

**CITY OF DAPHNE
CITY COUNCIL MEETING AGENDA
1705 MAIN STREET, DAPHNE, ALABAMA
AUGUST 17, 2015
6:30 P.M.**

1. CALL TO ORDER

2. ROLL CALL

INVOCATION / Reverend Richard Mueller of Holy Trinity Lutheran Church

PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: Council Meeting Minutes / August 3, 2015

Council Work Session Minutes / August 10, 2015

PRESENTATION: Eagle Scout Project / Jesse Bartle, Troop 82

PUBLIC HEARINGS:

- a.) Pre-zone: The Bills' No. 2, LLC
Located: Southwest corner of the intersection of Champions Way and AL Hwy. 181
Present zoning: RSF-1, Single Family Residential District, Baldwin County District 15
Requested zoning: PUD, Planned Unit Development, City of Daphne
Recommendation: Unanimous favorable
- b.) Annexation: The Bills' No. 2, LLC
Location: Southwest corner of the intersection of Champions Way and AL Hwy. 181
Recommendation: Unanimous favorable

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Fry

Review minutes / August 10th

1.) Ordinances

- a.) ADECA: Additional Appropriation of Funds: Village Point Park Preserve Trail Extension / **Ordinance 2015-48**
- b.) Appropriation of Funds: Daphne High School Fund Raiser / Taste of the Eastern Shore / **Ordinance 2015-49**
- c.) Job Reclassification: Fire Battalion Chief / **Ordinance 2015-50**
- d.) Appropriation of Funds: Amending the City of Daphne Pay Plan / **Ordinance 2015-36 / Amendments A & B**

2.) Resolutions:

- a.) Village Point Park Preserve Trail Extension / **Resolution 2015-53**
- b.) ALDOT Funding Agreement: Preliminary Engineering: Turning Lane at Sehay Blvd. & Longue Vue Blvd. / **Resolution 2015-54**
- c.) ALDOT Funding Agreement: Construction: Turning Lane at Sehay Blvd. & Longue Vue Blvd. / **Resolution 2015-55**

3.) Motions:

To go out to bid for repairs to Fire Station #2 building with cost to come back to Council for appropriation approval

4.) Financial Reports:

- Treasurer's Report / July 2015
- Sales & Use Tax Collections / June 2015
- Lodging Tax Collections / June 2015

B. BUILDINGS & PROPERTY COMMITTEE - Davis

Review minutes / August 3rd

- a.) Resolution 2015-52 / Declaring five (5) Crown Vic's Surplus

C. PUBLIC SAFETY - Rudicell**D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott****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****D. LIBRARY BOARD - Lake****E. PLANNING COMMISSION – Scott****F. RECREATION BOARD – LeJeune**

Name Lake Forest Park

G. UTILITY BOARD – Fry

Review minutes / June 24th

6. MAYOR'S REPORT**7. CITY ATTORNEY'S REPORT**

MOTION: To hire Richard Davis of Davis and Fields Law Firm to represent the city in a claim against BP

8. DEPARTMENT HEAD'S REPORT**9. CITY CLERK'S REPORT**

- a.) Event Permit / S.E.E.D.S. 12th Annual Classic Rock and Fun Run / March 5, 2016

- b.) ABC License / ES Chamber Foundation / 27th Annual Jubilee Festival / 240 – Non-Profit Tax Exempt

10. PUBLIC PARTICIPATION

11. RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

- a.) Resolution 2015-52. Declaring Certain Property Surplus & Authorize Mayor to Dispose
(One (1) 2004 & Four (4) 2006 Crown Vic's)
- b.) Resolution 2015-53. ADECA: Additional Appropriation of Funds Village Point Park Preserve Trail
Extension
- c.) Resolution 2015-54. ALDOT Funding Agreement: Preliminary Engineering: Turning Lane at Sehoj Blvd.
& Longue Vue Blvd.
- d.) Resolution 2015-55. ALDOT Funding Agreement: Construction: Turning Lane at Sehoj Blvd. &
Longue Vue Blvd.
- e.) Resolution 2015-56. Revisions to City Street Map

ORDINANCES:

2ND READ

- a.) Ordinance 2015-36 (Amendment "A"). Appropriation of Funds: Amending the City of
Daphne Pay Scale
- b.) Ordinance 2015-36 (Amendment "B"). Appropriation of Funds: Amending the City
of Daphne Pay Scale
- d.) Ordinance 2015-45. Amending the Policy for Community Grants / Ordinance 2014-16

1ST READ

- a.) Ordinance 2015-46. Pre-Zone: Property Located at the Southwest Corner of the Intersection of
of the Intersection of Champion's Way and AL Hwy 181 / The Bill's No. 2,
LLC
- b.) Ordinance 2015-47. Annexation: Property Located at the Southwest Corner of the Intersection of
of the Intersection of Champion's Way and AL Hwy 181 / The Bill's No. 2,
LLC
- c.) Ordinance 2015-48. Appropriation of Funds: Village Point Park Preserve Trail Extension
- d.) Ordinance 2015-49. Appropriation of Funds: Daphne High School Fund Raiser / Taste of the
Eastern Shore
- e.) Ordinance 2015-50. Job Reclassification: Battalion Chief

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 ____
----------------------	---------------------	--------------------

CITY CLERK:

REBECCA HAYES	PRESENT ____	ABSENT ____
----------------------	---------------------	--------------------

CITY ATTORNEY:

JAY ROSS	PRESENT ____	ABSENT ____
-----------------	---------------------	--------------------

**AUGUST 3, 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; Pat Rudicell; John Lake; Randy Fry; Ron Scott; Robin LeJeune; Joe Davis.

Also present: Mayor Haygood; Rebecca Hayes, City Clerk; Melissa Wilt, Assistant City Clerk; Jay Ross, City Attorney; Kevin Boucher, Attorney; Michael Beron, Attorney; James White, Fire Chief; Vickie Hinman, HR Director; David McKelroy, Recreation Director; Richard Johnson, Public Works Director; Margaret Thigpen, Civic Center Director; Kelli Kichler, Finance Director/Treasurer; Adrienne Jones, Planning Director; Tonja Young, Library Director; Captain Judd Beedy, Police Department; Ashley Campbell, Environmental Programs Manager; Dorothy Morrison, DRA/Beautification Committee; Willie Robison, BZA; Larry Cooke, BZA; Don Ouellette, Environmental Advisory Committee; Al Guarisco, Village Point Foundation; Bob Segalla, Utility Board; Selena Vaughn, Beautification Committee/Village Point Foundation; Tomasina Werner, Beautification Committee; Mickey Boykin, Daphne Museum; Employees: Tom Walker, Denise Penry, Helen Burdette, Bill Coley; Dionne Davis; CJ White; John Williams; Pat Johnson.

Absent: David Carpenter, Police Chief; Richard Merchant, Building Official; Michael Hoyt, Municipal Judge.

INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Grant Barber retired chaplain for the Police Department gave the invocation.

3. APPROVE MINUTES:

July 20, 2015 Council Meeting Minutes

There being no corrections the July 20, 2015 minutes were approved as written.

RECOGNITION: Pastor Grant Barber, Retired Police Department Chaplain

Mayor Haygood read and presented the certificate of recognition to Pastor Barber for his service as Police Department Chaplain.

PRESENTATION: S.E.E.D.S.

Mr. Philip Durant spoke to council regarding the raising of funds for S.E.E.D.S. He said their goal if four legged:

1. Private
2. Fundraisers
3. Grants
4. City Support

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Fry

The next meeting will be August 10th 4:30 p.m.

B. *BUILDINGS & PROPERTY COMMITTEE* – Davis

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

C. *PUBLIC SAFETY COMMITTEE* – Rudicell

The next meeting will be August 17th.

D. *CODE ENFORCEMENT/ORDINANCE COMMITTEE* – Scott

The next meeting will be August 17th.

**AUGUST 3, 2015
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

E. PUBLIC WORKS COMMITTEE – LeJeune

The committee met this afternoon, and the minutes will be in the next packet. Councilman LeJeune reported the work on the round-a-bout is coming to a close, and will be open before school starts. The Main Street resurfacing is also coming to an end.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

No report.

B. Downtown Redevelopment Authority – Conaway

The July 22nd minutes are in the packet. The next meeting is August 26th at 5:30 p.m.

C. Industrial Development Board – Davis

The July 27th minutes are in the packet, and the next meeting will be August 24th at 6:00 p.m. Councilman Davis mentioned that three councilmen attended the July 27th meeting, and the meeting was very productive.

D. Library Board – Lake

The February 12th, March 12th, April 9th, May 14th and June 11th minutes are in the packet. Councilman Lake reported the usage of the meeting room at the Library has increased by 77%. The next meeting will be August 13th.

E. Planning Commission – Scott

The minutes for the June 25th meeting are in the packet along with the staff report for the July 23rd meeting. Councilman Scott mentioned there is an opening on the commission. The next meeting will be August 27th at 5:00 p.m.

F. Recreation Board – LeJeune

Councilman LeJeune reported that surveying is being done at Lott Park and Trione. They are working on a schedule and a place for the Park Team to meet. The next Recreation Board meeting is August 12th.

G. Utility Board – Fry

The next meeting will be August 26th at 5:00 p.m.

- a.) Appoint/Reappoint board members
- b.) Selena Vaughn resume

NAME	VOTES	TOTAL
Fenton Jenkins	Rudicell, Davis, Conaway	3
Billy Mayhand	Rudicell, Lake, Fry, Scott, LeJeune, Davis, Conaway	7
Selena Vaughn	Lake, Fry, Scott, LeJeune	4

**AUGUST 3, 2015
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

MOTION BY Councilman Fry to reappoint Mr. Billy Mayhand to the Utility Board for a six (6) year term / Term August 3, 2015 – June 12, 2021, and to appoint Mrs. Selena Vaughn to the Utility Board for a six (6) year term / Term August 3, 2015 – June 12, 2021. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

Council President Conaway welcomed Boy Scout Troop 82 to the council meeting.

6. MAYOR'S REPORT

Mayor Haygood said he has received reports that Uber internet taxi service is servicing the Eastern Shore. He has not had any direct reports from the Code Enforcement Officer, and he has enquired as to how that would be treated under the city's business license ordinance. The Revenue Officer has looked at it, and believes it should be treated as any other taxi service. He will continue to look at this, and said the Ordinance Committee may want to look it also. He reported that the city was awarded a TAP Grant from the State of Alabama, and it will be used to install sidewalks along CR 13 from the middle school all the way up to the high school at Champion's Way. This will be about a \$400,000 project. He reported that inroads have been made with the Metropolitan Planning Organization which receives federal funds that are to be spent on classified roads along the Eastern Shore, and Sehay subdivision has made a request for a turning lane on CR 13, because of a backup of traffic at that location. They have been able to advance the project along, and it has moved to an approved risk, and will be continuing to move along to funding along with some other projects. He reported that Mr. Don Terry, Planning Commission member, relocated thus creating a vacancy on the Planning Commission. He said that Mr. Terry did a great job for a number years, and his service is very much appreciated.

7. CITY ATTORNEY REPORT:

Mr. Ross requested council to enter into an Executive Session at the end of the meeting to discuss one pending litigation, and a possible legal action. No council action will be necessary.

8. DEPARTMENT HEAD COMMENTS:

Margaret Thigpen – Civic Center Director – reported the Taste of the Eastern Shore will be August 20th, and the lineup of vendors is on the website.

9. CITY CLERK REPORT:

a.) Event Permit / Out of Darkness Walk /American Foundation for Suicide Prevention / October 18, 2015

MOTION BY Councilman Scott to approve the Events Permit for the Out of Darkness Walk /American Foundation for Suicide Prevention / October 18, 2015. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

b.) Nominations for the County Board of Equalization: Kit Smith

**AUGUST 3, 2015
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

MOTION BY Councilman Scott to nominate Kit Smith for the Board of Equalization. *Seconded by Councilman Rudicell.*

MOTION CARRIED UNANIMOUSLY

10. PUBLIC PARTICIPATION

Ms. Victoria Phelps – Worchester Drive – spoke regarding the Daphne Innovation +Science Complex project saying she is looking forward to finding out facts at the Lake Forest POA meeting tomorrow.

Mr. Fenton Jenkins – Daphne – spoke regarding his term on the Utility Board from 2007-2015 saying he enjoyed his service on the board, and that there were no ill feelings against anybody. He thanked council for appointing him to the board.

Mrs. Mary Ann Hampton – Lakewood Drive – spoke regarding the Daphne Innovation +Science Complex saying they have had sparse information regarding the project, and ask for more information.

Mr. Michael ??? (did not give last name) – Schooley Circle – spoke regarding funding for the Daphne Innovation +Science Complex

Mr. Rod Drummond – 367 Ridgewood Drive – spoke regarding the sound system for the council chambers.

Mr. Steve Sasser – 106 Lynette Circle – Chairman of the Lake Forest Property Owners Association – spoke regarding his appreciation for what the city has done for Lake Forest, and wants to communicate with the city and work together.

Mr. Henry Lawson – 104 Boosketuh Circle – spoke regarding the Daphne Innovation +Science Complex and the rezoning of the entire acreage on Champion’s Way.

Mr. David Dueitt – 104 D’Olive Blvd. - spoke regarding putting off the Daphne Innovation +Science Complex and finishing the recreations projects first.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) **Resolution 2015-49**..... Application for Additional Funding: NRCS/EWP Project: Old Pump Station / LF, Judicial Center / Wacky Shrimp / Palmetto-Creekside / Maizie’s Gulch-West of Main Street & Canterbury Subdivision
- b.) **Resolution 2015-50**.....Appointing Board Members to The Renaissance Improvement District
- c.) **Resolution 2015-51**.....Appointing Board Members to The Renaissance Cooperative District

**AUGUST 3, 2015
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

MOTION BY Councilman Scott to waive the reading of Resolutions 2015-49, 2015-50 and 2015-51. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2015-49. *Seconded by Councilman Fry.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2015-50 and 2015-51. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2ND READ

- a.) **Ordinance 2015-36.**Appropriation of Funds: Amending the City of Daphne Pay Scale
- b.) **Ordinance 2015-40.**Appropriation of Funds: Daphne Art Center Roof Repair
- c.) **Ordinance 2015-41.**Appropriation of Funds: Justice Center Generator Replacement/Repair
- d.) **Ordinance 2015-42.** Additional Appropriation of Funds: Grant Management For the Tiawasee Creek Coastal Impact Assistance Program (CIAP), National Fish and Wildlife Foundation (NFWF) & AL Department of Environmental Management (ADEM) Grant Tiawasee Creek Watershed Restoration
- e.) **Ordinance 2015-44.** Appropriation of Funds: Daphne High School Project: Recording of City Council Meetings

MOTION BY Councilman Rudicell to waive the reading of Ordinance 2015-36. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

**AUGUST 3, 2015
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

MOTION BY Councilman Rudicell to adopt Ordinance 2015-36. *Seconded by Councilman Scott.*

Motion by Councilman Fry to amend the ordinance to include: For non-director pay including Public Safety an amount increase of 2% or 40 cents per hour, whichever is greater to begin with the first pay period in August, and this ordinance will be a first read. *Seconded by Councilman Scott.*

VOTE ON AMENDMENT

ROLL CALL VOTE

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

AYE Lake, Fry, Scott, Davis, Conaway

NAY Rudicell, LeJeune

MOTION CARRIED

The original motion for Ordinance 2015-36 as amended is a first read

MOTION BY Councilman LeJeune to waive the reading of Ordinance 2015-40. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune adopt Ordinance 2015-40. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to waive the reading of Ordinances 2015-41 and 2015-42. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Lake to adopt Ordinances 2015-41 and 2015-42. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to waive the reading of Ordinance 2015-44. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt of Ordinance 2015-44. *Seconded by Councilman LeJeune.*

MOTION CARRIED UNANIMOUSLY

12. COUNCIL COMMENTS

Councilman Davis said it is important to have citizens input, and it is important to share facts with the citizens, and the facts come out as they come about. He would like folks to have a chance to hear the total picture, and one of the questions that has been asked is why didn't they come out with it at first. He said it is because it is Economic and Industrial Development, and while it is not done in a vacuum it has to be done discreetly, and step by step. The IDB is very conscious of the community and their concerns. He invited all to come to the meeting in Lake Forest.

Councilman Rudicell spoke regarding putting something in an ordinance without a dollar amount, and he wanted folks to know that is not how they normally do business. He said there are some funding issues regarding the DISC project, and it has not been decided what the funding is and how it is going to be made. No one has been able to tell him that there is going to be absolutely no city funds used for this project. He asked that question three times at the IDB meeting, and he never got the answer that it was a resounding no there won't be any city funds used. He mentioned that the sound system is being addressed in the budget process.

Councilman Lake spoke regarding using city funds for the Daphne Innovation +Science Complex project and infrastructure. He said they need to use funds for recreation and sewerage the city.

Councilman Fry thanked folks for coming out. He said they need to keep holding council accountable. He also thanked the Boy Scouts for coming out. He thinks the turning lane at CR 13 will help the traffic. Councilman Fry said an important cause and a pet project of his is to take care of the employees. He asked department heads to thank the employees.

Councilman Scott said that the Planning Department sends out the Planning Commission agenda to a lot of folks. He said maybe they should send on to Lake Forest. He discussed the incorporation of the IDB and they can do.

Councilman LeJeune appreciated the folks coming out, and he looks forward to the broadcasting of the council meetings. He said he had questions regarding the Daphne Innovation +Science Complex project, and he attended the last IDB meeting and had a great dialogue, and he learned a lot. He hoped folks will come out tomorrow night. He said Daphne is a great place to live, and businesses that follow is retail. He said citizens need to ask questions and push leaders to answer questions. He feels they need to look at different kinds of businesses, upscale businesses, bringing higher pay scales.

Mayor Haygood commented on the pay scale ordinance and not having the figures for the ordinance. They have to watch the numbers so they do not exceed 60% of the city's budget. He said that The Taste of the Eastern Shore is a fund raiser for Daphne High School, and hopes that folks will attend. He said there are three priorities for the city which are sewer, recreation and a technology park, and they have three different funding sources. They should pursue growth for the city. He thanked Pastor Barber for his service.

Council President Conaway thanked folks for coming out, and that the top priority was sewers.

**AUGUST 3, 2015
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.
13. ADJOURN:**

MOTION BY Councilman Scott to adjourn into Executive Session to discuss pending litigation and threatened litigation with no action required of council . The session will last for 15 minutes. *Seconded by Councilman Davis.*

Jay Ross, City Attorney, certified that the foregoing reason to adjourn into Executive Session is appropriate according to the Alabama Open Meetings Act.

ROLL CALL VOTE

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 8:14 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes,
City Clerk

Tommie Conaway,
Council President

**AUGUST 10, 2015
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

COUNCIL MEMBERS PRESENT: Tommie Conaway; John Lake; Randy Fry; Robin LeJeune.

Also present: Mayor Haygood; Melissa Wilt, Assistant City Clerk; Jay Ross, City Attorney; Kevin, Boucher, Adams & Reese; Kelli Kichler, Finance Director; Philip Durant, SEEDS President; Becky Parke, SEEDS Interim Executive Director; Scott Koser, SEEDS Director of Research; Toni Fassbender, IDB.

Absent: Pat Rudicell; Ron Scott; Joe Davis; Rebecca Hayes, City Clerk

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

1. PRESENTATION: S.E.E.D.S

Philip Durant, President of S.E.E.D.S. introduced Scott Koser and Becky Parke, and they explained their purpose this evening was to clarify fundraising efforts. Scott Poser stated SEEDS has raised over \$250,000 over the last 5 years with \$160,000 going directly to schools; difference going to cover costs and administration. Mama Mia is a large, well-publicized event that only raised \$2,800 in net proceeds. Their goal is to have funding through donations, city support, the 5k annual race/other fundraisers and other grant writing opportunities.

Councilwoman Conaway asked if the \$35,000 awarded from the City went directly to the schools. Mr. Poser did not know exactly how it is distributed, but knew there was a plan to feed it into the schools.

Council Lake stated he recommended going back to doing daytime presentations for SEEDS which could gain awareness, and hopefully donations. Mr. Poser agreed.

Becky Parke stated Mama Mia was a huge expense and a taxing day on volunteers; therefore, it was decided to put that energy into the spring 5k race that already brings in a larger profit than Mama Mia. They have added internet payments for the next race and will promote it more in hopes to increase participation and profit.

Phillip Durant closed stating they are still looking for an Executive Director for SEEDS and hope to appoint one soon. Becky Parke has been doing a great job. There has to be expectations set as the Executive Director is a part time position.

2. PRESENTATION: PLANNED UNIT DEVELOPMENT (PUD) PROCESS

Adrienne Jones, Director of Community Development, presented the PUD process to provide better clarification of the steps and requirements. The presentation explained annexation procedure, details requested from developer and negotiations allowed between developer and Council. Council requested copy of PowerPoint presentation.

**AUGUST 10, 2015
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

3. PRESENTATION: DAPHNE INNOVATION + SCIENCE COMPLEX

Toni Fassbender of the Industrial Development Board introduced the presentation and asked if there were any questions on the DISC project.

Councilman Lake stated he does not like the name of the proposed project; the majority of businesses would most likely not be in technology industry.

Mayor Haygood presented the DISC project providing an overview of the project including design, location, transportation access points and unique infrastructure benefits that will appeal to companies looking for office space. He also shared there is current interest from companies on the project who are looking for Class A office space and how the growth of Airbus in Mobile will add the need for companies' presence in the area. He hopes to design the grounds to promote community events, similar to Eastern Shore Center that has the splash pad and stage for performances. Mayor Haygood stated the response from the Planning Commission has been favorable.

Councilman Lake questioned the distance between the traffic light existing at Hwy 181 and Champions Way to that of the proposed traffic light at the main entrance of the DISC project. ALDOT requires a minimum of ½ mile distance between lights.

Mayor Haygood responded that ALDOT is aware of project and right now the process is at a high level and will get into specifics at later time. He responded to speculations that there will not be low income housing on the property, there is no initial plan to widen Champion's Way, and the water shed run off requirements would be stricter in the city than if property is left in county. Mayor stated there is potential to have sub phases of the project and went into some detail of the funding of the project through grants and the IDB.

Councilman Lake shifted focus to the use of BP funds for this project. He stated the BP funds can be used for other purposes: environmental, sewer, recreation, etc. He requested a definite answer from City Attorney Jay Ross on other uses that would be approved. He also reminded that no one on Council knows about the contract.

Attorney Jay Ross said, in regards to the use of BP money, he spoke with Governor's Chief Legal Advisor and the funds would not be allowed for sewer, a splash pad or recreation. He is hoping to get a scope of uses for the funds. There was a contract involving the Mayor regarding allocation of funds from the city account to IDB. He explained that a resolution passed in 2010 allows the Mayor to reallocate funds without City Council approval. Council can pursue backing out of reallocation agreement.

Councilman Fry questioned if option for land purchase had been executed. Mayor confirmed signed originally as City of Daphne and now signed by IDB. Councilman Fry questioned Mayor's ability to sign contract without Council approval. Attorney Jay Ross confirmed there

**AUGUST 10, 2015
CITY COUNCIL WORK SESSION
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

was an agreement, and that Mayor Haygood did not commit city funds for purchase. Councilman Fry questioned

funding of project, understands IDB has funds to purchase property but not build infrastructure. Mayor stated IDB is looking at grants, sale of outparcels and future funds of IDB.

Councilman Fry questioned if the lobbying firm would now be tied up with DISC at the expense of other city projects. He also questioned development costs, such as roads, grating and utilities, and he asked the Mayor to provide breakdown of funding and costs. He also wants to protect Daphne Utilities, and requested a guarantee Daphne Utilities would not be asked to fund infrastructure. Mayor responded there is no intent to ask Daphne Utilities for funding.

Council Lake insisted the BP money can be better utilized towards other city projects, for example building out Highway 90 off I-10. He stated the Governor has not heard from the citizens of Daphne. Council needs to have other options for use of BP money.

Mayor Haygood reminded Council the length of time the BP money has been in the city account and there has not been one request for funding a project.

Councilman Lake responded the Council should have been made aware of the plan and funding request.

4. PAY SCALE ADJUSTMENT/KELLI KICHLER, FINANCE DIRECTOR

Kelli Kichler stated the pay scale adjustment was discussed in length at the Finance Committee meeting prior to the Work Session and asked if there were any more questions on the matter. There was no further discussion.

ANYTHING ELSE DEEMED NECESSARY

No other business to discuss.

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED
AT 8:16 P.M.**

Respectfully submitted by,

Certification of Presiding Officer:

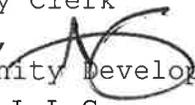
Melissa Wilt,
Assistant City Clerk

Tommie Conaway,
Council President

PUBLIC HEARING
AUGUST 17, 2015

TO CONSIDER:

- | | | |
|-----|-------------------|--|
| a.) | Pre-zone: | The Bills' No. 2, LLC |
| | Located: | Southwest corner of the intersection of
Champions Way and AL Hwy. 181 |
| | Present zoning: | RSF-1, Single Family Residential District,
Baldwin County District 15 |
| | Requested zoning: | PUD, Planned Unit Development, City of
Daphne |
| | Recommendation: | Unanimous favorable |
| | | |
| b.) | Annexation: | The Bills' No. 2, LLC |
| | Location: | Southwest corner of the intersection of
Champions Way and AL Hwy. 181 |
| | Recommendation: | Unanimous favorable |

To: Office of the City Clerk
From: Adrienne D. Jones, 
Director of Community Development
Subject: The Bills' No. 2, L.L.C.
Pre-Zoning Recommendation
Date: June 26, 2015

MEMORANDUM

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

PROPOSED PRE-ZONING: PUD, Planned Unit Development, City of Daphne

LOCATION: Southwest corner of the intersection of Champions Way and Alabama Highway 181

RECOMMENDATION: At the Thursday, June 25, 2015, regular meeting of the Daphne Planning Commission, seven members were present and the motion to set forth a favorable recommendation was made and carried unanimously.

Attached please find documentation from the Office of Community Development.

Thank you,
ADJ/jv

cc: file

attachment(s)

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

PLANNING COMMISSION
PRE-ZONING FOR
THE BILLS' NO. 2, LLC

City of Daphne Industrial Development Board



COMMUNITY DEVELOPMENT

Pre-zoning Request

**Southwest Corner of the Intersection of Champions Way and Highway 181
(The Bills' No. 2, LLC & City of Daphne Industrial Development Board)
76 acres+/-**

Owner: The Bills' No. 2, LLC

Existing Conditions: 76 acres+/- of undeveloped land

Existing Zoning: RSF-1 Single Family District in Baldwin County District 15

Proposed Zoning: Planned Unit Development (PUD)

Surrounding Zonings/Uses:

North - Canterbury Place Subdivision, zoned R-4 and R-3, High Density Single Family Residential, and RSF-1 Single Family District in Baldwin County District 15 (ETJ)

South - undeveloped land zoned RSF-1 Single Family District in Baldwin County District 15 (ETJ)

East - The Woodlands at Malbis residential subdivision, zoned RSF-2, Single Family Residential Baldwin County District 15 (ETJ)

West - Daphne High School (zoned R-3, High Density Single Family Residential)

Existing Utility Service Providers:

Water – Belforest Water

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 3

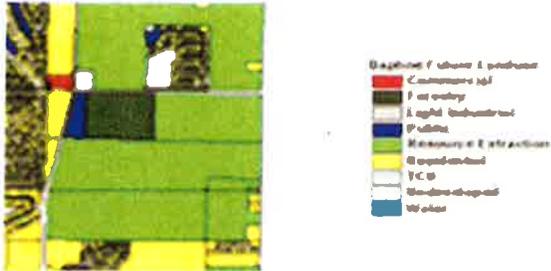
Police Protection-Police Beat 3

Public Works

Baldwin County Schools—n/a

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

The Comprehensive Plan designates this area as resource extraction. Comprehensive Plan amendment is long overdue.



**Related applications on June 2015 Planning Commission Agenda: 76 acres+/-
Annexation Request by The Bills' No. 2, LLC.**



REZONING OR PRE-ZONING APPLICATION

Office use only	Date Submitted 05/26/15
Application Number: ZA- or PZA-15-03	Planning Commission Public Hearing Date: 06/25/15

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

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection): Southwest corner of the intersection of Champions Way and Highway 181	PPIN#(s): 062439
Gross Site Area (acreage): 76 ac (per BC Rev. Comm.)	Requested Zoning or Pre-Zoning: PUD
Current Zoning Designation(s): Baldwin County District 15, RSF-1 Single Family District	Amended Request: Initials: Date:
Current Land Use: Undeveloped	Anticipated Land Use: Mixed Use-Office, Retail, Residential, Light Industrial, etc.
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": Per deed-N 1/2 of SE 1/4 of Sec 3, T5S, R2E & W 1/2 of NW 1/4 of SW 1/4 of Sec 2, T5S, R2E, Baldwin County, Alabama	

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

APPLICANT & AGENT INFORMATION

<i>*If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.</i>	
Name of Current Owner: The Bills' No. 2, LLC Manager: Michael Bill	
Mailing Address: P.O. Box 1659 Robertsdale, AL 36567	Phone/Fax: E-mail:
Name of Authorized Agent: City of Daphne Industrial Development Board Member or Rep. of the City of Daphne	
Mailing Address: PO Box 400	Phone/Fax: E-mail:
Name of Developer*: City of Daphne Industrial Development Board	Phone/Fax: E-mail:
Other:	Phone/Fax: E-mail:

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

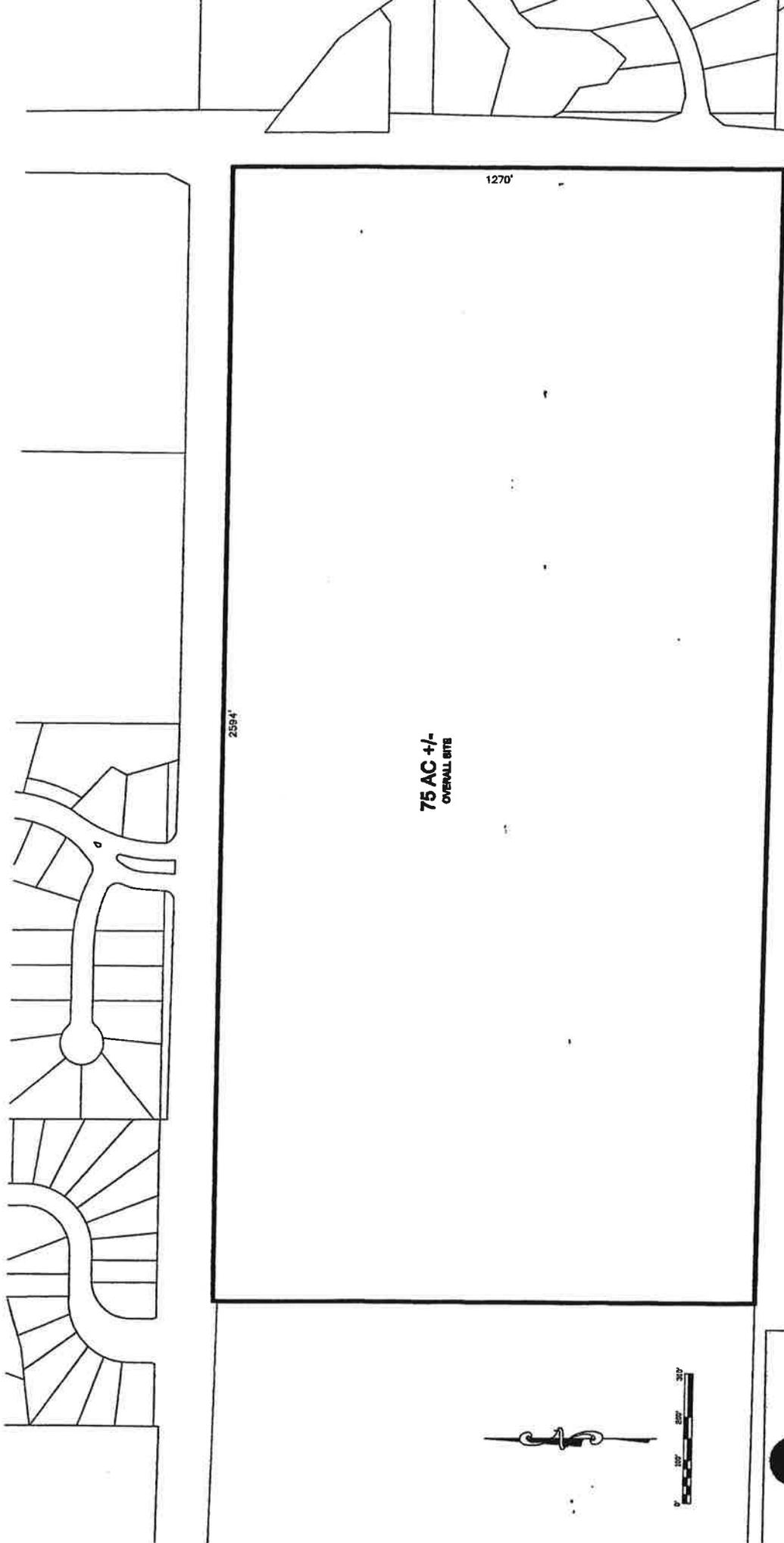
Applicant's Signature: Joni Fassbender CHAIRMAN OF IDB	Date 6-5-15
Agent's Signature: _____	Date _____

EXHIBIT A

THE BILLS' NO. 2, LLC PRE-ZONING & ANNEXATION PETITIONS

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA.



COMMERCIAL & TECHNOLOGY COMPLEX



DANE HAYGOOD
MAYOR



ADRIENNE D. JONES
COMMUNITY DEVELOPMENT
DIRECTOR/ZONING ADMINISTRATOR

CITY COUNCIL
TOMMIE CONAWAY
DISTRICT 1
PAT RUDICELL
DISTRICT 2
JOHN L. LAKE
DISTRICT 3
RANDY FRY
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
JOE DAVIS, III
DISTRICT 7

June 11, 2015

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for The Bills' No. 2, L.L.C. containing 76 acres +/- located at the southwest corner of the intersection of Champions Way and Alabama Highway 181 to be rezoned from RSF-1, Single Family Residential, Baldwin County District 15, to a PUD, Planned Unit Development, zone, upon annexation into the corporate limits of the City of Daphne.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, June 17, 2015 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, June 25, 2015 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

The Bills' No. 2, L.L.C. Pre-Zoning Amendment

The Bills' No. 2, LLC
Pre-Zoning Request

BALDWIN COUNTY BOARD OF
EDUCATION
2600 HAND AVE N
BAY MINETTE, AL 36507

GAVIN, MARY ALICE
11876 JERICHO DR
DAPHNE, AL 36526

THE BILLS' NO.2 L L C
P O BOX 1659
ROBERTSDALE, AL 36567

ROLISON, KEN ETAL ROLISON,
JENNIFER COME
28601 ST HWY 181
DAPHNE, AL 36526

CANTERBURY PLACE
HOMEOWNERS ASSOCIATION
P O BOX 748
DAPHNE, AL 36526

MALBIS PLANTATION INC
29470 ST HWY 181
DAPHNE, AL 36526

SAUCIER, K SCOTT
2720 CHURCHBELL DRIVE
MOBILE, AL 36695

NEYHART, CHRISTOPHER T
11876 JERICHO DR
DAPHNE, AL 36526

COMETTI FAMILY PROPERTIES
L L C
P O BOX 156
GRANT, AL 35747

WOODLANDS AT MALBIS
PROPERTY OWNERS ASSO
C/O KEN SCHULTZ
10311 ROSEWOOD LN
DAPHNE, AL 36526

M & S DEVELOPMENT L L C
10155 ROSEWOOD LANE
DAPHNE, AL 36526

MCCOLLUM, ERNEST R ETAL
MCCOLLUM, CHRIST
9576 CANTERBURY CT
DAPHNE, AL 36526

MARX, DAVID JAMES ETAL
MARX, CATHIE LA R
201 BRADBURY CIR S
DAPHNE, AL 36526

TURNEY, MATTHEW A ETAL
JONES, BROOKE L
29251 CANTERBURY RD
DAPHNE, AL 36526

CRUTCHFIELD HOLDINGS L L C
10155 ROSEWOOD LANE
DAPHNE, AL 36526

BINET, LYNN O
29283 CANTERBURY RD
DAPHNE, AL 36526

WEIS, GEORGE F ETAL WEIS,
GWEN F
29259 CANTERBURY RD
DAPHNE, AL 36526

Richard A. Keller, III
27795 Oakachoy Loop
Daphne, Alabama 36526-6361

rakeller3@mediacombb.net

(251) 288-3840

June 21, 2015

Adrienne D. Jones
Director/Zoning Administrator
Community Development
1705 Main Street
P.O. Box 400
Daphne, AL 36526

Subject: The Bills' No.2, LLC Pre-Zoning & Annexation Petitions

Dear Ms. Jones,

Regarding the petition for rezoning property identified as The Bills' No. 2, L.L.C. I would like to comment on two items.

First, in the description of the DISC property; "...to the south, undeveloped land zoned RSF-1 Single Family District in Baldwin District 15 (ETJ)...", it should be noted that there exists a Baldwin County Rezoning Application Case No. Z-15013 to rezone 28 acres from RSF-1 to B-2. This indicates a change in the character of the community abutting Highway 181 and south of Champions Way, from single family residences to commercial development.

Would B-2 zoning adjacent to The Bills' No. 2 L.L.C. parcel detract from the PUD zone? This rezoning application covers a 28 acres portion of a 137 acre parcel that extends in total from Highway 181 west to County Road 13. What will be the future zoning of the remaining RSF-1 109 acres of Malbis Plantation property? Will this compromise the residential nature of the existing communities along County Road 13?

Second, while the rezoning proposal for The Bills' No. 2, L.L.C. shows an Innovation and Science Complex on 30 of the 75 acres, in section II. PERMITTED USES, item b, leaves open the opportunity to develop "single family and/or multi-family residential dwelling units" on the remaining 45 acres. Section VII. DESIGN STANDARDS, item a, in the proposal allows R-7(M), R-3, R-6(G) or R-7 development.

Is this an accommodation for the HUD Affirmatively Furthering Fair Housing program?

Please discuss these topics at the public hearing of the Daphne Planning Commission held on Thursday, June 25, 2015 at 5:00 p.m. in the Council Chambers of City Hall.

Best regards,


Richard A. Keller, III

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

**Ordinance to Pre-Zone Property Located at the
Southwest Corner of the Intersection of Champions Way and Alabama Highway 181
The Bills' No. 2, LLC**

WHEREAS, The Bills' No. 2, LLC as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property be pre-zoned from RSF-1, Single Family Residential District, Baldwin County District 15 to PUD, Planned Unit Development District, City of Daphne; and

WHEREAS, said real property is located at the southwest corner of the intersection of Champions Way and Alabama Highway 181, and more particularly described as follows:

Legal Description for Pre-zone:

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:
THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA.

WHEREAS, at the regular Planning Commission meeting on June 25, 2015, the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on August 3, 2015; and,

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

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

SECTION I: ZONING

That above described real property is hereby pre-zoned from RSF-1, Single Family Residential District, Baldwin County District 15, to PUD, Planned Unit Development 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:

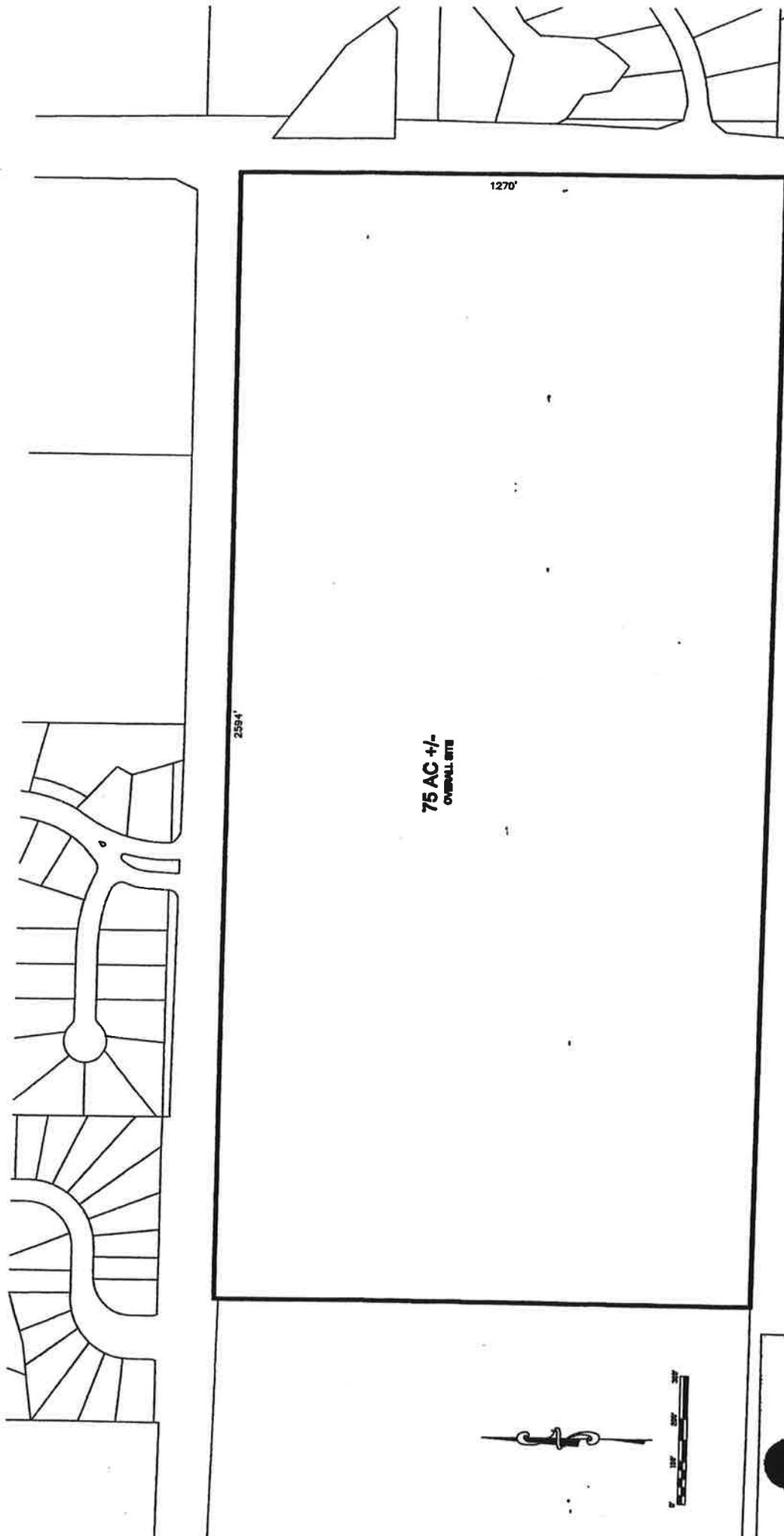
Rebecca A. Hayes,
City Clerk

EXHIBIT A

THE BILLS' NO. 2, LLC PRE-ZONING & ANNEXATION PETITIONS

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA.



COMMERCIAL & TECHNOLOGY COMPLEX



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 August 17, 2015 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance pre-zoning certain property from RSF-1, Single Family District, Baldwin County District 15, to PUD, Planned Unit Development District, City of Daphne as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes,
City Clerk, MMC

PROPOSED ORDINANCE:
CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2015-
Ordinance to Pre-Zone Property Located at the Southwest Corner of the Intersection of Champions Way and Alabama Highway 181 The Bills' No. 2, LLC

WHEREAS, The Bills' No. 2, LLC as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property be pre-zoned from RSF-1, Single Family Residential District, Baldwin County District 15 to PUD, Planned Unit Development District, City of Daphne; and

WHEREAS, said real property is located at the southwest corner of the intersection of Champions Way and Alabama Highway 181, and more particularly described as follows:

**Legal Description
for Pre-zone:**

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:
THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA.

WHEREAS, at the regular Planning Commission meeting on June 25, 2015, the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on August 17, 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

Legal Notice

citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby pre-zoned from RSF-1, Single Family Residential District, Baldwin County District 15, to PUD, Planned Unit Development 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

The Courier
July 10, 2015

*The Courier
July 10, 2015*

Daniell, Upton & Perry, P.C.
30421 Hwy. 181
Daphne, AL 36526
(251) 625-0046
Email: jlp@dupm.com

The Courier
July 10-17-24-31, 2015

**SECOND NOTICE
OF PUBLIC HEARING**

Notice is hereby given the second time, the first notice was given July 10, 2015, that the City Council of the City of Daphne will hold a Public Hearing on August 17, 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 favor-



The Courier
July 17, 2015

Legal Notice

ing a proposed Ordinance pre-zoning certain property from RSF-1, Single Family District, Baldwin County District 15, to PUD, Planned Unit Development District, City of Daphne, as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes,
City Clerk

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

Ordinance to Pre-Zone Property Located at the Southwest Corner of the Intersection of Champions Way and Alabama Highway 181 The Bills' No. 2, LLC

WHEREAS, The Bills' No.

Legal Notice

2, LLC as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property be pre-zoned from RSF-1, Single Family Residential District, Baldwin County District 15 to PUD, Planned Unit Development District, City of Daphne; and

WHEREAS, said real property is located at the southwest corner of the intersection of Champlons Way and Alabama Highway 181, and more particularly described as follows:

Legal Description for Pre-zone:

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:
THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THE WEST HALF OF THE NORTHWEST QUARTER OF

Legal Notice

THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA.

WHEREAS, at the regular Planning Commission meeting on June 25, 2015, the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on August 17, 2015; and,
END SYNOPSIS

The Courier
July 17, 2015

Park it in the
CLASSIFIEDS 
and watch it go fast!

To: Office of the City Clerk
From: Adrienne D. Jones, 
Director of Community Development
Subject: The Bills' No. 2, L.L.C.
Annexation Recommendation
Date: June 26, 2015

MEMORANDUM

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

PROPOSED PRE-ZONING: PUD, Planned Unit Development, City of Daphne

LOCATION: Southwest corner of the intersection of Champions Way and Alabama Highway 181

RECOMMENDATION: At the Thursday, June 25, 2015, regular meeting of the Daphne Planning Commission, seven members were present and the motion to set forth a favorable recommendation was made and carried unanimously.

Attached please find documentation from the Office of Community Development.

Thank you,
ADJ/jv

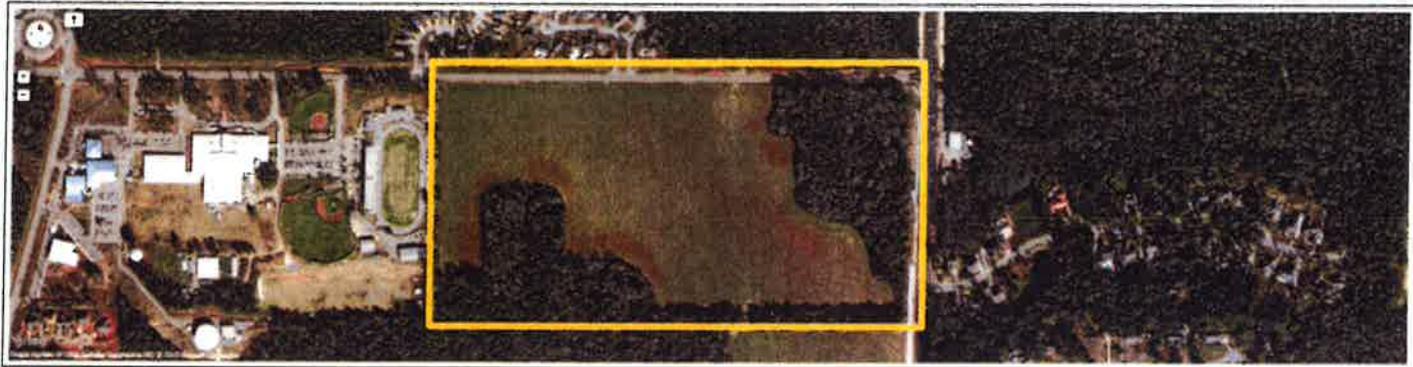
cc: file

attachment(s)

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

PLANNING COMMISSION
ANNEXATION FOR
THE BILLS' NO. 2, LLC

City of Daphne Industrial Development Board



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

**(THE BILLS' NO. 2, LLC PROPERTY AT THE SOUTHWEST INTERSECTION OF
ALABAMA HIGHWAY 181 AND CHAMPIONS WAY)**

The undersigned corporation, THE BILLS' NO. 2, LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, THE BILLS' NO. 2 PROPERTY, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of the petition:

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

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

3. **Owner:** The petitioner, THE BILLS' NO. 2, LLC, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

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

Requested zoning, if other than R-1:

Any other conditions which may apply upon annexation:

PUD, PLANNED UNIT DEVELOPMENT ZONING

ADDITIONAL INFORMATION

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

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

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

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

SELECT ONE OF THE FOLLOWING OPTIONS

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

Or

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

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

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 10th day of June, 2015.

Legal Description Attached (Exhibit A)? yes Map or Survey Attached (Exhibit B)? yes
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission Attached (Exhibit C)? no Acreage 7.6
Subdivision Name n/a Lot Number(s) _____

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

Signature: [Signature] Signature: _____
Printed Name: Michael C. Bill Printed Name: _____
Mailing Address: Po Box 1659 Mailing Address: _____
Robertsdale, AL 36527-1659

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

DATED this 10th day of June, 2015

Respectfully submitted,

The Bills' No. 2, LLC
Name of Corporation

By: Michael C. Bill

Its: Manager

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Donna Donald, the undersigned Notary Public in and for said county and state, hereby certify that Michael C. Bill whose name as Manager of The Bills' No. 2, LLC, an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 10th day of June, 2015.

Donna Donald
NOTARY PUBLIC

My commission expires: February 24, 2018

Corporation's Address

PO BOX 1659

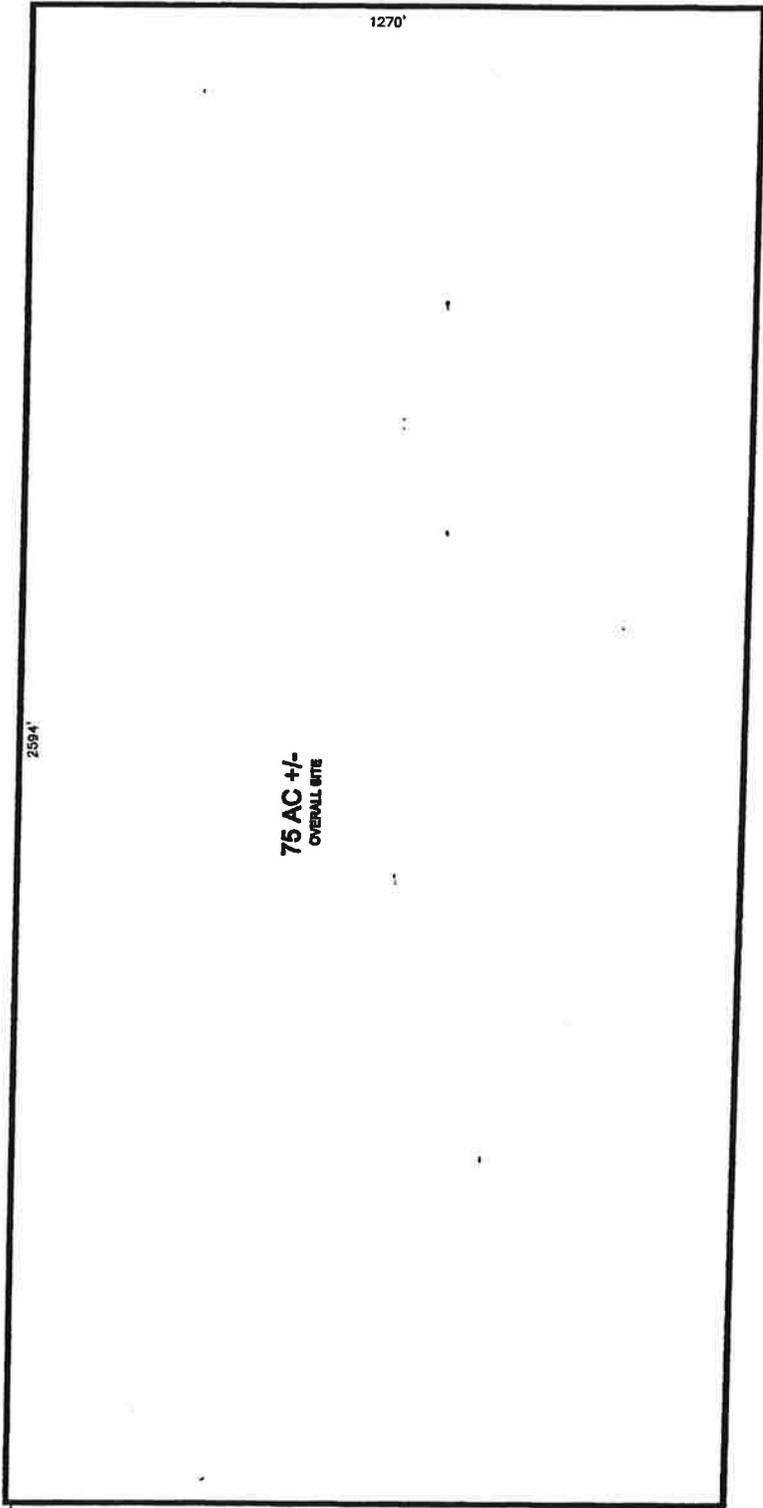
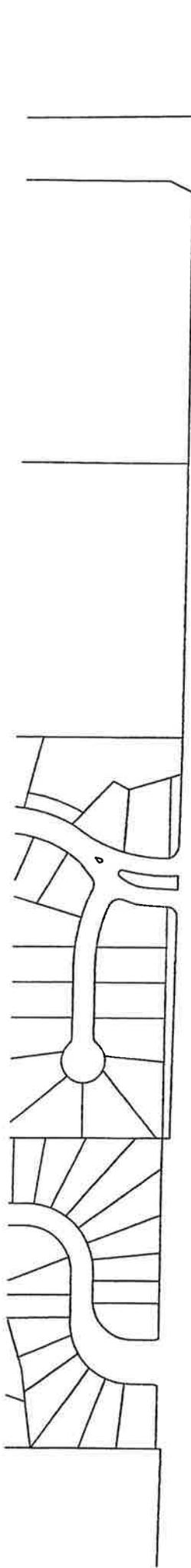
ROBERTSDALE, AL 36527-1659

EXHIBIT A

THE BILLS' NO. 2, LLC PRE-ZONING & ANNEXATION PETITIONS

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA.



75 AC +/-
OVERALL SITE



PREBLE-RISH
CONSULTING ENGINEERS & SURVEYORS

COMMERCIAL & TECHNOLOGY COMPLEX



The Jubilee City

EXHIBIT B

**COMMUNITY DEVELOPMENT
ANNEXATION REQUEST**

**Southwest Corner of the Intersection of Champions Way and Highway 181
(The Bills' No. 2, LLC & City of Daphne Industrial Development Board)
76 acres+/-**

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

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

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

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

REQUEST

The applicant has submitted a petition to annex 76 acres of land into the corporate limits of Daphne. Additionally, the applicant has requested to pre-zone (see Code 11-52-85 attached) the site to Planned Unit Development District.

RECOMMENDATION

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

Code of Alabama Section 11-52-85

PRE-ZONING TERRITORY PROPOSED FOR ANNEXATION

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

Code of Alabama Section 11-52-85

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

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

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

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

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

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

(Act 2009-629, p. 1926, §1.)

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

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

**Property Located at the Southwest Corner of the Intersection of Champions Way and
Alabama Highway 181
The Bills' No. 2, LLC**

WHEREAS, on the 10th day of June, 2015, 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 August 3, 2015 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on June 25, 2015, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation and said property; and

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

SECTION ONE: ANNEXATION

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

SECTION TWO: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:
THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3,
TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND
THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST
QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN
COUNTY ALABAMA.

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

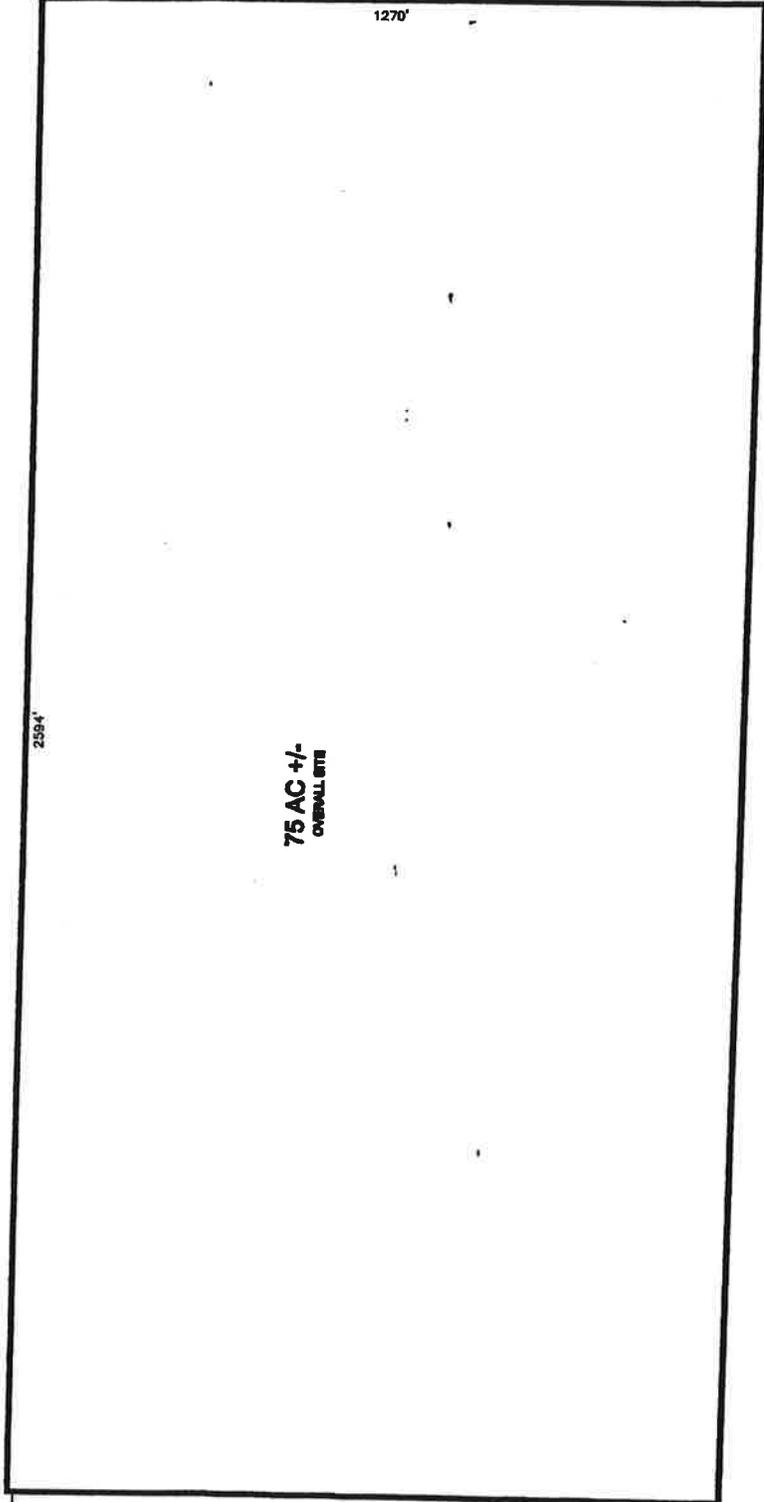
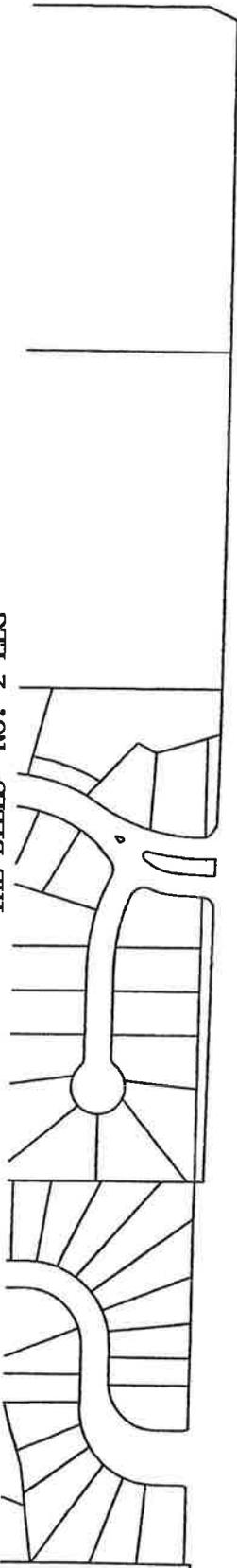
THE BILLS' NO. 2, LLC PRE-ZONING & ANNEXATION PETITIONS

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA.

EXHIBIT "B"
ANNEXATION

THE BILLS' NO. 2 LLC



75 AC +/-
OVERALL SITE



COMMERCIAL & TECHNOLOGY COMPLEX



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 August 17, 2015 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes,
City Clerk

**PROPOSED ORDINANCE:
CITY OF DAPHNE, ALABAMA
ORDINANCE 2015-
ORDINANCE TO ANNEX PROP-
ERTY CONTIGUOUS TO THE
CORPORATE LIMITS OF THE
CITY OF DAPHNE**

Property Located at the Southwest
Corner of the Intersection of
Champions Way and Alabama
Highway 181
The Bills' No. 2, LLC

WHEREAS, on the 10th day of June, 2015, 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 August 17, 2015 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on June 25, 2015, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation and said property; and

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

**SECTION ONE:
ANNEXATION**

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

FOLEY ONLOOKER

Legal Notice

**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:

Legal Description for Annexation:

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:
THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA.

**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, ALA-
BAMA, THIS THE DAY OF**
, 2015.

Dane Haygood,
Mayor

ATTEST:
Rebecca A. Hayes,
City Clerk

The Courier
July 10, 2015

*The Courier
July 10, 2015*

The Courier
July 17, 2015

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given, July 10, 2015, that the City Council of the City of Daphne will hold a Public Hearing on August 3, 2015 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Rebecca A. Hayes,
City Clerk

**PROPOSED ORDINANCE:
CITY OF DAPHNE, ALABAMA
ORDINANCE 2015-
ORDINANCE TO ANNEX
PROPERTY CONTIGUOUS
TO THE CORPORATE LIMITS
OF THE CITY OF DAPHNE**

Property Located at the Southwest
Corner of the Intersection of
Champions Way and Alabama
Highway 181
The Bills' No. 2, LLC

WHEREAS, on the 10th day

Legal Notice

of June, 2015, 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 August 3, 2015 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on June 25, 2015, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation and said property; and

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

SECTION ONE: ANNEXATION

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

SECTION TWO: DESCRIPTION OF TERRITORY

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

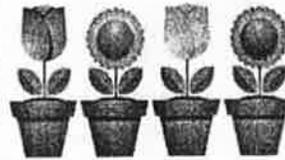
Legal Description for Annexation:

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:
THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA.

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



Legal Notice

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.

Dave Haygood,
Mayor

ATTEST:
Rebecca A. Hayes,
City Clerk

The Courier
July 17, 2015

**CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
AUGUST 10, 2015
4:30 P.M.**

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:30 p.m. Present were Chairman Randy Fry, Councilwoman Mrs. Conaway, Councilman Ron Scott, Councilman John Lake, Councilman Robin LeJeune, Finance Director Kelli Kichler, Senior Accountant Suz anne Henson, Human Resource Director Vickie Hinman, Revenue Officer Jamie Smith, and City Attorney Kevin Boucher.

Councilman Pat Rudicell and Councilman Joe Davis were absent. Mayor Dane Haygood arrived at 4:41 p.m.

Also in attendance were, Public Works Director Richard Johnson, Public Works Deputy Director William Eringman, Civic Center Director Margaret Thigpen, Community Development Director Adrienne Jones, Fire Battalion Chief Kenny Hanak, CD Administrative Secretary Pat Johnson, PW Accountant Denise Penry, and Mr. Larry Cooke, BZA.

I. PUBLIC PARTICIPATION

There was no public participation.

II. BUSINESS LICENSE REPORT

1. Report: New Business Licenses – July, 2015

The Business Licenses Report was included in the packet. Total business license issued YTD is 4,246 - up 362 from last year

79 - Total Business License issued in July - down 30 from July 2014 (109 licenses issued).

35 - Renewals – out of the 79

42 - New businesses with 6 *of those having a physical location in Daphne* and

2 - Prior year licenses.

Mrs. Smith reviewed the Business License and Delinquencies report.

III. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

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

Positions

Firefighter
PT School Crossing Guard (Ongoing) (3)
PSW Sr. Grounds (Internal)
PSW Grounds
Corrections Officer
Planner (Community Development)
PT Marketing Coordinator
Executive Assistant
IT Computer Services Technician

Status

DOH: 8/20/2015
DOH: 8/13/2015 (2)
DOP: 7/23/2015
Posting closes: 8/6/2015
Posting closes: 8/19/2015
Open
Open
Open
Open

Safety Committee

Next Safety Committee meeting is September 30 @ 10:00 a.m. Injuries and Property Damage were down during July, with the exception of mowing, which was average for the growing season. Mr. Bart Martin with

Advantage Safety made a presentation on First Aid supplies and equipment in the last meeting. Advantage Safety can provide first aid kits for work trucks and relevant safety training to various departments. No new concerns were brought before the committee. Safety Awards for the first half of 2015 to be ordered and distributed this month. Approximately 10 employees will be attending a Safety Seminar in Summerdale on August 18th.

HR projects/meetings:

- Oral Board interviews for Fire Fighter were on July 29, 2015
- Loss Control training on August 18, 2015
- Benefits Fair – Registrations are coming in and door prizes are being purchased. A planning meeting will be on August 11, 2015 to discuss Vendor location and décor. Naman's will be catering a healthy and delicious lunch. Bingo cards will be distributed prior to the event.

Mrs. Hinman noted the three PT School Crossing Guard should be hired and in place by the start of the school year. Mrs. Hinman reviewed the open positions: Planner position duties are being reviewed by the Community Development Director, the Marketing Coordinator position has been offered and salary requirements are being reviewed, Executive Assistant has had several interviews, and the IT Computer Services Technician salary requirement are being reviewed. Discussion continued on the Benefits Fair and Mrs. Hinman noted the Benefits Fair would be held September 2, 2015 from 11:00 a.m. – 2:00 p.m..

IV. CURRENT BUSINESS

A. Approve previous months minutes

The previous minutes were approved.

B. Financial Reports

1. Treasurer's Report: July, 2015

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

- Total Unrestricted Funds - \$9,341,557
- Increase from Last Year's Unrestricted Funds - \$2,026,279
- Total Restricted Funds - \$8,317,235
- Total City Funds - \$17,658,792
- # of months of Unrestricted cash to cover monthly operating Expenses & Debt Service – 4.2 months compared to the previous year - 4.4 months

Included in the packet are graphs that show that activity is on track with the previous year.

The Treasurer's Report as of July 31, 2015 Total Unrestricted Funds – 9,341,557 and Total City Funds - \$17,658,792 was presented to be filed for audit.

2. Sales and Use Taxes: May, 2015

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,252,030.17 was collected for May, 2015:

- YTD Variance over Budget - \$(12,741.89)
- Increase from last year's collections \$49,903.51; + 4.2%

3. Lodging Tax Collections, May, 2015

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for May, 2015 were \$111,337.21 which is down (\$16,583.16) from May, 2014's collections of \$127,920.37.

- YTD Variance over Budget: \$46,965
- Percentage change YTD from last year's collections: +24.7%

4. Lodging Tax Fund : Statement of Revenues over Expenditures, July, 2015

Mrs. Henson reviewed the Lodging Tax Statement of Revenues over Expenditure report for July, 2015. Mrs. Henson noted the following balances:

- Unreserved balance for Bayfront related purchases - \$2,022,977
- Recreation related purchases - \$679,966

5. Correction/Court Fund Report, June, 2015

Mrs. Henson reviewed the Correction/ Court Fund Report and reported that no monies were required to be transferred for June and \$18,332.15 has been transferred year to date from the court portion of the fund to the corrections for the purchase of inmate meals.

6. Financial Statements:

- a. General Fund Balance Sheet , May 2015**
- b. General Fund Statement of Rev Over Exp , May 2015**
- c. Debt Service Fund Statement of Rev Over Exp, May 2015**
- d. Debt Service Summary Activity for General Fund through May 2015**
- e. Debt Service Summary Activity for Enterprise Funds through May 2015**
- f. Agency Funds Combining Statement of Assets and Liabilities, May 2015**
- g. Special Revenue Funds Balance Sheet, May 2015**
- h. Special Revenue Funds Statement of Revenues, Expenditures, and Changes in Fund Balance, May 2015**
- i. Capital Projects Funds Balance Sheet, May 2015**
- j. Capital Projects Funds Statement of Rev Over Exp, May 2015**
- k. Enterprise Funds Statement of Net Position, May, 2015**
- l. Enterprise Funds Statement of Revenues, Expenses, and Changes in Net Position, May 2015**
- m. Summary of FEMA/NRCS Projects, May 31, 2015**

Ms. Kichler reviewed the statements listed above. Discussion continued on the statements. Ms. Kichler said if there were any questions to just let her know. Ms. Kichler noted that she had included a summary of the FEMA/NRCS projects through May 3

1, 2015 and a summary of all appropriations that had been made since the FY2015 Budget was adopted. Ms. Kichler stated that total appropriations year to date is \$1,198,252.

7. Bills Paid Reports – July, 2015

The Bills Paid Report was presented in the packet.

C. Appropriation Request: (Ordinance)

LODGING TAX FUND: (Ordinance)

1. 2015-N-Village Point Park Preserve Trail Extension- \$12,488 {Total Project cost - \$131,325.10-\$118,837.20 (Ord#2014-55: Grant \$88,623.20 + Appropriations-\$30,214) = \$12,487.90}

Mr. Eringman reviewed the Village Point project and the additional appropriation that is needed to complete this project. Mr. Lake noted that he had several call requesting markers be installed on the boardwalk. Mr. Johnson stated he would follow up on that request and see if Public Works could install the markers.

Motion by Mr. Scott to recommend to Council to adopt an Ordinance to appropriate additional funds in the amount of \$12,488 from the Lodging Tax Fund for the Village Point Park Preserve Trail Extension project. Seconded by Mr. Lake. Motion carried.

D. Bid: (Resolution)

1. 2015-N-Village Point Park Preserve Trail Extension

Motion by Mrs. Conaway to recommend to Council to adopt the Resolution awarding the 2015- N-Village Point Park Preserve Trail Extension bid in the amount of \$109,841 as bid to Asphalt Services, Inc.. Seconded by Mr. Scott. Motion carried.

E. Fire Station #2 Roof

An appropriation request was forwarded from Buildings & Properties Committee. Discussion continued that the other building repairs were needed besides the roof. Discussion continued to authorize the Fire Station #2 to go out to bid and the cost be considered in the FY2016 Budget.

Motion by Mr. Scott to approve the Fire Station #2 roof repairs go out to bid. Seconded by Mr. Lake. Motion carried.

F. Daphne High School – Appropriation for Taste of Eastern Shore Fund Raising Event

Discussion continued on forgiving the \$5,000 annual loan payment due from DHS band for FY2015. The Mayor expressed concerns on forgiving the annual loan payment since it was a contractual agreement. Discussion continued on appropriating \$5,000 to Daphne High School for the Taste of Eastern Shore event. Mr. Scott noted that appropriating these monies to assist Daphne High School with event expenses will benefit all participating groups at the school.

Motion by Mr. Scott to recommend to Council to adopt an Ordinance to appropriate \$5,000 for the Daphne High School fund raising event: Taste of the Eastern Shore. Seconded by Mr. LeJeune. Motion carried.

G. ALDOT Funding agreement: Turning Lanes at Sehay Boulevard and Longue Vue Boulevard – (Reference # 100064573 / 100064574).

Mr. Johnson reviewed the Sehay Boulevard and Longue Vue Boulevard project. Mr. Johnson noted that ALDOT has separated the project into two agreements so there are two reference numbers listed. Mr. Johnson noted the two resolutions are included in the handout that authorizes the Mayor to execute both funding agreements. Mr. Johnson noted that Volkert Engineering is the next engineering firm to be selected in rotation. Mr. Johnson noted the project will back to the Finance Committee in September for an appropriation request for preliminary design engineering.

Motion by Mr. Scott to recommend to Council to adopt the Resolution authorizing the Mayor to execute the application for the ALDOT Funding agreement for Turning Lanes at Sehay Boulevard and Longue Vue Boulevard – (Reference # 100064573 / 100064574). Seconded by Mrs. Conaway. Motion carried

V. OLD BUSINESS

A. Personnel Pay Plan Upgrade

Original Archer plan that was previously presented was established to fix the pay table issue. The motion to include the \$.40 increase would cost \$430,000 and is logistically difficult to implement. Discussion continued that the Mayor's plan does not fix the pay table issue but does provide an increase for all employees. Ms. Kichler stated she does not recommend merging the two plans as per the current amendment but adopting the original plan and including a flat rate increase in January and address the Public Safety pay scale separately. The Mayor discussed the work put into trying to establish the right pay plan and noted his plan takes the current plan and applies a consistent increase for all employees. The Mayor discussed the need to address the Battalion Chief pay. Discussion continued on the reclassification of the Fire Battalion Chief position from a Public Safety Grade 29 non-exempt to a Public Safety Grade 31 exempt status. Ms. Kichler stated she thought this reclassification should be on a separate ordinance. Discussion continued that a separate ordinance would help simplify and clarify the pay changes.

Discussion continued on adopting the previously presented pay plan as follows:

- a flat increase of \$.25 (\$54,500/ for FY16) for non-Directors/Deputy Directors effective January 2016,
- a 1% increase (\$37,500 for FY2016) effective January 2016 for employees on the Public Safety Pay Scale
- the first half of new pay plan increase (\$ 17,341) effective the first pay period of September 2015
- the second half of the new pay plan increase (\$121,384) effective the first pay period of August 2016

The cost for FY16 would be \$222,209 and a full annual year cost would be \$342,520.

Motion by Mrs. Conaway to appropriate additional funds in the amount of \$1,435 from the General Fund for the reclassification of the Fire Battalion Chief position from a Public Safety Grade 29 non-exempt to a Public Safety Grade 31 exempt status and amend the Job Classification Schedule. Seconded by Mr. Lake. Motion carried

B. Justice Center Generator Update

Mrs. Henson gave an update on the insurance claim for the Justice Center Generator. The insurance representative had approved the purchase of a new Diesel generator and the four months rental fees to allow time for the delivery of the new generator. Mr. Fry asked about the status of applying for a grant to purchase a new energy efficient natural gas generator. Mr. Johnson stated that Mrs. Campbell, Environmental Program Manager would be working with Lt. Ric Yelding to apply for the FEMA Hazard Mitigation Grant. Discussion continued on which City locations had generators and which were diesel. Mr. Johnson stated that generators were located at Civic Center, Public Works, Fire Stations, City Hall, and Justice Center and the only two that are diesel are the ones located at City Hall and the Justice Center.

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

TREASURER'S REPORT

As of July 31, 2015

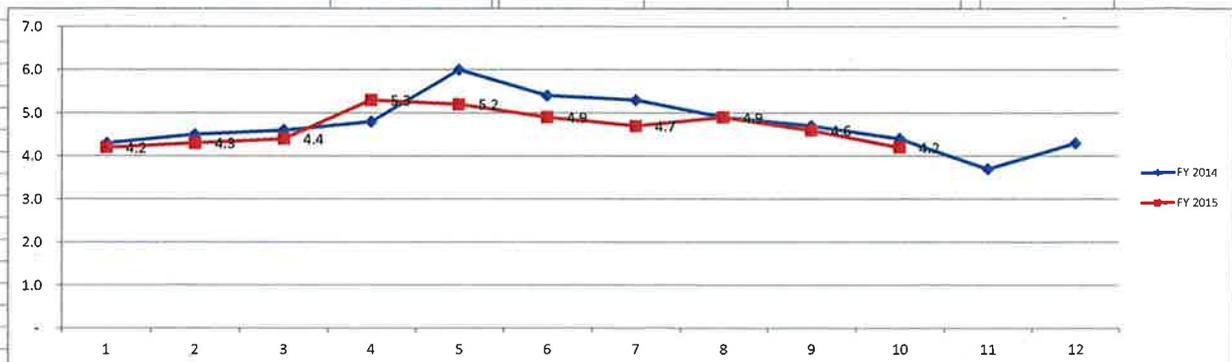
Account Type/Title	Bank / Brokerage	7/31/2015	6/30/2015	increase	Balance Last Year 7/31/2014	increase
				(Decrease) from last Month		(Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	Compass Bank1	\$ 4,005,323	\$ 4,797,681	\$ (792,358)	\$ 4,391,094	\$ (385,771)
INVESTMENT FUND	Raymond James	5,254,253	5,276,842	(22,589)	\$ 5,170,700	\$ 83,553
MUNICIPAL COURT	Compass Bank2	81,982	101,770	(19,788)	\$ 115,670	\$ (33,688)
Total Unrestricted Funds		9,341,557	10,176,293	(834,736)	\$ 9,677,464	\$ (335,907)
SPECIAL REVENUE FUNDS						
MUNICIPAL COURT	Compass Bank1	23,643	27,914	(4,271)	13,705	9,938
SELF INSURANCE	Compass Bank1	83,294	82,526	768	58,437	24,857
FLEX SPENDING	Compass Bank1	5,849	(492)	6,341	6,199	(350)
4 CENT GAS TAX	PNC Bank1	144,599	139,559	5,040	91,411	53,188
7 CENT GAS TAX	PNC Bank2	444,640	438,295	6,345	374,576	70,064
TREE & FLOWER	Compass Bank1	16,666	16,666	0	11,200	5,466
SAIL SITE	PNC3/Compass1	(1,327)	23	(1,350)	(1,436)	109
NON-MAJOR STORMS	Compass Bank1	(898,179)	(1,137,942)	239,763	(275,485)	(622,694)
BP OIL SPILL	Compass Bank1	426,768	426,768	0	426,768	0
FEDERAL DRUG FORFEITURES	Compass Bank1	19,793	19,793	0	40,939	(21,146)
LOCAL DRUG FORFEITURES	Compass Bank1	20,628	20,628	-	18,092	2,536
LIBRARY	Compass Bank1	(2,699)	(1,469)	(1,230)	(10,115)	7,416
CONCESSION STAND	Compass Bank1	(3,826)	(3,898)	72	(5,711)	1,885
COURT TRAINING & EQUIPMENT	Compass Bank2	32,132	31,084	1,048	26,344	5,788
COURT JUDICIAL ADMINISTRATIVE	Compass Bank2	124,811	121,373	3,438	76,468	48,343
COURT CORRECTION	Compass Bank2	181,851	179,527	2,324	189,312	(7,461)
LODGING TAX	Compass Bank1	2,660,175	2,580,554	79,621	1,967,848	692,327
		3,278,818	2,940,909	337,909	3,008,552	270,266
CAPITAL PROJECT FUNDS						
CAPITAL RESERVE	Wells Fargo Bank1	1,896,875	1,848,597	48,278	1,200,793	696,082
2012 CONSTRUCTION	Regions Bank	-	-	-	504,299	(504,299)
2014 CAPITAL IMPROVEMENTS	Compass Bank	782,221	782,204	17	-	782,221
		2,679,096	2,630,801	48,295	1,705,092	974,004
DEBT SERVICE FUNDS						
DEBT SERVICE	Wells Fargo Bank2	2,359,320	2,433,863	(74,543)	1,241,405	1,117,915
Total Restricted Funds		8,317,235	8,005,573	311,662	5,955,049	2,362,186
Total City Funds		\$ 17,658,792	\$ 18,181,866	\$ (523,074)	\$ 15,632,513	\$ 2,026,279

of Months of **UNRESTRICTED** Cash to cover monthly Operating Expenses & Debt Service

4.2

4.9

4.4



SALES & USE TAXES

*Adjusted to accrued collections

FY 2015 BUDGET vs ACTUAL

ACTUAL COLLECTIONS

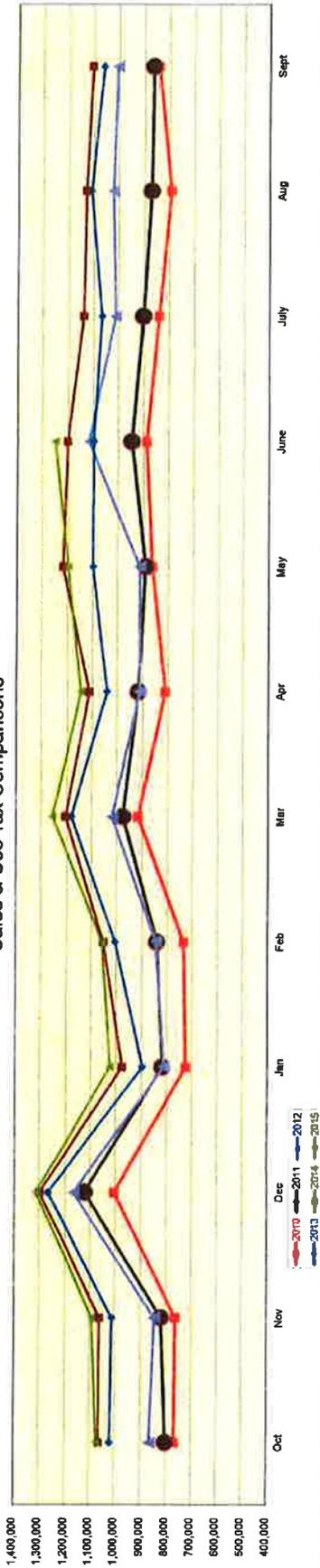
	7/8 Year												Totals
	2010	2011	2012	2013	2014	2015	Sparklines						
October	764,641.13	800,512.03	864,727.27	1,019,065.37	1,062,861.14	1,073,290.88							13,937,617
November	761,955.37	819,834.09	845,342.45	1,011,813.96	1,061,121.86	1,092,961.96							(12,741.89)
December	1,004,037.20	1,121,383.45	1,166,135.62	1,266,051.50	1,299,075.20	1,312,012.89							-0.1%
January	723,504.28	817,230.14	809,785.59	895,717.19	974,224.69	1,023,171.34							0.1%
February	733,335.60	840,768.01	845,101.34	1,004,348.50	1,051,602.29	1,056,996.02							2.2%
March	916,657.55	976,181.39	1,018,721.43	1,181,007.55	1,205,342.67	1,256,397.38							-1.3%
April	809,688.73	916,536.59	911,438.60	1,038,769.67	1,110,065.05	1,144,698.61							0.2%
May	862,254.54	889,945.33	911,839.30	1,096,548.05	1,218,955.40	1,198,226.99							0.5%
June	887,262.68	946,206.78	1,114,149.53	1,097,507.32	1,202,126.66	1,252,030.17							1.6%
July	839,192.33	902,457.24	1,010,193.08	1,065,215.02	1,139,120.72	1,178,374							0.3%
August	790,713.80	871,437.04	1,021,267.76	1,110,126.44	1,129,483.17	1,153,953							
September	841,035.40	863,630.36	1,004,661.04	1,058,958.43	1,104,411.74								
Totals	9,834,478.61	10,766,122.45	11,522,363.01	12,848,130.20	13,558,411.59	10,409,786.24							-0.1%

Budget	1,072,524	767.37	0.1%
Monthly Variance	23,029.75	23,797.12	2.2%
YTD Variance	(76,637.74)	(52,840.62)	-5.5%
Budget	1,069,932	767.37	0.1%
Monthly Variance	(76,637.74)	23,029.75	2.2%
YTD Variance	(30,577.55)	(52,840.62)	-1.3%
Budget	1,000,908	22,263.07	2.2%
Monthly Variance	(13,997.73)	2,383.78	0.2%
YTD Variance	(44,575.28)	(36,037.73)	0.5%
Budget	1,254,014	6,153.77	0.5%
Monthly Variance	1,138,545	19,193.39	1.6%
YTD Variance	(36,037.73)	(18,844.34)	0.3%
Budget	1,179,034	4,102.45	0.3%
Monthly Variance	1,247,928	4,102.45	0.3%
YTD Variance	1,178,374		
Budget	1,182,762		
Monthly Variance	1,153,953		
YTD Variance			
Totals	13,937,617	(12,741.89)	-0.1%

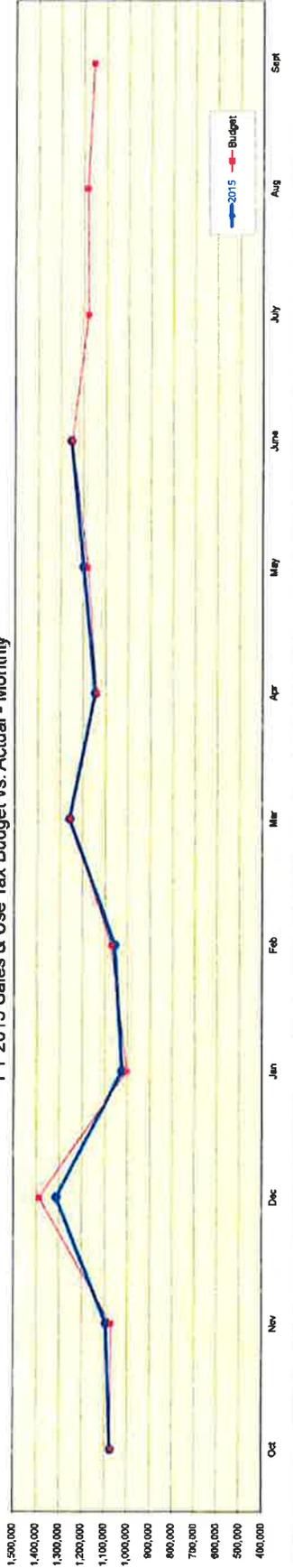
Fiscal Year Changes Year Over Year

	\$ Change												Annual % Change
	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	6/7 Year Sparklines	6/7 Year Sparklines	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	
October	35,870.90	64,215.24	154,388.10	10,429.74	10,429.74			4.7%	8.0%	17.8%	17.8%	1.0%	
November	57,878.72	25,508.36	186,471.51	31,840.10	31,840.10			7.6%	3.1%	19.7%	19.7%	3.0%	
December	117,346.25	43,752.17	100,915.88	12,937.69	12,937.69			11.7%	3.9%	8.7%	8.7%	1.0%	
January	93,725.66	(7,444.55)	85,931.60	48,946.65	48,946.65			13.0%	-0.9%	10.6%	10.6%	5.0%	
February	107,432.41	4,333.33	159,248.16	5,383.73	5,383.73			14.6%	0.5%	18.8%	18.8%	0.5%	
March	59,523.84	42,540.04	162,286.12	51,064.71	51,064.71			6.5%	4.4%	15.9%	15.9%	4.2%	
April	106,947.86	(5,097.99)	128,331.27	34,613.56	34,613.56			13.2%	-0.6%	14.1%	14.1%	3.1%	
May	27,690.79	21,893.97	186,708.75	(20,729.41)	(20,729.41)			3.2%	3.2%	20.5%	20.5%	-1.7%	
June	58,944.10	167,942.75	(16,642.21)	48,903.51	48,903.51			6.6%	17.7%	-1.5%	-1.5%	4.2%	
July	63,264.91	107,735.84	55,021.94					7.5%	11.9%	5.4%	5.4%	0.0%	
August	80,723.24	149,830.72	88,858.68					10.2%	17.2%	8.7%	8.7%	0.0%	
September	22,594.96	141,030.68	54,297.39					2.7%	16.3%	5.4%	5.4%	0.0%	
Annual \$ Change	831,943.84	756,240.56	1,325,767.19	224,390.28	224,390.28			6.4%	7.0%	11.5%	12.7%	2.3%	

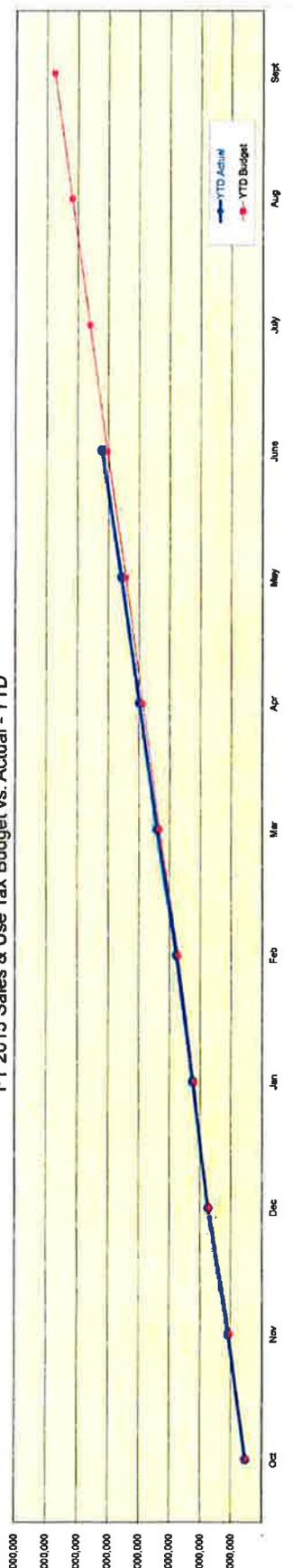
Sales & Use Tax Comparisons



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



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



MONTHLY LODGING TAX COLLECTIONS

**Based on Accrued Collections*

ACTUAL COLLECTIONS

	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15	10 Year Spark Line
October	39,405.56	56,001.39	52,002.53	51,578.40	48,382.05	74,581.63	
November	33,763.37	48,329.73	47,568.08	43,459.48	43,912.92	77,289.64	
December	31,571.38	47,210.56	42,279.22	40,495.14	39,122.53	69,585.61	
January	42,883.70	49,006.12	41,917.34	47,548.01	43,198.04	72,323.09	
February	46,998.32	43,052.88	47,346.50	54,207.03	49,784.71	92,153.01	
March	52,771.52	67,422.43	70,058.33	64,325.47	71,954.97	112,752.43	
April	41,531.05	48,487.83	51,939.08	47,434.55	86,245.34	101,196.07	
May	66,820.96	57,860.48	54,740.45	68,448.49	107,155.55	108,715.74	
June	79,822.84	67,544.77	69,822.91	71,080.69	127,920.37	111,337.21	
July	91,906.47	76,631.86	79,417.80	94,310.47	139,337.37		
August	63,323.58	52,820.33	50,417.73	52,427.99	93,733.35		
September	52,662.79	45,216.75	46,968.89	45,148.35	71,790.24		
Total	643,461.54	653,604.93	654,478.84	680,474.07	922,597.44	819,934.43	

Ord 1597-28 adopted December 8, 1997 incr levy from 3% to 4%
Ord 2014-06 adopted February 17, 2014 incr levy from 4% to 6% - effective for Collections for April 2014 reflected in May 2014

FY 2015 BUDGET vs. ACTUAL

	Budget	Monthly Variance	YTD Variance	% of Budget
October	80,009.54	(5,427.91)	(5,427.91)	-6.8%
November	70,478.07	6,811.57	1,383.66	9.7%
December	64,883.32	4,702.29	6,085.95	7.2%
January	72,491.46	(168.37)	5,917.58	-0.2%
February	78,568.01	13,585.00	19,502.58	17.3%
March	107,184.01	5,588.42	25,091.00	5.2%
April	78,823.33	22,372.74	47,463.74	28.4%
May	101,531.42	7,184.32	54,648.06	7.1%
June	119,019.92	(7,682.71)	46,965.35	-6.5%
July	137,740.01			0.0%
August	89,428.46			0.0%
September	74,862.45			0.0%
Total	1,075,000.00	46,866.35		4.4%

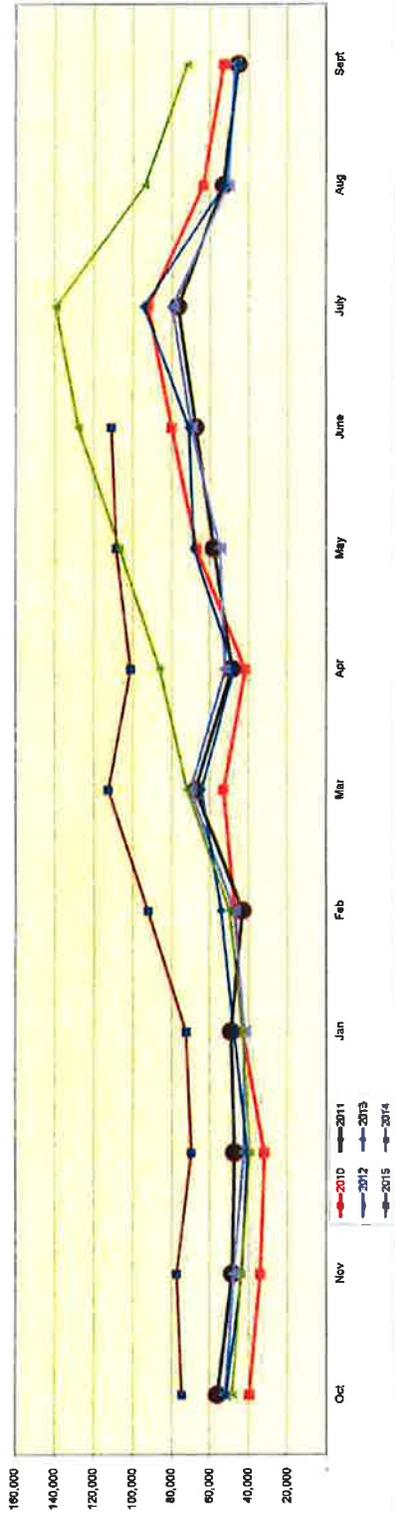
CHANGE IN DOLLARS

	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	9 Year Spark Line
October	(7,137.64)	16,595.83	(3,988.66)	(424.13)	(3,620.46)	26,199.58	
November	(6,415.32)	14,566.36	(761.65)	(4,108.60)	(3,655.16)	33,376.72	
December	(6,573.31)	15,639.18	(4,931.34)	(1,784.06)	(3,156.69)	30,463.08	
January	3,177.66	6,122.42	(7,088.76)	5,630.67	1,280.70	29,125.05	
February	299.31	(3,945.64)	4,293.82	6,880.53	2,438.21	42,368.30	
March	(459.33)	14,650.91	2,635.90	(5,732.86)	1,896.64	40,797.46	
April	(2,746.70)	6,956.78	3,451.23	(4,504.51)	34,306.28	14,950.73	
May	23,527.22	(8,940.48)	(3,140.03)	13,708.04	52,415.10	1,560.19	
June	23,328.73	(12,278.07)	2,278.14	1,287.78	58,097.46	(16,583.16)	
July	31,286.69	(15,274.61)	2,785.94	14,892.67	59,979.57		
August	18,688.76	(10,503.25)	(2,402.60)	2,010.26	43,315.62		
September	17,232.17	(7,446.04)	1,752.14	(1,820.54)	24,821.35		
Total	94,206.24	16,143.39	(5,126.09)	25,996.23	268,116.60	202,257.95	

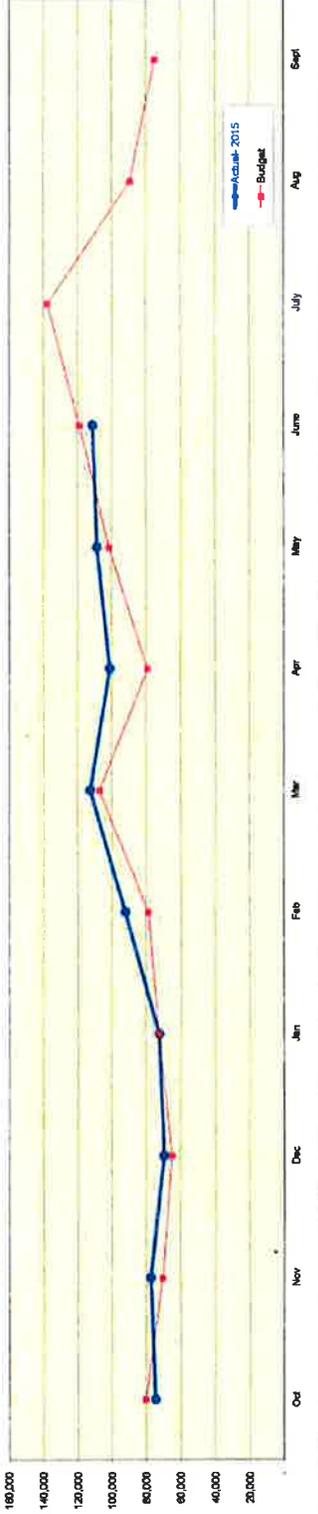
CHANGE IN PERCENTAGE

	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	9 Year Spark Line
October	29.6%	-7.7%	-0.8%	-7.5%	35.1%	
November	30.1%	-1.6%	-9.5%	-8.3%	43.2%	
December	33.1%	-11.7%	-4.4%	-8.1%	43.8%	
January	12.5%	-16.9%	11.8%	3.0%	40.3%	
February	-9.2%	9.1%	12.7%	4.9%	46.0%	
March	21.7%	3.8%	-8.9%	2.6%	36.2%	
April	14.3%	6.6%	-9.5%	39.8%	14.8%	
May	-15.4%	-5.7%	20.0%	48.9%	1.4%	
June	-18.2%	3.3%	1.8%	45.4%	-14.9%	
July	-19.9%	3.5%	15.8%	43.0%		
August	-19.9%	-4.8%	3.8%	46.2%		
September	-16.5%	3.7%	-4.0%	34.6%		
% Change	2.4%	-0.8%	3.8%	29.1%	24.7%	

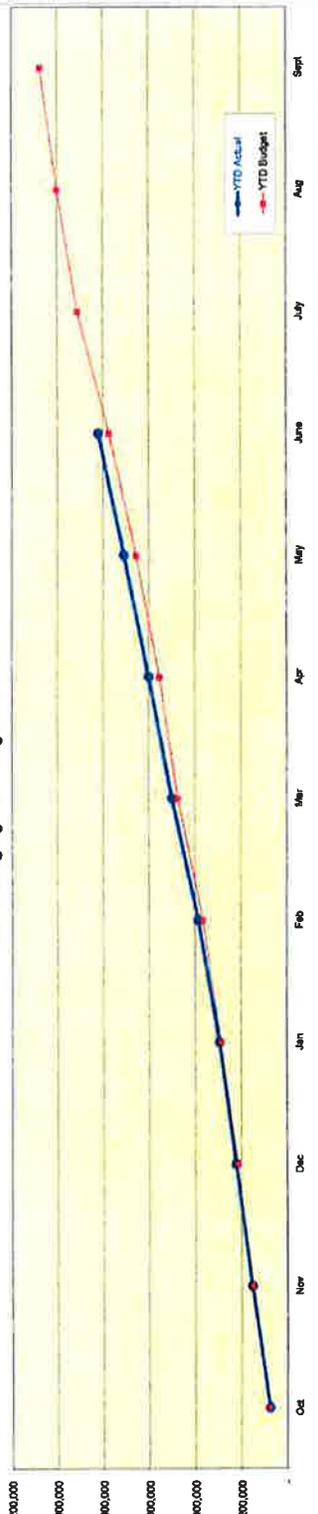
Lodging Tax Comparisons Year over Year



FY 2015 Lodging Tax Budget vs. Actual - Monthly



FY 2015 Lodging Tax Budget vs. Actual - YTD



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

	ACTUAL FY 1995-2004	ACTUAL FY 2005-2010	ACTUAL FY 2011	ACTUAL FY 2012	ACTUAL FY 2013	ACTUAL URB FY 2014	DRAFT URB 7/31/15	Total
Revenues								
Lodging Taxes	1,596,764.95	3,506,472.72	659,604.93	654,478.84	680,474.07	922,597.94	891,724.67	8,912,118.12
Settlement	30,000.00	-	-	-	-	-	-	30,000.00
Donations	240,300.00	10,000.00	-	-	-	-	-	250,300.00
Grants	498,100.00	1,390,048.13	21,768.93	52,629.91	98,059.17	-	80,961.99	2,141,568.13
Total Revenues	2,365,164.95	4,906,520.85	681,373.86	707,108.75	778,533.24	922,597.94	972,686.66	11,333,986.25
Expenditures								
Industrial Development Board	45,002.65	175,428.43	32,980.25	32,723.95	34,023.69	92,652.93	115,924.20	528,736.10
Downtown Redevelopment Authority	-	-	-	97,877.29	34,023.69	42,540.38	44,586.22	219,027.58
Cost of Debt Issuance	112,241.61	-	-	-	-	-	-	112,241.61
	157,244.26	175,428.43	32,980.25	130,601.24	68,047.38	135,193.31	160,510.42	860,005.29
BayFront Property Related Exp								
Bay Front Property	4,684,723.62	666,067.18	-	-	-	-	-	5,350,790.80
Bay Front Parking Lot	-	105,793.06	-	-	-	24,028.11	-	129,821.17
Bay Front Swing Bench	-	3,896.87	-	-	-	-	-	3,896.87
Bay Front New Floors	-	-	-	-	-	-	23,758.35	23,758.35
Bay Front Park Improvements	-	2,358.75	500.00	-	-	-	-	2,858.75
Bay Front Park Deck	-	-	-	-	20,000.00	-	-	20,000.00
Bay Front Restrooms	-	44,139.11	1,947.28	-	-	-	-	46,086.39
Bay Front/VP Invasive Species Grant	-	-	10,823.95	47,163.35	24,852.02	3,181.25	999.00	87,019.57
Boardwalk Parking Lot - Gator Alley	-	-	-	-	-	17,459.00	122,385.74	139,844.74
Boardwalks & Walking Trails	-	-	-	2,535.00	-	-	-	2,535.00
Building Improvements	48,956.54	56,000.97	-	44,158.00	-	-	-	149,115.51
Captain O'Neal Sidewalk	-	25,413.49	-	-	-	-	-	25,413.49
D'Olive Creek Pedestrian Bridge	-	85,279.08	7,965.00	-	98,627.66	2,043.73	-	193,915.47
Gator Alley Bridge	-	-	-	-	8,174.90	1,097.45	-	9,272.35
May Day Playground Eqpt	-	30,792.49	-	-	-	-	-	30,792.49
May Day Boat Ramp	-	414,655.63	18,247.24	-	-	-	-	432,902.87
May Day Parking Lot	-	271,248.90	-	-	-	-	-	271,248.90
May Day Drainage	-	5,000.00	-	-	-	-	-	5,000.00
May Day Sand Movement Study	-	12,273.50	15,726.50	20,634.00	14,147.00	-	-	62,781.00
May Day Grounds & Landscaping	-	-	-	5,000.00	-	-	-	5,000.00
Mobile Bay NEP Contribution	-	-	-	7,000.00	-	-	-	7,000.00
Property Improvements	1,712.30	2,244.00	-	2,629.57	-	-	-	6,585.87
Village Point Grant - Brdwlk - ADECA	-	-	-	-	-	-	8,160.39	8,160.39
Williams Property (1/2) Brdwlk Prkng Lot	-	-	-	-	-	47,138.87	-	47,138.87
Total Bay Front Related Exp	4,735,392.46	1,725,163.03	55,209.97	129,119.92	165,801.58	94,948.41	155,303.48	7,060,938.85
Recreation Exp								
<i>(Rec Loan from GF-\$643,644 Forgiven 6/1/14)</i>								
Sports Complex Entrance Rd (FY12-14)	-	-	-	51,647.38	779,444.30	48,517.98	-	879,609.66
Softball/Football Lighting (FY11)	-	-	449,084.04	-	-	-	-	449,084.04
Bathroom/Concessions (2) (FY10-11)	-	1,152.00	273,593.93	-	-	-	-	274,745.93
Bleachers (4) (FY11)	-	-	50,000.00	-	-	-	-	50,000.00
Fence/Net Replacmnt-net of ins (FY11)	-	-	2,062.50	-	-	-	-	2,062.50
Repair-Blchr/Conces Roof-net of ins (FY11)	-	-	23,197.52	-	-	-	-	23,197.52
Total Recreation Exp	-	1,152.00	797,937.99	51,647.38	779,444.30	48,517.98	-	1,678,699.65
Other Financing Sources (Uses)								
Debt Proceeds	5,177,983.00	-	-	-	-	-	-	5,177,983.00
Transfers from General Fund	353,433.00	(353,433.00)	-	-	-	643,643.56	-	643,643.56
Transfers to Debt Service (Debt pd 9/20)	(3,042,540.12)	(1,080,638.30)	(166,139.22)	(167,064.00)	(103,080.00)	(137,838.00)	(126,422.00)	(4,823,721.64)
Transfers to Gen Fund	(20,322.18)	-	-	-	-	-	-	(20,322.18)
Other Financing Sources (Uses)	2,468,553.70	(1,434,071.30)	(166,139.22)	(167,064.00)	(103,080.00)	505,805.56	(126,422.00)	977,582.74
Rev & Financing Sources Over	(58,918.07)	1,570,706.09	(370,893.57)	228,676.21	(337,840.02)	1,149,743.80	530,450.76	2,711,925.20

Reserve: In-Progress Projects: BdWalk Repairs: as of 9/14 **(8,982.90)**
 Reserve for Recreation **(679,965.68)**
 Unreserved **2,022,976.62**

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

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

Prior Mo Unreserved **1,999,495.96**

Prior Mo Res for Rec **624,297.08**

Buildings & Property Committee Meeting

Monday, August 3, 2015

4:30 PM

Daphne City Hall- Executive Conference Room

Committee Minutes

Present: Councilman Joe Davis (Chairman); Councilman Randy Fry; Councilwoman Tommie Conaway; Councilman Pat Rudicell; Councilman Ron Scott; Councilman Robin LeJeune; Councilman John Lake; Melissa Wilt, Assistant City Clerk (recording secretary); Richard Johnson, Public Works Director; Margaret Thigpen, Civic Center Director; Rebecca Hayes, City Clerk; Kevin Boucher, City Attorney; Michael Burson, City Attorney; Ashley Campbell, Building Inspection; Tom Walker, Daphne Fire Department; Chief James White, Fire Department; Vicki Hinman, HR Director; Tonja Young, Library Director; Al Guarisco, Village Point Foundation, Selena Vaughn, Village Point Foundation

Absent: Mayor Dane Haygood; Richard Merchant, Building Official; Suzanne Henson, Senior Accountant

The meeting was brought to order at 4:33 pm by Chairman Joe Davis.

1. Public Participation

Selena Vaughn, Village Point Foundation, requested to be placed on September meeting agenda to present on the property behind Wendy's. Chairman Davis agreed along with moving the bayfront property behind Foosackly's to September agenda due to large amount of business to discuss this evening.

2. Approval of Minutes: July 6, 2015

There were no amendments requested to the minutes. Minutes stand as written.

3. Lake Forest Park Report

Richard Johnson commented that all tree work is complete. There is an open quote for resurfacing the west side that needs the Mayor's approval. The waste baskets have been approved and Public Works will build benches in house. Public Works will continue to mow and check drainage. Richard mentioned the need to move forward on asphalt since area is prepped and ready. Once completed, people can start using park.

Councilman John Lake arrived at 4:39pm

<p>Motion by Mr. Scott for Committee to submit letter to Mayor urging approval on asphalt proposal. Seconded by Mr. LeJeune. Motion carried unanimously.</p>

Councilman LeJeune asked about a park name and signage; need recommendations. Ron Scott suggested Daphne Central Park.

<p>Motion by Mr. Scott to name park Daphne Central Park. Seconded by Mr. LeJeune. Motion carried unanimously.</p>
--

4. Surplus Property: Chairman Davis

Chairman Davis reported there are five Crown Victorias under consideration for surplus. He believes there is an agency in Mississippi that may be interested in them.

Motion by Mrs. Conaway to recommend the Resolutions for Surplus Property for adoption by the Council. Seconded by Mr. Fry. **Motion carried unanimously.**

5. Civic Center, Bayfront, and CVB report (July): Margaret Thigpen

Margaret Thigpen distributed and discussed her July report. July 2015 revenue for the Civic Center totaled \$11,977, a decrease from July 2014 levels. Year-to-date revenues stood at \$137,338.50, below figures listed for FY2014. She is projecting a \$42,000 decrease for 2015 Year End Revenue from last year.

Her research found there were fewer weddings than the previous year; however, they are gearing for a big year next year in weddings. There were a couple consignment groups that dissolved and did not hold events this year. She noted that corporate business has increased and she hopes to continue to increase corporate business since it's a more stable market.

Also mentioned:

- Ms. Thigpen reported the Taste of the Eastern Shore event will keep current date of August 20th despite some issues with alcohol license.
- Councilman Scott asked for an update regarding replacing the windows at Bayfront Pavilion. Ms. Thigpen replied that the quotes ranged around \$16,000 for replacing windows as is.
- Ms. Thigpen reported the chiller had been fixed and were looking into a surge protector to hopefully eliminate future damage. Councilman Lake recommended looking into hard wire protection for other facilities – Recreation Center and Library. Richard Johnson mentioned each department would have to review their budgets but he would get quotes.
- Committee discussed current AC issues in City Hall. Richard Johnson mentioned contract was not renewed with Synergy to manage AC system, and he is researching other options. Councilman Lake questioned if contract renewal was brought to Council for vote. Councilman Davis asked Kevin Boucher to look into original contract with Synergy for terms of use.
- Councilman LeJeune asked if the Civic Center has received bookings from Mobile since the Mobile Civic Center will be closing. Ms. Thigpen responded no, the Daphne Civic Center is a smaller space than that of Mobile. The Daphne Civic Center not having an alcohol license will be a disadvantage as well.

6. Building Inspection Monthly Reports (July): Ashley Campbell

Ashley Campbell reviewed the building report for the month of July. The department issued 133 permits during July, with total job valuation of \$8,291,643.16 with permit fees totaling \$68,730.70. She reported 14 new residential/commercial construction projects initiated.

7. DRA Bike Racks, Daphne Art Center & Ruff Wilson Youth Center

Richard Johnson reported 6 of the 8 locations for the bike racks have been installed; waiting on the right of entry approval across from Catholic Church. The Daphne Art Center Roof Repair will be underway if approved by Council in the Council meeting this evening. Work has been issued to the contractor for the Ruff Wilson Youth Center. The AC has been replaced and he is getting list on everything that needs to be done.

Committee discussed confusion on the look of the bike racks and the need for a demonstration or picture of bikes tied to bike rack so residents know how to use them.

8. Fire Station #2 & Library

Chief White presented to the Committee results from a mold test done at Fire Station #2. There are 22 leaks in the building. He has put an estimate for repairs in the capital budget to be addressed. Tom Walker stated the 1st floor was built by a contractor and the 2nd floor was built by volunteers in 1996. Mayor stated the need to move forward with this project immediately. Councilman Rudicell noted we should have the amount available in reserves next week.

Councilman Scott questioned the mold issue in the Library. Ms. Young commented that it has been an ongoing issue even since trying to correct it last year. Richard Johnson explained the system was redone; however, there were execution issues and the current issues should be under warranty to correct. Thought the company had already corrected issue but will follow up.

Committee discussed the need to survey of all city buildings periodically to ensure safety. Chairman Davis noted that it is not uncommon for little things to get missed and become big issues. Committee discussed the role department heads should play in inspections; questioned if building inspector position had been filled. Mayor stated department heads are not equipped to perform inspections and need to find a way to be proactive. Committee discussed educating department heads and creating a checks and balances.

Mayor recommended motion for \$75,000 for roof repairs at Fire Station #2 to Finance Committee.

<p>Motion by Mr. Scott to refer repair of upper roof, lower roof and vapor barrier of Fire Station #2 to the Finance Committee and recommend it for a \$75,000 appropriation based on more definitive pricing. Seconded by Ms. Conaway. Motion carried unanimously.</p>

Chief White expressed concerns with two fire stations to be under construction at the same time; whether fire fighters can stay during repairs at Fire Station #2. Richard Johnson said he would need to confirm and get more information.

9. Gibbs Property (155 Bay View Drive)

Ashley Campbell reported that the property experienced flooding during the major storm in April 2014. They evaluated the property and the drainage remains the same; City may need to survey. Lakeview Loop experienced flooding and the City purchased two homes. Building Inspection has been to property twice; Ashley reminded Committee it just takes time.

Mr. Scott mentioned he thought we built accordingly. Ashley responded it was designed for 100 year event, not 500 year event. Richard Johnson added the need to reestablish flood plane; there is no quick fix.

With no further business to discuss, the meeting was adjourned at 5:36 by Chairman Davis.

Next meeting will be held Monday, September 7th at 4:30pm.



Accepted by:

Robert Segalla
Chairman, Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

Daphne Utilities Central Services Facility ♦ June 24, 2015 ♦ 5:00 p.m.

I. Call to Order

The regular June 2015 Board meeting for the Utilities Board of the City of Daphne was held on June 24, 2015 at 5:00 p.m. and called to order by Chairman Robert Segalla, proceeded by the Roll Call:

II. Roll Call

Members Present: Robert Segalla, Chairman
Fenton Jenkins, Vice Chairman
Randy Fry, Secretary/Treasurer
Dane Haygood, Mayor – departed the meeting at 5:12pm
Billy Mayhand

Others Absent:

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
Tim Patton – Volkert & Associates
Ray Moore – HMR
Robbie Strom – HMR

Others Absent: Jerry Speegle – Board Attorney

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 May 22, 2015:

The Chairman inquired if there were any corrections noted of the submitted Minutes for the May 22, 2015 Utilities Board meeting.

MOTION BY Fenton Jenkins to approve the Minutes for May 22, 2015; Seconded by Mayor Dane Haygood.

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

V. OLD BUSINESS – No old business.

VI. NEW BUSINESS –

- A. RESOLUTION 2015-05 – Refinancing of the 2007 bonds to Series 2015 Bonds (Requires Board Action: RESOLUTION APPROVAL)

Ginger Gaddy of Hand Arendall addressed the Board and reviewed Resolution 2015-05 authorizing the refinancing of the 2007 Bonds to Series 2015 Bonds.

MOTION BY Billy Mayhand for approval of Resolution 2015-05 - Refinancing of the 2007 bonds to Series 2015 Bonds; Seconded by Mayor Dane Haygood.

AYE: FRY, HAYGOOD, JENKINS, MAYHAND, SEGALLA

ABSENT:

ABSTAIN:

MOTION CARRIED

- B. Recommendation for Award: Douglas Road - Water Storage Tank Facility Package II-Piping, Pump Station and Site Work (Board Action: MOTION)

Danny Lyndall explained that this item was being tabled due to concerns with the bid tabulation.

- C. Recommendation for Award: Well No. 13-Well, Piping and Associated Appurtenances (Board Action: MOTION)

Danny Lyndall announced that the bids were just opened on Monday and referred to Robbie Strom from HMR to address the Board. Mr. Strom explained that the two bidders that submitted their proposal fell within the range of expected price. Mr. Strom answered questions from the Board and recommended accepting the low bidder's proposal.

MOTION BY Fenton Jenkins for accept the low bidder of Griner Drilling Service, Inc. of 341,500.00 for Well No. 13 - Well, Piping and Associated Appurtenances; Seconded by Randy Fry.

AYE: FRY, HAYGOOD, JENKINS, MAYHAND, SEGALLA

ABSENT:

ABSTAIN:

MOTION CARRIED

At 5:12 pm, the Chairman called for a brief recess as Mayor Dane Haygood left the meeting. The Chairman reconvened the meeting at 5:26 pm.

VII. BOARD ATTORNEY'S REPORT

Tony Hoffman informed the Board that the court trial scheduled for June 25 had been rescheduled to the end of July and had nothing further to add to the submitted report.

VIII. FINANCIAL REPORT

Teresa Logiotatos reviewed and highlighted the submitted financials with the Board and answered any questions.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Danny Lyndall advised the Board that the current CCR (consumer confidence report) would be distributed later in the week to all of Daphne Utilities' customer as required by federal and state laws. He also informed the Board of recent discussions with Faulkner State Community College in implementing a water and waste-water certification program for operators in Mobile and Baldwin

counties. He indicated that Faulkner State expressed interested and planned discussions with Northwest Shoals Community College who is offering a similar program. Mr. Lyndall expressed his desire to initiate an intern program at Daphne Utilities from the certification program.

B. Operations Report

Van Baggett informed the Board of another recent outage to which Daphne Utilities' crews responded remarkably preventing any overflows that may have occurred.

C. Engineering & Consulting Reports

Melinda Immel had nothing to add to the submitted report.

Ray Moore from HMR updated the Board on the unsewered areas of Daphne, specifically Whispering Pines area and answered questions relating to this project.

- X. **BOARD ACTION** – Previously addressed under “New Business”.
- XI. **PUBLIC PARTICIPATION** – None.
- XII. **BOARD COMMENTS** – Randy Fry gave kudos to the Daphne Utilities employees for their quick and efficient response during emergencies.
- XIII. **ADJOURNMENT** -

MOTION BY Billy Mayhand to adjourn.

AYE: Fry, , Jenkins, Mayhand, Segalla

NAY:

ABSENT: Haygood

ABSTAIN:

MOTION CARRIED

The meeting adjourned at 5:37pm.

Preceding minutes submitted to the Daphne Utilities Board



by: Lori Wilson, Executive Assistant, Daphne Utilities



City of Daphne Event Permit Application

Date of Application: 7/28/15 Permit Requested: Event/Fundraiser Parade/Run Band

Contact Information

Organization Name: Supporting Education Excellence in Daphne Schools (SEEDS)
Contact Name: M. Rebecca Parke E-mail Address: Seedsindaphne@gmail.com
Address: P. O Box 460 / 7300 Dolphin Street, Daphne, Alabama 36526
Primary Phone Number: 251-802-5002 Secondary: Philip Durant 251-689-0100

Event Information

Event Name: 12th Annual SEEDS Classic Rock 5 K and Fun Run Event Date: Saturday March 5, 2016
Event Location: City Hall, Daphne Alabama # Participants/Vehicles: 1,500
Start Time: 8:00 am Stop Time: 12:00 pm Assembly Time: 2 hours
Special Requests: Police Lead car and finish car, Roads blocked at appropriate corners, Fire/ Paramedics as determined by Daphne Fire Department/City workers Road Closures Requested: Yes No

Special Instructions

Approval: Internal Use Only

Date Routed: 8.3.2015
Fire Dept: [Signature]
Police Dept: [Signature]
Public Works: [Signature]
Parks & Recreation: [Signature]

For Special Event/Band Permits:

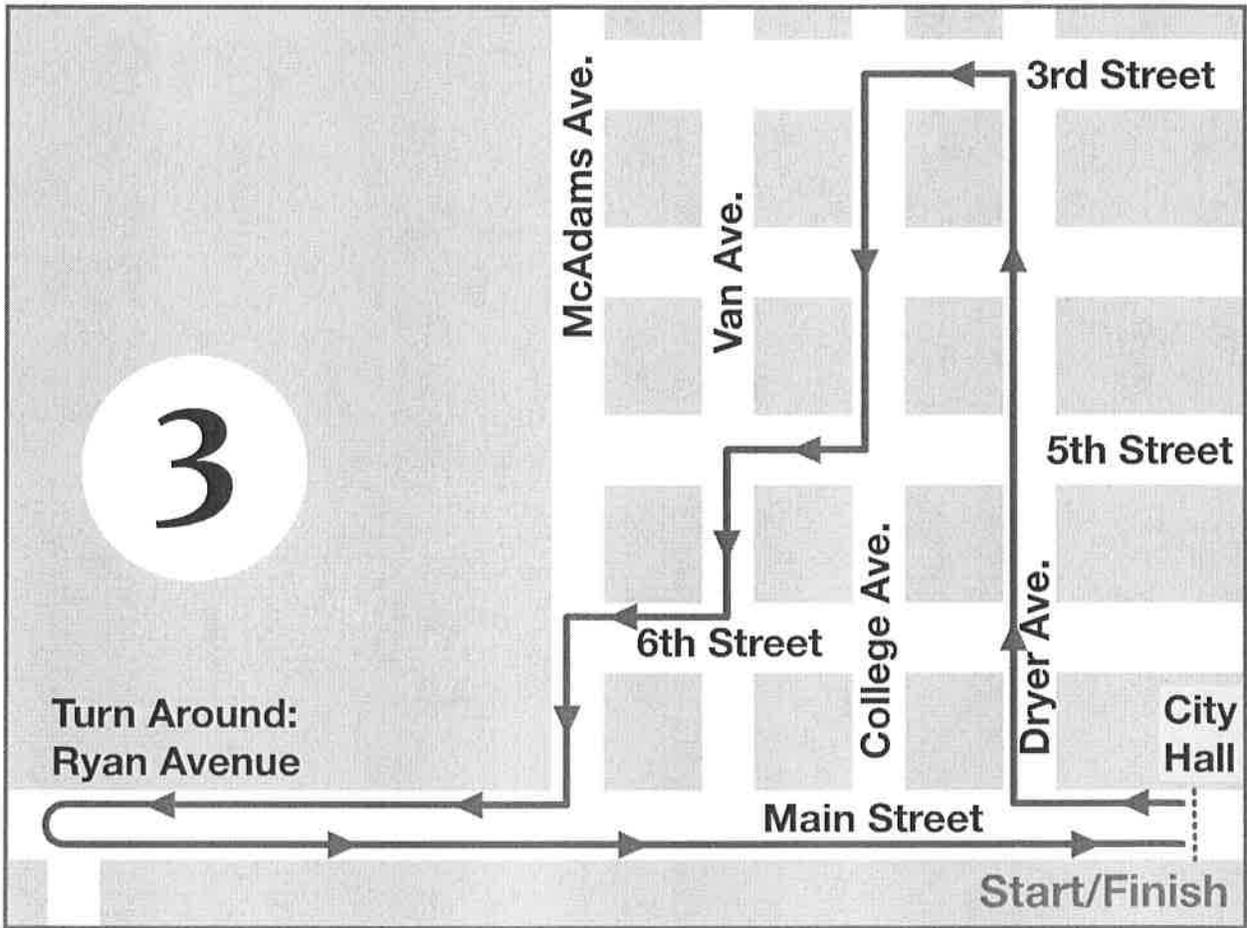
Council Member: _____
District # _____ Signature _____

For Parade/Run Permits & Use of City Grounds:

City Council: _____
Date of Approval _____

Parade/Run Permits ONLY

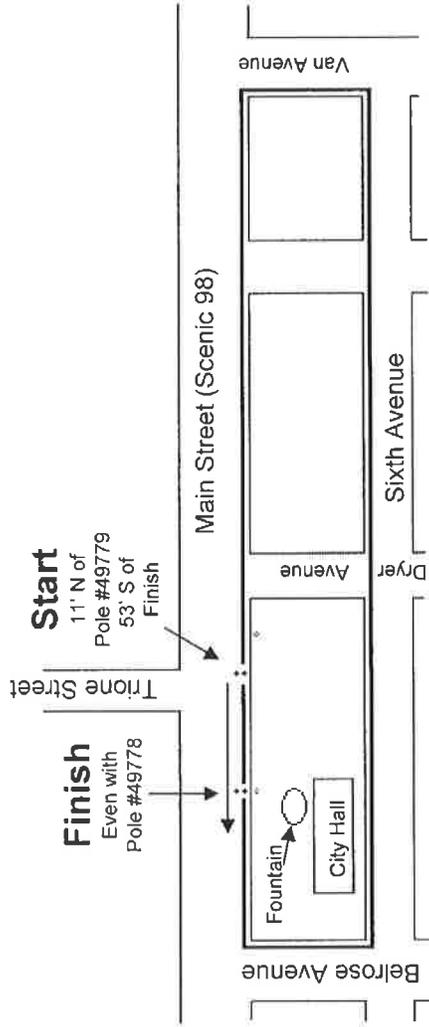
Fee Paid: \$ _____ N/A Waived
 Insurance Filed N/A
Route Selection: 1 2 3 4



SEEDS 1 Mile II

Daphne, Alabama

AL10008JD
 Effective 02-23-2010 to 12-31-2020



No Diagrams to Scale

Splits: Marked with green paint.
 Locations are given explicitly on map.

Start and Finish marked with green paint

Measured by Jon Bowie (Daphne, AL 251-209-0887)
 jnbowie@gmail.com
 17 January 2010
 Calibrated on AL08007JD
 Race contact: Denise D'Oliveira (251-605-8777)

ES Chamber Foundation
27th Annual Jubilee Festival

Kristi 621-3094

CASE NO. 2015-6

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV.	<u>7-31-15</u>	(initial) <u>aa</u>
DATE FORWARDED TO POLICE DEPT.	<u>7-31-15</u>	<u>aa</u>
DATE RECEIVED BY POLICE DEPT.	<u>7-31-15</u>	<u>aa</u>
DATE: <u>7/31/15</u> APPROVED <input checked="" type="checkbox"/>	DISAPPROVED <input type="checkbox"/>	

POLICE DEPT SIGNATURE

[Signature] B. Gulsby

DATE RETURNED TO REVENUE DIV. 7-31-15

DATE FORWARDED TO CITY CLERK 7-31-15

DATE RECEIVED BY CITY CLERK 7-31-15

Scheduled Date on Agenda
~~SCHEDULED DATE ON AGENDA~~ 8/17/15

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: City Clerk approves the Alcohol Permits

Rescheduled for Council Agenda Date: _____

Council Action: APPROVED DISAPPROVED TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

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

Release Permit & Fax back to Revenue at 621-6904. This is for the Jubilee Festival. Thank You



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20150729091214718

Type License: 240 - NON-PROFIT TAX EXEMPT State: \$0.00 County: \$0.00

Type License: State: County:

Trade Name: 27TH ANNUAL JUBILEE FESTIVAL Filing Fee: \$0.00

Applicant: EASTERN SHORE CHAMBER FOUNDATION Transfer Fee:

Location Address: 1705 MAIN STREET; LAWN AND PARKING LOT IN FRONT OF DAPHNE CITY HALL DAPHNE, AL 36526

Mailing Address: PO DRAWER 310 DAPHNE, AL 36526

County: BALDWIN Tobacco sales: NO Tobacco Vending Machines:

Type Ownership: CORPORATION

Book, Page, or Document info: INST 658416 PAGES 1 - 9

Date Incorporated: 05/10/2002 State incorporated: AL County Incorporated: BALDWIN

Date of Authority: 05/10/2002 Alabama State Sales Tax ID: 00000000

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

HEIKO G EINFELD 5223958 - AL	EXECUTIVE DIRECTOR	03/25/1961 NEW YORK	13635 LEATHERBURY ROAD LOXLEY, AL 36551
PHILIP L CUSA 6122005 - AL	TREASURER	07/15/1950 BRONX, NEW YORK	PO BOX 156 FAIRHOPE, AL 36533
CONTINA QUINN WOODS 7263840 - AL	VICE CHAIRMAN	10/02/1977 WEST POINT, MS	30451 WESTMINSTER GATES DR SPANISH FORT, AL 36527

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

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

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

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

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

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

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

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

Contact Person: HEIKO EINFELD

Business Phone: 251-621-8222

Fax: 251-621-8001

Home Phone: 251-964-7379

Cell Phone: 251-721-5191

E-mail: EXECUTIVEDIRECTOR@ESCHAMBER.COM

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

Previous License Number(s)

License 1:

License 2:



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



Confirmation Number: 20150729091214718

If applicant is leasing the property, is a copy of the lease agreement attached? YES
 Name of Property owner/lessor and phone number: CITY OF DAPHNE 251-621-9000
 What is lessors primary business? MUNICIPALITY
 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? NO
 Does the establishment have restroom facilities? YES
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? NO

Will the business be operated primarily as a package store? NO
 Building Dimensions Square Footage: 30500 Display Square Footage:
 Building seating capacity: 500 Does Licensed premises include a patio area? NO
 License Structure: ONE STORY License covers: OTHER
 Location is within: CITY LIMITS Police protection: CITY

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

Name:	Violation & Date:	Arresting Agency:	Disposition:
HEIKO EINFELD	DUI - 03/25/1998	FAIRHOPE POLICE	PAID FINE



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



Confirmation Number: 20150729091214718

Initial each

Signature page

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.

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.

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.

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

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

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.

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.

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): *Heiko Einfeld*

Signature of Applicant: *Heiko Einfeld*

Notary Name (print): *Betty G. Dean*

Notary Signature: *Betty G. Dean*

Commission expires: 01/13/2019

Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



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



Confirmation Number: 20150729091214718

Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

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

Has Agent verified membership applications for each member listed?

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

Agent's Initials:

For what purpose is the club organized?

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

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

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

What is the applicant(s) primary source of funding?: MEMBERSHIP DUES

License Covers: LAWN AND PARKING LOT IN FRONT OF DAPHNE CITY HALL

Are there any special restrictions, instructions, and/or conditions for this license?:

EVENT DATE 09/26/2015 AND 09/27/2015, LICENSED AREA WILL BE BARRICADED TO CONTROL ENTRANCE/EXIT. BEER AND WINE TO BE SERVED IN 16 OZ CUPS. NO ALCOHOLIC BEVERAGES ARE ALLOWED TO LEAVE THE LICENSED PREMISE. THIS LICENSE IS NON-RENEWABLE.

Receipt Confirmation Page

Receipt Confirmation Number: **20150729091214718**
Application Payment Confirmation Number: **99999**

Payment Summary	
Payment Item	Fee
Application Fee for License 240	\$0.00
Total Amount to be Charged	\$0.00

License Payment Confirmation Number: **99999**

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
240 - NON-PROFIT TAX EXEMPT	\$0.00	\$0.00	\$0.00
Total Amount to be Charged	\$0.00	\$0.00	\$0.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 240 - NON-PROFIT TAX EXEMPT
License Type 2:
License County: BALDWIN
Business Type: CORPORATION
Trade Name: **27TH ANNUAL JUBILEE FESTIVAL**
Applicant Name: **EASTERN SHORE CHAMBER FOUNDATION**
Location Address: 1705 MAIN STREET; LAWN AND PARKING LOT IN FRONT OF DAPHNE CITY HALL
DAPHNE, AL 36526
Mailing Address: PO DRAWER 310
DAPHNE, AL 36526
Contact Person: HEIKO EINFELD
Contact Home Phone: 251-964-7379
Contact Business Phone: 251-621-8222
Contact Fax: 251-621-8001
Contact Cell Phone: 251-721-5191
Contact Email Address:
Contact Web Address:

RESOLUTION 2015 - 52

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
Patrol	3040	2004 FORD CROWN VIC	2FAFP71W14X137883
Patrol	7060	2006 FORD CROWN VIC	2FAFP71W56X148789
Patrol	5060	2006 FORD CROWN VIC	2FAFP71W16X148787
Patrol	4060	2006 FORD CROWN VIC	2FAFP71WX6X148786
Patrol	2060	2006 FORD CROWN VIC	2FAFP71WX6X115254

- 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

RESOLUTION 2015-53

2015-N-VILLAGE POINT PARK PRESERVE BOARDWALK/TRAILS EXTENSION

(14-RT-54-08)

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

WHEREAS, the City of Daphne acknowledges that VILLAGE POINT PARK PRESERVE BOARDWALK/TRAILS EXTENSION will exceed \$50,000; and

WHEREAS, the City of Daphne did heretofore make application to the Alabama Department of Economic & Community Affairs (ADECA) and was awarded \$88,624 for the following improvements at the Daphne Village Point Park : 1270 LF of new Boardwalk/Trails (2014 PW-031):

- Construction of 800' of ADA compliant wooden Boardwalk
- Construction of 470' of hard surface trail to connect the existing trail system in Village Point Park; and

WHEREAS, such improvements will facilitate the recreational, environmental, and historical use of the Park by the citizens of Daphne; and

WHEREAS, the City of Daphne did receive and review bids for the VILLAGE POINT PARK PRESERVE BOARDWALK/TRAILS EXTENSION and has determined that the bid as presented is reasonable; and

WHEREAS, staff recommends the bid for VILLAGE POINT PARK PRESERVE BOARDWALK/TRAILS EXTENSION be awarded to Asphalt Services, Inc..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, hereby accept the bid from Asphalt Services, Inc. in the amount of \$109,841 as specified in BID SPECIFICATION NO. **2015-N-VILLAGE POINT PARK PRESERVE BOARDWALK/TRAILS EXTENSION**.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this day of _____, 2013.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

Dane Haygood
Mayor



Richard D. Johnson, PE
Public Works Director

Memorandum

To: Councilman Randy Fry - Chairman, Finance Committee
From: William Eringman, P.E.; Public Works Deputy Director
CC: Preble-Rish; Finance; File
Date: August 6, 2015
Re: Project 2014 PW-031 – Village Point Park Preserve – Boardwalk/Trails Extension

Mr. Chairman:

Based upon the bid tabulations provided by the Project Engineer, Preble Rish, on August 5, 2015, it is my recommendation to award the Contract to Asphalt Services, Inc. for the boardwalk and trail additions at Village Point Park Preserve. They are the qualifying low bidder.

I further recommend the following lodging tax appropriations be made:

• VPP Trail Extension – Asphalt Services, Inc.	\$109,841.00
• Survey & Design (10.5%*)	\$ 10,500.00
• Construction Engineering Inspection – Preble-Rish (10.0%)	\$ 10,984.10
Project Total:	\$131,325.10
• RTP Grant	\$ 88,623.20
• Less Ordinance 2014-55	\$ 30,214.00
Lodging Tax Appropriation Required:	\$ 12,487.90

**Per Service Agreement (attached): It is mutually agreed that the ENGINEER's Construction Services fee by this method shall not be less for construction cost in the lower range of one construction step than is available by utilizing the maximum construction cost and percentage for the preceding lower construction step. 9.5% of \$109,841.00 = \$10,434.90 vs. 10.5% of \$100,000.00 = \$10,500.00.*

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

Suzanne Henson

From: Richard D. Johnson, P.E.
Sent: Thursday, August 06, 2015 8:08 AM
To: William Eringman
Cc: andy@preble-rish.net; Suzanne Henson
Subject: RTP - VPPP Bid Recommendation - Template to use for FC
Attachments: Project 2014 PW-005 – North Main Street Resurfacing (RRR) - Finance Memo 04-06-2015.docx; 2014 PW-023 COD PW Memo to Finance - RE 2014 PW-031 RTP 10-24-2014.pdf; Ordinance 2014-55.pdf; oledata.mso; image002.wmz

ASI Base Bid		\$109,841.00
Survey & Design (GDPB 10.5%)		\$10,500.00
CE&I + Material Testing (10%)		\$10,984.10
Project Total =		\$131,325.10
Less RTP Grant	\$88,623.20	\$42,701.90
Less Ord 2014-55	\$30,214.00	\$12,487.90
Require LT Appropriation		\$12,487.90

BJ:

Here is all you need for your memo to FC – attached find a template memo and background documents.

Thanks,

RDJ

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

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

rjohnson@daphneal.com



| **Richard D. Johnson, P.E.**



August 5, 2015

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

**Re: Village Point Park Preserve Boardwalk/Trail Extension
Project No. 14-RT-54-08 (Recommendation to Award Bid)**

Mr. Johnson:

Preble-Rish has reviewed all three bids received on August 4, 2014 for the above mentioned project and found that the lowest responsive, responsible and properly licensed bidder to be **Asphalt Services, Inc.** with a base bid of **\$109,841.00**. The bid tabulation is attached for your review.

Preble Rish would like to recommend that **Asphalt Services, Inc.** be awarded the above mentioned contract in the amount of the base bid submitted. There was also an additive alternate submitted that currently exceeds the available funding for the project it is recommended that this alternate not be exercised.

If you have any questions or require any further information please let us know.

Sincerely,

PREBLE-RISH, LLC

A handwritten signature in blue ink, appearing to read 'Andrew N. Bobe'.

Andrew N. Bobe, P.E.
Project Manager

9949 Bellaton Ave. Daphne, AL 36526
251.990.9950 fax 251.990.9910

VILLAGE POINT PERSERVE						
Trail Extension Estimate						
Item No.	Description	Unit	Quantity	Unit Price	Total	
1	Mobilization	LS	1	\$ 4,500.00	\$	4,500.00
2	Clearing & Grubbing	AC	0.25	\$ 2,500.00	\$	625.00
3	8' Wide Asphalt Multi Use Path w/ 3" Agg Base	SY	420	\$ 25.00	\$	10,500.00
4	8' Wide Walkway w/o Handrails (Trex Decking)	LF	330	\$ 174.19	\$	57,482.70
5	8' Wide Board Walk w/ Hand Rails	LF	130	\$ 200.00	\$	26,000.00
6	Benches 8' long	Ea	8	\$ 200.00	\$	1,600.00
Sub Total					\$	100,707.70

Engineering & Surveying @ 8%	\$	8,056.62
CE&I @ 10%	\$	10,070.77
Sub Total	\$	18,127.39

Total Project Cost	\$	118,835.09
---------------------------	-----------	-------------------

VILLAGE POINT PARK PRESERVE BOARDWALK/TRAILS EXTENSION BID DOCUMENT NO.: 14-RT-54-08 BID TABULATION 4-Aug-15									
Item No.	Description	CONTRACTOR (BID LIMIT) LICENSE INFORMATION		ASPHALT SERVICES, INC. (UNLIMITED) NO. 22479 - 1/7/04, MS. AUL, BC, EV-5		BLADE CONSTRUCTION, INC. (UNLIMITED) NO. 44220- BC-S, BCJLA, W/RS-5		EMPIRE BUILDERS GROUP, INC. (\$500,000) NO. 46829- NCJLA	
		Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Mobilization	1	LS	\$ 12,000.00	\$ 12,000.00	\$ 15,000.00	\$ 15,000.00		
2	Underspecified Excavation	15	CY	\$ 25.00	\$ 375.00	\$ 28.00	\$ 420.00		
3	HEADER CURB	48	LF	\$ 20.00	\$ 960.00	\$ 18.00	\$ 864.00		
4	Clearing and Grubbing	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 2,400.00	\$ 2,400.00		
5	204340 Superpave Bituminous Concrete Wearing Surface Layer, 1/2" Minimum Aggregate Size Mix, ESAL Range A/B, (220 lbs/sy)	60	TONS	\$ 125.00	\$ 7,500.00	\$ 210.00	\$ 12,600.00		
6	Prime Coat	30	Gal	\$ 6.00	\$ 180.00	\$ 17.50	\$ 525.00		
7	Crushed Aggregate Base Type B	50	TONS	\$ 50.00	\$ 2,500.00	\$ 55.00	\$ 2,750.00		
8	6" x 8" x 8" treated (plies round or square)	177	EA	\$ 48.00	\$ 8,496.00	\$ 205.00	\$ 36,285.00		
8a	6" x 8" x 8" treated (plies round or square) (Test Pile)	2	EA	\$ 200.00	\$ 400.00	\$ 265.00	\$ 530.00		
9	2" x 4" x 8" treated lumber	425	EA	\$ 19.40	\$ 8,245.00	\$ 28.00	\$ 11,900.00		
10	2" x 6" x 10" treated lumber	15	EA	\$ 24.25	\$ 378.75	\$ 32.00	\$ 480.00		
11	2x6 Treated Lumber (Toe Kick)	875	LF	\$ 11.90	\$ 10,412.50	\$ 1.65	\$ 1,443.75		
12	2x6 Treated Lumber (tree/kick)	910	EA	\$ 15.85	\$ 14,425.50	\$ 8.75	\$ 7,962.50		
13	1/2" x 12" I-Beams, (SAE Std Thread) Zinc Coated All Thread	725	EA	\$ 24.75	\$ 17,943.75	\$ 11.02	\$ 7,989.50		
14	1/2" SAE Std Thread Galvanized NUT	1450	EA	\$ 0.12	\$ 174.00	\$ 0.28	\$ 406.00		
15	1/2" x 1 1/8" Galvanized flat washer	1450	EA	\$ 0.10	\$ 145.00	\$ 0.27	\$ 391.50		
16	1/2" Galvanized lock washer	1450	EA	\$ 0.10	\$ 145.00	\$ 0.12	\$ 174.00		
17	8 9 x 3" Combed Deck-Screws	150	lbs	\$ 6.75	\$ 1,012.50	\$ 3.25	\$ 487.50		
18	3" x .120 Gauge Hot Dip Galvanized Ring Shank Nails	200	lbs	\$ 8.00	\$ 1,600.00	\$ 3.75	\$ 750.00		
19	6" Bench with Back Support and all weather surface	5	EA	\$ 1,600.00	\$ 8,000.00	\$ 1,050.00	\$ 5,250.00		
20	Wattles	150	LF	\$ 12.00	\$ 1,800.00	\$ 10.00	\$ 1,500.00		
21	Engineering Controls	1	LS	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00		
22	Project Sign	1	LS	\$ 650.00	\$ 650.00	\$ 350.00	\$ 350.00		
TOTAL					\$ 109,841.00		\$ 112,958.75		\$ 161,220.85

Item No.	Description	Additive Alternate		Amount	
		Quantity	Unit	Unit Price	Amount
1	2x6x8 Composite Lumber (Tree or Equal)	910	EA	\$ 49.140.00	\$ 35,945.00
2	2x4 Composite Lumber (Tree or Equal) (Toe Kick)	875	LF	\$ 6,668.75	\$ 5,891.25
TOTAL ADDITIVE ALTERNATE				\$ 55,008.75	\$ 40,976.25
TOTAL WITH ADDITIVE ALTERNATE				\$ 165,849.75	\$ 153,935.00

CONTRACTOR ELECTED TO CHANGE QUANTITIES AND UNITS AND PRICE LABOR SEPERATLY FROM UNIT COST, THEREFORE UNABLE TO CORRELATE THE UNIT PRICES WITHIN THE BID TABULATION. TOTAL PRICE IS ACCEPTED AS BID AMOUNT.

I, ANDREW N. BOBE P.E., HEREBY CERTIFY THAT THE ABOVE QUANTITIES AND CORRECT BID TABULATION



Andrew N. Bobe
Professional Engineer
No. 30021
State of Alabama

CITY OF DAPHNE

RESOLUTION NUMBER: 2015-54

***ALDOT Funding Agreement - Preliminary Engineering program for Project STPOA-0215 (),
Project Reference Number 100064573 for intersection improvements - turning lanes at Sehoy
Boulevard and Longue Vue Boulevard***

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

1. That the City enters into an Agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:

Preliminary engineering program for Project STPOA-0215 (), Project Reference Number 100064573 for intersection improvements - turning lanes at Sehoy Boulevard and Longue Vue Boulevard in the City of Daphne; which Agreement is before this Council.

2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

Passed, adopted and approved this _____ day of _____, 20 __ .

ATTESTED:

City Clerk

Mayor

I, the undersigned qualified and acting clerk of the City of Daphne, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the _____ day of _____, 20 __, and that such resolution is on file in the City Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on the _____ day of _____, 20 __ .

City Clerk



Robert Bentley
GOVERNOR

August 3, 2015

ALABAMA DEPARTMENT OF TRANSPORTATION

SOUTHWEST REGION
OFFICE OF REGION ENGINEER
1701 I-65 WEST SERVICE ROAD NORTH
MOBILE, ALABAMA 36618-1109
TELEPHONE: (251) 470-8200
FAX: (251) 473-3624



John R. Cooper
TRANSPORTATION DIRECTOR

The Honorable Dane Haygood
Mayor of Daphne
City of Daphne
P. O. Box 400
Daphne, Alabama 36526

Dear Mayor Haygood:

RE: STPOA-0215()
Project Reference Number 100064573
Intersection Improvements – Turning Lanes at Sehoy Blvd and Lounge Vue Blvd
in the City of Daphne
Baldwin County

Enclosed are an original and one copy of an agreement between the City of Daphne and the State for Preliminary Engineering on the above-referenced project. Please review the agreement; and if you find it acceptable, please execute both copies by you and the City Clerk and return it to this office. A copy of the resolution, which will need to be certified in order to authorize you to sign the agreement, will need to be included with each copy of the agreement. The city seal must be affixed to both copies of the resolution and the signed agreement.

Should you have any questions or need additional information regarding this matter, please contact Mr. Andrew Wood at (251) 470-8320.

Sincerely,

Vincent E. Calametti, P.E., Southwest Region Engineer

By: 
Edwin L. Perry, III, P.E.
Design Engineer – Mobile

VEC/sab

Enclosure
c: File w/ enclosure



ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110
P. O. Box 303050, Montgomery, Alabama 36130-3050

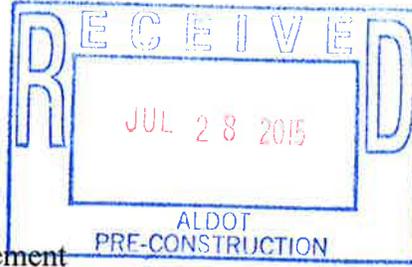


Robert Bentley
Governor

July 24, 2015

John R. Cooper
Transportation Director

Mr. Vincent E. Calametti, P. E.
Southwest Region Engineer
1701 I-65 West Service Road North
Mobile, AL 36618-1109



RE: Preliminary Engineering Agreement
Project STPOA-0215 ()
Project Reference Number 100064573
Intersection Improvements – Turning Lanes at
Sehoy Boulevard and Longue Vue Boulevard
in the City of Daphne
in Baldwin County

SECTION	INFO	ACTION	FILE
CONSULTANT			
DESIGN			
LOCATION			
RIGHT OF WAY			
UTILITIES			

Dear Mr. Calametti:

Enclosed is the original Agreement (and one copy) between the State and the City of Daphne for Project STPOA-0215 (), which provides a preliminary engineering program for intersection improvements – turning lanes at Sehoy Boulevard and Longue Vue Boulevard in the City of Daphne, Alabama.

Please review this Agreement and, if it is in order, present the original and copy to the City for approval. After execution by the mayor, please return the original document and the copy with original signatures to this office for further handling. A certified resolution affixed with the City seal which authorizes the Mayor to sign the Agreement, should be included with the original Agreement as well as with the copy. Also, the City seal should be affixed to both signed Agreements.

If you have any questions concerning this Agreement, please contact Jim Doolin at (334) 242-6097.

Sincerely,

Robert J. Jilla
Multimodal Transportation Engineer

BY: for James Doolin
Dr. Emmanuel C. Oranika
Metropolitan Transportation Planning Administrator

RJJ: ECO/JD/db
Enclosures

K-15-1577

**AGREEMENT
FOR
PRELIMINARY ENGINEERING**

15 JUL 24 AM 8:11

**BETWEEN THE STATE OF ALABAMA
AND
THE CITY OF DAPHNE, ALABAMA**

**Project STPOA-0215 ()
Project Reference Number 100064573
Intersection Improvements –
Turning Lanes at Sehoy Boulevard and Longue Vue Boulevard
in the City of Daphne**

THIS AGREEMENT is made and entered into by and between the State of Alabama, (acting by and through the Alabama Department of Transportation), hereinafter referred to as STATE; and the City of Daphne, Alabama, hereinafter referred to as CITY; in cooperation with the United States Department of Transportation, Federal Highway Administration, hereinafter referred to as FHWA; and

WHEREAS, a Transportation Improvement Program has been developed for the Eastern Shore Urbanized Area and certain transportation improvements and priorities are listed therein: and

WHEREAS, it is in the public interest for the STATE, and the CITY to cooperate toward the implementation of the Transportation Improvement Program; and

WHEREAS, the STATE and CITY desire to cooperate in a preliminary engineering program for intersection improvements – turning lanes at Sehoy Boulevard and Longue Vue Boulevard in the City of Daphne.

NOW, THEREFORE, the parties hereto, for, and in consideration of the premises stated herein do hereby mutually promise, stipulate, and agree as follows:

- (2) This Agreement will cover only the preliminary engineering phase of the work.
- (3) The preliminary engineering phase is hereby defined as that work necessary to advance the development of the Project through construction authorization by the FHWA. This phase will include all environmental studies and documentation required by the FHWA.
- (4) Funding for this Agreement is subject to the availability of Federal Aid funds at the time of authorization by the FHWA.
- (5) This Project will be administered by the CITY and all cost will be financed, when eligible for Federal participation, on the basis of 80 percent Federal funds and 20 percent CITY funds. Federal funds will not exceed \$20,680.00 unless the Eastern Shore Metropolitan Planning Organization agrees, subject to the approval of the STATE, to reprogram the Federal funds allocated for the Eastern Shore area in the amount sufficient to cover 80 percent of the Project cost. The estimated costs and participation by the various parties is as follows.

	Total Estimated <u>Cost</u>	Total Estimated Federal <u>Funds</u>	Total Estimated CITY <u>Funds</u>
Preliminary Engineering	<u>\$25,850.00</u>	<u>\$20,680.00</u>	<u>\$5,170.00</u>
TOTAL	\$25,850.00	\$20,680.00	\$5,170.00

It is understood that the above is an estimate only, and in the event the final cost exceeds the estimate, the CITY will be responsible for and will pay all cost in excess of \$20,680.00 unless the Eastern Shore Metropolitan Planning Organization agrees, subject to the approval of the STATE, to reprogram the Federal funds allocated for the Eastern Shore area in the amount sufficient to cover 80 percent of the Project costs. In that event, the CITY will also pay its additional proportionate share. The administrative cost will be a part of the Project cost.

- (6) Any cost for work not eligible for Federal participation will be financed 100 percent by the CITY, which payment will be reflected in the final audit.
- (7) The CITY agrees that in the event the FHWA determines, due to rules and/or regulations of FHWA (including but not limited to delay of the projects, or delay of projects contemplated to be developed and accomplished in sequence with the current projects) that Federal funds expended on this Project must be refunded to the FHWA, the CITY will reimburse and pay to the STATE a sum of money equal to the total amount of STATE and Federal funds expended under this Agreement.
- (8) All services of the STATE necessary to carry out the intent of this Agreement will be paid as provided for herein.
- (9) The CITY will invoice the STATE for the Federal share of preliminary engineering costs not more frequently than monthly. Requests for reimbursements will be made on forms provided by the STATE and submitted through the Southwest Region Engineer for payment.
- (10) Invoices for any phase of work performed by the CITY under the terms of this Agreement will be submitted within twelve (12) months after the completion and acceptance by the STATE for the work. Any invoices submitted after this twelve-month period will not be eligible for payment.
- (11) The performance of the work covered by this Agreement will be in accordance with the current regulations and requirements of the STATE and FHWA.
- (12) The STATE will assist the CITY in any public involvement actions that may be required.
- (13) The STATE will provide without cost to the CITY information available from its records that will facilitate the performance of the work.

- (14) It is clearly understood by both parties that the STATE does not commit any STATE or Federal funds beyond those mentioned herein and that a separate Agreement will be required for the construction of the proposed improvement.
- (15) The terms of this Agreement may be modified by supplemental agreement duly executed by the parties hereto.
- (16) A final audit will be made of all Project records after completion of the Project and a copy will be furnished to the Department of Examiners of Public Accounts, in accordance with Act 1994, No. 94-414. A final financial settlement will be made between the parties as reflected by the audit and this Agreement.
- (17) The CITY will be responsible at all times for all of the work performed under this Agreement and, the CITY will protect, defend, indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all action, damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Agreement.
- (18) By entering into this Agreement, the CITY is not an agent of the STATE, its officers, employees, agents or assigns. The CITY is an independent entity from the STATE and nothing in this Agreement creates an agency relationship between the parties.
- (19) By signing this contract, the contracting parties affirm, for the duration of the Agreement, that they will not violate Federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be

deemed in breach of the Agreement and shall be responsible for all damages resulting therefrom.

- (20) This Agreement will remain in effect, unless otherwise terminated by either party upon the delivery of a thirty (30) day notice of termination.
- (21) Nothing will be construed under the terms of this Agreement by the STATE or the CITY that will cause any conflict with Section 23-1-63, Code of Alabama (7/24th Law).
- (22) Exhibits M and N are attached and hereby made a part of this Agreement.

IN WITNESS WHEREOF, the parties hereto cause this Agreement to be executed by those officers, officials and persons thereunto duly authorized, and the Agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of approval of the Governor of Alabama.

SEAL

ATTEST:

CITY OF DAPHNE, ALABAMA

City Clerk (Signature)

BY: _____
Mayor (Signature)

Type name of Clerk

Type name of Mayor

THIS AGREEMENT HAS BEEN LEGALLY REVIEWED
AND APPROVED AS TO FORM AND CONTENT:

BY: _____
Chief Counsel, Jim R. Ippolito, Jr.

RECOMMENDED FOR APPROVAL:

Southwest Region Engineer, Vincent E. Calametti, P. E.

Multimodal Transportation Engineer,
Robert J. Jilla

Chief Engineer, Ronald L. Baldwin, P. E.

STATE OF ALABAMA
ACTING BY AND THROUGH THE
ALABAMA DEPARTMENT OF TRANSPORTATION

Transportation Director, John R. Cooper

The foregoing Agreement is hereby approved by the Governor of the State of Alabama
this ____ day of _____, 20 ____.

GOVERNOR OF ALABAMA, ROBERT BENTLEY

CERTIFICATION

This certification is applicable to the instrument to which it is attached whether attached directly or indirectly with other attachments to such instrument.

The prospective participant/recipient, by causing the signing of and the submission of this Federal contract, grant, loan, cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, and the person signing same for and on behalf of the prospective participant/recipient each respectively certify that to the best of the knowledge and belief of the prospective participant or recipient and of the person signing for and on behalf of the prospective participant/recipient, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the prospective participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

07/01/2002

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this agreement shall contravene any statute or Constitutional provision of amendment, either now in effect or which may, during the course of this agreement, be enacted, then the conflicting provision in the agreement shall be deemed null and void.

TERMINATION DUE TO INSUFFICIENT FUNDS

If the agreement term is to exceed more than one fiscal year, then said agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the agreement in subsequent fiscal years.

In the event of proration of the fund from which payment under this agreement is to be made, agreement will be subject to termination.

ADR CLAUSE

For any and all disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such disputes, to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation by and through the Attorney General Office of Administrative Hearings or where appropriate, private mediators.

RESOLUTION NUMBER _____

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

1. That the City enters into an Agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:

Preliminary engineering program for Project STPOA-0215 (), Project Reference Number 100064573 for intersection improvements – turning lanes at Sehoy Boulevard and Longue Vue Boulevard in the City of Daphne; which Agreement is before this Council.

2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

Passed, adopted and approved this ____ day of _____, 20 ____.

ATTESTED:

City Clerk

Mayor

I, the undersigned qualified and acting clerk of the City of Daphne, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the ____ day of _____, 20 ____, and that such resolution is on file in the City Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on the ____ day of _____, 20 ____.

City Clerk

**AGREEMENT
FOR
PRELIMINARY ENGINEERING**

15 JUL 24 4:01:11

**BETWEEN THE STATE OF ALABAMA
AND
THE CITY OF DAPHNE, ALABAMA**

**Project STPOA-0215 ()
Project Reference Number 100064573
Intersection Improvements –
Turning Lanes at Sehoy Boulevard and Longue Vue Boulevard
in the City of Daphne**

THIS AGREEMENT is made and entered into by and between the State of Alabama, (acting by and through the Alabama Department of Transportation), hereinafter referred to as STATE; and the City of Daphne, Alabama, hereinafter referred to as CITY; in cooperation with the United States Department of Transportation, Federal Highway Administration, hereinafter referred to as FHWA; and

WHEREAS, a Transportation Improvement Program has been developed for the Eastern Shore Urbanized Area and certain transportation improvements and priorities are listed therein: and

WHEREAS, it is in the public interest for the STATE, and the CITY to cooperate toward the implementation of the Transportation Improvement Program; and

WHEREAS, the STATE and CITY desire to cooperate in a preliminary engineering program for intersection improvements – turning lanes at Sehoy Boulevard and Longue Vue Boulevard in the City of Daphne.

NOW, THEREFORE, the parties hereto, for, and in consideration of the premises stated herein do hereby mutually promise, stipulate, and agree as follows:

- (2) This Agreement will cover only the preliminary engineering phase of the work.
- (3) The preliminary engineering phase is hereby defined as that work necessary to advance the development of the Project through construction authorization by the FHWA. This phase will include all environmental studies and documentation required by the FHWA.
- (4) Funding for this Agreement is subject to the availability of Federal Aid funds at the time of authorization by the FHWA.
- (5) This Project will be administered by the CITY and all cost will be financed, when eligible for Federal participation, on the basis of 80 percent Federal funds and 20 percent CITY funds. Federal funds will not exceed \$20,680.00 unless the Eastern Shore Metropolitan Planning Organization agrees, subject to the approval of the STATE, to reprogram the Federal funds allocated for the Eastern Shore area in the amount sufficient to cover 80 percent of the Project cost. The estimated costs and participation by the various parties is as follows.

	Total Estimated <u>Cost</u>	Total Estimated Federal <u>Funds</u>	Total Estimated CITY <u>Funds</u>
Preliminary Engineering	<u>\$25,850.00</u>	<u>\$20,680.00</u>	<u>\$5,170.00</u>
TOTAL	\$25,850.00	\$20,680.00	\$5,170.00

It is understood that the above is an estimate only, and in the event the final cost exceeds the estimate, the CITY will be responsible for and will pay all cost in excess of \$20,680.00 unless the Eastern Shore Metropolitan Planning Organization agrees, subject to the approval of the STATE, to reprogram the Federal funds allocated for the Eastern Shore area in the amount sufficient to cover 80 percent of the Project costs. In that event, the CITY will also pay its additional proportionate share. The administrative cost will be a part of the Project cost.

- (6) Any cost for work not eligible for Federal participation will be financed 100 percent by the CITY, which payment will be reflected in the final audit.
- (7) The CITY agrees that in the event the FHWA determines, due to rules and/or regulations of FHWA (including but not limited to delay of the projects, or delay of projects contemplated to be developed and accomplished in sequence with the current projects) that Federal funds expended on this Project must be refunded to the FHWA, the CITY will reimburse and pay to the STATE a sum of money equal to the total amount of STATE and Federal funds expended under this Agreement.
- (8) All services of the STATE necessary to carry out the intent of this Agreement will be paid as provided for herein.
- (9) The CITY will invoice the STATE for the Federal share of preliminary engineering costs not more frequently than monthly. Requests for reimbursements will be made on forms provided by the STATE and submitted through the Southwest Region Engineer for payment.
- (10) Invoices for any phase of work performed by the CITY under the terms of this Agreement will be submitted within twelve (12) months after the completion and acceptance by the STATE for the work. Any invoices submitted after this twelve-month period will not be eligible for payment.
- (11) The performance of the work covered by this Agreement will be in accordance with the current regulations and requirements of the STATE and FHWA.
- (12) The STATE will assist the CITY in any public involvement actions that may be required.
- (13) The STATE will provide without cost to the CITY information available from its records that will facilitate the performance of the work.

- (14) It is clearly understood by both parties that the STATE does not commit any STATE or Federal funds beyond those mentioned herein and that a separate Agreement will be required for the construction of the proposed improvement.
- (15) The terms of this Agreement may be modified by supplemental agreement duly executed by the parties hereto.
- (16) A final audit will be made of all Project records after completion of the Project and a copy will be furnished to the Department of Examiners of Public Accounts, in accordance with Act 1994, No. 94-414. A final financial settlement will be made between the parties as reflected by the audit and this Agreement.
- (17) The CITY will be responsible at all times for all of the work performed under this Agreement and, the CITY will protect, defend, indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all action, damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Agreement.
- (18) By entering into this Agreement, the CITY is not an agent of the STATE, its officers, employees, agents or assigns. The CITY is an independent entity from the STATE and nothing in this Agreement creates an agency relationship between the parties.
- (19) By signing this contract, the contracting parties affirm, for the duration of the Agreement, that they will not violate Federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be

deemed in breach of the Agreement and shall be responsible for all damages resulting therefrom.

- (20) This Agreement will remain in effect, unless otherwise terminated by either party upon the delivery of a thirty (30) day notice of termination.
- (21) Nothing will be construed under the terms of this Agreement by the STATE or the CITY that will cause any conflict with Section 23-1-63, Code of Alabama (7/24th Law).
- (22) Exhibits M and N are attached and hereby made a part of this Agreement.

IN WITNESS WHEREOF, the parties hereto cause this Agreement to be executed by those officers, officials and persons thereunto duly authorized, and the Agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of approval of the Governor of Alabama.

SEAL

ATTEST:

CITY OF DAPHNE, ALABAMA

City Clerk (Signature)

BY: _____
Mayor (Signature)

Type name of Clerk

Type name of Mayor

THIS AGREEMENT HAS BEEN LEGALLY REVIEWED
AND APPROVED AS TO FORM AND CONTENT:

BY: _____
Chief Counsel, Jim R. Ippolito, Jr.

RECOMMENDED FOR APPROVAL:

Southwest Region Engineer, Vincent E. Calametti, P. E.

Multimodal Transportation Engineer,
Robert J. Jilla

Chief Engineer, Ronald L. Baldwin, P. E.

**STATE OF ALABAMA
ACTING BY AND THROUGH THE
ALABAMA DEPARTMENT OF TRANSPORTATION**

Transportation Director, John R. Cooper

The foregoing Agreement is hereby approved by the Governor of the State of Alabama
this ____ day of _____, 20 ____.

GOVERNOR OF ALABAMA, ROBERT BENTLEY

CERTIFICATION

This certification is applicable to the instrument to which it is attached whether attached directly or indirectly with other attachments to such instrument.

The prospective participant/recipient, by causing the signing of and the submission of this Federal contract, grant, loan, cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, and the person signing same for and on behalf of the prospective participant/recipient each respectively certify that to the best of the knowledge and belief of the prospective participant or recipient and of the person signing for and on behalf of the prospective participant/recipient, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the prospective participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

07/01/2002

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this agreement shall contravene any statute or Constitutional provision of amendment, either now in effect or which may, during the course of this agreement, be enacted, then the conflicting provision in the agreement shall be deemed null and void.

TERMINATION DUE TO INSUFFICIENT FUNDS

If the agreement term is to exceed more than one fiscal year, then said agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the agreement in subsequent fiscal years.

In the event of proration of the fund from which payment under this agreement is to be made, agreement will be subject to termination.

ADR CLAUSE

For any and all disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such disputes, to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation by and through the Attorney General Office of Administrative Hearings or where appropriate, private mediators.

RESOLUTION NUMBER _____

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

1. That the City enters into an Agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:

Preliminary engineering program for Project STPOA-0215 (), Project Reference Number 100064573 for intersection improvements – turning lanes at Sehoy Boulevard and Longue Vue Boulevard in the City of Daphne; which Agreement is before this Council.

2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

Passed, adopted and approved this ____ day of _____, 20 ____.

ATTESTED:

City Clerk

Mayor

I, the undersigned qualified and acting clerk of the City of Daphne, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the ____ day of _____, 20 ____, and that such resolution is on file in the City Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on the ____ day of _____, 20 ____.

City Clerk

Resolution 2015-46

Support of MPO Surface Transportation Funds to Install Intersection Improvements on County Road 13 at Sehoj Boulevard and Longue Vue Drive

WHEREAS, the City of Daphne is a member Government of the Eastern Shore Metropolitan Planning Organization (MPO) which is the organization designated by the Governor of the State of Alabama as being responsible, together with the State of Alabama, for implementing the applicable provisions of 23 USC 134 and 135 (amended by MAP-21 Sections 1201 and 1202, July 2012); 42 USC 2000d-1, 7401; 23 CFR 450 and 500; 40 CFR 51 and 93; and

WHEREAS, the Eastern Shore MPO was formed in June 2012 and has three years to allocate MPO Surface Transportation Project funds through the adoption of the 2040 Long Range Transportation Plan and FY16-19 Transportation Improvement Program (TIP); and

WHEREAS, the City of Daphne has submitted a project to install Intersection Improvements on County Road 13 at Sehoj Blvd. and Longue Vue Dr. (**CR 13 Intersection Improvement Project**) for inclusion in the FY 2016-2019 Transportation Improvement Program; and

WHEREAS, the CR 13 Intersection Improvement Project has been submitted for funding through MPO Surface Transportation Funds which require a twenty percent (20%) local match; and

WHEREAS, the CR 13 Intersection Improvement Project has an estimated cost of \$338,770 with an estimated local match of \$67,765 (20%) to be provided by the City of Daphne; and

WHEREAS, the Eastern Shore Metropolitan Planning Organization Policy Board will consider approving the use of MPO Surface Transportation Funds to fund CR 13 Intersection Improvement Project at their July 22, 2015 Board Meeting;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Daphne that:

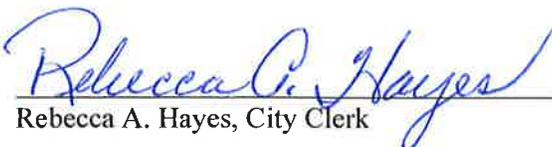
- 1.) The City of Daphne supports the funding of the CR 13 Intersection Improvement Project through MPO Surface Transportation Funds; and
- 2.) The Mayor and the Director of Public Works are hereby authorized to execute all agreements, contracts and documents for CR 13 Intersection Improvement Project funded through MPO Surface Transportation Funds; and
- 3.) If approved and awarded MPO Surface Transportation Funds for the CR 13 Intersection Improvement Project, the City will appropriate funds for the project equal to 20% of the survey, design, construction and CE&I (Total Project) cost in addition to 100% of all related utility relocations, and Right of Way acquisition costs, if any.

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



DANE HAYGOOD, MAYOR

ATTEST:



Rebecca A. Hayes, City Clerk

Sehoy Property Owners Association

P.O. Box 2631

Daphne, AL 36526

sehoypoa@yahoo.com

To Whom It May Concern:

The Sehoy POA and Neighborhood would like to request turn lanes on Hwy. 13 into the entrance of our neighborhood. Sehoy was built in 2000/ 2001 and is currently has 254 homes. Our neighborhood is located on Hwy. 13 between Daphne Middle School and Daphne High School. Hwy. 13 is one of the busiest roads in Daphne due to school, home, business and connection traffic from Hwy. 90 and Interstate 10. Due to the projected rise of business and home developments in our city in the next few years, traffic will continue to be a problem.

We currently have one Elementary school bus that serves only our neighborhood and one Middle/ High school bus. This does not account for the car traffic each morning and afternoon as people head to and from work.

In the past year, there have been several automobile wrecks due to the traffic that "backs up" from the middle school and continues past our neighborhood entrance. The traffic also backs up coming from North while one is waiting to turn left into the neighborhood.

Tiawasse Trace neighborhood has had a northbound turn lane for several years and recently received a southbound turning lane. Our neighborhood is larger and serves more homeowners. Our neighborhood is also closer to the middle school and causes traffic to back up in front of the Assisted Living Home, Brennyty.

Please let us know how we need to address and correct this problem. It is our understanding that the discussion of turn lanes on Hwy. 13 has been ongoing for several years. We feel this is a need and discussion that needs to be addressed considering the potential growth of our city and for the safety of the citizens.

Thank you for this consideration.

Sehoy POA
Phillip Wilbourn
Per Kent R. Myer
Vice President

President: Phillip Wilbourn
850-485-2233

EASTERN SHORE MPO PROJECT SUBMITTAL FORM

FOR SUBMITTING A PROPOSED PROJECT FOR INCLUSION IN THE LONG RANGE TRANSPORTATION PLAN (LRTP)
OR TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

Date: 06-03-2015 **Point of Contact:** Richard D. Johnson

Address: City of Daphne; P.O. Box 400; Daphne, AL 36526

Phone: 251-621-3182 **Email:** rjohnson@daphneal.com

This Project was Recommended by (check one): Citizen Working or Living within MPO Area

Advisory Committee Member Public Official Other _____

Please provide the following information about the proposed project:

Project Description and Location (*include termini description, if road improvement*)

County Road 13 - Intersection improvements at the entrances of Sehoy (Sehoy Blvd) and French Settlement (Longue Vue Blvd)

Subdivisions. Project consists of widening the roadbed to accomodate left turn and right turn deceleration lanes. Work will entail

_____ piping of open ditches, drainage, curbing, shoulder/base/pavement build up, asphalt overlayment, striping/markings, topsoil and sod.

_____ The project lies within Sections 9 and 10, Township 5 South, Range 2 East, in the City of Daphne, Baldwin County, Alabama.

Reason for Proposed Project (*Purpose and Need*):

_____ County Road 13 (Urban Collector) is a major north south link for students and work commuters. The lack of turn lanes at the entrances
_____ of these subdivisons creates stacking during peak hrs. Turn lanes will decrease travel times and improve roadway capacity & safety.

Project Length (*if applicable*):

_____ 1550 linear feet or 0.3 Miles

Bicycle and Pedestrian or ADA Upgrades:

_____ Subject roadway is currently under consideration for FY2015 TAP Grant for multi-use pathway - full ADA compliance.

Roadway Classification (*if applicable*):

_____ Urban Collector

Project Sponsor (*i.e. Responsible Local Government*):

_____ City of Daphne

Percent (%) Local Match:

_____ 20%

Match Source:

_____ Capital Reserves and/or General Fund

Environmental Justice Issues or Concerns:

_____ None

For Internal (MPO or Project Sponsor) Use Only

Scope of Work:	Cost Estimate:
Preliminary Engineering: (Survey & Design) plus Geo-Technical Investigation (9.5%)	\$25,849.96
Right-of-Way: None Required	\$0.00
Utilities: No conflicts anticipated	\$0.00
Construction: Construction: \$272,104.89 Testing & CE&I (15%) \$ 40,815.73	\$312,920.62
TOTAL COST:	\$338,770.58

Project Map:

See Attached

For Internal (MPO or Project Sponsor Use Only)

Potential Funding Sources:

- | | |
|----------|----------|
| 1. _____ | 2. _____ |
| 3. _____ | 4. _____ |
| 5. _____ | 6. _____ |
| 7. _____ | 8. _____ |

Bicycle and Pedestrian Advisory Committee Recommendation:

- | | |
|--|---|
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Visionary List of the LRTP | <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Financially Constrained List of the LRTP |
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the TIP _____ | <input type="checkbox"/> Recommend the Policy Board not approve the project |
| <input type="checkbox"/> Recommend the Policy Board postpone taking any action on the proposed project to give time for further review or to change the project scope: _____ | Votes: _____ |
| _____ | Chair or Vice Chair Signature _____ Date _____ |

Citizens Advisory Committee Recommendation:

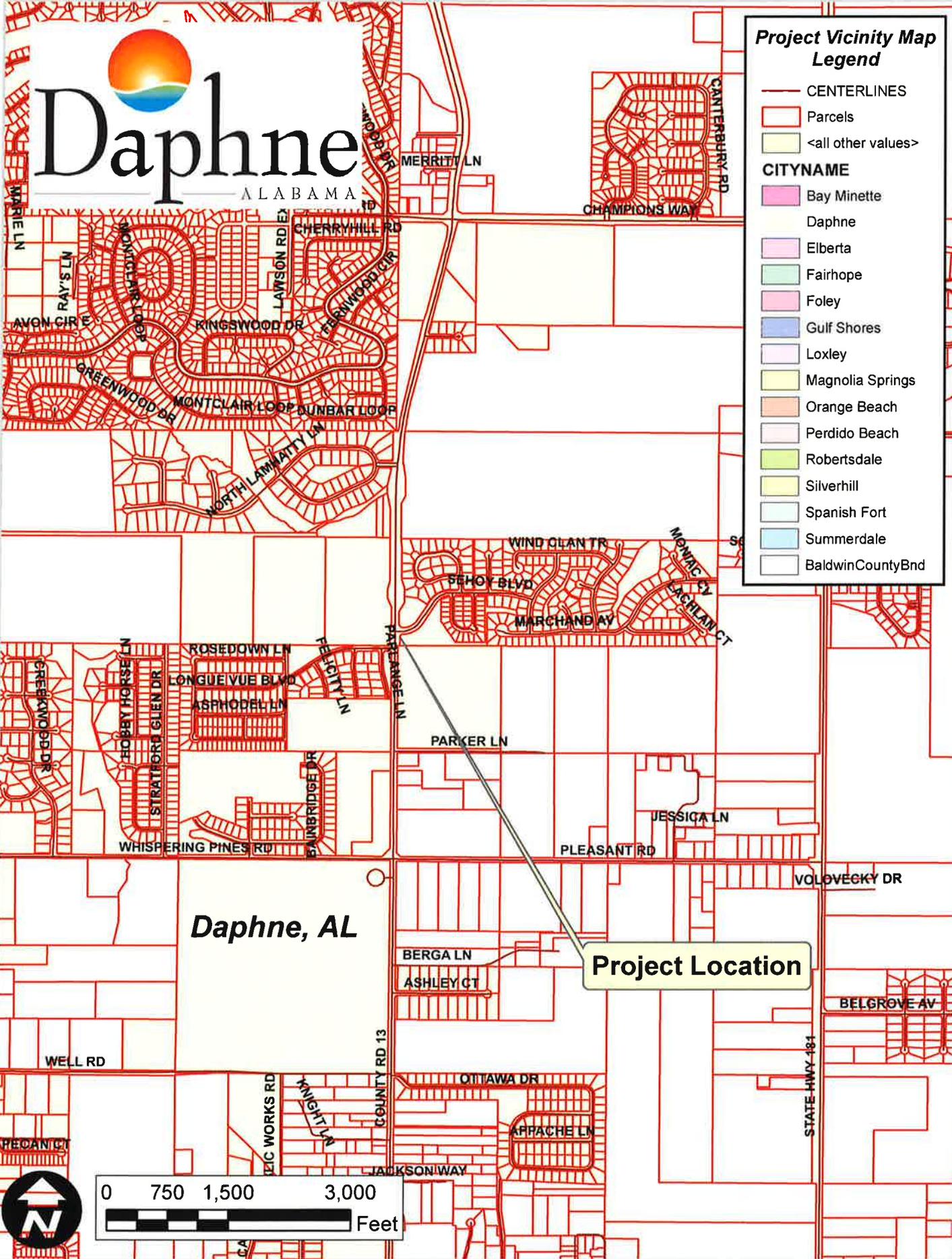
- | | |
|--|---|
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Visionary List of the LRTP | <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Financially Constrained List of the LRTP |
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the TIP _____ | <input type="checkbox"/> Recommend the Policy Board not approve the project |
| <input type="checkbox"/> Recommend the Policy Board postpone taking any action on the proposed project to give time for further review or to change the project scope: _____ | Votes: _____ |
| _____ | Chair or Vice Chair Signature _____ Date _____ |

Technical Advisory Committee Recommendation:

- | | |
|--|---|
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Visionary List of the LRTP | <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Financially Constrained List of the LRTP |
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the TIP _____ | <input type="checkbox"/> Recommend the Policy Board not approve the project |
| <input type="checkbox"/> Recommend the Policy Board postpone taking any action on the proposed project to give time for further review or to change the project scope: _____ | Votes: _____ |
| _____ | Chair or Vice Chair Signature _____ Date _____ |

Policy Board Action:

- | | |
|---|---|
| <input type="checkbox"/> Approve the project as submitted for inclusion in the Visionary List of the LRTP | <input type="checkbox"/> Approve the project as submitted for inclusion in the Financially Constrained List of the LRTP |
| <input type="checkbox"/> Approve the project as submitted for inclusion in the TIP _____ | <input type="checkbox"/> Choose not to approve the project |
| <input type="checkbox"/> Postpone taking any action on the proposed project to give time for further review or to change the project scope: _____ | Votes: _____ |
| _____ | Resolution Number: _____ |
| _____ | |



Project Vicinity Map Legend

- CENTERLINES
- Parcels
- <all other values>

CITYNAME

- Bay Minette
- Daphne
- Elberta
- Fairhope
- Foley
- Gulf Shores
- Loxley
- Magnolia Springs
- Orange Beach
- Perdido Beach
- Robertsdale
- Silverhill
- Spanish Fort
- Summerdale
- BaldwinCountyBnd

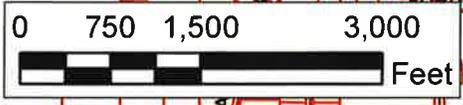


Daphne

ALABAMA

Daphne, AL

Project Location



CONSTRUCTION COST ESTIMATE

Project: **County Road 13 Turn Lanes @ Sehoj & French Settlement**



ITEM #	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
1	CONCRETE REMOVAL (206-A)	LS	1	\$ 1,500.00	\$ 1,500.00
2	ASPHALT SAW CUTTING (E.P.)	LF	500	\$ 5.00	\$ 2,500.00
3	UNCLASSIFIED EXCAVATION (210-A)	CY	720	\$ 6.50	\$ 4,680.00
4	GRANULAR SOIL BASE COURSE, TYPE A, ROAD MIXED, MIN. 4" COMPACTED THICKNESS (FROM STOCKPILES) (301-A)	SY	2,362	\$ 2.20	\$ 5,196.40
5	CRUSHED AGGREGATE BASE, TYPE B, PLANT MIXED, 6" COMPACTED THICKNESS (301-A)	SY	2,600	\$ 22.00	\$ 57,200.00
6	TACK COAT (0.05 GALLONS PER SY) (405-A)	GAL	120	\$ 5.00	\$ 600.00
7	MILLING/PLANING EXISTING PAVEMENT (1.5" DEEP - MAX) (408-A)	SY	116	\$ 7.50	\$ 870.00
8	BITUMINOUS CONCRETE WEARING SURFACE LAYER, 3/4" MAX AGGREGATE SIZE, ESAL RANGE B, (165#/SY) (429-A)	TON	391	\$ 88.00	\$ 34,408.00
9	BITUMINOUS CONCRETE BINDER LAYER, 3/4" MAX AGGREGATE SIZE, ESAL RANGE B, (220#/SY) (429-B)	TON	286	\$ 90.00	\$ 25,740.00
10	TOPSOIL, 4" COMPACTED THICKNESS (650-A)	CY	223	\$ 13.25	\$ 2,954.75
11	SOLID SODDING (654-A)	SY	1,338	\$ 5.00	\$ 6,690.00
12	SOLID WHITE, CLASS 2, TYPE A, TRAFFIC STRIPE, 5" WIDE (701-A)	MILE	0.72	\$ 5,000.00	\$ 3,600.00
13	DOTTED WHITE, CLASS 2, TYPE A, TRAFFIC STRIPE, 5" WIDE (701-B)	MILE	0.04	\$ 5,000.00	\$ 200.00
14	SOLID YELLOW (DOUBLE), CLASS 2, TYPE A, TRAFFIC STRIPE, 5" WIDE(701-A)	MILE	0.34	\$ 5,000.00	\$ 1,700.00
15	TRAFFIC CONTROL MARKINGS (CHEVRONS), YELLOW, CLASS 2, TYPE A (703-A)	SF	700.00	\$ 7.50	\$ 5,250.00
16	TRAFFIC CONTROL MARKINGS (STOP BAR), WHITE, CLASS 2, TYPE A (703-A)	SF	48.00	\$ 7.50	\$ 360.00
17	TRAFFIC CONTROL MARKINGS (CHANNEL LINE), WHITE, CLASS 2, TYPE A (703-A)	SF	267.00	\$ 7.50	\$ 2,002.50
18	TRAFFIC CONTROL LEGENDS (ARROW), WHITE, CLASS 2, TYPE A (703-B)	SF	102	\$ 7.50	\$ 765.00
19	TRAFFIC CONTROL LEGENDS (ONLY), WHITE, CLASS 2, TYPE A, (703-B)	SF	100	\$ 7.50	\$ 750.00
20	REFLECTIVE PAVEMENT MARKERS, CLASS A-H, TYPE 1-B (705-A)	EA	430	\$ 5.00	\$ 2,150.00
21	REFLECTIVE PAVEMENT MARKERS, CLASS A-H, TYPE 2-E (705-A)	EA	300	\$ 5.00	\$ 1,500.00
22	REFLECTIVE PAVEMENT MARKERS, CLASS A-H, TYPE 2-E (705-A)	EA	287	\$ 6.00	\$ 1,722.00
23	CONCRETE CURB, TYPE M-2 (623-B)	LF	250	\$ 17.50	\$ 4,375.00
24	CONCRETE CURB, TYPE M-3 (623-B)	LF	250	\$ 17.50	\$ 4,375.00
25	22"x13" RCAP (DOUBLE) (531-A)	LF	800	\$ 60.00	\$ 48,000.00
26	GRATE TOP INLET (621-C)	EA	2	\$ 4,000.00	\$ 8,000.00
27	JUNCTION BOX (621-A)	EA	2	\$ 3,500.00	\$ 7,000.00
28	CONCRETE SLOPE PAVED HEADWALLS (22"x13")	EA	2	\$ 750.00	\$ 1,500.00
29	MOBILIZATION (600-A) (7.0% of Const.)	LS	1	\$ 16,491.21	\$ 16,491.21
29	EROSION CONTROL (2.5% of Const.)	LS	1	\$ 5,889.72	\$ 5,889.72
30	TRAFFIC CONTROL (740-A) (6.0% of Const.)	LS	1	\$ 14,135.32	\$ 14,135.32
TOTAL CONSTRUCTION COST:					\$ 272,104.89

Professional Services Calculations					
Item #	Description	Unit	Quantity	Unit Price	Amount
1	Engineering Survey & Design (9.5% of Const.)	Each	1	\$25,849.96	\$25,849.96
2	Material Testing (2.5% of Construction)	Each	1	\$6,802.62	\$6,802.62
3	Engineering - CE&I (12.5% of Construction)	Each	1	\$34,013.11	\$34,013.11
Estimated Professional Service Cost					\$66,665.70

Estimated Total Cost (Less Engineering Survey and Design)					\$312,920.62
--	--	--	--	--	---------------------

Not Eligible for ESMPO Reimbursement



LONGUE VUE BLVD

LONGUE VUE BLVD

SEHOY BLVD

PARLANOE LN



NORTH

CITY OF DAPHNE

RESOLUTION NUMBER: 2015-55

ALDOT Funding Agreement – Construction program for Project STPOA-0215 (), Project Reference Number 100064574 for intersection improvements - turning lanes at Sehoy Boulevard and Longue Vue Boulevard

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

1. That the City enters into an Agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:

Construction program for Project STPOA-0215 (), Project Reference Number 100064574 for intersection improvements - turning lanes at Sehoy Boulevard and Longue Vue Boulevard in the City of Daphne; which Agreement is before this Council.

2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

Passed, adopted and approved this _____ day of _____, 20 __ .

ATTESTED:

City Clerk

Mayor

I, the undersigned qualified and acting clerk of the City of Daphne, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the _____ day of _____, 20 __, and that such resolution is on file in the City Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on the _____ day of _____, 20 __ .

City Clerk



Robert Bentley
GOVERNOR

August 3, 2015

ALABAMA DEPARTMENT OF TRANSPORTATION

SOUTHWEST REGION
OFFICE OF REGION ENGINEER
1701 I-65 WEST SERVICE ROAD NORTH
MOBILE, ALABAMA 36618-1109
TELEPHONE: (251) 470-8200
FAX: (251) 473-3624



John R. Cooper
TRANSPORTATION DIRECTOR

The Honorable Dane Haygood
Mayor of Daphne
City of Daphne
P. O. Box 400
Daphne, Alabama 36526

Dear Mayor Haygood:

RE: STPOA-0215()
Project Reference Number 100064574
Intersection Improvements – Turning Lanes at Sehoy Blvd and Lounge Vue Blvd
in the City of Daphne
Baldwin County

Enclosed are an original and one copy of an agreement between the City of Daphne and the State for Construction on the above-referenced project. Please review the agreement; and if you find it acceptable, please execute both copies by you and the City Clerk and return it to this office. A copy of the resolution, which will need to be certified in order to authorize you to sign the agreement, will need to be included with each copy of the agreement. The city seal must be affixed to both copies of the resolution and the signed agreement.

Should you have any questions or need additional information regarding this matter, please contact Mr. Andrew Wood at (251) 470-8320.

Sincerely,

Vincent E. Calametti, P.E., Southwest Region Engineer

By: 
Edwin L. Perry, III, P.E.
Design Engineer – Mobile

VEC/sab

Enclosure
c: File w/ enclosure



ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110
P. O. Box 303050, Montgomery, Alabama 36130-3050

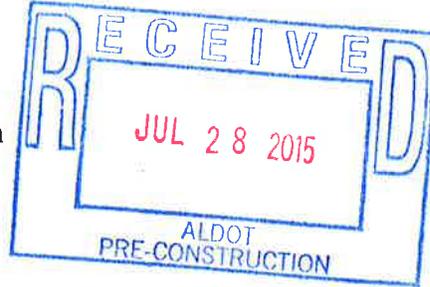


July 24, 2015

Robert Bentley
Governor

John R. Cooper
Transportation Director

Mr. Vincent E. Calametti, P. E.
Southwest Region Engineer
1701 I-65 West Service Road North
Mobile, AL 36618-1109



RE: Construction Agreement
Project STPOA-0215 ()
Project Reference Number 100064574
Intersection Improvements – Turning Lanes at
Sehoy Boulevard and Longue Vue Boulevard
in the City of Daphne
in Baldwin County

SECTION	INFO	ACTION	FILE
CONSULTANT			
DESIGN			
LOCATION			
RIGHT-OF-WAY			
UTILITIES			

Dear Mr. Calametti:

Enclosed is the original Agreement (and one copy) between the State and the City of Daphne for Project STPOA-0215 (), which provides a construction program for intersection improvements – turning lanes at Sehoy Boulevard and Longue Vue Boulevard in the City of Daphne, Alabama.

Please review this Agreement and, if it is in order, present the original and copy to the City for approval. After execution by the mayor, please return the original document and the copy with original signatures to this office for further handling. A certified resolution affixed with the City seal which authorizes the Mayor to sign the Agreement, should be included with the original Agreement as well as with the copy. Also, the City seal should be affixed to both signed Agreements.

If you have any questions concerning this Agreement, please contact Jim Doolin at (334) 242-6097.

Sincerely,

Robert J. Jilla
Multimodal Transportation Engineer

BY: 
Dr. Emmanuel C. Oranika
Metropolitan Transportation Planning Administrator

RJJ: ECO/JD/db
Enclosures

**AGREEMENT
FOR
CONSTRUCTION**

**BETWEEN THE STATE OF ALABAMA
AND
THE CITY OF DAPHNE, ALABAMA**

15 JUL 24 4:03:33

**Project STPOA-0215 ()
Project Reference Number 100064574
Intersection Improvements –
Turning Lanes at Sehoj Boulevard and Longue Vue Boulevard
in the City of Daphne**

THIS AGREEMENT is made and entered into by and between the State of Alabama, acting by and through the Alabama Department of Transportation, hereinafter referred to as STATE; and the City of Daphne, Alabama, hereinafter referred to as CITY; in cooperation with the United States Department of Transportation, Federal Highway Administration, hereinafter referred to as the FHWA; and

WHEREAS, a Transportation Improvement Program has been developed for the Eastern Shore Urbanized Area and certain transportation improvements and priorities are listed therein; and

WHEREAS, the STATE and CITY desire to cooperate in a construction program for intersection improvements – turning lanes at Sehoj Boulevard and Longue Vue Boulevard in the City of Daphne.

NOW, THEREFORE, the parties hereto, for, and in consideration of the premises stated herein do hereby mutually promise, stipulate, and agree as follows:

- (1) This Agreement will cover all aspects of construction for the proposed improvements, including construction engineering and inspection during the course of the work, all in accordance with plans approved by the STATE.

- (2) Funding for this Agreement is subject to availability of Federal Aid funds at the time of authorization by FHWA. Any deficiency in Federal Aid, or overrun in the Project costs will be borne by the CITY. In the event of an under run in the Project costs, the amount of Federal Aid funds will be 80 percent of eligible costs.
- (3) The Project will be administered by the STATE and all cost will be financed, when eligible for Federal participation, on the basis of 80 percent Federal funds and 20 percent CITY funds. Federal funds will not exceed \$250,336.00 unless the Eastern Shore Metropolitan Planning Organization agrees, subject to the approval of the STATE, to reprogram the Federal funds allocated, for the Eastern Shore area, in an amount sufficient to cover 80 percent of the Project cost. The estimated cost and participation by the various parties are as follows:

	<u>Total Estimated</u>	<u>Estimated Federal Funds</u>	<u>Estimated CITY Funds</u>
Construction, including engineering and inspection	<u>\$312,920.00</u>	<u>\$250,336.00</u>	<u>\$62,584.00</u>
TOTAL	\$312,920.00	\$250,336.00	\$62,584.00

It is understood that the above is an estimate only, and in the event the final cost exceeds the estimate, the CITY will be responsible for and will pay all cost in excess of \$250,336.00 unless the Eastern Shore Metropolitan Planning Organization agrees, subject to the approval of the STATE, to reprogram the Federal funds allocated for the Eastern Shore area in an amount sufficient to pay 80 percent of Project cost. In that event, the CITY will also pay its additional proportionate share; or in the event the cost is less than the estimate, the CITY will receive a refund accordingly from the STATE. The administrative cost will be a part of the Project cost.

- (4) Any cost for work not eligible for Federal reimbursement will be financed 100 percent by the CITY, which payment will be reflected in the final audit.
- (5) The CITY will coordinate any required adjustments to utilities with the utility company involved in accordance with usual STATE procedures. Any utility expenses involved which are eligible for STATE reimbursement or payment under state law will be considered as a part of the Project cost and will be paid as provided herein, with the CITY paying its proportional share. The STATE will not be liable for utility expenses which are not eligible for STATE reimbursement or payment under STATE law.
- (6) The performance of the work covered by this Agreement will be in accordance with the current regulations and requirements of the STATE and FHWA.
- (7) The construction of the improvements will be by contract and the STATE will be responsible for advertisement and receipt of bids and for the award of the contract. Following receipt of bids and prior to the award of the contract, the STATE will invoice the CITY for its prorated share of the estimated construction cost as reflected by the bid of the successful bidder, plus engineering and inspection cost, and the CITY will promptly pay this cost to the STATE before award of the contract. The STATE will not award the contract until it is in receipt of the estimated cost payable by the CITY as reflected by the bid of the successful bidder, plus the engineering and inspection cost. All required off-site testing shall be the responsibility of the Alabama Department of Transportation. All on-site engineering, inspection, and testing (including obtaining and delivery of test specimens to the Alabama Department of Transportation testing facility) shall be the responsibility of the CITY or its designated representative.

- (8) Upon completion and acceptance of the work by the STATE, the CITY will assume full responsibility for maintenance of that part of the facility which is not part of the State Highway Maintenance System.
- (9) The CITY agrees that in the event the FHWA determines, under its rules and/or regulations that Federal funds expended on this Project (including but not limited to delay of the projects, or delay of projects contemplated to be developed and accomplished in sequence to the current projects) must be refunded to the FHWA, the CITY shall reimburse and pay to the STATE for and on behalf of FHWA, a sum of money equal to the total amount of STATE and Federal funds expended under this Agreement.
- (10) It is clearly understood by the parties that the STATE does not commit any STATE or Federal funds beyond those mentioned herein.
- (11) A final audit will be made of all Project records after completion of the Project and a copy will be furnished to the Department of Examiners of Public Accounts, in accordance with Act 1994, No. 94-414. A final financial settlement will be made between the parties as reflected by the audit and this Agreement.
- (12) The CITY will be responsible at all times for all of the work performed under this Agreement and, the CITY will protect, defend, indemnify and hold harmless the State of Alabama, The Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all action, damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Agreement.

- (12) By entering into this Agreement, the CITY is not an agent of the STATE, its officers, employees, agents or assigns. The CITY is an independent entity from the STATE and nothing in this Agreement creates an agency relationship between the parties.
- (13) By signing this contract, the contracting parties affirm, for the duration of the Agreement, that they will not violate Federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the Agreement and shall be responsible for all damages resulting therefrom.
- (14) The terms of this Agreement may be modified by supplemental agreement duly executed by the parties hereto.
- (15) This Agreement will remain in effect, unless otherwise terminated by either party upon the delivery of a thirty (30) day notice of termination.
- (16) Nothing will be construed under the terms of this Agreement by the STATE or the CITY that will cause any conflict with Section 23-1-63, Code of Alabama (7/24th Law).
- (17) Exhibits M and N are attached and hereby made a part of this Agreement.

IN WITNESS WHEREOF, the parties hereto cause this Agreement to be executed by those officers, officials, and persons thereunto duly authorized, and the Agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of approval of the Governor of Alabama.

SEAL

ATTEST:

CITY OF DAPHNE, ALABAMA

City Manager (Signature)

BY: _____
Mayor (Signature)

Type name of Manager

Type name of Mayor

THIS AGREEMENT HAS BEEN LEGALLY REVIEWED
AND APPROVED AS TO FORM AND CONTENT:

By: _____
Chief Counsel, Jim R. Ippolito, Jr.

RECOMMENDED FOR APPROVAL:

Southwest Region Engineer, Vincent E. Calametti, P. E.

Multimodal Transportation Engineer,
Robert J. Jilla

Chief Engineer, Ronald L Baldwin, P. E.

STATE OF ALABAMA
ACTING BY AND THROUGH THE
ALABAMA DEPARTMENT OF TRANSPORTATION

Transportation Director, John R. Cooper

The foregoing Agreement is hereby approved by the Governor of the State of Alabama
this ____ day of _____, 20 ____.

GOVERNOR OF ALABAMA, ROBERT BENTLEY

CERTIFICATION

This certification is applicable to the instrument to which it is attached whether attached directly or indirectly with other attachments to such instrument.

The prospective participant/recipient, by causing the signing of and the submission of this Federal contract, grant, loan, cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, and the person signing same for and on behalf of the prospective participant/recipient each respectively certify that to the best of the knowledge and belief of the prospective participant or recipient and of the person signing for and on behalf of the prospective participant/recipient, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

07/01/2002

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this agreement shall contravene any statute or Constitutional provision of amendment, either now in effect or which may, during the course of this agreement, be enacted, then the conflicting provision in the agreement shall be deemed null and void.

TERMINATION DUE TO INSUFFICIENT FUNDS

If the agreement term is to exceed more than one fiscal year, then said agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the agreement in subsequent fiscal years.

In the event of proration of the fund from which payment under this agreement is to be made, agreement will be subject to termination.

ADR CLAUSE

For any and all disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such disputes, to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation by and through the Attorney General Office of Administrative Hearings or where appropriate, private mediators.

RESOLUTION NUMBER _____

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

1. That the City enters into an Agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:

Construction program for Project STPOA-0215 (), Project Reference Number 100064574 for intersection improvements – turning lanes at Sehoy Boulevard and Longue Vue Boulevard in the City of Daphne; which Agreement is before this Council.

2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

Passed, adopted and approved this _____ day of _____, 20 ____.

ATTESTED:

City Clerk

Mayor

I, the undersigned qualified and acting clerk of the City of Daphne, do hereby certify that the above and foregoing is a true copy of a resolution passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the _____ day of _____, 20 ____, and that such resolution is on file in the City Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on the _____ day of _____, 20 ____.

City Clerk

**AGREEMENT
FOR
CONSTRUCTION**

**BETWEEN THE STATE OF ALABAMA
AND
THE CITY OF DAPHNE, ALABAMA**

15 JUL 24 AM 8:33

**Project STPOA-0215 ()
Project Reference Number 100064574
Intersection Improvements –
Turning Lanes at Sehoj Boulevard and Longue Vue Boulevard
in the City of Daphne**

THIS AGREEMENT is made and entered into by and between the State of Alabama, acting by and through the Alabama Department of Transportation, hereinafter referred to as STATE; and the City of Daphne, Alabama, hereinafter referred to as CITY; in cooperation with the United States Department of Transportation, Federal Highway Administration, hereinafter referred to as the FHWA; and

WHEREAS, a Transportation Improvement Program has been developed for the Eastern Shore Urbanized Area and certain transportation improvements and priorities are listed therein; and

WHEREAS, the STATE and CITY desire to cooperate in a construction program for intersection improvements – turning lanes at Sehoj Boulevard and Longue Vue Boulevard in the City of Daphne.

NOW, THEREFORE, the parties hereto, for, and in consideration of the premises stated herein do hereby mutually promise, stipulate, and agree as follows:

- (1) This Agreement will cover all aspects of construction for the proposed improvements, including construction engineering and inspection during the course of the work, all in accordance with plans approved by the STATE.

- (2) Funding for this Agreement is subject to availability of Federal Aid funds at the time of authorization by FHWA. Any deficiency in Federal Aid, or overrun in the Project costs will be borne by the CITY. In the event of an under run in the Project costs, the amount of Federal Aid funds will be 80 percent of eligible costs.
- (3) The Project will be administered by the STATE and all cost will be financed, when eligible for Federal participation, on the basis of 80 percent Federal funds and 20 percent CITY funds. Federal funds will not exceed \$250,336.00 unless the Eastern Shore Metropolitan Planning Organization agrees, subject to the approval of the STATE, to reprogram the Federal funds allocated, for the Eastern Shore area, in an amount sufficient to cover 80 percent of the Project cost. The estimated cost and participation by the various parties are as follows:

	<u>Total Estimated</u>	<u>Estimated Federal Funds</u>	<u>Estimated CITY Funds</u>
Construction, including engineering and inspection	\$312,920.00	\$250,336.00	\$62,584.00
TOTAL	\$312,920.00	\$250,336.00	\$62,584.00

It is understood that the above is an estimate only, and in the event the final cost exceeds the estimate, the CITY will be responsible for and will pay all cost in excess of \$250,336.00 unless the Eastern Shore Metropolitan Planning Organization agrees, subject to the approval of the STATE, to reprogram the Federal funds allocated for the Eastern Shore area in an amount sufficient to pay 80 percent of Project cost. In that event, the CITY will also pay its additional proportionate share; or in the event the cost is less than the estimate, the CITY will receive a refund accordingly from the STATE. The administrative cost will be a part of the Project cost.

- (4) Any cost for work not eligible for Federal reimbursement will be financed 100 percent by the CITY, which payment will be reflected in the final audit.
- (5) The CITY will coordinate any required adjustments to utilities with the utility company involved in accordance with usual STATE procedures. Any utility expenses involved which are eligible for STATE reimbursement or payment under state law will be considered as a part of the Project cost and will be paid as provided herein, with the CITY paying its proportional share. The STATE will not be liable for utility expenses which are not eligible for STATE reimbursement or payment under STATE law.
- (6) The performance of the work covered by this Agreement will be in accordance with the current regulations and requirements of the STATE and FHWA.
- (7) The construction of the improvements will be by contract and the STATE will be responsible for advertisement and receipt of bids and for the award of the contract. Following receipt of bids and prior to the award of the contract, the STATE will invoice the CITY for its prorated share of the estimated construction cost as reflected by the bid of the successful bidder, plus engineering and inspection cost, and the CITY will promptly pay this cost to the STATE before award of the contract. The STATE will not award the contract until it is in receipt of the estimated cost payable by the CITY as reflected by the bid of the successful bidder, plus the engineering and inspection cost. All required off-site testing shall be the responsibility of the Alabama Department of Transportation. All on-site engineering, inspection, and testing (including obtaining and delivery of test specimens to the Alabama Department of Transportation testing facility) shall be the responsibility of the CITY or its designated representative.

- (8) Upon completion and acceptance of the work by the STATE, the CITY will assume full responsibility for maintenance of that part of the facility which is not part of the State Highway Maintenance System.
- (9) The CITY agrees that in the event the FHWA determines, under its rules and/or regulations that Federal funds expended on this Project (including but not limited to delay of the projects, or delay of projects contemplated to be developed and accomplished in sequence to the current projects) must be refunded to the FHWA, the CITY shall reimburse and pay to the STATE for and on behalf of FHWA, a sum of money equal to the total amount of STATE and Federal funds expended under this Agreement.
- (10) It is clearly understood by the parties that the STATE does not commit any STATE or Federal funds beyond those mentioned herein.
- (11) A final audit will be made of all Project records after completion of the Project and a copy will be furnished to the Department of Examiners of Public Accounts, in accordance with Act 1994, No. 94-414. A final financial settlement will be made between the parties as reflected by the audit and this Agreement.
- (12) The CITY will be responsible at all times for all of the work performed under this Agreement and, the CITY will protect, defend, indemnify and hold harmless the State of Alabama, The Alabama Department of Transportation, the officials, officers, and employees, in both their official and individual capacities, and their agents and/or assigns, from and against any and all action, damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Agreement.

- (12) By entering into this Agreement, the CITY is not an agent of the STATE, its officers, employees, agents or assigns. The CITY is an independent entity from the STATE and nothing in this Agreement creates an agency relationship between the parties.
- (13) By signing this contract, the contracting parties affirm, for the duration of the Agreement, that they will not violate Federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the Agreement and shall be responsible for all damages resulting therefrom.
- (14) The terms of this Agreement may be modified by supplemental agreement duly executed by the parties hereto.
- (15) This Agreement will remain in effect, unless otherwise terminated by either party upon the delivery of a thirty (30) day notice of termination.
- (16) Nothing will be construed under the terms of this Agreement by the STATE or the CITY that will cause any conflict with Section 23-1-63, Code of Alabama (7/24th Law).
- (17) Exhibits M and N are attached and hereby made a part of this Agreement.

IN WITNESS WHEREOF, the parties hereto cause this Agreement to be executed by those officers, officials, and persons thereunto duly authorized, and the Agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of approval of the Governor of Alabama.

SEAL

ATTEST:

CITY OF DAPHNE, ALABAMA

City Manager (Signature)

BY: _____
Mayor (Signature)

Type name of Manager

Type name of Mayor

THIS AGREEMENT HAS BEEN LEGALLY REVIEWED
AND APPROVED AS TO FORM AND CONTENT:

By: _____
Chief Counsel, Jim R. Ippolito, Jr.

RECOMMENDED FOR APPROVAL:

Southwest Region Engineer, Vincent E. Calametti, P. E.

Multimodal Transportation Engineer,
Robert J. Jilla

Chief Engineer, Ronald L Baldwin, P. E.

**STATE OF ALABAMA
ACTING BY AND THROUGH THE
ALABAMA DEPARTMENT OF TRANSPORTATION**

Transportation Director, John R. Cooper

The foregoing Agreement is hereby approved by the Governor of the State of Alabama
this ____ day of _____, 20 ____.

GOVERNOR OF ALABAMA, ROBERT BENTLEY

CERTIFICATION

This certification is applicable to the instrument to which it is attached whether attached directly or indirectly with other attachments to such instrument.

The prospective participant/recipient, by causing the signing of and the submission of this Federal contract, grant, loan, cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, and the person signing same for and on behalf of the prospective participant/recipient each respectively certify that to the best of the knowledge and belief of the prospective participant or recipient and of the person signing for and on behalf of the prospective participant/recipient, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

07/01/2002

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this agreement shall contravene any statute or Constitutional provision of amendment, either now in effect or which may, during the course of this agreement, be enacted, then the conflicting provision in the agreement shall be deemed null and void.

TERMINATION DUE TO INSUFFICIENT FUNDS

If the agreement term is to exceed more than one fiscal year, then said agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the agreement in subsequent fiscal years.

In the event of proration of the fund from which payment under this agreement is to be made, agreement will be subject to termination.

ADR CLAUSE

For any and all disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such disputes, to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation by and through the Attorney General Office of Administrative Hearings or where appropriate, private mediators.

RESOLUTION NUMBER _____

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

1. That the City enters into an Agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:

Construction program for Project STPOA-0215 (), Project Reference Number 100064574 for intersection improvements – turning lanes at Sehoj Boulevard and Longue Vue Boulevard in the City of Daphne; which Agreement is before this Council.

2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the Agreement by all parties, that a copy of such Agreement be kept on file by the City Clerk.

Passed, adopted and approved this ____ day of _____, 20 ____.

ATTESTED:

City Clerk

Mayor

I, the undersigned qualified and acting clerk of the City of Daphne, do hereby certify that the above and foregoing is a true copy of a resolution passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the ____ day of _____, 20 ____, and that such resolution is on file in the City Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on the ____ day of _____, 20 ____.

City Clerk

Resolution 2015-46

Support of MPO Surface Transportation Funds to Install Intersection Improvements on County Road 13 at Sehoj Boulevard and Longue Vue Drive

WHEREAS, the City of Daphne is a member Government of the Eastern Shore Metropolitan Planning Organization (MPO) which is the organization designated by the Governor of the State of Alabama as being responsible, together with the State of Alabama, for implementing the applicable provisions of 23 USC 134 and 135 (amended by MAP-21 Sections 1201 and 1202, July 2012); 42 USC 2000d-1, 7401; 23 CFR 450 and 500; 40 CFR 51 and 93; and

WHEREAS, the Eastern Shore MPO was formed in June 2012 and has three years to allocate MPO Surface Transportation Project funds through the adoption of the 2040 Long Range Transportation Plan and FY16-19 Transportation Improvement Program (TIP); and

WHEREAS, the City of Daphne has submitted a project to install Intersection Improvements on County Road 13 at Sehoj Blvd. and Longue Vue Dr. (**CR 13 Intersection Improvement Project**) for inclusion in the FY 2016-2019 Transportation Improvement Program; and

WHEREAS, the CR 13 Intersection Improvement Project has been submitted for funding through MPO Surface Transportation Funds which require a twenty percent (20%) local match; and

WHEREAS, the CR 13 Intersection Improvement Project has an estimated cost of \$338,770 with an estimated local match of \$67,765 (20%) to be provided by the City of Daphne; and

WHEREAS, the Eastern Shore Metropolitan Planning Organization Policy Board will consider approving the use of MPO Surface Transportation Funds to fund CR 13 Intersection Improvement Project at their July 22, 2015 Board Meeting;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Daphne that:

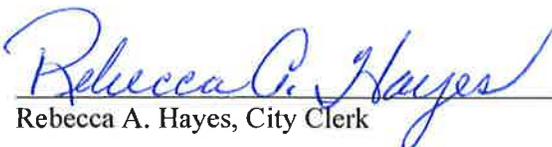
- 1.) The City of Daphne supports the funding of the CR 13 Intersection Improvement Project through MPO Surface Transportation Funds; and
- 2.) The Mayor and the Director of Public Works are hereby authorized to execute all agreements, contracts and documents for CR 13 Intersection Improvement Project funded through MPO Surface Transportation Funds; and
- 3.) If approved and awarded MPO Surface Transportation Funds for the CR 13 Intersection Improvement Project, the City will appropriate funds for the project equal to 20% of the survey, design, construction and CE&I (Total Project) cost in addition to 100% of all related utility relocations, and Right of Way acquisition costs, if any.

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



DANE HAYGOOD, MAYOR

ATTEST:



Rebecca A. Hayes, City Clerk

Sehoy Property Owners Association

P.O. Box 2631

Daphne, AL 36526

sehoypoa@yahoo.com

To Whom It May Concern:

The Sehoy POA and Neighborhood would like to request turn lanes on Hwy. 13 into the entrance of our neighborhood. Sehoy was built in 2000/ 2001 and is currently has 254 homes. Our neighborhood is located on Hwy. 13 between Daphne Middle School and Daphne High School. Hwy. 13 is one of the busiest roads in Daphne due to school, home, business and connection traffic from Hwy. 90 and Interstate 10. Due to the projected rise of business and home developments in our city in the next few years, traffic will continue to be a problem.

We currently have one Elementary school bus that serves only our neighborhood and one Middle/ High school bus. This does not account for the car traffic each morning and afternoon as people head to and from work.

In the past year, there have been several automobile wrecks due to the traffic that "backs up" from the middle school and continues past our neighborhood entrance. The traffic also backs up coming from North while one is waiting to turn left into the neighborhood.

Tiawasse Trace neighborhood has had a northbound turn lane for several years and recently received a southbound turning lane. Our neighborhood is larger and serves more homeowners. Our neighborhood is also closer to the middle school and causes traffic to back up in front of the Assisted Living Home, Brennyty.

Please let us know how we need to address and correct this problem. It is our understanding that the discussion of turn lanes on Hwy. 13 has been ongoing for several years. We feel this is a need and discussion that needs to be addressed considering the potential growth of our city and for the safety of the citizens.

Thank you for this consideration.

Sehoy POA

Phillip Wilbourn
Per Kent R. Myer
Vice President

President: Phillip Wilbourn
850-485-2233

EASTERN SHORE MPO **PROJECT SUBMITTAL FORM**

FOR SUBMITTING A PROPOSED PROJECT FOR INCLUSION IN THE LONG RANGE TRANSPORTATION PLAN (LRTP)
OR TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

Date: 06-03-2015 **Point of Contact:** Richard D. Johnson

Address: City of Daphne; P.O. Box 400; Daphne, AL 36526

Phone: 251-621-3182 **Email:** rjohnson@daphneal.com

This Project was Recommended by (check one): Citizen Working or Living within MPO Area

Advisory Committee Member Public Official Other _____

Please provide the following information about the proposed project:

Project Description and Location (*include termini description, if road improvement*)

County Road 13 - Intersection improvements at the entrances of Sehoy (Sehoy Blvd) and French Settlement (Longue Vue Blvd)

Subdivisions. Project consists of widening the roadbed to accomodate left turn and right turn deceleration lanes. Work will entail piping of open ditches, drainage, curbing, shoulder/base/pavement build up, asphalt overlayment, striping/markings, topsoil and sod.

The project lies within Sections 9 and 10, Township 5 South, Range 2 East, in the City of Daphne, Baldwin County, Alabama.

Reason for Proposed Project (*Purpose and Need*):

County Road 13 (Urban Collector) is a major north south link for students and work commuters. The lack of turn lanes at the entrances of these subdivisons creates stacking during peak hrs. Turn lanes will decrease travel times and improve roadway capacity & safety.

Project Length (*if applicable*):

1550 linear feet or 0.3 Miles

Bicycle and Pedestrian or ADA Upgrades:

Subject roadway is currently under consideration for FY2015 TAP Grant for multi-use pathway - full ADA compliance.

Roadway Classification (*if applicable*):
Urban Collector

Project Sponsor (*i.e. Responsible Local Government*):
City of Daphne

Percent (%) Local Match:
20%

Match Source:
Capital Reserves and/or General Fund

Environmental Justice Issues or Concerns:
None

For Internal (MPO or Project Sponsor) Use Only

Scope of Work:	Cost Estimate:
Preliminary Engineering: (Survey & Design) plus Geo-Technical Investigation (9.5%)	\$25,849.96
Right-of-Way: None Required	\$0.00
Utilities: No conflicts anticipated	\$0.00
Construction: Construction: \$272,104.89 Testing & CE&I (15%) \$ 40,815.73	\$312,920.62
TOTAL COST:	\$338,770.58

Project Map:

See Attached

For Internal (MPO or Project Sponsor Use Only)

Potential Funding Sources:

- | | |
|----------|----------|
| 1. _____ | 2. _____ |
| 3. _____ | 4. _____ |
| 5. _____ | 6. _____ |
| 7. _____ | 8. _____ |

Bicycle and Pedestrian Advisory Committee Recommendation:

- | | |
|--|---|
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Visionary List of the LRTP | <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Financially Constrained List of the LRTP |
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the TIP _____ | <input type="checkbox"/> Recommend the Policy Board not approve the project |
| <input type="checkbox"/> Recommend the Policy Board postpone taking any action on the proposed project to give time for further review or to change the project scope: _____ | Votes: |
- _____
Chair or Vice Chair Signature Date

Citizens Advisory Committee Recommendation:

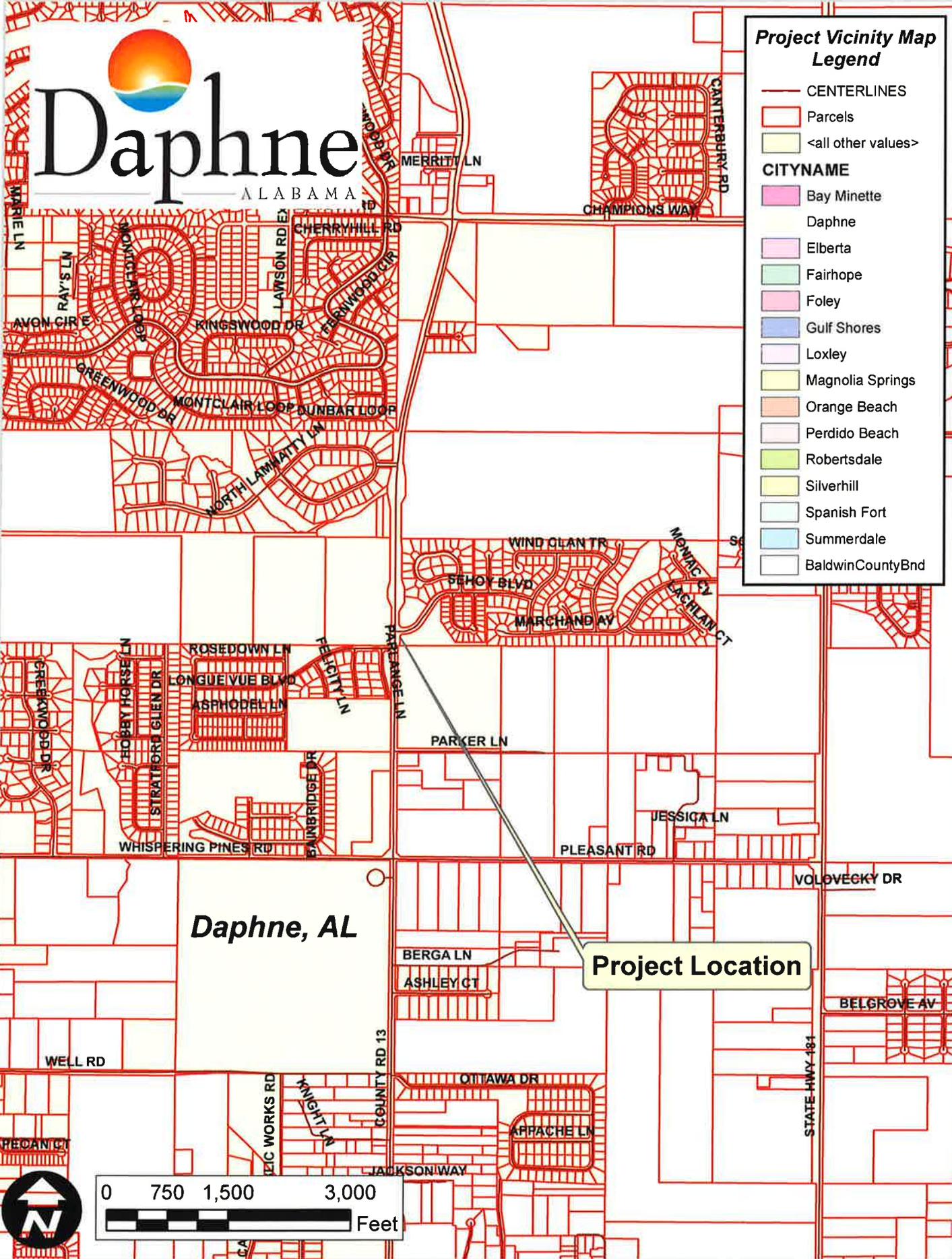
- | | |
|--|---|
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Visionary List of the LRTP | <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Financially Constrained List of the LRTP |
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the TIP _____ | <input type="checkbox"/> Recommend the Policy Board not approve the project |
| <input type="checkbox"/> Recommend the Policy Board postpone taking any action on the proposed project to give time for further review or to change the project scope: _____ | Votes: |
- _____
Chair or Vice Chair Signature Date

Technical Advisory Committee Recommendation:

- | | |
|--|---|
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Visionary List of the LRTP | <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the Financially Constrained List of the LRTP |
| <input type="checkbox"/> Recommend approval of the project as submitted for inclusion in the TIP _____ | <input type="checkbox"/> Recommend the Policy Board not approve the project |
| <input type="checkbox"/> Recommend the Policy Board postpone taking any action on the proposed project to give time for further review or to change the project scope: _____ | Votes: |
- _____
Chair or Vice Chair Signature Date

Policy Board Action:

- | | |
|---|---|
| <input type="checkbox"/> Approve the project as submitted for inclusion in the Visionary List of the LRTP | <input type="checkbox"/> Approve the project as submitted for inclusion in the Financially Constrained List of the LRTP |
| <input type="checkbox"/> Approve the project as submitted for inclusion in the TIP _____ | <input type="checkbox"/> Choose not to approve the project |
| <input type="checkbox"/> Postpone taking any action on the proposed project to give time for further review or to change the project scope: _____ | Votes: |
- _____
Resolution Number:



CONSTRUCTION COST ESTIMATE

Project: **County Road 13 Turn Lanes @ Sehay & French Settlement**



ITEM #	DESCRIPTION	UNIT	QTY	UNIT PRICE	AMOUNT
1	CONCRETE REMOVAL (206-A)	LS	1	\$ 1,500.00	\$ 1,500.00
2	ASPHALT SAW CUTTING (E.P.)	LF	500	\$ 5.00	\$ 2,500.00
3	UNCLASSIFIED EXCAVATION (210-A)	CY	720	\$ 6.50	\$ 4,680.00
4	GRANULAR SOIL BASE COURSE, TYPE A, ROAD MIXED, MIN. 4" COMPACTED THICKNESS (FROM STOCKPILES) (301-A)	SY	2,362	\$ 2.20	\$ 5,196.40
5	CRUSHED AGGREGATE BASE, TYPE B, PLANT MIXED, 6" COMPACTED THICKNESS (301-A)	SY	2,600	\$ 22.00	\$ 57,200.00
6	TACK COAT (0.05 GALLONS PER SY) (405-A)	GAL	120	\$ 5.00	\$ 600.00
7	MILLING/PLANING EXISTING PAVEMENT (1.5" DEEP - MAX) (408-A)	SY	116	\$ 7.50	\$ 870.00
8	BITUMINOUS CONCRETE WEARING SURFACE LAYER, 3/4" MAX AGGREGATE SIZE, ESAL RANGE B, (165#/SY) (429-A)	TON	391	\$ 88.00	\$ 34,408.00
9	BITUMINOUS CONCRETE BINDER LAYER, 3/4" MAX AGGREGATE SIZE, ESAL RANGE B, (220#/SY) (429-B)	TON	286	\$ 90.00	\$ 25,740.00
10	TOPSOIL, 4" COMPACTED THICKNESS (650-A)	CY	223	\$ 13.25	\$ 2,954.75
11	SOLID SODDING (654-A)	SY	1,338	\$ 5.00	\$ 6,690.00
12	SOLID WHITE, CLASS 2, TYPE A, TRAFFIC STRIPE, 5" WIDE (701-A)	MILE	0.72	\$ 5,000.00	\$ 3,600.00
13	DOTTED WHITE, CLASS 2, TYPE A, TRAFFIC STRIPE, 5" WIDE (701-B)	MILE	0.04	\$ 5,000.00	\$ 200.00
14	SOLID YELLOW (DOUBLE), CLASS 2, TYPE A, TRAFFIC STRIPE, 5" WIDE(701-A)	MILE	0.34	\$ 5,000.00	\$ 1,700.00
15	TRAFFIC CONTROL MARKINGS (CHEVRONS), YELLOW, CLASS 2, TYPE A (703-A)	SF	700.00	\$ 7.50	\$ 5,250.00
16	TRAFFIC CONTROL MARKINGS (STOP BAR), WHITE, CLASS 2, TYPE A (703-A)	SF	48.00	\$ 7.50	\$ 360.00
17	TRAFFIC CONTROL MARKINGS (CHANNEL LINE), WHITE, CLASS 2, TYPE A (703-A)	SF	267.00	\$ 7.50	\$ 2,002.50
18	TRAFFIC CONTROL LEGENDS (ARROW), WHITE, CLASS 2, TYPE A (703-B)	SF	102	\$ 7.50	\$ 765.00
19	TRAFFIC CONTROL LEGENDS (ONLY), WHITE, CLASS 2, TYPE A, (703-B)	SF	100	\$ 7.50	\$ 750.00
20	REFLECTIVE PAVEMENT MARKERS, CLASS A-H, TYPE 1-B (705-A)	EA	430	\$ 5.00	\$ 2,150.00
21	REFLECTIVE PAVEMENT MARKERS, CLASS A-H, TYPE 2-E (705-A)	EA	300	\$ 5.00	\$ 1,500.00
22	REFLECTIVE PAVEMENT MARKERS, CLASS A-H, TYPE 2-E (705-A)	EA	287	\$ 6.00	\$ 1,722.00
23	CONCRETE CURB, TYPE M-2 (623-B)	LF	250	\$ 17.50	\$ 4,375.00
24	CONCRETE CURB, TYPE M-3 (623-B)	LF	250	\$ 17.50	\$ 4,375.00
25	22"x13" RCAP (DOUBLE) (531-A)	LF	800	\$ 60.00	\$ 48,000.00
26	GRATE TOP INLET (621-C)	EA	2	\$ 4,000.00	\$ 8,000.00
27	JUNCTION BOX (621-A)	EA	2	\$ 3,500.00	\$ 7,000.00
28	CONCRETE SLOPE PAVED HEADWALLS (22"x13")	EA	2	\$ 750.00	\$ 1,500.00
29	MOBILIZATION (600-A) (7.0% of Const.)	LS	1	\$ 16,491.21	\$ 16,491.21
29	EROSION CONTROL (2.5% of Const.)	LS	1	\$ 5,889.72	\$ 5,889.72
30	TRAFFIC CONTROL (740-A) (6.0% of Const.)	LS	1	\$ 14,135.32	\$ 14,135.32
TOTAL CONSTRUCTION COST:					\$ 272,104.89

Professional Services Calculations					
Item #	Description	Unit	Quantity	Unit Price	Amount
1	Engineering Survey & Design (9.5% of Const.)	Each	1	\$25,849.96	\$25,849.96
2	Material Testing (2.5% of Construction)	Each	1	\$6,802.62	\$6,802.62
3	Engineering - CE&I (12.5% of Construction)	Each	1	\$34,013.11	\$34,013.11
Estimated Professional Service Cost					\$66,665.70

Estimated Total Cost (Less Engineering Survey and Design)	\$312,920.62
--	---------------------

Not Eligible for ESMPO Reimbursement



LONGUE VUE BLVD

LONGUE VUE BLVD

PARLANOE LN

SEHOY BLVD



NORTH

**CITY OF DAPHNE
RESOLUTION NO. 2015 - 56**

REVISIONS TO CITY OF DAPHNE STREET MAP

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on July 30, 2015 approved a favorable recommendation to the City Council of the City of Daphne, Alabama for a revision to the City of Daphne Street Map and presented at said meeting; and

WHEREAS, said revision to street map is necessary due to additional streets being added to and accepted by the City; and

WHEREAS, due notice of said revisions to the City of Daphne Street Map has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, the City Council of the City of Daphne, Alabama, after due consideration, and upon the recommendation of the Planning Commission of the City of Daphne, believes it is in the best interest of the health, safety and welfare of the citizens of the City to accept the revisions to the City of Daphne Street Map; and

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

SECTION I: ADOPTION OF MAP

THAT the City of Daphne Street Map was considered by the City of Daphne Planning Commission on July 30, 2015, and having made a favorable recommendation to the City Council and said revised map being attached hereto as Exhibit "A" is hereby adopted as the official "City of Daphne Street Map."

SECTION II: REPEALER

THAT Resolution No. 2014-45 entitled "Revisions to City of Daphne Street Map" is hereby repealed in it's entirety and any Resolution(s) or parts of Resolution(s) conflicting with the provisions of this Resolution are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

THAT This Resolution shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne, Alabama.

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

**DANE HAYGOOD,
MAYOR**

ATTEST:

**REBECCA A. HAYES,
CITY CLERK**

Zoning & Street Map Updates July 1, 2014 through June 31, 2015

Typically, every six months the Department of Community Development creates new official city zoning and street maps for the Council's adoption. In this case, it has been one year since these official maps have been amended. All modifications shown on these two maps have been approved by the Planning Commission (recorded preliminary/final and/or final subdivision plat) and/or the City Council (annexation, zoning and/or street acceptance resolution). The following provides a summary of the growth and development of the City for the past year.

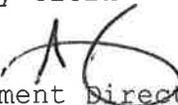
- **ANNEXATION:** During this period the corporate boundaries have expanded, annexing 53.99 acres which equates to 0.08435938 square miles. *The City limits increased from 16.62 sq. miles to 16.704 sq. miles. 1 acre = 0.0015625 sq. miles.*
- **ZONING:** During this period the City has *rezoned 2.66 acres to B-2, General Business and 51.33 acres to R-1, Single Family Residential.*
- **INFRASTRUCTURE:** During this period the city has *accepted a total of 7520.74 linear feet of additional roads or rights of way for maintenance in Phase 11 of Timbercreek, Unit 2, Part B of Brookhaven Subdivision, and Ray's Lane.*
- **DEVELOPMENT:** During this period the Planning Commission has *approved subdivisions with 20 new single family residential lots in the City and 92 new residential lots in our Extra-Territorial Jurisdiction.*

Application	Council Approval	Council Action	Property Size
Annexation			
Ordinance 2014-34 White Spinner KIDCO-SIDNO #1473861	August 18, 2014	Approved annexation	0.63 acres
Ordinance 2014-59, Provision Investment, LLC #1495090	January 5, 2015	Approved annexation (with R-1 zoning)	51.33 ac
Ordinance 2015-16, Jubilee Properties, LLC #1509952	April 6, 2015	Approved annexation	2.03 acres
Rezoning or Prezoning			
Ordinance 2014-33, White Spinner KIDCO-SIDNO (NW Intersection of CR 64 & 13) #1473862	August 18, 2014	Approved B-2 zoning	0.63 acres
Ordinance 2014-59, Provision Investment, LLC #1495090	January 5, 2015	Approved R-1 zoning	51.33 ac
Ordinance 2015-15, Jubilee Properties, LLC #1509953	April 6, 2015	Approved B-2 zoning	2.03 acres
Street Acceptances			
Timber Creek Phase 11	August 04, 2014	Council Resolution 2014-43 Accepted Dedication	6,570 total linear feet
Brookhaven Subdivision	November 17, 2014	Council Resolution 2014-55 Accepted Dedication	633.74 total linear feet
Rays Lane	July 6, 2015	Council Resolution 2015-44 Private to Public Road	317 total linear feet

Resolution 2015-56 Exhibit "A"

Subdivisions—Probate Slide Number	Date of PC Approval	New lots created (total lots)	Corporate Limits?
The Reserve of Daphne Phase 1 on CR 64 Slide #2520 B&C	July 24, 2014	78 lots	No ETJ
Mark Triones Belforest Sub unit 2 Resub of lot 1A #2516 C	July 24, 2014	2 lots	No ETJ
Replat of Lots 382 & 383 Resubdivision of Part of Plantation Hills, Unit 1 Subdivision #2511E	July 24, 2014	0	Yes
GCOF & WSR 64-13 Replat #2514 A	August 21, 2014	0	Yes
Creamer Family Split #2513 A	August 21, 2014	3	No ETJ
Creamer Family Split #2513 B	August 21, 2014	2	No ETJ
Stevens Addition to Main Street & Professional Place #2513 F	August 21, 2014	2	Yes
Daphne Utility Replat of Lots 5 & South ½ of Lot 4, Dryer Subdivision #2536 D	September 25, 2014	0	Yes
George Kalasountas Replat #1 #2520 E	October 23, 2014	0	No ETJ
George Kalasountas Replat #2 #2520 F	October 23, 2014	0	No ETJ
Brookhaven Subdivision Phase 2 Part B#2519 F	October 23, 2014	18	Yes
Brookins Subdivision, A Resubdivision of Lots 40-43, Riverside Farm Estates, Unit 1 #2522 C	October 23, 2014	6	No ETJ
The Preserve Subdivision at Tiawasee #2526 C	October 23, 2014	3	Yes
Timbercreek Village Ph2 Resub L1 and L2 Slide # 2510 E	October 23, 2014	2	Yes
Timbercreek Business Park Unit 2 Resub L1 and L2 Slide # 2522 B	October 23, 2014	2	Yes
Berga-Rigsby Subdivision #2533 C & D	December 18, 2014	3	No ETJ
Veteran's Point (exempt) #2524 F	December 18, 2014	2	Yes
Replat of Dryer Sub L5 and L6 for C. Anne Smith #2526 F	January 22, 2015	0	Yes
Replat of 3 Parcels – Lots 3, 4, 5 of Lake Forest Subdivision Unit 8 #2531 A	March 26, 2015	0	Yes
Replat of 2 Parcels – Parcels 18 & 19 Ervin Subdivision #2537 C	May 28, 2015	0	Yes
Peaceful Acres (not recorded)	May 28, 2015	3	No ETJ
Replat of Lot 2B Webb FLP #2535 E	June 25, 2015	0	Yes
Replat of Fischer & Spotswood Parcels #2536B	June 25, 2015	0	No ETJ
Tasheiko Family Sub #2519 E	*October 23, 2013	4	No ETJ
Consolidated Acres Unit 3 on Milton Jones Rd (not recorded)	July 14, 2014	2	No ETJ

**approved in previous review cycle but recorded during current review cycle.*

To: Office of the City Clerk
From: Adrienne D. Jones, 
Community Development Director
Subject: Revised City of Daphne Street Map
Date: August 5, 2015

MEMORANDUM

At the July 30, 2015, special meeting of the City of Daphne Planning Commission, seven members were present. The motion to set forth a **favorable recommendation** carried unanimously of the above-mentioned revision to the street map.

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

Upon receipt of said documentation, please prepare a resolution for placement on the City Council agenda of Monday, August 17, 2015.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Street Map Planning Report (Copy Attached)
2. Street Map (Display - Posted in Council Chambers)

ORDINANCE 2015-36
Amendment "A"

An Ordinance Amending the City of Daphne Pay Plan and Appropriation of Funds

WHEREAS, Ordinance 2004-52 as adopted January 3, 2005 established the City of Daphne Job Classification Schedule; and

WHEREAS, Ordinance 2014-44 approved and adopted the Fiscal Year 2015 Budget on September 23, 2014 which funded approved personnel positions for the City; 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 Archer Company prepared a comparison salary survey in 2012 and recommended a percentage based increase for all positions but due to the economic conditions at that time the budget did not allow those personnel increases to be implemented; and

WHEREAS, recent evaluations of the current pay plan have shown that City salaries are not in line with current market salary rates; and

WHEREAS, a proposed new pay plan has been created with the 2012 salary survey as the basis and adjustments made to stay in line with surrounding municipalities pay scale for Directors; and

WHEREAS, updates to the pay plan also include all COLA, merit, and step increases that have been given to City personnel since the 2012 survey was prepared; and

WHEREAS, after further review, the City Council recommends that the proposed Pay Plan as attached be implemented.

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

- 1) *Amend Ordinance 2015-09 and 2015-27 to include the Finance Director's CPA Certification pay-\$12,000 and a portion of the Treasurer's pay \$7,000 (adjusting the Treasurer's pay supplement to \$5,000) in the new pay plan, and*
- 2) *Appropriate from the General Fund one-half of the increase for the new pay plan effective the first pay period of September, \$17,341 and the second half on the first pay period of September 2016 (FY16-\$121,384).*
- 3) Appropriate a flat increase of the greater of \$.40 or 2% for non-Directors/Deputy Directors for a total cost of \$427,939.

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

Dane Haygood, Mayor

ATTEST:

Rebecca Hayes, City Clerk

**ORDINANCE 2015-36
AMENDMENT "B"**

An Ordinance Amending the City of Daphne Pay Plan and Appropriation of Funds

WHEREAS, Ordinance 2004-52 as adopted January 3, 2005 established the City of Daphne Job Classification Schedule; and

WHEREAS, Ordinance 2014-44 approved and adopted the Fiscal Year 2015 Budget on September 23, 2014 which funded approved personnel positions for the City; 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 Archer Company prepared a comparison salary survey in 2012 and recommended a percentage based increase for all positions but due to the economic conditions at that time the budget did not allow those personnel increases to be implemented; and

WHEREAS, recent evaluations of the current pay plan have shown that City salaries are not in line with current market salary rates; and

WHEREAS, a proposed new pay plan has been created with the 2012 salary survey as the basis and adjustments made to stay in line with surrounding municipalities pay scale for Directors; and

WHEREAS, updates to the pay plan also include all COLA, merit, and step increases that have been given to City personnel since the 2012 survey was prepared; and

WHEREAS, after further review, the City Council recommends that the proposed Pay Plan as attached be implemented.

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

- 1) ***Amend Ordinance 2015-09 and 2015-27 to include the Finance Director's CPA Certification pay-\$12,000 and a portion of the Treasurer's pay \$7,000 adjusting the Treasure's pay supplement to \$5,000 in the new pay plan, and***
- 2) ***Appropriate from the General Fund one-half of the increase for the new pay plan effective the first pay period of September, 2015 - \$17,341 and the second half on the first pay period of September 2016 (FY16-\$121,384).***
- 3) Appropriate a flat increase of \$.25 (\$64,786 for FY16) for non-Directors/Deputy Directors effective the first pay period starting in January 2016 on the regular pay scale,
- 4) Appropriate a 1% increase (\$36,039 for FY2016) effective the first pay period starting in January 2016 for employees on the Public Safety Pay Scale
- 5) The total cost for FY16 would be \$222,209 and a full annual year cost would be \$342,520.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

ORDINANCE NO. 2015 – 45

AN ORDINANCE AMENDING THE POLICY FOR COMMUNITY GRANTS BY THE CITY OF DAPHNE ADOPTED BY ORDINANCE 2014-16

BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THAT ORDINANCE NO. 2014-16 SHALL BE AMENDED AS FOLLOWS:

SECTION 1: Section 3 of Ordinance 2014-16 Applicability is hereby amended to provide for an exception to the aforesaid Ordinance. Said Section 3 shall be deleted and replaced by the following:

Outside entities which provide public benefit, but not direct financial benefit, to the City of Daphne may only be funded by the City of Daphne in accordance with the CGP (Community Grants Program) established herein. The CGP shall not apply to contributions and requests for contributions for memberships, dues, or contributions to entities whose efforts provide direct revenue to the City of Daphne. The City Council and Mayor shall jointly decide which entities must enter the CGP and which entities qualify under the aforementioned membership/dues/contributions exception to the CGP. Only upon extraordinary circumstances shown, the City Council may consider an exception to the terms and conditions of this ordinance. This exception may be granted by no less than five members of the City Council voting to approve such an exception.

SECTION 2: **Severability.** The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrases, clause, sentence, paragraph or section of the Ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraphs and sections, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 3: **Full Force and Effect.** Except as specifically repealed, all remaining provisions of Ordinance 2014-16 and all amendments thereto shall remain in full force and effect.

SECTION 4: **EFFECTIVE DATE.** Provision of this amendment shall be effective and operative upon execution of this Ordinance.

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

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2015-46**

**Ordinance to Pre-Zone Property Located at the
Southwest Corner of the Intersection of Champions Way and Alabama Highway 181
The Bills' No. 2, LLC**

WHEREAS, The Bills' No. 2, LLC as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property be pre-zoned from RSF-1, Single Family Residential District, Baldwin County District 15 to PUD, Planned Unit Development District, City of Daphne; and

WHEREAS, said real property is located at the southwest corner of the intersection of Champions Way and Alabama Highway 181, and more particularly described as follows:

Legal Description for Pre-zone:

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:
THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5
SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THE WEST HALF OF
THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2,
TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA.

WHEREAS, at the regular Planning Commission meeting on June 25, 2015, the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on August 3, 2015; and,

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

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

SECTION I: ZONING

That above described real property is hereby pre-zoned from RSF-1, Single Family Residential District, Baldwin County District 15, to PUD, Planned Unit Development 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:

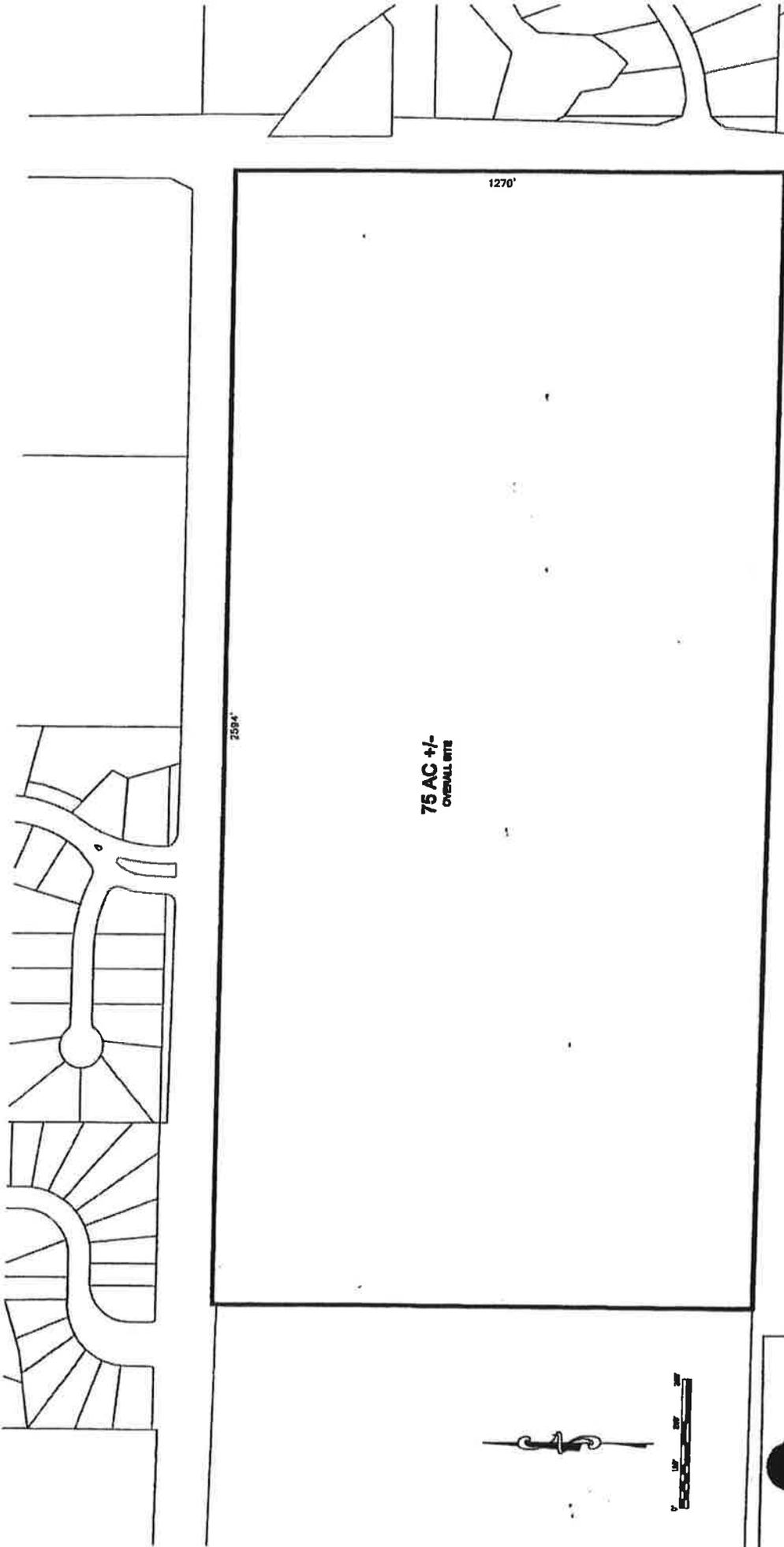
**Rebecca A. Hayes,
City Clerk**

EXHIBIT A

THE BILLS' NO. 2, LLC PRE-ZONING & ANNEXATION PETITIONS

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA.



COMMERCIAL & TECHNOLOGY COMPLEX

EXHIBIT B



**CITY OF DAPHNE, ALABAMA
ORDINANCE 2015-47**

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

**Property Located at the Southwest Corner of the Intersection of Champions Way and
Alabama Highway 181
The Bills' No. 2, LLC**

WHEREAS, on the 10th day of June, 2015, 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 August 3, 2015 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on June 25, 2015, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation and said property; and

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

SECTION ONE: ANNEXATION

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

SECTION TWO: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:
THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3,
TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND
THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST
QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN
COUNTY ALABAMA.

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:

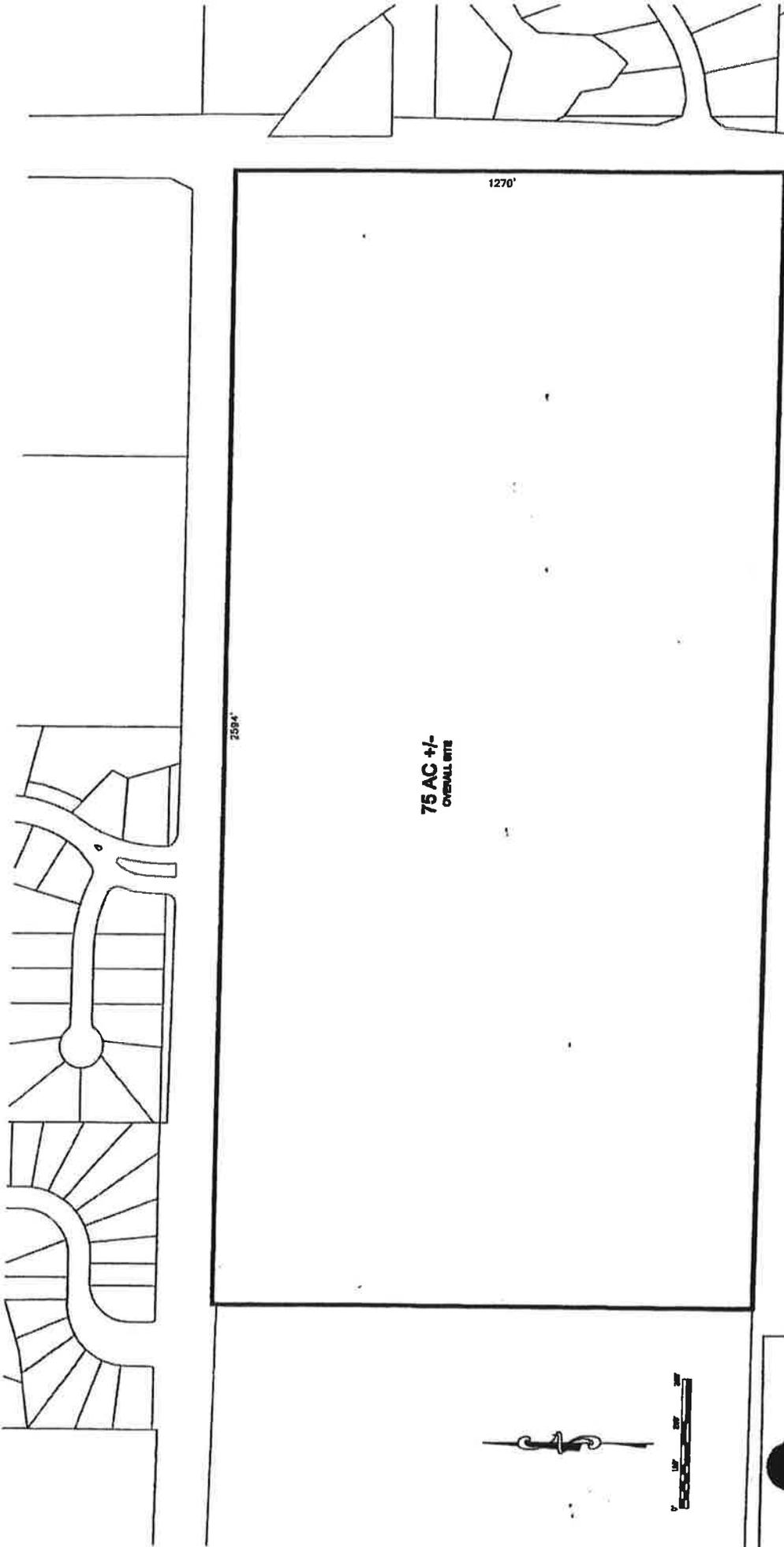
Rebecca A. Hayes,
City Clerk

EXHIBIT A

THE BILLS' NO. 2, LLC PRE-ZONING & ANNEXATION PETITIONS

PER INSTRUMENT #639914 OF BALDWIN COUNTY PROBATE RECORDS:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, AND THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY ALABAMA.



COMMERCIAL & TECHNOLOGY COMPLEX

EXHIBIT B



ORDINANCE 2015-48

**Alabama Dept of Economic & Community Affairs (ADECA)
Additional Appropriation for: Recreational Trails Program Project: Village Point
Park Preserve Boardwalk/Trails Extension – Project#14-RT-54-08**

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 did heretofore make application to the Alabama Department of Economic & Community Affairs (ADECA) and was approved for funding in the amount of \$88,624 for the following improvements at the Daphne Village Point Park : 1270 LF of new Boardwalk/Trails (2014 PW-031):

- Construction of 800' of ADA compliant wooden Boardwalk
- Construction of 470' of hard surface trail to connect the existing trail system in Village Point Park; and

WHEREAS, an appropriation was approved in Ordinance 2014-55 for matching funds for the grant in the amount of \$ 30,214 in the Fiscal 2015 budget; and

WHEREAS, the City of Daphne were received bids and total cost - \$131,325 (construction- \$109,841 +engineering - \$21,484).

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

- 1) The City of Daphne hereby accepted the offer of financial assistance from ADECA in the amount of \$88,624 for the improvements (as herein stated) to the Daphne Village Point Park Preserve; AND
- 2) Funds in the amount of \$30,214 from the Lodging Tax Fund were hereby appropriated in Ordinance 2014-55 and made a part of the Fiscal Year 2015 budget for the construction of 1200 LF of Boardwalk/Trails at Village Point Park Preserve; AND
- 3) Bids were received and additional funding is needed to complete the project in the amount of \$12,488.
- 4) The Mayor and City Clerk are hereby authorized to go out to bid for the project and execute the grant agreement and any other documents required for the acceptance of the ADECA Village Point Park Trail RTP Project# 14-RT-54-08 on behalf of the City of Daphne.

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

Dane Haygood, Mayor

ATTEST:

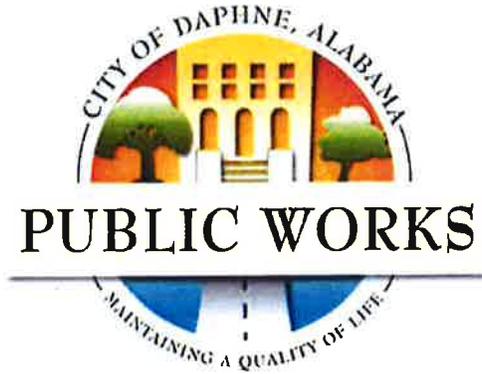
Rebecca A. Hayes, City Clerk

Dane Haygood
Mayor

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

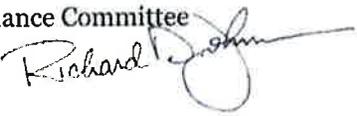
Randy Fry
District 4

Ronald Scott
District 5

Robin LeJeune
District 6

Joe Davis, III
District 7

Memorandum

To: Councilwoman Tommie Conaway - Chairman, Finance Committee
From: Richard D. Johnson, P.E.; Public Works Director 
CC: Finance; File
Date: October 24, 2014
Re: 2014 PW-031 Recreational Trails Grant: Village Point Park Preserve Enhancement

Madam Chairwoman:

Based upon the Recreational Trails Program (RTP) Grant award of \$88,623.20 to the City for additional trails and boardwalks at Village Point Park Preserve, I am recommending the following appropriations be made from the Lodging Tax Fund:

Description	Lodging Tax	RTP Grant
Engineering, Survey, Design and Letting	\$ 8,057.00	\$ 0.00
Construction	\$20,142.00	\$80,566.20
Construction Engineering & Inspection (Material Testing)	\$ 2,014.20	\$ 8,057.00
Totals	\$30,213.20	\$88,623.20

In addition, the Ordinance should authorize Staff to advertise for bids and the Mayor to execute all documents associated with this Grant Award and Project.

Yours,

RDJ

OFFICE OF THE GOVERNOR

ROBERT BENTLEY
GOVERNOR



STATE CAPITOL
MONTGOMERY, ALABAMA 36130

(334) 242-7100
FAX: (334) 242-3282

STATE OF ALABAMA

September 30, 2014

The Honorable Dane Haygood
Mayor of Daphne
Post Office Box 400
Daphne, Alabama 36526-0400

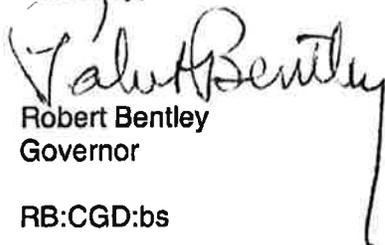
Dear Mayor Haygood:

Re: Recreational Trails Program Application
Notice of Award

It is my pleasure to notify you that the City of Daphne has been selected to receive a Recreational Trails Program (RTP) grant in the amount of \$88,623.20 to construct approximately 800 feet of ADA compliant wooden boardwalk and 470 feet of hard surface trail to connect the existing trail system in Village Point Park. The RTP is administered by the Alabama Department of Economic and Community Affairs (ADECA). The effective date of the award is September 30, 2014. ADECA will contact you in the near future with additional grant information and contract requirements.

I commend you on your efforts to enhance the quantity and quality of recreational opportunities available to Alabama's residents and visitors. Should you have any questions regarding your grant, please contact Maureen Neighbors, Community Services Unit Chief, at (334) 242-5467 or maureen.neighbors@adeca.alabama.gov.

Sincerely,


Robert Bentley
Governor

RB:CGD:bs

ORDINANCE 2014-55

**Alabama Dept of Economic & Community Affairs
Recreational Trails Program Project: Village Point Park Preserve Boardwalk/Trails
Extension – Project #14-RT-54-08**

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 did heretofore make application to the Alabama Department of Economic & Community Affairs (ADECA) for the funding of the following improvements at the Daphne Village Point Park : 1270 LF of new Boardwalk/Trails (2014 PW-031):

- Construction of 800' of ADA compliant wooden Boardwalk
- Construction of 470' of hard surface trail to connect the existing trail system in Village Point Park; and

WHEREAS, such improvements will facilitate the recreational, environmental, and historical use of the Park by the citizens of Daphne; and

WHEREAS, an appropriation is needed for matching funds for the grant in the amount of \$ 30,214 in the Fiscal 2015 budget; and

WHEREAS, the City of Daphne has received notification that the grant application has been approved.

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

- 1) The City of Daphne hereby accepts the offer of financial assistance from ADECA in the amount of \$88,624 for the improvements (as herein stated) to the Daphne Village Point Park Preserve; AND
- 2) Funds in the amount of \$30,214 from the Lodging Tax Fund are hereby appropriated and made a part of the Fiscal Year 2015 budget for the construction of 1200 LF of Boardwalk/Trails at Village Point Park Preserve; AND
- 3) The Mayor and City Clerk are hereby authorized to go out to bid for the project and execute the grant agreement and any other documents required for the acceptance of the ADECA Village Point Park Trail RTP Project# 14-RT-54-08 on behalf of the City of Daphne.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, this 1st day of December, 2014.



Dane Haygood, Mayor

ATTEST:



Rebecca A. Hayes, City Clerk

ORDINANCE 2015-49

APPROPRIATION: DAPHNE HIGH SCHOOL FUND RAISER – TASTE OF EASTERN SHORE

WHEREAS, Ordinance 2004-52 as adopted January 3, 2005 established the City of Daphne Job Classification Schedule; and

WHEREAS, Ordinance 2014-44 approved and adopted the Fiscal Year 2015 Budget on September 23, 2014 which funded the position of the Finance Director; and

WHEREAS, Daphne High School will rent the Civic Center for a fund raiser event to support school programs; and

WHEREAS, the City of Daphne recognizes Daphne High School and the importance of its programs to the City and the citizens of Daphne and the need for fund raising events to support their extracurricular programs; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that funds in the amount of \$5,000 from the General Fund is hereby appropriated and made a part of the Fiscal Year 2015 budget for support of Daphne High School fund raising event: Taste of Eastern Shore.

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 2015-50

**JOB RECLASSIFICATION:
An Ordinance Approving the Job Reclassification of
Fire Battalion Chief Position**

WHEREAS, Ordinance 2004-52 as adopted January 3, 2005 established the City of Daphne Job Classification Schedule; and

WHEREAS, Ordinance 2014-44 approved and adopted the Fiscal Year 2015 Budget on September 23, 2014 which funded the position of the Fire Battalion Chief; and

WHEREAS, after further review, the City Council recommends that the Fire Battalion Chief position should be reclassified within the existing Job Classification Schedule.

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

- 1) The authorized position of the Fire Battalion Chief, shall be reclassified to Public Safety Grade 29 non-exempt to Public Safety Grade 31 exempt and the existing Job Classification Schedule shall be amended to include such revision; and
- 2) The total annual increase of such reclassification is \$12,433 (*\$ 10,626 wages and \$1,806 benefits*)
- 3) Appropriation from the General Fund in the amount of \$1,435 for the remainder of FY2015.

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

Dane Haygood, Mayor

ATTEST:

Rebecca Hayes, City Clerk