russell that is correct.

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

**The City of Daphne
Planning Commission Minutes
Regular Meeting of January 22, 2015
Council Chamber, City Hall - 5:00 P.M.**

A Motion was made by Mr. Fenderson and **Seconded** by Mr. Terry **to grant approval of the subdivision exemption for C. Anne Smith. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for McMurphy Orthodontics.

An introductory presentation was given by Larry Smith, representative of S. E. Civil, of a six thousand square foot orthodontics office on a one-half acre lot with associated parking located southwest of the intersection of Mill Lane and McSara Court, and stated the documentation for the drainage and utility easement has been given to the attorney for recording.

Chairman asked for Commission questions or comments and clarified the request for an easement to the southwest corner of Lot 2. He also commented that James Pittman, TimberCreek POA attorney, contacted him to express concern with regard to the City's request for the reinstatement of the outfall at the common detention pond to its original state, and asked that the Commission require onsite detention for any commercial development directing storm water into the pond. Chairman asked for Mr. Ross to comment. Mr. Ross stated it is a City issue for discussion with the Community Development Director, Public Works Director and Mayor.

Chairman stated the Commission should ask for an updated report from the Public Works Director on the status of the pond, but I do not think we can hold up this application. Mr. Scott stated this is the first that I had heard the POA has an issue. There has been some discussion, but I thought all parties were in agreement. Mr. Smith stated may I ask a question relative to the discussion. The owners purchased this property with the intent of the development of both parcels, legalistically, with the understanding that common detention was provided. Chairman stated I would suggest you come by to obtain a copy of the pertinent meeting minutes for TimberCreek Office Building.

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

A Motion was made by Mr. Terry and **Seconded** by Mr. Sandefur **to grant site plan approval to McMurphy Orthodontics.**

During Commission discussion, Mr. Scott asked to amend the main motion to include a requirement for a recorded document of the dedication of the drainage and utility easement. Mr. Terry accepted the amendment.

The **Motion** was amended by Mr. Terry and **Seconded** by Mr. Sandefur **to grant site plan approval to McMurphy Orthodontics, contingent upon the submission of a recorded document of the dedication of a drainage and utility easement for Lot 2. There was not discussion on the motion.**

**The City of Daphne
Planning Commission Minutes
Regular Meeting of January 22, 2015
Council Chamber, City Hall - 5:00 P.M.**

The Motion carried unanimously.

The next order of business is a request for pre-zoning of Jubilee Properties, L.L.C.

An introductory presentation was given by Spence Monroe, representative of Jubilee Properties, L.L.C., of a request to pre-zone two parcels consisting of two-point zero three acres northeast of Public Works Road and Rand Avenue. The parcels are contiguous to, bordered on three sides by and consistent with a B-2, General Business, zone.

Chairman asked for Commission questions or comments and the status of the easement to County Road 13. Mr. Monroe stated the status has not changed. Theoretically, it could be used, but there is no plan to use it. The intention is to construct a commercial building very similar to or a mirror image of the one to the north with a common access to Public Works Road.

Chairman stated during site preview discussion, Mr. Monroe stated that he had purchased two parcels called A & B, and parcel B is comprised of Parcel 1 and 2. It was noted that the parcels may be comprised of three lots of record with questionable access. Chairman asked the acreage of the property. Ms. Jones stated three acres, two parcels. Mr. Fenderson commented that the applicant would have to re-subdivide in order to create a third lot.

Chairman stated this parcel is currently zoned RSF-3 in Baldwin County. This request may also change the character of the neighborhood from residential to commercial with a dedicated access easement to County Road 13 of which a portion of the easement does not lie on his property.

Chairman asked for Commission questions or comments.

Mr. Scott asked can he vacate that the portion of the easement on his property. Mr. Ross stated yes.

Chairman opened the floor to public participation.

Ms. Cynthia Hunter spoke in opposition and expressed her concerns with a commercial property accessing an easement to County Road 13 across family property.

Chairman closed public participation.

Chairman asked can he gain access to that easement. Mr. Ross stated it is an open easement for ingress and egress. It is not restrictive across descriptive property nor does it have any specific conditions; however, he could restrict its use. Mr. Scott asked Mr. Monroe if he would consider the vacation of that easement.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of January 22, 2015
Council Chamber, City Hall - 5:00 P.M.**

Mr. Monroe stated with regard to these parcels, I am willing to restrict the use of the easement.

Mr. Scott commented in my experience of appraisals in Baldwin County, you would not be affected by the development of this property.

Mr. Sandefur asked for the purpose of pre-zoning, is it required that the developer grant access from that parcel to Public Works Road. Mr. Ross stated no. Chairman stated the concern was for the future development of that parcel.

Chairman closed public participation. He asked for Commission questions or comments and a recommendation for approval.

A Motion was made by Mr. Scott and Seconded by Mr. Terry of an affirmative recommendation by the Planning Commission to the City Council of a request for the pre-zoning of two parcels consisting of two-point zero three acres located northeast of Public Works Road and Rand Avenue from a RSF-3, Single Family Residential, in Baldwin County District 15, to a B-2, General Business, zone for Jubilee Properties, L.L.C., contingent upon the vacation of the fifteen-foot easement to County Road 13, and providing future access from Parcel A to Public Works Road.

During Commission discussion, Mr. Scott stated the purpose of the condition being placed on the motion is that upon the pre-zoning, the Commission does not want a business to have an access through residentially zoned property to County Road 13.

The Motion carried unanimously.

The next order of business is a request for annexation of Jubilee Properties, L.L.C.

An introductory presentation was given by Mr. Spence Monroe, representative of Jubilee Properties, L.L.C., of a request for the annexation of two parcels consisting of two-point zero three acres northeast of Public Works Road and Rand Avenue.

A Motion was made by Mr. Scott and Seconded by Mr. Sandefur of an affirmative recommendation by the Planning Commission to the City Council of the annexation of two parcels consisting of two point zero three two acres located northeast of Public Works Road and Rand Avenue with B-2, General Business, zoning for Jubilee Properties, L.L.C.

During Commission discussion, Chairman asked to amend the main motion to include the vacation of the fifteen-foot easement to County Road 13, and providing future access from Parcel A to Public Works Road. Mr. Scott accepted the amendment.

The City of Daphne
Planning Commission Minutes
Regular Meeting of January 22, 2015
Council Chamber, City Hall - 5:00 P.M.

The **Motion** was amended by Mr. Scott and **Seconded** by Mr. Terry of an **affirmative recommendation by the Planning Commission to the City Council of the annexation of two parcels consisting of two point zero three two acres into the City of Daphne located northeast of Public Works Road and Rand Avenue with B-2, General Business, zoning for Jubilee Properties, contingent upon the vacation of the fifteen foot easement to County Road 13, and providing future access to Parcel A to Public Works Road. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is public participation.

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

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

Mr. Ross presented an update on the Tiawasee Trace POA vs. the City of Daphne Planning Commission & City Council trial held on Thursday, January 8, 2014 in Bay Minette.

The next order of business is commissioner's comments.

None were presented.

The next order of business is director's comments.

Ms. Jones presented the following:

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

Ms. Jones stated the upcoming meeting dates are site preview, February 18, and regular meeting, February 26, 2014.

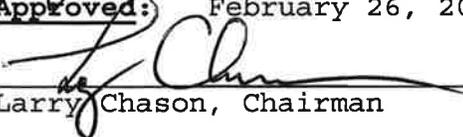
There being no further business, the meeting was adjourned at 6:09 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: February 26, 2014



Larry Chason, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MARCH 26, 2015
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.


REPORT

1. **CALL TO ORDER:** 5:00 p.m.

2. **CALL OF ROLL:** LARRY CHASON, RON SCOTT, DON TERRY, TYRONE FENDERSON, JR., CHIEF WHITE, CHARLES SMITH AND MONTY MONTGOMERY

3. **APPROVAL OF MINUTES:**

Review of minutes for the regular meeting of January 22, 2015. (**APPROVED AS SUBMITTED**)

4. **NEW BUSINESS:**
 - A. **SUBDIVISION EXEMPTION REVIEW:**
 1. **File SRP15-01: (APPROVED)**

Subdivision: Replat of Lots 3, 4, and 5, Lake Forest Subdivision, Unit 8

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

Location: 178, 180 and 182 Bayview Drive
Area: 0.64 Acres \pm , (3) lots
Owner: James P. & Rosanna Jennings, Chris Lepkowski, and William Haynie
Surveyor: Geo-Surveying - Matt & Jima Kountz

 2. **File SRP15-02: (WITHDRAWN BY OWNER MARCH 24, 2015)**

Subdivision: Replat of Lots 18 & 19, Ervin Subdivision

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

Location: Northwest of Japonica and Park Drive
Area: 3.73 Acres \pm , (2) lots
Owner: Francesca Ervin and John Bolton
Surveyor: Geo-Surveying - Matt & Jima Kountz

 - B. **SITE PLAN REVIEW:**
 1. **File SP15-03: (PLANNING COMMISSION APPROVAL OF A SELF-SERVICE VENDING UNIT (ICE MACHINE) IN A B-2 ZONE AND APPROVAL OF A SITE PLAN)**

Site: **Kooler Ice Machine**

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

Location: Southwest of Alabama Highway 181 and Mill Lane, Lot 1C of TimberCreek Village, Resubdivision of Lot 1, and TimberCreek Commercial Resubdivision of Parcel A, Unit Three, Resubdivision of Lot 3

Area: 1.76 \pm Acres
Owner: Stuart Contracting Company, Inc. - Tom Mitchell
Engineer: Hutchinson, Moore & Rauch - Tim Lawley

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MARCH 26, 2015 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

- C. **PLANNING COMMISSION DISCUSSION:**
 - a. **New Zoning District Proposal “B-2a” - (UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL, AS AMENDED)**
 - b. **Proposed Amendment to Section 40-7, Self-Service Vending Machine Signage - (UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL, AS AMENDED)**

- 5. **PUBLIC PARTICIPATION: None were presented**

- 6. **ATTORNEY’S REPORT: Mr. Boucher advised the Commission that the attorney for the Tiawasee Trace POA has filed an appeal.**

- 7. **COMMISSIONER’S COMMENTS: None were presented**

- 8. **DIRECTOR’S COMMENTS:**
 - a. **Meeting dates: Site preview, April 15, and regular meeting, April 23, 2015**

- 9. **ADJOURNMENT: 5:58 p.m.**

SET PUBLIC HEARING DATE FOR

MAY 4, 2015

TO CONSIDER:

- 1. Amending the Land Use & Development Ordinance 2011-54 / Section 40-7 / Self-Service Vending Machine Units Signage**

Recommendation: Unanimous favorable

- 2. Amending the Land Use & Development Ordinance 2011-54 / New Zoning District B-2a, General Business Alternate District**

Recommendation: Unanimous favorable

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, Amendment to Section 40-7, Self-Service Vending Unit Signage
Date: April 1, 2015

MEMORANDUM

At the March 26, 2015, 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)

**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
AMENDING
ARTICLE XXXX SELF-SERVICE VENDING MACHINE UNITS
REGARDING SIGNAGE**

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 March 26, 2015, 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 26th day of March 2015, 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 May 4, 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 40, SELF-SERVICE VENDING UNITS, SECTION 7, SIGNS, AS FOLLOWS:

All signage shall be provided in accordance with Article 33, Sign Provisions, except where otherwise provided herein. Signs incorporated on machinery or equipment shall be in accordance with the provisions enumerated in Article 33, Sign Provisions, Signs Incorporated on Equipment or Machines except that upon receipt of a sign permit, the total allowable amount of signage for a self-service ice vending shall be an amount not to exceed the lessor of thirty square feet (30 sq. ft.) in area or thirty percent (30%) of the surface frontal area of said ice machine. Placement of said signage shall be limited to no more than two sides of said machine.

SECTION II: 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 III: 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 IV: EFFECTIVE DATE

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

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

PLEASE Publish in the Bulletin Legal Section on Friday,
April 10, 2015

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on May 4, 2015 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance amending the Land Use Ordinance and Development Ordinance 2011-54 / Self Service Vending Machine Units Regarding Signage. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE
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
AMENDING
ARTICLE XXXX SELF-SERVICE VENDING MACHINE UNITS
REGARDING SIGNAGE**

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 March 26, 2015, 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 26th day of March 2015, 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

PLEASE Publish in the Bulletin Legal Section on Friday, April 17, 2015.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on April 10, 2015, that the City Council of the City of Daphne will hold a Public Hearing on May 4, 2015 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an Ordinance amending the Land Use Ordinance and Development Ordinance 2011-54 / Self-Service Vending Machine Units Regarding Signage as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE
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
AMENDING
ARTICLE XXXX SELF-SERVICE VENDING MACHINE UNITS
REGARDING SIGNAGE**

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 March 26, 2015, 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 26th day of March 2015, 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 May 4, 2015.

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, B-2a, General Business
Alternate, New Zoning District
Proposal
Date: April 1, 2015

MEMORANDUM

At the March 26, 2015, 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)

**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**

**CREATING A NEW ZONING DISTRICT
B-2A, GENERAL BUSINESS ALTERNATE DISTRICT**

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 March 26, 2015, 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 26th day of March 2015, and has made a favorable recommendation for adoption to the City Council; and,

WHEREAS, the North American Industry Classification System (NAICS), most current edition was adopted as a reference to the Land Use & Development Ordinance, Ordinance 2011-54 as amended, as an expansion of uses similar in nature, but not expressly provided in the Table of Permitted Uses; and,

WHEREAS, it is the City's intent that any proposed use that is inconsistent with the provisions of Article XXXV or uses similar in nature thereto as found in the NAICS manual shall be considered as prohibited in any B-2a, General Business Alternate District; 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 May 4, 2015.

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

SECTION I: THIS SECTION HEREBY AMENDS LAND USE AND DEVELOPMENT ORDINANCE ARTICLE XII, ESTABLISHMENT OF DISTRICTS, OF THE AS FOLLOWS:

- A. Article 12, Establishment of Districts, shall be amended to add Section 12-4(c) as follows:
B-2(a), General Business Alternate District: This district is intended to provide opportunity for activities that are more compatible with restrictive business districts and residential uses than those allowed in B-2, General Business. These uses may serve as a regional or a local market and may require location in proximity to major transportation routes; and renumber subsequent subsection headers.

SECTION II: THIS SECTION HEREBY ADDS TO AND AMENDS ARTICLE 35, PERMITTED USES AND CONDITIONS AS FOLLOWS:

- A. Add B-2a, General Business Alternate District, to the list of districts in Section 35-2.
B. Amend cross-reference for R-4 designation to include B-2a, General Business Alternate District.

- C. Amend Section 35-3 to permit in B-2a, General Business Alternate District, the following uses as permissible by right:

Accessory buildings and uses, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met; Agriculture and related farming operations, including horticulture, plant nurseries market gardening, field crops, orchards, and home gardens; Air conditioning sales and service; Ambulance/EMS service; Apparel and accessory store; Appliance store; Armory; Art gallery or museum; Art supplies; Bakery, retail; Bank, including drive-in bank; Barber shop or beauty parlor; Barber and beauty supplies and equipment sales; Book store; Business machines sales and service; Café, grill, lunch counter and restaurant but not including night club, bar, tavern and drive-in restaurant; Camera and photographic supply store; Candy, nut and confectionery store; Catering shop or service; Churches and related accessory buildings; City Hall, police station, fire station, courthouse, federal office building and similar public building; Clinic, dental, medical or psychiatric for humans; Dairy products sales; Delicatessen; Department store; Drive-in restaurant; Drug store; Dry cleaning shop, including self-service; Dry goods or fabric store; Electric supply store, retail; Employee credit union office; Exterminator service office; Fix-it shop, including small appliance repair; Floor covering sales and service; Floral shop; Furniture and home furnishing store, including office furniture and equipment; Furniture repair, including upholstering and refinishing; Gift shop; Gymnasium, commercial; Hobby shop and supply store; Home occupation; Ice cream parlor; Interior decorating shop; Laboratory, medical or dental; Laundry, self-service; Laundry and dry cleaning pick up station; Laundry, linen supply or diaper service; Leather goods or luggage goods store; Liquor, wine or beer sales not to be consumed on premises and meeting local and state requirements; Library; Loan office; Locksmith; Marine stores and supplies; Music store; News stand; Office buildings, general; Office buildings, professional; Office equipment and supplies, retail; Optician; Paint and wallpaper store; Photographic studio and/or processing; Printing, blueprinting, bookbinding, photostating, lithographing and publishing establishment; Shoe repair shop; Shoe store, retail; Sporting goods store; Studio for dance or music; Studio for professional work or teaching of fine arts such as photography, drama, speech and painting; Surgical or dental supplies, retail; Tailor shop; Taxi dispatching station; Theater, indoor; Toy store; Variety store.

- D. Amend Section 35-3 to permit in B-2a, General Business Alternate District, the following uses as permissible upon approval of the Planning Commission:

Art sculptures, statues, monuments; Bicycle, lawnmower sales, service and repair; Business school or college; Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business; Convenience store; Electric power substation; need not be enclosed within a structure, but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screen in most districts; Farm and garden equipment and supply store; Farmer's markets; Fruit and produce, retail; Gas regulator station; Grocery store, retail; Hardware store, retail, wholesale, storage and sales; Hospital, clinic, convalescent or nursing home, extended care facility or sanitarium for humans; Hotel; Motel; Landscape garden sales; need not be enclosed within a structure; Motorcycle sales, service, and repair; Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails; Pet shop; Plumbing shop; Police substation, including Highway Patrol; Post office; Public utility production and maintenance buildings with proper screening; Public utility substation with proper screening; Racquetball or tennis courts, indoor; Seafood store, retail; Sign shop; Tattoo facility shall be in compliance with Ordinance 2013-36; Temporary uses, including revival tents, sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed four (4) weeks in any calendar year; Warehouse and storage facilities, minor; mini-type do-it-yourself storage facilities; Water storage; need not be enclosed within a structure; Water or sewage pumping station;

E. Amend Section 35-3 to permit in B-2a, General Business Alternate District, the following uses as permissible upon approval of a Special Exception:

Extended stay hotel facility; Institution for children or the aged, day care; Kindergarten, play school or day care center, public or private, provided that all activities are carried on in an enclosed building or fenced yard and that all applicable federal, state and local requirements are met.; Laboratory, scientific; Lodging and tourist homes; Oil and gas exploration and production activities; Picture framing and/or mirror silvering; Schools, public and/or private, elementary and/or secondary meeting the requirements of the education laws of the State of Alabama; Stone monument retail sales; Telephone exchange; Tourist home; Trade school or college; YMCA, YWCA and similar institutions.

F. Amend Section 35-4 Permitted Outdoor Amusement Uses & Conditions Table, to permit in B-2a, General Business Alternate District, the following as uses permissible upon approval of the Planning Commission:

Baseball batting range; Boat docking only of pleasure boats as an accessory use to a permitted principal use; maximum of three (3) slips per unit; Boat service is prohibited; Golf, driving range and practice tee; Golf course, miniature; Park or playground including recreation centers; need not be enclosed within a structure; Riding stables or academy, horses; need not be enclosed within structure; Tennis courts or club, outdoor; need not be enclosed within a structure; no building for such purposes is located within 100 feet of any property line.

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 V: 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 VI: 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 VII: 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

PLEASE Publish in the Bulletin Legal Section on Friday,
April 10, 2015

FIRST NOTICE OF PUBLIC HEARING

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Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

**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**

**CREATING A NEW ZONING DISTRICT
B-2A, GENERAL BUSINESS ALTERNATE DISTRICT**

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 March 26, 2015, 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 26th day of March 2015, and has made a favorable recommendation for adoption to the City Council; and

PLEASE Publish in the Bulletin Legal Section on Friday, April 17, 2015.

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Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

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**CREATING A NEW ZONING DISTRICT
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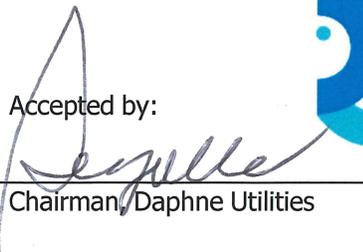
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WHEREAS, the North American Industry Classification System (NAICS), most current edition was adopted as a reference to the Land Use & Development Ordinance, Ordinance 2011-54 as amended, as an expansion of uses similar in nature, but not expressly provided in the Table of Permitted Uses; and

Accepted by:


Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Meeting

City of Daphne Council Chambers ♦ February 25, 2015 ♦ 5:00 p.m.

I. Call to Order

The regular February 2015 Board meeting for the Utilities Board of the City of Daphne was held on February 25, 2015 and called to order by Chairman Robert Segalla, at 5:01 p.m., proceeded by the Roll Call:

II. Roll Call

Members Present: Robert Segalla, Chairman
Fenton Jenkins, Vice Chairman
Randy Fry, Secretary/Treasurer
Dane Haygood, Mayor – arrived at 5:02 pm

Others Absent: Billy Mayhand

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

Others Absent: Jerry Speegle

III. Pledge of Allegiance

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

IV. Approval of Minutes

A. Utilities Board Minutes from February 4, 2015:

The Chairman inquired if there were any corrections noted for the submitted Minutes for the February 4 (for January), 2015 Utilities Board meeting.

MOTION BY Randy Fry to approve the Minutes for February 4, 2015 as submitted; Seconded by Fenton Jenkins.

AYE: FRY, JENKINS, SEGALLA

NAY:

ABSENT: HAYGOOD, MAYHAND

ABSTAIN:

MOTION CARRIED

V. OLD BUSINESS –

A. Items in Abeyance:

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

Danny Lyndall advised the Board that while there has been no movement with the City of Spanish

Fort directly, Daphne Utilities has initiated an audit of all of the sewer customers in Spanish Fort against the addresses received from the City of Spanish Fort.

**VI. NEW BUSINESS –
A. No New Business**

Mayor Haygood arrived at 5:02 pm.

VII. BOARD ATTORNEY’S REPORT

Mr. Hoffman had nothing further to add to the submitted report but answered a few questions relating to the dates of upcoming court hearings.

VIII. FINANCIAL REPORT

Teresa Logiotatos advised the Board of the possibility of refunding a 2007 bond series and will update at the next meeting, and additionally informed the Board that the audit is being prepared to hand out for review before the March Board meeting to address any questions at the meeting. She then highlighted her financial report with the Board.

IX. GENERAL MANAGER’S REPORT

A. GM Report

Mr. Lyndall pointed out from his report the outstanding audit received by the Public Service Commission of Daphne Utilities Natural Gas Department and answered questions about the Top 10 Customer Usage.

B. Operations Report

Van Baggett updated the Board regarding the power outage situation that occurred on Saturday (February 21).

C. Engineering & Consulting Reports

Melinda Immel had nothing to add to her report but informed the Board upcoming bids for sewer projects in Lake Forest.

Ray Moore updated the Board on the City’s sewer project and designs that are being developed.

X. BOARD ACTION – No Board Action

XI. PUBLIC PARTICIPATION – Rex Rentz gave the Board information on the safe man hours worked.

XII. BOARD COMMENTS – Randy Fry commended the employees on their availability and diligent response to the emergencies that arose from power outage.

XIII. ADJOURNMENT -

MOTION BY Fenton Jenkins to adjourn.

AYE: *Fry, Haygood, Jenkins, Segalla*

NAY:

ABSENT: *Mayhand*

ABSTAIN:

MOTION CARRIED

The meeting adjourned at 5:21pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities

RESOLUTION NO. 2002-07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,
APPROVING THE FORMATION OF THE YMCA PUBLIC PARK AND RECREATION
BOARD OF THE CITY OF DAPHNE**

WHEREAS, the City Council of the City of Daphne, Alabama, has received an application for the formation of the YMCA Public Park and Recreation Board of the City of Daphne in accordance with Chapter 60 of Title 11 of the Code of Alabama (1975), as amended (the "Act"), which application is attached hereto as "Exhibit A"; and

WHEREAS, the Act authorizes the formation of public park and recreation boards to promote the public health and general welfare by authorizing the incorporation in the several municipalities in this state of public corporations to acquire, enlarge, improve, expand, own, operate, lease and dispose of properties to the end that such corporation may be able to promote public interest and participation in sports, athletics and recreational activities and to provide or improve public parks in this state, including all buildings, facilities and improvements incident thereto or useful in connection therewith;

WHEREAS, the City Council of the City of Daphne is the governing body of the City of Daphne empowered by the Act to authorize the formation of a Public Park and Recreation Board; and

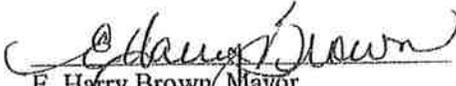
WHEREAS, the City Council has duly considered the application for the formation of a Public Park and Recreation Board submitted to it.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne, as follows:

1. That it is wise, expedient, necessary and advisable that the proposed YMCA Public Park and Recreation Board of the City of Daphne be formed.
2. That the City Council has found that there is a public need for the proposed YMCA Public Park and Recreation Board of the City of Daphne.
3. That the applicants listed in the application attached hereto as Exhibit "A" (the "Applicants") are authorized to proceed to form the YMCA Public Park and Recreation Board of the City of Daphne by filing for record a certificate of incorporation in accordance with the provisions of § 11-60-3 of the Code of Alabama (1975), as amended, the form of which has been submitted to the City Council with the aforesaid application and which is hereby approved.
4. That immediately upon the filing for record of such certificate of incorporation, the

Applicant shall notify the Council, and thereafter the City Council shall appoint directors of the YMCA Public Park and Recreation Board of the city of Daphne in accordance with the Act.

ADOPTED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this 18th day of February, 2002.

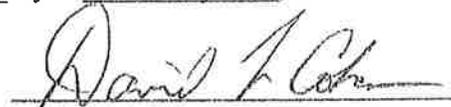

E. Harry Brown, Mayor

ATTEST:


David L. Cohen, City Clerk, CMC

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, David L. Cohen, City Clerk of the City of Daphne, Alabama, do hereby certify the foregoing to be a true and exact copy of a Resolution approved and adopted by the City Council of the City of Daphne, Alabama, at its meeting held on the 18th day of February, 2002.


David L. Cohen, City Clerk, CMC

APPLICATION TO FORM
YMCA PUBLIC PARK AND RECREATION BOARD OF THE CITY OF DAPHNE

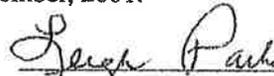
City Council
City of Daphne, Alabama
P.O. Drawer 400
Daphne, Alabama 36526

Ladies and Gentlemen:

Pursuant to Chapter 60 of Title XI of the Code of Alabama, 1975, as amended (the "Act") the undersigned applicants hereby apply for the formation of the YMCA Public Park and Recreation Board of the City of Daphne (the "Board"). In accordance with the requirements of the Act, we make the following statements and requests:

1. The undersigned applicants propose to incorporate the Board pursuant to the provisions of the Act;
2. The proposed project, to be financed, acquired and leased to the YMCA of Metropolitan Mobile, consists of land and one or more buildings and related equipment comprising a recreation facility;
3. The proposed location of the principal office of the Board shall be in the City of Daphne, Alabama, City Hall, 1705 Main Street, Daphne, Alabama 36526;
4. Each of the undersigned applicants is a resident of and an owner of real property in and a duly qualified elector of the City of Daphne and is over the age of nineteen (19) years; and
5. The undersigned applicants hereby request that the City Council of the City of Daphne adopt a resolution (a) declaring that it is wise, expedient, necessary and/or advisable that the proposed Board be formed, (b) declaring that there is a public need for the proposed Board, and (c) authorizing the undersigned applicants to proceed to form such Board by the filing for record of a certificate of incorporation (a copy of which proposed certificate is attached hereto as "Exhibit A") in accordance with the provisions of the Act.

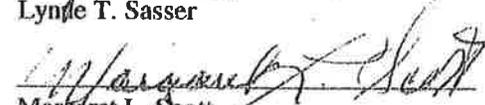
Respectfully submitted this 31st day of December, 2001.



Leigh Parks



Lynde T. Sasser



Margaret L. Scott

CERTIFICATE OF INCORPORATION
OF THE
YMCA PUBLIC PARK AND RECREATION BOARD OF THE CITY OF DAPHNE

This Certificate of Incorporation is made and entered into by the undersigned pursuant to the provisions of Chapter 60 of Title XI of the Code of Alabama (1975), as amended (the "Act").

ARTICLE I

The names of the persons forming the Board, each of whom is a resident of and an owner of real property in the City of Daphne and each of whom is a duly qualified elector in the City of Daphne, and their residential addresses are as follows:

Leigh Parks
102 Michael Loop
Daphne, AL 36526

Lynne T. Sasser
430 Ridgewood Drive
Daphne, AL 36526

Margaret L. Scott
112 Meadowwood Drive
Daphne, AL 36526

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:
2002 March -22 2:26PM
Instrument Number 649535 Pages 3
Recording Fee 25.00 Mortgage
Deed Min Tax
Index Fee 1.00
Archive Fee 3.00
By: Adrian T. Johns, Judge of Probate

649535

ARTICLE II

The name of the Board is the YMCA Public Park and Recreation Board of the City of Daphne (the "Board").

ARTICLE III

The duration of the corporate existence of the Board shall be perpetual, subject to the provisions of the Act.

ARTICLE IV

The "governing body of the municipality," within the meaning of the Act is the City Council of the City of Daphne. The City Council of the City of Daphne adopted a resolution approving the application of the undersigned incorporators seeking permission to incorporate the Board on the 18th day of February, 2002.

ARTICLE V

The location of the principal office of the Board shall be City Hall, 1705 Main Street, Daphne, Alabama 36526.

ARTICLE VI

The purposes for which the Board is organized are the transaction of all lawful business permitted by the Act; provided, however, that the Board shall issue its bonds solely to finance or refinance one or more Projects (as defined in the Act) to be operated by private, not for profit corporations, and shall not itself operate any Project. The Board shall have the same powers as an individual to do all things necessary or convenient to carry out its business and affairs.

ARTICLE VII

The number of Directors constituting the initial Board of Directors shall be three (3), and such directors shall be elected by the City Council of the City of Daphne, Alabama, as soon as possible after the filing of this Certificate of Incorporation.

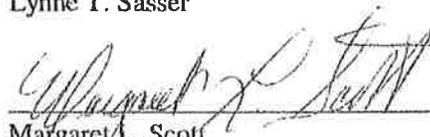
IN WITNESS WHEREOF, the undersigned incorporators have hereunto set their hands and seals on the 26th day of February, 2002.



Leigh Parks



Lynne T. Sasser



Margaret L. Scott

STATE OF ALABAMA:
COUNTY OF BALDWIN:

I, the undersigned authority in and for said County and said State, hereby certify that Leigh Parks, whose name 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, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 26th day of February, 2002.

Alexa Bretton

NOTARY PUBLIC

My commission expires: _____



STATE OF ALABAMA:
COUNTY OF BALDWIN:

I, the undersigned authority in and for said County and said State, hereby certify that Lynne T. Sasser, whose name 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, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 21st day of March, 2002.

Rebecca A. Harper

NOTARY PUBLIC

My commission expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Feb 2, 2003
BONDED BY NOTARY PUBLIC UNDERWRITERS

STATE OF ALABAMA:
COUNTY OF BALDWIN:

I, the undersigned authority in and for said County and said State, hereby certify that Margaret L. Scott, whose name 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, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 20th day of ^{March} February, 2002.

Rebecca A. Harper

NOTARY PUBLIC

My commission expires: _____

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
MY COMMISSION EXPIRES: Feb 2, 2003
BONDED BY NOTARY PUBLIC UNDERWRITERS

This Instrument Prepared by:
Christopher M. Gill, Esq.
Hand Arendall, L.L.C.
P.O. Box 123
Mobile, AL 36601

RESOLUTION NO. 2002-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA,
APPOINTING THE BOARD OF DIRECTORS FOR THE YMCA PUBLIC PARK AND
RECREATION BOARD OF THE CITY OF DAPHNE

WHEREAS, on February 18, 2002, the City Council of the City of Daphne, Alabama, (the "City Council") adopted Resolution No. 2002-07, which approved the formation of the YMCA Public Park and Recreation Board of the City of Daphne (the "Board") in accordance with Chapter 60 of Title 11 of the Code of Alabama (1975), as amended (the "Act");

WHEREAS, the Act states that the governing body of the City of Daphne, Alabama (the "City") is to appoint the members of the board of directors of the Board;

WHEREAS, the City Council is the governing body of the City empowered by the Act to appoint the members of the Board's board of directors;

WHEREAS, the Board was incorporated by the filing in the Office of the Judge of Probate of Baldwin County, Alabama, of that Certificate of Incorporation of the YMCA Public Park and Recreation Board of the City of Daphne, dated February 18, 2002, and executed by Leigh Parks, Lynne T. Sasser and Margaret L. Scott as incorporators (the "Certificate of Incorporation");

WHEREAS, Article VII of the Certificate of Incorporation provides that the initial board of directors of the Board shall consist of three members

WHEREAS, Leigh Parks, Lynne T. Sasser and Robert G. Shillhahn (collectively, the "Applicants") seek appointment to the Board's board of directors;

WHEREAS, each of the Applicants is a duly qualified elector of and taxpayer in the City;

WHEREAS, none of the Applicants is an officer or employee of the City; and

WHEREAS, the City Council has duly considered each of the Applicants for membership on the Board's board of directors.

NOW, THEREFORE, be it resolved by the City Council of the City of Daphne, as follows:

1. That Leigh Parks shall be elected to the board of directors of the Board for an initial term of two (2) years.
2. That Lynne T. Sasser shall be elected to the board of directors of the Board for an initial term of four (4) years.

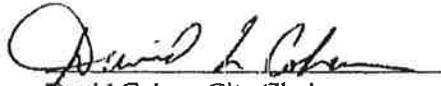
3. That Robert T. Shillhahn shall be elected f to the board of directors of the Board or an initial term of six (6) years.

4. Each Applicant shall serve in accordance with the Act.

ADOPTED this 17th day of April, 2002.


E. Harry Brown, Mayor

ATTEST:


David Cohen, City Clerk

CERTIFICATE OF CITY CLERK

I, David Cohen, City Clerk for the City of Daphne, Alabama, do hereby certify that the following persons are members of the board of directors of YMCA Public Park and Recreation Board of the City of Daphne for staggered terms as follows:

<u>Name</u>	<u>Expiration of Current Term</u>
Leigh Parks	April 15, 2004
Lynne T. DeVault	April 15, 2006
Robert G. Schillhahn	April 15, 2008


City Clerk

Date: October 8, 2002.

RESOLUTION NO. 2009-102

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA
AUTHORIZING THE MAYOR OF THE CITY OF DAPHNE, ALABAMA TO SIGN
THE CERTIFICATE WITH RESPECT TO THE APPROVAL OF BONDS ISSUED BY
THE YMCA PUBLIC PARK AND RECREATION BOARD OF THE CITY OF DAPHNE**

WHEREAS, on January 18, 2002, the City Council of the City of Daphne, Alabama (the "City Council") adopted a resolution which approved the formation of the YMCA Public Park and Recreation Board of the City of Daphne (the "Authority") in accordance with the provisions of Chapter 60 of Title XI of the Code of Alabama (1975), as amended (the "Act"); and

WHEREAS, the Authority was incorporated by the filing in the Office of the Judge of Probate of Baldwin County, Alabama the Certificate of Incorporation of the YMCA Public Park and Recreation Board of the City of Daphne on March 22, 2002; and

WHEREAS the Act authorized the Authority to finance the acquisitions, construction, installation, development, and refinance in equipping a recreational building structure and related facilities for use in connection with purposes as set forth in the Act to the issuance of revenue bonds; and

WHEREAS, the Authority conducted a public hearing on September 15, 2009, pursuant to the public notice of the same attached hereto as Exhibit "A". The purpose of the hearing was to hold a public hearing with respect to the issuance of certain revenue bonds to use the proceeds of the Obligation to refinance indebtedness previously incurred, to finance the acquisition, construction, equipping, and installation of recreational buildings, structures and facilities at 8051 Whispering Pines Road within the City of Daphne, Alabama (such interests in such real and personal property being herein collectively referred to as the "Project") and to lease the project to the YMCA of South Alabama, Inc., an Alabama nonprofit corporation for use for the foregoing purposes at the foregoing location and for rentals payable by the YMCA of South Alabama, Inc. at such times and in such amounts as shall be sufficient to provide for the due and punctual payment of the Obligation; and

WHEREAS, the Authority has the approval for the issuance of up to \$2,850,000; and

WHEREAS, the provisions of the Internal Revenue Code of 1986 relating to the issuance of obligations such as the Bond require that the chief elected executive officer of the governmental unit approve the issuance of the Bonds after a public hearing following reasonable public notice; and

WHEREAS, the Mayor of the City of Daphne, Alabama is the chief elected executive officer of the governing body of the City of Daphne, Alabama.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne, Alabama, as follows:

That the execution and delivery of a Certificate with Respect to Approval of Bonds (the "Certificate") be and the same is hereby authorized and approved. That Fred Small, as Mayor of the City of Daphne is hereby authorized to execute and deliver such Certificate and it shall be in

the form attached hereto as Exhibit "B" to the issuer and other such entities or individuals as necessary.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this the 21st day of September, 2009.

THE CITY OF DAPHNE
A Municipal Corporation


AUGUST A. PALUMBO,
COUNCIL PRESIDENT PRO TEM
Date/Time Signed: 9/21/09 8:30pm


FRED SMALL,
MAYOR
Date/Time Signed: 9/24/09

ATTEST:

DAVID L. COHEN
CITY CLERK, MMC

EXHIBIT A

PUBLICATION OF PUBLIC HEARING NOTICE



Gulf Coast Newspapers
 The Bulletin,
 The Fairhope Courier,
 The Islander,
 The Foley Onlooker,
 Elberta-Lillian Ledger,
 The Independent,
 The Baldwin Times (Bay Minette)
 Spanish Fort Sun

Mail Payment to: The Fairhope Courier
 P.O. Box 549, Fairhope, AL 36533

Sworn to and subscribe before me

this 15th Day of Sept, 2009.
Leida Robinson Underwood
 Notary Public

Baldwin County, Alabama

NOTARY PUBLIC STATE OF ALABAMA AT LARGE
 MY COMMISSION EXPIRES: Aug 16, 2010
 BONDED THRU NOTARY PUBLIC UNDERWRITERS

Affidavit:

This is to certify that the attached legal advertisement appeared in the following newspapers:

Weekly Newspapers:

- The Bulletin
- The Fairhope Courier
- The Islander
- The Foley Onlooker
- Elberta-Lillian Ledger
- The Independent
- The Baldwin Times
- Spanish Fort Sun

Weekend Newspapers:

- The Bulletin
- The Fairhope Courier
- The Islander
- The Foley Onlooker

Publication Date(s):

8/29

Cost: Words/Inches x Rate:

353 x .18

Total \$ 63.54


 Tracy Peters
 Ad Representative

Bill to:

Dresley Bouton
Codien
YMCA Public Parks

PO # _____

For Office Use Only:

Account # 600003

Receipt # _____

Check # _____

Credit Card A.E.

Paid

Cash

Unpaid

[Vertical strip of text, likely a newspaper advertisement or legal notice, containing dense, mostly illegible text.]

EXHIBIT B

CERTIFICATE OF MAYOR OF THE CITY OF DAPHNE, ALABAMA

The undersigned duly elected, qualified and acting Mayor of the City of Daphne, Alabama, does hereby certify and declare as follows:

1. The YMCA Public Park and Recreation Board of the City of Daphne (the "Issuer"), a public corporation under Chapter 60 of Title 11 of the Code of Alabama, 1974, as amended (the "Enabling Law") proposes to issue a tax-exempt Obligation (the "Obligation") in the maximum amount of \$2,850,000 pursuant to the authority and provisions of the Enabling Law. The Board proposes to use the proceeds of the Obligation to refinance indebtedness previously incurred to finance the acquisition, construction equipping and installation of recreational buildings, structures and facilities at 8051 Whispering Pines road in the City of Daphne, Alabama (such interests in such real and personal property being herein collectively referred to as the "Project"). The Issuer further proposes to lease the Project to YMCA of South Alabama, Inc., an Alabama nonprofit corporation, for use for the foregoing purposes at the foregoing location and for rentals payable by YMCA of South Alabama, Inc., at such times and in such amounts as shall be sufficient to provide for the due and punctual payment of the Obligation.

2. The Issuer has represented and agreed that the Obligation cannot and will not create an obligation (whether direct, indirect, or contingent), or result in the exemption or abatement (in whole or in part), of any tax of the City of Daphne or the State of Alabama.

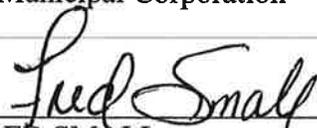
3. A public hearing concerning the proposed issuance of the Obligation to finance the Project was held at Daphne City Hall located at 1705 Main Street in the City of Daphne, Alabama, at 2:00 p.m. on September 15, 2009.

4. On behalf of the City of Daphne, Alabama, the undersigned does hereby consent to the acquisition and financing of the Project by the Issuer and to the location and nature of the Project, and do hereby approve the issuance of the Obligation to finance the Project, all in accordance with the foregoing proposals of the Issuer.

5. This certificate may be relied upon by the Issuer and the User and by special tax counsel for the Issuer (Presley Burton & Collier, LLC) in the delivery of opinions thereby with respect to the exemption of interest on the Obligation from the gross income of the owners thereof for purposes of federal income taxation.

Signed this the 24 day of September, 2009.

CITY OF DAPHNE
A Municipal Corporation


FRED SMALL
MAYOR

THIS INSTRUMENT PREPARED BY:

**JAY M. ROSS
ROSS, JORDAN & GRAY, P. C.
Attorneys At Law
Post Office Box 210
Mobile, AL 36601
(251) 432-5400 Phone
(251) 432-5445 Fax**

CERTIFICATE OF MAYOR OF THE CITY OF DAPHNE, ALABAMA

The undersigned duly elected, qualified and acting Mayor of City of Daphne, Alabama, does hereby certify and declare as follows:

1. The YMCA Public Park and Recreation Board of the City of Daphne (the "Issuer"), a public corporation under Chapter 60 of Title 11 of the Code of Alabama, 1975, as amended (the "Enabling Law") proposes to issue a tax-exempt Obligation (the "Obligation") in the maximum amount of \$2,850,000 pursuant to the authority and provisions of the Enabling Law. The Board proposes to use the proceeds of the Obligation to refinance indebtedness previously incurred to finance the acquisition, construction equipping and installation of recreational buildings, structures and facilities at 8051 Whispering Pines Road in the City of Daphne, Alabama (such interests in such real and personal property being herein collectively referred to as the "Project"). The Issuer further proposes to lease the Project to YMCA of South Alabama, Inc., an Alabama nonprofit corporation, for use for the foregoing purposes at the foregoing location and for rentals payable by YMCA of South Alabama, Inc. at such times and in such amounts as shall be sufficient to provide for the due and punctual payment of the Obligation.

2. The Issuer has represented and agreed that the Obligation cannot and will not create an obligation (whether direct, indirect, or contingent), or result in the exemption or abatement (in whole or in part), of any tax of the City of Daphne or the State of Alabama.

3. A public hearing concerning the proposed issuance of the Obligation to finance the Project was held at Daphne City Hall located at 1705 Main Street in the City of Daphne, Alabama, at 2:00 p.m. on September 15, 2009.

4. On behalf of the City of Daphne, Alabama, the undersigned does hereby consent to the acquisition and financing of the Project by the Issuer and to the location and nature of the Project, and do hereby approve the issuance of the Obligation to finance the Project, all in accordance with the foregoing proposals of the Issuer.

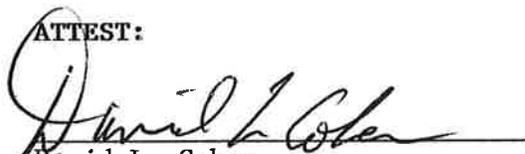
5. This certificate may be relied upon by the Issuer and the User and by special tax counsel for the Issuer (Presley Burton & Collier, LLC) in the delivery of opinions thereby with respect to the exemption of interest on the Obligation from the gross income of the owners thereof for purposes of federal income taxation.

This 25th day of September, 2009.



Mayor, City of Daphne, Alabama

ATTEST:



David L. Cohen,
City Clerk, MMC

CERTIFICATE OF CITY CLERK OF THE CITY OF DAPHNE, ALABAMA

I, the undersigned City Clerk of the City of Daphne, Alabama (the "City") do hereby certify on this 15th day of September, 2009, as follows:

1. Pursuant to the authorization granted by the governing body of the City, YMCA Public Park and Recreation Board of the City of Daphne (the "Issuer") was duly incorporated as a public corporation under the laws of Alabama and is now duly existing under Chapter 60 of Title 11 of the Code of Alabama, 1975, as amended (the "Enabling Law"). The certificate of incorporation of the Issuer has not been amended or supplemented. The Issuer has never been dissolved and the certificate of incorporation of the Issuer has never been revoked.

2. The members of the Board of Directors of the Issuer are elected by the governing body of the City. The following named persons were and are the members of the Board of Directors of the Issuer duly elected as such by the governing body of the City for a term of office beginning and ending on the dates set forth below:

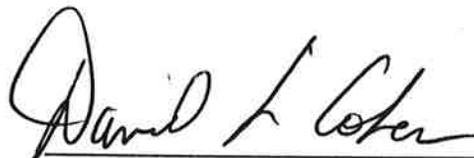
<u>Name</u>	<u>End of Term</u>
Kenneth Wells	April 15, 2010
Lynne T. DeVault	April 15, 2012
Allison Ellis	April 15, 2014

3. There has been no repeal, rescission, change, alteration or amendment in any of the proceedings of the governing body of the City heretofore certified and furnished to Presley Burton & Collier, LLC, respecting the authority to incorporate, incorporation and organization of the Issuer or the election and appointment of the members of the Board of Directors of the Issuer.

4. There is no litigation pending or threatened, restraining or enjoining or in any manner questioning or affecting any one or more of the following matters: the corporate existence, organization or boundaries of the City, or the election or title of any officer or member of the governing body of the City; any proceedings taken by the governing body of the City relative to the incorporation or organization of the Issuer or the election of the members of the Board of Directors of the Issuer; any proceedings or action by the governing body of the City with respect to the approval of any transactions approved or undertaken by the Issuer or the location or nature of the projects financed thereby; or any other matters referred to in this certificate.

WITNESS MY SIGNATURE as City Clerk of the City of Daphne, Alabama, under the seal of the City on the day and year first above written.

SEAL



City Clerk of City of Daphne, Alabama



City of Daphne Event Permit Application

Date of Application: Dec. 5, 2014 Permit Requested: Event/Fundraiser Parade/Run Band

Contact Information

Organization Name: Bayside Medical Missions
 Contact Name: Flor Fellers E-mail Address: florfellers@gmail.com
 Address: PO Drawer 949 Fairhope AL 36532
Street / P.O. Box City/State/Zip Code
 Primary Phone Number: 251.928.4248 Secondary: 251.928.1929
251.680.3003

Event Information

Event Name: Jubilee Race for Life 5K + 1 mile Fun Run Event Date: Sept 19, 2015
 Event Location: Daphne Baptist Church field # Participants/Vehicles: 350 approx.
Race Start Time: 8 am Stop Time: 11 am volunteers! Assembly Time: 5:30 am - set up
Parades/Runs Only
 Special Requests: police car front + rear both races. Hang banner
at race start finish Thursday Sept 17 2015 Road Closures Requested: Yes No

Special Instructions

Approval: Internal Use Only

Date Routed: received 2/16/2015
 Fire Dept: [Signature]
 Police Dept: [Signature]
 Public Works: [Signature]
 Parks & Recreation: [Signature]

Not valid unless stamped "Approved"

For Special Event/Band Permits:

Council Member: _____
District # Signature

For Parade/Run Permits & Use of City Grounds:

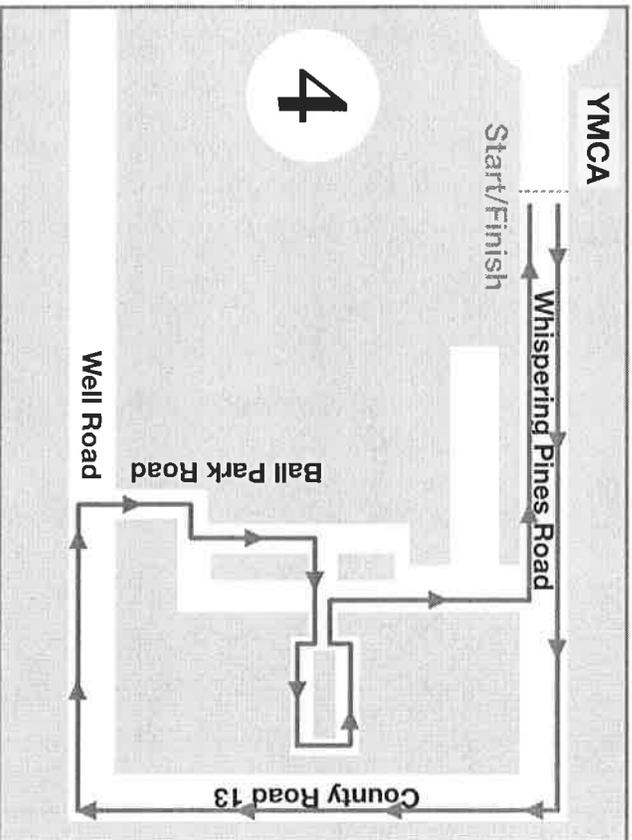
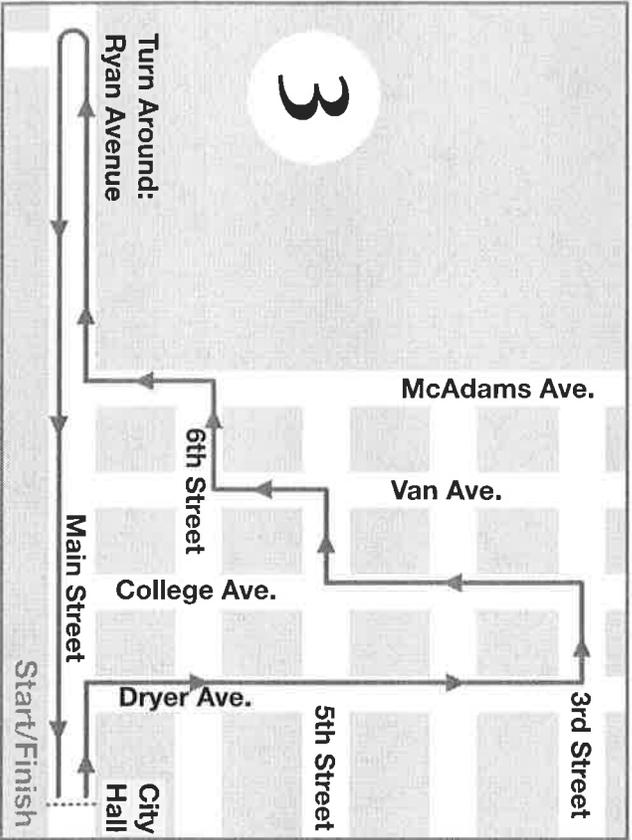
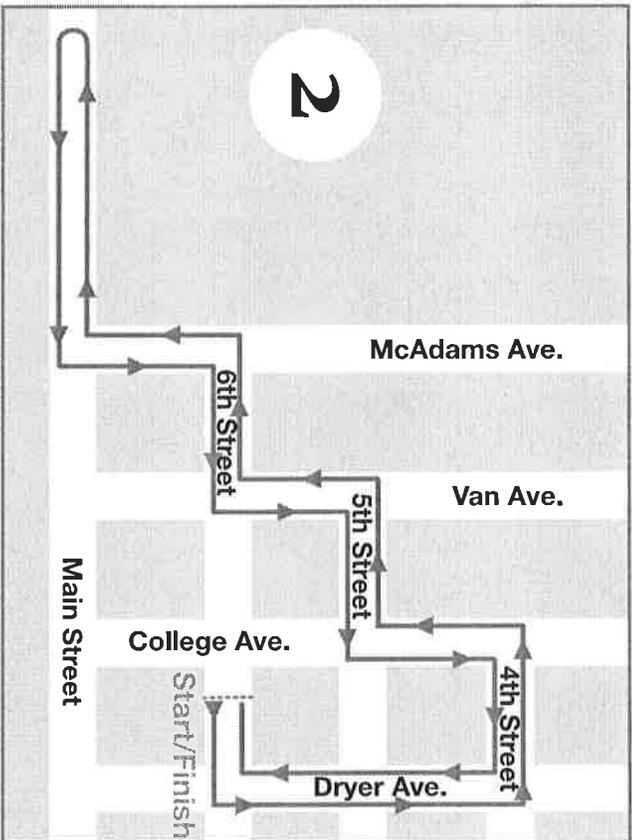
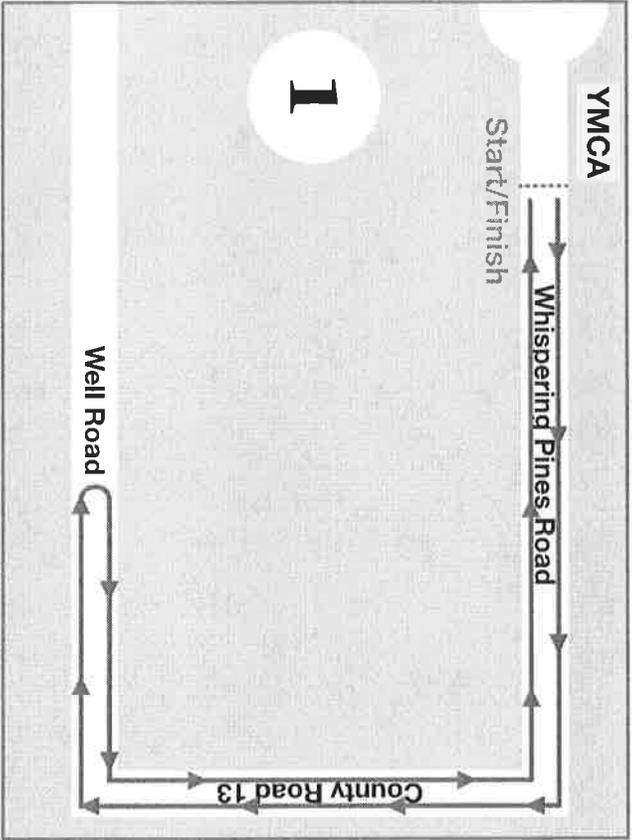
City Council: _____
Date of Approval

Parade/Run Permits ONLY

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

Route Map Selections

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





STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20150319085229025



Type License: 020 - RESTAURANT RETAIL LIQUOR **State:** **County:**
Type License: **State:** **County:**
Trade Name: MANCIS ANTIQUE CLUB **Filing Fee:**
Applicant: MANCIS ANTIQUE LLC **Transfer Fee:** \$50.00
Location Address: 1715 MAIN ST DAPHNE, AL 36526
Mailing Address: 1715 MAIN ST DAPHNE, AL 36526
County: BALDWIN **Tobacco sales:** NO **Tobacco Vending Machines:**
Type Ownership: LLC

Book, Page, or Document info: INST 1498258

Date Incorporated: 02/10/2015 **State incorporated:** AL **County Incorporated:** BALDWIN

Date of Authority: 02/10/2015 **Alabama State Sales Tax ID:** R009132071

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

JOHN MCDERMOTT THOMPSON 4671906 - AL	MEMBER	11/06/1962 MOBILE, AL	261 LEVERT ST MOBILE, AL 36607
HARRY PARTRIDGE JOHNSON 2769374 - AL	MEMBER	12/06/1950 MOBILE, AL	3595 CHURCH ST FAIRHOPE, AL 36532

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: HARRY P JOHNSON

Business Phone: 251-626-2441

Fax:

Home Phone: 251-454-7550

Cell Phone: 251-454-7550

E-mail: HPJPROP@BELLSOUTH.NET

PREVIOUS LICENSE INFORMATION:

Trade Name: MANCIS ANTIQUE CLUB

Applicant: MANCIS ANTIQUE CLUB INC

Previous License Number(s)

License 1: 020-000294802-440

License 2:



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION**



Confirmation Number: 20150319085229025

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **ALEX MANCI 251-348-2443**
 What is lessors primary business? **RETIRED**
 Is lessor involved in any way with the alcoholic beverage business? **NO**
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

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

Will the business be operated primarily as a package store? **NO**
 Building Dimensions Square Footage: **3750** Display Square Footage:
 Building seating capacity: **125** Does Licensed premises include a patio area? **YES**
 License Structure: **ONE 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:
HARRY PARTRIDGE JOHNSON	SALE TAX - 1979	BALDWIN COUNTY	PAID FINE AND TAXES
JOHN MCDERMOTT THOMPSON	DUI - 1984	DAPHNE POLICE	PLED GUILTY, NOL PROS, PAID FINE



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20150319085229025



Initial each

Signature page

HPS

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.

HPS

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.

HPS

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.

HPS

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

HPS

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

HPS

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.

HPS

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.

HPS

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):

HARRY P. JOHNSON

Signature of Applicant:

Harry P. Johnson

Notary Name (print): Betty G. Dean

Notary Signature:

Betty G. Dean

Commission expires: 01/13/2019

Application Taken: 3/19/15 App. Inv. Completed:

Submitted to Local Government:

Forwarded to District Office:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD

Confirmation Number: 20150319085229025



NOTICE OF TRANSFER OF ABC LICENSED BUSINESS

NOTE: A Copy of Operating Agreement Must be Attached To Application

CURRENT LICENSEE:
MANCIS ANTIQUE CLUB INC
Address: 1715 MAIN ST
DAPHNE, AL 36526
Telephone: 251-348-2443

NEW APPLICANT:
MANCIS ANTIQUE LLC
Address: 1715 MAIN ST
DAPHNE, AL 36526
Telephone: 251-626-2441

Current License No: 020-000294802-440

LICENSED PREMISES ADDRESS: 1715 MAIN ST DAPHNE, AL 36526

THE AFORENAMED HEREBY SERVE NOTICE TO THE ABC BOARD OF THE ATTACHED CONTRACTUAL AGREEMENT GOVERNING THE CONTINUATION OF SALES OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES.

The Parties to this agreement hereby acknowledge and affirm that the New (Applicant) Licensee will, at all times, act as the AGENT for the Current (Named) Licensee, and the Current Licensee shall act as PRINCIPAL for the purposes of the attached Agreement.

The Current Licensee is now and shall remain liable for any violations of ABC Rules and Regulations or other Alabama Law for the duration of the attached Agreement; and, further, that the Current Licensee has the right and authority, under Alabama Law, to surrender the ABC License to the ABC Board at any time.

The parties acknowledge that the operation of the licensed premises shall remain subject to inspection by ABC Enforcement, and must comply with all State and Local regulations and Laws, and that the local ABC Enforcement District Office must be immediately notified of any change in the attached Agreement.

THE CURRENT LICENSE WILL NOT BE RENEWED.

WITNESS our hands and seals on this the 19th day of March, 2015.

CURRENT LICENSEE (NAMED ON LICENSE)

NEW LICENSEE (APPLICANT)

Handwritten signature of William A. Mancis
Print Name: WILLIAM A. MANCIS
Title: Member

Handwritten signature of Harry P. Johnson
Print Name: HARRY P. JOHNSON
Title: Member

WITNESS: (By ABC Enforcement) Betty G. Wilson
Revised 9/08

Receipt Confirmation Page

Receipt Confirmation Number: **20150319085229025**

Application Payment Confirmation Number: 15508784

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

Application Type

Application Type: TRANSFER

Applicant Information

License Type 1: 020 - RESTAURANT RETAIL LIQUOR
License Type 2:
License County: BALDWIN
Business Type: LLC
Trade Name: **MANCIS ANTIQUE CLUB**
Applicant Name: **MANCIS ANTIQUE LLC**
Location Address: 1715 MAIN ST
DAPHNE, AL 36526
Mailing Address: 1715 MAIN ST
DAPHNE, AL 36526
Contact Person: HARRY P JOHNSON
Contact Home Phone: 251-454-7550
Contact Business Phone: 251-626-2441
Contact Fax:
Contact Cell Phone: 251-454-7550
Contact Email Address:
Contact Web Address:



ALABAMA LEAGUE OF MUNICIPALITIES

P.O. Box 1270 • MONTGOMERY, ALABAMA 36102 • 535 ADAMS AVENUE
334-262-2566 • FAX 334-263-0200
WWW.ALALM.ORG

KEN SMITH
Executive Director

MAYOR WALLY BURNS, SOUTHSIDE
President

March 6, 2015

TO: All Mayors and Clerks
FROM: Ken Smith 
Executive Director
SUBJECT: Voting Delegate, Annual Business Session
ENCLOSURE: Voting Delegate Authorization Form

The Annual Convention of the Alabama League of Municipalities will be held on May 16 – 19, 2015, in Tuscaloosa. **The Annual Business Session will be held at 3:45 p.m. on Monday, May 18, 2015, in the Sellers Auditorium of the Bryant Conference Center.**

The League Constitution contains the following provision pertaining to voting powers at the Annual Convention Business Session:

"Each member municipality shall have one vote in the Convention proceedings of the League, such vote to be cast by the delegate authorized by the governing body of such town or city. The League shall send to the mayor of each member municipality a form to be used by the municipal governing body to designate the municipality's voting delegate, first alternate voting delegate and second alternate voting delegate. In order for the municipality to be eligible to cast its vote during convention proceedings, the official delegate designation form must be returned to the League Headquarters not later than fifteen (15) days prior to the first day of the Annual Convention."

In accordance with the League Constitution, a copy of the official Voting Delegate Authorization Form, which should be used by your municipal governing body to designate the official voting delegate and alternates eligible to cast the municipality's vote during the business session of the convention, is being sent to each mayor. An additional copy is being sent to each municipal clerk, but **only one completed form** should be returned by each League member municipality.

Please complete the enclosed form and return it to the League by May 1 so that your municipality will be eligible to cast its vote at the Convention.

We look forward to seeing a good delegation from your municipality in Tuscaloosa.

kb

VOTING DELEGATE AUTHORIZATION FORM

This form must be returned to
THE ALABAMA LEAGUE OF MUNICIPALITIES NO LATER THAN
May 1, 2015, in order for the municipality named below to be eligible to have its
designee cast a vote at the **Annual Business Session of the League on**
Monday, May 18, 2015, at 3:45 p.m.

The following person(s) is authorized to cast the municipality's vote at the business session of the Annual Convention of the Alabama League of Municipalities on May 18, 2015.

Please print the requested information.

Voting Delegate:

Name/Title

**1st Alternate
Voting Delegate:**

Name/Title
(To vote only in absence of Voting Delegate)

**2nd Alternate
Voting Delegate:**

Name/Title
(To vote only in absence of Voting Delegate & 1st Alternate)

IMPORTANT NOTICE

*THE LEAGUE CONSTITUTION REQUIRES THAT VOTING DELEGATES
AND ALTERNATES BE ELECTED MUNICIPAL OFFICIALS.*

Completed by:

(Please Print)

Title:

City/Town:

Date:

Return completed form to:

Alabama League of Municipalities, P. O. Box 1270, Montgomery, AL 36102

or by FAX:

(334) 263-0200



JULIE P. MAGEE
Commissioner

State of Alabama Department of Revenue

(www.revenue.alabama.gov)
50 North Ripley Street
Montgomery, Alabama 36132

MICHAEL E. MASON
Assistant Commissioner

JOE W. GARRETT, JR.
Deputy Commissioner

CURTIS E. STEWART
Deputy Commissioner

March 13, 2015

TO THE GOVERNING BODIES OF ALL MUNICIPALITIES

As you know, Section 40-3-2, Code of Alabama 1975, requires that the governing body of the largest municipality in each county shall nominate three persons and that the governing body of each other incorporated municipality within the county shall nominate one person, for consideration in the selection of a County Board of Equalization. One member of the Board of Equalization is to be chosen from the list submitted by the municipalities of your county.

The task of creating a board to pass upon all property assessments is a matter of the highest importance; and the State is interested just as much as the municipalities. You are urged to suggest the best possible type of citizenship for this responsibility.

You are requested to submit your nominations on the official form which is enclosed, so that the intent of the law will be fully carried out. Your attention is called to the fact that a person should be nominated by only one nominating body. It will be appreciated if you will confer with the County Board of Education and the county governing body, so that duplicate nominations will be avoided.

You will note that these nominations are for the new four-year term beginning October 1, 2015.

It will be greatly appreciated if you will return these nominations by August 14, 2015 in order that lists of all boards may be announced in ample time.

Sincerely yours,

Julie P. Magee
Commissioner

JPM:dj

Enclosure

MUNICIPALITY

**OFFICIAL REPORT
Nominations for the
County Board of Equalization
Term beginning October 1, 2015**

STATE OF ALABAMA)
)
 _____ County) _____ City or Town

To the State Commissioner of Revenue
Montgomery, Alabama

We, the undersigned members of the governing body of the above municipality, do hereby nominate the persons as shown below for consideration as members of the County Board of Equalization and certify that in our opinion they are competent to serve under the provisions of the law.

As provided in Section 40-3-2, Code of Alabama 1975, each nominee is a resident of this county, is an owner of taxable property located within this state, is a qualified voter within this county, and is otherwise well fitted for the duties of the office for which he is nominated. It is understood further that no member of the Board of Equalization can hold employment or office of profit with the United States, the State of Alabama, any county or other political subdivision of said State, or with any county school board or with any municipality.

Under all the conditions stated above, we nominate the following persons:

- 1. _____ Name (As usually signed)
_____ Exact Post Office Address
- 2. _____ Name (As usually signed)
_____ Exact Post Office Address
- 3. _____ Name (As usually signed)
_____ Exact Post Office Address

Signatures of all members of the governing body of the above municipality.

DATE: _____, _____

RESOLUTION 2015 - 21

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	300	1994 CATERPILLER D5C DOZER	9DL00693

- 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 and sign all necessary documents.

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

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**.

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**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"

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

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"

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**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:

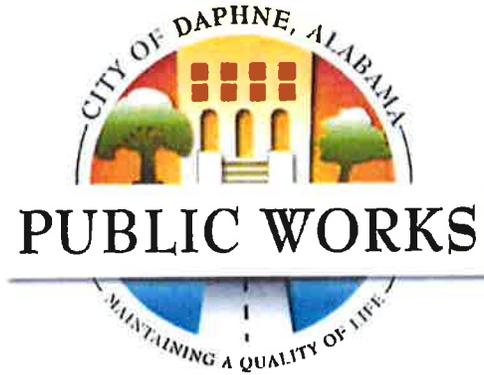
Rebecca A. Hayes, City Clerk

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,



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

cc: FILE

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



Hatch Motz MacDonald Alabama, LLC
153 West I-65 Service Road North
Mobile, Alabama 36608

Project No. Donnette Drainage Owner: City of Daphne
 Proj. Descr. Donnette Drainage HMM Proj.:

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	Ammons and Blackmon Construction, LLC		Sunset Contracting Inc.		Engineer's Estimate	
				UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
201B	Selective Clearing (0.32 Acres)	1.00	LS	\$7,000.00	\$7,000.00	\$2,687.35	\$2,687.35	\$10,000.00	\$10,000.00
206C	Removing Concrete Flume	33.00	SY	\$15.30	\$504.90	\$18.57	\$612.81	\$10.00	\$330.00
206D	Removing Pipe, All Sizes	292.00	LF	\$15.30	\$4,467.60	\$14.66	\$4,280.72	\$10.00	\$2,920.00
206E	Removing Inlets	2.00	EACH	\$306.00	\$612.00	\$192.74	\$385.48	\$500.00	\$1,000.00
210A	Unclassified Excavation	380.00	CY	\$10.50	\$3,990.00	\$15.00	\$5,700.00	\$10.00	\$3,800.00
210D	Borrow Excavation (A-2-4(0) or A-4(0))	60.00	CY	\$20.00	\$1,200.00	\$17.35	\$1,041.00	\$12.00	\$720.00
214A	Structure Excavation	315.00	CY	\$11.50	\$3,622.50	\$10.34	\$3,257.10	\$10.00	\$3,150.00
214B	Foundation Backfill, Commercial	100.00	CY	\$86.00	\$8,600.00	\$56.35	\$5,635.00	\$25.00	\$2,500.00
260A	Cement Mortar Flowable Backfill, Mix 1	50.00	CY	\$250.00	\$12,500.00	\$222.08	\$11,104.00	\$300.00	\$15,000.00
430B	Aggregate Surfacing (ALDOT #467 or #57)	50.00	TON	\$72.00	\$3,600.00	\$49.74	\$2,487.00	\$45.00	\$2,250.00
530A	24" Storm Sewer Pipe (Class 3 R.C.)	38.00	LF	\$94.50	\$3,591.00	\$44.16	\$1,678.08	\$39.00	\$1,482.00
530B	42" Storm Sewer Pipe (Class 3 R.C.)	500.00	LF	\$120.00	\$60,000.00	\$80.47	\$40,235.00	\$55.00	\$27,500.00
600A	Mobilization	1.00	LS	\$14,960.83	\$14,960.83	\$5,204.95	\$5,204.95	\$10,000.00	\$10,000.00
610C	Loose Riprap, Class 2	51.00	TON	\$85.00	\$4,335.00	\$63.62	\$3,244.62	\$120.00	\$6,120.00
610D	Filter Blanket, Geotextile	40.00	SY	\$3.55	\$142.00	\$4.63	\$185.20	\$5.00	\$200.00
619A	42" Roadway Pipe End Treatment, Class 1	1.00	EACH	\$1,950.00	\$1,950.00	\$1,445.82	\$1,445.82	\$1,500.00	\$1,500.00
620A	Minor Structure Concrete	1.00	CY	\$980.00	\$980.00	\$1,734.98	\$1,734.98	\$1,000.00	\$1,000.00
621A	Junction Boxes, Type Special	2.00	EACH	\$7,500.00	\$15,000.00	\$2,599.61	\$5,199.22	\$2,500.00	\$5,000.00
621C	Inlets, Type PD	1.00	EACH	\$5,750.00	\$5,750.00	\$4,842.55	\$4,842.55	\$3,000.00	\$3,000.00
621C	Inlets, Type PD-6	2.00	EACH	\$5,750.00	\$11,500.00	\$5,744.91	\$11,489.82	\$3,500.00	\$7,000.00
637A	Fence Reset (Includes All Types)	513.00	LF	\$23.65	\$12,132.45	\$15.55	\$7,977.15	\$15.00	\$7,695.00
650A	Topsoil, 4"	172.00	CYIP	\$24.15	\$4,153.80	\$36.24	\$6,233.28	\$12.00	\$2,064.00
652A	Seeding	1.00	ACRE	\$1,100.00	\$1,100.00	\$867.49	\$867.49	\$600.00	\$600.00
652C	Mowing	1.00	ACRE	\$50.00	\$50.00	\$867.49	\$867.49	\$600.00	\$600.00
654A	Solid Sodding	1492.00	SY	\$5.50	\$8,206.00	\$5.97	\$8,907.24	\$7.00	\$10,444.00
656A	Mulching	1.00	ACRE	\$1,100.00	\$1,100.00	\$867.49	\$867.49	\$600.00	\$600.00
663C	Tree Protection Fencing	100.00	LF	\$10.00	\$1,000.00	\$5.49	\$549.00	\$1.00	\$100.00
665B	Temporary Mulching	2.00	TONS	\$1,100.00	\$2,200.00	\$867.49	\$1,734.98	\$600.00	\$1,200.00
665F	Hav Bales	100.00	EACH	\$11.50	\$1,150.00	\$9.83	\$983.00	\$8.00	\$800.00
665I	Temporary Riprap, Class 2	10.00	TONS	\$95.75	\$957.50	\$63.62	\$636.20	\$100.00	\$1,000.00
665J	Silt Fence	300.00	LF	\$5.75	\$1,725.00	\$6.04	\$1,812.00	\$5.00	\$1,500.00
665K	Drainage Sump Excavation	3.00	CY	\$90.00	\$270.00	\$27.99	\$83.97	\$6.00	\$18.00
665O	Silt Fence Removal	300.00	LF	\$1.25	\$375.00	\$1.27	\$381.00	\$2.00	\$600.00
665Q	Inlet Protection, Stage 3 or 4	3.00	EACH	\$415.00	\$1,245.00	\$505.46	\$1,516.38	\$400.00	\$1,200.00
665Q	Wattle	50.00	LF	\$10.00	\$500.00	\$9.25	\$462.50	\$12.00	\$600.00
680A	Geometric Controls	1.00	LS	\$4,000.00	\$4,000.00	\$2,891.64	\$2,891.64	\$5,000.00	\$5,000.00
Project Total:					\$204,470.58		\$149,221.51		\$138,493.00

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

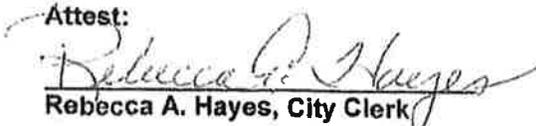
WHEREAS, the estimated project cost is \$147,938 (*Engineering-\$25,675 + Construction-\$122,263*); and

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

CITY OF DAPHNE
MINUTE SHEET
RFP: TIAWASEE CREEK STREAM RESTORATION AND WATERSHED ENHANCEMENT (CIAP/NFWF-1)
3/4/2015

PRESENT WERE:
 SUZANNE HENSON
 ASHLEY CAMPBELL
 RICHARD JOHNSON

SENIOR ACCOUNTANT
ENVIRONMENTAL PROGRAM MANAGER
PW DIRECTOR

45 Days allowed for Evaluation Team to score and make a recommendation	
COMPANY	ELECTRONIC VERSION INCLUDED
Hatch Mott McDonald	X
Thompson Engineering Inc.	X
Godwin Mills & Cawood	X
Dewberry Engineers Inc.	X



Suzanne Henson, Senior Accountant

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, appearing to read "Richard D. Johnson".

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.

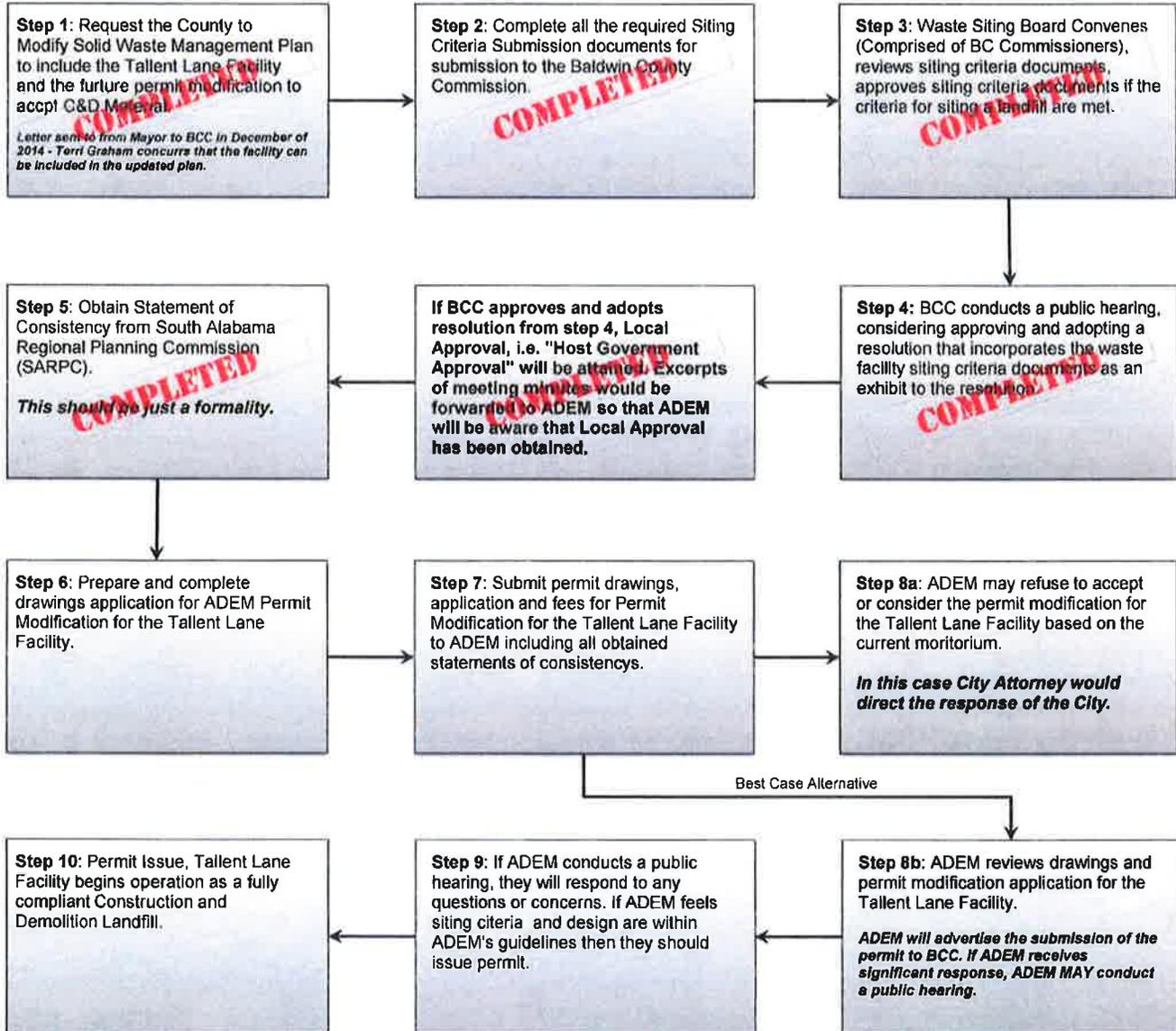
Tallent Lane Facility, once permitted for C&D will save the City of Daphne, through our Division of Solid Waste, approximately \$70,000.00 annually in Tipping Fees currently paid to Baldwin County Solid Waste Authority. In addition, the C&D Permitting will provide for the City a facility that can receive,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

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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*)



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



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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

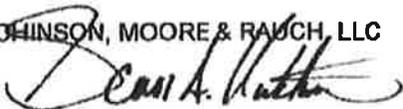
Upon completion of work, the following documents will have been submitted to ADEM:

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

