

**CITY OF DAPHNE
CITY COUNCIL MEETING AGENDA
1705 MAIN STREET, DAPHNE, ALABAMA
SEPTEMBER 8, 2015
6:30 P.M.**

1. CALL TO ORDER

2. ROLL CALL

INVOCATION / Pastor Rife Stewart with Destiny Church

PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: Council Meeting Minutes / August 17, 2015

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Fry

B. BUILDINGS & PROPERTY COMMITTEE - Davis

C. PUBLIC SAFETY - Rudicell
Review minutes / August 17th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Scott
Review minutes / August 17th

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY – LeJeune

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

C. INDUSTRIAL DEVELOPMENT BOARD – Davis
Review minutes / August 24th

D. LIBRARY BOARD - Lake

E. PLANNING COMMISSION – Scott
Review Special meeting minutes / July 30th
Review Staff Report / August 27th

MOTION: Set a Public Hearing date for October 5, 2015 and to approve advertising to consider:

a.) *Revisions to the Land Use and Development Ordinance / Zoning Map*

b.) *Pre-zone:*

Present zoning:

John W. West

RSF-4, Two Family District, Baldwin County District 16, in the extra-territorial planning jurisdiction of Daphne

Proposed zoning:

B-1, Local Business, City of Daphne

Location:

Southwest of Holy Cross Circle and Holy Cross Drive

Recommendation:

Unanimous favorable

- c.) **Annexation:** *John W. West*
Location: Southwest of Holy Cross Circle and Holy Cross Drive
Recommendation: Unanimous favorable
- d.) **Zoning Amendment** *Cadence Bank*
Present zoning: R-4, High Density Multi-Family Residential District, City of Daphne
Proposed Pre-zoning: PUD, Planned Unit Development District, City of Daphne
Location: One quarter mile south of the intersection of County Road 64 and Pollard Road
Recommendation: Unanimous favorable
- e.) **Pre-zoning:** *Cadence Bank*
Present zoning: RSF-2, Single Family District, Baldwin County District 15, in the extra-territorial planning jurisdiction
Proposed Pre-zoning: PUD, Planned Unit Development, District, City of Daphne
Location: One quarter mile south of the intersection of County Road 64 and Pollard Road
Recommendation: Unanimous favorable
- f.) **Annexation:** *Cadence Bank*
Location: One quarter mile south of the intersection of County Road 64 and Pollard Road
Recommendation: Unanimous favorable

F. RECREATION BOARD – LeJeune**G. UTILITY BOARD – Fry**
Review minutes / July 29th**6. MAYOR’S REPORT****7. CITY ATTORNEY’S REPORT****8. DEPARTMENT HEAD’S REPORT****9. CITY CLERK’S REPORT****10. PUBLIC PARTICIPATION**

11. RESOLUTIONS AND ORDINANCES:**RESOLUTIONS:**

- a.) **Resolution 2015-57 “Option A”**.....Reappoint John Lake to the Renaissance Center Improvement District Board of Directors
- b.) **Resolution 2015-57 “Option “B”**.....Appoint Joe Davis to the Renaissance Center Improvement District Board of Directors
- c.) **Resolution 2015-58 “Option A”**..... Reappoint John Lake to the Renaissance Center Cooperative District Board of Directors
- d.) **Resolution 2015-58 “Option “B”**..... Appoint Joe Davis to the Renaissance Center Cooperative District Board of Directors

ORDINANCES:**2ND 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

1ST READ

- a.) **Ordinance 2015-51**..... Consenting to the Sale by the Utilities Board of the City of Daphne of Certain Surplus Personal Property

12. COUNCIL COMMENTS**13. ADJOURN**

**CITY OF DAPHNE
CITY COUNCIL**

ROLL CALL

CITY COUNCIL:

COUNCILMAN RUDICELL	PRESENT____	ABSENT____
COUNCILMAN LAKE	PRESENT____	ABSENT____
COUNCILMAN FRY	PRESENT____	ABSENT____
COUNCILMAN SCOTT	PRESENT____	ABSENT____
COUNCILMAN LEJEUNE	PRESENT____	ABSENT____
COUNCILMAN DAVIS	PRESENT____	ABSENT____
COUNCIL PRESIDENT CONAWAY	PRESENT____	ABSENT____

MAYOR:

MAYOR HAYGOOD	PRESENT____	ABSENT____
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CITY CLERK:

REBECCA HAYES	PRESENT____	ABSENT____
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CITY ATTORNEY:

JAY ROSS	PRESENT____	ABSENT____
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**AUGUST 17, 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; David Carpenter, Police 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; Ashley Campbell, Environmental Programs Manager; Kenny Hanak, Battalion Chief, Fire Department; Dorothy Morrison, DRA/Beautification Committee; Willie Robison, BZA; Larry Cooke, BZA; Don Ouellette, Environmental Advisory Committee; Bob Segalla, Utility Board; Selena Vaughn, Beautification Committee/Village Point Foundation; Tomasina Werner, Beautification Committee; Toni Fassbender, IDB; Denis Kearney, IDB; Doug Bailey, IDB; Jeffrey Ramsland, IDB; David Tarwater, Baldwin County Board of Education; Dr. Meredith Foster, Principal Daphne High School; Heiko Einfeld, Executive Director of the ES Chamber of Commerce; Representative Randy Davis.

Absent: James White, Fire Chief; Richard Merchant, Building Official; Michael Hoyt, Municipal Judge.

INVOCATION/PLEDGE OF ALLEGIANCE:

Reverend Richard Mueller of Holy Trinity Lutheran Church gave the invocation.

3. APPROVE MINUTES:

August 3, 2015 Council Meeting Minutes

There being no corrections the August 3, 2015 Council meeting minutes are approved as written.

August 10, 2015 Council Meeting Minutes

There being no corrections the August 10, 2015 Work Session minutes are approved as written.

PRESENTATION: Eagle Scout Project / Jesse Bartle, Troop 82

Mr. Bartle presented an Eagle Scout Project to council for repairs, improvements and a memorial at McMillan Avenue Park. His plan is to clean, pressure wash and reseal the decking around the trees and add a park bench and permanent trash can. He will landscape around the adjacent oak tree, replace or repair broken worn down stairs and cut back over grown vegetation. He will clean up, pressure wash and re-stain the deck around the tree and plant a memory garden with flowers and shrubs and add a park bench. The reason for this project is that his sister Lillian Grace Bartle passed away in July, and he wanted to put a park bench in memory of her in the park.

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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

Mrs. Adrienne Jones, Planning Director, gave the presentation.

There were no questions from Council.

Council President Conaway opened the Public Hearing at 7:53 p.m.

Mr. Rod Drummond – Ridgewood Drive – said that he did not know enough about the matter to make up his mind.

Mr. David Tarwater – Baldwin County Board of Education – spoke in favor of the pre-zoning.

Mr. Shawn Alves – Stone, Grande and Crosby – said there is no Class-A office space in Daphne, and if there had been they would not have built their office on Highway 90. They had a strong desire to rent, but no office space was available.

Ms. Donna Givens – Baldwin County Economic Development Alliance – spoke regarding the need for Class-A office space saying that they have had to pass on a prospect that would have had 800-1,000 employees and needed 50,000 square feet of space. Daphne is not competitive because of not having Class-A office space.

Dr. Meredith Foster – Principal of Daphne High School and representing principals in feeder patterns in Daphne – spoke in support of the pre-zoning. She said the schools are very excited of the prospect of working out a partnership with the businesses that come into the park.

Mr. Michael Pierce – 9823 Evanston Street – He is with the Airport Authority in Mobile, and he spoke in favor of the pre-zoning saying that site selectors fly in to look for sites other than Mobile, and this park would serve businesses well in the area.

Mrs. Laura McMann – spoke in opposition to the pre-zoning.

Mr. John Hewitt – spoke in favor of the pre-zoning.

Mr. Heiko Einfeld – ES Chamber of Commerce – supports the pre-zoning of the property and the need to be diversified.

Mr. Mike Francis – JMF Solutions – spoke in favor of the pre-zoning.

Mr. Chad Stafford – Pastor of Coastal Church – spoke in favor of the pre-zoning.

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Mr. Henry Lawson – 104 Boosketuh Circle – spoke in opposition of the pre-zoning saying is it the right time and place for this and are they sacrificing quality of life. He also spoke regarding the access point to the project off Highway 181 saying that it is in conflict with ALDOT regulations at the intersection of Highway 181 and Champion’s Way. The state minimum is 2,600 linear feet. The reason for the requirement is to maintain the 55 mph speed limit.

Mr. Doug Bailey – Hutchinson, Moore and Rauch – lifelong resident and member of the IDB – mentioned that he spoke with ALDOT and got a copy of the comprehensive master plan for Highway 181 that Mr. Lake had referred to in an earlier conversation, and in order to make sure he had the right documents he talked with the engineers who produced the plan to make sure he was interpreting it correctly. He said that Mr. Lake and Mr. Lawson were correct 2,600 linear feet is the distance of separation for having a signalized intersection for that speed of 55 mph through there, however, 1,320 feet is the distance allowable for a full service access, and that is going north turn left in, going south turn right in, and coming out turning left out to the north, and turning right to the south out. So they could have a full service intersection as shown in the drawings. Signalized would have to be done based on an amended or variance to the access management plan, and based upon a warrant study done through a traffic study. He said there has been a lot of criticism because they have not done a traffic study, but what is on the agenda is a pre-zoning and annexation request, and they realize that network will have to be put into the project at the correct time, but they did not feel it was wise to spend the dollars when they don’t know if they have a project on the table. The study will be done at the correct time. He just wanted to correct the information regarding the access that they can have the access as shown on the drawings.

(There were e-mails received regarding the pre-zoning and DISC project that are attached to these minutes.)

Council President Conaway closed the Public Hearing at 7:18 p.m.

b.) Annexation:	The Bills’ No. 2, LLC
Location:	Southwest corner of the intersection of Champions Way and AL Hwy. 181
Recommendation:	Unanimous favorable

Mrs. Adrienne Jones gave the presentation.

No questions from Council.

Councilwoman Conaway opened the Public Hearing at 7:19 p.m.

No one spoke for or against the annexation.

Council President Conaway closed the Public Hearing at 7:19 p.m.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Fry
The August 10th minutes are in the packet.

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MOTION BY Councilman Fry to go out to bid for repairs to Fire Station #2 building with cost to come back to Council for appropriation approval. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

Treasurers Report / July 2015

As of July 31, 2015 Total Unrestricted Funds – 9,341,557 and Total City Funds - \$17,658,792

- 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

Sales & Use Tax Collections / June 2015

\$1,252,030.17 was collected for June, 2015:

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

Lodging Tax Collections / June 2015

Collections for June, 2015 were \$111,337.21 which is down (\$16,583.16) from June, 2014's collections of \$127,920.37.

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

B. BUILDINGS & PROPERTY COMMITTEE – Davis

The August 3rd minutes are in the packet.

C. PUBLIC SAFETY COMMITTEE – Rudicell

The committee met today, and Fire Station #3 will reopen in a few weeks. The next meeting will be September 21st.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

The committee met today, and the next meeting will be September 21st after the Public Safety meeting.

E. PUBLIC WORKS COMMITTEE – LeJeune

The round-a-bout is open, and the next meeting will be September 8th.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

No report.

B. Downtown Redevelopment Authority – Conaway

The next meeting is August 26th at 5:30 p.m.

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C. Industrial Development Board – Davis

The next meeting will be August 24th at 6:00 p.m. Councilman Davis recognized the IDB members that were present Toni Fassbender, Denis Kearney, Doug Bailey and Jeffrey Ramsland.

D. Library Board – Lake

The Dr. James Morris seminars will be September 12, 19 and 26 at the Recreation Center.

E. Planning Commission – Scott

The Site Preview meeting will be Wednesday at 8:30 a.m., and the Planning Commission meeting will be Thursday August 27th at 5:00 p.m.

F. Recreation Board – LeJeune

The board met Wednesday, but did not have a quorum. The surveys should be done at Lott Park and Trione Sports Complex. The Park Committee will be meeting soon.

MOTION BY Councilman LeJeune to name the new Lake Forest Park “Daphne Central Park”. *Seconded by Councilman Scott.*

MOTION CARRIED UNANIMOUSLY

G. Utility Board – Fry

The minutes for the June 24th meeting are in the packet. The next meeting will be August 26th at 5:00 p.m.

6. MAYOR’S REPORT

Mayor Haygood thanked everybody for coming out whether in support, opposed or to learn more about the DISC project. Being a part of the process is the democratic way, and is how this community should be run. He said it was great to see this level of participation. He wanted to make sure everyone knows they have held a series of town hall meetings at the subdivision level, as well as, discussed this matter and provided an over-view at the work session. They have heard concerns, and have heard some good ideas from the town hall meetings. There will be additional meetings on the project before it proceeds. Mayor Haygood said it is great to have the round-a-bout open, and he gave kudos to Richard Johnson and the Public Works staff for staying on the project. He also recognized that the project was a partnership with the county, and it was a county run project that the city was able to assist heavily on, and there was some grant funding from the state involved. He reported that Santa Rosa was repaved prior to school opening which was accomplished in one day. Mayor Haygood commended Chief Carpenter and his staff along with a number of law enforcement agencies for hosting a new program called “STYLE” which stands for “Successful Tips for Youth on Law Enforcement Encounters.” He said this came about because of a comment by Pastor Jackson who wanted to see a forum where young people could interact with law enforcement and understand what the expectations were, and during discussions on that Chief Carpenter and his staff were able to identify this program. This is a collaboration with the FBI, as well as, the US District Attorney of Mobile, his office and the Baldwin County Sheriff’s Department. He said the kids and adults were able to engage in a day-long session where they learned a lot about the perspective of a police officer. It was a good community building exercise. He appreciated Chief Carpenter and his staff and the other agencies involved. He said he appreciated Dr. Foster and some of the parents coming out for the meeting as this was the first day of school to support the DISC project. He commended Adrienne Jones for a job well done. She has

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handled herself well in some difficult situations where there is a demand to know, and to give her professional opinion, and he appreciates all that she does.

7. CITY ATTORNEY REPORT:

MOTION BY Councilman Davis to hire Richard Davis of Davis and Fields Law Firm to represent the city in a claim against BP. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY

Mr. Ross said that there is a personnel matter regarding job performance, that he would like to discuss with council in executive session, which is allowable according to the Open Meetings Act, at the end of the meeting.

8. DEPARTMENT HEAD COMMENTS:

Kenny Hanak – Fire Department Battalion Chief – reported work was finishing up on Fire Station #3 and hopes to have it open by the end of the week.

David Carpenter – Police Chief – reported school started today and they had several hiccups, and the round-a-bout went well.

David McKelroy – Recreation Director - reported the fall sports registration was finishing up, and he gave the sports schedule for Trione.

Margaret Thigpen – Civic Center – reported the Taste of the Eastern Shore is Thursday, 7:00 p.m., and they have 32 vendors signed up.

9. CITY CLERK REPORT:

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

MOTION BY Councilman Fry to approve the Events Permit S.E.E.D.S. 12th Annual Classic Rock and Fun Run / March 5, 2016. Seconded by Councilman Lake.

MOTION CARRIED UNANIMOUSLY

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

MOTION BY Councilman Davis to approve the ABC License for the ES Chamber Foundation / 27th Annual Jubilee Festival / 240 – Non-Profit Tax Exempt. Seconded by Councilman Scott.

AYE Lake, Fry, Scott, LeJeune, Davis, Conaway

NAY Rudicell

MOTION CARRIED

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Mrs. Hayes reminded everyone that the next council meeting will be Tuesday September 8th because Monday the 7th is Labor Day.

10. PUBLIC PARTICIPATION

Mr. Willie Robison – 560 Stuart Street – spoke regarding traffic patterns for business and school, and having clean businesses for the DISC project.

Mr. Henry Lawson – 104 Boosketuh Circle – spoke regarding coming into the 21st century saying that growth has accelerated the silt problems in the streams, and the city is a victim of unregulated growth.

Mr. Bob Segalla – Creekside Subdivision – said that the round-a-bout at Whispering Pines is working well.

Representative Randy Davis – 6590 Thompson Lane – said that the work in Lake Forest is exceptional. He said that he has been involved with the BP money for the DISC project, and it is one of the projects that fits the criteria for the BP money. He is working to keep the BP money in the two counties that were affected. He gave an update on what is going on in the legislature.

11. RESOLUTIONS & 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.** Bid Award: Village Point Park Preserve Trail Extension / Asphalt Services
- 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

MOTION BY Councilman Scott to waive the reading of Resolutions 2015-52, 2015-53, 2015-54, 2015-55 and 2015-56. Seconded by Councilman Fry.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2015-52. Seconded by Councilman Fry.

MOTION CARRIED UNANIMOUSLY

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MOTION BY Councilman Scott to **adopt** Resolution 2015-53. *Seconded by Councilman LeJeune*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Fry to **adopt** Resolutions 2015-54 and 2015-55. *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to **adopt** Resolution 2015-56. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

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

MOTION BY Councilman Fry to **waive the reading** of Ordinance 2015-36 (Amendment "B"). *Seconded by Councilman Lake.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Fry to **adopt** Ordinance 2015-36 (Amendment "B"). *Seconded by Councilman Lake.*

AYE Rudicell, Lake, Fry, Scott, LeJeune, Davis

NAY LeJeune

MOTION CARRIED

MOTION BY Councilman LeJeune to **waive the reading** of Ordinance 2015-45. *Seconded by Councilman Rudicell.*

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune **adopt** Ordinance 2015-45. *Seconded by Councilman Davis.*

MOTION CARRIED UNANIMOUSLY

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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

ORDINANCES 2015-46, 2015-47, 2015-48, 2015-49 AND 2015-50 ARE 1ST READ

12. COUNCIL COMMENTS

Councilman Fry thanked everyone for coming out. He welcomed their input and holding council accountable. He said the Eagle Scout project is worthwhile. He is glad the round-a-bout is working fine. He encouraged everyone to cooperate and be patient. He wished Councilman Rudicell happy birthday.

Councilman Scott commented on the landscaping for the Dollar General on Highway 181 where they have put 10-12 boxwoods. He said that the DISC project was going to get done, and it does not have to be in the City of Daphne, but if the city wants to have control of it, and have nice landscaping like the Eastern Shore Park, and if you want all the traffic and none of the benefits then don't annex the property. Change happens, and it is a matter of can we control it or are they going to let it develop with no control.

Councilman LeJeune wished Councilman Rudicell and Mrs. Jones a happy birthday. He hopes everyone stays safe since school has reopened. There is a lot of talk about the technology park and there are still questions and he appreciates everyone voicing their concerns or support. There has been a lot of talk about traffic, the city had an opportunity to help with some of the traffic some years ago with the interchange on Highway 90, and the council at that time decided against it, and they are now trying to get that back to have some take away from Highway 181, especially in the Malbis area. Now they are scrambling to get that back. The city has caused some of this, but they want to keep an eye out for the future, and what they can do to improve the situation. Daphne is a great place to live, and it is a great place to raise a family. He thinks this project can enhance Daphne, and make it better, and he cannot wait to see what will happen in the future of Daphne.

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Councilman Davis read a poem from 1896 and asked everyone to figure out where they are and where they want to be. There are two kinds of people on earth today, just two kinds of people no more I say. Not the sinner and saint for it is well understood that the good are half bad and the bad are half good. Not the rich and the poor for to rate a man's wealth you must first know the state of his conscience and health. Not the humble and proud and in life's little span people who put on vain airs is not counted as a man. Not the happy and sad for the swift flying years brings each man his laughter and each man his tears. There are two kinds of people on earth I mean the people who lift and the

people who lean. Wherever you go you will find earths masses are always divided in those two classes. In which class are you, easing the load of overtaxed lifters who toil down the road or are you a leaner who let others share your portion of labor, worry and care?

Councilman Rudicell said just a reminder there was a young man named Jesse Bartle that got up and spoke this evening and for all the ramblings back and forth they have done for the last two hours, and what he has been through for the last two months should put all of them to shame. The lack of full disclosure on this building, and the lack of the ability to understand each other's positions is kind of reprehensible when you have a young man like that get up and speak. Whatever the vote comes out to be they should not hold it against one another for having their own points of view.

Councilman Lake said gazebo at Park City Park; it is in the budget and he would like to see it done before he dies. He spoke on Class A office space saying that he has heard it so much that it makes him sick. He read in the paper that a car dealership building was repurposed into Class A office space in downtown Mobile. He said when you talk about transparency this whole thing was done without council knowledge. The money from BP was taken without the council having prior knowledge, and he still does not think that was proper. He said the big thing is the Highway 181 access plan that was put together years ago to address road issues, and to keep from making the same mistakes they made 20 years ago on Highway 98 where they put stop lights on top of stop lights never looking at what they were creating. What they tried to do was address the traffic flow along the Eastern Shore so they could protect the quality of life, and the Highway 181 access plan was it. A prior council agreed to it. He has repeatedly said they need to revisit that plan and follow it, and make the county follow it and make the state highway department follow it.

Mayor Haygood followed up on Councilman Lake's comments on the DISC project saying the fact that there is 75 acres with a single entrance meets with the intent of what they are doing with an access plan. They will be meeting with ALDOT and other officials as they move forward. There will be an additional review by the Planning Commission once there is a final site plan. He thanked Representative Davis for coming to update them on things that are happening at the state level. He does not know when Lake Forest has looked better. He mentioned that the city has spent over \$12 million in Lake Forest in the past five years. He does not think you will find another subdivision where there is a greater commitment. He said they will continue to work on additional sidewalks and parks to improve the subdivision. He reported on a new event that will start September 18th and go until November 6th which is a Farmer's Market being hosted by the Daphne Art Center at the Daphne United Methodist Church.

Council President Conaway reminded everyone that the "Back to School Bash" will be Saturday at Lott Park and encouraged everyone to come out with their children and grandchildren.

Council President Conaway mentioned that they failed to make a motion to approve the Eagle Scout project.

MOTION BY Councilman Lake to approve the Eagle Scout Project that Jesse Bartle presented earlier in the meeting. Seconded by Councilman Fry.

MOTION CARRIED UNANIMOUSLY

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6:30 P.M.**

13. ADJOURN:

MOTION BY Councilman Lake to adjourn into Executive Session to discuss the job performance of an employee 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 8:25 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Rebecca A. Hayes,
City Clerk

Tommie Conaway,
Council President

**Aaron C. Brant
117 Lake Forest Boulevard
Daphne, Alabama 36526
251-379-5544**

August 17, 2015

Daphne City Council
1705 Main Street
Daphne, AL 36526

RE: Proposed Daphne Innovation & Science Complex

Dear Council Members;

As a former Daphne High School graduate, life-long resident, and local business owner/operator of Boudreaux's Cajun Grill, it is my pleasure to support the proposed Daphne Innovation & Science Complex.

The projected immediate increase in local jobs, local taxes and local spending is much needed for our community. I applaud our local leaders for proposing a Complex that will attract high-tech, corporate level executives and their families who will then invest in our schools, community, and businesses. As my family is looking to purchase our first home, the potential increase in property values for our local neighborhoods will greatly influence our decision on where to purchase.

Sincerely,

Aaron Brant

Subject: Re: DISC Presentation

Date: Friday, August 14, 2015 at 1:23:13 PM Central Daylight Time

From: Pat_Shubird@alsd.uscourts.gov

To: Dane Haygood

CC: Melissa Wilt

Thanks, Mayor. I look forward to the opportunity to meet with you again. I will be happy to work with Melissa on a date and time. Unfortunately, I won't be able to attend the Council meeting on Monday, August 17. However, feel free to mention that I am personally in support of the project. (I can't speak officially for the Bristol Creek HOA at this time, since we have not formally met to discuss it yet.) Take care. Have a great weekend!

-Pat



Pat Shubird

Director of Information Technology
USDC, Southern District of Alabama
Pat_Shubird@alsd.uscourts.gov
<http://www.alsd.uscourts.gov>
(251) 694-4672

From: Dane Haygood <mayor@daphneal.com>

To: Patrick Shubird <pshubird@yahoo.com>

Cc: Melissa Wilt <mwilt@daphneal.com>

Sent: Friday, August 14, 2015 7:27 AM

Subject: Re: DISC Presentation

At thank you for taking the time to follow up it's good to hear positive feedback after residents understand the project. I love to spend some time with you understand your background as well as your perspective on IT in the market I am copying Melissa Wilt on this email so she can help assist with coordinating a meeting time date and place. If it's beneficial we can always grab coffee one morning as well.

It would be great if you were available on Monday night August 17 to say if you remarks at the public hearing regarding your perspective on the project as both a resident and with your unique perspective on IT.

Mayor Haygood

Sent from my iPhone

On Aug 12, 2015, at 5:43 AM, Patrick Shubird <pshubird@yahoo.com> wrote:

Mayor, thanks for having the meeting last night. I thought you did a great job explaining the project. I wish more homeowners had been there. Overall, I thought it went very well. I think it will be a good project and will benefit the City of Daphne in multiple ways. I also believe that it will enhance the value of nearby properties, including my own home, if implemented and managed well.

I would like the opportunity to have lunch with you sometime and talk about the project, and IT stuff in general. As a Federal IT Director, I have a lot of contacts in the technology community all over the country. I would love to see tech companies relocating to our area. There are very few (practically none) tech jobs in Baldwin County right now. I know personally how frustrating it is to try to fill a tech job in this area because all the skilled applicants have moved to other markets.

Thanks again for taking time away from your family to meet with me and my neighbors.



DR. MEREDITH L. FOSTER
PRINCIPAL

DAPHNE HIGH SCHOOL

9300 CHAMPIONS WAY
DAPHNE, ALABAMA 36526

TELEPHONE
(251) 626-8787
(251) 621-0109
FAX (251) 626-3024

Mayor Dane Haygood
Daphne City Council
1705 Main St.
Daphne, AL 36526

August 6, 2015

Dear Mayor Haygood and Honorable Members of the Daphne City Council,

As a unified group of principals representing the students and teachers in the Daphne feeder pattern, we would like to express our heartfelt support for the Daphne Innovation + Science Complex (disc) initiative.

In addition to the exciting potential disc brings to grow our professional community in Daphne, we see great opportunities for our students to partner with higher education and make career connections via disc. We believe schools are the cornerstone of the community, and having an industrial complex adjacent to our high school property helps to tie real world professionals to the lives of young people.

We are uniquely situated with this proposal to become the enviable community on the Eastern Shore where both professionals and families seek to live and work. We hope you will get behind this initiative that is potentially game-changing for our community.

Best Regards,

Meredith Foster (Daphne High School)

Tiffany Kalakheti (Daphne Middle School)

Dana Bottoms (WJ Carroll Intermediate School)

Mark Doherty (Daphne Elementary East School)

Jonathan Ellis (Daphne Elementary North School)

Subject: Support for Projected DISC

Date: Sunday, August 16, 2015 at 9:38:58 PM Central Daylight Time

From: Boudreauxs

To: Rebecca A. Hayes

CC: mayorsoffice



29249 Us hwy 98
Daphne, Alabama 36526
251.621.1991

August 17, 2015

Daphne City Council
1705 Main Street
Daphne, AL 36526

RE: Proposed Daphne Innovation & Science Complex

Dear Council Members;

Boudreaux's Cajun Grill wishes to express our support for the Proposed Daphne Innovation & Science Complex.

As a locally owned and operated new business in Daphne, we appreciate the forward-thinking leaders of Daphne for their work to provide an area to attract businesses in the ever growing fields of science and technology. Providing a Complex to bring in these higher paying jobs would have a huge impact on Daphne's economic growth by increasing Daphne's annual tax base and property values, while increasing traffic and sales for local businesses.

We are confident that the Proposed Daphne Innovation & Science Complex will be a major asset to our area now and for future generations.

Sincerely,

Matt Brant
Co-Owner/Operator
Boudreaux's Cajun Grill

Subject: Support for Proposed DISC

Date: Sunday, August 16, 2015 at 9:07:21 PM Central Daylight Time

From: Jennifer

To: Rebecca A. Hayes

CC: mayorsoffice

**Jennifer B Cropper
124 Lake Forest Boulevard
Daphne, Alabama 36526
251.454.8849**

August 15, 2015

Daphne City Council
1705 Main Street
Daphne, AL 36526

RE: Proposed Daphne Innovation & Science Complex

Dear Council Members;

As a former Daphne High School graduate who has lived in Daphne for over 19 years, and who currently has children enrolled in Daphne public schools, I am excited to support the proposed Daphne Innovation & Science Complex. The potential immediate impact of new jobs and increases in both tax revenue and spending in Daphne area businesses is just what our community needs.

Many of our Daphne High School graduates stay local for their continuing education, yet are forced to take those new skills to other cities in order to find jobs. This proposed Complex will bring a diversification of businesses to our area that will allow greater opportunities for Daphne graduates to stay local. Our community must keep the local economy growing and attractive to younger generations in order for Daphne to remain a vital entity on the Eastern Shore.

Sincerely,

Jennifer Cropper

**Jacquelyn M. Ward
124 Lake Forest Boulevard
Daphne, Alabama 36526
251.209.9891**

August 17, 2015

Daphne City Council
1705 Main Street
Daphne, AL 36526

RE: Proposed Daphne Innovation & Science Complex

Dear Council Members;

As a resident and homeowner in Daphne since 1989, I am excited to support the proposed Daphne Innovation & Science Complex. The potential immediate impact of new jobs and increases in both tax revenue and spending in Daphne area businesses is just what our community needs.

Many of our Daphne High School graduates stay local for their continuing education, yet are forced to take those new skills to other cities in order to find jobs. This proposed Complex will bring a diversification of businesses to our area that will allow greater opportunities for Daphne graduates to stay local. Our community must keep the local economy growing and attractive to younger generations in order for Daphne to remain a vital entity on the Eastern Shore.

Sincerely,

Jacquelyn M. Ward

Subject: Daphne Technology Park

Date: Monday, August 3, 2015 at 3:59:32 PM Central Daylight Time

From: Michael Taylor

To: Dane Haygood

CC: Steve Sasser

Mayor Haygood,

I have been a resident of Lake Forest subdivision for the last 12 years. Please accept this email as my endorsement for your work on the proposed Technology Park to be located at the intersection of Hwy 181 and Champions Way in Daphne. I have had multiple conversations with Lee Lawson, Baldwin County Economic Development Alliance, and the common theme in those conversations is that Baldwin County is lacking existing Class A office space to recruit high tech jobs to our area. The proposed Technology Park project lowers the barriers to begin to achieve the goal of providing the necessary office space to attract the high paying jobs that are currently bypassing Baldwin County. The reality we face right now is that there is currently no Class A office space in Daphne that is suitable for a corporate headquarter for a sizable technology company, and we have a chance to move forward on a viable project to change that right now. We need to seize this opportunity!

The proposed site has numerous advantages from the access to the demographics to the topography.

The proposed site is conveniently located in close proximity to I-10, Hwy 90, Hwy 181 and Hwy 31, all of which could be used to feed employees to the site. The state is in talks to improve the interstate ramps at the Malbis intersection which should help alleviate traffic backups on Hwy 181. There are multiple points of ingress and egress on the property through Highway 181 and Champions Way. Also, the traffic patterns with technology companies do not always coincide with normal 8-5 office travel. With the advent of flex schedules, the normal 8 to 5 is becoming less common not only in the technology world, but with other industries as well.

The demographics of Daphne and the surrounding areas lend itself as favorable to induce technology companies. According to the BCEDA website, 35% of the Baldwin county population is ages 18-35, and 1 in 10 hold a graduate degree. There was a 30% population growth from 2000-2010, and the average household income is just under \$50,000. The numbers are in our favor for growth, and we need to embrace it.

With Mobile Bay being a valuable resource to all residents on the Eastern Shore, it is important that we do what we can to protect it. Another advantage to this site is that the topography is relatively flat making the runoff easier to control. The proposed site is also large enough that, with proper engineering, any runoff generated should be able to be properly managed and controlled before it leaves the site.

I wish you the best in moving this project forward, and please let me know if I can be of assistance in helping to achieve a favorable outcome.

Best Regards,

Michael Taylor
PO Box 1040
Magnolia Springs, AL 36555
(251) 284-4372 cell
(251) 988-1460 ofc
(251) 988-1014 fax
www.headwaterholdings.com

Common Sense Economic Development, LLC
1053 Snapdragon Lane
Foley, Alabama 36535

July 30, 2015

Honorable Daphne City Council

Dear Friends:

Thank you for allowing me to provide input into your analysis of the possibility of the City and/or the Daphne IDB developing a high end business and office park.

In my seven plus years as President of the Baldwin County Economic Development Alliance, our organization received dozens of inquiries from companies seeking to purchase, lease or construct Class A or near Class A properties in a high end business park. Approximately 90% of these inquiries were seeking such space on, or near I-10, in the Daphne area.

These inquiries were generally in regard to fast track projects seeking existing space with strong protective covenants, underground utilities in place or contiguous to the property, great aesthetics, and other attributes conducive to hiring and retaining professional employees, and which projected a high quality, absolute first class image.

To my knowledge, no such property exists in Baldwin County. We have great industrial, retail and distribution property, limited high quality office and business park space, and no Class A space.

Daphne is certainly not the only potential site in Baldwin County for a high end business/office park but its proximity to I-10 and Mobile are huge advantages. The attraction of professional, white collar jobs and regional corporate headquarters are great ways to raise the standards of living in a region, but it is very difficult.

But we have every quality needed to do that – great housing, public schools and recreation, great shopping and low crime, great leadership, plus an awesome climate and clean, beautiful cities. What we do not have is a business park designed and developed to provide the image and amenities needed to attract new, image conscious corporate citizens.

Should you decide to move further along toward developing this much needed project, I will certainly help in any way I can.

Thank you to your service to Daphne, Baldwin County and our region.

Sincerely,



Robert Ingram
Chairman/CEO

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Subject: Fwd: IBD Board Meeting
From: Joe Davis (councildistrict7@daphneal.com)
To: davis9013@bellsouth.net;
Date: Tuesday, July 28, 2015 4:35 PM

Sent from my iPad

Begin forwarded message:

From: Lisa Joines <ljoines@oecbi.com>
Date: July 28, 2015 at 11:20:01 AM CDT
To: <councildistrict7@daphneal.com>
Subject: IBD Board Meeting

Hello Joe,

I really appreciate the hospitality that you and your group extended to me at the meeting last night.

What an incredible opportunity you are capitalizing on for the Eastern Shore Community!!

True leadership is rare these days...and excellent leadership even rarer...it was delightful to witness a committee that has embraced a project with passion and determination.

I told my husband when I got home last night...there is a train rolling along the coast right now...and Daphne is choosing to get on it and not be run over by it!

I know I am new to the area but, if I can help you in any way, please feel free to reach out to me.

I look forward to being a part of this thriving community.

Kindest regards,

Lisa

Thank You,
Lisa Joines
Contract Sales
D: 251.380.7476
C: 251.232.6945
P: 251.471.3368

Subject: Fwd: DISC Project

From: Joe Davis (councildistrict7@daphneal.com)

To: davis9013@bellsouth.net;

Date: Saturday, August 1, 2015 9:35 AM

2

Sent from my iPad

Begin forwarded message:

From: <councildistrict7@daphneal.com>
Date: July 30, 2015 at 4:22:41 PM CDT
To: <davis9013@bellsouth.net>
Cc: Dane Haygood <mayor@daphneal.com>, Toni Fassbender <toni@seamautogroup.com>, Tommie Conaway <councildistrict1@daphneal.com>, "Pat Rudicell" <councildistrict2@daphneal.com>, John Lake <councildistrict3@daphneal.com>, Randy Fry <councildistrict4@daphneal.com>, Ron Scott <councildistrict5@daphneal.com>, Robin LeJeune <councildistrict6@daphneal.com>
Subject: Re: DISC Project

Steve, thanks for your kind words ! The DISC Project is being planned with careful consideration of all aspects of growth, progress, & the long range future of our city. We will have a meeting with LF POA on Tuesday evening to discuss. Much of what has been sent out is filled with inaccurate information. Some statements of facts appear to be intentionally twisted to only project a negative spin. The TRUTH will come out so everyone can know what we have & are doing.

I have sent each Council member a cc of our e-mails. May I have permission to read your e-mail during my Council Comments ? I can mention you by name or refer to a LF resident. There may be other settings where referencing e-mails become important. I would like to visit with you about how Turner Supply can help with DISC. Your customers, clients, vendors may be in need of a location in Daphne. DISC or otherwise.
THANKS AGAIN ! Joe

Sent from my iPad

On Jul 30, 2015, at 9:12 AM, Steve Goodrich <sgoodrich@turnersupply.com> wrote:

Good Morning, Mr. Davis...I want to express my strong support of the DISC project under consideration for the Champion's Way area. I am a resident of Lake Forest and I understand that our Board of Directors has stated their opposition to

this project. They do not speak for all residents as you are surely aware. I feel that this is a very positive opportunity for our city and an appropriate use for this location. A high quality development such as this will enhance our city and bring the type of development and property usage that we need. Please share my support with others on the council and other decision-makers involved...we need this type of project in our city.

I would also like to thank you and the current administration team for your vision and your work to make our great city even better. If there is anything I can do to be of service or assistance, please let me know.

Steve Goodrich

Vice-President of Operations

Turner Supply Company

250 N. Royal Street

Mobile, AL 36602

Office 800-825-5581

Cell 251-648-4862

sgoodrich@turnersupply.com



Joe Davis

City Council, District 7

councildistrict7@daphneal.com

City of Daphne, Alabama - "The Jubilee City"

Phone: 251-641-5000 Web: www.daphneal.com

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Subject: Fwd: Daphne Technology Park
From: Joe Davis (councildistrict7@daphneal.com)
To: davis9013@bellsouth.net;
Date: Tuesday, August 4, 2015 2:02 PM

Sent from my iPad

Begin forwarded message:

From: Dane Haygood <mayor@daphneal.com>
Date: August 3, 2015 at 4:17:11 PM CDT
To: Joe Davis <councildistrict7@daphneal.com>, Toni Fassbender <toni@seamautogroup.com>
Subject: FW: Daphne Technology Park

From: Michael Taylor <michael@headwaterholdings.com>
Date: Monday, August 3, 2015 at 3:59 PM
To: Dane Haygood <mayor@daphneal.com>
Cc: Steve Sasser <s.sasser@lakeforestpoa.org>
Subject: Daphne Technology Park

Michael Taylor

Mayor Haygood,

I have been a resident of Lake Forest subdivision for the last 12 years. Please accept this email as my endorsement for your work on the proposed Technology Park to be located at the intersection of Hwy 181 and Champions Way in Daphne. I have had multiple conversations with Lee Lawson, Baldwin County Economic Development Alliance, and the common theme in those conversations is that Baldwin County is lacking existing Class A office space to recruit high tech jobs to our area. The proposed Technology Park project lowers the barriers to begin to achieve the goal of providing the necessary office space to attract the high paying jobs that are currently bypassing Baldwin County. The reality we face right now is that there is currently no Class A office space in Daphne that is suitable for a corporate headquarter for a sizable technology company, and we have a chance to move forward on a viable project to change that right now. We need to seize this opportunity!

The proposed site has numerous advantages from the access to the demographics to the topography.

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The demographics of Daphne and the surrounding areas lend itself as favorable to induce technology companies. According to the BCEDA website, 35% of the Baldwin county population is ages 18-35, and 1 in 10 hold a graduate degree. There was a 30% population growth from 2000-2010, and the average household income is just under \$50,000. The numbers are in our favor for growth, and we need to embrace it.

With Mobile Bay being a valuable resource to all residents on the Eastern Shore, it is important that we do what we can to protect it. Another advantage to this site is that the topography is relatively flat making the runoff easier to control. The proposed site is also large enough that, with proper engineering, any runoff generated should be able to be properly managed and controlled before it leaves the site.

I wish you the best in moving this project forward, and please let me know if I can be of assistance in helping to achieve a favorable outcome.

Best Regards,

Michael Taylor
PO Box 1040

Magnolia Springs, AL 36555
(251) 284-4372 cell
(251) 988-1460 ofc
(251) 988-1014 fax
www.headwaterholdings.com



Dane Haygood

Mayor

mayor@daphneal.com

City of Daphne, Alabama - "The Jubilee City"

Phone: (251) 281-9000

Web: www.cityofdaphne.com



Joe Davis

City Council, District 7

councildistrict7@daphneal.com

City of Daphne, Alabama - "The Jubilee City"

Phone: (251) 281-9000

Web: www.cityofdaphne.com

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Subject: Lunch and Daphne Innovation and Science Complex
From: Hal Vondenstein (hvondenstein@sotechsvcs.com)
To: davis9013@bellsouth.net;
Date: Tuesday, May 5, 2015 11:50 AM

Thank you, Joe for your time today. I like your idea of discussing this project over lunch. You would be my guest of course.

Let me get back to you in the near future and I hope all goes well with the Dr. visits. I have my share of those.

Thank you for the opportunity to serve.

Hal Vondenstein

Account Executive

hvondenstein@sotechsvcs.com



Southern Technologies Services, Inc- EDWOSB

25353 Friendship Rd Ste A | Daphne, AL 36526 | Office (251)621-6787 | Fax (251)621-0030

2735 Slidell Ave Ste B | Slidell, LA 70458 | Office (985)707-1135

[website](#)

Public Safety Committee

Monday, August 17, 2015

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

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

Committee Members Attending:

Councilman Pat Rudicell, Councilman Robin LeJeune, Councilman Ron Scott, Councilwoman Conaway, Councilman Randy Fry, Councilman Joe Davis, Councilman John Lake, Chief David Carpenter, Kenny Hanak, Lt. Brian Gulsby, Richard Johnson, Matt Creel

CALL TO ORDER

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

PUBLIC PARTICIPATION – Herb Cole was in attendance. He is building at 8903 Bainbridge in Brookhaven Subdivision. Children are trying to cross Whispering Pines Road from Brookhaven S/D with no crosswalk. Cole wanted to know if there was a crosswalk in the future with pedestrian right-of-way signs. Richard Johnson stated that the city had been awarded a 2015 grant and the funding includes a crosswalk at Brookhaven along with ped units where you push the button to cross.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from July 2015 were adopted. Motion was made by Councilman Davis and seconded by Councilwoman Conaway. Motion passed.

POLICE DEPARTMENT

- A. New Business** – Chief reviewed the stats for June. Councilman Scott asked about the total arrestees on the jail portion of the report for BCSO. Chief stated that if a person is picked up in Daphne or Spanish Fort by BCSO or the Troopers we hold them in our facility until the County Corrections van makes their run and picks them up and takes them to Bay Minette. Chief said that school opened today and the roundabout worked excellent. He asked for patience as we train three new crossing guards in the first week of school. Chief went over the officer death total sheet that was included in the packet. Rudicell asked if Chief had any comments on the budget. Chief stated he looked at it and can live with it. He pulled some Capital items off and will use some seizure money for these.

Chief mentioned that Daphne PD, along with the US Attorneys' Office and FBI they brought the STYLE (Successful Tips for Youth in Law Enforcement Encounters) Program to Macedonia Baptist Church. We are the first in Baldwin County to put it on. We got rave reviews on our officer's participation and acting. It was an eye opener. It put children in situations where they were the officer actors themselves as well as on the other side. Rudicell asked how much the cost was. Chief said only the OT for the officers to do it. Councilman Fry said money well spent.

Richard Johnson stated he is behind on getting the PD Tahoe's on the streets. He had one employee that had an injury in July and has been off since. A supervisor scheduled a 2.5 week vacation but met with him today. He thanked all for their patience and promised it would be a priority. Only a few people at the garage can work on the police vehicles because it is complex. He will have them coming in early to work on the Tahoe's and on Saturdays. Councilman Fry asked how many hours per vehicle and Johnson replied that it takes 120 man hours per vehicle. Fry asked if we could farm the work out and Chief responded that we could do that but last we checked there were 12 vehicles in front of ours, plus it is better if our own garage does them. Fry stated it might be better to pay more and get them done but Chief said we would have to wait until they were through with the other 12 vehicles before we could even get one done so we will wait since they will be concentrating on the Tahoe's now. Richard Johnson said they would be working on the active ones first. Councilman Lake said if this is happening to other police departments maybe take the problem to other Chief's and share the pool. Chief replied that they farm out their work.

FIRE DEPARTMENT

A: New Business – Kenny Hanak went over the June Stats. Councilman Scott asked about Station #3. Hanak stated the final inspection was today. A few punch items but probably take possession by the end of the week. Station #2 is getting roof quotes from Richard Johnson. Quite a few leaks still. The architect set Johnson up with roofing contractors. Both will get together on specs so it can go out for pricing. Station #4 just needs parking lot replaced with concrete, and Station #1 is hosting a Hazardous Materials Class every Saturday for 4 weeks. Councilman Scott asked Hanak how much grant money the fire department has acquired throughout the years and Hanak stated \$2.1 million. Councilman Davis asked what the fire department had to do with business licenses. Hanak stated they have to go inspect businesses requesting a business license.

Old Business –

OTHER BUSINESS: Judge Hoyt was in attendance to discuss Judicial Correction Services. They are a private probation and collection for fines and court costs. Judge didn't like them but the previous judge started using them. It costs the city nothing but tacks costs onto those owing funds. Hoyt fired them when he came onboard. Within the past year, Montgomery and many more cities have been sued for using JCS as a debtor's prison. When you can't pay JCS they send a form (official looking), summons to court. In the middle of June the Southern Poverty Law Center told all using JCS that they had 30 days to terminate their services or they were coming. Bay Minette, Fairhope, Spanish Fort, Loxley, Elberta, etc. all use JCS. Daphne has no affiliation with the company due to the Judge's wise decision two years ago. Councilman Scott asked if our city was safe. The judge stated that the statute probably passed on that but we do have a window of exposure. He will find out but he doesn't think they will look at us because we only used them for a short period of time. Councilman LeJeune appreciates the judge looking out for the citizens of Daphne and the city. Councilman Davis asked if they had an office in Daphne and the judge said no. He thanked the judge also.

Code Enforcement Officer Matt Creel handed out a stat sheet. He explained that warnings act as revenue by business licenses. We contact them, if they have no business license we give them a warning. If they fail to get their license they get a ticket. The issuance fee for the City of Daphne is low. They should go up \$12-15 more. This would generate funds to hopefully offset the cost of

another officer. Chief Carpenter stated that he did put in a personnel request for another officer. If we do get one, they will take turns working weekends when a lot of violations are going on. There is enough work in this city for two Code Enforcement Officers. Creel said the contractors know that there are no Code Enforcement officers working on weekends so they schedule their work on the weekends. Rudicell would like this information handout this month and next month. Councilman Lake is not in favor of raising fees for those who buy their business licenses but charge increased fees to those who do not buy their license after a certain period. Councilman Davis agreed with Lake in that there should be a consequence for not purchasing your business license.

ADJOURN

There being no further business to discuss, Councilman Scott made a motion to adjourn the meeting at 5:30 p.m. Councilman LeJeune seconded. The next meeting will be Monday September 21, 2015 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Amy Bishop", is written over the printed name.

Daphne Public Safety Committee

Patrol Division	Detective Division:	JAIL:	Animal Control	Crimes Reported This Month:
(Capt. Beedy/Lt. Hempfleng)	(Capt. Beedy/Lt. Gulsby)	(Capt. Taylor/Lt. Yelding)	(Capt. Taylor/ Lt. Yelding)	
# Complaints	1,364	Total Arrestees Received & Processed:	YTD	
Accidents, Private Property	16	# New Cases Received:	65	Arson 0
Accidents, Roadway	68	# Previous Unsolved Cases:	75	Burglary – Commercial 1
Accidents, Traffic Homicide	0	# Cases Solved:	34	Burglary – Residence 8
Arrest, Controlled Substance	1	Resulting in Total Arrests:	4	Burglary - Vehicle 5
Arrest, Drug Paraphernalia	3	Felonies:	4	Criminal Mischief 2
Arrest, Felony Marijuana	0	Misdemeanors:	0	Disorderly Conduct 0
Arrest, Misdemeanor Marijuana	3	Houses Searched	0	Domestic Disturbance 9
Arrest, Alias Warrant	28			False Info to Police 2
Arrest, DUI	5	Warrants:		Felony Assault 0
Arrest, Felony	6	Served	32	Felony Theft 9
Arrest, Misdemeanor	59	Agency Assists	2	Harassment 5
Assists, Motorist / Citizen	154	Recalls (Pd Fines)	7	Identity Theft 2
Citations	279	Total Warrants Served	41	Indecent Exposure 0
Drug Report	7			Kidnapping 0
Routine Patrol/Special OPS	0	Sex Offender:		Menacing 0
Searches, Vehicle	33	New Registration:		Misdemeanor Assault 0
Security Checks	680	Contact Verification		Misdemeanor Theft 20
Warnings	189	Total # registered in Daphne	5	Murder 0
		DARE:		Other Death Investigations 0
		# Hours Report Writing:	4	Public Intoxication 1
		# Students Instructed SRO	275	Public Lewdness 0
Drugs Seized:	7	# Students Instructed DARE	900	Receiving Stolen Property 3
Money Seized:	0	# Police Reports by SRO	4	Reckless Endangerment 0
Vehicles Seized:	0	# Arrest by SRO	0	Resisting Arrest 1
Vehicles Seized	0			Robbery 0
		CODE ENFORCEMENT:		Sex Crime Investigations 0
		Warnings:	20	Suicide 0
CMV Inspections / CMV OOS	49	Citations	4	Suicide, attempted 0
		Warning Compliance		Theft of Services 0
		Follow – Up	42	Unauthorized Use of Services 1
			96	Weapon Offenses 3
				White Collar Crimes 0

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period June 2015

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	1	5
11-Structure Fire/Commercial	0	3
11-Structure Fire/Residential	2	11
12-Fire in Mobile Property used as fixed structure	0	3
13-Mobile Property (vehicle) Fire	2	2
14-Natural Vegetation Fire	1	6
15-Outside Rubbish Fire	1	5
16-Special Outside Fire	0	1
17-Cultivated Vegetable Crop Fire	0	0
2-Overpressure Rupture:	0	0
3-Rescue Call and Emergency Medical Service Incidents:	181	1004
4-Hazardous Conditions (No fire):	3	16
5-Service Call:	16	67
6-Good Intent Call:	19	101
7-False Alarm & False Call:	39	143
8-Severe Weather & Natural Disaster:	0	0
9-Other Situation:	0	2
Total Emergency Calls:	258	1371
Monthly Total Calls:	265	1421
Highest:		
	00:14:00	00:14:00
Lowest:		
	<00:01:00	<00:01:00
Average (Minutes/Seconds) :		
	00:04:56	00:04:56
Training Hours		
	237.50	4288.95
Property Loss - \$		
	\$24,100.00	\$1,582,701.00
Fire Personnel Injuries by Fire/Civilian Injuries by Fire		
	0	0
Advance Life Support Rescues		
Number of Patients Treated		
Child Passenger Safety Seat Inspections/Installations		
	16	79
Pre-Plans		
	5	241
Classes		
	16	62
Persons Attending		
	155	532
Plan Reviews		
	2	12
Final/Certificate of Occupancy		
	2	6
General/Annual Inspections		
	13	510
General/Re-Inspections (Violation Follow-up - Annual)		
	0	192
Business Licenses		
	7	30
All Other/Misc. Activities		
	3	23
Total Activities:	27	773

Authorized by:

James White

CODE ENFORCMENT/ORDINANCE COMMITTEE

***Wednesday, August 17, 2015
City Hall Executive Conference Room
1705 Main Street
Daphne, AL
5:30 P.M.***

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

***Councilwoman Tommie Conway
Councilman John Lake
Councilman Joe Davis***

I. CALL TO ORDER/ROLL CALL

The chairman declared a quorum was present and called the meeting to order at 5:30 p.m.

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

Also Present: Rebecca Hayes, City Clerk / recording secretary; Richard Johnson, Public Works Director; Matt Creel, Code Enforcement Officer; Jamie Smith, Revenue Officer; Victoria Phelps.

II. APPROVE MINUTES / July 20, 2015

There were no corrections to the July 20, 2015 minutes and stand approved as written.

III. PUBLIC PARTICIPATION

No one spoke.

IV. ORDINANCE REVIEW/DISCUSSION

a.) Discuss: Establish Policy for Appointing and Reappointing Committee Members

The committee discussed having rules to govern the appointments and reappoints in order to be consistent down the line with all committees. They discussed having something in place to give an alert when a term is expiring.

The committee requested Mrs. Hayes to compile the incorporation sections for boards and authorities where it gives the term length for a member.

The committee discussed the appointment of a councilmember to the Renaissance Center board.

The committee forwarded this to the next council meeting for consideration.

b.) Discuss Polling Places:

The committee discussed having all polling places at the Civic Center or having two polling places, one at the Civic Center and one on the east side of the city for districts 6 and 7. The concerns were safety and getting people out of inclement weather. There was no consensus at this time, and will be discussed at a later time.

V. OTHER BUSINESS

a.) Uber Internet Taxi Service

Jamie Smith, Revenue Officer, said she had received a copy of Mobile's ordinance regarding this service, but has not had a chance to read it. She suggested maybe getting with the county and creating a permit agreement with Uber for the whole county to use. She said that other cities have an ordinance regulating taxi services, but Daphne does not have one, and it would be a good thing if they had one.

Matt Creel, Code Enforcement Officer, said that it would be hard to enforce the ordinance since people use their personal cars which have no markings on them.

The committee requested Mrs. Smith to compile ordinances from other municipalities for the next meeting.

b.) Update on Handbill Clean Sweep

Matt said that he took Mr. Daugherty from the Press-Register on a tour of the city to see all the handbill packets that no one had picked up. He was surprised at what he saw. Mr. Daugherty said he will work on getting more people to do the clean sweep. Matt said not to hang up the handbill ordinance just yet.

VI. NEXT MEETING / September 21, 2015

VII. ADJOURN

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING ADJOURNED AT 6:20 P.M.

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
AUGUST 24, 2015
6:00 P.M.**

1. CALL TO ORDER/ROLL CALL

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

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

Absent: Pokey Miller; Doug Bailey.

Also present – Rebecca Hayes, Recording Secretary; Councilman Joe Davis, Council Liaison; Lee Johnson, BCEDA.

2. APPROVE MINUTES / July 27, 2015

MOTION BY Denis Kearney to approve the July 27, 2015 meeting minutes as written. Seconded by. Jeff Ramsland.

MOTION CARRIED UNANIMOUSLY

3. PUBLIC PARTICIPATION

No one spoke.

4. OLD BUSINESS

1.) Discuss DISC Project

The board discussed the DISC project.

5. TREASURERS REPORT

Cash Balance / April 30, 2015	\$436,579.63
Interest:	\$ 68.64
Deposits:	\$ 14,133.04
Less:	
Cash Balance / July 31, 2015:	\$450,781.31

Receivable Check: \$14,473.84

Encumbered Funds: \$325,231.74 (DISC)

MOTION BY Jeff Ramsland to accept the Treasurers Report. Seconded by John Cox.

MOTION CARRIED UNANIMOUSLY

6. NEW BUSINESS

No new business.

**CITY OF DAPHNE, AL
INDUSTRIAL DEVELOPMENT BOARD MEETING
1705 MAIN STREET, DAPHNE, AL
AUGUST 24, 2015
6:00 P.M.**

7. REPORT FROM BALDWIN COUNTY ECONOMIC ALLIANCE

No report.

8. OTHER BUSINESS

No other business to discuss.

9. NEXT MEETING

The next meeting will be September 28, 2015

10. ADJOURN

MOTION BY Jeff Ramsland to adjourn. Seconded by John Cox.

MOTION CARRIED UNANIMOUSLY

The board adjourned at 8:22 p.m.

Submitted by:

Certification of Presiding Officer:

Rebecca Hayes, Secretary

Toni Fassbender, Chairman

The City of Daphne
Planning Commission Minutes
Special Meeting of July 30, 2015
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

The special meeting of the City of Daphne Planning Commission was called to order at 5:07 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Monty Montgomery
Charles Smith
Larry Chason
Tyrone Fenderson
Ron Scott
Hudson Sandefur
Chief White excused @ 5:54 p.m.

Staff Present:

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

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

Chairman asked for questions, comments or corrections to the minutes ***of the regular meeting of June 25 and July 23, 2015. There being none, the minutes are approved as submitted.***

Chairman abstained due to his absence at that meeting.

The next order of business is the election of vice chairman.

Chairman opened the floor for nominations for vice chairman. Mr. Scott nominated Charles Smith. The nominations were closed. With no other nominations, Mr. Smith is Vice Chairman.

Chairman recused himself from discussion or action on the agenda item and passed the gavel to the Vice Chairman.

The next order of business is preliminary/final plat review for the Resubdivision of Tract 1, 2 & 3, La Piazza di San Francesco.

An introductory presentation was given by Mr. John Crane, owner and representative of Anne Irvine, requesting preliminary/final plat review of a four-lot subdivision consisting of approximately nine point eight acres located southwest of Randall Avenue and Pollard Road.

**The City of Daphne
Planning Commission Minutes
Special Meeting of July 30, 2015
Council Chamber, City Hall - 5:00 P.M.**

Mr. Crane stated the proposed subdivision consists of a division into two five acre tracts, and the re-subdivision of a tract into two lots.

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

Mr. Sandefur asked for clarification of resubdivision of the tracts. Mr. Crane stated the tract southwest of Randall Avenue is divided into three parcels.

A Motion was made by Mr. Montgomery and Seconded by Chief White to grant approval of the preliminary/final plat for the Resubdivision of Tract 1, 2 & 3, La Piazza di San Francesco. There was no discussion on the motion. The Motion carried. Mr. Chason abstained.

Vice Chairman returned the gavel to the Chairman.

The next order of business is master plan review for Malbis Business Park I.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, requesting master plan review of one hundred and thirty-four acres located one quarter mile southwest of the intersection of Champions Way and Alabama Highway 181. The owner is not interested in the utilization of a master plan. They are only interested in the creation of a four acre parcel for the development of an office complex. A portion of, a twenty-eight acre parcel, is being rezoning through the Baldwin County, to B-2, Local Business, and the remaining property to the west will remain residential.

Chairman asked for Commission questions or comments.

Chairman commented that the request before Baldwin County is to B-2, Local Business, and asked Mr. Pumphrey to describe the types of uses allowed in that district. Mr. Pumphrey stated it is considered a neighborhood business district which allows for mixed use residential and commercial.

Mr. Scott questioned the submission of the plan. Mr. Pumphrey stated Daphne's regulations require the submission of a master plan.

Mr. Scott asked does the plan meet the requirements and stated that if the owner were to develop the property, he will have to amend the master plan. Ms. Jones confirmed compliance.

Mr. Scott asked that the owner consider annexation into the City.

**The City of Daphne
Planning Commission Minutes
Special Meeting of July 30, 2015
Council Chamber, City Hall - 5:00 P.M.**

Chairman asked if it is appropriate for the Commission to ask for a buffer in the extraterritorial planning jurisdiction. Ms. Jones commented that she reviewed the Baldwin County buffer requirements which are not that different from Daphne and referenced correspondence received from Mr. Nelson and Mr. Sweatt. Baldwin County does have buffer requirements for Alabama Highway 181 and the perimeter of the property.

Chairman stated buffers will be required at the time of the submission of a site plan. Mr. Scott commented that the Baldwin County regulations require a minimum of buffer of twenty-five feet, and that the master plan should be accepted for the purpose of meeting our subdivision regulations.

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

A Motion was made by Mr. Montgomery and **Seconded** Mr. Scott **to grant approval of the master plan for Malbis Business Park I for file purposes only. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for Malbis Business Park I.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, requesting preliminary/final plat review of a two-lot subdivision consisting of twenty-eight acres located one quarter mile southwest of the intersection of Champions Way and Alabama Highway 181.

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

Mr. Malcolm Nelson, 28070 Highway 181, spoke in opposition of the rezoning to B-2, Local Business, and stated he suggested rezoning to B-1 and requested the addition of a buffer along Alabama Highway 181.

Chairman commented that the Commission regulates the subdivision of property not land use.

Chairman read into the record correspondence from Mr. Thomas Sweatt, in favor of the development, but requesting a thirty-foot setback on the south property line.

Ms. Jones commented that the subdivision plat reflects the present and proposed zoning and staff will not sign the plat until the rezoning is affirmed by Baldwin County. Mr. Scott noted that the plat will be of no use if the zoning is denied.

**The City of Daphne
Planning Commission Minutes
Special Meeting of July 30, 2015
Council Chamber, City Hall - 5:00 P.M.**

Chairman closed public participation, asked for Commission questions or comments, and a motion for approval.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Fenderson **to grant approval of the preliminary/final plat for of Malbis Business Park I. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation of the City of Daphne Zoning and Street Map updates.

Ms. Jones requested codification of the amendments to the zoning and street map.

Chairman asked for Commission questions or comments and a motion recommending acceptance.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Smith **to grant approval of the Street Map and of an affirmative recommendation by the Planning Commission to the City Council of Daphne for the adoption of the City of Daphne Zoning Map. There was no discussion on the motion. The Motion carried unanimously.**

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

Mr. Boucher stated no report.

The next order of business is commissioner's comments.

The Commissioners, Mr. Sandefur and Mr. Scott, congratulated Lonnie Jones on his retirement and Matt Creel with his appointment as the Code Enforcement Officer.

The next order of business is director's comments.

Ms. Jones presented that the public hearing for the Bills' No. 2, L.L.C., DISC project, pre-zoning request for a PUD, Planned Unit Development, will be held at the City Council meeting of Monday, August 17, 2015 at 6:30 p.m. and the upcoming meeting dates are site preview, August 19, and regular meeting, August 27, 2015.

Ms. Jones also commented on the number of applications submitted for review at the next meeting and the reintroduction of the zoning/annexation for Cadence Bank.

There being no further business, the meeting was adjourned at 6:01 p.m.

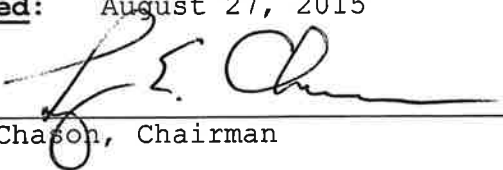
Respectfully submitted by:



The City of Daphne
Planning Commission Minutes
Special Meeting of July 30, 2015
Council Chamber, City Hall - 5:00 P.M.

Jan Vallecillo, Planning Coordinator

Approved: August 27, 2015



Larry Chason, Chairman

1. **CALL TO ORDER**

2. **CALL OF ROLL: LARRY CHASON, DWAYNE SMITH, CHARLES SMITH, TYRONE FENDERSON, MONTY MONTGOMERY, RON SCOTT, HUDSON SANDEFUR, AND MARYBETH BERGIN**

3. **APPROVAL OF MINUTES:**

Review of minutes for the special meeting of July 30, 2015. **(APPROVED AS SUBMITTED)**

4. **NEW BUSINESS:**

A. **PRELIMINARY/FINAL PLAT REVIEW:**

1. **File SDPF15-04: (APPROVED) PUBLIC HEARING**

Subdivision: Parker

Zoning(s): *RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne*

Location: Northeast of Conway Lane and Rigsby Road

Area: 3.69 Acres $\pm$, (2) lots

Owner(s): Isabelle Wilson Hubbard, Prescott Parker, and Edward Parker

Agent: Randi Evans

Surveyor: GeoSurveying - Matt Kountz

2. **File SDPF15-05: (APPROVED) PUBLIC HEARING**

Subdivision: Shore Oaks

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

Location: Northwest of Hall's Lane and U.S. Highway 98, Resubdivision of Lot 2B, the Replat of Lot 2B, the Resubdivision of Lot 2, Webb FLP Subdivision

Area: 6.74 Acres $\pm$, (2) lots

Owner: Eastern Shore Associates, L.L.C. - Kenneth Kleban

Engineer: Preble-Rish - Steve Pumphrey

B. **SITE PLAN REVIEW:**

1. **File SP15-08: (APPROVED)**

Site: Shore Oaks Center

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

Location: Northwest of Hall's Lane and U.S. Highway 98, Resubdivision of Lot 2B, the Replat of Lot 2B, the Resubdivision of Lot 2, Webb FLP Subdivision

Area: 2.38 $\pm$ Acres

Owner: Eastern Shore Associates, L.L.C. - Kenneth Kleban

Engineer: Preble-Rish - Andy Bobe

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF AUGUST 27, 2015 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

2. File SP15-09: (APPROVED)

Site: **Daphne Commercial Center, Malbis Lot 2**

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

Location: Northeast of the intersection of Urgent Care Drive and Alabama Highway 181, Lot 2, Block C, Historic Malbis Subdivision, Phase One, Resubdivision of Block B & C and a portion of Block D, Historic Malbis Subdivision

Area: 1.5± Acres

Owner(s): Delaney Development, Inc. and Malbis Plantation, Inc.

Developer: Daphne Commercial Center, L.L.C.

Engineer: Jade Consulting - Trey Jinright

3. File SP15-11:

Site: **Spec. 2, Lot 14**

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

Location: Northwest of the intersection of Rand Avenue and Public Works Road, Lot 14 of the Resubdivision of Lot 1, Highway 64 Commercial Park

Area: 1.75 ± Acres

Owner(s): E & T Enterprises, L.L.C. - Charles Renfroe

Engineer: Jade Consulting - Trey Jinright

a. Planning Commission approval of a commercial warehouse in a B-2 zone (APPROVED)

b. Site Plan Review (APPROVED)

4. File SP15-10:

Site: **Spec: 2, Lot 15**

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

Location: Northwest of the intersection of Rand Avenue and Public Works Road, Lot 15 of the Resubdivision of Lot 1, Highway 64 Commercial Park

Area: 1.20 ± Acres

Owner(s): E & T Enterprises, L.L.C. - Charles Renfroe

Engineer: Jade Consulting - Trey Jinright

a. Planning Commission approval of a commercial warehouse in a B-2 zone (APPROVED)

b. Site Plan Review (APPROVED)

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF AUGUST 27, 2015 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

C. PETITIONS:

1. JOHN W. WEST:

(UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)

(a) PRE-ZONING AMENDMENT: PUBLIC HEARING

File PZA15-04: John W. West

Present Zoning(s): RSF-4, Two Family District, Baldwin County District 16, in the Extraterritorial Planning Jurisdiction of Daphne

Proposed Zoning(s): B-1, Local Business

Location: Southwest of Holy Cross Circle and Holy Cross Drive

Area: 0.31 Acres $\pm$

Owner: John W. West

(b) ANNEXATION REVIEW:

(UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)

File ANX15-04:

Presentation to be given by Mr. John W. West, owner, requesting annexation of a zero point three one acre parcel into the City of Daphne located southwest of Holy Cross Circle and Holy Cross Drive, Lots 5 and 9, Issac Austin Properties Subdivision with B-1, Local Business, zoning. The subject property is currently zoned RSF-4, Two Family District, Baldwin County District 16, in the Extraterritorial Planning Jurisdiction of Daphne.

2. CADENCE BANK:

(UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)

(a) ZONING AMENDMENT: PUBLIC HEARING

File Z15-03: Cadence Bank

Present Zoning(s): R-4, High Density Multi-Family Residential

Proposed Zoning(s): PUD, Planned Unit Development

Location: One quarter mile south of the intersection of County Road 64 and Pollard Road

Area: 6.2 Acres $\pm$

Owner(s): Cadence Bank - Charles Powell

Engineer: Preble-Rish - Steve Pumphrey

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF AUGUST 27, 2015 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

(UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)

(b) PRE-ZONING AMENDMENT: PUBLIC HEARING

File PZ15-05: **Cadence Bank**

Present Zoning(s): RSF-2, Single Family Residential, Baldwin County District 15 , in the Extraterritorial Planning Jurisdiction of Daphne

Proposed Zoning(s): PUD, Planned Unit Development

Location: One quarter mile south of the intersection of County Road 64 and Pollard Road, Lots 1, 2 & 3, Bolar View Subdivision

Area: 1.08 Acres $\pm$

Owner(s): Cadence Bank - Charles Powell

Engineer: Preble-Rish - Steve Pumphrey

(UNANIMOUS FAVORABLE RECOMMENDATION TO CITY COUNCIL)

(c) ANNEXATION REVIEW:

File ANX15-05:

Presentation to be given by Mr. Steve Pumphrey, representing Preble-Rish, requesting annexation of a one point zero eight acre parcel into the City of Daphne located one quarter mile south of the intersection of County Road 64 and Pollard Road as a PUD, Planned Unit Development. The subject property is currently zoned RSF-2, Single Family Residential, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne. Cadence Bank- Charles Powell.

3. SWEETWATER PROPERTIES, L.L.C. & ROBERT DENEFE, IV:

(UNANIMOUS UNFAVORABLE RECOMMENDATION TO CITY COUNCIL)

(a) ZONING AMENDMENT: PUBLIC HEARING

File Z15-04: **Sweetwater Properties, L.L.C. & Robert Deneefe, IV**

Present Zoning(s): R-2, Medium Density Single Family Residential, and B-3, Professional Business

Proposed Zoning(s): R-6 (G), Garden/Patio Homes

Location: Southwest of the intersection of Van Avenue and Main Street

Area: 1.94 Acres $\pm$

Owner(s): Sweetwater Properties, L.L.C. & Robert Deneefe, IV

Developer: Pleasant Properties, L.L.C.

Engineer: Sawgrass Consulting, L.L.C. - Ercil Godwin

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF AUGUST 27, 2015 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

4. RED BARN, L.L.C.:

- (a) **MASTER PLAN: (TABLED AT THE REQUEST OF THE ENGINEER UNTIL SEPTEMBER 24, 2015 MEETING)**

File MPR15-02:

Presentation to be given by Mr. Steve Pumphrey, representing Preble-Rish, requesting master plan review for Red Barn, L.L.C.

- (b) **PRE-ZONING AMENDMENT:** **PUBLIC HEARING**

(TABLED AT THE REQUEST OF THE ENGINEER UNTIL SEPTEMBER 24, 2015 MEETING)

File PZ15-06:

Present Zoning(s): RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

Proposed Zoning(s): B-1, Local Business, R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-6 (G), Garden/Patio Homes

Location: South and west of Oldfield Subdivision, Phase One
Area: 110.5 Acres $\pm$
Owner(s): Red Barn, L.L.C. - Julio Corte, Jr.
Engineer: Preble-Rish - Steve Pumphrey

- (c) **ANNEXATION REVIEW:**

File ANX15-06:

(TABLED AT THE REQUEST OF THE ENGINEER UNTIL SEPTEMBER 24, 2015 MEETING)

Presentation to be given by Mr. Steve Pumphrey, representing Preble-Rish, requesting annexation of a one hundred ten point five acres into the City of Daphne located south and west of Oldfield Subdivision, Phase One as B-1, Local Business, R-2, Medium Density Single Family Residential, R-3, High Density Single Family Residential, and R-6 (G), Garden/Patio Homes. The subject property is currently zoned RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne. Red Barn, L.L.C. - Julio Corte, Jr.

5. PUBLIC PARTICIPATION

6. ATTORNEY'S REPORT

7. COMMISSIONER'S COMMENTS: Chairman welcomed the new Planning Commission Member , Marybeth Bergin.

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF AUGUST 27, 2015 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

8. DIRECTOR'S COMMENTS:

- a. Alabama\Mississippi Chapters of the Planning Association Conference, October 7-9, 2015, Orange Beach

9. ADJOURNMENT

SET PUBLIC HEARING DATE FOR

OCTOBER 5, 2015

TO CONSIDER:

1.) *Revisions to the Land Use and Development Ordinance / Zoning Map*

2.) **Pre-zone:**

Present zoning:

John W. West

RSF-4, Two Family District, Baldwin County District 16, in the extra-territorial planning jurisdiction of Daphne

Proposed zoning:

B-1, Local Business, City of Daphne

Location:

Southwest of Holy Cross Circle and Holy Cross Drive

Recommendation:

Unanimous favorable

3.) *Annexation:*

Location:

John W. West

Southwest of Holy Cross Circle and Holy Cross Drive

Recommendation:

Unanimous favorable

4.) *Zoning Amendment*

Present zoning:

Cadence Bank

R-4, High Density Multi-Family Residential District, City of Daphne

Proposed Pre-zoning:

PUD, Planned Unit Development District, City of Daphne

Location:

One quarter mile south of the intersection of County Road 64 and Pollard Road

Recommendation:

Unanimous favorable

5.) ***Pre-zoning:***

Present zoning:

Cadence Bank

RSF-2, Single Family District, Baldwin County District 15, in the extra-territorial planning jurisdiction

Proposed Pre-zoning:

PUD, Planned Unit Development, District, City of Daphne

Location:

One quarter mile south of the intersection of County Road 64 and Pollard Road

Recommendation:

Unanimous favorable

6.) Annexation:

Location:

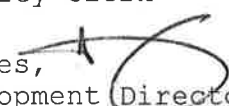
Cadence Bank

One quarter mile south of the intersection of County Road 64 and Pollard Road

Recommendation:

Unanimous favorable

To: Office of the City Clerk

From: Adrienne D. Jones, 
Community Development Director

Subject: Revised City of Daphne Zoning 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 zoning map.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda of Monday, August 17, to set the public hearing for Monday, September 21, 2015.

Thank you,
ADJ/jv

cc: file

attachment(s)

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

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.*

Instrument	Council Approval	Action	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			
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

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

**Zoning District Map
Revision to the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on July 30, 2015 favorably recommended to the City Council of the City of Daphne certain amendments to the Daphne Land Use and Development Ordinance / Zoning District Map approved and adopted by No. 2011-54 and 2014-38; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of 2014-38; and

WHEREAS, due notice of said proposed zoning map amendments 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, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on October 5, 2015; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2011-54 and its amendments.

SECTION II: REPEALER

Ordinance No. 2011-54, Appendix H "Exhibit A", and Ordinance No. 2014-38 are hereby repealed, and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE _____ DAY OF _____, 2014.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

PLEASE Publish in the Bulletin Legal Section on **Friday,**
September 11, 2015

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on October 5, 2015 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance amending the Land Use and Development Ordinance / Zoning District Map. 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-**

**Zoning District Map
Revision to the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on July 30, 2015 favorably recommended to the City Council of the City of Daphne certain amendments to the Daphne Land Use and Development Ordinance / Zoning District Map approved and adopted by No. 2011-54 and 2014-38; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of 2014-38; and

WHEREAS, due notice of said proposed zoning map amendments 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, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on October 5, 2015; and

PLEASE Publish in the Bulletin Legal Section on Friday, September 18, 2015.

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was published on September 11, 2015, that the City Council of the City of Daphne will hold a Public Hearing on October 5, 2015 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring an ordinance amending the Land Use and Development Ordinance / Zoning District Map 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-**

**Zoning District Map
Revision to the City of Daphne
Land Use and Development Ordinance**

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WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of 2014-38; and

WHEREAS, due notice of said proposed zoning map amendments 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, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on October 5, 2015; and

END SYNOPSIS

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: John W. West
Pre-Zoning Amendment
Date: August 31, 2015

MEMORANDUM

PRESENT ZONING: RSF-4, Two Family District, Baldwin County District 16, in the extraterritorial planning jurisdiction of Daphne

PROPOSED ZONING: B-1, Local Business, City of Daphne

LOCATION: Southwest of Holy Cross Circle and Holy Cross Drive

RECOMMENDATION: At the Thursday, August 27, 2015, regular meeting of the Daphne Planning Commission, eight members were present. The motion carried for an **unanimous favorable recommendation** to the City Council of a pre-zoning amendment of the subject property for John W. West as B-1, Local Business.

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

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

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Zoning Amendment Application
2. Legal Description
3. Boundary Survey
3. Adjacent property owners' list
4. Community Development Report



REZONING OR PRE-ZONING APPLICATION

Office use only

Date Submitted July 14, 2015

Application Number:

Planning Commission Public

ZA- or PZA-15-04

Hearing Date: August 27, 2015

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 of Holy Cross Circle
+ Holy Cross Drive

PPIN#(s): Lot 5
018238, Lot 9
018236

Gross Site Area (acreage): 0.17 Lot 5
0.14 parcel

Requested Zoning or Pre-Zoning:
B-1, Local Business

Current Zoning Designation(s):
RTE-4, Two Family
District 16

Amended Request:

Initials: Date:

Current Land Use:
unimproved

Anticipated Land Use:

Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]":
attached

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

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

Name of Current Owner: John W. West

Mailing Address: 508 main st, Daphne

Phone/Fax: 251-591-5650
E-mail:

Name of Authorized Agent: at 34526
n/a

Mailing Address:

Phone/Fax:
E-mail:

Name of Developer*:

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: John W. West

Date 7/14/15

Agent's Signature:

Date

**JOHN W. WEST
PREZONING REQUEST
LOT 5 AND 9 OF THE ISSAC AUSTIN PROPERTIES SUBDIVISION
SOUTHEAST OF MAIN STREET AND HOLY CROSS DRIVE**

EXHIBIT A

**STATE OF ALABAMA
COUNTY OF BALDWIN**

DESCRIPTIONS OF PROPERTY TO BE PRE-ZONED TO B-1, LOCAL BUSINESS:

Lot 5 of a subdivision showing part of the Issac Austin Properties as recorded in Map Book 4, page 232, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5, South, Range 2 East, containing 0.17 acres, more or less.

Lot 9, of an irregular subdivision of the Issac Austin Properties, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5 South, Range 2 East, containing 0.14 acres, more or less.

60



**JOHN W. WEST
PREZONING AND ANNEXATION REQUEST**

ADJACENT PROPERTY OWNER'S LIST

05-43-09-330-0-000-011.000

Solberg, Steven M. Etux Crispin A

P.O. Box 107

Point Clear, AL 36564

05-43-09-30-0-000-012.000

Austin, Kenneth Wayne

P.O. Box 415

Daphne, AL 36526

43-09-29-0-000-014.00

Riser, Mary Martin

1809 Yuille Lane

Daphne, AL 36526

43-09-29-0-000-016.000

Williams, Albert Jr Etal Phillip

c/o Carolyn Montgomery

P.O. Box 2682

Daphne, AL 36526

43-09-29-0-000-015.000

Carolyn Montgomery

P.O. Box 2682

Daphne, AL 36526

43-09-30-0-000-035.004

Starling, Charles H III Etux Lis

P.O. Box 635

Montrose, AL 36509

43-09-30-0-000-009-000

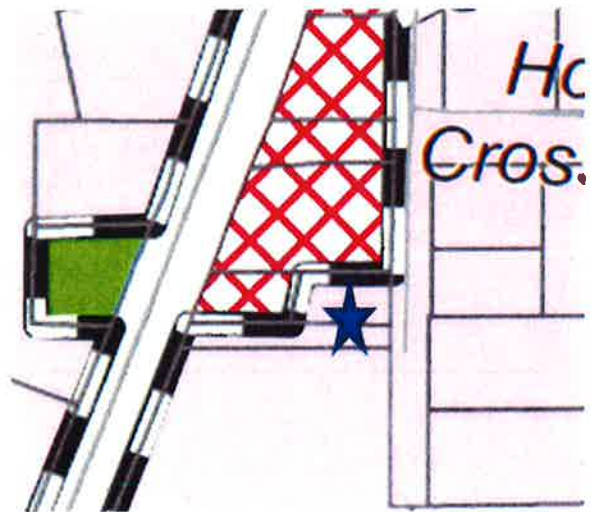
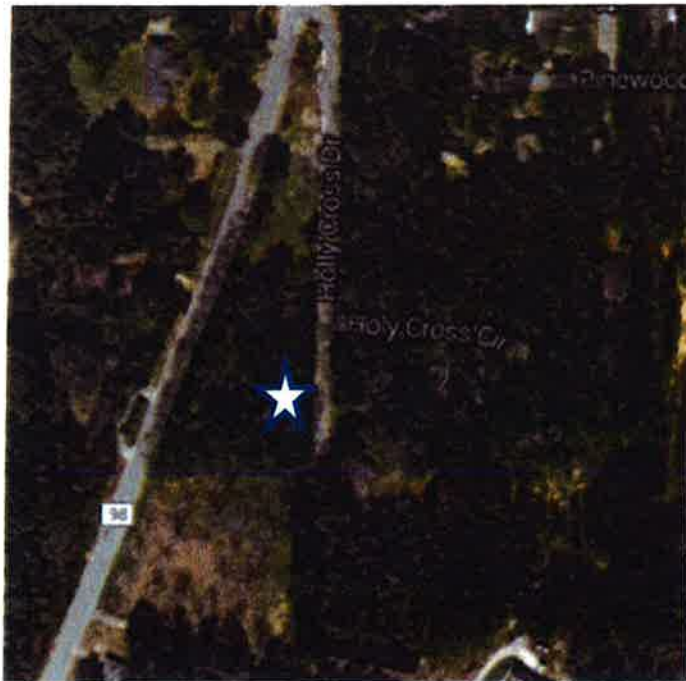
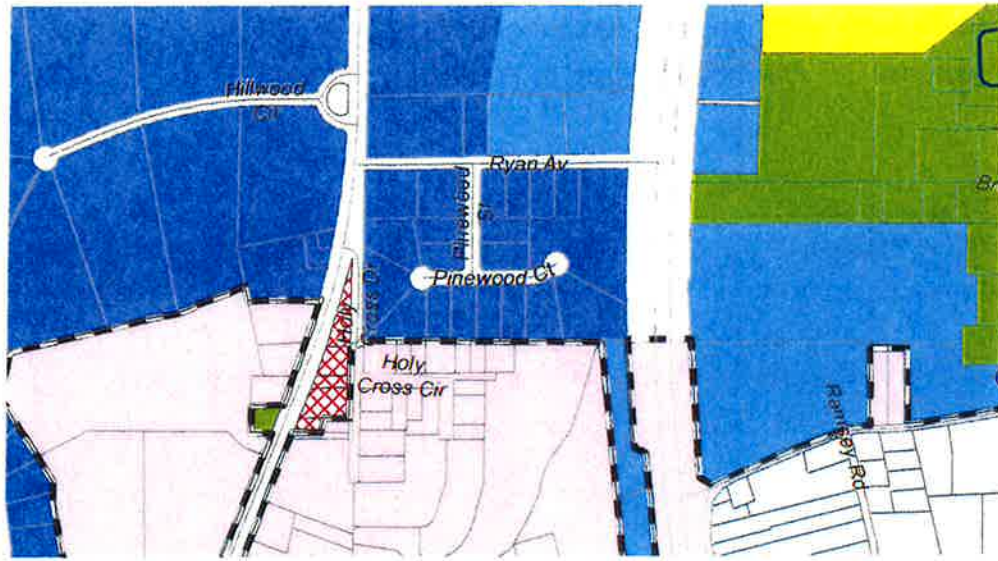
43-09-30-0-000-035.001

West, John

508 Main Street

Daphne, AL 36526

PLANNING COMMISSION
PRE-ZONING REQUEST
JOHN W. WEST ON SCENIC 98



COMMUNITY DEVELOPMENT

Pre-zoning Request

**Southwest of the intersection of Holy Cross Circle and Holy Cross Drive
0.31 acres+/-**

Owner: John W. West

Existing Conditions: 0.31 acres+/- of undeveloped land

Existing Zoning: RSF-4 Two Family District in Baldwin County District 16

Proposed Zoning: B-1, Local Business

Surrounding Zonings/Uses:

North - B-1, Local Business

South - RSF-4 Two Family District in Baldwin County District 16

East - RSF-4 Two Family District in Baldwin County District 16

West - B-1, Local Business

Existing Utility Service Providers:

Water – Belforest Water

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

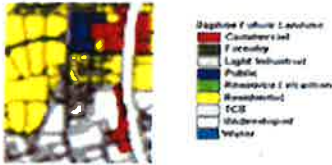
Police Protection-Police Beat 1

Public Works

Baldwin County Schools—n/a

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

The Comprehensive Plan designates this area as undeveloped. As previously stated, the Comprehensive Plan amendment is long overdue. Although no master plan or proposed use has been submitted with the applications, rezoning and annexing the 0.31 acre parcel B-1 would be appropriate because the zoning is consistent with the contiguous parcels to the north and west which are located in the city limits and are also owned by Mr. West.



Related applications on August 2015 Planning Commission Agenda: 0.31 acres+/-
Annexation Request John W. West.

Staff Recommendation: Approval. Although no master plan or proposed use has been submitted with the applications, rezoning and annexing the 0.31 acre parcel B-1 would be appropriate because the zoning is consistent with the contiguous parcels to the north and west which are located in the city limits and are also owned by Mr. West.

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

**Ordinance to Pre-Zone Property Located
Southwest of Holy Cross Circle and Holy Cross Drive
John W. West**

WHEREAS, John W. West 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-4, Two Family District, Baldwin County District 16, in the extraterritorial planning jurisdiction of the City of Daphne, to B-1, Local Business District, City of Daphne; and

WHEREAS, said real property is Southwest of Holy Cross Circle and Holy Cross Drive, and more particularly described as follows:

Legal Description for Pre-zone:

Lot 5 of a subdivision showing part of the Issac Austin Properties as recorded in Map Book 4, page 232, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5, South, Range 2 East, containing 0.17 acres, more or less.

Lot 9, of an irregular subdivision of the Issac Austin Properties, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5 South, Range 2 East, containing 0.14 acres, more or less.

WHEREAS, at the regular Planning Commission meeting on August 27, 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 October 5, 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-4, Two Family District, Baldwin County District 16, in the extraterritorial planning jurisdiction of the City of Daphne, to B-1, Local Business District, City of Daphne, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

**JOHN W. WEST
PREZONING REQUEST
LOT 5 AND 9 OF THE ISSAC AUSTIN PROPERTIES SUBDIVISION
SOUTHEAST OF MAIN STREET AND HOLY CROSS DRIVE**

EXHIBIT A

**STATE OF ALABAMA
COUNTY OF BALDWIN**

DESCRIPTIONS OF PROPERTY TO BE PRE-ZONED TO B-1, LOCAL BUSINESS:

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Lot 9, of an irregular subdivision of the Issac Austin Properties, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5 South, Range 2 East, containing 0.14 acres, more or less.

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PLEASE Publish in the Bulletin Legal Section on Friday
September 11, 2015

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on October 5, 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-4, Two Family District, Baldwin County District 16, in the extra territorial planning jurisdiction of the City of Daphne, to B-1, Local Business 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
Southwest of Holy Cross Circle and Holy Cross Drive
John W. West**

WHEREAS, John W. West 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-4, Two Family District, Baldwin County District 16, in the extraterritorial planning jurisdiction of the City of Daphne, to B-1, Local Business District, City of Daphne; and

WHEREAS, said real property is Southwest of Holy Cross Circle and Holy Cross Drive, and more particularly described as follows:

Legal Description for Pre-zone:

Lot 5 of a subdivision showing part of the Issac Austin Properties as recorded in Map Book 4, page 232, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5, South, Range 2 East, containing 0.17 acres, more or less.

PLEASE Publish in the Bulletin Legal Section on Friday,
September 18, 2015

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Rebecca A. Hayes, City Clerk

PROPOSED ORDINANCE:

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

**Ordinance to Pre-Zone Property Located
Southwest of Holy Cross Circle and Holy Cross Drive
John W. West**

WHEREAS, John W. West 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-4, Two Family District, Baldwin County District 16, in the extra territorial planning jurisdiction of the City of Daphne, to B-1, Local Business District, City of Daphne; and

WHEREAS, said real property is Southwest of Holy Cross Circle and Holy Cross Drive, and more particularly described as follows:

Legal Description for Pre-zone:

Lot 5 of a subdivision showing part of the Issac Austin Properties as recorded in Map Book 4, page 232, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5, South, Range 2 East, containing 0.17 acres, more or less.

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: John W. West
Petition for Annexation
Date: August 31, 2015

MEMORANDUM

PRESENT ZONING: RSF-4, Two Family District, Baldwin County District 16, in the extraterritorial planning jurisdiction of Daphne

PROPOSED ZONING: B-1, Local Business, City of Daphne

LOCATION: Southwest of Holy Cross Circle and Holy Cross Drive

RECOMMENDATION: At the Thursday, August 27, 2015, regular meeting of the Daphne Planning Commission, eight members were present. The motion carried for an **unanimous favorable recommendation** to the City Council of the annexation of the subject property for John W. West as B-1, Local Business.

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

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

Thank you,
ADJ/jv

cc: file

attachment(s)

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

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

(John W. West)

The undersigned, John W. West, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, Lot 5 + Lot 9, Isaac Nish Property Subdivision to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

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

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

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

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

Requested zoning, if other than R-1:

Any other conditions which may apply upon annexation:

B-1, Local Business

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

ADDITIONAL INFORMATION

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

Initials: JW

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: JW

We certify that the property is a single or multiple parcels under single or multiple ownership.

Initials: JW

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: JW

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

Initials: JW

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 16th day of April, 2016.

Legal Description Attached (Exhibit A)? YES Map or Survey Attached (Exhibit B)? YES
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission Attached (Exhibit C)? yes Acreage 0.30
Subdivision Name Isaac Austin Properties Lot Number(s) Lot 5 & 9

Names and Signature of ALL property owners:

Signature: John W. West Signature: 4/16/16

Printed Name: JOHN W. WEST Printed Name: _____

Mailing Address: 508 MAIN ST Mailing Address: _____

DATED this 16 day of April, 2015

Respectfully submitted by,

JOHN W. WEST
Name of Owner (Print)

John W. West
Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

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

Given under my hand and official seal this the 16th day of April, 2015

Rebecca Ann Hayes
NOTARY PUBLIC

My commission expires: _____



Owner's Address

508 MAIN ST
DAPHNE AL. 36526

**JOHN W. WEST
ANNEXATION REQUEST
LOT 5 AND 9 OF THE ISSAC AUSTIN PROPERTIES SUBDIVISION
SOUTHEAST OF MAIN STREET AND HOLY CROSS DRIVE**

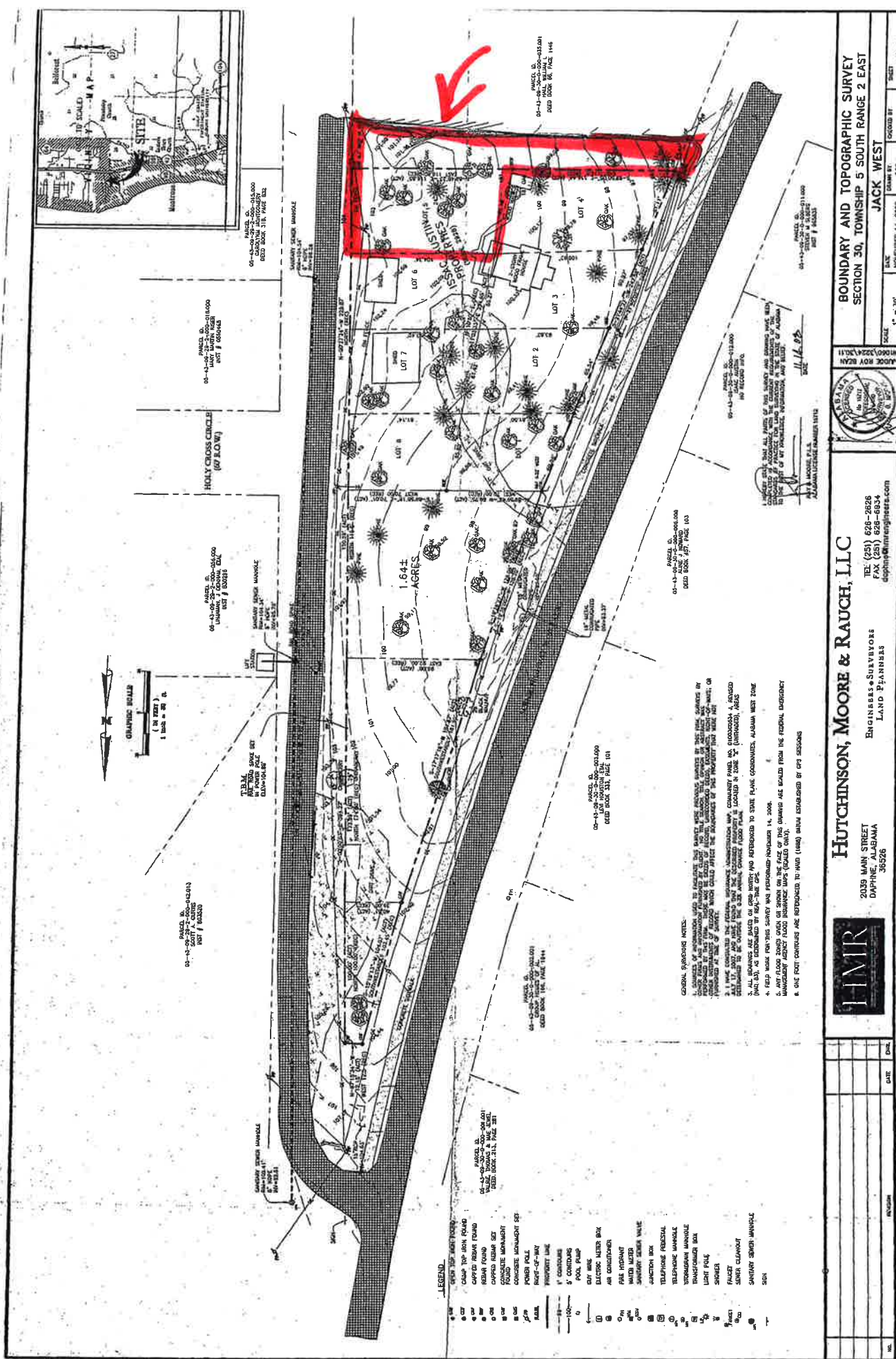
EXHIBIT A

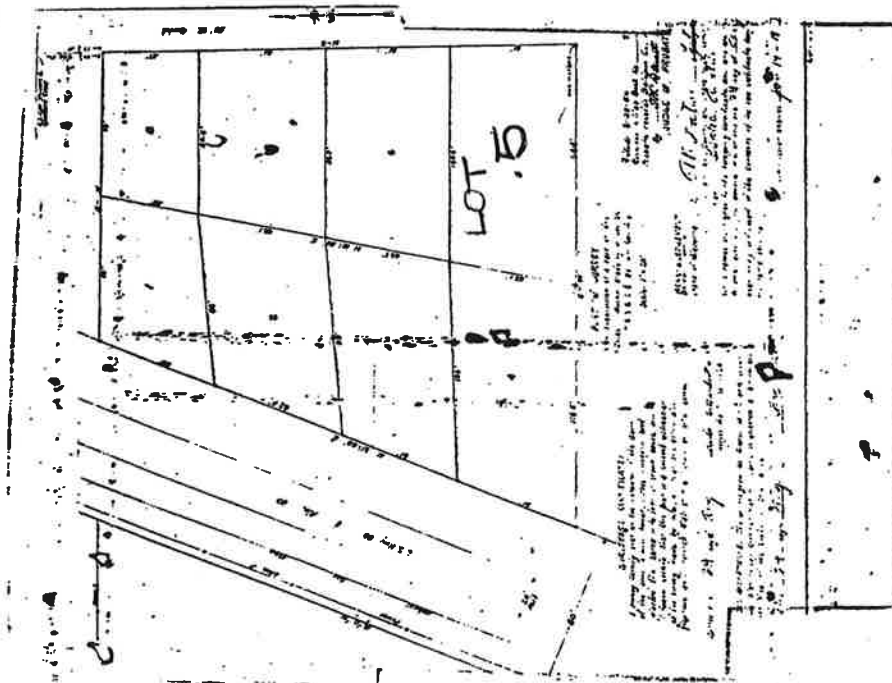
**STATE OF ALABAMA
COUNTY OF BALDWIN**

DESCRIPTIONS OF PROPERTY TO BE ANNEXED AS B-1, LOCAL BUSINESS:

Lot 5 of a subdivision showing part of the Issac Austin Properties as recorded in Map Book 4, page 232, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5, South, Range 2 East, containing 0.17 acres, more or less.

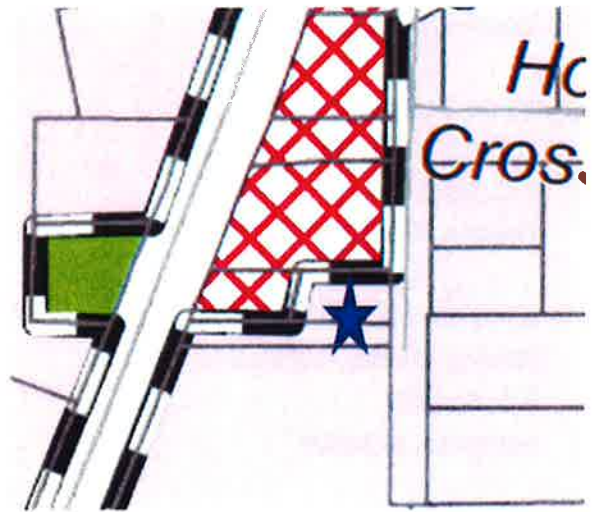
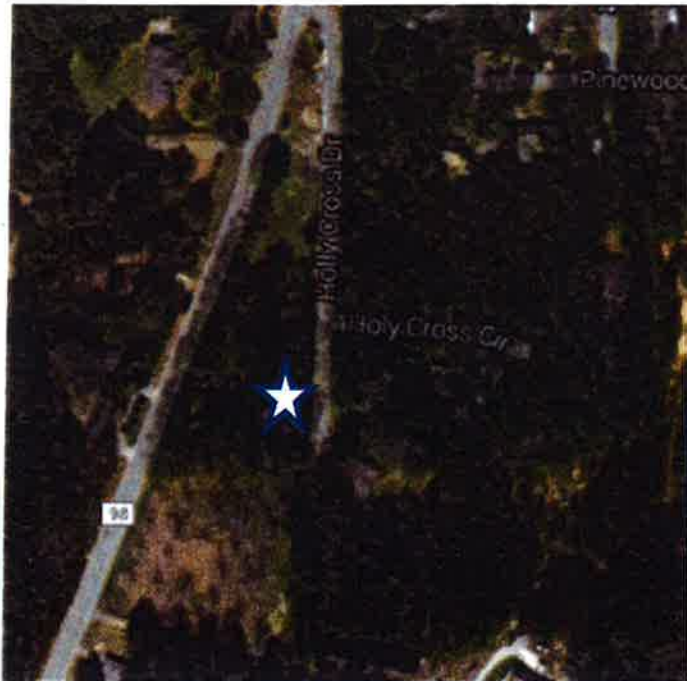
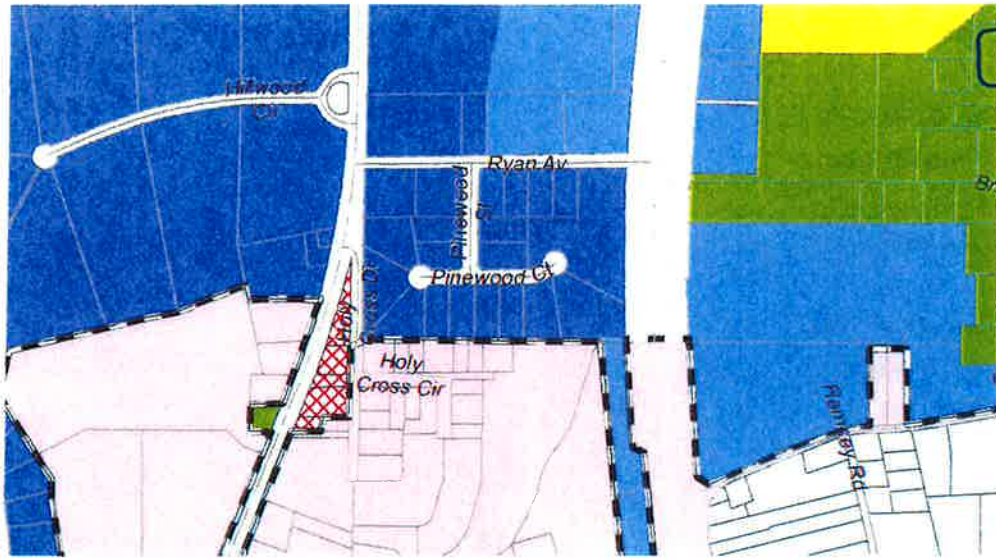
Lot 9, of an irregular subdivision of the Issac Austin Properties, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5 South, Range 2 East, containing 0.14 acres, more or less.





ISSAC AUSTIN
PROPERTIES
SUBDIVISION
PLAT

PLANNING COMMISSION
ANNEXATION REQUEST
JOHN W. WEST ON SCENIC 98



COMMUNITY DEVELOPMENT ANNEXATION REQUEST

John W. West
Southwest of the intersection of Holy Cross Circle and Holy Cross Drive
0.31 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 0.31 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 B-1, Local Business 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 because it is contiguous to and consistent with the abutting B-1 property owned by Mr. West.**

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 Southwest of Holy Cross Circle and Holy Cross Drive
John W. West**

WHEREAS, on the 16th of April, 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 October 5, 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 August 27, 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:

Lot 5 of a subdivision showing part of the Issac Austin Properties as recorded in Map Book 4, page 232, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5, South, Range 2 East, containing 0.17 acres, more or less.

Lot 9, of an irregular subdivision of the Issac Austin Properties, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5 South, Range 2 East, containing 0.14 acres, more or less.

SECTION THREE: MAP OF PROPERTY

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

SECTION FOUR: PUBLICATION

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

**JOHN W. WEST
ANNEXATION REQUEST
LOT 5 AND 9 OF THE ISSAC AUSTIN PROPERTIES SUBDIVISION
SOUTHEAST OF MAIN STREET AND HOLY CROSS DRIVE**

EXHIBIT A

**STATE OF ALABAMA
COUNTY OF BALDWIN**

DESCRIPTIONS OF PROPERTY TO BE ANNEXED AS B-1, LOCAL BUSINESS:

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Lot 9, of an irregular subdivision of the Issac Austin Properties, in the office of the Judge of Probate of Baldwin County, Alabama, which lies in Section 30, Township 5 South, Range 2 East, containing 0.14 acres, more or less.



PLEASE Publish in the Bulletin Legal Section on Friday,
September 11, 2015

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on October 5, 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 Southwest of Holy Cross Circle and Holy Cross Drive
John W. West**

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WHEREAS, after proper publication, a public hearing was held by the City Council on October 5, 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 August 27, 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

PLEASE Publish in the Bulletin Legal Section on Friday,
September 18, 2015

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given, September 11, 2015, that the City Council of the City of Daphne will hold a Public Hearing on October 5, 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 Southwest of Holy Cross Circle and Holy Cross Drive
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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

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Cadence Bank
Zoning Amendment
Date: August 31, 2015

MEMORANDUM

PRESENT ZONING: R-4, High Density Multi-Family Residential District, City of Daphne

PROPOSED ZONING: PUD, Planned Unit Development District, City of Daphne

LOCATION: One quarter mile south of the intersection of County Road 64 and Pollard Road

RECOMMENDATION: At the Thursday, August 27, 2015, regular meeting of the Daphne Planning Commission, eight members were present. The motion carried for an **unanimous favorable recommendation** to the City Council of a zoning amendment of the subject property for Cadence Bank as a PUD, Planned Unit Development District.

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

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

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Zoning Amendment Application
2. Legal Description
3. Boundary Survey
3. Adjacent property owners' list
4. Community Development Report



REZONING APPLICATION

Office use only

Date Submitted

July 27, 2015

Application

Planning Commission Public

Number: ZA-15-03

Hearing Date:

Aug 27, 2015

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): 1/4 MILE SOUTH OF INTERSECTION OF COUNTY ROAD 64 AND POLLARD ROAD		PPIN#(s): 3634 3635
Gross Site Area (acreage): 6.19 ACRES	Requested Zoning: PUD	
Current Zoning Designation(s): R-4	Amended Zoning Request:	
	Initials:	Date:
Current Land Use: UNDEVELOPED	Anticipated Land Use: MULTI-FAMILY RESIDENTIAL	
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": SEE ATTACHED		

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

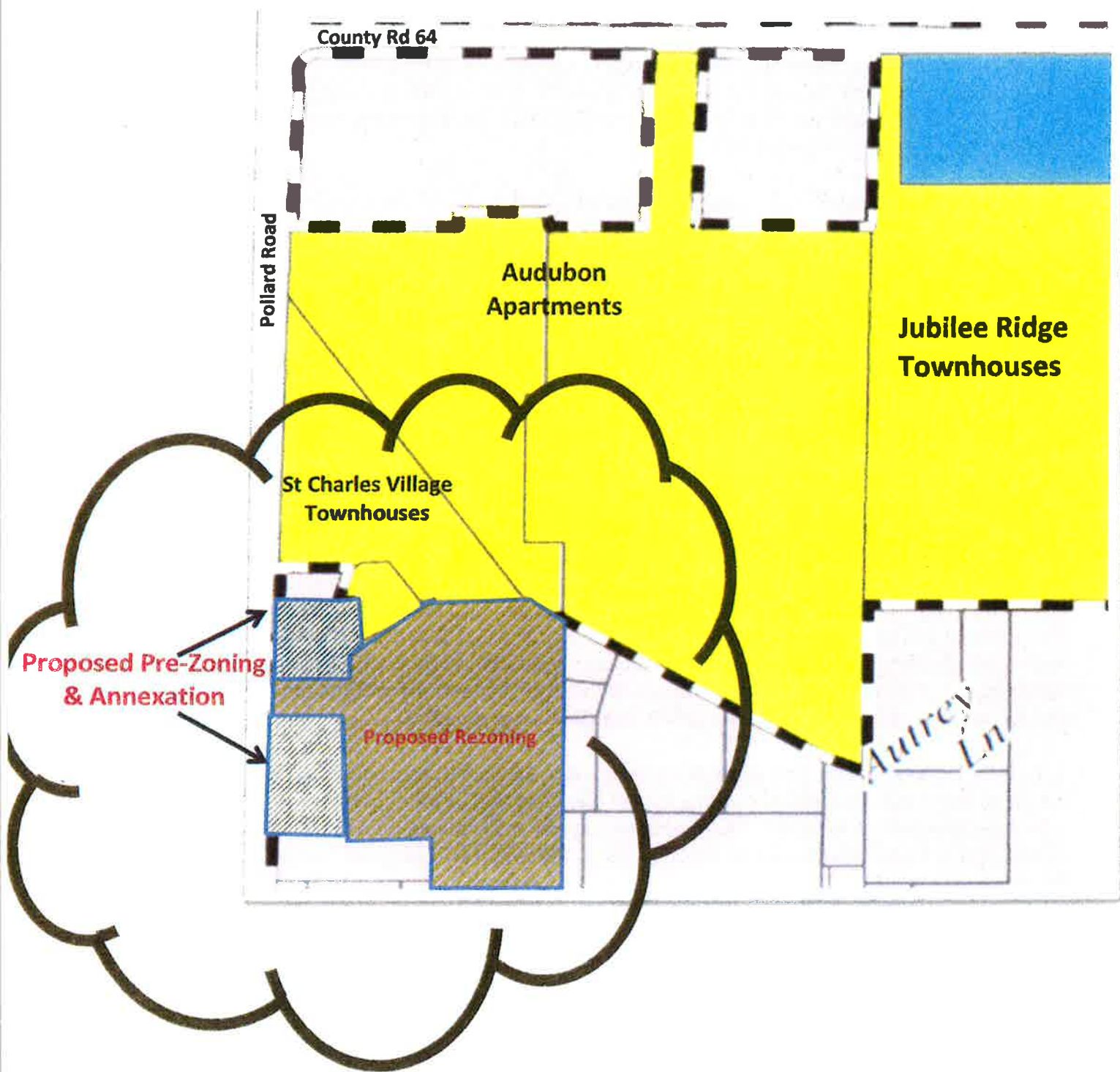
APPLICANT & AGENT INFORMATION

<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: CADENCE BANK	205-488-3338
Mailing Address: 2100 3RD AVE NORTH SUITE 1100 BIRMINGHAM, AL 35203	Phone/Fax: E-mail:
Name of Authorized Agent:	
Mailing Address:	Phone/Fax: E-mail:
Name of Developer*: VILLAS AT ST. CHARLES DEV. CO. 2015, LLC	251-625-1198 Phone/Fax: 251-650-1643 E-mail: ncox@battleplancapital.com
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: Charles Powell	Date: 7/23/15
Agent's Signature:	Date:

Summary: Cadence Bank PUD Request



VILLAS AT ST. CHARLES PUD STANDARDS

The Villas at St. Charles, a Planned Unit Development, is located on the east side of Pollard Road approximately a quarter of a mile south of County Road 64. This proposed development is a continuation of the existing St. Charles Village Condominium development. That development, which is known as Phase 1, consists of 36 condominium units. A pool and club house facility is also part of the development. The Declaration of Condominium documents provided development rights for 116 units for Phase 2.

The Phase 2 site consist of 7.28 acres, which includes Lots 1-3 (1.08 acres) of Bolar View Subdivision, and a 6.20 acre undeveloped tract. The developer has made application to annex the 3 lots into the City of Daphne. The 6.20 acre tract is in the City of Daphne corporate limits and is currently zoned R-4. The developer has also made applications for pre-zoning and rezoning to collective zone these properties to a PUD zone.

The proposed development will be townhomes, consisting of three 4-unit buildings, nine 6-unit buildings, and two 8-unit buildings, for a total of 82 units. The proposed density for this phase is 11.3 units per acre. The R-4 zoning of the existing 6.20 acre tract alone allows for a density of 14 units per acre which would allow for 86 units. The proposed 82 units is well below the 116 units allowed by the development rights and also less than the 86 units allowed by current zoning.

The maximum building height will not exceed those specified in the residential zoning districts of the Daphne Land Use and Development Ordinance, which is 2.5 stories or 35 ft. and building height as defined in the said Ordinance.

The proposed spacing between buildings will not be less than 20'. The minimum perimeter building setbacks will be as shown on the PUD Master Plan, Exhibit B. Generally the proposed setbacks are 40', 30', and 25. The 30' and 25' setbacks are a proposed deviation from the 40' setback requirement for PUD developments. This development is not a highrise development and as stated above the building heights will not exceed 2.5 stories or 35'. In a residential development zoned R-4 or in the Innovative Design category of the Land Use Ordinance, the required setback is 25' from the front and rear property lines. We believe the nature of this development is such that excessive setbacks are not necessary. Given that, the majority of the setbacks are 40' from the adjacent properties.

Coverages and Open Space:

The total building coverage is 73,800 sq. ft. or 23.27% of the total site.

Total roadways, sidewalks, and driveways coverage is 81,295 sq. ft. or 25.64% of the total site.

Drainage pond coverages are 11,738 sq. ft. or 3.70% of the total site.

The total coverage is 3.83 acres or 52.61% of the total site.

The remaining area is 3.45 acres or 47.39% of open space. This will be grassed/landscaped areas which will be common property and maintained by the P.O.A.

There is an existing 0.5 acre site adjacent to this development that has a pool and clubhouse facility that was planned for the use of the existing condominium owners and for this development.

The developer proposes to make this development a part of the existing St. Charles Village Condominiums which is an existing gated community. The plan is to also gate the proposed Villas at St. Charles at its entrance off Pollard Road and connect the two sites at the terminus of the existing road inside St. Charles Village Condominiums. The residents of the new development will become members of the existing Homeowners Association and have the rights and responsibilities as defined in the Covenants and Restrictions. This will include the use and maintenance of the existing pool and club house facility. That existing facility was designed and located to serve both phases of the originally designed development.

All utilities will be constructed underground and water, sewer, electric, and telephone are all available to the site. The roadway within the development will be a private drive just as is the existing roadway in St. Charles Village Condominiums. A 50' ingress/egress and utility easement will be provided to access all of the units. Sidewalks will be located on both sides of the proposed roadway. All construction will be in accordance to the standards of the City of Daphne. The roadway system nor the gate will be maintained by the City of Daphne.

The stormwater management system will be designed in accordance with the standards of the City of Daphne. All stormwater facilities and structures will be maintained by the P.O.A. and not the City of Daphne.

A decorative fence will be installed along Pollard Road to match, as close as possible, with the existing fence in St. Charles Village Condominium. Due to all areas outside of the buildings being common area, a landscape plan will be prepared for the overall site to insure landscaping is designed around all buildings and entryway.

Each unit within a building is a two story unit. There is a single car garage in each unit and additional parking outside of the garages. Each unit will have boundaries, ultimately defined on preliminary and final plats, with all areas located outside of the buildings being common areas and to be maintained by the Homeowners Association. The minimum spacing between buildings will be 20 feet and no building will be located closer than 25 feet to an exterior property line. In most cases they will be 30' to 40' from the exterior property lines.

The exterior finish of the proposed buildings will be similar in color and material type as of the existing condominium units. Landscaping will be provided around the buildings and a decorative fence installed along Pollard Road. The floor plans and elevation plans submitted with the application are a representation of what is proposed.

Finally, this proposed PUD development is in compliance with the newly adopted Planned Unit Development District regulations. The City's PUD regulations encourage flexibility in locating buildings, encourages mixtures of building types, and connectivity to adjoining developments. This development meets those conditions.

The City will have a less dense development than what is allowed in an R-4 (14 units per acre) zone. R-4 allows 3 story buildings and the proposed height in this development is 2 stories, which will also match the building heights in the existing St. Charles Village.

With PUD approval, the developer will follow up with a preliminary subdivision application whereby plats will show each building location and the division of each building into the individual units/lots. Ultimately, with final plat approval these plats will be recorded in the County Probate Office.

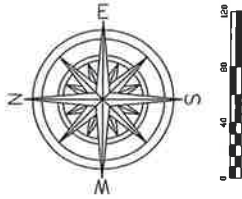
EXHIBIT A

LEGAL DESCRIPTION FOR 6.19 ACRES

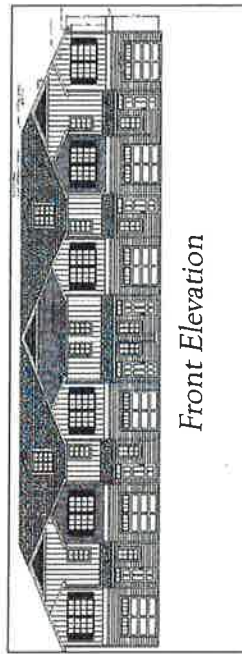
BEGINNING AT A 1/2 INCH CAPPED REBAR (LS #10675) AT THE NORTHWEST CORNER OT LOT 1 OF BOLAR VIEW SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 1532-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 01 DEGREES 04 MINUTES 08 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY OF POLLARD ROAD, A DISTANCE OF 328.91 FEET TO A 2 INCH CRIMP TOP IRON PIPE; THENCE RUN SOUTH 88 DEGREES 58 MINUTES 56 SECONDS EAST, A DISTANCE OF 163.13 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN SOUTH 00 DEGREES 49 MINUTES 24 SECONDS WEST, A DISTANCE OF 107.87 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN SOUTH 89 DEGREES 08 MINUTES 33 SECONDS EAST, A DISTANCE OF 200.79 FEET TO A 1/2 INCH CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 45 MINUTES 29 SECONDS WEST, A DISTANCE OF 119.64 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN SOUTH 88 DEGREES 52 MINUTES 30 SECONDS EAST, A DISTANCE OF 251.28 FEET TO A 1/2 INCH CAPPED REBAR (CA-0756-LS); THENCE RUN NORTH 01 DEGREES 42 MINUTES 21 SECONDS EAST, A DISTANCE OF 619.00 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS); THENCE RUN NORTH 61 DEGREES 24 MINUTES 06 SECONDS WEST, A DISTANCE OF 69.56 FEET TO A 1/2 INCH REBAR; THENCE RUN NORTH 88 DEGREES 46 MINUTES 57 SECONDS WEST, A DISTANCE OF 253.23 FEET TO 1/2 INCH CAPPED REBAR (CA-0951-LS); THENCE RUN SOUTH 36 DEGREES 03 MINUTES 26 SECONDS EAST, A DISTANCE OF 22.95 FEET TO A 1/2 INCH CAPPED REBAR (CA-0393-LS); THENCE RUN SOUTH 63 DEGREES 07 MINUTES 11 SECONDS WEST, A DISTANCE OF 167.13 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN NORTH 88 DEGREES 43 MINUTES 18 SECONDS WEST, A DISTANCE OF 174.49 FEET TO THE POINT OF BEGINNING.

LESS AND ACCEPT LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.

TRACT CONTAINS 6.19 ACRES, MORE OR LESS, AND LIES IN SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



Summary	
Total Acreage	7.3 Acres
Total Units	82
Density	11 / Acre



Front Elevation

Villas at St. Charles

Daphne, Alabama

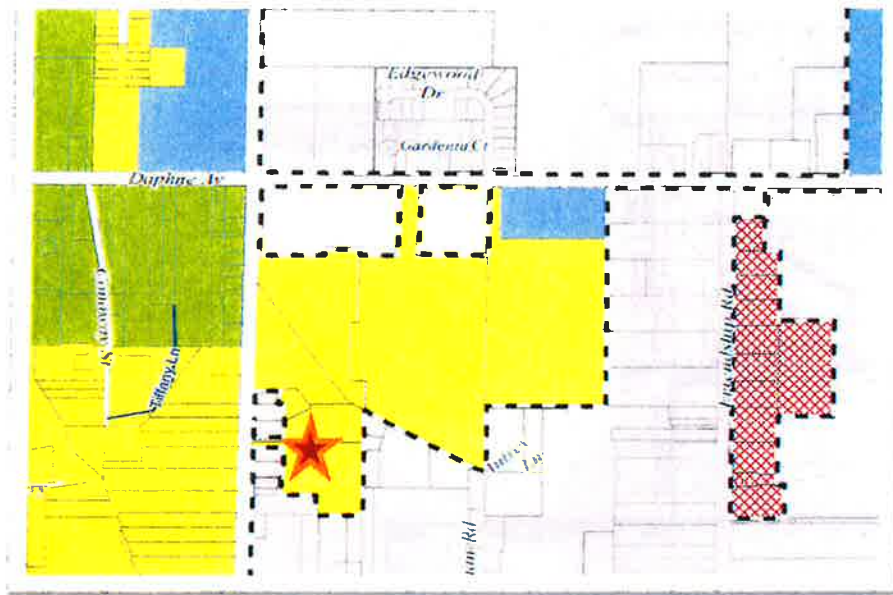
EXHIBIT "B"



ADJACENT PROPERTY OWNERS TO 6.2 ACRE SITE

Pid	Owner	Address	City	St	Zip
05-43-05-21-0-000-020.004	NEWMAN, ARNOLD	25719 NEWMAN RD	DAPHNE	AL	36526
05-43-04-20-1-000-072.000	KING, FRANCINE ETAL MOORE, GAYLE; HUNTER	1501 POLLARD RD	DAPHNE	AL	36526
05-43-05-21-0-000-012.000	CLAUSELL, RUTH S ETAL STALLWORTH, CALVIN	25648 POLLARD RD	DAPHNE	AL	36526
05-43-05-21-0-000-019.000	SOUTHERN IMAGES L L C	P O BOX 37	FAIRHOPE	AL	36533
05-43-04-20-1-000-073.000	HENINGBURG, PATRICIA ANITA	9180 SHADOW CK LN APT 106	CONVERSE	TX	78109
05-43-05-21-0-000-020.003	NEWMAN, LARRY	25719 NEWMAN RD	DAPHNE	AL	36526
05-43-05-21-0-000-018.000	KING, HENRY T & LUCILLE	P O BOX 23	DAPHNE	AL	36526
05-43-05-21-0-000-006.000	JBSM DEVELOPMENT COMPANY L L C	P O BOX 241402	MONTGOMERY	AL	36124
05-43-05-21-0-000-016.000	DALE, LENA MAE	P O BOX 189	MONTROSE	AL	36559
05-43-05-21-0-000-020.000	NEWMAN, ARNOLD ETAL NEWMAN, BETTY	25719 NEWMAN RD	DAPHNE	AL	36526
05-43-05-21-0-000-006.003	AUDUBON PARK APARTMENTS L L C	PO BOX 450233	ATLANTA	GA	31145
05-43-05-21-0-000-007.000	ST CHARLES VILLAGE (MASTERCARD)	8757 RAND AVENUE SUITE C	DAPHNE	AL	36526
05-43-05-21-0-000-015.000	YOUNG, OSCAR & ORA BELL	45640 OLD CARNEY RD	BAY MINETTE	AL	36507
05-43-05-21-0-000-011.001	YOUNG, WILLIE LEE	25602 POLLARD RD	DAPHNE	AL	36526
05-43-05-21-0-000-007.001	ST CHARLES VILLAGE (MASTERCARD)	8757 RAND AVENUE SUITE C	DAPHNE	AL	36526
05-43-05-21-0-000-009.000	WHITE, VERA	25738 POLLARD RD	DAPHNE	AL	36526
05-43-05-21-0-000-011.002	CLAUSELL, RUTH S ETAL STALLWORTH, CALVIN	25648 POLLARD RD	DAPHNE	AL	36526
05-43-05-21-0-000-010.002	CADENCE BANK	2100 3RD AVE NORTH STE 1100	BIRMINGHAM	AL	35203
05-43-05-21-0-000-011.003	CADENCE BANK	2100 3RD AVE NORTH STE 1100	BIRMINGHAM	AL	35203
05-43-05-21-0-000-011.004	CADENCE BANK	2100 3RD AVE NORTH STE 1100	BIRMINGHAM	AL	35203

PLANNING COMMISSION
REZONING FOR CADENCE BANK
THE VILLAS OF
ST. CHARLES VILLAGE PUD



COMMUNITY DEVELOPMENT

Rezoning Request Pollard Road, south of intersection of County Road 64 (Cadence Bank) 6.19 acres

Owner: Cadence Bank

Existing Conditions: 6.19 acres of undeveloped land

Existing Zoning: R-4, High Density Multi-Family Residential

Proposed Zoning: Planned Unit Development (PUD)

Surrounding Zonings/Uses:

North – R-4, High Density Multi-Family Residential

South - Baldwin County RSF-2, Single Family Residential

West –R-4, High Density Single Family Residential

East – Baldwin County RSF-2, Single Family Residential

Existing Utility Service Providers:

Water - Daphne Utilities

Sewer - Daphne Utilities

Gas - Daphne Utilities

Electric - Riviera Utilities

Affected City Service Providers:

Fire Protection— Station 1

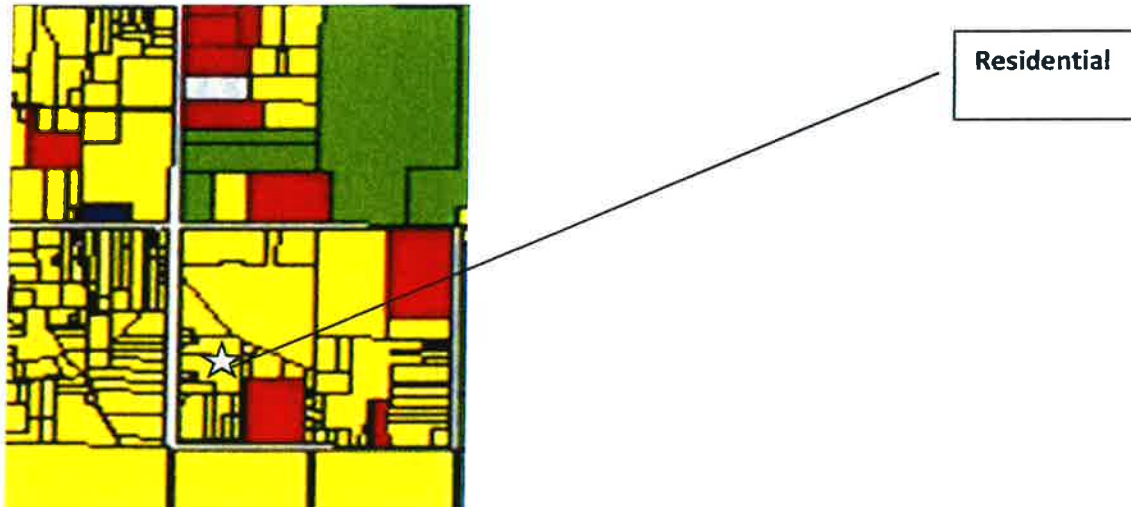
Police Protection—Police Beat 1

Public Works

Baldwin County Schools—n/a

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

The Comprehensive Plan designates this area as a residential use. Therefore, the requested zoning is consistent with the Future Land Use Designation.



Related applications on April 2015 Planning Commission Agenda: 1.08 acres Pre-Zoning Request and Annexation Request by Cadence Bank.

PUD Review: Recommend approval contingent upon setback greater than 25-ft along property boundaries that abut existing single family dwellings. See excerpt from PUD regulations and District Requirements.

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

**Ordinance to Rezone Property Located
One Quarter Mile South of the Intersection of County Road 64 and Pollard Road
Cadence Bank**

WHEREAS, Cadence Bank as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-4, High Density Multi-Family Residential District to PUD, Planned Unit Development District; and,

WHEREAS, said real property is located one quarter mile south of the intersection of County Road 64 and Pollard Road, and more particularly described as follows:

LEGAL DESCRIPTION FOR 6.19 ACRES

BEGINNING AT A 1/2 INCH CAPPED REBAR (LS #10675) AT THE NORTHWEST CORNER OT LOT 1 OF BOLAR VIEW SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 1532-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 01 DEGREES 04 MINUTES 08 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY OF POLLARD ROAD, A DISTANCE OF 328.91 FEET TO A 2 INCH CRIMP TOP IRON PIPE; THENCE RUN SOUTH 88 DEGREES 58 MINUTES 56 SECONDS EAST, A DISTANCE OF 163.13 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN SOUTH 00 DEGREES 49 MINUTES 24 SECONDS WEST, A DISTANCE OF 107.87 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN SOUTH 89 DEGREES 08 MINUTES 33 SECONDS EAST, A DISTANCE OF 200.79 FEET TO A 1/2 INCH CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 45 MINUTES 29 SECONDS WEST, A DISTANCE OF 119.64 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN SOUTH 88 DEGREES 52 MINUTES 30 SECONDS EAST, A DISTANCE OF 251.28 FEET TO A 1/2 INCH CAPPED REBAR (CA-0756-LS); THENCE RUN NORTH 01 DEGREES 42 MINUTES 21 SECONDS EAST, A DISTANCE OF 619.00 FEET TO A 5/8 INCH CAPPED REBAR (CA-007-LS); THENCE RUN NORTH 61 DEGREES 24 MINUTES 06 SECONDS WEST, A DISTANCE OF 69.56 FEET TO A 1/2 INCH REBAR; THENCE RUN NORTH 88 DEGREES 46 MINUTES 57 SECONDS WEST, A DISTANCE OF 253.23 FEET TO 1/2 INCH CAPPED REBAR (CA-0951-LS); THENCE RUN SOUTH 36 DEGREES 03 MINUTES 26 SECONDS EAST, A DISTANCE OF 22.95 FEET TO A 1/2 INCH CAPPED REBAR (CA-0393-LS); THENCE RUN SOUTH 63 DEGREES 07 MINUTES 11 SECONDS WEST, A DISTANCE OF 167.13 FEET TO A 1/2 INCH CAPPED REBAR (LS #10675); THENCE RUN NORTH 88 DEGREES 43 MINUTES 18 SECONDS WEST, A DISTANCE OF 174.49 FEET TO THE POINT OF BEGINNING.

LESS AND ACCEPT LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.

TRACT CONTAINS 6.19 ACRES, MORE OR LESS, AND LIES IN SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the City of Daphne Planning Commission meeting on August 27, 2015 the Commission considered said request and set forth a unanimous favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning 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 October 5, 2015; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the recommendation of the Planning Commission, and the public hearing deemed that said application for rezoning 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.

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 rezoned from R-4, High Density Multi-Family Residential District to PUD, Planned Unit Development District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION III: 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 IV: 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 V: EFFECTIVE DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

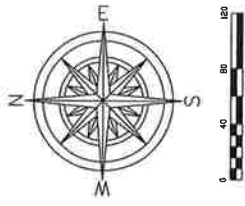
EXHIBIT A

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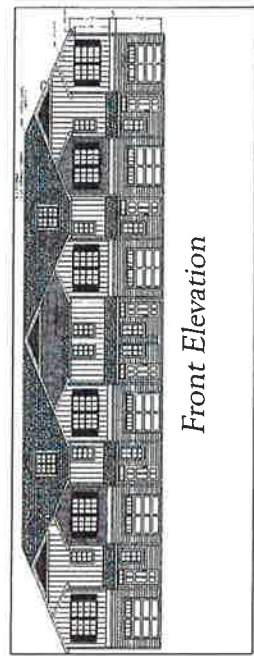
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TRACT CONTAINS 6.19 ACRES, MORE OR LESS, AND LIES IN SECTION 21, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



Summary

Total Acreage	7.3 Acres
Total Units	82
Density	11 / Acre



Villas at St. Charles

Daphne, Alabama

EXHIBIT "B"



105

PLEASE Publish in the Bulletin Legal Section on Friday,
September 11, 2015

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on October 5, 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 rezoning certain property from R-4, High Density Multi-Family Residential District to PUD, Planned Unit Development District 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 Rezone Property Located
One Quarter Mile South of the Intersection of County Road 64 and Pollard Road
Cadence Bank**

WHEREAS, Cadence Bank as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-4, High Density Multi-Family Residential District to PUD, Planned Unit Development District; and,

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PLEASE Publish in the Bulletin Legal Section on Friday,
September 18, 2015

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given September 11, 2015, that the City Council of the City of Daphne will hold a Public Hearing on October 5, 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 re-zoning certain property from R-4, High Density Multi-Family Residential District to PUD, Planned Unit Development District 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.

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**CITY OF DAPHNE, ALABAMA
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To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Cadence Bank
Pre-Zoning Amendment

MEMORANDUM

Reference: Lots 1, 2 & 3, Bolar View
Subdivision
Date: August 31, 2015

PRESENT ZONING: RSF-2, Single Family District, Baldwin
County District 15, in the
extraterritorial planning jurisdiction
of Daphne

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

LOCATION: One quarter mile south of the
intersection of County Road 64 and
Pollard Road

RECOMMENDATION: At the Thursday, August 27, 2015, regular
meeting of the Daphne Planning Commission,
eight members were present. The motion carried
for an **unanimous favorable recommendation** to
the City Council of a pre-zoning of the
subject property for Cadence Bank as a PUD,
Planned Unit Development District.

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

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

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Pre-zoning Application
2. Legal Description
3. Boundary Survey
3. Adjacent property owners' list
4. Community Development Report



REZONING OR PRE-ZONING APPLICATION

Office use only	Date Submitted <u>July 27, 2015</u>
Application Number: ZA- or PZA- <u>15-05</u>	Planning Commission Public Hearing Date: <u>Aug 27, 2015</u>

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): <u>1/4 MILE SOUTH OF INTERSECTION OF COUNTY ROAD 64 AND DOLLARD ROAD</u>	PPIN#(s): <u>200460 200461 200462</u>
Gross Site Area (acreage): <u>1.08 ACRES</u>	Requested Zoning or Pre-Zoning: <u>PUD</u>
Current Zoning Designation(s): <u>RSF-2 BALDWIN COUNTY DISTRICT 15 (PROPOSED ANNEXATION INTO CITY)</u>	Amended Request: Initials: _____ Date: _____
Current Land Use: <u>UNDEVELOPED</u>	Anticipated Land Use: <u>MULTI-FAMILY RESIDENTIAL</u>
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": <u>SEE ATTACHED</u>	

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**

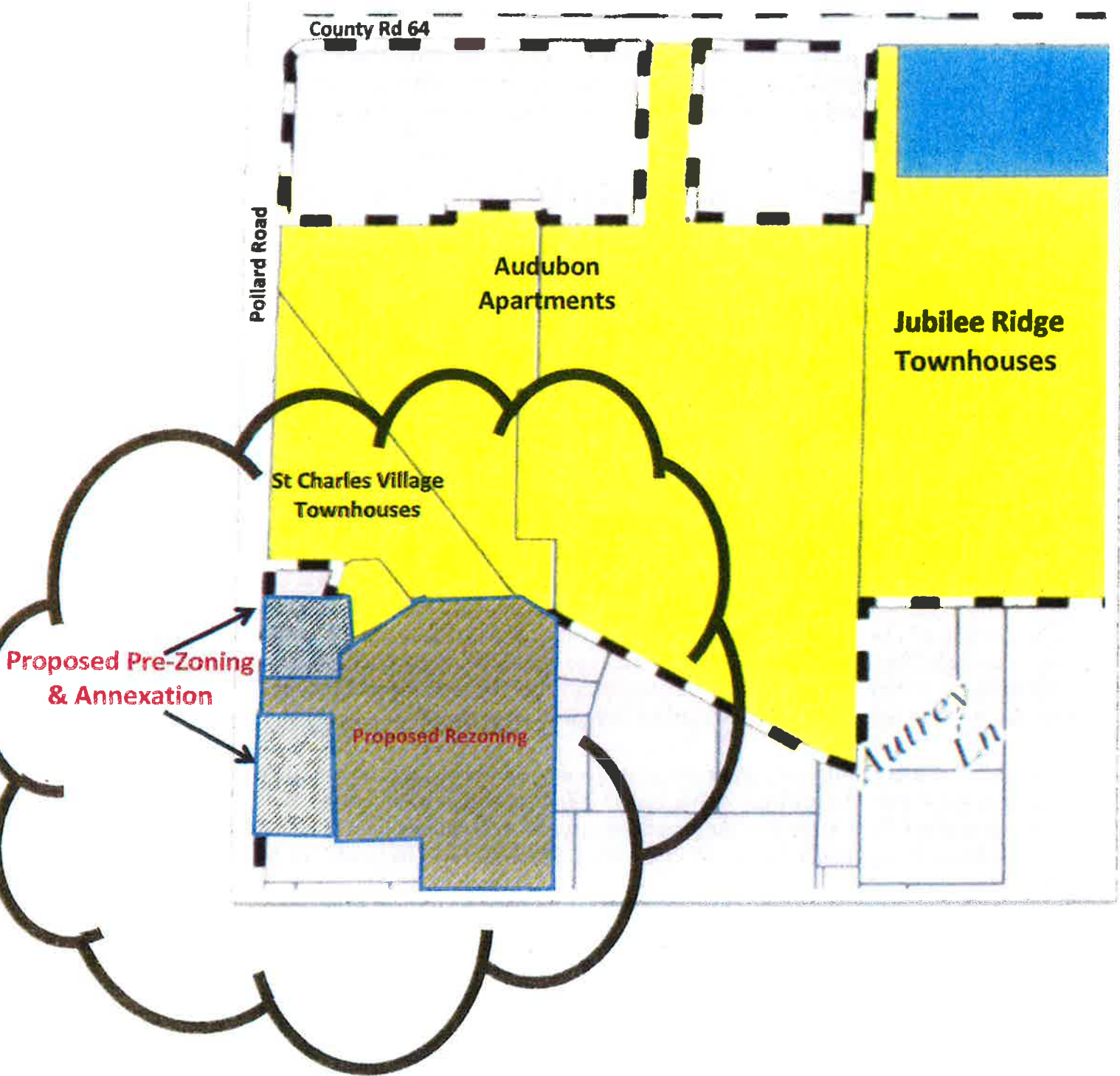
APPLICANT & AGENT INFORMATION

<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: <u>CADENCE BANK</u>	<u>205-488-3338</u>
Mailing Address: <u>2100 3RD AVE NORTH SUITE 1100 BIRMINGHAM, AL 35203</u>	Phone/Fax: E-mail:
Name of Authorized Agent:	
Mailing Address:	Phone/Fax: E-mail:
Name of Developer*: <u>VILLAS AT ST. CHARLES DEV. CO. 2015, LLC</u>	<u>251-625-1198</u> Phone/Fax: <u>251-650-1643</u> E-mail: <u>ncox@battleplancapital.com</u>
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: <u>Charles Powell</u>	Date <u>7/23/15</u>
Agent's Signature:	Date

Summary: Cadence Bank PUD Request



VILLAS AT ST. CHARLES PUD STANDARDS

The Villas at St. Charles, a Planned Unit Development, is located on the east side of Pollard Road approximately a quarter of a mile south of County Road 64. This proposed development is a continuation of the existing St. Charles Village Condominium development. That development, which is known as Phase 1, consists of 36 condominium units. A pool and club house facility is also part of the development. The Declaration of Condominium documents provided development rights for 116 units for Phase 2.

The Phase 2 site consist of 7.28 acres, which includes Lots 1-3 (1.08 acres) of Bolar View Subdivision, and a 6.20 acre undeveloped tract. The developer has made application to annex the 3 lots into the City of Daphne. The 6.20 acre tract is in the City of Daphne corporate limits and is currently zoned R-4. The developer has also made applications for pre-zoning and rezoning to collective zone these properties to a PUD zone.

The proposed development will be townhomes, consisting of three 4-unit buildings, nine 6-unit buildings, and two 8-unit buildings, for a total of 82 units. The proposed density for this phase is 11.3 units per acre. The R-4 zoning of the existing 6.20 acre tract alone allows for a density of 14 units per acre which would allow for 86 units. The proposed 82 units is well below the 116 units allowed by the development rights and also less than the 86 units allowed by current zoning.

The maximum building height will not exceed those specified in the residential zoning districts of the Daphne Land Use and Development Ordinance, which is 2.5 stories or 35 ft. and building height as defined in the said Ordinance.

The proposed spacing between buildings will not be less than 20'. The minimum perimeter building setbacks will be as shown on the PUD Master Plan, Exhibit B. Generally the proposed setbacks are 40', 30', and 25'. The 30' and 25' setbacks are a proposed deviation from the 40' setback requirement for PUD developments. This development is not a highrise development and as stated above the building heights will not exceed 2.5 stories or 35'. In a residential development zoned R-4 or in the Innovative Design category of the Land Use Ordinance, the required setback is 25' from the front and rear property lines. We believe the nature of this development is such that excessive setbacks are not necessary. Given that, the majority of the setbacks are 40' from the adjacent properties.

Coverages and Open Space:

The total building coverage is 73,800 sq. ft. or 23.27% of the total site.

Total roadways, sidewalks, and driveways coverage is 81,295 sq. ft. or 25.64% of the total site.

Drainage pond coverages are 11,738 sq. ft. or 3.70% of the total site.

The total coverage is 3.83 acres or 52.61% of the total site.

The remaining area is 3.45 acres or 47.39% of open space. This will be grassed/landscaped areas which will be common property and maintained by the P.O.A.

There is an existing 0.5 acre site adjacent to this development that has a pool and clubhouse facility that was planned for the use of the existing condominium owners and for this development.

The developer proposes to make this development a part of the existing St. Charles Village Condominiums which is an existing gated community. The plan is to also gate the proposed Villas at St. Charles at its entrance off Pollard Road and connect the two sites at the terminus of the existing road inside St. Charles Village Condominiums. The residents of the new development will become members of the existing Homeowners Association and have the rights and responsibilities as defined in the Covenants and Restrictions. This will include the use and maintenance of the existing pool and club house facility. That existing facility was designed and located to serve both phases of the originally designed development.

All utilities will be constructed underground and water, sewer, electric, and telephone are all available to the site. The roadway within the development will be a private drive just as is the existing roadway in St. Charles Village Condominiums. A 50' ingress/egress and utility easement will be provided to access all of the units. Sidewalks will be located on both sides of the proposed roadway. All construction will be in accordance to the standards of the City of Daphne. The roadway system nor the gate will be maintained by the City of Daphne.

The stormwater management system will be designed in accordance with the standards of the City of Daphne. All stormwater facilities and structures will be maintained by the P.O.A. and not the City of Daphne.

A decorative fence will be installed along Pollard Road to match, as close as possible, with the existing fence in St. Charles Village Condominium. Due to all areas outside of the buildings being common area, a landscape plan will be prepared for the overall site to insure landscaping is designed around all buildings and entryway.

Each unit within a building is a two story unit. There is a single car garage in each unit and additional parking outside of the garages. Each unit will have boundaries, ultimately defined on preliminary and final plats, with all areas located outside of the buildings being common areas and to be maintained by the Homeowners Association. The minimum spacing between buildings will be 20 feet and no building will be located closer than 25 feet to an exterior property line. In most cases they will be 30' to 40' from the exterior property lines.

The exterior finish of the proposed buildings will be similar in color and material type as of the existing condominium units. Landscaping will be provided around the buildings and a decorative fence installed along Pollard Road. The floor plans and elevation plans submitted with the application are a representation of what is proposed.

Finally, this proposed PUD development is in compliance with the newly adopted Planned Unit Development District regulations. The City's PUD regulations encourage flexibility in locating buildings, encourages mixtures of building types, and connectivity to adjoining developments. This development meets those conditions.

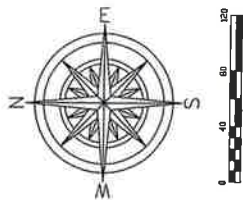
The City will have a less dense development than what is allowed in an R-4 (14 units per acre) zone. R-4 allows 3 story buildings and the proposed height in this development is 2 stories, which will also match the building heights in the existing St. Charles Village.

With PUD approval, the developer will follow up with a preliminary subdivision application whereby plats will show each building location and the division of each building into the individual units/lots. Ultimately, with final plat approval these plats will be recorded in the County Probate Office.

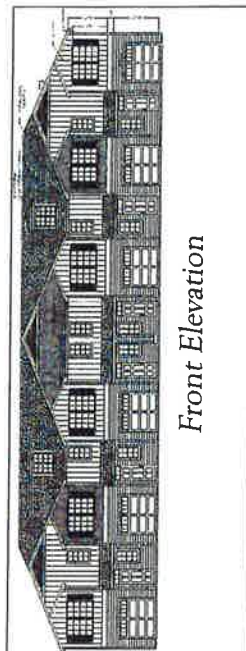
EXHIBIT A

LEGAL DESCRIPTION FOR CADENCE BANK

**LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE
PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.**



Summary
 Total Acreage 7.3 Acres
 Total Units 82
 Density 11 / Acre



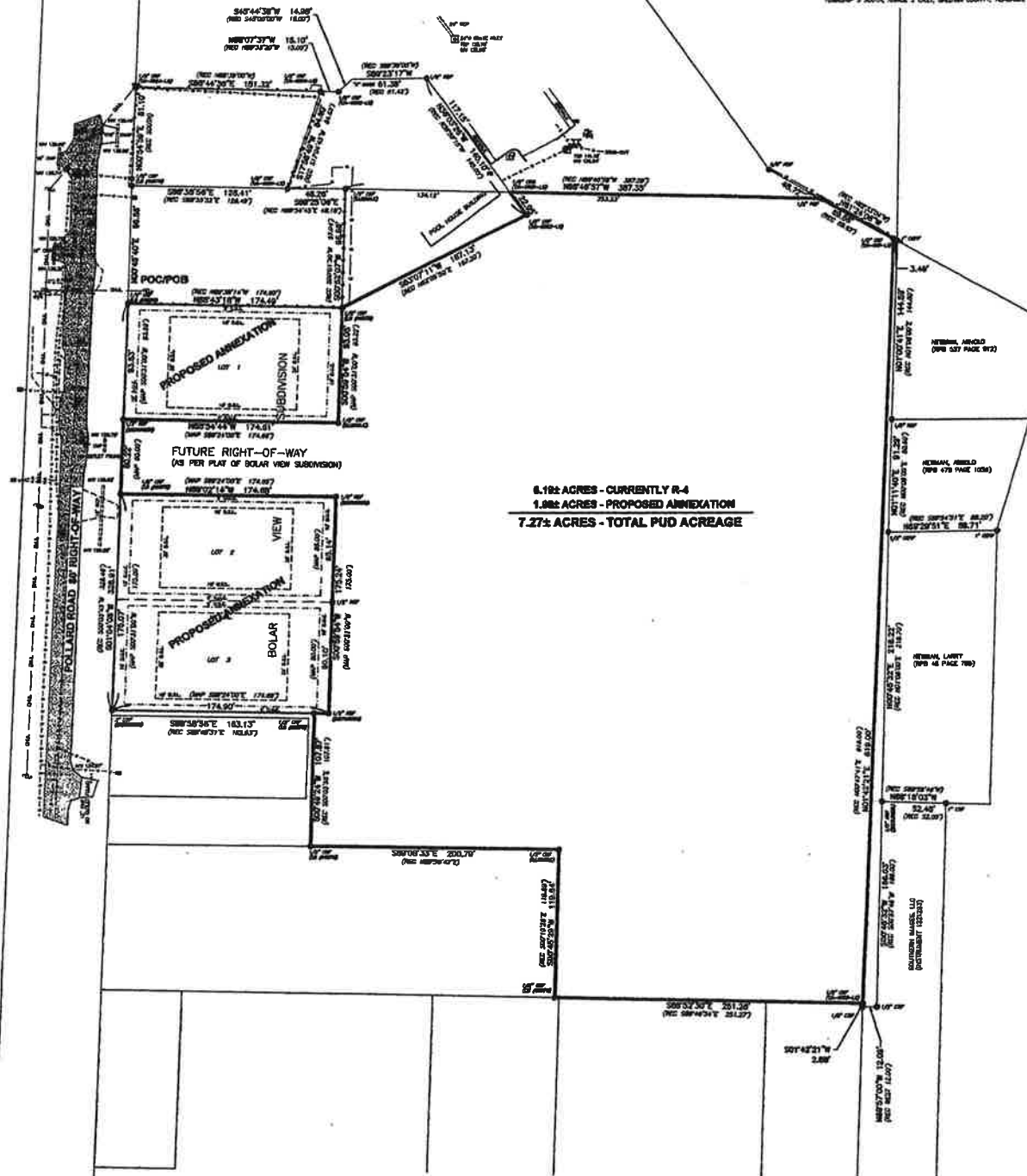
Front Elevation

Villas at St. Charles

Daphne, Alabama

EXHIBIT "B"





6.19± ACRES - CURRENTLY R-4
1.98± ACRES - PROPOSED ANNEXATION
7.27± ACRES - TOTAL PUD ACREAGE



VICINITY MAP
1" = 1 MILE

- LEGEND:**

- 03 = GLUING BOX
- 04 = FINE HYDRAWE
- 05 = REINFORCING
- 06 = TELEPHONE FEEDSIN.
- 07 = GAS METER
- 08 = HOIST POLE
- 09 = HEMER MANHOLE
- 10 = UTILITY POLE
- 11 = WATER METER
- 12 = WATER VALVE
- 13 = WATER TAP AND PIPE FOUND
- 14 = REPAIR FOUND
- 15 = REPAIR FOUND
- 16 = OPEN END ROSS PIPE FOUND
- 17 = 1/2" COATED METAL SH (CA-106-14)
- 18 = 1/2" UNARMED CONCRETE
- 19 = BUILDING DETAILION LINE
- 20 = COORDINATED METAL ARCH PIPE
- 21 = COORDINATED METAL PIPE
- 22 = DRAINAGE AND UTILITY EMBARKMENT
- 23 = DRAINAGE EMBARKMENT AND UTILITY
- 24 = ROAD
- 25 = REINFORCED CONCRETE PIPE
- 26 = REINFORCED CONCRETE PIPE
- 27 = REINFORCED AND MAP ON PLY SHEETING AND DETAILION
- 28 = ONE LINE
- 29 = OVERHEAD UTILITY LINE
- 30 = OVERHEAD LINE
- 31 = WATER LINE
- 32 = CROSS-ONE FRANCH

FLOOD CONTINGENCY:

THIS PROPERTY LIES WITHIN ZONE "B" AS SHOWN FROM THE FOREMAN COMMUNITY IMPROVEMENT DISTRICT'S FLOOD INSURANCE RATE MAP OF BALDWIN COUNTY, ALABAMA, AND ISSUED ON/OCTOBER 1, 2004. FOREMAN COMMUNITY IMPROVEMENT DISTRICT, PO BOX 10000, PRICHARD, ALABAMA 36580. MAP REVIEWED DATE JULY 17, 2007.

SURVEYOR'S NOTES:

- [illegible]

SURVEYOR'S CERTIFICATE:

STATE OF ALABAMA
COUNTY OF BALDWIN

WE, PHILIP-SON, LLC, A FIRM OF LICENSED SURVEYORS AND LAND SURVEYORS OF
BALDWIN, ALABAMA, HEREBY STATE THAT THE ABOVE IS A CORRECT MAP ON PLAT OF
THE FOLLOWING DESCRIBED PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA,
TO-WIT:

[illegible]

DESCRIPTION COMPILED FROM PROBATE RECORDS AND AN ACTUAL FIELD SURVEY.
WE FURTHER STATE THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE EMINENT DOMAIN PRACTICE FOR SURVEYORS IN THE STATE OF ALABAMA, EFFECTIVE MAY 5, 2008.

P. 3-11-2015
PERRY-HORN, LLC
DAVID C. DELO
AL. P.L.S. No. 2008-1
SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.



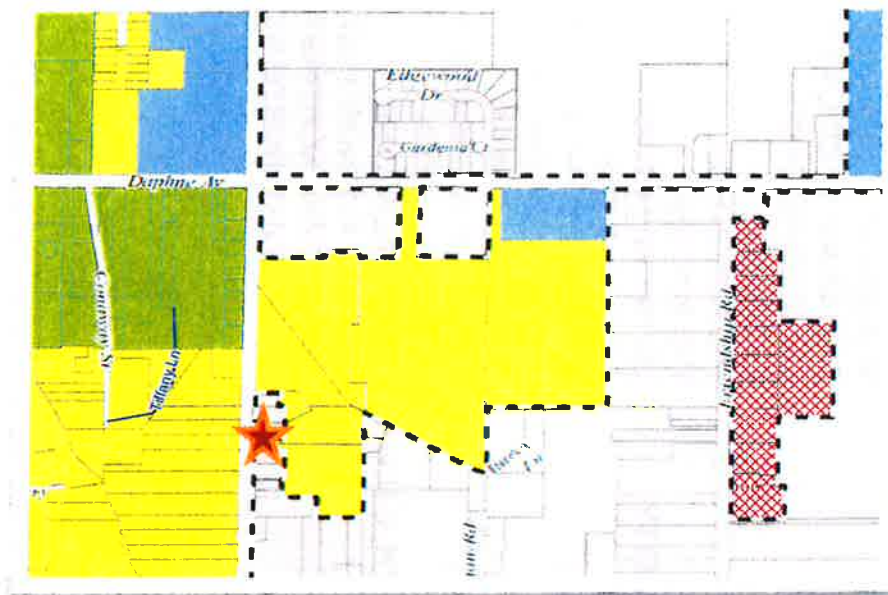
EXHIBIT C

BOUNDARY SURVEY & ZONING DISPLAY		DATE: 5/1/2016
VILLAS AT ST. CHARLES VILLAGE		SCALE: 1" = 40'
	PREBLE-RISH L.L.C.	OWNER: ST. CHARLES VILLAGE
	CONSULTING ENGINEERING & SURVEYING	PROJECT NO.: 16-001
	CIVIL ENGINEERING & SURVEYING	DATE: 5/1/2016
	1901 Industrial Ave. Dayton, OH 45424	PROJECT: 16-001
	7501 Industrial Ave. Dayton, OH 45424	DATE: 5/1/2016

ADJACENT PROPERTY OWNERS TO LOTS 1-3 OF BOLAR VIEW SUBDIVISION

Pid	Owner	Address1	City	St	Zip
05-43-04-20-1-000-072.000	KING, FRANCINE ETAL MOORE, GAYLE; HUNTER	1501 POLLARD RD	DAPHNE	AL	36526
05-43-05-21-0-000-012.000	CLAUSELL, RUTH S ETAL STALLWORTH, CALVIN	25648 POLLARD RD	DAPHNE	AL	36526
05-43-04-20-1-000-073.001	BOLLER, BARBARA JEAN C/O JAMES ROBERTS	9794 TIMBER CIRCLE STE A	DAPHNE	AL	36526
05-43-04-20-1-000-071.000	JOHNSON, JAMES HENRY	381 BEECHWOOD DR	AKRON	OH	44320
05-43-04-20-1-000-073.000	HENINGBURG, PATRICIA ANITA	9180 SHADOW CK LN APT 106	CONVERSE	TX	78109
05-43-05-21-0-000-007.001	ST CHARLES VILLAGE (MASTERCARD)	8757 RAND AVENUE SUITE C	DAPHNE	AL	36526
05-43-05-21-0-000-009.000	WHITE, VERA	25738 POLLARD RD	DAPHNE	AL	36526
05-43-05-21-0-000-011.002	CLAUSELL, RUTH S ETAL STALLWORTH, CALVIN	25648 POLLARD RD	DAPHNE	AL	36526
05-43-05-21-0-000-010.000	CADENCE BANK	2100 3RD AVE NORTH STE 1100	BIRMINGHAM	AL	35203
05-43-05-21-0-000-011.000	CADENCE BANK	2100 3RD AVE NORTH STE 1100	BIRMINGHAM	AL	35203

PLANNING COMMISSION
PRE-ZONING FOR CADENCE BANK
THE VILLAS OF
ST. CHARLES VILLAGE PUD



COMMUNITY DEVELOPMENT

Pre-zoning Request Pollard Road, south of intersection of County Road 64 (Cadence Bank) 1.08 acres

Owner: Cadence Bank

Existing Conditions: 1.08 acres total of undeveloped land

Number of Lots: 3 lots (Bolar View Subdivision, Lot 1, Lot 2, Lot 3)

Existing Zoning: Unincorporated Baldwin County RSF-2, Single Family Residential

Proposed Zoning: Planned Unit Development (PUD)

Proposed Use: Townhouses

Surrounding Zonings/Uses:

North – R-4, High Density Multi-Family Residential

South - Baldwin County RSF-2, Single Family Residential

West – R-4, High Density Single Family Residential

East – R-4, High Density Single Family Residential

Existing Utility Service Providers:

Water - Daphne Utilities

Sewer - Daphne Utilities

Gas - Daphne Utilities

Electric - Riviera Utilities

Affected City Service Providers:

Fire Protection— Station 2

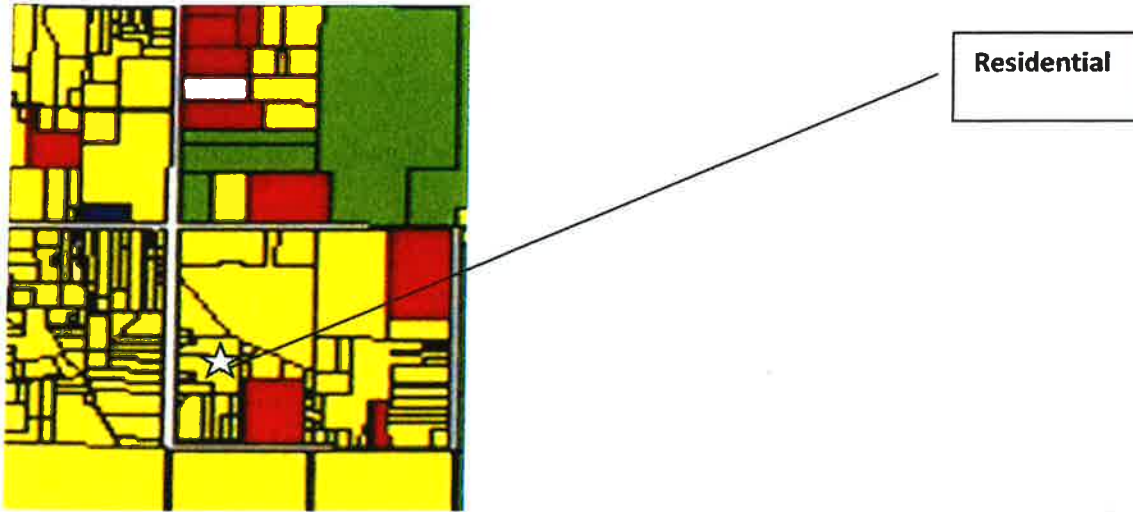
Police Protection—Police Beat 1

Public Works

Baldwin County Schools—n/a

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

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. The Plan designates this area as a residential use. Therefore, the requested pre-zoning is consistent with the Future Land Use Designation.



Staff recommends approval of the request to annex this land. Staff also recommends approval of the pre-zoning petition submitted by the applicant.

Related applications on August 2015 Planning Commission Agenda: 6.19 acres Zoning Request and 1.03 acre Annexation Request by Cadence Bank.

PUD Review: Recommend approval contingent upon setback greater than 25-ft along property boundaries that abut existing single family dwellings. See excerpt from PUD regulations and District Requirements.

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

**Ordinance to Pre-Zone Property Located
One Quarter Mile South of the Intersection of County Road 64 and Pollard Road
Cadence Bank**

WHEREAS, Cadence Bank 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-2, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to PUD, Planned Unit Development District, City of Daphne; and

WHEREAS, said real property is one quarter mile south of the intersection of County Road 64 and Pollard Road, and more particularly described as follows:

Legal Description for Pre-zone:

LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on August 27, 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 October 5, 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-2, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, 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**

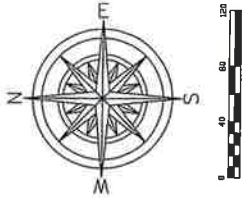
ATTEST:

**Rebecca A. Hayes,
City Clerk**

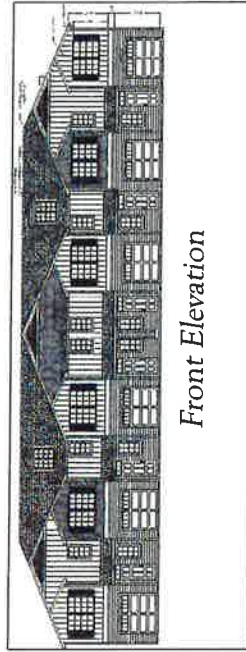
EXHIBIT A

LEGAL DESCRIPTION FOR CADENCE BANK

**LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE
PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.**



Summary
 Total Acreage 7.3 Acres
 Total Units 82
 Density 11 / Acre



Front Elevation

Villas at St. Charles

Daphne, Alabama

EXHIBIT "B"



ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH U.S. STANDARDS.

COPIES ARE FURNISHED BY CLIENT.

THERE MAY BE RECORDED ON UNIMPROVED PLOTS, EASEMENTS, 20%+/- OF WAY, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE ACCURACY OF THIS SURVEY.

THERE WAS AN ATTEMPT TO DETERMINE THE DISTANCE, LOCATION, AND AREA OF THE FOLLOWING:

1. THE LINES REPRESENTING THE CENTERLINE AND RIGHT-OF-WAY OF THE STREETS ARE SHOWN FOR VISUAL PURPOSES ONLY AND WERE NOT MEASURED.

2. SURVEY WAS CONDUCTED ON MARCH 20TH, 2018 AND IS RECORDED IN FIELD BOOK 2018 AT PAGE 74 AND IN AN ELECTRONIC DATA FILE.

3. THE SURVEY WAS CONDUCTED USING SURVEYING INSTRUMENTS THAT WERE CALIBRATED AND VERIFIED AGAINST THE NATIONAL BUREAU OF STANDARDS.

4. MEASUREMENTS ARE BASED ON STATE PLANE GRID COORDINATES ALIGNED WITH THE NORTH ARROW.

5. THE ELEVATIONS SHOWN HEREIN ARE RELATED TO MEAN SEA LEVEL (MSL) AND ARE NOT CORRECTED FOR TIDE EFFECTS.

6. THE SURVEY WAS CONDUCTED USING VISUAL MEASUREMENTS OF THE DISTANCE AND AREA OF THE FOLLOWING:

7. THE SURVEY IS BASED ON SURVEYING POINTS IN PLACE AND THE SURVEY IS SUBJECT TO A REENTRY AND REPRODUCTION OF THE ORIGINAL SURVEY INSTRUMENT.

HE FURTHER STATE THE SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE MAY 7, 2002.



BOUNDARY SURVEY & ZONING DISPLAY		DATE: 5/1/2015
VILLAS AT ST. CHARLES VILLAGE		SCALE: 1" = 40'
	PREBLE-RISH L.L.C.	PROJECT: 15-0-5-0-2-4
	CONSULTING INCHONESIST & SURVEYORS	COUNTY: SHELBY COUNTY, ALABAMA
	CIVIL - LAND SURVEY - SITE PLANNING	PROJECT: 15-0-5-0-2-4
		DATE: 5/1/2015
		PROJECT: 15-0-5-0-2-4

PLEASE Publish in the Bulletin Legal Section on Friday,
September 11, 2015

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on October 5, 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-2, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, 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
One Quarter Mile South of the Intersection of County Road 64 and Pollard Road
Cadence Bank**

WHEREAS, Cadence Bank 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-2, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to PUD, Planned Unit Development District, City of Daphne; and

WHEREAS, said real property is one quarter mile south of the intersection of County Road 64 and Pollard Road, and more particularly described as follows:

Legal Description for Pre-zone:

LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE
1532A IN THE PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on August 27, 2015, the Commission considered said request and set forth a unanimous favorable recommendation; and,

PLEASE Publish in the Bulletin Legal Section on Friday,
September 18, 2015

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given September 11, 2015, that the City Council of the City of Daphne will hold a Public Hearing on October 5, 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-2, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, 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
One Quarter Mile South of the Intersection of County Road 64 and Pollard Road
Cadence Bank**

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WHEREAS, said real property is one quarter mile south of the intersection of County Road 64 and Pollard Road, and more particularly described as follows:

Legal Description for Pre-zone:

LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE
1532A IN THE PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.

To: Office of the City Clerk
From: Adrienne D. Jones, Director of Community Development
Subject: Cadence Bank
Petition for Annexation

MEMORANDUM

Reference: Lots 1, 2 & 3, Bolar View
Subdivision

Date: August 31, 2015

PRESENT ZONING: RSF-2, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of Daphne

PROPOSED ZONING: PUD, Planned Unit Development District, City of Daphne

LOCATION: One quarter mile south of the intersection of County Road 64 and Pollard Road

RECOMMENDATION: At the Thursday, August 27, 2015, regular meeting of the Daphne Planning Commission, eight members were present. The motion carried for an **unanimous favorable recommendation** to the City Council of the annexation of the subject property for Cadence Bank as a PUD, Planned Unit Development District.

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

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

Thank you,
ADJ/jv

cc: file

attachment(s)

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

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

(_____)

The undersigned corporation, CADENCE BANK, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, BOLAR VIEW SUBDIVISION, 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, CADENCE BANK, 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: PUD

Any other conditions which may apply upon annexation:

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

DATED this 23rd day of July, 2015

Respectfully submitted,

CADENCE BANK
Name of Corporation

By: Charles Powell
Its: Vice President

STATE OF ALABAMA
COUNTY OF ~~BALDWIN~~ Jefferson

I, Kiki S. Rider, the undersigned Notary Public in and for said county and state, hereby certify that Charles Powell whose name as VP of Cadence Bank, 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 23rd day of July, 2015.

Kiki S. Rider
NOTARY PUBLIC

My commission expires: 6-9-18

Corporation's Address

2100 3RD Avenue N, Ste 1100
B'Ham AL 35203



EXHIBIT A

Legal Description for Annexation:

LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE
PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.



PLANNING COMMISSION
ANNEXATION FOR CADENCE BANK
THE VILLAS AT
ST. CHARLES VILLAGE PUD



**COMMUNITY DEVELOPMENT
ANNEXATION REQUEST**

**Annexation of Cadence Bank Properties
1.08 acres
Pollard Road, south of intersection of County Road 64**

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 1.08 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*)

(b) 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 One Quarter Mile South of the Intersection of County Road 64 and
Pollard Road
Cadence Bank**

WHEREAS, on the 23rd day of July, 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 October 5, 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 August 27, 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:

LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE
1532A IN THE PROBATE RECORDS OF 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

Legal Description for Annexation:

**LOTS 1-3 OF BOLAR VIEW SUBDIVISION AS RECORDED ON SLIDE 1532A IN THE
PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA.**



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PLEASE Publish in the Bulletin Legal Section on Friday,
September 11, 2015

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on October 5, 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 One Quarter Mile South of the Intersection of County Road 64 and Pollard Road
Cadence Bank**

WHEREAS, on the 23rd day of July, 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 October 5, 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 August 27, 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

PLEASE Publish in the Bulletin Legal Section on Friday,
September 18, 2015

SECOND NOTICE OF PUBLIC HEARING

Notice is hereby given the second time, the first notice was given, September 11, 2015, that the City Council of the City of Daphne will hold a Public Hearing on October 5, 2015 at 6:30pm 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-**

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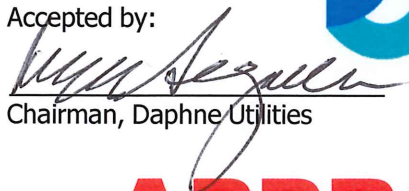
WHEREAS, after proper publication, a public hearing was held by the City Council on October 5, 2015 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on August 27, 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:



Accepted by:


Chairman, Daphne Utilities

APPROVED MINUTES

Utilities Board Meeting

Daphne Utilities Central Services Facility ♦ July 29, 2015 ♦ 5:00 p.m.

I. Call to Order

The regular July 2015 Board meeting for the Utilities Board of the City of Daphne was held on July 29, 2015 at 5:01 p.m. and called to order by Chairman Robert Segalla, proceeded by the Roll Call:

II. Roll Call

Members Present:

Robert Segalla, Chairman
Randy Fry, Secretary/Treasurer
Dane Haygood, Mayor
Billy Mayhand

Others Absent:

Fenton Jenkins, Vice Chairman

Others Present:

Jerry Speegle – Board Attorney
Danny Lyndall – General Manager
Drew Klumpp – Administrative Services Manager
Rebecca Williamson – Accounting Assistant
Tim Patton – Volkert & Associates
Melinda Immel – Volkert & Associates
Ray Moore - HMR

Others Absent:

Van Baggett – Operations Manager
Teresa Logiotatos – Finance Manager
Lori May-Wilson – Executive Assistant

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 June 24, 2015:

The Chairman inquired if there were any corrections noted for the submitted Minutes for the June 24, 2015, Utilities Board meeting.

MOTION BY Billy Mayhand to approve the submitted Minutes for June 24, 2015; Seconded by Mayor Dane Haygood.

AYE: FRY, HAYGOOD, MAYHAND, SEGALLA

NAY:

ABSENT: JENKINS

ABSTAIN:

MOTION CARRIED

V. OLD BUSINESS –

No old business.

VI. NEW BUSINESS –

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

Danny Lyndall clarified and updated the Board on this phase of this project noting that the bid prices submitted were significantly higher than expected; the bid package was then renegotiated with the low bidder and is now prepared to be presented for consideration from the Board; HMR Representative Robbie Strom validated Mr. Lyndall's explanation.

MOTION BY Mayor Dane Haygood to accept the low bidder of W. R. Mitchell Contractor, Inc., for \$528,860.00 for the Douglas Road – Water Storage Tank Facility Package II – Piping, Pump Station and Site Work; Seconded by Billy Mayhand.

AYE: FRY, HAYGOOD, MAYHAND, SEGALLA

NAY:

ABSENT: JENKINS

ABSTAIN:

MOTION CARRIED

- B. Presentation on GIS Mapping by Daphne Utilities' Intern Clayton Stewart

Danny Lyndall introduced Clayton Stewart, a University of South Alabama senior in the Engineering Department who has been working as an intern performing GIS mapping for Daphne Utilities. Mr. Stewart gave a slide presentation of his work. Mayor Haygood and Chairman Segalla expressed gratitude to Mr. Stewart for the impressive hard-work and fine job.

Chairman Segalla announced that there would be an Executive Session at the end of the meeting.

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle gave an update on his submitted report regarding Cedric Goodloe's Motion for New Trial, which had been denied and ordered to pay \$2,400 in attorney's fees; he confirmed that the Nettles case will be as scheduled. Mr. Speegle advised that Mr. Goodloe could appeal to the 11th Circuit Court of Appeals in answering a question from the Board.

VIII. FINANCIAL REPORT

Rebecca Williamson reviewed the financials with the Board and pointed out that the principle payments have come out on the bond issues. She also advised that the budget process is now underway.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Mr. Lyndall had nothing further to add to his submitted report but advised of an upcoming brief presentation in the Operations Report. Chairman Segalla complimented the company for the steady rates of Blue Cross/Blue Shield. Mayor Haygood expressed kudos for the new free bill payment app for mobile devices.

B. Operations Report

Bobby Purvis introduced Carliss Johnson to give a brief update on an incident that took place last month. Mr. Johnson from the Natural Gas Department updated the board on the repairs to a high-pressurized regulated (HPR) stations on Hwy. 90 at Douglas Road damaged by a vehicle. Danny Lyndall explained the lost-time accident and the resulting "Close Call/Near Miss" program.

C. Engineering & Consulting Reports

Melinda Immel from Volkert updated the board regarding her report on the work along Creekside subdivision.

Robbie Strom from HMR updated the Board on projects submitted in the report.

- X. **BOARD ACTION** – Previously addressed under “New Business”.
- XI. **PUBLIC PARTICIPATION** – None.
- XII. **BOARD COMMENTS** – Mayor Haygood, Randy Fry, Billy Mayhand and Bob Segalla gave praise to Carliss Johnson and Clayton Stewart.
- XIII. **EXECUTIVE SESSION** –

Jerry Speegle justified that the Executive Session involves the legal ramifications and legal options for controversies which aren't yet being litigated but might be imminently litigated if Daphne Utilities' pursues a proposed course of action which is not the pending litigation but the potential for pending litigation. The duration for Executive Session was expected to take no more than 20 minutes.

The Chairman called for adjournment to Executive Session at 5:30 pm.

MOTION BY Billy Mayhand to adjourn to Executive Session.

AYE: Fry, Haygood, Mayhand, Segalla

NAY:

ABSENT: Jenkins

ABSTAIN:

MOTION CARRIED

The Board reconvened from Executive Session at 6:00 pm.

XIV. **ADJOURNMENT** -

MOTION BY Billy Mayhand to adjourn.

AYE: Fry, Haygood, Mayhand, Segalla

NAY:

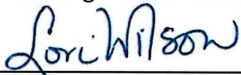
ABSENT: Jenkins

ABSTAIN:

MOTION CARRIED

The meeting adjourned at 6:00pm.

Preceding minutes submitted to the Daphne Utilities Board



by: Lori Wilson, Executive Assistant, Daphne Utilities

**RESOLUTION NO. 2015-57
OPTION “A”**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE RE-
APPOINTING ONE DIRECTOR TO THE BOARD OF DIRECTORS OF
RENAISSANCE IMPROVEMENT DISTRICT**

WHEREAS, the City Council (the “Council”) of the City of Daphne, Alabama, (the “City”), previously approved the formation of Renaissance Improvement District (the “District”), in accordance with Chapter 99A of Title 11 of the Code of Alabama (1975), as amended (the “Act”); and

WHEREAS, the City desires to re-appoint John Lake as a member of the District’s Board of Directors.

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

1. That John Lake is hereby re-appointed by the Council as a member of the District’s Board of Directors.
2. The term of John Lake shall begin immediately upon his appointment and shall end at 11:59 p.m. on June 5, 2019.

ADOPTED this _____ day of _____, 2015.

**DANE HAYGOOD
MAYOR
ATTEST:**

ATTEST:

**REBECCA A. HAYES,
CITY CLERK**

**RESOLUTION NO. 2015-57
OPTION “B”**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE APPOINTING
ONE DIRECTOR TO THE BOARD OF DIRECTORS OF RENAISSANCE
IMPROVEMENT DISTRICT**

WHEREAS, the City Council (the “Council”) of the City of Daphne, Alabama, (the “City”), previously approved the formation of Renaissance Improvement District (the “District”), in accordance with Chapter 99A of Title 11 of the Code of Alabama (1975), as amended (the “Act”); and

WHEREAS, the City desires to appoint Joe Davis as a member of the District’s Board of Directors.

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

1. That Joe Davis is hereby appointed by the Council as a member of the District’s Board of Directors.
2. The term of Joe Davis shall begin immediately upon his appointment and shall end at 11:59 p.m. on June 5, 2019.

ADOPTED this _____ day of _____, 2015.

**DANE HAYGOOD
MAYOR
ATTEST:**

ATTEST:

**REBECCA A. HAYES,
CITY CLERK**

**RESOLUTION NO. 2015-58
OPTION "A"**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE REAPPOINTING
ONE DIRECTOR TO THE BOARD OF DIRECTORS OF RENAISSANCE COOPERATIVE
DISTRICT**

WHEREAS, the City Council (the "Council") of the City of Daphne (the "City") previously elected John Lake as a member of the Board of Directors of the Renaissance Cooperative District (the "District") in accordance with Chapter 99B of Title 11 of the Code of Alabama (1975), as amended (the "Act");

WHEREAS, John Lake's term as a member of the Board of Directors of the District expired on July 10, 2015;

WHEREAS, John Lake is a duly qualified elector of the City, and is eligible for reelection pursuant to the Act; and

WHEREAS, the City desires to reelect John Lake as a member of the District's Board of Directors for an additional term.

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

1. That John Lake is hereby reappointed by the Council as a member of the District's Board of Directors.
2. The term of John Lake shall begin immediately upon reappointment and shall end at 11:59 p.m. on June 5, 2019.

ADOPTED AND APPROVED this _____ day of _____, 2015.

Dane Haygood,
Mayor

ATTEST:

Rebecca A. Hayes,
City Clerk

CITY OF DAPHNE

**RESOLUTION NO. 2015-58
OPTION “B”**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE APPOINTING
ONE DIRECTOR TO THE BOARD OF DIRECTORS OF THE RENAISSANCE
COOPERATIVE DISTRICT**

WHEREAS, the City Council (the “Council”) of the City of Daphne, Alabama, (the “City”) adopted Resolution No. 2007-38, which approved the formation of the Renaissance Cooperative District (the “Cooperative District”) in accordance with Chapter 99B of Title 11 of the Code of Alabama (1975), as amended (the “Act”); and

WHEREAS, the City desires to appoint Joe Davis to the Cooperative District’s board of directors;

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

1. That Joe Davis is hereby appointed by the Council as a member of the District’s Board of Directors to serve immediately upon his appointment and shall end at 11:59 p.m. on June 5, 2019.

ADOPTED this _____ day of _____, 2015.

**DANE HAYGOOD,
MAYOR**

ATTEST:

**REBECCA A. HAYES,
CITY CLERK**

STONE, GRANADE & CROSBY, P. C.

ATTORNEYS AT LAW

PLEASE REPLY TO:

8820 US HIGHWAY 90

DAPHNE, ALABAMA 36526

TELEPHONE: (251) 626-6696

FACSIMILE: (251) 626-2617

www.sgclaw.com

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L. BRIAN CHUNN
T. DEVEN MOORE
SHAWN T. ALVES
R. SCOTT LEWIS
CAROLYN DOHN
J. BRADFORD BOYD HICKS
CARSON I. NICOLSON
LAURA C. STRACHAN

OF COUNSEL
ELIZABETH CROSBY CHEELY*

ALSO ADMITTED IN FLORIDA*
ALSO ADMITTED IN LOUISIANA*
ALSO ADMITTED IN PENNSYLVANIA*

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BAY MINETTE, ALABAMA 36507
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7823 HIGHWAY 59 SOUTH
FOLEY, ALABAMA 36535
TELEPHONE: (251) 955-6155
FACSIMILE: (251) 955-6055

NORBORNE C. STONE, JR.
1925-2011

August 17, 2015

VIA E-MAIL:

[\(ajones@daphneal.com\)](mailto:ajones@daphneal.com)

Adrienne Jones

The City of Daphne

Post Office Box 400

Daphne, AL 36532

**Re: Pre-zoning and Annexation
Property Owner: The Bills' No. 2, LLC**

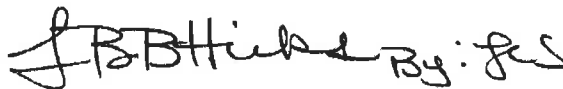
Dear Ms. Jones:

This firm has the pleasure of representing The Bills' No. 2, LLC.

The Bills' No. 2, LLC owns the real property located at the southwest corner of the intersection of Champions Way and Alabama Highway 181. The City of Daphne is considering the pre-rezoning and annexation this property at its August 17, 2015, meeting. Please be advised that The Bills' No. 2, LLC will not consent to annexation of this property in the event the pre-rezoning is not approved.

We appreciate the continuing opportunity to work with you and the City of Daphne on matters which benefit our community.

Yours very truly,



J. BRADFORD BOYD HICKS
For the Firm

**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:

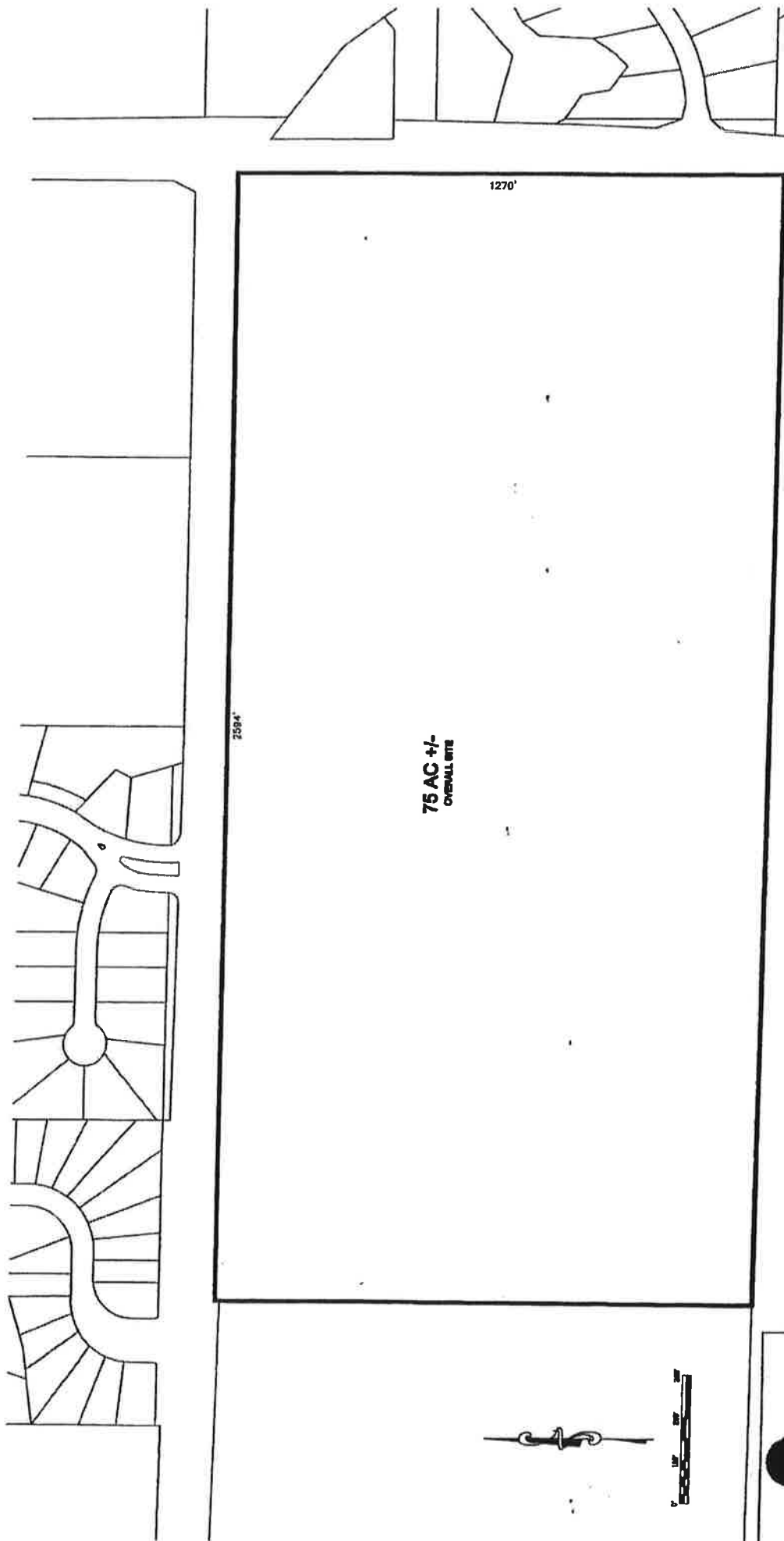
**Rebecca A. Hayes,
City Clerk**

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





OFFICE DEVELOPMENT

PHASE 1	75,000 SF
FIVE STORY OFFICE	
PHASE 2	176,000 SF
2 FIVE STORY OFFICES	
PHASE 3 OPTION A	210,000 SF
3 FOUR STORY OFFICES	

TOTAL GROSS BUILDING AREA 441,000 SF.



DAPHNE INNOVATION & SCIENCE COMPLEX
P R E L I M I N A R Y M A S T E R P L A N N I N G S T U D Y
J A N U A R Y 2 , 2 0 1 5



SUMMARY

DAPHNE INNOVATION+SCIENCE COMPLEX PLANNED UNIT DEVELOPMENT

The subject property is located at the southwest corner of Champions Way and State Highway 181, 1.8 miles south of Interstate 10. The proposed Daphne Innovation+Science Complex property is bounded to the west by Daphne High School, to the east by State Highway 181, and to the north by Champions Way and to the south by land owned by Malbis Plantation, Incorporated in Baldwin County, Alabama.

The land is located in District 15 of Baldwin County and zoned RSF-1, Single Family District. The current proposal is to pre-zone the property to PUD, Planned Unit Development, and to annex the land into the City of Daphne.

The property is currently owned by The Bills' No. 2. LLC. The Daphne Industrial Development Board is under contract for land acquisition.



The subject property is 75 acres. PUD entitlements will be distributed among phases. The first phase of DISC consists of 30 acres.

The DISC PUD property abuts: to the 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); to the south, undeveloped land zoned RSF-1 Single Family District in Baldwin County District 15 (ETJ), to the east, The Woodlands at Malbis residential subdivision; to the west, Daphne High School (zoned R-3, High Density Single Family Residential).

I. INTENT

The intent of the Daphne Innovation + Science Complex PUD is:

- a. to promote the efficient use of land and facilitate a more economic arrangement of uses, buildings, traffic circulation systems and utilities;
- b. to encourage the combination and coordination of uses, building forms, building relationships and architectural styles in the PUD design;
- c. to promote the preservation and enhancement of existing natural landscape features, their scenic qualities and amenities to the greatest extent possible and utilize such features in a harmonious fashion;
- d. to provide flexibility to conventional zoning regulations, upon City Council approval of alternate standards. Such standards may include minimum setbacks, minimum yard size, minimum greenbelts, minimum off-street parking regulations and other regulations to achieve the intent described herein; and,
- e. to provide the developer reasonable assurance of approval before commencing final engineering work while providing City officials with reasonable assurance that the development will retain the character envisioned at the time of approval.

II. PERMITTED USES

The principal permitted uses to be allowed in the DISC PUD district are as follows:

- a. Office.
- b. Educational and academic uses.
- c. Research and development in the fields of electronics, communications, medicine, data processing and computer technology, environmental control, measuring devices, scientific instrumentation and advanced engineering research shall be allowed. However, such uses shall not include the manufacture or assembly of products derived from the research and development process. Corporate and regional headquarters and executive offices or uses shall be permitted. Food service may also be permitted within the office buildings when ancillary to office use (e.g. restaurant, deli, employee cafeteria).
- d. Light manufacturing, assembly, or other clean or advanced manufacturing uses upon approval of the Planning Commission with right to appeal to the City Council. These uses should have limited impact on the surrounding areas. Specific uses in the field of technology, medical, and pharmaceutical are consistent with the intended character of the development.

- e. Commercial, retail, general office, institutional, medical, academic/educational, and/or light industrial, except such light industrial uses which may be found unsuitable and inharmonious with other uses in the PUD or surrounding areas.
- f. Restaurants (coffee and baked goods shops, delicatessens and similar sandwich shops, and ice cream and yogurt shops).
- g. Retail and service stores designed primarily to provide convenience goods and services to on-site office workers (personal service establishments; dry cleaning stores; tailors and shoe repair shops; financial institutions; card and gift shops; and stores offering convenience items or convenience foods in a prepackaged form).
- h. Child care centers.
- i. Adult day care centers.
- j. Patio/ al fresco dining facilities.
- k. Single family and/or multi-family residential dwelling units.
- l. Public or private parks, open space and/or specialized recreation centers.
- m. Uses not described above shall be governed by the Table of Permitted Use in Appendix A.

III. PROHIBITED USES

Uses which are not expressly permitted in the above section and which may be found unsuitable and inharmonious with other uses in the PUD or surrounding areas.

IV. PURPOSES & INTENTS

Consistency in all respects with the purposes and intents of the Land Use & Development Ordinance Article 30, PUD Provisions.

- a. Goals of the Comprehensive Plan or portion thereof that apply to the proposed DISC PUD are as follows:
 - 1. Continue to encourage the diversification of the local economy.
 - 2. Provide for the future social and economic growth of Daphne by expanding residential and employment opportunities for all residents and to attract industries by offering the skilled labor force and business environment necessary for continued expansion.

3. Provide a land use plan for the City of Daphne, which supports the City's economic development, housing, transportation, and open space, recreation and education goals in a manner that maintains and promotes Daphne's unique image and quality of life.
 4. Grow sensibly by anticipating land use needs.
- b. The DISC PUD advances the general welfare of and benefit the City as follows:
1. Encourages diversification in the area's industry employment sectors and job growth.
 2. Creates a location to attract technology-related industry to establish corporate headquarters and to develop high-wage jobs.
 3. To help create a stronger, more resilient tax base for the City through job growth, ad-valorem tax creation and economic diversification.
 4. Provides an opportunity to stimulate small business development and entrepreneurship in Baldwin County.
- c. The DISC PUD will provide a sense of place for corporate, high-tech, and professional firms to locate and transact business in a campus environment. The project will create an attractive environment to enable the City of Daphne to be competitive on a local, regional and national level to attract quality jobs that complement the quality of life on the Eastern Shore. The site may also include amenities for public use such as green spaces, pedestrian connectivity via multi-purpose trails for walking and cycling.

V. LIMITATIONS ON DEVELOPMENT

The focus of the DISC PUD is to create an institutional-type technology and office park which would consist of office, medical, technology, academic/educational, advanced manufacturing, clean light industrial uses, and may evolve to include mixed uses such as clustered single and multi-family residential uses such as townhouses and/or condominiums and retail commercial, while maintaining at least ten percent (10%) open space of the total property.

Development of office space for the project shall not exceed an aggregate of twenty-thousand square feet (20,000 sq. ft.) per acre for the entire development. Office space can be converted to other uses. Non-office use may result in development trade-offs within the PUD using a one-to-one conversion method to maintain flexibility in design and development. Such flexibility allows market conditions to determine appropriate growth over time.

VI. SIGNAGE

Within the DISC PUD property, a sign may be erected, placed, established, painted, created or maintained in conformance with the theme, branding and standards of the district. Color, location, size shall be consistent with a theme as determined by the developer. The Daphne Sign Regulations for B-2, General Business district, shall apply to all other signage not listed herein.

a) Corporate Building Signage

1. Definition: An identification sign giving the name, logo, trademark or other identifying symbol of the primary tenant on the premises. Addresses or directories shall not be included in the category of corporate building signage.
2. Standards:
 - i. Each multi-story building less than thirty thousand (30,000) square feet of building area in the DISC PUD district may acquire a permit for a wall mounted sign for each side of the building, each sign not to exceed eight percent (8%) of the face of the side of the building on which it is to be placed.
 - ii. Each multi-story building thirty thousand (30,000) square feet of building area or more in the DISC PUD district may acquire a permit for a wall mounted sign for each side of the building, each sign not to exceed four percent (4%) of the face of the side of the building on which it is to be placed.

b) Building Identification Signage

1. Definition: Signage providing building identification in the form of a building number, street number or street address, used to assist the public in locating a building within a particular development.
2. Letters, unit numbers and/or address identification prominently displayed to identify each building within the DISC PUD.
3. Signage shall maintain consistency with regard to theme and branding of other signage in the development.

c) DISC Informational Signage

1. Definition: Monument directional signage to provide visitors with information to navigate within the DISC. For example: left turn, right turn, exit, etc.
2. Standards:
 - i. Informational signs shall only be located within the interior of the development, provide a common branding/theme and will provide information including directions, etc.
 - ii. Directional signs within the development will be monument signs that are appropriately designed, located and landscaped.

d) Building Directory Signage

1. Definition: A directory sign provides a listing of the tenants or occupants of a building and that may also indicate their respective activities conducted within a building to ensure the public they are at the right building prior to entering the building.
2. Standards:
 - i. May be located at or near entrances or on buildings or may be freestanding signs in an appropriate size and location.

e) Exterior Roadway Signage

1. Definition: a sign located upon the exterior roads of the DISC development.
2. Standards:
 - i. These signs may be located along the exterior of the development.
 - ii. Tenants or DISC Developers may have signage along exterior roadways.
 - iii. The Daphne Sign Regulations for B-2, General Business district, shall apply to other signage along the frontage on Champions Way or Highway 181.

VII. DESIGN STANDARDS

- a) Density for residential uses shall be in accordance with the R-7(M), Mid Rise Condominium district, for multi-family uses and R-3, High Density Single Family Residential, R-6(G), Garden/Patio Home district or R-7(T), Townhouse district zoning for single family uses depending upon the character of the development.
- b) Building height shall not exceed one hundred-ten feet (110-ft) or seven (7) stories.
- c) Building setbacks shall be a minimum of forty feet (40-ft) from the perimeter of the DISC PUD property.
- d) All construction shall be in compliance with the City of Daphne's adopted version of the International Building Code in place at the commencement of construction.
- e) All right-of-ways shall be designed to meet the minimum standards provided in accordance with design standards provided in the Land Use & Development Ordinance.
- f) Sidewalks shall be provided 5 feet in width along road rights of way in accordance with design standards provided in the Land Use & Development Ordinance.
- g) Landscaping shall be provided in accordance with design standards provided in the Land Use & Development Ordinance.
- h) Unless otherwise provided in this document, sign provisions shall be provided in accordance with applicable sign regulations for the City of Daphne.

VIII. GENERAL PROVISIONS

- a) Any subdivision of the DISC PUD shall be done in accordance with the laws of State of Alabama.
- b) Site design for various phases of the PUD shall be such as to provide adequate parking and loading facilities in addition to space required to conduct other operations of the business. All infrastructure, including but not limited to drainage, streets, open space, etc. shall be provided.
- c) All buildings and/or structures shall observe the minimum separation as allowed by the Fire Code. Lots or building envelopes with a zero (0) side building line must face a minimum five (5) foot wide maintenance easement upon the neighboring lot or building envelope for maintenance purposes.
- d) Necessary measures and standard practices will be utilized to ensure that design

adequately addresses environmental protection, preservation and enhancement relating to water quality, trees, buffer zones and greenbelt areas, critical environmental features, soils, air quality, waterways, topography, and the natural character of the land, as well as areas, structures or sites that are of architectural, historical, archaeological, or cultural significance.

- e) Landscape design will be superior to that which is typically required by the minimum landscaping provisions of the City.
- f) Open space between buildings will be designed as to provide adequate, safety and aesthetic value.
- g) The project design will be such that upon completion of each phase, all structures in that phase will be accessible to service and emergency vehicles.
- h) On-street parking may be permitted along easements or streets adequate in size and internal to the project, but not along external roadways that serve other uses unless deemed appropriate by the Planning Commission. Parking shall be based upon the use of each primary structure. Minimum stall area shall be based upon the angle of parking in accordance with the Land Use & Development Ordinance.
- i) This is not considered to be a Large-scale PUD.

Antique store, including repairing, restoration and refinishing	R
Apparel and accessory store	R
Art gallery or museum	R
Art supplies	R
Auditoriums, stadiums, coliseums, and other such places of public assembly	R
Automobile parts sales, except used parts	Pc
Business machines sales and service	R
Police station, fire station, courthouse, federal office building and similar public building	R
Communications Towers	S
Convenience store	Pc
Department store	R
Drug Store	R
Dry goods or fabric store	R
Electric supply store	R
Electric supply store, retail	R
Farmers' markets	Pc
Fix-it shop, including small appliance repair	R
Floral shop	R
Gas regulator station	Pc
Grocery store, retail	Pc
Hardware store, retail, storage and sales	Pc
Hobby shop and supply store	R
Hotel	Pc
Extended stay hotel facility	S
Interior decorating shop	R
Laundry, self-service	R
Laundry, linen supply or diaper service	R
Library	R
Loan office	R
Clothing and garment manufacturing	Pc
Food products processing and packaging	Pc
Music store	R
News stand	R
Night club, bar, tavern and cocktail lounge when separate from a restaurant	Pc
Paint and wallpaper store	R
Pet shop	Pc
Photographic studio and/or processing	R
Picture framing and/or mirror silvering	S

Appendix A: Table of Permitted Uses & Conditions	DISC PUD
Police substation, including Highway Patrol	Pc
Post office	Pc
Printing, blueprinting, bookbinding, photostating, lithographing and publishing establishment.	R
Radio and television antenna (amateur)	R
Radio and television station and transmitting tower (commercial)	Pc
Shoe store, retail	R
Showroom, appliances or builder	R
Sign shop	Pc
Sporting goods store	R
Telephone exchange	S
Telephone equipment storage including shops and garage; need not be enclosed within a structure but must provide adequate screening	R
Tires, batteries and other automotive accessories sales establishments	Pc
Tobacco store	R
Toy store	R
Variety store	R
Warehouse and storage facilities, minor; mini-type do-it-yourself storage facilities	Pc
YMCA, YWCA and similar institutions	S
Amusement park	Pc
Amphitheater	Pc
Athletic field or stadium such as baseball, football, soccer, etc. or similar use, provided that no building for such purposes is located within 100 feet of any property line	Pc
Golf course, miniature	Pc
Other (outdoor) commercial amusement establishment	Pc
Roller-skating and ice-skating rink	Pc
Theater, outdoor/drive-in; need not be enclosed within a structure	Pc

STONE, GRANADE & CROSBY, P. C.

ATTORNEYS AT LAW

PLEASE REPLY TO:

8820 US HIGHWAY 90

DAPHNE, ALABAMA 36526

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NORBORNE C. STONE, JR.
1925-2011

August 17, 2015

VIA E-MAIL:

[\(ajones@daphneal.com\)](mailto:ajones@daphneal.com)

Adrienne Jones

The City of Daphne

Post Office Box 400

Daphne, AL 36532

**Re: Pre-zoning and Annexation
Property Owner: The Bills' No. 2, LLC**

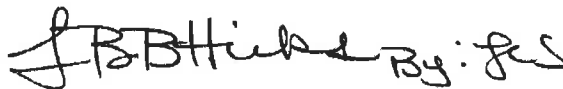
Dear Ms. Jones:

This firm has the pleasure of representing The Bills' No. 2, LLC.

The Bills' No. 2, LLC owns the real property located at the southwest corner of the intersection of Champions Way and Alabama Highway 181. The City of Daphne is considering the pre-rezoning and annexation this property at its August 17, 2015, meeting. Please be advised that The Bills' No. 2, LLC will not consent to annexation of this property in the event the pre-rezoning is not approved.

We appreciate the continuing opportunity to work with you and the City of Daphne on matters which benefit our community.

Yours very truly,



J. BRADFORD BOYD HICKS
For the Firm

**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:

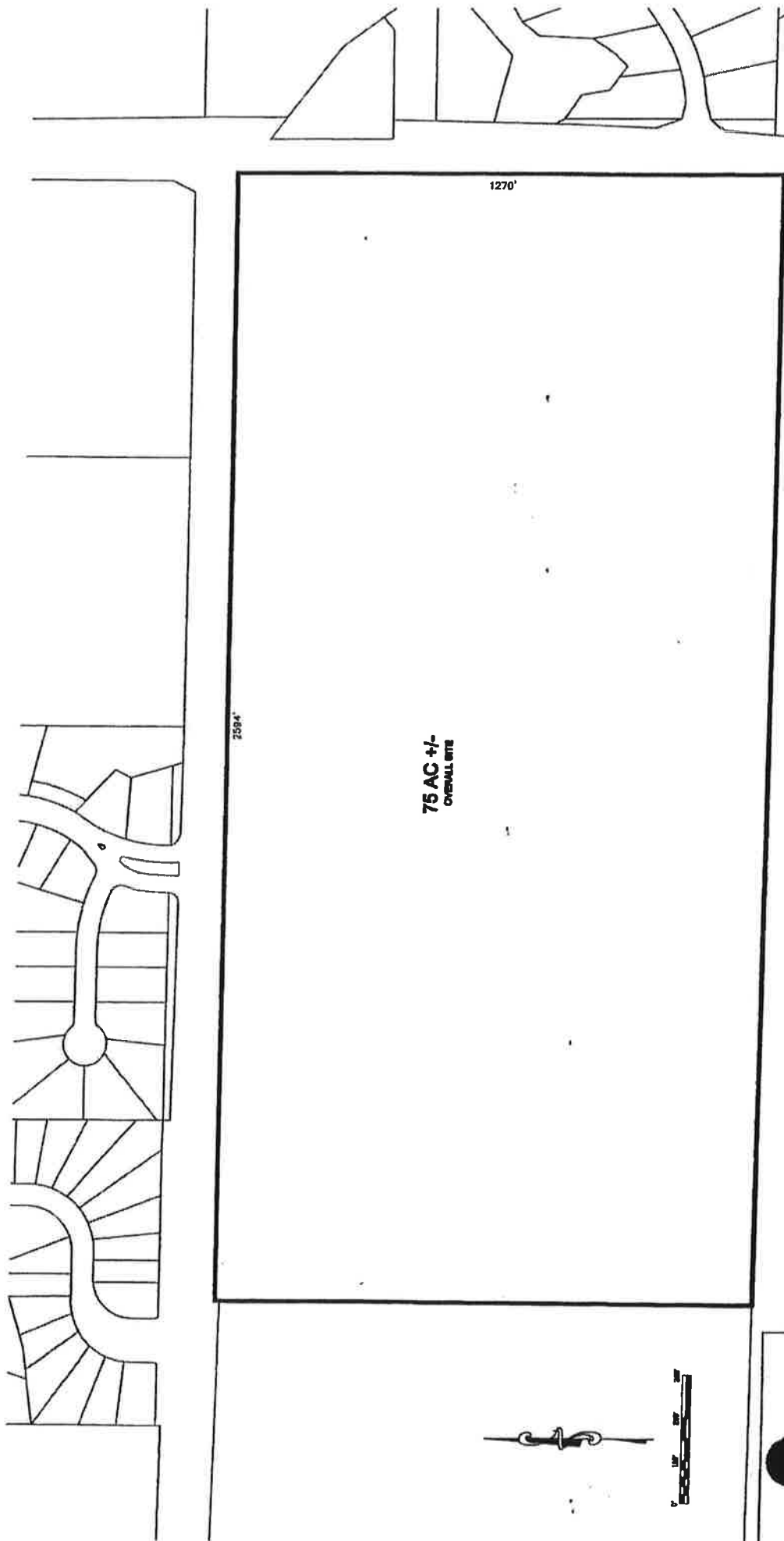
Rebecca A. Hayes,
City Clerk

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.



75 AC +/-
OVERALL SITE

1270'

2594'



PREBLE-RISH
CONSULTING ENGINEERS & SURVEYORS

EXHIBIT B

COMMERCIAL & TECHNOLOGY COMPLEX



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

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

CITY OF DAPHNE

ORDINANCE 2015 – 51

AN ORDINANCE CONSENTING TO THE SALE BY THE UTILITIES BOARD OF THE CITY OF DAPHNE OF CERTAIN SURPLUS PERSONAL PROPERTY

WHEREAS, the Utilities Board of the City of Daphne (“Daphne Utilities”) is required to receive the consent of the City of Daphne before it sells property under the provisions of Ala. Code § 11-50-314(a)(10); and

WHEREAS, the management of Daphne Utilities has determined that it is in the best interest of Daphne Utilities to sell the personal property described on Exhibit “A”; and

WHEREAS, the Board of Directors of Daphne Utilities has approved the sale of the personal property described on Exhibit “A”.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Daphne does hereby consent to the sale by Daphne Utilities of the personal property described on Exhibit “A”.

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

Dane Haygood
Mayor

ATTEST:

Rebecca A. Hayes
City Clerk

EXHIBIT “A”

Department	Description	Year	Make / MFG	Model	Serial No. / Vin No.
Water Distribution	Truck (#85)	2000	Ford	F350	1FDKF37H7VEB17374
Water Quality	Truck (#38)	2000	Ford	F150 Ext Cab	1FTRX17W5YNC23149
Gas	Truck (#1052)	2004	Ford	F-250	1FTNX20L54ED64107
Water Reclamation	Truck (#30)	2000	Ford	F150 Ext Cab	1FTRX17W1YNC23150
Waste Water Collections	Truck (#08-01)	2008	Ford	F-250	1FTSX20R68EA53329
Waste Water Collections	Truck (#15)	1993	GMC	3500	1GDHC34K4PE542265
Meter	Truck (#11)	2000	Dodge	Dakota	1B7FL26XXYS779571
Maintenance	Truck (#64)	1994	Ford	F250	1FTHF25H5RNB34613
Maintenance	Truck (#86)	1997	Ford	F350	1FDKF37H9VEB17375
Water Distribution	GPR	Unk	Vermeer	DC-2A	1511
Gas	Boring Rig	Unk	Ditch Witch	JT 920	2N1247
Gas	Tractor-Combo Unit	Unk	Ditch Witch	3700DD	380187
Gas	Tractor-Combo Unit	Unk	Ditch Witch	7610DD	5N0596
Maintenance	Dump Trailer	Unk	Triple Crown		
Various	Miscellaneous Desks and File Cabinets	Unk	Various		