

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
FEBRUARY 5, 2018

1. **CALL TO ORDER**
2. **ROLL CALL**
INVOCATION
PLEDGE OF ALLEGIANCE

PRESENTATION: Service Weapons – Glenn Barr, Ron Gibney, Alaric Yelding 3
PROCLAMATION: Purple Heart City 6
PUBLIC HEARING: Re-zone of the Jacob’s Well, LLC & Ruth Metcalfe Rye property 7
3. **APPROVE MINUTES:** **Council Meeting** – January 22, 2018 41
4. **REPORTS OF STANDING COMMITTEES**
 - A. **FINANCE COMMITTEE** – Rudicell
Review minutes of January 22, 2018 & Reports 45

MOTION to renew the annual City Insurance Policy 1) with Robertson Insurance Agency, Inc.,
2) with all policies through the Alabama Municipal Corporation (AMIC), and 3) to accept the 3 year
contract discount rate quoted - \$562,222.

MOTION to recommend to Council to reject the Pollard & Whispering Pines Roads Area Sewer
connection CDBG Proj: LR-E-PF-16-08 bid per the Engineers recommendation (HMR) in order to update
the bid specifications with requirements and rebid the project.
 - B. **BUILDINGS & PROPERTY COMMITTEE** – LeJeune
 - C. **PUBLIC SAFETY COMMITTEE** – Davis
 - D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE** – Goodlin
 - E. **PUBLIC WORKS COMMITTEE** – Coleman
5. **REPORTS OF SPECIAL BOARDS & COMMISSIONS**
 - A. **BOARD OF ZONING ADJUSTMENTS** – Adrienne Jones
 - B. **DOWNTOWN REDEVELOPMENT AUTHORITY** – Conaway
 - C. **INDUSTRIAL DEVELOPMENT BOARD** – Davis
 - D. **LIBRARY BOARD** – Rudicell
 - F. **PLANNING COMMISSION** – Scott
Review minutes of December 2017 and report of January 25, 2018 53
 - F. **RECREATION BOARD** – LeJeune
 - G. **UTILITY BOARD** – LeJeune
6. **MAYOR’S REPORT**

City Council Agenda – FEBRUARY 5, 2018

7. CITY ATTORNEY REPORT

8. DEPARTMENT HEAD REPORTS

9. CITY CLERK’S REPORT

MOTION to approve the publication and set a public hearing on March 19, 2018 for Dayna Oldham - Vacation of Right-of-Way for a portion of Church Street. 62

MOTION to approve the publication and set a public hearing on March 19, 2018 for the re-zone of the WPNVA, LLC, Jay-E, LLC, John White-Spunner & Chester J. Stephan property located at the southeast corner of US Highway 98 & Johnson Road. 74

MOTION to approve the publication and set a public hearing on March 19, 2018 for Olde Towne Daphne Development, LLC – Vacation of Ingress & Egress Easements, Lot 5, Piazza di San Francesco & Tract 2, La Piazza di San Francesco Subdivision. 102

MOTION to approve Daphne High School JROTC Donut Sale on February 17, 2018 at Windsor & Ridgewood. 117

MOTION to approve Cub Scout Pack 271 Donut Sale on April 14, 2018 at Windsor & Ridgewood. 118

MOTION to approve the Daphmont Community Mardi Gras Parade on February 10, 2018 – no road closures. 119

MOTION to approve the 2018 Scott Ward Memorial Fit for Duty 5K on November 10, 2018. 121

MOTION to approve the 2018 Jubilee Race for Life 5K & 1 Mile Fun Run on September 15, 2018. 122

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2018-04 – Authorizing Resolution for FY2018 Leased Equipment Hancock Bank 123

2018-05 – Acceptance of Streets & Drainage – Winged Foot Subdivision Phase I 126

B. 2ND READ ORDINANCES:

2018-01– Changes to the Post-Retirement Benefit Plan 136

C. 1ST READ ORDINANCES

2018-03 – Appropriation: Bayfront Drive Street Scape Improvements: Design Fees – Dewberry Engineers, Inc., \$86,700 140

2018-04 - Re-zone of the Jacob’s Well, LLC & Ruth Metcalfe Rye property 145

2018-05 – Amending Section 4-3 of the Daphne Code of Ordinances and Providing Standards for the Keeping of Domestic Poultry in the City of Daphne. 147

12. COUNCIL COMMENTS

13. ADJOURN

CITY OF DAPHNE, ALABAMA

Proclamation

WHEREAS; Glenn Barr has been an employee of the City of Daphne for over twenty five years; and

WHEREAS; He began his tireless service to the City of Daphne Police Department on December 4, 1992 as a Patrol Officer under Police Chief Joe Hall; and

WHEREAS; During his tenure with the City, Glenn Barr has received numerous commendations and was named an Officer of the Quarter in 2014; and

WHEREAS; He was promoted from Patrol Officer to Corporal on May 6, 1999, and then promoted to Sergeant on December 23, 2004; and

WHEREAS; Glenn Barr retired January 1, 2018 as a Sergeant of the Daphne Police Department.

NOW,
THEREFORE; I, Dane Haygood as the Mayor of the City of Daphne, along with the Daphne City Council, do hereby proclaim appreciation to Glenn Barr for his untiring efforts in his service to the City of Daphne, and wish him success and happiness in his retirement.



ATTEST:

A handwritten signature in blue ink, appearing to read "Dane Haygood", written over a horizontal line.

Dane Haygood, Mayor

A handwritten signature in blue ink, appearing to read "Candace G. Antinarella", written over a horizontal line.

Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA

Proclamation

WHEREAS; Ron Gibney has been an employee of the City of Daphne for over twenty five years; and

WHEREAS; He began his tireless service to the City of Daphne Police Department on December 4, 1992 as a Patrol Officer under Police Chief Joe Hall; and

WHEREAS; During his tenure with the City, Ron Gibney received numerous letters of commendation and was an Officer of the Quarter in 2004; and

WHEREAS; Ron Gibney retired February 1, 2018 from the Daphne Police Department.

NOW,

THEREFORE; I, Dane Haygood as the Mayor of the City of Daphne, along with the Daphne City Council, do hereby proclaim appreciation to Ron Gibney for his untiring efforts in his service to the City of Daphne, and wish him success and happiness in his retirement.




Dane Haygood, Mayor

ATTEST:


Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA

Proclamation

WHEREAS; Alaric Yelding has been an employee of the City of Daphne for over twenty five years; and

WHEREAS; He began his tireless service to the City of Daphne Police Department on December 4, 1992 as a Patrol Officer under Police Chief Joe Hall; and

WHEREAS; During his tenure with the City, Alaric Yelding received numerous letters of commendation and was a graduated of Leadership Baldwin County; and

WHEREAS; He was promoted from Patrol Officer to Detective on June 5, 1997, promoted to Corporal on February 28, 2001, promoted to Sergeant on May 29, 2003, then promoted to Lieutenant on May 10, 2007; and

WHEREAS; Alaric Yelding retired January 1, 2018 as a Lieutenant of the Daphne Police Department.

NOW,

THEREFORE; I, Dane Haygood as the Mayor of the City of Daphne, along with the Daphne City Council, do hereby proclaim appreciation to Alaric Yelding for his untiring efforts in his service to the City of Daphne, and wish him success and happiness in his retirement.



Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA

Proclamation

WHEREAS; The City of Daphne, Alabama and our community have a great admiration and the utmost gratitude for all the men and women who have, and are, selflessly serving their country and this community in the Armed forces; and

WHEREAS; Veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm's way for the good of all; and

WHEREAS; The contributions and sacrifices of the men and women who served the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the citizens of the City of Daphne and our community; and

WHEREAS; Many men and women in uniform have given their lives while serving in the Armed Forces; and

WHEREAS; Members of our community have received the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force, construed as a singularly meritorious act of essential service; and

WHEREAS; The City of Daphne seeks to remember and recognize veterans who are recipients of the Purple Heart Medal; and

**NOW
THEREFORE;** I, Dane Haygood as the Mayor of the City of Daphne, do hereby proclaim the City of Daphne on this Fifth day of February 2018, a

Purple Heart City

honoring the service and sacrifice of our nation's men and women in uniform, wounded or killed by the enemy while serving to protect our freedoms.



ATTEST:

A blue ink signature of Dane Haygood, the Mayor of the City of Daphne.

Dane Haygood, Mayor

A blue ink signature of Candace G. Antinarella, the City Clerk.

Candace G. Antinarella, City Clerk

To: Office of the City Clerk

From: Adrienne D. Jones, 
Director of Community Development

Subject: Jacob's Well, L.L.C. and Ruth Metcalfe
Rye Zoning Amendment

Date: December 22, 2017

MEMORANDUM

PRESENT ZONING: R-7(T), Townhome District, B-2,
General Business, R-3, High Density
Single Family Residential

PROPOSED REZONING: PUD, Planned Unit Development

LOCATION: Northeast corner of U. S. Highway 98
and Halls Lane

RECOMMENDATION: At the Thursday, November 16, 2017,
regular meeting of the Daphne Planning
Commission, seven members were
present, and the motion carried for a
unfavorable recommendation for the
above mentioned zoning amendment.

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,
January 2, 2018.

Thank you,
ADJ/jv

Attachment(s)

1. Zoning Amendment Application
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. Adjacent property owners list
5. Community Development Report
6. Citizen Comments



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted October 16, 2017

Application Number:

ZA-17-02 or PZA-

Planning Commission Public

Hearing Date: November 16, 2017

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):

PPIN#(s):

North of Highway 98 & West of US-98

44972; 360806; 38108

Gross Site Area (acreage):

± 6.22 AC

Requested Zoning or Pre-Zoning:

PUD

Current Zoning Designation(s):

R7(T); B2; R-3

Amended Request:

Initials:

Date:

Current Land Use:

Vacant

Anticipated Land Use:

Townhomes - 57A-57D + LU/WD

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

**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:

Jacob Swell, LLC / Keith M. Rye

Mailing Address:

23210 US Hwy 98, Fairhope, AL 36532

Phone/Fax: 251 990 6006

E-mail: cf@dyasllc.com

Name of Authorized Agent:

Craig F. Dyas; DYAS, LLC

Mailing Address:

Phone/Fax:

E-mail:

Name of Developer*:

DYAS, LLC

Phone/Fax:

E-mail:

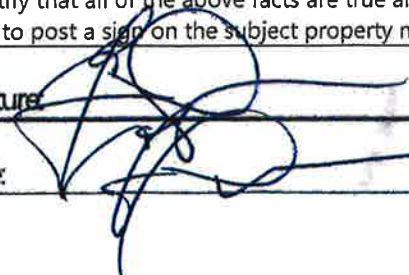
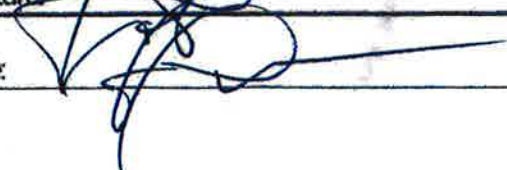
Other:

Keith M. Rye 301 Delwood, Mobile AL 36606

Phone/Fax: 251 610 0055

E-mail: kr@kellatrac.com

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

Applicant's Signature: 	Date: <u>10/16/17</u>
Agent's Signature: 	Date: <u>10/16/17</u>

OLDE TOWNE DAPHNE TOWNHOMES PUD STANDARDS

Olde Towne Daphne Townhomes, a proposed *Planned Unit Development* (PUD) for *Olde Towne Daphne*, is proposed on an assemblage of approximately 6.2 acres keenly situated between U.S. Highway 98 and Main Street, adjacent to the south and east of the new Christ the King Catholic School ball fields. The site is made up a combination of parcels, a 4.36 acre parcel immediately west of the new Shore Oaks Commercial Development, a .06 acre sliver and lastly, a 1.75 acre (+) parcel which adjoins the 4.36 acre parcel at its' west line commencing at the SW corner. In late 2016, the 4.36 acre parcel which, site in late 2016, was rezoned from B2 to R7(T), allowing 10 townhomes per acre. The .06 acre sliver was omitted in previous re-zonings and has slipped through the cracks and remains B-2. The 1.75 acre +/- parcel ties the R7(T) parcel to Main Street by way of Daphne Court and allows for the design of a residential community walking distance to both Olde Towne Daphne as well as the newly developed shops, restaurants and coffee venues in the new Shores Oaks Commercial Development. Access to *Old Towne Daphne Townhomes* from from Highway 98 is via a common *Access and Parking Easement* across the Shore Oaks development provided by Eastern Shore Associates, L.L.C. to Jacob's Well, L.L.C. recorded in Baldwin County Probate Court as Instrument # 1627300 and recorded in the records of the Probate Office, Baldwin County, Alabama.

The development proposes up to 54 residential units and up to 8 commercial units. The residential units will consist of up to 38 single family attached (SFA) townhomes, up to 10 single family detached (SFD) townhomes, and up to six units on the second floor of three live up/work down ("LU/WD") structures.

Each of the 38 *single family attached* (SFA) townhomes will be two story units of approximately 1920 square feet, heated and cooled, with a rear-loaded one car garage. In addition, on-street parking will minimize clutter and provide as much common 'comfort'/open area as possible. The SFA units will be constructed in groups of no more than six and possibly as few as two.

Up to 10 single family detached (SFD) townhomes are proposed to *soften* the entrance to the higher density product and ultimately the corridor 98 commercial product. This component of the development will provide access to *Olde Towne Daphne*, primarily through Daphne Court. The proposed site plan lays out structures approximately 25 feet wide, 80 feet deep with rear loaded car shelters and a minimum of 12' between structures.

Up to six (6) live up/work down ('LU/WD') units are proposed to be constructed on the eastern most portion of the Jacob's Well tract fronting the rear parking of Shore Oaks directly across the parking lot from the two most recently opened retail units of the Shore Oaks development. These units would have 'transitional use' within the overall

development. Parking for the commercial component of LU/WD will be in accordance with the common access and parking easement described above.

Up to 3,000 square feet of commercial space will be constructed on a 50' x 300' B-2 equivalent site consisting of the east end of the "dog leg" of this development which is between Serda's Coffee to the south and Daphne Antique Gallery to the north. The standards for this commercial portion of the development will mirror the City of Daphne B-2 zoning ordinance..

The setbacks shall be 30 feet along all sides of the 'mother' parcel with the exception the common line with Lot 1, Shore Oaks Subdivision (PPIN # 362668), the common line with Lot 2, Marino Family Subdivision (PPIN # 344878), and the common line with the eastern 60 ft of the south line of Christ the King Catholic School ball field (PPIN 41969), none of which will have any setback or buffer. Alleys will be allowed in the setbacks. In addition, there will be a 5' setback adjacent to all public roads.

Along the south property line, there will be a 12 foot landscape buffer in the setback. Along all other property lines that have setback requirements, there will be a 4 foot landscape buffer within the setback.

Structure height shall not exceed 35 feet measured to midway between eave and ridge from finished first floor. *NOTE: While the site plan calls for 10 structures and defines the typical footprint, the developer reserves the right to combine units or expand units for 'custom' construction yet the coverage will remain within standard as proposed.*

The overall residential density of *Olde Towne Daphne Townhomes* will not exceed nine (9) units per acre, and the maximum lot coverage of building/structures shall not exceed 30 percent (30%). A legend of various other standards will be located on the face of the approved site plan.

All utilities are available to the site and will be installed underground. A minimum 5' wide sidewalk will be constructed in front of all units on an 'as built' basis as the units are constructed.

Storm water management will be designed in conjunction with the SFA component thus additional space in ponds previously identified on the 4.36 acre parcel will be afforded or additional ponds designed.

Roads will be constructed to municipal standards yet it has not been determined at this point whether they will be dedicated to the city or not.

A landscape plan shall be incorporated into the common area components of the overall development which shall have coverage of at least five percent (5%) of the development. The landscaping required of builders as a requirement of the developer for the right to build in this development, shall be applicable to this PUD requirement. This landscape covenant as well as the buffer covenant heretofore specified shall fulfil the greenbelt requirement of this ordinance.

As *Olde Towne Daphne Townhomes* is an effort to contribute to the further development, viability, and sustainability of *Olde Town Daphne* as a town center, recreational space requirements shall be satisfied by walkable access to various recreational facilities in and about *Olde Towne Daphne*, such as existing municipal parks, various school sporting facilities and *Town Center* itself.

Restrictive Covenants shall be incorporated into the development and ultimately managed by the Property Owners Association ('POA') which will govern the rights of the ultimate unit owners post completion. The developer will maintain control until the last unit is complete and sold. Additionally, the POA will manage/maintain the common area landscape and the storm water management ponds.

Modifications to the site plan shall be approved administratively within the proposed standards or equivalent City of Daphne ordinances.



EXHIBIT 'A'

LEGAL DESCRIPTION(s) for *OLDE TOWNE DAPHNE TOWNEHOMES*,

A proposed *PLANNED UNIT DEVELOPMENT*

...a 'DYAS' Development

4.36 ac (mol) Jacob's Well, L.L.C. Parcel – PPIN # 44972 – Lot 2, Shore Oaks Subdivision, a Resubdivision of Lot 2B of the Resubdivision of Lot 2 of Webb FLP Subdivision, according to the plat thereof recorded in Slide 2540-C, of the records in the Office of the Judge of Probate, Baldwin County, Alabama, PLUS. . .

0.06 ac., (mol) Jacob's Well, L.L.C. Parcel – PPIN # 360806 – Commence at the record location of the NORTHWEST corner of Section 20, Township 5 South, Range 2 East, St. Stephens Meridian, and run thence South, a distance of 990.00 feet; thence run East, a distance of 660.00 feet to the Northwest Corner of Lot 2B of the Resubdivision of Lot 2 of the Webb FLP Subdivision, as recorded on Slide 2484-A, Baldwin County Probate Records; thence run South 00 Degrees 06 Minutes 19 Seconds West, along the West margin of said Lot 2B, a distance of 324.93 feet to the POINT OF BEGINNING; thence continue South 00 Degrees 06 Minutes 19 Seconds West, along the West margin of said Lot 2B, a distance of 175.61 feet; thence run South 89 Degrees 35 Minutes 37 Seconds East, along the South margin of Lot 2B, a distance of 13.82 feet; thence run North 00 Degrees 07 Minutes 44 Seconds East, a distance of 175.85 feet; thence run South 89 Degrees 23 Minutes 53 Seconds West, a distance of 13.90 feet to the POINT OF BEGINNING. Tract contains 0.06 acres, more or less, and lies in Section 20, Township 5 South, Range 2 East, Baldwin County, Alabama, PLUS. . .

1.8 ac. (mol) Rye Lot – PPIN # 38108 – Lot No. 3 of the Subdivision of the lands of S.W. Pickens as per plat of same recorded in Map Book 4, Page 99 of the records in the Probate Court of Baldwin County, Alabama, said lands lying in the Southwest Quarter of the Northwest Quarter of Section 20, Township 5 South, Range 2 East and containing 1.8 acres, more or less and more specifically being that piece of property conveyed by Pickens to Fulford and recorded in the Office of the Judge of Probate, Baldwin County, Alabama, in Deed Book 488, Page 222.



EXHIBIT B



14

DYAS, L.L.C.

COMMERCIAL REAL ESTATE & DEVELOPMENT

ADJACENT PROPERTY OWNERS

Jacob's Well, L.L.C. – PPIN# 44972 & 360806

R. Rye- - PPIN# 38108

OLDE TOWNE DAPHNE TOWNHOMES, A *proposed* PUD

- | | |
|---|-------------------------------|
| 43-04-20-2-000-054.001 Christ the King Parish | -064.000 Jacob's Well, L.L.C. |
| -057.000 711 College Ave | 23210 U.S. Highway 98 |
| -053.000 Daphne, AL 36526 | Suite A3 |
| -052.000 | Fairhope, AL 36532 |
| -049.000 Vintage Inspirations, L.L.C. | -058.000 Ruth M. Rye |
| c/o Vilai Marino | 301 E. Delwood Dr. |
| P.O. Box 2509 | Mobile, AL 36606 |
| Daphne, AL 36526 | |
| -064.005 Eastern Shore Associates, L.L.C. | |
| c/o Kleban Properties, L.L.C. | |
| 1189 Post Rd. | |
| Fairfield, CT 06824 | |
| -064.002 Daphne Properties Highway 98, L.L.C. | |
| 132 Rosa Ave | |
| Metairie, LA 70005 | |
| -064.003 Daphne Southern Gate, L.L.C. | |
| 23937 U.S. Highway 98, Suite 1 | |
| Fairhope, AL 36532 | |
| -064.001 Olds Enterprises, L.L.C. | |
| P.O. Box 970 | |
| Daphne, AL 36526 | |
| -063.000 Baldwin, Edward M. & Melodie | |
| -063.001 903 Halls Ln | |
| -063.003 Daphne, AL 36526 | |
| -063.002 Dyer, Robert Allen & Haley | |
| 905 Halls Lane | |
| Daphne, AL 36526 | |
| -059.000 Earnest, Dorothy A. | |
| 804 Daphne Ct. | |
| Daphne, AL 36526 | |

23210 U. S. HIGHWAY 98, SUITE A-3, FAIRHOPE, ALABAMA 36532

TELEPHONE (251) 990-6000 FACSIMILE (251) 990-8807

WEB: [HTTP://WWW.DYASLLC.COM](http://www.dyasllc.com)

PLANNING COMMISSION
REZONING REQUEST FOR
RUTH METCALFE RYE & JACOB'S WELL, LLC



December 2017 PC Report was tabled at the November 2017 meeting

COMMUNITY DEVELOPMENT

Rezoning Request Ruth Rye & Jacob's Well, LLC 6.2 acres

Owner: Ruth Rye & Jacob's Well, LLC

Existing Conditions: wooded/undeveloped

Existing Zoning for the Rye property:

R-3, High Density Single Family Residential

Existing Zoning for Jacob's Well properties:

B-2, General Business District and R-7(T), Townhouse District

Proposed Zoning: Planned Unit Development District

Surrounding Zonings/Uses for Rye property:

North – B-1, Local Business/Christ the King Athletic Complex and Day Care

South – R-3, High Density Single-family Residential District (4 houses)

East – B-2, General Business District (undeveloped strip owned by Jacob's Well, LLC)

West – R-3, High Density Single-family Residential District (Daphne Court Subdivision, 6 houses)

Surrounding Zonings/Uses for Jacob's Well portion:

North – B-2, General Business District/Rama Imports and Teak House restaurant

South – B-2, General Business District/commercial use

East – B-2, General Business District/Popeye's fast food restaurant

West – R-3, High Density Single-family Residential District/undeveloped (Rye property)

West – B-1, Local Business/Christ the King Athletic Complex and Day Care

Existing Utility Service Providers:

Water, Sewer & Gas – Daphne Utilities

Electric – Riviera Utilities

Public Safety Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

The Comprehensive Plan

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The following are some Land Use Goals and Objectives from the Plan.

Goal: 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.

Objective: Encourage development of sound and cohesive residential areas which meet the housing needs of current and potential residents.

Goal: Grow sensibly by anticipating land use needs. **Objective:** Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties. **Objective:** Encourage planned unit developments which are beneficial to residents and which creatively take advantage of available properties that otherwise would not be developed. **Objective:** Protect and preserve the character of Daphne through review of new developments, the encouragement of growth that enhances the community spirit, and through aesthetic considerations. **Objective:** Integrate recreational resources with residential neighborhoods to insure that all portions of Daphne's population have convenient access to parks and open space. Promote clustered commercial development in defined areas.

At this time, the Future Land Use map does not reflect recent zoning and use changes that have taken place since the Plan's adoption, nor does it account for consequential changes that should have been made.

Staff Comments

U.S. Highway 98 is a major traffic arterial and the city's primary commercial corridor. Instances of townhouse development with access to U.S. Highway 98 include: Summer Oaks Town Houses, north of Wal-Mart. Instances where apartments have a direct access U.S. Highway 98: Colonnade at Eastern Shore (southeast of the intersection of Johnson Road); Windscape and Arbors by the Bay Apartments, north of Wal-Mart), East Bay Apartments and Sea Cliff Condos. At the request of Eastern Shore Associates, LLC, the Daphne City Council rezoned Shore Oaks Lot 2 (*Jacob's Well, LLC 4.36 acre property*) from B-2 to R-7(T) in Ordinance 2016-43.

The Rye property abuts Falkenberry Lane, a 20-ft wide public right of way, and the Daphne Court subdivision to the west. Daphne Court subdivision is a six lot subdivision recorded in 1955. Christ the King property (child development center and sports complex) abuts the northern

boundary of the Rye property. There are 4 single family lots to the south zoned R-3, as is the current zoning of the Rye property.

In 2017, Ms. Rye quit claimed a strip of land located along the southeastern boundary to Jacob's Well, said parcel is zoned B-2.

The applicants request the rezoning of three lots to PUD for a Planned Unit Development which proposes commercial, attached and detached townhouses, and live/work units. Typically such developments would require B-2, General Business, R-7(T), Townhouse and MU, Mixed Use zoning.

Olde Towne Daphne Townhomes PUD Review

According to Article 30-1, Planned Unit Development District General provision, "Overall, the City desires PUD zoning to produce development that is *superior* to development designed under conventional zoning and subdivision regulations." According to Section 30-7 (d), General Requirements, "The PUD shall provide, through desirable arrangement and design, *benefits which justify deviations from conventional development standards* which would otherwise apply.

According to the narrative of the Olde Towne Daphne Townhomes, the proposed development is to consist of 54 residential units (10 detached townhouses, 6 buildings containing six attached townhomes, 1 building containing 2 townhomes and 6 loft apartments (upper floor of live/work mixed use buildings). The proposed overall residential density is 8.6 units/acre. This density is slightly less than that of a townhouse district (10 units per acre). No lots or subdivision of land is proposed. According to Craig Dyas, the agent, this will probably be a condominium-type development. The "staff" portion of the flag lot (northern boundary) is proposed to be developed for business use.

The narrative also indicates that sidewalks will be provided and that common areas and stormwater management will be provided and landscaped. The PUD General Plan proposes to provide a new a connection from Main Street to Highway 98. There are notes on the General Plan showing potential future rights of ways as well as a potential future fire department access location west of Jacob's Way to the Christ the King site.

Rezoning the property for a Planned Unit Development with townhome and live/work units as shown on the General Plan is appropriate. The overall concept is one that transitions from Highway 98 stepping down from east to west from one intense use to a relatively less intense use. One may also consider the reverse as well going from west to east; the uses would step up from a less intense use to a more intense use from Main Street to Highway 98.

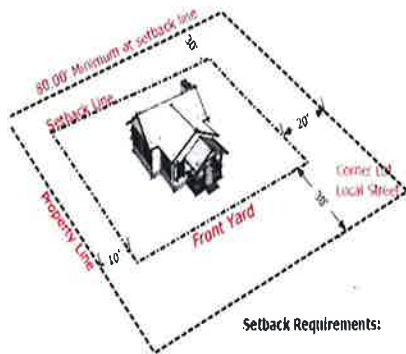
According to the provisions for PUD zoning, the outside perimeter building line setback is recommended to be no less than 40-ft, but provides an exception that the setback may be decreased or increased by Council. The narrative provides a 30-ft building setback along the

perimeter of the Rye and Jacob's Well properties (except no buffer where abutting Shore Oak Lot 1.) **Additional consideration regarding the southern perimeter of the Rye property may be appropriate. Mitigation efforts such as a privacy fence or other specific buffer provisions could be a means to mitigate the impact of the construction of 10 new residential units to abut 4 residential properties. It may be appropriate to mandate the developer to construct a certain size privacy fence and to require the fence design to be approved by the Planning Commission. Other options may be available for consideration but any mitigation option should be duly added to the PUD narrative.**

The greatest anticipated impact of the design is the connection to Daphne Court, a 28-ft wide two-way public street that was approved in 1955. Upfront discussions regarding traffic calming measure(s) within the development and particularly at the connection point between the Rye property and the Daphne Court subdivision are imperative. For the sake of public health, safety, convenience and general welfare of the existing and future residents, traffic calming should be vetted and mandated to be incorporated into the Official Olde Towne Daphne PUD standards and installed by the developer as a means to mitigate the impact of new vehicular and pedestrian traffic on the residents.

Adjoining property owner notices have been distributed, a zoning notification sign has been posted, and the notice for a public hearing for this petition has been properly advertised in the Courier in accordance with applicable sections of the Code of Alabama.

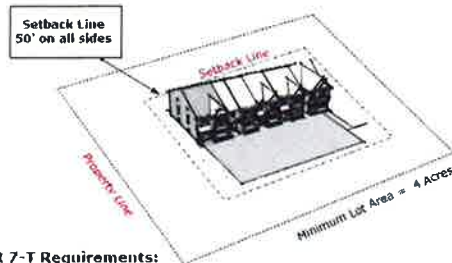
R-3 High Density Single Family Residential



Setback Requirements:

Front Yard -
30' Arterial or collector streets
30' Local Streets & service rds
50' U.S. Highway
Rear Yard - 30'
Side Yard - 10'
Side Yard/Corner Lot -
30' Arterial or collector streets
20' Local streets or service rds

R-7 Townhouse District



R 7-T Requirements:

Minimum Setback Lines - front/rear/side/corner 50'

Maximum Height - 35 feet
Maximum Stories - 2 stories

Minimum Distance Between Bldgs:
facing front-to-back - 100' (25' minimum from back of curb)
facing back-to-back - 100'
side-to-side - 1/2 sum of height of both bldgs

Greenbelt Area:
Along Perimeter Roadway - 25' in addition to minimum setback.
Remaining Project Boundary - 25' located within setbacks.

11-6 MINIMUM STREET REQUIREMENTS

	Major Street	Collector Street	Local Street	Cul-de-Sac ¹ (Turn around)	Cul-de-Sac ¹ (Turn around w/ 20-ft island)	Hammer Head Turnaround	Alley
Minimum Right-of-Way:	100'	60'	50'	60' (120' diam.)	70' (140' diam.)	120'	30'
Minimum Asphalt Width (ft) ² :	12' per lane	12' per lane	22'	48' (93' diam.)	56.5' (113' diam.)	20'	20'

¹ Cul-de-sacs shall not be longer than one thousand three hundred twenty (1320) feet measured from the intersecting street to the center of the turnaround.

² Measured from toe of curbing. Minimum twenty-four (24) feet combination curb and gutter or twenty-four (24) feet valley gutter. Other curb types must be submitted to Public Works Director for approval.

³ May vary with topography subject to Planning Commission approval based on recommendation of Public Works Director and Director of Community Development.

OLDE TOWNE DAPHNE TOWNHOMES PUD STANDARDS

Olde Towne Daphne Townhomes, a proposed *Planned Unit Development* (PUD) for *Olde Towne Daphne*, is proposed on an assemblage of approximately 6.2 acres keenly situated between U.S. Highway 98 and Main Street, adjacent to the south and east of the new Christ the King Catholic School ball fields. The site is made up a combination of parcels, one, 4.36 ac. immediately west of the new Shore Oaks Commercial Development which, site in late 2016, was rezoned from B2 to R7(T), allowing 10 townhomes per acre; one, a .06 ac sliver which was omitted in previous re-zonings and has slipped through the cracks and remains B-2 and lastly, a 1.75 ac (+) parcel which adjoins the 4.36 acre parcel at its' west line commencing at the SW corner; this parcel ties the R7(T) parcel to Main Street and allows for the design of a residential community walking distance to both Olde Towne Daphne as well as the newly developed shops, restaurants and coffee venues accessed by U.S. 98 and the site is accessible from Highway 98 via the recorded common parking and access easement granted Jacob's Well by Eastern Shore Associates across and on Shore Oaks development.

The development proposes a up to 54 residential units.

38 *single family attached* (SFA) townhomes with rear-loaded garages rear loaded garages and on-street parking in an effort to minimize clutter and provide as much common 'comfort'/open area as possible. Further, the plan calls for two story units of approximately 1920 square feet, heated and cooled, with a one car garage. These units will be constructed in groups of no more than six and possibly as few as two. The setbacks shall be 30 feet along all sides of the 'mother' parcel with the exception of the east side on which there is proposed no setback.

Up to six (6) live up/work down ('LU/WD') units are proposed to be constructed on the eastern most portion of the Jacob's Well tract. The primary U.S. Highway 98 access will enter the SFA portion of the development vis the aforementioned perpetual easement and the east end of the 'dog leg', adjacent to the north of Serda's Coffee and adjacent to the south of Daphne Antique Gallery, is proposed a 50' by 300' B-2 equivalent site; the standards for this site will mirror the City of Daphne B-2 zoning ordinance.

The LU/WD units will front the rear parking of Shore Oaks directly across the parking lot from the two most recently opened retail units of the Shore Oaks development and would have 'transitional use' within the overall development.

Up to 10 single family detached (SFD) townhomes are proposed, which provide the access to Olde Towne Daphne to *soften* the entrance to the higher density product and ultimately the corridor 98 commercial product. This component of the development will provide access to Olde Towne Daphne, primarily through Daphne Court. The proposed site plan lays out structures approximately 25 feet wide, 80 feet deep, a minimum of 12 feet between structures, will have a minimum front setback of 20 feet, rear setback of 30 feet, in which will be allowed

* Original Submission
for PC consideration 11/16/17
See Revised Standards. 22

an alley, access to rear loaded car covers, and, within the setback, a four feet (4') of landscape buffer, and corner side setback adjacent to a public road of 15 feet. Additionally, the height shall not exceed 35 feet measured to midway between eave and ridge from finished first floor. *NOTE: While the site plan calls for 10 structures and defines the typical footprint, the developer reserves the right to combine units or expand units for 'custom' construction yet the coverage will remain within standard as proposed.*

The overall density of Olde Towne Daphne Townhomes will not exceed nine (9) units per acre. The maximum lot coverage of building/structures shall not exceed 30 percent (30%). A legend of various other standards will be located on the face of the approved site plan.

All utilities are available to the site and will be installed underground. With the proposed SFD component being 'one-sided', a sidewalk will be constructed on an 'as built' basis as the units are constructed.

Storm water management will be designed in conjunction with the SFA component thus additional space in previously approved ponds will be afforded or additional ponds designed.

Roads will be constructed to municipal standards yet it has not been determined at this point whether they will be dedicated to the city or not.

A landscape plan shall be incorporated into this the common areas of this component of the overall development which meets or exceed municipal standards. Additional landscaping will be required of builders as a requirement of the developer for the right to build in this development.

Restrictive Covenants shall be incorporated into the development and ultimately managed by the Property Owners Association ('POA') which will govern the rights of the ultimate unit owners post completion; the developer will maintain control until the last unit is complete and sold. Additionally, the POA will manage/maintain the common area landscape and the storm water management ponds.

Modifications to the site plan shall be approved administratively within the proposed standards or equivalent City of Daphne ordinances.



Part III—Building and Equipment Design Features

CHAPTER 5

FIRE SERVICE FEATURES

SECTION 501 GENERAL

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter.

501.2 Permits. A permit shall be required as set forth in Sections 105.6 and 105.7.

501.3 Construction documents. *Construction documents* for proposed fire apparatus access, location of *fire lanes*, security gates across fire apparatus access and *construction documents* and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.

501.4 Timing of installation. When fire apparatus access roads or a water supply for fire protection is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when *approved* alternative methods of protection are provided. Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2.

SECTION 502 DEFINITIONS

502.1 Definitions. The following terms are defined in Chapter 2:

- AGENCY.
- FIRE APPARATUS ACCESS ROAD.
- FIRE COMMAND CENTER.
- FIRE DEPARTMENT MASTER KEY.
- FIRE LANE.
- KEY BOX.
- TRAFFIC CALMING DEVICES.

SECTION 503 FIRE APPARATUS ACCESS ROADS

503.1 Where required. Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

503.1.1 Buildings and facilities. *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section

and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

Exception: The *fire code official* is authorized to increase the dimension of 150 feet (45 720 mm) where:

1. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an *approved* alternative means of fire protection is provided.
3. There are not more than two Group R-3 or Group U occupancies.

503.1.2 Additional access. The *fire code official* is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

503.1.3 High-piled storage. Fire department vehicle access to buildings used for *high-piled combustible storage* shall comply with the applicable provisions of Chapter 32.

503.2 Specifications. Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8.

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

503.2.2 Authority. The *fire code official* shall have the authority to require an increase in the minimum access widths where they are inadequate for fire or rescue operations.

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be *surfaced* so as to provide all-weather driving capabilities.

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be determined by the *fire code official*.

30-8 - Other applicable regulations.



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

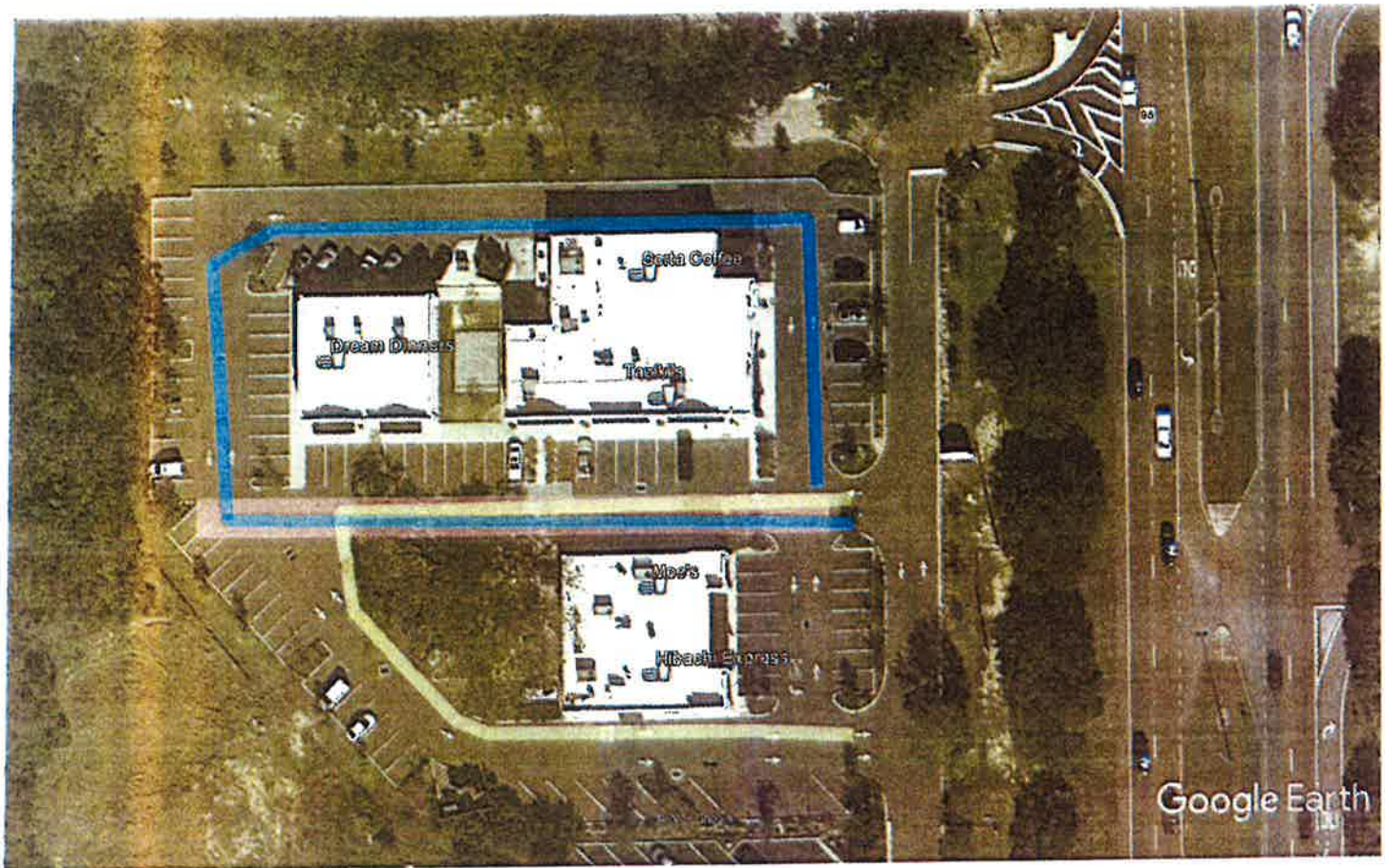
- (a) Article 10, General Provisions
- (b) Article XI, Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments, except that sections 11-6 and 11-11(b) may be modified by approved PUD documents.
- (c) Article XV, Procedures for Site Plan Review
- (d) Article XVII,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

(Ord. No. 2015-17, § III, 4-6-15)

15-4 - Special provisions.

The following shall apply:

- (a) Water, sewer, gas, electric power, telephone, cable television, and other utility lines shall be installed underground by the developer and/or owner in all new residential, commercial, and industrial developments, expansions, and/or renovations of existing said developments shall be connected to a central distribution system, unless for good reasons other than cost, the planning commission approves a modification or waiver of this requirement in part or in whole, or if a special condition requires otherwise.
- (b) Size of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (c) A site plan review shall be accomplished by the recommendation of the director of community development and approval of the planning commission to assure compliance with the provisions of the Land Use and Development Ordinance in conformity with its purpose as stated in Article I, Purpose, Repeals, Enactment and Short Title, as well as, applicable building and fire codes, latest edition.
- (d) Planning commission approval shall be the first step in the construction permitting process. After approval, the owner or developer shall provide to the department of community development, the appropriate signed application form, a cost estimate for site work certified by the design engineer, the fee for a site disturbance permit as enumerated in Article XXXIV, Schedule of Fees, applicable state and/or federal permits, and proof of the contractor's Daphne Business license.
 - (1) Site plan approval shall become void one (1) year from the date of planning commission approval if no site disturbance permit has been acquired for the project. The site disturbance permit and site plan shall both become void one (1) year from the issuance of the site disturbance permit if no substantial building or construction activity has occurred.



The blue line is the drive through for Serta Coffee.

The Yellow line is the drive through for Hibachi Express.

The pink line is the access to the proposed complex.

503.1.2 Additional access. *"The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, conditions of terrain, climatic conditions or other factors that could limit access."*

This site is between two buildings with 4 restaurants between them and parking on each side of the access road, which also serves as a drive through lane for two of the restaurants. Therefore with the limited access and congestion I am requiring two access roads.

Supplemental
Document

Jacob's Well, L.L.C. & Ruth
Metcalf Rye Zoning Amendment

Citizen Comments

Planning Commission
Regular Meeting
November 16, 2017

&

December 21, 2017

Mayor Haygood and Council Members:

My wife and I live at 905 Halls Lane. Since we built our home approximately 7 (seven) years ago, we have been blessed with 2 beautiful children. Robby is 7 years old and Ruby is 3 weeks old. We love Daphne and plan on raising our children here.

We have great concerns about the proposed re-zoning of the property located just north of our home. We realize that areas grow and we are not the only family that wants their children to grow up in Daphne. But this appears as a Commercial venture where realtors and developers are trying to take advantage of the small town feel that Daphne has to offer. I'm confident that the owners of these properties, one that lives in Fairhope and the other that lives in Mobile, have no concern about the disruption this re-zoning would cause but only the profits that can be maximized by this being approved. If my memory is correct, Mayor Haygood was interested in purchasing the 1.80 acre tract to build a home for his family, however once the asking price was revealed there was no interest. It is our opinion that due to current zoning restrictions, Ms., Rye is partnering with Jacobs' Well to maximize their profits by joining the 2 (two) properties.

The current infrastructure cannot handle additional traffic or rain water run-off. As I stated previously we live on Halls Lane, which is a drainage ditch. It is not a flat road, cannot be maintained by the city because of the configuration. Daphne Court is also utilized as a run-off point from Main Street. The closest street drain is at the Citrin Law firm, all other storm water is diverted to these 2 streets. The east side of the 1.80 acres should be deemed unsuitable for building. This is a very wet area because of the run-off. This should also impact the west side of the 4+ acre tract proposed. If the property is disturbed it is my understanding that for every square foot of ground disturbed there is a fine. This fine is not from the City of Daphne, but from the EPA.

Another point we would like for you to consider is that with the current influx of traffic on new 98, there are many people using Van Ave. to Main Street avoiding the heavy traffic on 98. Main Street was not designed to handle this amount of traffic. With the proposed re-zoning this will only get worse. When voting for this re-zoning, please think about the current residents of Daphne and not the promised tax dollars this will create.

Thanks

The Dyer Family



Mayor Haygood and Council Members:

My wife and I have resided at 903 Halls Lane for the past 41 years. The property that is proposed for re-zoning is just north of our residence. To be clear we are not opposed with growth or development; however we are opposed to the property being re-zoned for a high volume of homes on such a small parcel of land. As I stated previously this has been my home for the last 41 years and with that we are very familiar with the lay-out of this property and the fact that the property drops off dramatically at the rear (east side of the 1.80 acres).

As I'm sure you all are aware, the infrastructure (road system) is not in place to accommodate this growth. If the traffic created by this subdivision were to be connected west, there are only 2 (two) possibilities for traffic flow. The first being Daphne Court which is a 1 (one) lane street .The 2nd is Faulkenberry Lane, which is a small shell road beside my home.

The street at Daphne Ct. intersects with Scenic 98, which brings up another problem due to the heavy traffic created by parents bringing their children to school in the morning and picking them up in the afternoon at Christ the King School. This area is already maximized with vehicles. There are also a number of pedestrians in this area walking down Main Street.

With the proposed access for this development having entrance from new 98 to the proposed subdivision, this will become a cut thru street. Therefore you will be diverting more traffic onto Main Street. If this were proposed we are 100% opposed to this access path.

We hope as a committee and elected officials of the current residents of Daphne, that you will take close observation from a respectful, logical, and Safety standpoint that you will reject this proposed re-zoning.

Sincerely

Edward and Melodie Baldwin

A handwritten signature in blue ink that reads "Edward & Melodie Baldwin". The signature is written in a cursive, flowing style.

To the Members of the Daphne Planning Commission
November 7, 2017

The residents of Daphne Court were given notice just this past Friday that a major real estate project, termed a Planned Urban Development, is proposed adjoining our neighborhood. The developers expect to use Daphne Court, our residential street, as one of its entrances, but I hope that you will not permit this change in our neighborhood and lives.

I have several objections to the project as it was explained to me:

The benefit is all to the developer, none to the present homeowners and, I think, less to the City of Daphne than you might hope.

Project looks much too ambitious for the land available since, to make it a success, the developers have to reach into Old Daphne in a way that would reduce the livability of surrounding neighborhoods, ours in particular.

The most serious fault with the proposed P.U.D. is the taking of Daphne Court for one of its required entrances. Daphne Court is too narrow to serve as a through-street for the new development and for emergency access. The size of the street defeats the developer's intended use. It is almost too narrow for those of us living here (but don't get me wrong; we like it).

There are actually two Daphnes. There is Old Daphne, spoken of in promotional materials and announcements benefitting the City's reputation, and there is the newer, busier Daphne grown up from the farms and forest surrounding the original.

When people speak of Old Daphne, they notably are not talking about Highway 98, with all its noise and rush-hour traffic. Highway 98 is a river of vehicular traffic every day. Many drivers seek to dodge the traffic lights by traveling Scenic 98 (Main Street). They would use the development as a cut-through.

During the week, parents picking up their kids also would use Daphne court - and the development - as a shortcut to and from 98. The planning commission would see a major exit right between two school crosswalks. Twice a day there would be a dangerous traffic hazard where children are located.

Taking Daphne Court into this development would make worse the traffic hazard already existing on Main Street between Van and Belrose Avenues. Every weekday, rush-hour traffic backs up for blocks -- from Belrose (at the light) past Dryer, often to College Lane.

Adding traffic from 98 and the development would be a serious headache for residents, parents, schoolchildren and drivers. Neither Daphne Court nor Main Street could stand it, and the City would be forced to find an expensive solution.

We homeowners have assumed that we are by ourselves on this, but Daphne Court is not the only part of Daphne impacted by this proposed development. This project does involve residents away from Daphne Court. All the neighborhoods of Old Daphne would take a hit from this development, which would further fragment and reduce the small-town character of Old Daphne - the comfortable quality of its neighborhoods, shops, restaurants and homes.

Other homeowners have mentioned issues about soil drainage, pollution, sewerage, and noise.

Conclusion: The existing Planned Urban Development attempts to put too much on too little land. The developer should scale back the planned construction or build it on land of adequate size. And they should abandon the idea of Daphne Court as an entrance.

There is zero benefit to the homeowners of Daphne Court and considerable risk to the city of Daphne if these plans are not properly amended. Creating thru-access via Daphne Court is an especially dangerous fault in this plan. It would be a mistake for the Planning Commission to support it.

John P. Mangan
802 Daphne Court

November 6, 2017

City of Daphne
Planning Commission

We request that no access be given from Daphne Court to the 6.22 Acres+-AKA Jacob's Well LLC and Ruth Metcalfe Rye as Daphne Court is too narrow for heavy traffic which will be a result of this planned development. Thanking you in advance for your consideration in this matter.

David & Aimee Nash
PO Box 1031
803 Daphne Ct
Daphne, AL 36526
251-348-7901

A handwritten signature in black ink, appearing to read "Aimee P. Nash". The signature is written in a cursive, flowing style. Above the signature, there is a horizontal line that spans the width of the signature.

5 November 2017

Daphne Planning Commission
City of Daphne, Alabama

Dear Commission Members,

On Friday, November 3, 2017, a sign was placed at the end of Daphne Court regarding zoning change from a single family area to a planned unit development. This area is a quiet, well established neighborhood with a diverse age population from newborn babies to 90+ year olds. Some of the people have been living in this area 60+ years. It was a sad, disappointing day to discover that a developer wants to construct over 50 residences, with 10 detached homes in the 2+ acres at the end of Daphne Court that would connect to Highway 98. Residents in Daphne Court were originally told there would be one single family home in the 2+ acres at the end of the street.

First, I would request that no zoning change be made to the 2+ acres at the end of Daphne Court: it should remain a single family residential area. Ten homes, connected to 44 other residential units, would cause multiple problems.

*Daphne Court is a small road: one car can exit or enter, but it is difficult for two cars to pass on the road. Most of the time, one car must stop or go up onto someone's lawn in order to pass another car.

*Emergency vehicles, whether firetrucks or ambulances, would be extremely difficult with more traffic. Currently if someone living on Daphne Court has visitors, they park on the road causing difficulty entering or exiting.

*Christ the King and Bayside Schools morning and afternoon traffic currently causes excess congestion on Main Street in Daphne and makes it difficult entering or exiting Daphne Court. With more residences, the congestion would increase tremendously.

*At peak traffic times, there are cars lined up from the red light at Mancini's past Daphne Court. Not only at school time, but also work times in the mornings and around 5:00PM the traffic is dense and at a standstill.

*Water drainage is a problem on Daphne Court. With a heavy rain, the water backs up from the 2+ acres at the end of the street to the middle of the court. At least half of the street looks like a river until the water subsides. I have concerns about the drainage problem in the 2+ acres at the end of the street.

*If this development plan becomes reality, it would be advantageous for everyone on Daphne Court, Falkenberry Lane, and Halls Lane if there is no road connection to Daphne Court. A cul-de-sac inside the 2+ acres at the end of Daphne Court would allow residents of the development to enter from Highway 98 and exit from Highway 98. A green space would keep the Daphne Court area more family oriented, plus environmentally friendly. There is no way the small street in Daphne Court can be used for an entrance/exit for any mass development.

As stated in the first paragraph, it would be much more positive to leave the 2+ acres at the end of Daphne Court as a single family area. I hope the Planning Commission will visit the site and recognize the concerns stated.

Sincerely,

Dorothy and Faye Earnest
804 Daphne Court
Daphne, Alabama 36526

To the City of Daphne Planning Commission:

As a property owner on Daphne Court, I want to address the extension of the street. Presently there are 6 houses on this narrow street. The volume of traffic that will come with additional housing will make the exit onto Main St. even more dangerous.

The wooded area they are considering is home to much wildlife. The recent rampant destruction of natural wooded areas in Daphne is changing the city's personality and it will affect the quality of life that we, as residents of this beautiful city, cherish and protect.

Sincerely,

A handwritten signature in black ink that reads "Bill & Cheryl Hawkins". The signature is written in a cursive, flowing style.

Bill and Cheryl Hawkins

Ms. Marybeth Bergin
President
City of Daphne Planning Commission

15 November 2017

Dear Ms. Bergin,

Please consider this letter as my formal protest against the proposed project by the Dyas Firm that exits through Daphne Court onto Main Street. There is enough congestion in that area with school traffic at Christ the King, W.J. Carroll, and Bayside Academy that extra traffic would not provide safe travel to and from school for children walking or being driven by parents or school bus.

I would hope that this would not be considered without a detailed traffic study by a qualified engineering firm, and a complete safety study by the City of Daphne Police Department. The children of this city deserve no less.

Thank You.



E. Harry Brown

603 Church Avenue
Daphne, Al

**ROBINSON
1500 MAIN STREET
DAPHNE, ALABAMA 36526**

December 19, 2017

VIA EMAIL: ajones@daphneal.com

Ms. Adrienne Jones
Planning Director
City of Daphne
1705 Main Street
Daphne, Alabama 36526

RE: Proposed PUD for Jacob's Well and Ruth Rye property

Dear Ms. Jones:

My husband and I live at 1500 Main Street, at the corner of Main Street and Hall's Lane. I am writing to express our concerns regarding the requested rezoning of the 1.8 acres referred to as the "Rye Property" that is included in the referenced rezoning request that is presently pending before the Planning Commission, and the associated request to permit access from the Jacob's Well development to Main Street via Daphne Court.

It is my understanding that the Rye Property is currently zoned R-3, which requires an 80 foot setback, with a maximum density of 3.5 units per acre, with a requested change that would permit a density of 5.5 units per acre and a setback of only 20 feet.

The City's standard for a Planned Unit Development (PUD) requires that the PUD be beneficial to residents, take advantage of properties that otherwise would not be developed, and enhance the community spirit. These requirements are not

met here because the Rye Property can be fully utilized and built on within current zoning, and the increased density and decreased setbacks would not be beneficial to the residents or benefit the community in any way, so we believe the PUD should be denied.

A second and very serious concern is the developer's attempt to secure access to Main Street via Daphne court not only for the Rye Property, but also for the entire Jacob's Well development, under which 54 residential units have apparently been approved with a density of 8.6 units per acre. It is my understanding that when the Jacob's Well development was approved, it was not disclosed that access would be sought for the development through Daphne Court to Main Street, in addition to the 2 available accesses from the property to Highway 98.

Daphne Court is a narrow (less than 20 feet), substandard road, with no sidewalks. Use of this road to provide a connection to Highway 98 would violate the fire code, and would impose a huge burden on the current residents of Daphne Court, most of whom have lived in their property for many years. Daphne Court is simply not adequate for the burden the developer seeks to place on it for the apparent purpose of increasing the value of the proposed development. It would constitute a public safety hazard because of lack of access for emergency vehicles, and also the increased traffic in an area already congested by vehicle and pedestrian traffic, including school zones.

The developer already has 2 potential accesses for the Jacob's Well development onto Highway 98. There is no showing of necessity, or showing of any benefit to the community, that would justify the imposition of the heavy burden of the vastly increased traffic on the residents of Daphne Court and surrounding area. Main Street is already overburdened, and funneling a large amount of additional traffic to Main Street, via Daphne Court, in the middle of a school zone, is simply unjustifiable where other available options are already in place for access to the development.

Ms. Adrienne Jones
December 19, 2017
Page 3

For these reasons, we urge the commission to deny the PUD request for the Rye Property, and to deny (or recommend against) the request to use Daphne Court as a means of access from Jacob's Well to Main Street. Please circulate this letter to the members of the Commission.

Respectfully,


Sandy G. Robinson

cc: Councilman Pat Rudicell (via email)
Neighbors on Hall's Lane and Daphne Court

December 20, 2017

Planning Director, City of Daphne
Ms. Adrienne Jones
Daphne, Alabama

Dear Ms. Jones,

There has been little concern for the residents of Daphne Court by the developer of Jacob's Well and the Rye Property. Currently pending approval by the Daphne Planning Commission, this development has no positive impact on families living in this area. Some residents have been living here for 40+years. My Mother, Mrs. Dorothy Earnest, lives at 804 Daphne Court and is directly effected by this rezoning proposal.

Daphne Court is too narrow to accommodate additional vehicles. Two cars have difficulty passing on the road currently. If any resident has guests, they must park on the street. With six homes on the street, at any given time, especially holidays and events, there can be multiple cars on the road. Using Daphne Court to provide an egress to Main Street would create additional problems.

In case of an emergency, a fire truck or ambulance could not get through with increased traffic flow. This is a major public safety issue that could become a life or death situation. It is of utmost importance to me since my Mother is 92, and she has had health problems this year. In addition, there are often children playing in the neighborhood, and their safety is an issue.

Traffic is currently congested on Main Street, especially at 8AM, 3PM, and 5PM. Every weekday it is blocked from the red light at Mancini's past Van Avenue. Christ the King School, Bayside, and WJ Carroll Intermediate School traffic is extremely dense. To increase the vehicles would be a hazard to all who travel the road.

With the above points in mind, I hope the Planning Commission rejects the request for rezoning the Rye Property and the use of Daphne Court as an egress. It is not favorable to the current residents or the immediate neighborhood. There are other entrances on Highway 98 that are acceptable for the traffic flow of 54 residences. Highway 98 should be sufficient departures for the new development. Please share this letter to the members of the Daphne Planning Commission.

Thank you for your consideration,

Faye Earnest

**JANUARY 22, 2018
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

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

2. ROLL CALL

COUNCIL MEMBERS PRESENT: Tommie Conaway; Pat Rudicell; Joel Coleman; Doug Goodlin; Ron Scott; Robin LeJeune; Joe Davis.

Also Present: Dane Haygood, Mayor; Candace Antinarella, City Clerk; Patrick Dungan, City Attorney; Joey Holasz, Fire Captain; David McKelroy, Recreation Director; Adrienne Jones, Planning Director; Richard Merchant, Building Department; Kelli Kichler, Finance Director/Treasurer; David Carpenter, Police Chief; BJ Eringman, Public Works; Tonja Young, Library Director; Margaret Thigpen, Civic Center Director; Betsy Schneider, Operations Director; Vickie Hinman, Human Resources Director.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Yvens Melidor – Gethsemane Seventh-Day Adventist Church.

PRESENTATION: Proclamation declaring January as Mentoring month was read by Mayor Haygood and accepted by Casey Hitson, Director of Development with Big Brothers Big Sisters. Ms. Hitson thanked the Mayor and City Council for their ongoing support.

3. APPROVE MINUTES:

The January 2, 2018 Council Meeting minutes were approved.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Rudicell

Councilman Rudicell gave the financial report and indicated the December 18, 2017 minutes are in the packet.

MOTION by Councilman Rudicell to reject the 2018-C-DAPHNE SPORTS COMPLEX PH 3A, 3B, & 3C bid and rebid to obtain a more competitive bid. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY

B. *BUILDINGS & PROPERTY COMMITTEE* - LeJeune

Councilman LeJeune indicated the December Building reports are in the packet.

C. *PUBLIC SAFETY COMMITTEE* – Davis

Minutes are included in the packet.

D. *CODE ENFORCEMENT/ORDINANCE COMMITTEE* – Goodlin

The Committee will meet again on February 5, 2018.

E. *PUBLIC WORKS COMMITTEE*

The Committee will meet again on February 5, 2018.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. *Board of Zoning Adjustments* – Adrienne Jones

No meeting and no report.

**JANUARY 22, 2018
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

B. Downtown Redevelopment Authority – Conaway

The DRA will meet this Wednesday at 5:30pm.

C. Industrial Development Board – Davis

The next meeting will be tomorrow at 5:30pm to discuss infrastructure.

D. Library Board – Rudicell

Next meeting will be the second Thursday in February.

E. Planning Commission - Scott

The Commission will meet this Thursday.

F. Recreation Board - LeJeune

No report.

G. Utility Board - LeJeune

The Utility Board will meet this Wednesday.

6. MAYOR'S REPORT

Mayor Haygood took a moment to remember Michele Hanson, a long time Daphne employee, who recently lost her battle with cancer. She will be missed by all who knew her. He commented on the January 16 structure fire that resulted in a fatality and asked that everyone remember all of those who have lost someone. Lastly, Mayor Haygood thanked all of the employees and the citizens for their loyalty to the City of Daphne.

7. CITY ATTORNEY REPORT:

Jay Ross is not in attendance due to illness. Patrick Dungan recommended that the council go into executive session at the conclusion of the general meeting to discuss the buying and selling of real property.

8. DEPARTMENT HEAD COMMENTS:

David McKelroy – Basketball is coming to an end while registration is being held for baseball, softball and soccer. Eric Lee, a Daphne alumni, will be playing in the Super Bowl on February 4.

9. CITY CLERK'S REPORT:

MOTION by Councilman Coleman to approve the 2018 Turkey Trot on October 27, 2018. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY

MOTION by Councilman Coleman to approve Race for Hope on October 13, 2018. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

10. PUBLIC PARTICIPATION

None.

**JANUARY 22, 2018
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

2018-01 – Employee Participation for BCBS Medical Insurance Benefits

2018-02 – Declaring Certain Personal Property as Surplus and Authorizing the Mayor to Dispose of Such Property.

2018-03 – Support of the D'Olive Bay Forever Wild Nomination

MOTION BY Councilman Scott to waive the reading of Resolutions 2018-01, 2018-02 and 2018-03. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Rudicell to adopt Resolution 2018-01. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman LeJeune to adopt Resolution 2018-02. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Davis to adopt Resolution 2018-03. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2nd READ

2018-02 – Revision to the City of Daphne Land Use and Development – Zoning District Map

MOTION BY Councilman Scott to waive the reading of Ordinance 2018-02. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Ordinance 2018-02. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

1st READ

2018-01 – Changes to the Post-Retirement Benefit Plan

12. COUNCIL COMMENTS

Councilman Coleman has known Michele Hanson for many years and she was a true friend and fought like a champion. She will be missed.

**JANUARY 22, 2018
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

Mayor Haygood welcomed the City's new receptionist, Melaney Warner. He thanked Officer Ron Gibney for being at the meeting tonight as he only has three more days before his retirement.

City Attorney Patrick Dungan certified the council to go into executive session to discuss the buying and selling of real property and recommended the meeting adjourn into executive session.

13. ADJOURN:

MOTION BY Councilman Scott to adjourn into Executive Session. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED INTO EXECUTIVE SESSION AT 7:01 P.M.

Executive Session concluded at 7:28pm.

Respectfully submitted by,

Certification of Presiding Officer

Candace G. Antinarella, City Clerk

Tommie Conaway, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
JANUARY 22, 2018
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:30 p.m.

Present were:

Chairman Mr. Pat Rudicell

Councilwoman Mrs. Tommie Conaway

Councilman Mr. Joel Coleman

Councilman Mr. Doug Goodlin

Councilman Mr. Ron Scott

Councilman Mr. Robin LeJeune

Councilman Mr. Joe Davis

Finance Director Ms. Kelli Kichler, Senior Accountant Mrs. Suzanne Henson, Human Resource Director Mrs. Vickie Hinman, Mayor Dane Haygood and City Attorney Mr. Patrick Dungan.

Also Present:

Public Works Director Jeremy Sasser

Civic Center Director Mrs. Margaret Thigpen

Operations Director Mrs. Betsy Schneider

City Clerk Mrs. Candace Antinarella

Community Development Director Mrs. Adrienne Jones

Engineers: Andy Bobe, Dewberry Engineers, Inc.

Engineers: Ray Moore, HMR

Utility Board – Mr. Danny Lyndall

II. PUBLIC PARTICIPATION

A. Annual Audit- Hartman, Blackmon, and Kilgore, P.C. – Mrs. LeAnn May and Mr. Earl Blackmon.

Ms. LeAnn May discussed the City's annual financial audit and noted the FY2017 CAFR is completed. Ms. May stated that there were no significant deficiencies for internal control, no reportable conditions found, and no Journal Entries were required. Ms. May reviewed the standards letter that was handed out. Ms. Kichler noted she expects to hand out the official CAFR this week.

B. Investment Report – CD Investment: Mr. Lee Webb, III, Trustmark National Bank

Mr. Lee Webb, III reviewed the interest rates for one, two, and three year CD Investments:

- 1 Year – 1.52%
- 2 Year – 1.60%
- 3 Year – 1.65%
-

Ms. Kichler asked what is the minimum amount that can be invested for these rates. Mr. Webb stated the minimum investment amount is \$100,000. Ms. Kichler noted asked what the Money Market Account (MMA) interest rate is. Mr. Webb stated the current MMA rate is 1.125%. Mr. Scott asked for a recommendation from Ms. Kichler on investing in a CD. Ms. Kichler said she would like to review the current interest rate net of fees on the current MMA account at Compass but noted she would anticipate recommending not to extend the investment beyond a year since rates may increase.

C. City's Annual Insurance Renewal – Mr. Robbie Robertson, Robertson Insurance Agency, Inc.

Mrs. Henson noted that a second insurance company, Hub International, planned to submit a quote but advised a couple weeks ago they would not be submitting a proposal this year but planned on submitting a proposal for the 2019 annual renewal. Mr. Robbie Robertson reviewed the 2018 insurance renewal proposal from Robertson Insurance Agency, Inc.. Mr. Robertson noted that only Alabama Municipal Corporation (AMIC) quoted for the General Liability, Errors & Omissions, and Professional Liability policies. Mr. Robertson noted these are three individual policies and they all carry a \$1 million per occurrence and aggregate limit with an additional \$5 million umbrella coverage. Mr. Robertson reviewed the remaining proposals from AMIC and from Employers Mutual Companies (EMC) for Property, Equipment Breakdown, Scheduled Equipment, and Automobiles. Mr. Robertson noted that AMIC had the lower quote for each of these policies and noted the biggest difference between the AMIC property policy and the EMC property policy was the deductible for

major storm coverage. AMIC has a \$100,000 deductible for each building with a cap of \$300,000 for major storm damage (5% deductible for non-major storm claims) and EMC's deductible is 5%. Discussion continued that the deductible may be more for AMIC according to the damage to City buildings but Ms. Kichler noted that there is generally assistance available from FEMA for major storms. Mr. Robertson noted that AMIC would not quote automobile policy last year but did this year since some claim history has come off. Mr. Robertson noted one benefit of AMIC is they extends the excess \$5 million liability over AMIC policies. Mr. Robertson reviewed other policies that quoted on Property, Light Poles, Equipment Breakdown for a comparison but the coverage was not comparable to AMIC or EMC. Mrs. Hinman asked about the coverage for City employees under the automobile policy. Mayor Haygood noted there had been some coverage issues on employees in the past. Mr. Robertson noted that AMIC was more lenient in their coverage on employees with claims/history. Mr. Robertson noted that EMC does not write property policies anymore but the City was grandfathered in. Therefore if the City chooses AMIC then EMC will no longer write the City's policy in the future. Mr. Robertson added that AMIC is part of the League so he does not foresee them discontinuing this insurance service. Mr. Robertson stated his quote of \$562,222 (AMIC) was for a three year policy and the quote included the 3 year term discount.

Discussion continued that the Bayfront boardwalk. Mr. Jeremy Sasser stated there is a pending FEMA claim for this project.

MOTION BY Mr. Scott to renew annual City Insurance Policy

- 1). with Robertson Insurance Agency, Inc.***
- 2). all policies through the Alabama Municipal Corporation (AMIC)***
- 3). to accept the 3 year contract discount rate quoted - \$562,222. Seconded by Mr. Goodlin.***

MOTION CARRIED UNANIMOUSLY

D. 2017-C-DAPHNE SPORTS COMPLEX PHASE 3A, 3B, & 3C

Mr. Daniel Dyas, Dyas Construction management, L.L.C. discussed the work his company had done preparing the bid and proposing potential value engineering changes that would create a project savings. Mr. Dyas requested the City consider accepting a negotiated bid for Phase 3B (*Park Buildings*). Mr. Dungan noted there is not any particular case law that the City can negotiate a bid contract concerning changing the scope of the project. Mr. Dungan, City Attorney reviewed the legal opinion that the City should rebid if changes are being made to the project scope. Discussion continued on the City requesting an Attorney General's opinion on restrictions in changing the scope or what constitutes a scope change. Ms. Kichler stated the bids were extremely over budget and the design needs material changes to bring the project back in line with the project budget. Mayor Haygood noted that almost every project has changes and noted that some compromises will need to be made on which changes need to be made in order to keep the project in line with the budget. Mayor Haygood noted he agreed with MS. Kichler that the project needed some major changes. Mr. LeJeune noted that the project bid did have some alternate/options included in the bid package. Mr. Sasser discussed the time he and Mr. Ronnie Huskey, Facilities Director had spent reviewing the plans and noted they continue to see changes that can be made to create a savings. Mr. Sasser stated he recommends the bid be rejected and re-bid. Mr. Scott asked how what is the time frame that the bid has to be accepted/rejected. Mr. Tim Patton, Volkert answered 60 days. Mr. Sasser noted the bid opened on December 15, 2017.

Mr. Scott recommended the City requesting an Attorney General's opinion on changing the scope of a project. Mr. Rudicell asked Mr. Scott to make the motion at the council meeting following the Finance meeting.

Mayor Haygood offered for Council to come by his office to review the plans. Mayor Haygood noted that the February Council Work Session might be a good time to discuss project change proposals.

MOTION BY Mr. Davis to recommend to Council to pull the item from the 1-22-18 Council agenda in order to allow time to receive a legal opinion on what constitutes a scope of change. Seconded by Mr. LeJeune.

AYE: Davis and Coleman : NAYE: Goodlin, LeJeune, Scott, and Conaway

MOTION FAILED

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved with one correction (*add the word "not" in Section A. under New Business*). Updated minutes will be sent to the City Clerk.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Vickie Hinman reviewed the Human Resource Report for review.

Positions

School Crossing Guard

Public Service Worker (Grounds)

Public Service Worker, Sr. (Grounds)

Public Service Worker, Sr. (Streets)

Solid Waste Worker, Sr.

Administrative Secretary

Executive Assistant

Public Service Worker, PT (Rec.)

Assistant City Clerk

Mechanic

Police Dispatcher (1)

Police Officer (3)

Public Service Worker (Parks)

Public Service Worker (Streets)

Receptionist

Status

Posting 10/20/17 – Hired

Posting 1/2/18 – 1/16/18

Posting 1/2/18 – 1/16/18

Posting 1/11/18 – 1/25/18

Posting 1/11/18 – 1/25/18

Interviewing – still interviewing

Interviewing – still interviewing

Interviewing

Background – will start work this week

Background

Background

Background – 1 hired

Internal Transfer eff. 1/25/18

Internal Transfer eff. 1/25/18

Date of Hire 1/4/18

Safety Committee: Next meeting on Jan. 24 @10:00 a.m.

Other HR projects/meetings/events:

- Mandatory Sexual Harassment Training for employees and supervisors scheduled: Wednesday, January 31, 2018 and Friday, February 2, 2018.
- Input new pay scale for salary increases on Jan. 24 paycheck
- Processing W-2's due Jan. 31

B. Overtime Report

The overtime report was included in the packet.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – December, 2017

Ms. Kichler noted that due to the Revenue office being extremely busy with annual business license renewals Mrs. Smith is in her office processing renewals. Mrs. Smith submitted the following reports and information:

- Code enforcement issued 3 warnings resulting in businesses becoming compliant and \$190.50 in revenue.
- New Businesses with a physical location in Daphne - 5

BUSINESS LICENSE COUNT through 12/31/2017	
Issued THIS MONTH:	
NEW Licenses	17
RENEWAL Licenses (2018)	181
PRIOR YEAR Licenses (2017 and Prior)	18
Total Issued THIS MONTH	216
Total Issued THIS MONTH - PREVIOUS YEAR	166
Net Gain/-Loss Current VS Previous Yr MONTH +	50
Total Issued YTD 2017	4,892
Total Issued YTD - PREVIOUS YEAR	4,943
Net Gain/-Loss Current VS Previous Yr YTD	-51

Business License Fee Historical Comparison 2017 / 2018				
	<u>FY 17</u>	<u>FY 18</u>	<u>+/- Previous Year</u>	<u>Budget 2017 *</u> <u>\$2,150,000</u>
October	\$7,103.71	\$5,258.84	(\$1,844.87)	(\$2,144,741.16)
November	\$11,604.68	\$8,566.59	(\$3,038.09)	(\$2,136,174.57)
December	\$33,347.73	\$41,564.84	\$8,217.11	(\$2,094,609.73)
Year to Date	\$52,056.12	\$55,390.27	\$3,334.15	(\$2,094,609.73)
* Amounts include penalty and interest.				

Mrs. Smith submitted a new report: Simplified Sellers Use Tax Historical Analysis. Discussion continued that this report shows the requested information for Internet/online Sales collection report. Ms. Kichler noted that approximately \$10,000 has been collected monthly for the first quarter of FY18 (October – December 2017). Mayor Haygood discussed his concerns on the pending Senate Bill 130 allowing use taxes to be reported under SSUT bill and has expressed his concerns with Senator Pittman if this bill were to pass. Mayor Haygood said he would continue to monitor this bill.

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: November, 2017

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,341,684.19 was collected for November, 2017 which was up \$109,827.47 from November 2016's collections:

- YTD Variance over Budget - \$ 107,725.50

B. Lodging Tax Collections, November 2017

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for November, 2017 were \$72,958.08 which is up \$3,427.68 from November 2016's collections.

- YTD Variance over Budget: \$8,346.01

C. Lodging Tax Fund : Statement of Rev over Exp, December, 2017

Mrs. Henson reviewed the Lodging Tax Statement of Revenues over Expenditure report for **December**, 2017.

- Unreserved balance for Bayfront related purchases - \$1,346,373.88
- Recreation related purchases - \$ 849,258.22

Mrs. Henson noted that recent expenditures for the Trione Sports Park project are reflected in the report.

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: December, 2017

Ms. Kichler reviewed the Treasurer's Report:

TREASURER'S REPORT					
As of December 31, 2017					
Account Type/Title	12/31/2017	11/30/2017	Increase (Decrease) from last Month	12/31/2016	Increase (Decrease) from Last Year
Total Unrestricted Cash Balance	13,468,667	12,517,940	950,727	12,124,696	1,343,971
Total Restricted Cash Balance	19,795,681	19,767,441	28,240	9,251,683	10,543,998
Total City Cash Balance	\$ 33,264,348	\$ 32,285,381	\$ 978,967	\$ 21,376,379	\$ 11,887,969
Encumbrance Total as of			12/31/2017	\$ 603,845.87	

Ms. Kichler noted that the increase in cash balance over last year is mainly due to the 2017 Construction Fund monies and added that December was also a big month for Ad Valorem collections. Ms. Kichler noted the cash balance shows there are monies available to be invested.

The Treasurer's Report as of December, 2017 Total Unrestricted Cash Balance - \$13,468,667 and Total City Cash Balance - \$33,264,348 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance is - \$ 603,845.87 as of December 2017.

Ms. Kichler reviewed the Encumbrance Report and noted significant progress has been made in reducing the encumbrance balance. The encumbrance balance is down from November's balance of \$705,375.20.

3. Outstanding Appropriations

Ms. Kichler stated the largest is \$200,000 from the Four & Seven Cent Gas Tax funds for Corte Road, the Lodging Tax Fund has Trione Improvements expenditures pending, and Bayfront related only has \$42,000 outstanding. Ms. Kichler noted that there will be a decrease in Capital Reserve outstanding appropriations next month.

4. Financial Overview: Debt Summaries & Monthly Financial Statements, November 2017

Ms. Kichler reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), December 2017
- Budgetary Comparison Schedule, November 2017
 - o Percentage used as of November 2017– Personnel – 14 %, Operating- 8 %, Capital- 1 %
- General Fund, November 2017
- Debt Service Fund, November 2017
- Special Revenue Funds, November, 2017
- Capital Projects Funds Balance Sheet, November 2017
- Enterprise Funds Statement of Net Position, November, 2017

Monthly Financial Statements – November 2017 YTD Financial Highlights:

General Fund:

- | | <u>FY 2018</u> | <u>FY 2017</u> | <u>Change</u> |
|-----------------|----------------|----------------|---------------|
| • YTD Net Loss: | \$ (412,149) | \$ (601,261) | \$ (189,112) |
- There were three payrolls in November which contributed to the significant net loss YTD
 - Total sales, use, and luxury tax collected for the year is approximately \$180,000 over prior year and \$108,000 over budgeted income
 - Ad Valorem Tax collections are approximately \$234,000 over YTD collections in prior year
 - Unassigned Fund Balance: \$12,201,444
 - Outstanding Encumbrances: \$705,375
 - o General Fund Revenues - \$28,922,789 - Required 3 months reserve per policy - \$7,230,697

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of November 30, 2017: \$41,938,732
- Outstanding Capital Lease Balance as of November 30, 2016:
 - o General Fund: \$1,135,880
 - o Enterprise Funds: \$424,671
 - o Jubilee Square: Debt payments are currently fully paid through December 2015 plus 24 months in arrears. Arrearage includes \$665,664 in principal and \$449,317 in interest.

Capital Project Funds (Capital Reserve, 2016 Construction, and 2017 Construction):

- YTD Park Improvements Expenditures: \$519,068
- Sewer Assessments were discussed. Ms. Kichler reviewed the balance on the statements.

Special Revenue Funds (12 separate funds):

- The Sail Site Fund has been closed and activity is now being reported in the General Fund
- Lodging Tax Fund –
 - o Bayfront Unreserved Fund Balance: \$1,335,569.79
 - o Recreation Unreserved Fund Balance: \$864,955.07
 - o Total lodging tax collected was \$8,300 over budgeted income and prior year to date income.

Enterprise Funds (Solid Waste, Civic Center, and Bayfront):

- Year to date transfers for each of the enterprise funds were as follows:

	<u>FY 2018</u>	<u>FY 2017</u>	<u>Change</u>
Solid Waste Fund	\$ 2,816	\$ -0-	\$ 2,816
Civic Center Fund	\$ 27,544	\$30,896	\$ (3,352)
Bayfront Park Fund	\$ 18,472	\$14,268	\$ 4,204

Ms. Kichler noted the Garbage increase will show up in January's financial statements.

5. Future Projects Summary

Mayor Haygood discussed the Hwy 98 Improvements (CR64 to Van) project and noted that preliminary engineering has already been funded. Mayor Haygood noted he has asked Mr. Sasser to work on this project to keep it moving forward and hoped it would be on February's Finance agenda.

B. Bills Paid Reports – December, 2017

The Bills Paid Report was presented in the packet.

VIII. BIDS:

A. 2018-B-POLLARD & WHISPERING PINES ROADS AREA SEWER CONNECTION CDBG PROJ: LR-E-PF-16-08

Mr. Moore noted the Sewer project were opened. Mr. Moore noted the low bidder did have a DBE qualification with ALDOT but that did not meet the ALDOT requirement included in the specifications and after reviewing the other bids the majority did not have the ALDOT qualification. Mr. Moore noted that the ALDOT certification is generally included in other bids for road projects but since this is basically a plumbing project this particular ALDOT requirement should not have been included in the bid specifications since this project is on private properties. Mr. Moore stated his recommendation was to reject the bid and re-bid which should encourage additional bidders to bid and provide more bidders that meet the bid requirements. Discussion continued that this is a CDBG Grant project with an estimated total project cost of \$250,182 (*City's match - \$25,018*). Discussion continued that the second lowest bidder will require an additional appropriation of \$63,662 (\$23,000 more than the low bidder). Discussion continued on rebidding and Ms. Kichler noted that the City attorney recommended rebidding since the technicality could not be waived. Mr. Coleman expressed his concerns on rejecting the bid.

MOTION BY Mr. LeJeune to recommend to Council to reject the bid per the Engineers recommendation (HMR) in order to update the bid specifications with requirements and rebid the project. Seconded by Mr. Goodlin. AYE: Goodlin, LeJeune, Scott, and Conaway. NAY: Davis and Coleman
MOTION CARRIED

B. Update on the 2017 smaller sewer projects bid: small UB Board Sewer projects where the City provided materials for the install—Mr. Danny Lyndall, General Manager

Mr. Lyndall stated that the Utility Board has installed all material in the ground for the following locations:

- Douglass Road
- Jordan Lane
- Schieffelin Lane
- 6th Street
- Greystone Subdivision
- Hillwood – *(this project was added to the original project list of small projects)*
- Main Street / Holy Cross Drive – *(this project was added to the original project list of projects)* had a several month delay due to property access and issues

Mr. Lyndall stated that material has been installed for the two projects below but both are waiting on lines to be tied in to the sewer line on Hwy 90:

- Oakstone - waiting on the contractor to tie into the line on Hwy 90 but are scheduled to do that next week
- Van Buren —needs to be tied into a gravity line on Hwy 90 and waiting on an ALDOT permit to complete.

IX. NEW BUSINESS

A. Authorize FY18 Capital Lease purchases through Hancock Bank (*Resolution*)

Mrs. Henson noted this a standard Resolution that has been approved for previous leases and is required by the leasing company to enter into the lease agreements for the three leases approved in the FY2018 Budget. Mrs. Henson noted that the lender from Hancock Bank advised that interest rates are up due to the corporate tax rates being cut from 35% to 21%. *(Since these are tax exempt issuances, banks are going to charge more because of the sharp reduction in tax advantages to banks.)* Ms. Kichler reviewed the current rate: 3.39% - 3.99% (according to lease date and term of lease) and she budgeted for 4%. Ms. Kichler noted these will be third quarter leases.

MOTION BY Mr. Scott to recommend to Council to adopt a Resolution approving to lease the equipment approved for lease in the FY2018 Budget and authorize the Mayor to enter into lease agreements. Seconded by Mr. Davis.
MOTION CARRIED UNANIMOUSLY

X. OLD BUSINESS

A. Bayfront Drive Street Scape Improvements: Design Fees: Dewberry Engineers, Inc.-\$86,700 Appropriation (*Ordinance*)

Mr. Bobe stated that everyone had previously seen the presentation for the Bayfront Drive Street Scape and he would answer any questions if there were any. Mrs. Henson noted there was a draft ordinance to appropriate the \$86,700 needed for the design and letting of the bid. Mr. LeJeune expressed that the next step would be to consider what needs to be built at the Bayfront location since the Bayfront Drive “Street” improvements will be moving forward.

MOTION BY Mr. Scott to adopt an ordinance appropriating \$86,7000 out of the Lodging Tax Fund for engineering/bid letting fees for the Bayfront Drive Street Scape Improvements. Seconded by Mr. Goodlin.

MOTION CARRIED UNANIMOUSLY

B. STRIKE Agreement

Mr. Rudicell handed out the STRIKE agreement and asked for an update on the status of the agreement and if it was a binding agreement. Mayor Haygood stated that he had met with STRIKE and they were working on bringing in a semi-pro soccer team and discussed they were looking at refinancing options. Discussion continued that the 12 months listed in the agreement had expired and legal would need to advise on the status of the agreement.

XI. ADJOURN The meeting adjourned at 6:23p.m.

To: Office of the City Clerk
From: Adrienne D. Jones, 
Community Development Director
Subject: Planning Commission Minutes and Report
Date: January 26, 2018

MEMORANDUM

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of December 21, 2017, and the report of the regular meeting of January 25, 2018 for placement on the Monday, February 5, 2018 City Council agenda for review.

Should you have any questions or comments in this regard, please do not hesitate to call.

ADJ/jv

From the Office of

Adrienne D. Jones,
Community Development Director
P. O. Box 400
Daphne, Alabama 36526
251-621-3184 ph
251-621-3185 fx

FILE
10/26/18
10:00am

**The City of Daphne
Planning Commission Minutes
Regular Meeting of December 21, 2017
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

Chairman called the regular meeting of the City of Daphne Planning Commission to order at 5:04 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Ed Kirby (Excused @ 6:15 p.m.)
Andrew Prescott
Charles Smith, Secretary
Marybeth Bergin, Chairman
Phillip Hodgson, Vice Chairman
Ron Scott
Hudson Sandefur

Staff Present:

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

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

Chairman asked for questions, comments or corrections to the minutes ***of the regular meeting of November 16, 2017. There being none, minutes are approved as submitted.***

The next order of business is a request for a modification to the wetland buffer requirement for South Branch Subdivision.

An introductory presentation was given by Barry Dees, representative of R-Squared Global, requesting a modification to the wetland buffer requirement. He stated in the interest of the protection of vegetation and minimization of stream bank erosion & sedimentation impacts, the applicant is asking for a waiver to allow the extension of the storm water discharge system to terminate at the base of the slope near the wetland line and for a connection to the existing sanitary sewer main adjacent to Tiawasee Creek. Due to the steep slopes in this development, it is necessary to install a bubble-up system in the detention facility and acquire a modification to allow us to direct the storm water onto the City's property or into the creek.

Chairman commented that the modification request for a waiver to allow buffer impacts is similar to two other projects which were granted approval by the Commission which set the precedent.

Chairman asked for Commission questions or comments.

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Ms. Campbell commented she is working with Mr. Dees and the adjacent property owners to minimize the impact to the wetland buffer, and stated a permit is required from ADEM & Corp of Engineers.

A Motion was made by Mr. Scott and **Seconded** by Mr. Hodgson **to approve South Branch Wetland Buffer Modification. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a presentation by Community Development.

A presentation was given by Brennan Walters, Planner, on "Smart Growth" which is an effort to develop your community in a way that is human-centric as opposed to car-centric. Smart Growth is an effort to regain development patterns pre-war. Concepts of smart growth are: mixed use & compact design, diverse housing choices, walkability, strong sense of place, open space & environmental conservation, direct development toward existing development, diverse transportation choices, make development decisions that are cost effective & fair, and to encourage community collaboration.

The next order of business is a zoning amendment for Jacob's Well, L.L.C. and Ruth Metcalfe Rye.

An introductory presentation was given by Craig Dyas, representative of Dyas, L.L.C., Commercial Real Estate & Development, requesting rezoning of six-point two-two acres located northwest of U.S. Highway and Halls Lane presently zoned R-7(T), Townhome District, B-2, General Business, and R-3, High Density Single Family Residential, to a PUD, Planned Unit Development, for a mixed use development. He noted the benefits of rezoning to a Planned Unit Development are: allow for mixed use, single family attached & detached units, and commercial development with relaxed setbacks, open & recreational area, signalization on U.S. Highway 98, possibility of providing an electronic gate, landscape buffer, slower traffic velocity by adding aggressive curves in the right-of-way, cobblestone thresholds and islands to act as a traffic calming device. According to Mr. Dyas, the points of contingency are creating a thoroughfare from U.S. Highway 98 to Main Street through Daphne Court, access and peak traffic volumes; however, the twenty-two feet width of Daphne Court provides sufficient right-of-way for a secondary access.

David Hudgens, representative of Hudgens Company, referenced Section 503.2.1 of the International Fire Code and stated that the fire code does not contain a definition of a shoulder. He stated Appendix D describes the access and we believe the valley curb is a concrete surface and could support more weight than the asphalt portion of the road; therefore, a fair interpretation of the code under these circumstances is to include the valley curb as a part of the width of the road. He referenced Section 104.8, if it is deemed by the Fire Marshal that Daphne Court does not meet the code, a modification could be given which would be more in keeping with the intent of the code.

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Mr. Scott stated that the developer can appeal the decision of the Fire Marshal to the Board of Appeals or Circuit Court. Mr. Ross stated that the appeal allows for some remedy depending on what the Planning Commission and City Council decide.

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

Sandy Robinson, spoke in opposition and expressed her concerns about access to a narrow, substandard road which would be a burden on the residents of Daphne Court, access by emergency vehicles, vehicle & pedestrian congestion in school zones, and public safety.

John Mangan, 802 Daphne Court, spoke in opposition and expressed his concerns about access to Main Street in that Daphne Court is not a through-street. Residential & school traffic on Main Street are at full capacity, and the fear of the erosion of the character of downtown Daphne. The use as an access will affect our privacy and create malfunction. The benefits as provided by the developer are erroneous because they do not own the Rye property.

Bill Hawkins, 801 Daphne Court, spoke in opposition and expressed his concerns about access to Main Street and sidewalks.

Bill Robinson, 1500 Main Street, spoke in opposition and expressed his concerns about public safety and sidewalks.

Ed Baldwin, 903 Halls Lane, spoke in opposition and expressed his concern about access to Main Street.

Chip Martin, Fire Marshal, stated the twenty feet is exclusive of the shoulder, and the right-of-way of Daphne Court does not meet the minimum width of twenty feet.

Chairman closed public participation.

Chairman asked for Commission questions or comments.

Mr. Kirby referenced Mr. Dungan comments and asked if the developer can utilize the north leg of the subdivision as the secondary access. Ms. Bergin stated the developer has different plans for that property.

Mr. Hodgson asked Mr. Ross to address Mr. Dungan's comments. Mr. Ross stated his interpretation of the code did not include an opinion on whether or not the valley curb is a part of the road. If the Commission recommends the rezoning as presented and it goes to City Council, the access must be in compliance or addressed by the developer to the Board of Appeals or Circuit Court, if a compromise is not reached.

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Ms. Bergin asked Mr. Ross in light of the recent court decision that the City Council cannot make changes to the application. Mr. Ross stated if changes are made, those recommendations would go back to Planning Commission for review.

Commissioners discussed ingress/egress, fire department access, setbacks, common & open space, and landscape buffer.

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

A Motion was made by Mr. Kirby and **Seconded** by Smith **to send forth an unfavorable recommendation to Council regarding Jacobs Well, L.L.C. and Ruth Metcalfe Rye proposed Planned Unit Development zoning.**

Upon roll call vote:

Mr. Kirby	Aye
Mr. Sandefur	Nay
Mr. Scott	Nay
Mr. Prescott	Aye
Ms. Bergin	Aye
Mr. Hodgson	Nay
Mr. Smith	Aye

During discussion, Commissioners considered a recommendation to exclude: Daphne Court due to noncompliance with the fire code and other unresolved issues, the residential (Rye) property & access to Daphne Court, or asking the developer to make the appropriate changes prior to voting.

The Motion carried four to three.

Mr. Prescott commented on introducing this type of development into a neighborhood. Ms. Bergin commented that she is not comfortable with the transition from a commercial & townhome into a residential district and expressed concern about the secondary access not being in compliance with the fire code.

Mr. Kirby asked to be excused at 6:15 p.m.

The next order of business is site plan review for Benchmark Office.

An introductory presentation was given by Max Dearing, representative of Jade Consulting, of a request for site plan review of a business office facility with associated drainage, parking, and landscaping located northeast of Professional Place and Main Street. He stated the Fire Marshal's concerns were addressed by the addition of a note on the site plan stating that a fire hydrant shall be installed in the right-of-way at the front of lot prior to construction of the future building.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Hodgson **to approve Benchmark Office site plan. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for R H Industrial. An introductory presentation was given by Jason Estes, representative of Dewberry/Preble-Rish, of a request for site plan review of a commercial/industrial facility with common detention, parking, and landscaping located northeast of World Court and American Way and stated staff deficiencies have been reviewed and addressed and the applicant is requesting a sidewalk waiver. He also indicated that the detention pond will be cleaned out by property owners association.

Jeremy Sasser, Public Works Director, indicated that he was in favor of granting the sidewalk waiver.

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

A **Motion** was made by Mr. Sandefur and **Seconded** by Mr. Prescott **to approve R H Industrial site plan with a waiver to the sidewalk requirement. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is final plat review for Winged Foot Subdivision, Phase 1.

An introductory presentation was given by Jason Estes, representative of Dewberry/Preble-Rish, of a request for final plat review of an eighty-one lot subdivision consisting of approximately thirty-six point six two acres located northeast of Edgewood Drive and County Road 64.

Chairman asked for Commission questions or comments.

Mr. Scott commented that the meandering configuration of the roadway serves as the traffic calming device in this subdivision.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur **to approve Winged Foot Subdivision, Phase 1 final plat. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary plat review for Winged Foot Subdivision, Phases 2A, 2B and 3.

An introductory presentation was given by Jason Estes, representative of Dewberry/Preble-Rish, of a request for preliminary plat review of Winged Foot Subdivision, Phases 2A, 2B and 3, with a total of one hundred and twenty lots on approximately thirty-two point two-seven acres located northeast of Edgewood Drive and County Road 64.

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

Pauline Ouellette, 7720 Elizabeth Drive, commented on the preservation of trees and the provision for open space.

Ms. Jones stated that the development met the requirement of the common area and open space in phase one.

A Motion was made by Mr. Scott and **Seconded** by Mr. Smith **to approve Winged Foot Subdivision, Phases 2A, 2B and 3. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is public participation.

Chairman asked for public participation.

Don Ouellette, 7720 Elizabeth Drive, commented on the expansion of Daphne Court and consideration of participation to address their drainage concerns.

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

Mr. Ross stated no report.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

Ms. Jones presented that the upcoming meeting dates are site preview, January 17 & regular meeting, January 25, 2018, and Merry Christmas.

There being no further business, the meeting was adjourned at 6:30 p.m.

Respectfully submitted by:


Jan Mallecillo, Planning Coordinator

Approved: January 25, 2018


Marybeth Bergin, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JANUARY 25, 2018
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

REPORT

1. **CALL TO ORDER:** 5:05 p.m.
2. **CALL OF ROLL:** Andrew Prescott, Ron Scott, Phillip Hodgson, Marybeth Bergin, Charles Smith, Hudson Sandefur, and Angie Phillips
3. **APPROVAL OF MINUTES:**

Review of minutes for the regular meeting of December 21, 2017 (**Approved with revisions**)
4. **NEW BUSINESS:**
 - A. **FINAL PLAT REVIEW:**
 1. **File SDF18-01: (Approved)**

Subdivision:	French Settlement, Phase 3
Zoning:	<i>R-1, Low Density Single Family, & R-2, Medium Density Single Family Residential</i>
Location:	Northwest of Longue Vue Boulevard and French Settlement Drive
Area:	22.26 ± Acres, (17) lots
Owner:	Feliciter Investment Group, L.L.C. – Nathan Cox
Agent:	Dewberry Preble-Rish - Steve Pumphrey
Engineer:	Dewberry/Preble-Rish – Jason Estes
Surveyor:	Dewberry Preble-Rish - David Diehl
 - B. **PETITIONS:**
 1. **ZONING AMENDMENT: (Favorable recommendation to City Council for B-1, Local Business, in lieu of B-2, General Business)**
 - a. **File Z18-01:** **WPNVA, L.L.C., Jay-E, L.L.C., John White-Spunner, & Chester J. Stephan**

<i>Present Zoning:</i>	<i>R-4, High Density Single and Multi-Family Residential</i>
<i>Proposed Zoning:</i>	<i>B-2, General Business</i>
Location:	Southeast corner of U. S. Highway 98 and Johnson Road
Area:	5.8 Acres ±
Owner(s):	WPNVA, L.L.C., Jay-E, L.L.C., John White-Spunner, & Chester J. Stephan
Agent:	Lyon Law Firm -William “B.J.” Lyon, Jr. & White-Spunner Realty - Sharon Wright
 2. **VACATION OF EASEMENT: (Favorable recommendation to City Council)**
 - a. **File VE18-01:** **Olde Towne Daphne Developmente, Inc.**

Location:	Northwest of the intersection of Pollard Road and Randall Avenue
Area:	0.64 Acres ±
Owner:	Olde Towne Daphne Developmente, Inc. - Stark Irvine

C. ADMINISTRATIVE PRESENTATIONS:

- 1. File AP18-01: (Approved a one-year extension)**

DAPHNE COMMONS EXTENSION REQUEST:

Presentation to be given by Andy Bobe or Jared Landry, representative of Dewberry/Preble-Rish, requesting an extension of time for the site disturbance permit issued for Daphne Commons. The site plan was approved by the Daphne Planning Commission on January 28, 2016. One-year extension was granted on January 23, 2017. Preconstruction meeting held for January 16, 2018.

- 2. File AP18-02: (Favorable recommendation to City Council)**

WINGED FOOT SUBDIVISION, PHASE 1 STREET ACCEPTANCE PETITION:

Presentation to be given by Adrienne Jones, Director of Community Development, recommending acceptance of all right-of-ways contained within Winged Foot Subdivision, Phase 1. Said right-of-ways being Casper Drive (472 linear feet), Gilmore Way (921 linear feet), Harmon Street (195 linear feet), Zoeller Lane (883 linear feet), Ogilvy Court (475 linear feet), and Irvine Loop (1,473 linear feet).

- 5. PUBLIC PARTICIPATION:** None presented
- 6. ATTORNEY'S REPORT:** No report
- 7. COMMISSIONER'S COMMENTS:** None presented
- 8. DIRECTOR'S COMMENTS:**

Ms. Jones presented the following:

- a. City Council Actions:
 - 1. Approved Zoning Map on January 22, 2018;
 - b. The upcoming meeting dates are site preview, February 14 & regular meeting, February 22, 2018.

- 9. ADJOURNMENT:** 6:15 p.m.

STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

PETITION FOR VACATION OF RIGHT-OF-WAY

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL OF DAPHNE, ALABAMA:

We, Dayna Oldham, hereinafter referred to as "The Petitioner", are owner(s) of property located at 1618 Sixth Street, hereby petition by the attached copies to vacate a certain right-of-way located in the City of Daphne, Alabama in Unit 1 of Dryers Subdivision, as shown in Map Book # 1, Page 78, Instrument# _____ in the Office of the Judge of Probate of Baldwin County, Alabama described herein as follows:

Legal Description

The South 17 ft. of the unopened ROW of Church Street along the north boundary of LOT 1 Block #1 of Dryer Subdivision of Daphne, Alabama as recorded in Map Book #1 page 78 in the records in the office of the Judge of Probate.

"The Petitioner" presents unto the Honorable Council the following statements:

1. This vacation of a portion of Church Street is prepared in accordance with the provisions of Section 23-4-20, Code of Alabama, 1975, as may be amended from time to time; and,
2. It is in the best public interest that the right-of-way as described hereinabove be vacated and closed; and,
3. Such vacation will not deprive other property owners of a convenient and reasonable means of ingress and egress to their property; and,
4. All applicable utility providers, by instruments filed herewith, have consented to the vacation of said right-of-way, and the hereinabove described portion of the said right-of-way and the annulment of the dedication thereof as reflected on said recorded plat; and,
5. A copy of the map illustrating the location of the right-of-way as described hereinabove is attached hereto and incorporated into this petition as a part hereof; and,

"The Petitioner" further requests the Mayor and City Clerk be authorized and directed to execute a resolution which approves, ratifies, adopts, and confirms the vacation of the hereinabove described portion of the said right-of-way with the provisions of Section 35-2-54, Code of Alabama, 1975, as may be amended from time to time.

IN WITNESS WHEREOF, the Petitioner(s) have heretofore set their hand and seals on this the 16 day of January, 2018.

OWNER(S) SIGNATURE:

Dayna Oldham

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Dayna Oldham, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this 16 day of January, 2018.

[Signature]
Notary Public
My Commission Expires _____



6. The street addresses and legal descriptions of all property abutting the right-of-way as described hereinabove and the names and addresses of the owner of said abutting properties are provided below:

[illegible]

7. All applicable adjacent property owners, by instruments filed herewith, have consented to the vacation of said right-of-way, and the hereinabove described portion of the said right-of-way and the annulment of the dedication thereof as reflected on said recorded plat.

VACATION OF RIGHT-OF-WAY
A PORTION OF CHURCH STREET
RIFE/OLDHAM



ARTICLE XXIV
VACATION OF EASEMENT AND/OR RIGHT-OF-WAY

24-1 PROCEDURE

The City Council may, from time to time, after examination and review thereon, amend, supplement, or change the subdivision requirements in regard to easements and right-of-ways provided herein or subsequently established, whether initiated by the Planning Commission, or any person, firm, or a corporation shall be treated in accordance with the following procedure:

- (a) An application on the prescribed form shall be submitted in writing to the Department of Community Development thirty (30) days prior to the regularly scheduled meeting of the Planning Commission and must be accompanied by an adjacent property owners list, warranty deed (proof of ownership), legal description of subject property, current survey, and a map of the subject property.
- (b) The application shall be reviewed by the Planning Commission at its next regular meeting.
- (c) Said Commission before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the Planning Commission with proper notice as required by law. Due notice shall also be given to the parties in interest of the date, time, and place of said hearing.

Said notice of a vacation of easement or right-of-way shall be published in full for one (1) insertion in a newspaper of general circulation published in the municipality prior to the said public hearing by the City Council.

- (d) Said easement or right-of-way shall be vacated and/or relocated upon the recommendation of the Planning Commission and the acceptance by resolution of the City Council.
- (e) Any petition for vacation of easement and/or right-of-way may be withdrawn prior to action thereon by the Planning Commission or City Council at the discretion of the owner, authorized representative, firm, or corporation initiating such a request upon written notice to the Planning Coordinator in the Department of Community Development or City Clerk in the City Clerk's Office, whichever is applicable.

COMMUNITY DEVELOPMENT

VACATION OF RIGHT-OF-WAY REVIEW

Sarah Rife

Vacation of a Portion of Church Street

Dayna Oldham proposes to vacate a portion of Church Street located between 1618 Sixth Street and the Daphne Arts Center. Vacation of Right-of-Way process is governed by Code of Alabama Sections 23-4-20 and 35-2-54 and Article 24 of the Land Use & Development Ordinance.

Questions to consider as outlined in the code include the following (with staff comments highlighted in red):

- Is it in the best interest of the public to vacate this portion of Main Street?
The additional area would benefit the property owner by enlarging the existing parcel, and bringing into compliance the existing carport which encroaches into the right of way.

The area is paved currently used by the Arts Center and the occupants of the house. The area is utilized during Mardi Gras and other parades or runs for standing and parking along the parade route. Otherwise, there is no other public use for the land.

- Will vacation deprive other property owners of a convenient and reasonable means of ingress and egress to their property?

Daphne City Hall abuts this right of way. Since the building was expanded, the subject right-of-way has not been used for ingress/egress. Ms. Oldham proposes to vacate a portion of the right of way and according to a conversation with Mayor Haygood and the Public Works director, the other half could be vacated for the purpose of providing additional parking by the Arts Center.



- Have all applicable utility providers consented to the vacation of this right of way?
The applicant proposes to allow utility infrastructure to remain and not divest any utility provider of any existing rights to enter upon the land and service the lines.
- Have all applicable adjacent property owners consented to vacation of this right of way?
Pending approval from the Mayor Haygood on behalf of the City of Daphne, owner of two adjacent properties.

Staff Recommendation: Recommend approval.

Vacation of Right-of-Way Application

OFFICE USE ONLY	Application Number: VOR- 17-01	Date Submitted: Aug. 30, 2017
Planning Commission Decision:		Date Presented: Sept. 28, 2017
Date Submitted to City Clerk:		
Council Resolution Approval Date:		RESOLUTION NUMBER#

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

Property Owner(s): Dayna Oldham

If owner is an LLC or LLP, list managing member: _____

Mailing Address: 1618 Sixth Street daynaoldham@yahoo.com

Daytime Phone: 751-6726 Alternate Phone: 621-8743 Fax: 621-8744

Location: Unit Blk 1 Subdivision: Dryers Lot(s): _____ Unit or Phase: _____

Reason for request: My carport is in the ROW. I would like to free the grass area for use by me + my family.

To the best of your knowledge, are any utilities in the right-of-way or ingress/egress easement (including drainage ditches or pipes)? No

Check each item included:

- ☒ Completed application form with non-refundable fee
- ☒ Notarized *Declaration of Vacation of Right-of-Way* completed by the applicant(s)
- ☒ Recorded subdivision plat or recording instrument by which such right-of-way or easement was dedicated
- ☒ Metes and bounds description of the property to be vacated & calculations of the total area in square feet
- ☒ 1 copy of a survey of the area proposed to be vacated prepared by an Alabama registered surveyor
- ☒ *Right of Way Release Form* from City of Daphne Division of Public Works
- ☒ Completed *Easement Release Form* from applicable utility providers:
 - Utilities Board of the City of Daphne (Daphne Utilities)
 - ~~Park City Water Authority~~
 - ~~Belforest Water System~~
 - Utilities Board of the City of Foley (Riviera Utilities)
 - AT&T
 - Cable Company (Mediacom)
 - Other _____
 - Property Owners Association or similar body (if applicable)
- ☒ List of adjacent property owners. Also attach mailing address labels
- ☒ Completed *Consent to Vacate* forms **from all owners abutting** the right-of-way that is to be vacated

I hereby make application for vacation of certain right-of-way as cited above. I understand that the City may not approve what I am applying for, or may set conditions on approval. All statements contained in this application are true to the best of my knowledge and belief. I have attached all documents listed above.

Signature/Date: Dayna Oldham

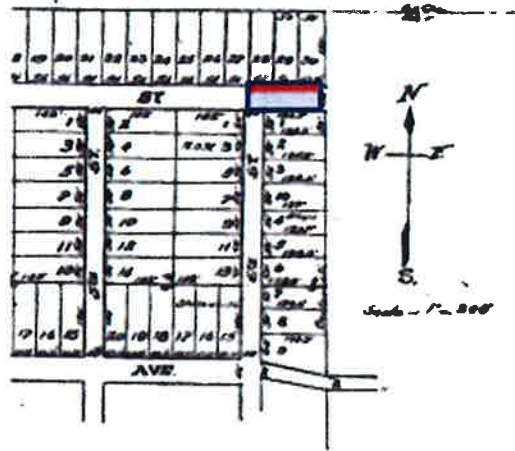
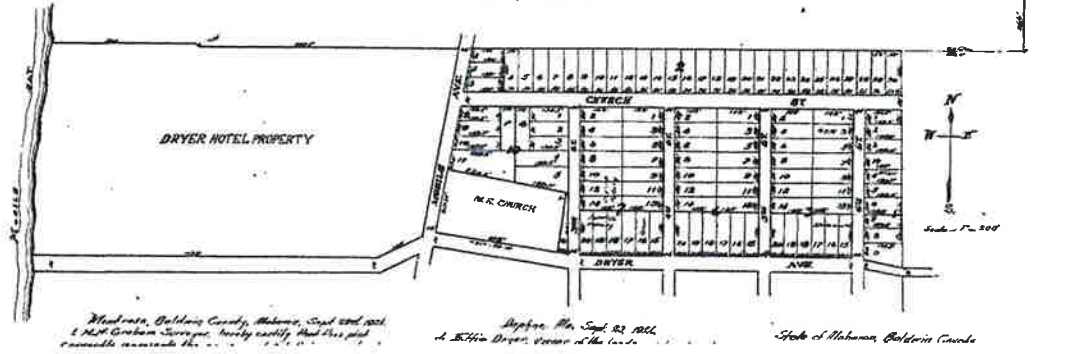
DRYER SUBDIVISION

MAP OF PROPERTY
BELONGING TO

MR. EFFIE DRYER

SITUATED AT

~DAPHNE, ALA.



RIGHT-OF-WAY/EASEMENT RELEASE FORM

WHEREAS, there currently exists a 50 ft. foot right of way dedicated as a public street, but not in use, known as Church Street located in the City of Daphne; and,

WHEREAS, a petition has been submitted to vacate a certain right-of-way as shown in "Exhibit A", we the undersigned, Richard D. Johnson, PE _____, do hereby give our permission/consent to vacate the drainage and utility easement within the right-of-way located in Unit BLK&f DRYERS Subdivision, as shown in Map Book 1, Page 78, Instrument# _____ in the Office of the Judge of Probate of Baldwin County, Alabama pursuant to the following terms and conditions:

No objections, terms, or conditions to the vacation described above.

No objections to the vacation described above, provided the following terms and conditions:

1. All public utility easements are accommodated and/or preserved prior to vacation.
2. Access is not inhibited to any City-owned property (Daphne Art Center).
3. Any and all other recorded and/or prescriptive easements remain in place.

Objects to the vacation described above, reason described below.

AGENCY NAME: City of Daphne - Division of Public Works

By: Richard D. Johnson

Its: Director

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that Richard D. Johnson, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 16 day of

August, 2017

Michele T. Hanson
Notary Public

My Commission Expires _____

Michele T. Hanson

My Commission Expires
January 28, 2019

**CONSENT TO VACATE RIGHT-OF-WAY
ADJACENT PROPERTY OWNER**

STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL OF DAPHNE, ALABAMA:

The undersigned Dane Haygood, Mayor, City of Daphne is/are the owner(s) of property adjacent to a Portion of Church Street, a right-of-way proposed to be vacated by The City of Daphne, Alabama. The right-of-way is located in Unit BLK 6 of Dryer's Subdivision, as shown in Map Book 1, Page 78, Instrument# in the Office of the Judge of Probate of Baldwin County, Alabama.

We, the undersigned, have consented to the vacation of said right-of-way. Such vacation will not deprive the undersigned of a convenient and reasonable means of ingress and or egress to our property located at 1705 Main Street, Daphne, AL 36526 - known as Daphne City Hall.

OWNER(S) SIGNATURE: _____

Dane Haygood, Mayor, City of Daphne

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said County and in said State hereby certify that, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the ____ day of _____,

Notary Public
My Commission Expires _____

**Church Street ROW Vacation
Dayna Oldham**

— CENTERLINES

 Parcels

 CityLimits

Scale:
1 inch = 40 feet

Daphne Art Center

Daphne City Hall

CHURCH AV

SIXTH ST

+/- 125'

25'

ROW to be Vacated

Oldham
Property

ROW to be Vacated: The south 25' of the unopened ROW of Church Street along the north boundary of Lot 1, Block 1 of Dryer's Subdivision of Daphne, Alabama as recorded in Map Book 1, Page 78, in the records in the office of the Judge of Probate, Baldwin County, Alabama.



To: Office of the City Clerk
From: Adrienne D. Jones, 
Director of Community Development
Subject: WPNVA, L.L.C. Jay-E, L.L.C., John
White-Spunner & Chester J. Stephan
Zoning Amendment
Date: January 26, 2018

MEMORANDUM

PRESENT ZONING: R-4, High Density Single & Multi-Family Residential
PROPOSED PRE-ZONING: B-2, General Business
LOCATION: Southeast corner of U.S. Highway 98 & Johnson Road
RECOMMENDATION: At the Thursday, January 25, 2018, regular meeting of the Daphne Planning Commission, seven members were present, and **the motion carried for a favorable recommendation for B-1, Local Business, in lieu of B-2 General Business** for the above mentioned zoning amendment.

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, February 5, 2018 to set a public hearing.

Thank you,
ADJ/jv

attachment(s)

1. Zoning Amendment Application
2. Community Development Report
3. Citizen Comments

FILE
2/1/18
10:00 am
74



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted

12/21/17

Application Number:

ZA-18-01 or PZA-

Planning Commission Public

Hearing Date:

01/26/18

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):

PPIN#(s):

SOUTHEAST CORNER OF U.S. HWY. 98 & JOHNSON ROAD

035698

Gross Site Area (acreage):

5.8

Requested Zoning or Pre-Zoning:

B-2, GENERAL BUSINESS

Current Zoning Designation(s): R-4, HIGH

Amended Request:

DENSITY SINGLE & MULTI-FAMILY RESIDENTIAL

Initials:

Date:

Current Land Use:

AGRICULTURAL

Anticipated Land Use:

COMMERCIAL

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

SEE ATTACHED LEGAL DESCRIPTION ON EXHIBIT A

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: WPNVA, LLC, JAY-E, LLC,
CHESTER STEFAN, JOHN WHITE - SPUNNER

Mailing Address: C/O WHITE - SPUNNER REALTY
P.O. Box 7475, MOBILE, AL 36670

Name of Authorized Agent: WILLIAM M. "B.J." LYON, JR.
AND/OR SHARON WRIGHT

Mailing Address: B.J. - P.O. Box 8331, MOBILE, AL 36689
SHARON - P.O. Box 7475, MOBILE, AL 36670

Name of Developer*:

N/A

Phone/Fax: 251.471.1000

E-mail:

B.J. - 251.378.3623

bj@lyonlawmobile.com

Phone/Fax: Sharon - 251.471.1000

E-mail: sharonwhite-spunners
realty.com

Phone/Fax:

E-mail:

Other:

Phone/Fax:

E-mail:

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

Applicant's Signature:

Date

Agent's Signature:

Date

REVERSIONARY CLAUSE ACKNOWLEDGEMENT

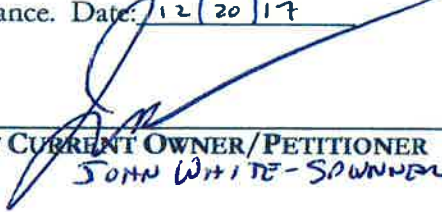
SKIP THIS PAGE IF REQUESTING PRE-ZONING OR PLANNED UNIT DEVELOPMENT ZONING

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

CURRENT OWNER'S ACKNOWLEDGEMENT

WPNA, LLC, JAY-E, LLC, CHESTER J. STEFAN

I, AND JOHN WHITE-SPUNNER, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 12/20/17

PRINTED NAME OF CURRENT OWNER/PETITIONER

B.J. LYON

JOHN WHITE-SPUNNER

DEVELOPER'S ACKNOWLEDGEMENT

I, N/A, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 12/20/17

WPNA, LLC, Jay-E, LLC, Chester Stefan

PRINTED NAME OF DEVELOPER

✓ John White-Spunner

PROPERTY ADDRESS OR PPIN#(S): 035698

WPNVA, L.L.C., JOHN WHITE-SPUNNER, JAY-E, L.L.C. & CHESTER STEPHAN

SOUTHEAST CORNER OF U.S. HIGHWAY 98 AND JOHNSON ROAD

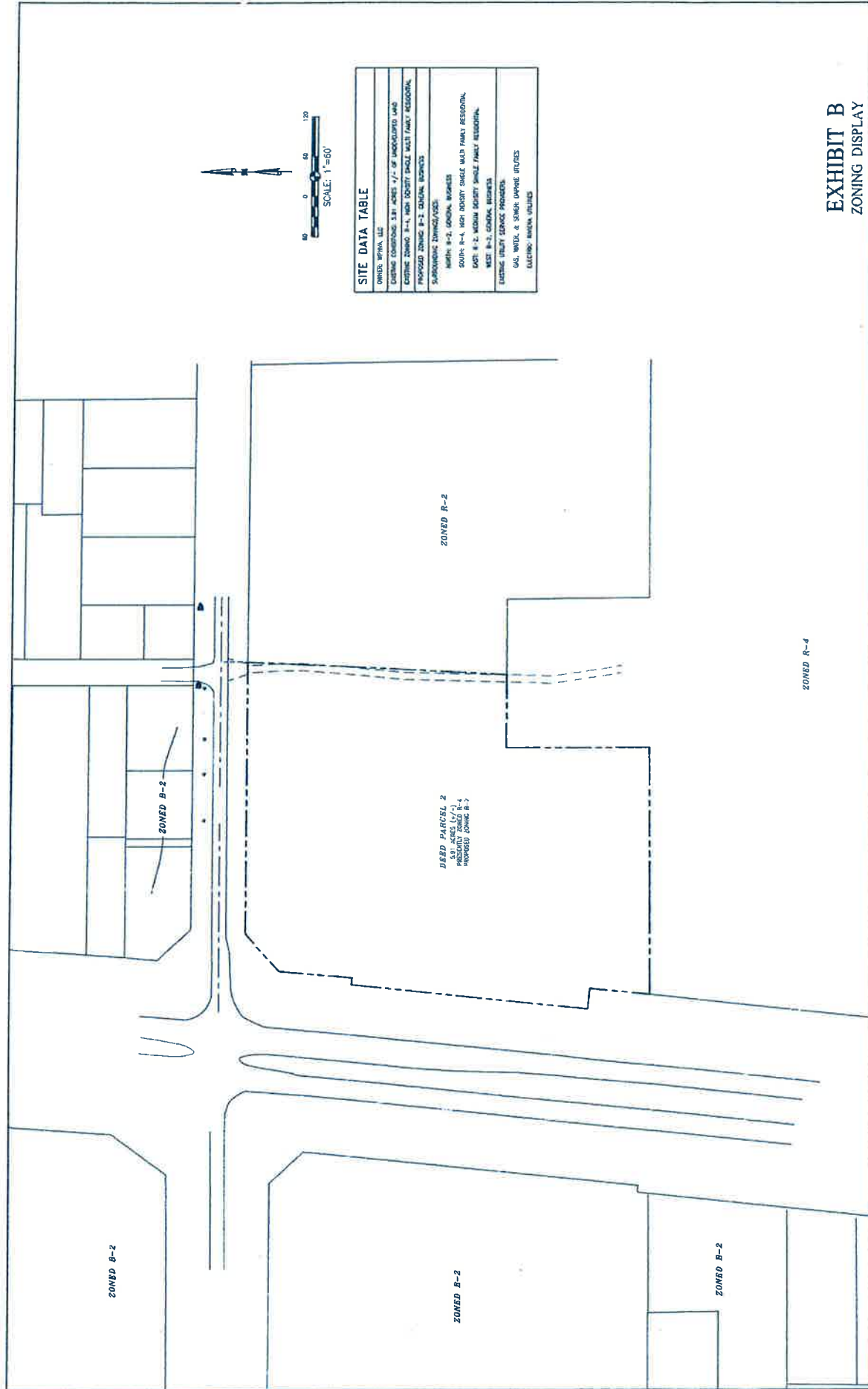
ZONING AMENDMENT

Exhibit "A"

LEGAL DESCRIPTION OF PROPERTY:

PARCEL 2 (a/k/a Lenz Property), an undivided 20% interest in the following property:

From the Northeast corner of the Northwest Quarter of Section 29, Township 5 South, Range 2 East, Baldwin County, Alabama: run South 89 Degrees 25 minutes West along the section line a distance of 684.5 feet to a point; thence run South 02 degrees 10 minutes West a distance of 34 feet to an iron pin lying on the South right of way margin of Johnson Road for the POINT OF BEGINNING; thence run South 02 degrees 25 minutes West a distance of 384.27 feet to an iron pin; thence run South 89 degrees 16 minutes 21 seconds West a distance of 109 feet to a concrete monument; thence run South 0 degrees 35 minutes South; [sic] a distance of 210.33 feet to a concrete monument; thence run South 89 degrees 14 minutes West a distance of 363.64 feet to an iron pin lying on the East right of way margin of U.S. Highway 98; [sic]thence run North 05 degrees 00 minutes South [sic] along said East right of way margin a distance of 88.63 feet to a concrete monument; thence run North 84 degrees 49 minutes West along said East right of way margin a distance of 30 feet to a right of way monument; thence run North 05 degrees 11 minutes East along said East right of way margin a distance of 351.51 feet to a right of way monument; thence run South 85 degrees 30 minutes South [sic] along said East right of way margin a distance of 10 feet to a right of way monument; thence run North 04 degrees 55 minutes 35 seconds East along said East right of way margin a distance of 106.77 feet to a right of way monument; thence run north 46 degrees 55 minutes 35 seconds East along said East right of way margin a distance of 75.25 feet to a right of way monument on the South right of way margin of Johnson Road; thence run North 89 degrees 39 minutes East along said South right of way margin a distance of 403 feet to the POINT OF BEGINNING; containing 5.8 acres more or less.



SITE DATA TABLE	
OWNER: WPNVA, LLC	
EXISTING CONDITIONS: 3.81 ACRES +/- OF UNDEVELOPED LAND	
EXISTING ZONING: B-1, HIGH DENSITY SINGLE FAMILY RESIDENTIAL	
PROPOSED ZONING: B-2, GENERAL BUSINESS	
SURROUNDING ZONINGS/USES:	
NORTH: B-2, GENERAL BUSINESS	
SOUTH: B-1, HIGH DENSITY SINGLE FAMILY RESIDENTIAL	
EAST: B-2, MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL	
WEST: B-2, GENERAL BUSINESS	
EXISTING UTILITY SERVICE PROVIDERS:	
GAS: WISCONSIN & SOUTHERN POWER GRID	
ELECTRIC: WISCONSIN UTILITIES	

EXHIBIT B ZONING DISPLAY

PROPOSED REZONING OF PPIN# 035698		44-00-10-01		NOT FOR CONSTRUCTION		HUTCHINSON, MOORE & RAUCH, LLC ENGINEERS & ARCHITECTS 2039 MAIN STREET DOWNEY, ILLINOIS 60420 TEL (708) 628-2626 FAX (708) 628-2626 dmoore@hmrarchitects.com		DATE: 10/10/2017		SCALE: 1"=60'		SHEET: 1 OF 1	
ZONING DISPLAY		WPNVA, LLC		DATE: 10/10/2017		DRAWN BY: JMR		CHECKED BY: JMR		DATE: 10/10/2017		SHEET: 1 OF 1	

ADJACENT PROPERTY OWNERS
WPNVA, LLC / WHITE-SPUNNER REALTY

43-09-29-2-000-007.000

PICKETT, OTIS ETAL PICKETT, MADELINE
3716 HOLLY RIDGE CIR
MOBILE, AL 36693

43-04-20-3-000-067.001

WILLIAMS, ELLEN
1308 OAKST
DAPHNE AL 36526

43-04-20-3-000-071.001

AUTRY, MAXINE
1005 JOHNSON RD
DAPHNE, AL 36526

43-04-20-3-000-071.000

43-04-20-3-000-071.002
LAWSON, JEWEL
PO BOX 2
DAPHNE AL36526

43-04-20-3-000-052.000

DAPHNE , CITY OF
PO BOX 400
DAPHNE, AL 36526

43-09-29-2-000-009.000

CITIZENS BANK INC
PO BOX 569
ROBERTSDALE, AL 36567

43-09-29-2-000-020.000

JOHNSON, ROBERT L ETUX MONYA M
1960 STORY RD
SAN JOSE, CA 95122

43-09-29-2-000-027.000

COLONNADE AT EASTERN SHORE LLC
116 ONE MADISON PLAZA, SUITE 2100
MADISON, MS 39110 .

43-09-29-2-000-008.000

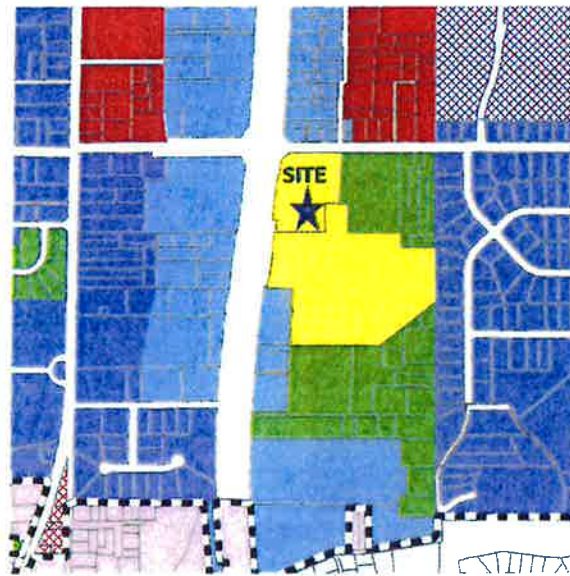
WPNVA, LLC ETAL
C/O SHARON WRIGHT
WHITE-SPUNNER REALTY
3201 DAUPHIN STREET, SUITE A
MOBILE, AL 36606

PLANNING COMMISSION REZONING REQUEST FOR WPNVA, LLC., JAY-E, LLC., JOHN WHITE-SPUNNER, CHESTER J. STEPHAN



Zoning Key

	Daphne City limits
	R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
	R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
	R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
	R-4 HIGH DENSITY SINGLE MULTI-FAMILY RESIDENTIAL
	R-5 MOBILE HOME RESIDENTIAL
	R-6(D) DUPLEX - TWO FAMILY
	R-6(G) GARDEN OR PATIO HOME
	R-7(A) APARTMENT
	R-7(M) MID-RISE CONDOMINIUM
	R-7(T) TOWNHOUSE
	B-1 LOCAL BUSINESS
	B-2 GENERAL BUSINESS
	B-2(a) GENERAL BUSINESS ALTERNATE
	B-3 PROFESSIONAL BUSINESS
	C-1 COMMERCIAL/INDUSTRIAL
	MU MIXED USE
	PUD PLANNED UNIT DEVELOPMENT
	C-2 OUTDOOR AMUSEMENT
	GC GOLF COURSE
	ET JURISDICTION



Excerpt from City of Daphne Zoning Map

Existing Conditions: 5.8 acres+/- wooded undeveloped land
Existing Zoning: R-4 High Density Single Family Residential
Proposed Zoning: B-2, General Business

Surrounding Zonings/Uses:

North – B-2, General Business/single family residence

South – R-4, High Density Single Family Residential/The Colonnade Apartments- 240 units

East – R-2, Medium Density Single Family Residential/undeveloped wooded land

West – B-2, General Business/Johnson Road Drainage Improvement project site (has not begun construction as of yet)

Existing Utility Service Providers:

Water, Sewer, Gas- Daphne Utilities

Electric – Riviera Utilities

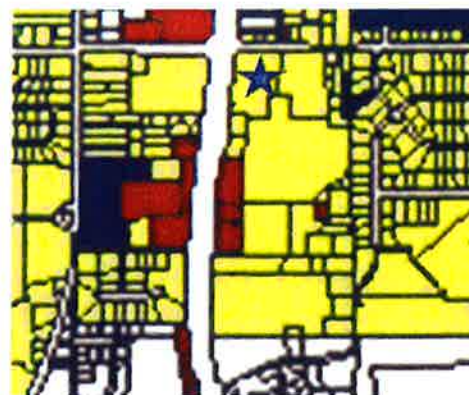
Affected City Service Providers:

Fire Protection-Station 1 Police Protection-Police Beat 1

Public Works

The Comprehensive Plan

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The future land use map shows this area as residential; however, the plan did not take into account the presence of B-2, General Business zones on three corners of Highway 98 and Johnson Road. Rezoning the subject property to a commercial zoning district would be consistent with previously established zoning in the immediate area.



Existing Conditions

The site is located southeast of the intersection of Johnson Road and U.S. Highway 98. This intersection is the gateway into the Daphmont neighborhood, a single family residential community which has been in existence since 1958. Three parcels to the north across Johnson Road are zoned B-2, General Business. There are two residences and one undeveloped lot; however, at this time, neither parcel is being used for commercial purposes. The subject property abuts the Colonnade Apartment complex, a 240-unit multi-family residential development which opened in 2016. The lot to the west is zoned R-2, Medium Density Single Family Residential: the site is also undeveloped.

Staff Comments

The applicant has submitted a petition to rezone 5.3 acres from R-4 to B-2, General Business. No indication of the future use has been provided.

In recent years, Council has added new commercial zoning classifications and established precedents for commercial zoning where it abuts residential property. In 2015 and 2016 the City of Daphne amended the Land Use and Development Ordinance adding new zoning classifications for commercial use. B-2(A), General Business Alternate was adopted in May 2015. According to Article 12 of the Land Use and Development Ordinance, “This district is intended to provide opportunity for *activities that are more compatible with restrictive business districts and residential uses than those allowed in B-2, General Business*. These uses may serve as a regional or a local market and may require location in proximity to major transportation routes.” Additionally, in June 2016 the B-1(A), Limited Local Business district was adopted.

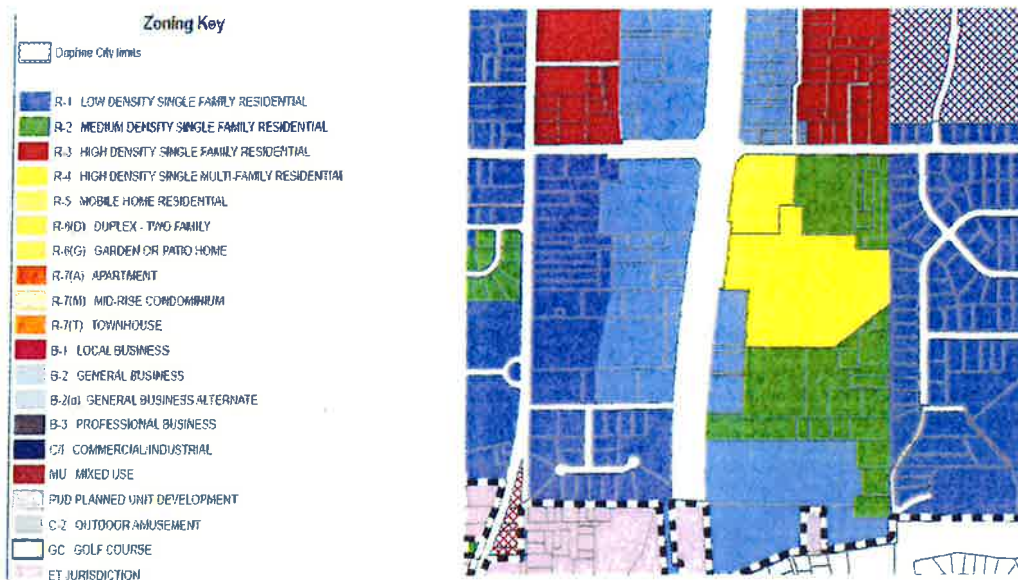
The zoning petition for the White-Spunner, et. al., property located at the northwest intersection of County Road 13 and U.S. Highway 90 was initially presented as B-2, but after the public hearing and upon receipt of the Planning Commission’s input, the petitioner changed part of the request to B-2(A). On January 17, 2017, the City Council approved B-2 at the intersection only and approved the remaining area along County Road 13 as B-2(A); most notable here, the B-2(A) zoned portion abuts property rezoned as residential. (Reference Ordinance# 2016-81).

On June 5, 2017, the City Council concurred with the Planning Commission’s March 2017 recommendation to rezone property to B-2(A) zone in lieu of the originally requested B-2 zoning. That property is located along U.S. Highway

90, due south of Renaissance Boulevard: across from B-2 zoned property and notably so, it is adjacent to residential zoned property. (Reference Ordinance 2017-45).

Recommendation: B-2 zone district would be consistent with the zoning of property located to the north and across Highway 98 to the west; however the City Council has adopted a zoning district which is intended to be *more compatible with restrictive business districts and residential uses than those allowed in B-2, General Business*. Commercial zoning is an obvious choice for a major intersection but it may be the case that B-2(A) zoning would be the better choice.

Adjoining property owner notices have been distributed, a zoning notification sign has been posted, and the notice for a public hearing for this petition has been properly advertised in the Courier in accordance with applicable sections of the Code of Alabama.



Excerpt from City of Daphne Zoning Map

PETITION TO OPPOSE REZONING

File Z17-01 Southeast Corner of Highway 98 and Johnson Road

To: The Planning Commission and the Daphne City Council Members

We, the undersigned property owners and/or residents of the Daphmont Subdivision, do hereby oppose the proposed rezoning of the property on the Southeast Corner of U.S. Highway 98 and Johnson Road.

We respectfully request NO zoning change on this parcel. We feel that any change in zoning of this property would negatively affect our subdivision.

Print Name	Address	Phone #	Signature
1 Elise Powe	1306 Warren Dr	626 1534	Elise C Powe
2 Cooper Banks	1009 Pickett Ave	689-4055	Cooper Banks
3 Mary Yelding	1012 Jones	251-626-5035	Mary Yelding
4 Alexander Miller	1114 Johnson Rd	251-232-4489	Alexander Miller
5 Elizabeth W.R. Gilbert	1112 Johnson Rd	251-626-0972	Elizabeth W.R. Gilbert
6 Marjorie Y. Lewis	715 Daphmont Drive	251-626-1638	Marjorie Y. Lewis
7 Ora Arnold	1111 Hersura Drive	(251) 626-6877	Ora Arnold
8 Michael L. Hobbs	706 Daphmont Drive Daphne, AL 36526	251 599-0394	Michael L. Hobbs
9 Janet Taylor	1317 Oak Street Daphne, AL 36526	251 409-2093	Janet Taylor
10 Ellen Williams	1308 Oak St Daphne, AL 36526	251 626-1680	Ellen Williams
11 Douglas M. Brown	Daphne	626-8532	

pc meeting
6/25/18 85
5:00 pm

	Print Name	Address	Phone #	Signature
12	LEOP L ALLEN	816 DAPHNE DR	626-5951	Leop L Allen
13	Sierra Patterson	711 Cedar Drive	525-0737	Sierra Patterson
14	Rhonda Pettibone	603 Elm Dr	604-1431	Rhonda Pettibone
15	JAMES SEWELL	1309 Johnson Rd.	716-2390	James Sewell
16	Josephine Sewell	1309 Johnson Rd.	222-2139	Josephine Sewell
17	Mari Sappard	504 Pine St		Mari Sappard
18	Mary C. Longmire	600 Pine St	251-689-6047	Mary C. Longmire
19	Marlene Butler	1005 Johnson	251-289389	Marlene Butler
20	Gennett Stubbs	1406 Maple Dr	626-1397	Gennett Stubbs
21	Linda + Thomas Batte	1312 Warren Dr.	626-1432	Linda Batte
22	Eddie Rudolph	710 DAPHNE DR Daphne	348-4870	Eddie Rudolph
23	Majid Gharbi	503 Pine St	707 534-9220	Majid Gharbi
24	George Rudolph	1306 Oak St Daphne	605-4378	George Rudolph
25	Ida Latley	604 Pine St. Daphne	251-626-1768	Ida Latley
26	Eddie Herrin	604 Pine St. Daphne	626-1768	Eddie Herrin
27	Teres Howard	604 Pine St. Daphne	626-1768	Teres Howard
28	Trudie Hopkins	704 Pine St. Daphne	367-1696	Trudie Hopkins
29	Richard Hopkins	704 Pine St. Daphne	367-1344	Richard Hopkins
30	Alfred Agre	702 Pine St. Daphne	251-626-1112	Alfred Agre
31	Yvonne Agre	702 Pine St	251-626-1611	Yvonne Agre

	Print Name	Address	Phone #	Signature
32	Robert Gully	1403 Maple Dr	251-626-773	Robert Gully
33	George Smith	1408 Wren Dr	622-5468	George Smith
34	Gloria Smith	1408 Wren Dr	622-5468	Gloria Smith
35	Jennett Stubbs	1407 Maple	621-1397	J.S.
36	Mary Coats	1404 Maple Dr	626-1221	Mary H. Coats
37	Brenda Tinsley	1408 Maple Dr	689-1939	Brenda Tinsley
38	Bernadette Douglas	504 Pecan Dr	459-1963	Bernadette Douglas
39	Lena Quinney	501 Pecan Dr	626-2106	Lena Quinney
40	Jason Barrow	502 Pecan Dr	272-0171	Jason Barrow
41	Bessie Walker	501 Pecan Dr		Bessie Walker
42	Carl L. Safford	504 Pine St.	626-5498	Carl L. Safford
43	Cedric Sledge	605 Daphnont Dr	786-0399	Cedric Sledge
44	Adell Powe	607 Daphnont Dr	209-2031	A Powe
45	Lynne Montgomery	1126 Valrie Lane	(251) 382-5012	Lynne Montgomery
46	Donna Miller	136 Valrie Lane	251-382-5012	Donna Miller
47	Margaret Mitchell	1277 Valrie Ln	251-626-1071	Margaret Mitchell
48	Logan Reed	110 Valrie Lane	(251) 680-6334	Logan Reed
49	Andie McConico	113 Valrie Lane	251-591-4343	Andie McConico
50	Gillian Sampson	1672 Daphnont Dr	251-269-5828	Gillian Sampson
51	Dennis Feldman	712 Daphnont Dr	251-367-0581	Dennis Feldman

	Print Name	Address	Phone #	Signature
52	Denita Patterson	711 Cedar Dr. Daphne	232-6320	Denita Patterson
53	Bob Patterson	711 Cedar Dr. Daphne	232-1291	Bob Patterson
54	Brianna Patterson	711 Cedar Dr. Daphne	232-1863	Brianna Patterson
55	Timothy Wms	712 Cedar Dr	367-5840	Timothy Wms
56	Gloria Wmsby	712 Cedar Dr	367-5840	Gloria Wmsby
57	Evelyn Campbell	714 Cedar Dr.	425-4460	EVELYN Campbell
58	Yang & Hazel Baldwin	721 Cedar Dr.	622-0654	HAZEL & Yang BALDWIN
60	Julius Bradley	719 Cedar Dr.	626-3687	Julius Bradley
61	Deborah Bradley	719 Cedar Dr.	626-3687	Deborah Bradley
62	DAMIAN SCHAUB	707 CEDAR CV	626-5483	Damian Schaub
63	EUN HECTOR	707 CEDAR CV	626-5483	EUN HECTOR
64	DAMIAN SCHAUB	707 CEDAR CV	626-5483	Damian S
65	EUN HECTOR	707 CEDAR CV	626-5483	Eun Hector
66	Bria Howard	404 Pine St.	626-7168	Bria Howard
67	Vashti Johnson	800 Pine St.	678-386-9446	Vashti Johnson
68	Jordan Smith	800 Pine St.		
69	Sony Reel	802 Pine St	251-554-5886	Sony Reel
70	Sony Reel	802 Pine St		Sony Reel
71	Sienna Hunt	802 Pine St		Sienna Hunt
72	Sony Reel Jr	802 Pine St		Sony Reel Jr.
73	Ardella Jackson	501 Pine St, Daphne	251-610-1816	Ardella Jackson

	Print Name	Address	Phone #	Signature
74	Cora Johnson	7736 Gaskin Lane	554-8482	Cora Johnson
75	Henry Thomas	7470 Gaskin LA.	2093718	Henry Thomas
76	Rachel Thomas	7470 GASKIN LA	2093716	Rachel Thomas
77	Edward Schubert	1301 Oak St.	408-1628	Edward Schubert
78	Anthony Schubert	1301 OAK ST.	408-1078	Anthony Schubert
79	William Wright	604 Daphnort Dr	623-5050	William Wright
80	Susan Wright	604 Daphnort Dr	554-1438	Susan Wright
81	Lutricia Smith	907 Jones ST	753-41030	Lutricia Smith
82	Joseph Smith	907 Jones St	604-0177	Joseph Smith
83	Robert Tensley	1004 Puckett (Ald)	623-2323	Robert Tensley
84	Byron Baker	508 Pine Street	232-2879	Byron Baker
85	Rudolph Baker	508 Pine St	656-5899	Rudolph Baker
86	Kathleen Baker	508 Pine St.	621-1713	Kathleen Baker
87	Fred Pickett			Fred Pickett

PETITION TO OPPOSE REZONING

File Z17-01 Southeast Corner of Highway 98 and Johnson Road

To: The Planning Commission and the Daphne City Council Members

We, the undersigned property owners and/or residents of the Daphmont Subdivision, do hereby oppose the proposed rezoning of the property on the Southeast Corner of U.S. Highway 98 and Johnson Road.

We respectfully request NO zoning change on this parcel. We feel that any change in zoning of this property would negatively affect our subdivision.

Print Name	Address	Phone #	Signature
88 Cora Campbell	603 Daphmont Dr	251-626-1947	Cora Campbell
89 Luea Dugan	506 Daphmont dr	272-2302	Luea Dugan
90 Topi White	1198 Browns Ln	281-6456	Topi White
91 IRENE GASKIN	(B)THER		
92 Daphmont	501 Daphmont dr	545-5018	Daphmont
93 W. White	201 Daphmont	251-6458960	W. White
94 Ch...	207	251-6458960	Ch...
95 CLARA DALE	251-506-3451		
96 PAUL DALE	251-186-6292		
97 PAUL DALE JR	251-209-6631		
98 Dorothy Dale	251-990-8441		Dorothy Dale

PETITION TO OPPOSE REZONING

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	Print Name	Address	Phone #	Signature
99	Ruth Y Bolton	1205 WARREN DR	251 626-8981	Ruth Y Bolton
100	LARRY L. YELDING	1207 WARREN DR	251 422-8215	Larry L. Yelding
101	Ellen L Yelding	1207 Warren DR	251 422-8215	Ellen L Yelding
102	Emory C. Yelding	1207 Warren Drive	251-550-4445	Emory C. Yelding
103	Charlesetta Rudolph	703 Daphmont	251-455-0337	Charlesetta Rudolph
104	Mary Wood	713 Daphmont Dr.	251-626-0930	Mary Wood
105	Damian Bolton	1205 Warren Dr	251-626-8981	Damian Bolton
106	Rosa Nell Turner	700 Pine St Daphne	251-454-0789	Rosa Nell Turner
107	Nancye Hehl	1208 Warren Dr	251-391-1800	Nancye Hehl
108	NORMAN HEHL	1208 Warren Dr	251-604-3078	Norman Hehl
109	Christine Greene	807 Daphmont Dr.	251-610-4455	Christine Greene

PETITION TO OPPOSE REZONING

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	Print Name	Address	Phone #	Signature
110	Erica Washington	700 Cedar drive	(251) 455-8469	[Signature]
111	Lewy Bugas	702 Cedar drive	(251) 626-2044	[Signature]
112	Clifford Hall, Sr.	701 Cedar Dr.	251-626-0709	Clifford Hall
113	Julius FRYE	703 Cedar DR	251-626-6380	Julius Frye
114	LEONARD M. HILLS	705 Cedar Dr.	251-654-1188	[Signature]
115	Mary A. Highsmith	704 Cedar Dr. Daphne	251-643-5496	Mary A. Highsmith
116	George Highsmith	704 Cedar Dr Daphne	251-406-9178	George Highsmith
117	Alice V. HARDIN	708 CEDAR DAPHNE	251-644-8278	Alice V. Hardin
118	Barbara Smith	709 Cedar Dr.	624-7818	Barbara Smith
119	Sharonda Gregory	715 Cedar Dr Daphne	295-5669	S. Gregory
120	Minnie Reid	713 Cedar Dr.	251-626-3317	Minnie Reid

PETITION TO OPPOSE REZONING

File Z17-01 Southeast Corner of Highway 98 and Johnson Road

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We respectfully request NO zoning change on this parcel. We feel that any change in zoning of this property would negatively affect our subdivision.

	Print Name	Address	Phone #	Signature
21	Alice Smith	P.O. Box 1722 Daphne, AL 36526	251-232-4244	Alice Smith
22	Don Smith	P.O. Box 1722 Daphne, AL 36526	251-229-0742	Don Smith
23	Janet Cottrell	P.O. Box 4712 Daphne, AL 36526	251-423-4300	Janet Cottrell
24	Cameron Reed	P.O. Box 1722 Daphne, AL 36526	(251) 626-6094	Cameron Reed
25	Ellen Thompson	10039 Jones St Daphne, AL	251-626-9859	Ellen Thompson
26	LAURA BALDWIN	913 JONES ST DAPHNE, AL	251-626-0995	Laura Baldwin
27	Joyce Hutera	912 JONES ST DAPHNE, AL	251-284-7575	Joyce Hutera
28	Mechelle Howard	P.O. Box 795 604 Pine St	251-626-1768	Mechelle Howard
29	FLOYD TOLBOR	715 CEDAR DRIVE	251-209-3538	Floyd Tolbor
30	Tabatha Reed	705 Pine Street	251-611-7861	Tabatha Reed
31	Moitilde Bigman	1404 Warren Dr	251-444-1285	Moitilde Bigman

PETITION TO OPPOSE REZONING

File Z17-01 Southeast Corner of Highway 98 and Johnson Road

To: The Planning Commission and the Daphne City Council Members

We, the undersigned property owners and/or residents of the Daphmont Subdivision, do hereby oppose the proposed rezoning of the property on the Southeast Corner of U.S. Highway 98 and Johnson Road.

We respectfully request NO zoning change on this parcel. We feel that any change in zoning of this property would negatively affect our subdivision.

	Print Name	Address	Phone #	Signature
132	Alma Rudolph	703 Daphmont Drive	251-626-1665	A. L.
133	Joseph Woodley	705 Daphmont Drive	251-626-2444	JR
134	Delwin Knight	1302 Oak St. Oak St	251-222-6588	D.K.
135	William Armstrong	1304 Oak St	425-1625	WAS
136	Irvin Rudolph	1305 Oak St	251-643-2733	Irvin Rudolph
137	Willie Shaw	1315 OAK ST	251-402-9880	Willie Shaw
138	Edmond Taylor	1317 OAK ST	251-709-2092	Edmond Taylor
139	Dorcas Banks	1318 Oak St.	334-360-2174	Dorcas Banks
140	MOSES MORRISON	1320 OAK ST.	251-626-7074	Moses Morrison
41	AMES ASH	1407 Maple St.	251-716-0569	AMES ASH
42	Bryant Faust	1405 Maple St.	251-510-0027	Bryant Faust

PETITION TO OPPOSE REZONING

File Z17-01 Southeast Corner of Highway 98 and Johnson Road

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We respectfully request NO zoning change on this parcel. We feel that any change in zoning of this property would negatively affect our subdivision.

Print Name	Address	Phone #	Signature
53 Shirley Thomas	7462 Reed Lane Daphne, Alabama	404-713-8385	<i>[Signature]</i>
54 Mary A Benson	P.O. Box 695 Daphne, AL 36526	251-626-1594	Mary Alice Benson
55 Charles L. Thomas	P.O. Box 695 Daphne, Alabama	251-626-1594	Charles L. Thomas
56 Ed Thomas	P.O. Box 2251 AL	621-1373	Ed Thomas
57 Pam Thomas	" " " "	" " "	Pam Thomas
58 Vette Bray	PO Box 1202 Daphne AL 36526	601-9443	Vette Bray
59 Brenda Reed II	P.O. Box 1202	621-0232	Brenda Reed
60 Sankie Reed II	P.O. Box 1202 Daphne, AL	621-0232	Sankie Reed II

PETITION TO OPPOSE REZONING

File Z17-01 Southeast Corner of Highway 98 and Johnson Road

To: The Planning Commission and the Daphne City Council Members

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We respectfully request NO zoning change on this parcel. We feel that any change in zoning of this property would negatively affect our subdivision.

Print Name	Address	Phone #	Signature
61 Michael L. Hobbs	706 Daphmont Dr. Daphne, AL 36526	251 599-0394	Michael L. Hobbs
62 LISA BANKS	1140 Johnson Rd DAPHNE AL 36526	251 321-3525	Lisa Banks
163 GEORGE COLEMAN	810 Daphmont Dr Daphne AL 36526	(251) 1026-3061	George Coleman

PETITION TO OPPOSE REZONING

File Z17-01 Southeast Corner of Highway 98 and Johnson Road

To: The Planning Commission and the Daphne City Council Members

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We respectfully request NO zoning change on this parcel. We feel that any change in zoning of this property would negatively affect our subdivision.

	Print Name	Address	Phone #	Signature
73	Kimberly Matthews	87142 US HWY 98 Daphne AL 36526	321- 830-3775	
174	Amelia Clark	1406 Warren Dr.	251-231-8288	Amelia Clark
173	Larry Dacus	1301 Johnson Rd	367-4794	Larry Dacus
176	Shirley Dacus	" " "	621-9823	Shirley Dacus
177	LOVELL McCREARY	1102 Hwy 98	626-1673	Lovell McCreary
178	Frank Dent	1309 Johnson Rd	716-2390	Frank Dent



More ▾

Daphmont Rezoning**Anthony Sampson** (asampson@bcbe.org)

Thu, Jan 25, 2018 3:34 pm

To: you Details ▾

Mrs. Lawson,
As promised.

Good evening,

My name is Anthony Tyrone Sampson. I reside at 800 Daphmont Dr., Daphne, AL 36526.

I am requesting that this correspondence be shared and included in the official records of the Daphne Planning Commission's Public Hearing regarding the proposed B2 rezoning of the property at the intersection of Highway 98 and Johnson Road.

I appreciate the Planning Committee and City Council's previous dissenting vote in response to the residents request to deny the proposed plans.

I am deeply concerned in the developers failures to embrace the recommendations offered by the City Council, residents of Daphmont Subdivision and the community at large. No site plan has been submitted and no effort to communicate with the residents has transpired.

Unfortunately, I am unable to attend due to work obligations.

I appreciate your continued support of smart economic and community development.

Respectfully submitted,

Anthony Sampson

Daphmont Resident

To: Office of the City Clerk

From: Adrienne D. Jones, 
Community Development Director

Subject: Olde Towne Daphne Development, L.L.C.
Vacation of Ingress & Egress Easements,
Lot 5, Piazza di San Francesco & Tract 2,
La Piazza di San Francesco Subdivision

Date: January 26, 2018

MEMORANDUM

At the, January 25, 2018, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a **favorable recommendation** of the above-mentioned vacation of the ingress & egress easements.

Attached please find said documentation for placement on the Monday, February 5, 2018 City Council for action by the City Council.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Planning Report
2. Petition for Vacation of Easements
3. Subdivision Plat
4. Legal Description
5. Adjacent Property Owners List
6. Easement Release Forms

FILE
01/26/18
10:00am

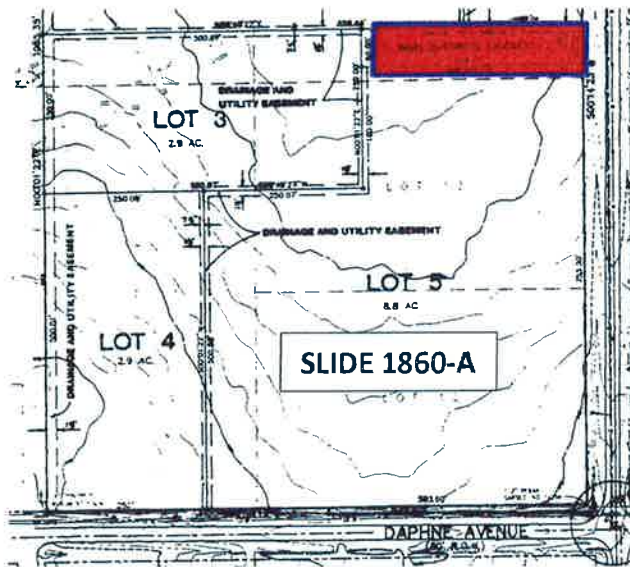
PLANNING COMMISSION
VACATION OF RECORDED EASEMENT



OLDE DAPHNE DEVELOPMENTS, INC.

LA PIAZZA DI SAN FRANCESCO VACATION OF EASEMENT REVIEW

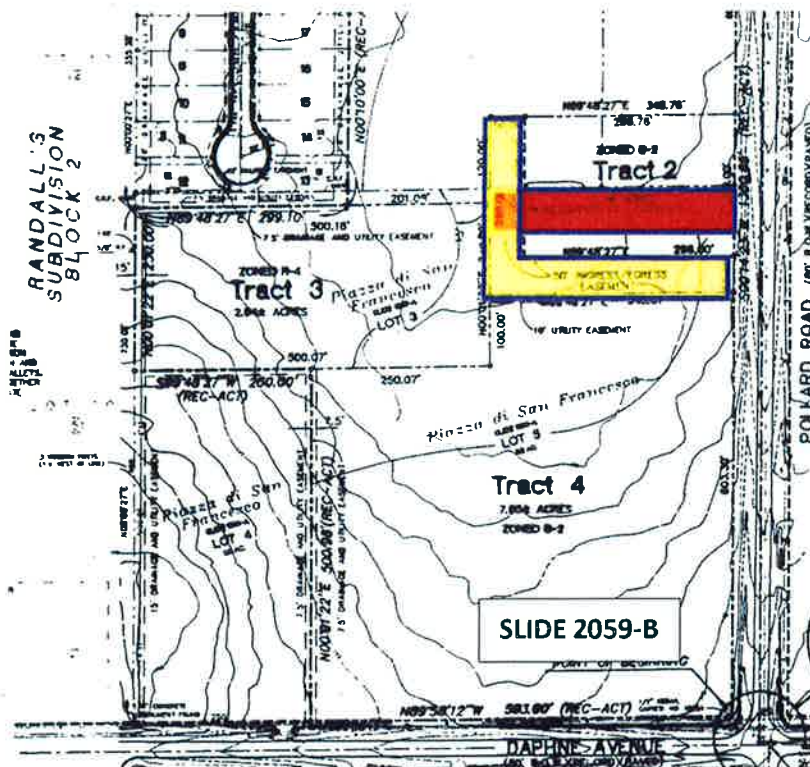
In 1998, the Daphne Planning Commission approved the Piazza di San Francesco preliminary/final subdivision plat, a resubdivision of Lots 11, 12, 13, 14, 15 and 16 of Randall's subdivision block 2.



A **60-ft wide easement** for ingress/egress on Lot 5 runs east to west 346.38 feet from Pollard Road to Lot 3.

In 2001, the Planning Commission approved the preliminary/final subdivision Piazza di San Francesco which appears to replat Lots 5, 4, 3 and 2.

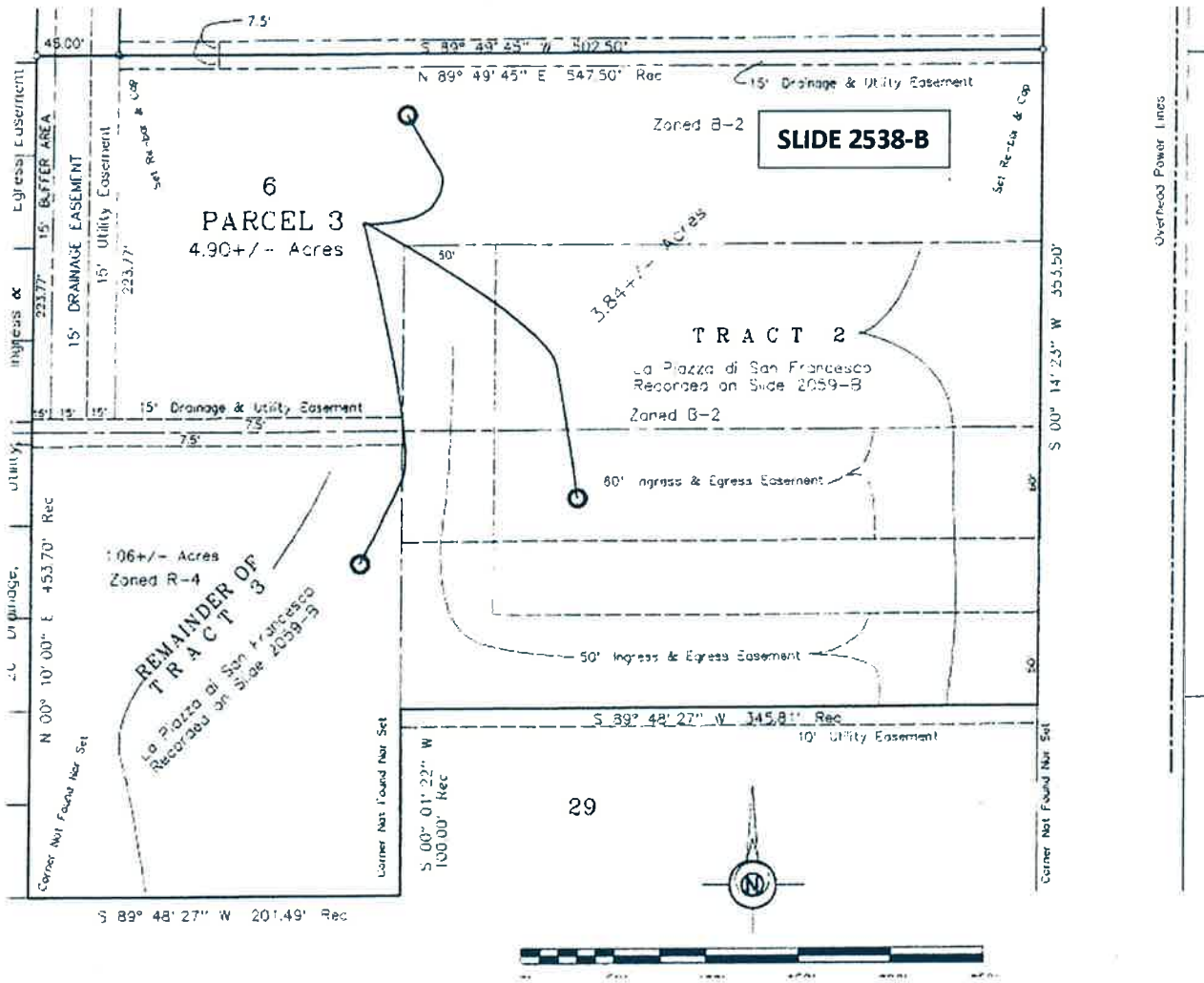
The 60-ft wide ingress/egress easement remained as the northernmost property boundary for Tract 4 and ran east to west 346.38 feet from Pollard Road to Tract 3.



A new **50-ft wide** ingress/egress easement was placed on Tract 4 running east to west from Pollard Road to Tract 3 and running north to south providing access to Tract 1.

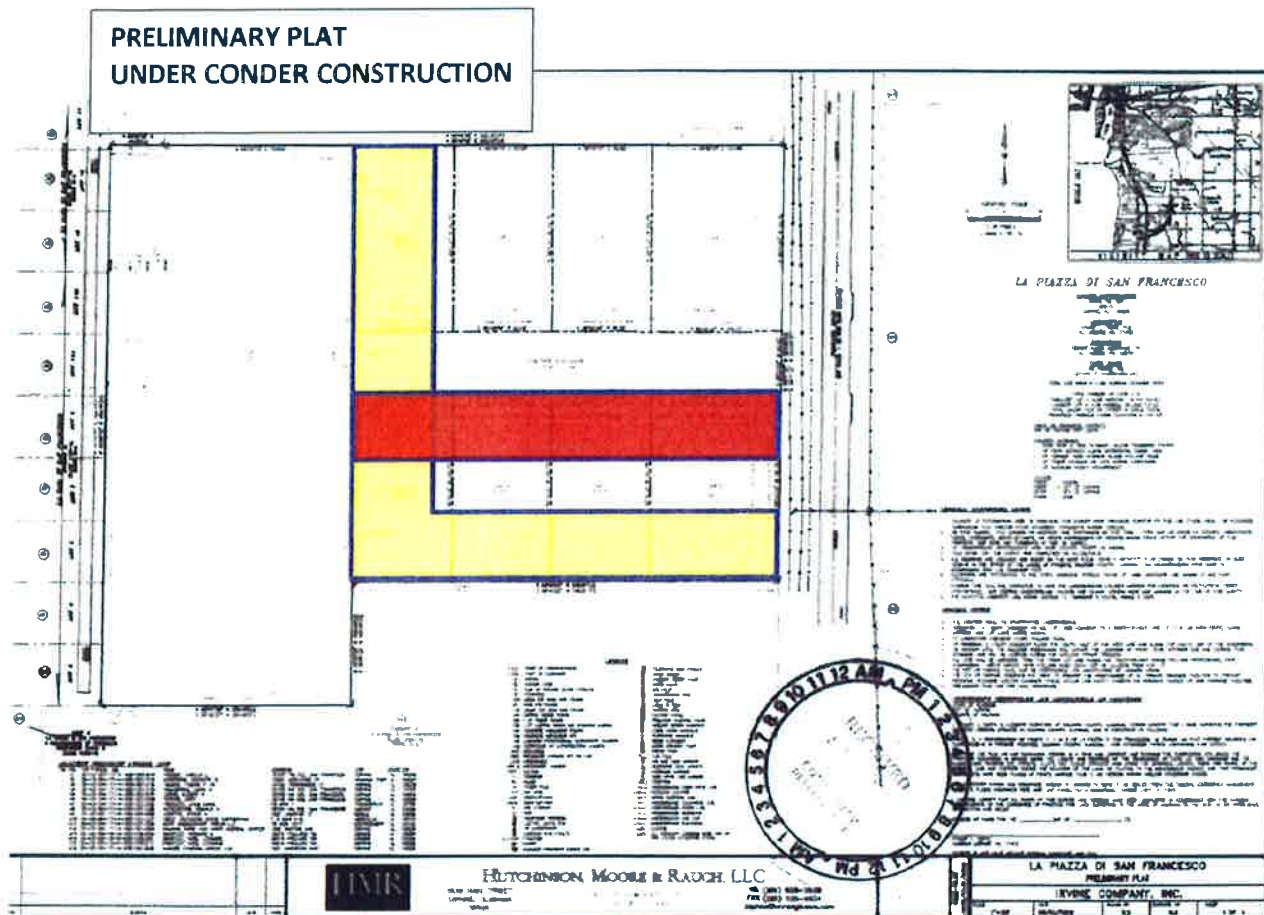
LA PIAZZA DI SAN FRANCESCO VACATION OF EASEMENT REVIEW

In July 2015, land within the La Piazza di San Francesco subdivision was resubdivided again: Tracts 1, 2 and 3 were replatted as Parcels 1, 2 and 3. Since the aforementioned easements were never vacated, the easements remain on Parcel 3. The property representatives were made aware of the need to vacate the easements but desired to postpone the vacation process until now.



In August 2016, the Planning Commission granted preliminary subdivision approval for another resubdivision of land in La Piazza di San Francesco: Parcel 3 would be subdivided into 9 lots for a commercial park. The two existing ingress/egress easements would be located as shown below.

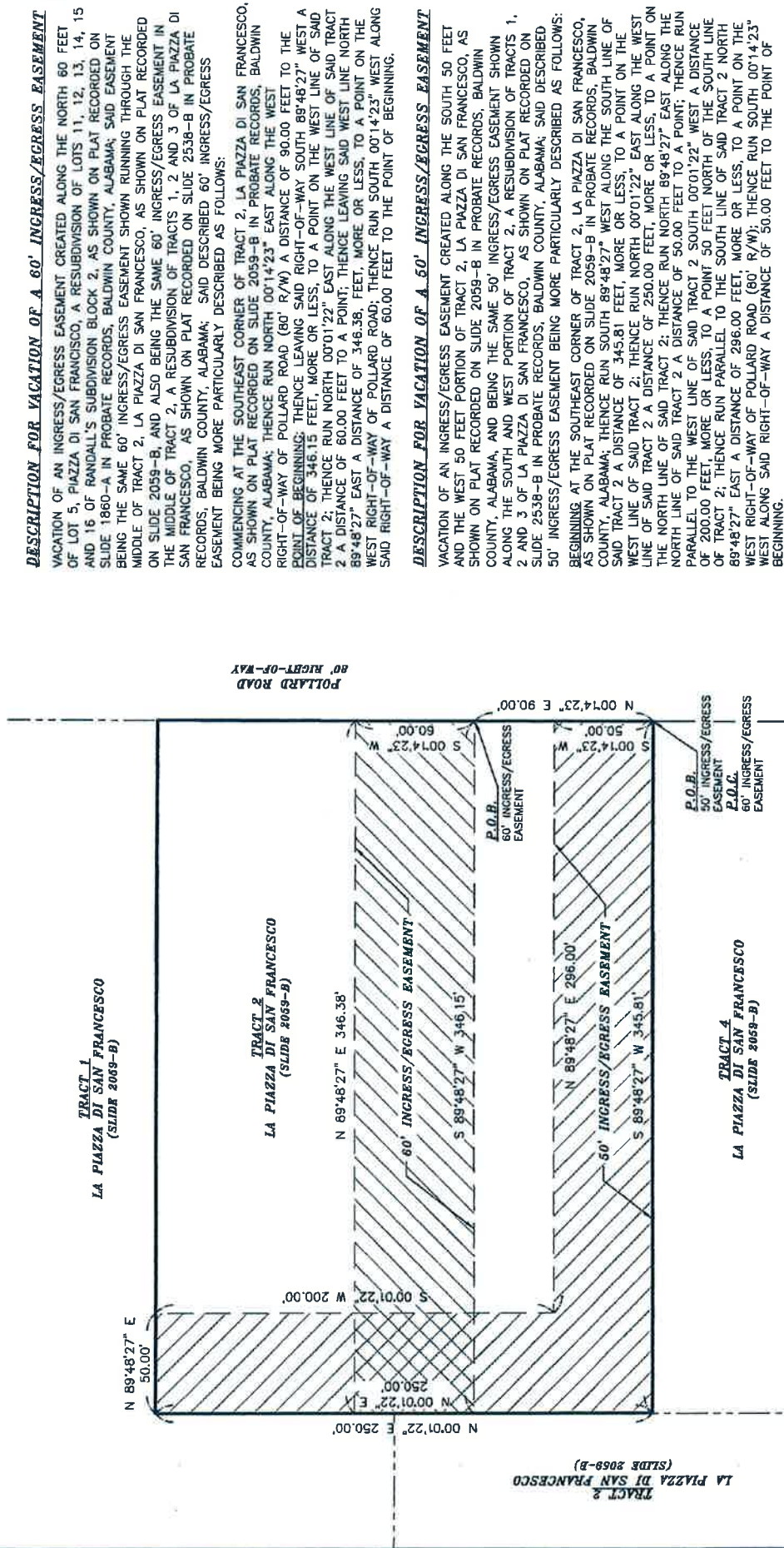
LA PIAZZA DI SAN FRANCESCO VACATION OF EASEMENT REVIEW



The La Piazza di San Francesco Via Del Pollard subdivision infrastructure is under construction.

Staff recommends the vacation of both easements. The preliminary plat provides a 50-ft wide right-of-way for access to each of the lots within the subdivision.

EXHIBIT



DESCRIPTION FOR VACATION OF A 60' INGRESS/EGRESS EASEMENT
 VACATION OF AN INGRESS/EGRESS EASEMENT CREATED ALONG THE NORTH 60 FEET OF LOT 5, PIAZZA DI SAN FRANCISCO, A RESUBDIVISION OF LOTS 11, 12, 13, 14, 15 AND 16 OF RANDALL'S SUBDIVISION BLOCK 2, AS SHOWN ON PLAT RECORDED ON SLIDE 1860-A IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; SAID EASEMENT BEING THE SAME 60' INGRESS/EGRESS EASEMENT SHOWN RUNNING THROUGH THE MIDDLE OF TRACT 2, LA PIAZZA DI SAN FRANCISCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2059-B, AND ALSO BEING THE SAME 60' INGRESS/EGRESS EASEMENT IN THE MIDDLE OF TRACT 2, A RESUBDIVISION OF TRACTS 1, 2 AND 3 OF LA PIAZZA DI SAN FRANCISCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2538-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; SAID DESCRIBED 60' INGRESS/EGRESS EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF TRACT 2, LA PIAZZA DI SAN FRANCISCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2059-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°14'23" EAST ALONG THE WEST RIGHT-OF-WAY OF POLLARD ROAD (80' R/W) A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 89°48'27" WEST A DISTANCE OF 346.15 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF SAID TRACT 2; THENCE RUN NORTH 00°01'22" EAST ALONG THE WEST LINE OF SAID TRACT 2 A DISTANCE OF 60.00 FEET TO A POINT; THENCE LEAVING SAID WEST LINE NORTH 89°48'27" EAST A DISTANCE OF 346.38 FEET, MORE OR LESS, TO A POINT ON THE WEST RIGHT-OF-WAY OF POLLARD ROAD; THENCE RUN SOUTH 00°14'23" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

DESCRIPTION FOR VACATION OF A 60' INGRESS/EGRESS EASEMENT
 VACATION OF AN INGRESS/EGRESS EASEMENT CREATED ALONG THE SOUTH 50 FEET AND THE WEST 50 FEET PORTION OF TRACT 2, LA PIAZZA DI SAN FRANCISCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2059-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, AND BEING THE SAME 50' INGRESS/EGRESS EASEMENT SHOWN ALONG THE SOUTH AND WEST PORTION OF TRACT 2, A RESUBDIVISION OF TRACTS 1, 2 AND 3 OF LA PIAZZA DI SAN FRANCISCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2538-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; SAID DESCRIBED 50' INGRESS/EGRESS EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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HUTCHINSON, MOORE & RAUCH, LLC
 ENGINEERS & SURVEYORS



Vacation of Easement Application

OFFICE USE ONLY	Application Number: VOE-18-01	Date Submitted: 12/6/17
Planning Commission Decision:		Date Presented: 01/26/18
Date Submitted to City Clerk:		
Council Resolution Approval Date:		RESOLUTION NUMBER#

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

Property Owner(s): Olde Towne Daphne Developments, Inc
If owner is an LLC or LLP, list managing member:
Mailing Address: 809-C Daphne Ave Suite 101 Daphne AL
Daytime Phone: 621-1337 Alternate Phone: Fax:
Location: Pollard Rd. Subdivision: La Piazza Lot(s): 9 Unit or Phase: 1
Reason for request: This easement is old and no longer needed.
To the best of your knowledge, are any utilities in the easement, including drainage ditches or pipes? no

Check each item included with this submittal:

- ☒ Petition
- ☒ Recorded Plat or copy of the filed document that created the easement
- ☒ Legal description of area to be vacated
- ☒ Current Survey showing the easement(s) proposed to be vacated. Label this drawing, "Exhibit A"
- ☒ Easement Release Form from:
 - ☒ City of Daphne Division of Public Works
 - ☒ Utilities Board of the City of Daphne (Daphne Utilities)
 - ☒ Utilities Board of the City of Foley (Riviera Utilities) - Note attached
 - ☒ AT&T
 - ☒ Cable Company (Mediacom)
 - ☐ Other _____
 - ☐ Property Owners Association or similar body (if applicable)
- ☒ List of adjacent property owners. Also attach mailing address labels-1 set
- ☒ Fee

I hereby make application for vacation of certain easements on the above cited property. I understand that the City might not approve what I am applying for, or might set conditions on approval. All statements contained in this application are true to the best of my knowledge and belief. I have attached all documents listed above

Signature/Date: _____

JS Starke Lurie, President
12/06/2017

PETITION FOR VACATION OF EASEMENT

**STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)**

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL OF DAPHNE, ALABAMA:

The undersigned Olde Towne Daphne Developmente, Inc. is/are the owner(s) of said property and this is a statement and petition seeking vacation of the ingress/egress easement(s) as shown on the aforesaid plat and/or restrictive covenants to said subdivision. Owner(s) hereby petitions, by the attached copies to vacate the ingress/egress easement(s) described as follows:

The ingress/egress easement lines between Tracts 2, 3 and 4 of La Piazza del San Francesco Subdivision, as shown on plat recorded on Slide 2059-B in the Office of the Judge of Probate of Baldwin County, Alabama, said easement being located in Section 17, Township 5 South, Range 2 East.
MORE COMMONLY DESCRIBED IN THE ATTACHED LEGAL DESCRIPTIONS.

All applicable utility providers in said subdivision, by instruments filed herewith, have consented to the vacation of said easement(s), and the hereinabove described portion of the said easement and the annulment of the dedication thereof as reflected on the said recorded plat and/or restrictive covenants.

The Petitioner further requests the Mayor and City Clerk be authorized and directed to execute a resolution which approves, ratifies, adopts, and confirms the vacation of the hereinabove described portion of the said easement.

IN WITNESS WHEREOF, the Petitioner(s) have hereto set their hand and seal on this the 3 day of January, 2018

OWNER(S) SIGNATURE:

Samuel Starke Irwin, Pres.
Olde Towne Daphne Developmente, Inc.

**STATE OF ALABAMA)
COUNTY OF BALDWIN)**

I, the undersigned, a Notary Public in and for said County in said State hereby certify that Samuel Starke Irwin, whose name is signed to the foregoing instrument and who is known to me on this day that, being informed of the contents of said instrument they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 3 day of January, 2018

Kimberly H. Helms
Notary Public
My Commission Expires



VOE

VACATION OF INGRESS/EGRESS EASEMENTS

EXHIBIT A

DESCRIPTION FOR VACATION OF A 60' INGRESS/EGRESS EASEMENT

VACATION OF AN INGRESS/EGRESS EASEMENT CREATED ALONG THE NORTH 60 FEET OF LOT 5, PIAZZA DI SAN FRANCISCO, A RESUBDIVISION OF LOTS 11, 12, 13, 14, 15 AND 16 OF RANDALL'S SUBDIVISION BLOCK 2, AS SHOWN ON PLAT RECORDED ON SLIDE 1860-A IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; SAID EASEMENT BEING THE SAME 60' INGRESS/EGRESS EASEMENT SHOWN RUNNING THROUGH THE MIDDLE OF TRACT 2, LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2059-B, AND ALSO BEING THE SAME 60' INGRESS/EGRESS EASEMENT IN THE MIDDLE OF TRACT 2, A RESUBDIVISION OF TRACTS 1, 2 AND 3 OF LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2538-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; SAID DESCRIBED 60' INGRESS/EGRESS EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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DESCRIPTION FOR VACATION OF A 50' INGRESS/EGRESS EASEMENT

VACATION OF AN INGRESS/EGRESS EASEMENT CREATED ALONG THE SOUTH 50 FEET AND THE WEST 50 FEET PORTION OF TRACT 2, LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2059-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, AND BEING THE SAME 50' INGRESS/EGRESS EASEMENT SHOWN ALONG THE SOUTH AND WEST PORTION OF TRACT 2, A RESUBDIVISION OF TRACTS 1, 2 AND 3 OF LA PIAZZA DI SAN FRANCESCO, AS SHOWN ON PLAT RECORDED ON SLIDE 2538-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; SAID DESCRIBED 50' INGRESS/EGRESS EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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La Piazza di San Francesco via del Pollard

Adjacent Property Owners List

**Baldwin Bone and Joint Medical Center
1505 Daphne Ave.
Daphne , AL. 36526**

EASEMENT RELEASE FORM

WHEREAS, we the undersigned, Daphne Public Works,
do hereby give our permission/consent to vacate the
ingress/egress easements as setforth on the attached
exhibits with the following comments:

Comments

- ☒ No objections to the vacation(s) described above.
☐ No objections to the vacation(s) described above,
provided the following described easements are
retained.

- ☐ Objects to the vacation(s) described above, reason
described below.

AGENCY NAME: Daphne Public Works

By: [Signature]

Its: Public Works Director

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned, a Notary Public in and for said
County and in said State hereby certify that
, whose name is signed to the foregoing instrument and who
is known to me on this day that, being informed of the
contents of said instrument they executed the same
voluntarily on the day the same bears date.

Given under my hand and seal on this the 10 day of
Jan., 2018





City of Daphne Event Permit Application

Date of Application: 29 Jan 18 Permit Requested: ☒ Event/Fundraiser ☐ Parade/Run ☐ Band

Contact Information

Organization Name: Daphne HS / JROTC

Contact Name: TSgt David Mendoza E-mail Address: dmendoza@bcbe.org

Address: 9300 Champions Way Daphne

Primary Phone Number: 251-626-0096 Secondary: 251-253-0351

Event Information

Event Name: Doughnut Sale Event Date: 17 Feb 18

Event Location: Windsor Entrance to Lake Forest # Participants/Vehicles: 15 / 2

Start Time: 6:30am Stop Time: 10:30am Assembly Time: _____

Special Requests: N/a

Road Closures Requested: ☐ Yes ☒ No

Special Instructions

Approval: Internal Use Only

Date Routed: 1-29-18

Fire Dept: James W. Hub

Police Dept: David Cypent

Public Works: JW

Parks & Recreation: _____

Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Council Member: _____
District # Signature

For Parade/Run Permits & Use of City Grounds:

City Council: _____
Date of Approval

Parade/Run Permits ONLY

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4



City of Daphne Event Permit Application

Date of Application: January 12, 2018 Permit Requested: ☒ Event/Fundraiser ☐ Parade/Run ☐ Band

Contact Information

Organization Name: Cub Scout Pack 271

Contact Name: Gary H King E-mail Address: gkingone@yahoo.com

Address: 100 Avon Circle East Daphne / AL / 36526

Street / P.O. Box

City/State/Zip Code

Primary Phone Number: 251-367-0966 Secondary: 251-367-1352

Event Information

Event Name: Krispy Kreme Donut Fundraiser Event Date: April 14, 2018

Event Location: Lake Forest - Windsor Entrance # Participants/Vehicles: 17 / 6

Start Time: 0700 Stop Time: 1130 Assembly Time: _____

Parades/Runs Only

Special Requests: Permission to have public works drop off 12 orange safety cones, to make a perimeter for our scouts to keep them safe.

Road Closures Requested: ☐ Yes ☒ No

Special Instructions

None

Approval: Internal Use Only

Date Routed: 1-29-18

Fire Dept: [Signature]

Police Dept: [Signature]

Public Works: [Signature]

Parks & Recreation: _____

Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Council Member: _____
District # Signature

For Parade/Run Permits & Use of City Grounds:

City Council: _____
Date of Approval

Parade/Run Permits ONLY

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4



City of Daphne Event Permit Application

Date of Application: 1-16-18 Permit Requested: ☐ Event/Fundraiser ☒ Parade/Run ☐ Band

Contact Information

Organization Name: Daphmont Community
Contact Name: Rev. Bryant Faust E-mail Address: N/A
Address: P.O. Box 251 (1003 Pickett Ave.) Daphne, AL 36526
Primary Phone Number: 251-463-7090 Secondary: 251-626-5381

Event Information

Event Name: Daphmont Community Mardi Gras Parade Event Date: 2-10-18
Event Location: Daphmont Community # Participants/Vehicles: 10 Trucks/Trailers
Start Time: 2 p.m. Stop Time: 3 p.m. Assembly Time: 11 a.m.
Special Requests: N/A
Road Closures Requested: ☐ Yes ☒ No

Special Instructions

Approval: Internal Use Only

Date Routed: 1-29-18
Fire Dept: [Signature]
Police Dept: [Signature]
Public Works: [Signature]
Parks & Recreation: [Signature]

Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Council Member: _____
District # Signature

For Parade/Run Permits & Use of City Grounds:

City Council: _____
Date of Approval

Parade/Run Permits ONLY

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

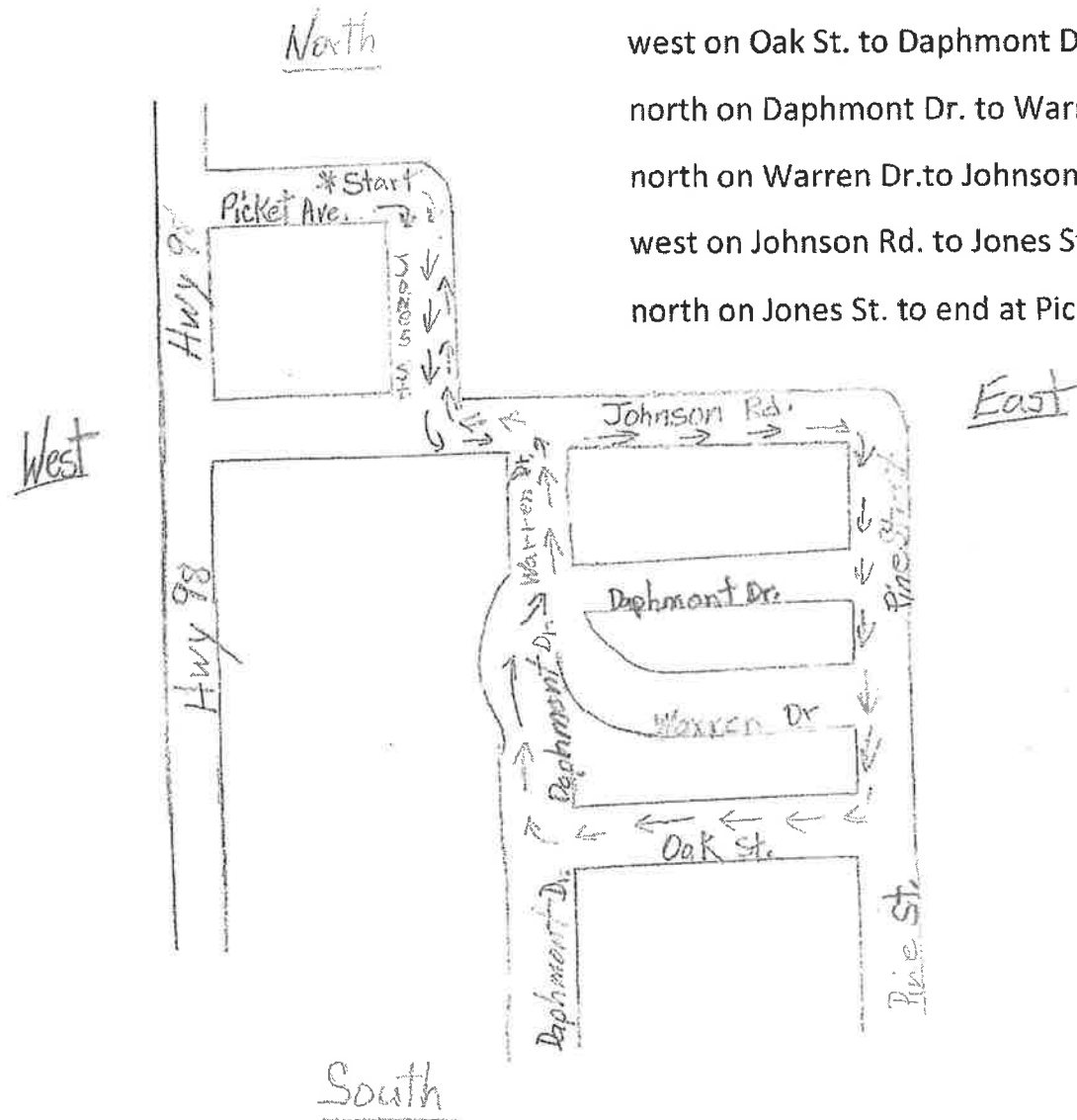
DAPHMONT COMMUNITY MARDI GRAS PARADE

February 10, 2018

2 PM

PARADE ROUTE

Start at Pickett & Jones Streets;
south on Jones St. to Johnson Rd.;
east on Johnson Rd. to Pine St.;
south on Pine St. to Oak St.;
west on Oak St. to Daphmont Dr.;
north on Daphmont Dr. to Warren Dr.;
north on Warren Dr. to Johnson Rd.;
west on Johnson Rd. to Jones St.;
north on Jones St. to end at Picket Street.





121



122

CITY OF DAPHNE, ALABAMA

RESOLUTION – 2018-04

**AUTHORIZING RESOLUTION FOR FY2018 LEASED EQUIPMENT:
HANCOCK BANK**

COUNCIL MEMBER _____ moved the adoption of the following Resolution and Order: A RESOLUTION OF THE CITY COUNCIL, THE GOVERNING BODY (“THE COUNCIL”) OF CITY OF DAPHNE, ALABAMA (THE “LESSEE”), FINDING IT NECESSARY TO ACQUIRE EQUIPMENT FOR GOVERNMENTAL OR PROPRIETARY PURPOSES AUTHORIZED BY LAW: FINDING THAT IT WOULD BE IN THE PUBLIC INTEREST TO ACQUIRE SUCH EQUIPMENT UNDER THE TERMS OF SEVEN SEPERATE LEASE PURCHASE AGREEMENTS: FINDING THAT HANCOCK BANK (THE “LESSOR”) HAS OFFERED TO ACQUIRE SUCH EQUIPMENT, OR TO ACQUIRE FROM AND REIMBURSE THE LESSEE FOR THE COST OF SUCH EQUIPMENT IN THE EVENT THE EQUIPMENT HAS ALREADY BEEN PURCHASED BY THE LESSEE, AND TO LEASE SUCH EQUIPMENT TO LESSEE: FINDING THAT SUCH PROPOSAL IS IN THE INTEREST OF THE LESSEE AND AUTHORIZING AND DIRECTING THE AUTHORIZED OFFICERS (AS HEREINAFTER DEFINED) TO EXECUTE THE LEASE PURCHASE AGREEMENTS AND SUPPORTING SCHEDULES AND ATTACHMENTS INCLUDING, BUT NOT LIMITED TO, ASSIGNMENTS OF TITLE TO THE EQUIPMENT TO HANCOCK BANK TO THE END THAT THE EQUIPMENT SHALL BE ACQUIRED BY SUCH BANK AND LEASED TO THE LESSEE ON THE TERMS AND CONDITIONS EXPRESSED IN SUCH LEASES.

WHEREAS, the Council has determined that it is necessary to acquire certain items of Equipment (the “Equipment”) for use by the Lessee for purposes authorized by law and

Six (6) New Police Vehicles

One (1) New Garbage Truck

One (1) New Fire Pumper

The equipment will be financed on separate Lease Purchase Agreements. This resolution will give the Mayor and the City Clerk the authority to execute all three Lease Purchase Agreements

WHEREAS, the Council has by these presents determined that it would be in the public interest to acquire such Equipment through Three Lease Purchase Agreements as provided under Section 41-16A-1 *et seq.* of the Code of Alabama, 1975, and

WHEREAS, the Council anticipates that it will not issue more than \$10,000,000.00 of qualified tax-exempt obligations during calendar year 2018 and desires to designate the Lease Purchase Agreement as a qualified tax-exempt obligation of the Lessee for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, (“the Code”).

WHEREAS, to the best knowledge and belief of the Board, this lease qualifies as a qualified project bond within the meaning of the Tax Reform Act of 1986; and

WHEREAS, Hancock Bank has proposed to acquire the Equipment at the offered price and to lease the Equipment to the Lessee at a rate of approximately 3.39-3.69% per annum (*according to lease date and term*).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

SECTION 1: The Mayor and City Clerk (hereinafter the “Authorized Officers”) are hereby authorized and directed to execute the Lease Purchase Agreements (also referred to as a “Governmental Lease Purchase Agreements”), either reference being the “Agreements”, and all attachments thereto. Such Agreement shall be in substantially the form attached hereto with such appropriate variations, omissions and insertions as are permitted or required by this Resolution and as are consented to by the Lessee’s representatives (the “Authorized Officers”) executing the Agreements, such consent being evidenced by their signatures.

SECTION 2: The Equipment to be leased pursuant to the Agreements shall be more fully described in a schedule to the Agreements titled “Exhibit D – Description of the Equipment”. Upon delivery and acceptance by the Lessee of the Equipment, the Authorized Officers are authorized and directed to execute a Certificate of Acceptance of such Equipment and, as provided in Section 4.01 of such Lease, the lease term shall commence on the date of acceptance.

SECTION 3: The Authorized Officers are further authorized and directed to execute on behalf of the Lessee a Financing Statement and all other documents as provided for under Section 7.02 of such Lease to establish and maintain the security interest of Hancock Bank in such Equipment.

SECTION 4: The Commission hereby designates the Lease Purchase Agreement authorized by this Resolution with the Lessor as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Code.

SECTION 5: The Lessee and the Council understand Section 8.03 of the Agreement (“Provisions Regarding Insurance”) and agree to provide property damage and liability insurance in accordance with the terms of the Agreement.

COUNCIL MEMBER _____ seconded the motion and after a full discussion, the same was put to vote with the following results:

Doug Goodlin	Voted: _____
Tommie Conaway	Voted: _____
Joel Coleman	Voted: _____
Pat Rudicell	Voted: _____
Ron Scott	Voted: _____
Robin LeJeune	Voted: _____
Joe Davis	Voted: _____

The motion, having received an affirmative vote, was carried and the resolution adopted this the _____ day of _____, 2018.

By: _____
Dane Haygood, Mayor

{Seal}

Attest: _____
Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2018-05**

**Acceptance of Streets and Drainage
Located in the Winged Foot Subdivision, Phase I**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Winged Foot Subdivision, Phase I on January 26, 2018, and the City of Daphne hereby recommends acceptance of said street(s) located in Winged Foot Subdivision, Phase I; and,

Whereas, an inspection was made by the Director of Community Development of all reports and all other related documents have been provided stating that said streets and storm water drainage have been installed in conformity with city standards; and,

Whereas, an inspection was made by the Director of the Division of Public Works, and said director has recommended acceptance said streets and stormwater drainage of Winged Foot Subdivision, Phase I; and,

Whereas, the developer has provided to the City a two-year maintenance bond in the amount of \$332,665.32 as required and now requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled the Procedures for Subdivision Review of the City of Daphne Land Use and Development Ordinance; and,

Whereas, the developer has caused the plat to be recorded on slide #2622-E of the records in the Baldwin County Judge of Probate Office; and,

Whereas, the City Council of the City of Daphne believes it is in the best interest of the citizens of the City for the City to accept said right-of-way; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Winged Foot Subdivision, Phase I, a portion of Casper Drive (472 linear feet) a 80-ft right of way; Gilmore Way (921 linear feet) a 50-ft right of way; Harmon Street (195 linear feet) a 50-ft right of way; Irwin Loop (1,473 linear feet) a 50-ft right of way; Zoeller Lane (883 linear feet) a 50-ft right of way and, Ogilvy Court (475 linear feet) a 50-ft right of way according to the plat presented by Dewberry Preble-Rish as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, are hereby accepted by the City of Daphne, Alabama as city streets for maintenance.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this _____ day of _____, 2018.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

To: Office of the City Clerk
From: Adrienne D. Jones, ⁹ADJ
Director of Community Development
Subject: Winged Foot Subdivision, Phase 1
Acceptance of Roads and Rights-of-Ways
Date: January 26, 2018

MEMORANDUM

LOCATION: Northeast of Edgewood Drive & County Road 64

RECOMMENDATION: At the, January 25, 2018, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried unanimously for a **favorable recommendation** for the acceptance of Casper Drive, Gilmore Way, Harmon Street, Zoeller Lane, Ogilvy Court, and Irvine Loop.

Attached please find said documentation for placement on the Monday, February 5, 2018 City Council agenda.

Thank you,
ADJ/jv

cc: file
Jeremy Sasser, Public Works Director

attachment(s)

1. Correspondence from project engineer requesting acceptance
2. Record plat
3. Petition of Acceptance of Roads and Rights-of-Ways

FILE
01/26/18
10:00 am



October 11, 2017

Mrs. Adrienne Jones
Planning Director, City of Daphne
P.O. Box 400
Daphne, Alabama 36526

RE: Winged Foot, Phase 1

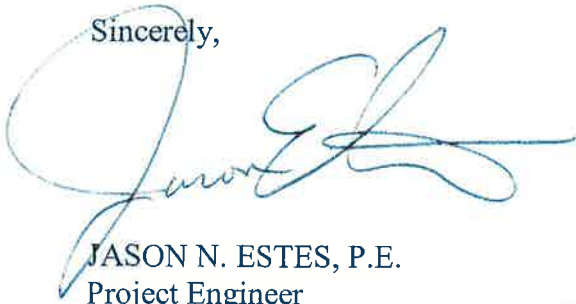
Dear Mrs. Jones:

I, Jason Estes, a professional engineer registered in the State of Alabama, Registration Number 22714, do hereby certify that the streets for Winged Foot, Phase 1 have been constructed under my supervision in accordance with the approved construction plans.

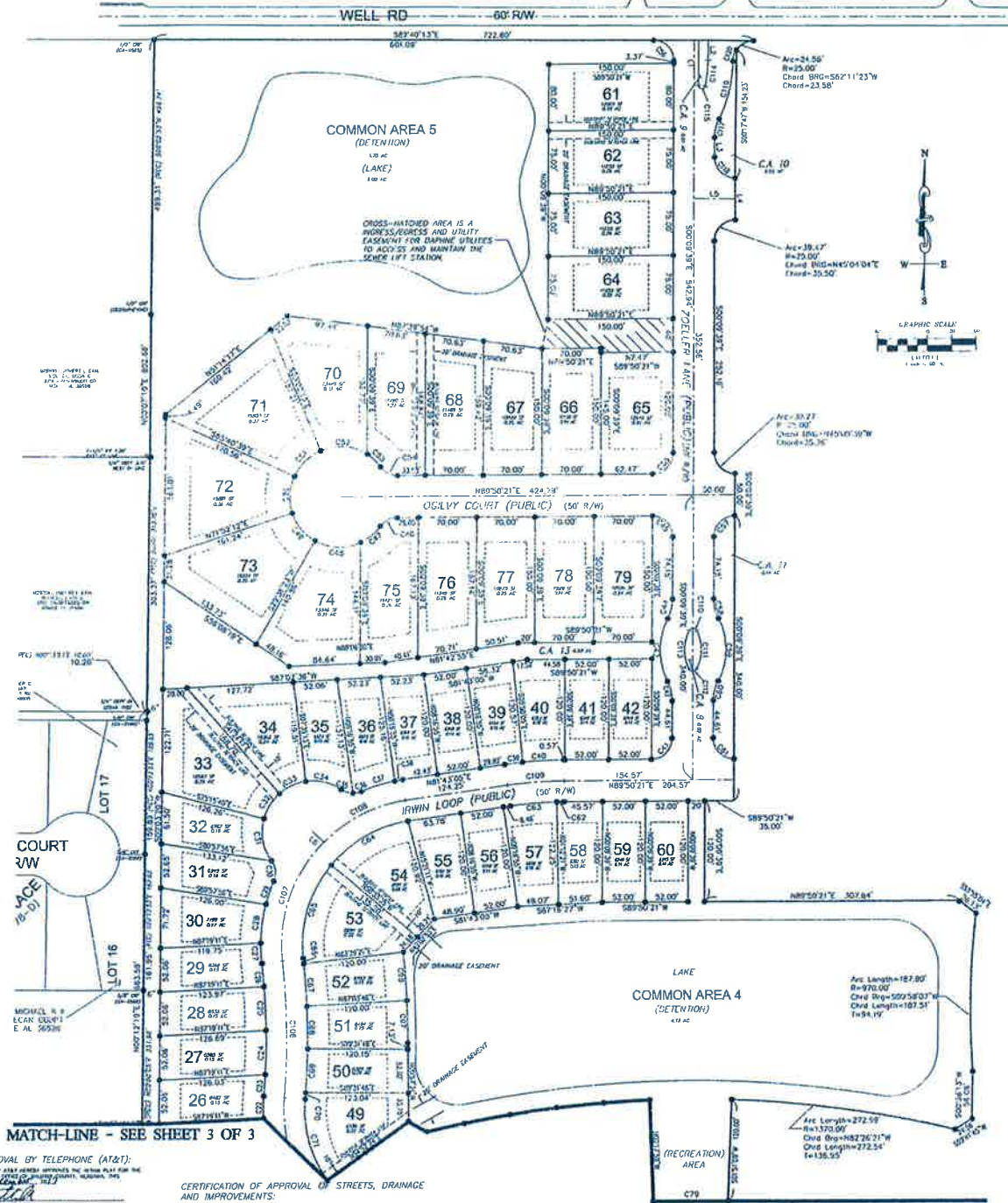
I further certify I have checked all test reports and that all construction materials have been installed in accordance with the typical sections, profiles, and plan details and meet minimum requirements as set out in the State of Alabama Highway Department's Standard Specifications for Highway Construction, latest edition and current revisions.

Therefore, I hereby request that the City of Daphne accept the streets for Winged Foot, Phase 1.

Sincerely,



JASON N. ESTES, P.E.
Project Engineer



MATCH-LINE - SEE SHEET 3 OF 3

MATCH-LINE - SEE SHEET 3 OF 3

CERTIFICATE OF APPROVAL BY TELEPHONE (AT&T):

THE UNDERSIGNED, AS AUTHORIZED BY AT&T, HEREBY CERTIFIES THAT THE ABOVE PLAT FOR THE PROJECTED TELEPHONE LINES SHOWN HEREON IS IN ACCORDANCE WITH THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 10, AS AMENDED, AND THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 11, AS AMENDED.

CERTIFICATE OF APPROVAL BY RIVERA UTILITIES (ELECTRIC):

THE UNDERSIGNED, AS AUTHORIZED BY RIVERA UTILITIES, HEREBY CERTIFIES THAT THE ABOVE PLAT FOR THE PROJECTED ELECTRIC LINES SHOWN HEREON IS IN ACCORDANCE WITH THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 10, AS AMENDED, AND THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 11, AS AMENDED.

CERTIFICATE OF APPROVAL BY BELFLOREST WATER SYSTEM:

THE UNDERSIGNED, AS AUTHORIZED BY BELFLOREST WATER SYSTEM, HEREBY CERTIFIES THAT THE ABOVE PLAT FOR THE PROJECTED WATER LINES SHOWN HEREON IS IN ACCORDANCE WITH THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 10, AS AMENDED, AND THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 11, AS AMENDED.

CERTIFICATE OF APPROVAL OF UTILITIES:

I, THE CITY ENGINEER, DO HEREBY CERTIFY THAT THE ABOVE PLAT FOR THE PROJECTED UTILITIES SHOWN HEREON IS IN ACCORDANCE WITH THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 10, AS AMENDED, AND THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 11, AS AMENDED.

CERTIFICATE OF OWNERSHIP AND DEDICATION:

I, THE CITY ENGINEER, DO HEREBY CERTIFY THAT THE ABOVE PLAT FOR THE PROJECTED UTILITIES SHOWN HEREON IS IN ACCORDANCE WITH THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 10, AS AMENDED, AND THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 11, AS AMENDED.

MORTGAGEE'S ACCEPTANCE (D.R. HORTON, INC. - BIRMINGHAM):

I, THE CITY ENGINEER, DO HEREBY CERTIFY THAT THE ABOVE PLAT FOR THE PROJECTED UTILITIES SHOWN HEREON IS IN ACCORDANCE WITH THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 10, AS AMENDED, AND THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 11, AS AMENDED.

CERTIFICATION BY NOTARY PUBLIC:

I, THE CITY ENGINEER, DO HEREBY CERTIFY THAT THE ABOVE PLAT FOR THE PROJECTED UTILITIES SHOWN HEREON IS IN ACCORDANCE WITH THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 10, AS AMENDED, AND THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 11, AS AMENDED.

CERTIFICATE OF APPROVAL OF STREETS, DRAINAGE AND IMPROVEMENTS:

THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF DAPHNE, ALABAMA, DO HEREBY CERTIFY THAT THE ABOVE PLAT FOR THE PROJECTED STREETS, DRAINAGE AND IMPROVEMENTS SHOWN HEREON IS IN ACCORDANCE WITH THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 10, AS AMENDED, AND THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 11, AS AMENDED.

LICENSED ENGINEER'S CERTIFICATION OF IMPROVEMENTS

THE UNDERSIGNED, AS AUTHORIZED BY THE CITY OF DAPHNE, ALABAMA, DO HEREBY CERTIFY THAT THE ABOVE PLAT FOR THE PROJECTED STREETS, DRAINAGE AND IMPROVEMENTS SHOWN HEREON IS IN ACCORDANCE WITH THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 10, AS AMENDED, AND THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 11, AS AMENDED.

CERTIFICATE OF OWNERSHIP AND DEDICATION:

I, THE CITY ENGINEER, DO HEREBY CERTIFY THAT THE ABOVE PLAT FOR THE PROJECTED UTILITIES SHOWN HEREON IS IN ACCORDANCE WITH THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 10, AS AMENDED, AND THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 11, AS AMENDED.

MORTGAGEE'S ACCEPTANCE (FIRST COMMUNITY BANK):

I, THE CITY ENGINEER, DO HEREBY CERTIFY THAT THE ABOVE PLAT FOR THE PROJECTED UTILITIES SHOWN HEREON IS IN ACCORDANCE WITH THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 10, AS AMENDED, AND THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 11, AS AMENDED.

CERTIFICATION BY NOTARY PUBLIC:

I, THE CITY ENGINEER, DO HEREBY CERTIFY THAT THE ABOVE PLAT FOR THE PROJECTED UTILITIES SHOWN HEREON IS IN ACCORDANCE WITH THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 10, AS AMENDED, AND THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 11, AS AMENDED.

DIRECTOR OF COMMUNITY DEVELOPMENT:

THE UNDERSIGNED, AS DIRECTOR OF THE DAPHNE COMMUNITY DEVELOPMENT DEPARTMENT, HEREBY CERTIFIES THAT THE ABOVE PLAT FOR THE PROJECTED STREETS, DRAINAGE AND IMPROVEMENTS SHOWN HEREON IS IN ACCORDANCE WITH THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 10, AS AMENDED, AND THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 11, AS AMENDED.

CERTIFICATION OF APPROVAL FOR RECORDING:

I, THE CITY ENGINEER, DO HEREBY CERTIFY THAT THE ABOVE PLAT FOR THE PROJECTED UTILITIES SHOWN HEREON IS IN ACCORDANCE WITH THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 10, AS AMENDED, AND THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 11, AS AMENDED.

MORTGAGEE'S ACCEPTANCE (FIRST COMMUNITY BANK):

I, THE CITY ENGINEER, DO HEREBY CERTIFY THAT THE ABOVE PLAT FOR THE PROJECTED UTILITIES SHOWN HEREON IS IN ACCORDANCE WITH THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 10, AS AMENDED, AND THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 11, AS AMENDED.

CERTIFICATION BY NOTARY PUBLIC:

I, THE CITY ENGINEER, DO HEREBY CERTIFY THAT THE ABOVE PLAT FOR THE PROJECTED UTILITIES SHOWN HEREON IS IN ACCORDANCE WITH THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 10, AS AMENDED, AND THE CITY OF DAPHNE, ALABAMA, ORDINANCE NO. 11, AS AMENDED.

WINGED FOOT
PHASE 1
A PLANNED UNIT DEVELOPMENT

FINAL PLAT
DECEMBER 19, 2017 - SHEET 2 OF 3 SHEETS

BOUNDARY SURVEY AND PLAT OF SUBDIVISION

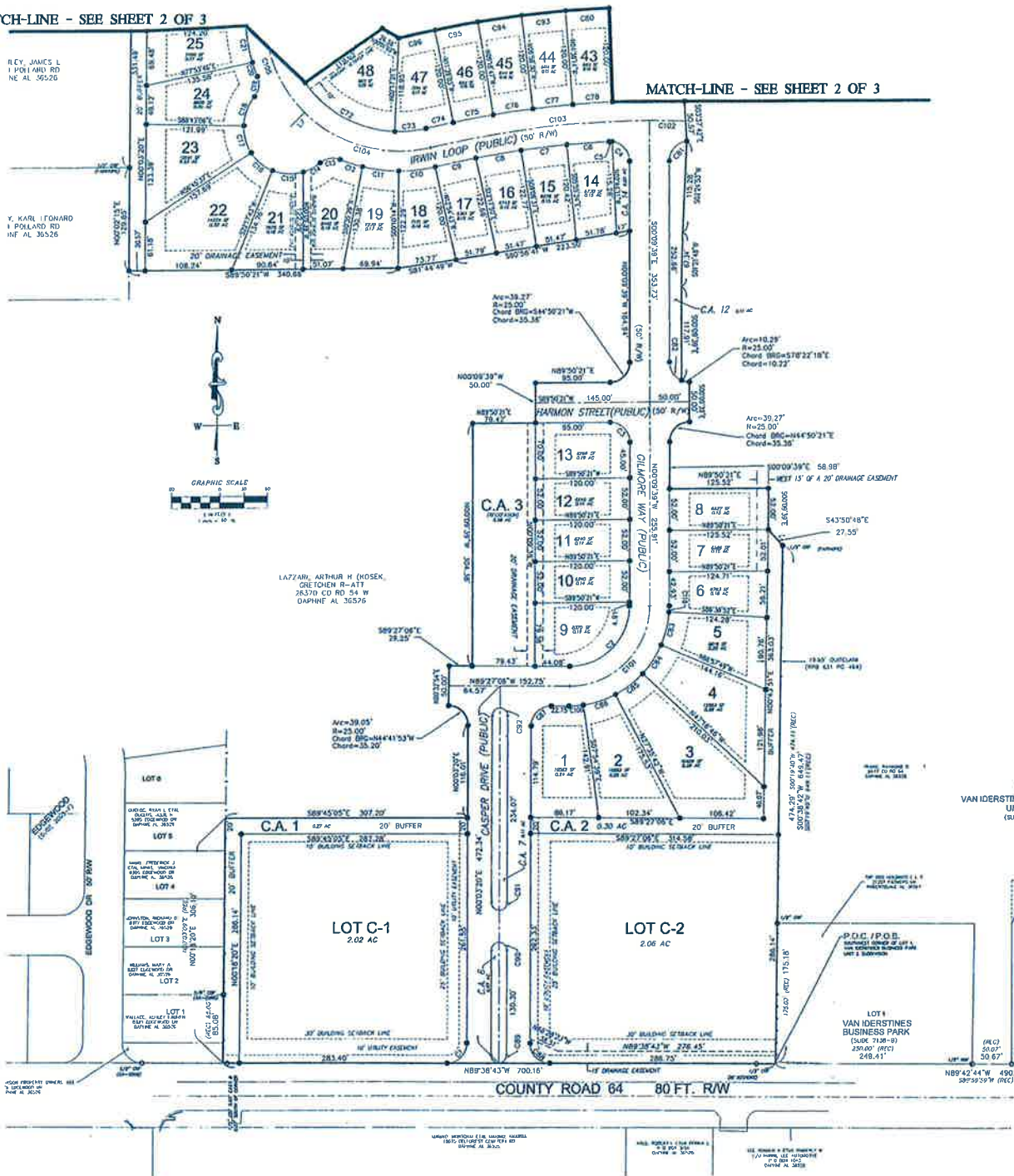
DESIGN	D.E.D.	DRAWN	A.E.F.	CHKD.	D.E.D.
ENG.	J.N.E.	SURVEYOR	J.G.A.	PROJ. MGR.	J.G.A.
SCALE	1"=80'				
PROJ. NO.	92280185				
FILE	92280185FINAL				
SHEET	2 OF 3				

Dewberry

PREBBE-RISH

9909 Bellwood Ave. Daphne, AL 36526
904.999.9999 Fax 904.999.9999

MATCH-LINE - SEE SHEET 2 OF 3



WINGED FOOT PHASE 1

FINAL PLAN
DECEMBER 19, 2017 - SHEET 3 OF 3 SHEETS

DECEMBER 26, 2017 - SHEET 3 OF 3 SHEETS BOUNDARY SURVEY AND PLAT OF SUBDIVISION					
DESIGN	D.E.D.	DRAWN	A.E.F.	CHKD.	O.E.D.
ENG	J.N.E.	SURVEYOR	J.G.A.	PROJ MGR	J.G.A.
 Dowberry		PREBLE-RISH		SCALE 1"=60'	
				PROJ. NO 92280185	
				FILE 92280185/FINAL	
				SHEET 3 OF 3	

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

SUBDIVISION NAME: WINGED FOOT PHASE 1

THIS PETITION FOR ACCEPTANCE OF ROADS AND/OR RIGHTS-OF-WAY is made this 4th day of January, 2018 by WINGED FOOT Development 2016 LLC hereinafter called "the subdivider," owner of certain property located in the City of Daphne, Alabama known as WINGED FOOT PHASE 1 to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

WHEREAS, the subdivider has agreed to the dedication of the roads and rights-of-way located in said subdivision to the City of Daphne, and further warrants that said roads and rights-of-way are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled Procedures for Subdivision Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments. The subdivider further warrants that the same are free from defects from any cause and are free and clear of any liens and encumbrances; and,

WHEREAS, a bond is required by the City as a condition of the acceptance of any new roads or rights-of-way as outlined in Article XVII in an amount equal to twenty percent (20%) of all street and drainage improvements in the subdivision as a warranty for such improvements to last for a period of two (2) years after the date of dedication and upon acceptance by the City Council, the subdivider has provided a \$ 332,665.32 maintenance bond; and,

WHEREAS, the project engineer, JASON N. ESTES, acting on behalf of the subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards for construction as outlined in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Procedures for Subdivision Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments, and further warrants that the same are free from defects from any cause; and,

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the favorable recommendation of the City of Daphne Planning Commission voted upon at its meeting held on January 25, 2018 *J.R.*. Said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named as follows:

Name of Right of Way	Length (linear feet)	Width (feet)
CASPER DRIVE	472 LF	80' R/W
GILMORE WAY	921 LF	50' R/W
HARMON STREET	195 LF	50' R/W
IRWIN LOOP	1,473 LF	50' R/W
ZOELLER LANE	883 LF	50' R/W
OGILVY COURT	475 LF	50' R/W

Are each hereby dedicated to the City of Daphne, Alabama as a city street.

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

IN WITNESS WHEREOF, the subdivider has caused the execution of this dedication as of the date set forth above.

Respectfully submitted,
WINGED FOOT Development 2016, LLC
Name of Individual or Corporation (Printed)

By: Geoff Lane / [Signature]
(Print Legibly and Sign)

Its: MANAGER AND SOLE MEMBER
(Print Legibly)

**STATE OF ALABAMA)
COUNTY OF BALDWIN)**

I, the undersigned Notary Public in and for said State and County, hereby certify that Geoff Lane whose name as ^{Manager &} SOLE MEMBER of Winged Foot Dev. 2016, LLC an Alabama corporation or as owner of Winged Foot Development 2016, LLC 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 as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 4th day of January, 2018.



Kathryn McAleer Huey (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: May 16, 2018

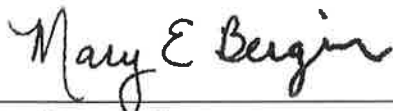
CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY

Recommendation:



Jeremy Sasser.
Public Works Director
City of Daphne

Approval:



Planning Commission Chairman or Authorized Representative
City of Daphne

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2018-01**

CHANGES TO THE POST-RETIREMENT BENEFIT PLAN

WHEREAS, The City of Daphne currently maintains certain benefits, including group health, dental care, and other benefits for full time employees of the City of Daphne and for qualified retired city employees ; and

WHEREAS, the purpose of establishing retirement benefits for qualified retirees was and continues to be to encourage and acknowledge the loyalty and devotion of employees who serve or served the City for at least twenty-five years; and

WHEREAS, the City of Daphne deems it to be in the best interest of the City to make certain modifications to the plan in order to ensure financial viability of the plan for the City; and

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

SECTION I: PLAN ADOPTION

The attached Post-Retirement Benefit Plan is hereby adopted.

SECTION II: REPEALER

City of Daphne Ordinance 1997-32 is hereby repealed. Further, any other City Ordinances or parts thereof in conflict with provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: EFFECTIVE DATE

This Ordinance shall become effective immediately and be in full force after final passage and publication as required by law.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of JANUARY, 2018.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

Post-Retirement Benefit Plan

Section 1: Definition: Dependents shall be defined according to the requirement set forth in the City's Health/Dental Plan.

Section 2: Plan Qualification: All age and service requirements set forth below must be met in order to be eligible for retirement benefits.

- A) Employee must meet the qualifications as set forth by the State of Alabama Retirement System.
- B) Employee must be less than sixty-five (65) years of age with a minimum of twenty-five (25) creditable years of service with the City.
- C) Written Notice of intent to continue Health/Dental and life Benefits must be given to the Human Resources Department at least ninety (90) days prior to the effective retirement date.

Employee may *elect* to extend post-retirement Health and Dental benefits to dependent(s), provided that dependent(s) have active coverage under the City's Health and Dental Plan at least six months prior to the effective retirement date.

Section 3: Health and Dental Benefit: Section

3.1: Benefit Overview:

Qualifying retirees are entitled to continue the Medical and Dental coverage in which they were enrolled as an active employee.

Section 3.2: Benefit Coverage Options:

A) *Individual Coverage:* The City will provide individual *Dental* and Health insurance for a qualified retiree under an eligible Health/Dental plan. The City will pay the retiree's individual coverage premium at the same rate as for active-full time employees. Any difference between the rate charged by the City's insurance carrier for individual retiree coverage and the rate of active full-time employees will be paid by the retiree.

B) *Dependent Coverage:* The City will make available Health and Dental coverage to qualifying dependents of the retiree under one or more plans offered by the City to employees. If dependent coverage is elected, retiree will be responsible for dependent coverage premium as charged by the City's insurance carrier less the amount of individual coverage provided to active full-time employees.

Section 3.3: Benefit Requirements:

- A) *Premium Payment:* Retiree shall be required to remit payment for the monthly premium of eligible coverage which has been elected by retiree. The premium amounts shall be determined by the City. Payment of monthly premium is due to the by the 10th of each month (the "Payment Due Date").
- B) *Continuous Benefit:* Should retiree or dependent(s) decline or withdraw from enrollment, for any reason, from the post-retirement Health/Dental Plan, such retiree and/or dependent(s) shall not subsequently be authorized enrollment or benefits under the City's plan.
- C) *Sole Insurance Group Plan Option:* Should Health and/or Dental insurance become available to retiree and/or retiree's dependent(s) under another Group Health or Dental Plan and the waiting period as described in HIPPA (Health Insurance Portability and Accountability Act) requirements are met, retiree and/or dependent(s) shall not subsequently be authorized enrollment or benefits under the City's plan.
- D) *Disqualifying events for coverage:* Any of the following events shall result in a Plan Participant not being eligible for coverage
 - i) *Age 65:* Eligibility of any Plan Participant shall cease upon the Plan Participant's attainment of age sixty-five (65).
 - ii) *Medicare:* Eligibility of any Plan Participant coverage shall cease when the Plan Participant becomes eligible for Medicare.
- E) *Compliance with Plan Eligibility Requirements:* Plan Participants must meet all the requirements of the Health and Dental Plan(s), including any Dependent coverage meeting plan "dependent" eligibility requirements.
- F) *Retiree coverage required for Dependent Coverage:* Dependent coverage shall be conditioned on retiree's participation in the plan.

Section 3.4: Benefit Cancellation

Retiree's and/or dependent's Health/Dental Plan will be canceled if any one of the qualifying events occurs:

- i) *Non-payment:* After two (2) consecutive months of non-payment, all insurance benefits will be cancelled.

- ii) *Three Year Rule:* For employees hired after January 31, 2018, retiree coverage shall cease three years from the date of retirement.

Section 4: Life Insurance Benefit:

Section 4.1: Benefit Overview:

Retirees shall receive life insurance benefits equal to \$5,000.

Section 4.2: Benefit Coverage Options:

The City will pay the retiree's premium at the same percentage as for active full-time employees.

Section 4.3: Benefit Requirements:

None.

Section 4.4: Benefit Cancellation:

Retiree's City-provided life insurance policy shall be cancelled upon retiree's attainment of age sixty-five (65) or upon retiree's death, whichever occurs first.

Section 5: Grandfather: Any Retirement Benefit plan coverage in effect for current employee, a retiree, or their dependent(s), on or before February 1, 2018 shall continue in the same manner and under the same terms and conditions in effect prior to the enactment of this Ordinance.

Section 6: Effective Date: This Plan shall be in force and effective upon the adoption and publication as provided by law of the enabling legislation which adopts this Plan.

Section 7: The City reserves the right, at its discretion, in whole or part, to amend, reduce or alter its Health/Dental Plan and Life Plan and any coverage or benefit provided at any time for active employees, dependents, and retirees.

Section 8: Should any provision(s) hereof be declared invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect notwithstanding such determination.

CITY OF DAPHNE, ALABAMA
ORDINANCE 2018-03
APPROPRIATIONS: BAYFRONT STREET SCAPE AND PARKING
IMPROVEMENT: ENGINEERING SERVICES & LETTING OF BID

WHEREAS, Ordinance 2017-77 approved and adopted the Fiscal Year 2018 Budget on October 2, 2017; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2018 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2018 budget; and

WHEREAS, Ordinance 2012-48 sets forth an allocation of Lodging Tax proceeds that may be used for Bayfront grounds/property improvements; and

WHEREAS, the Bayfront Street Scape and Parking Improvement project meets such criteria; and

WHEREAS, monies were appropriated (Ordinance 2017-31) for the wetland delineation, Right-of-Way mapping, and topographical surveying which has been completed as the initial stage of the Bayfront Master Plan project; and

WHEREAS, the engineers Dewberry/Preble-Rish were selected by Council to provide services, and oversee the bidding and construction of the project and they have provided the cost proposal for the engineering services required for the project.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the Fiscal Year 2017 Budget is hereby amended to include

1. Funds in the amount of **\$86,700** from the **Lodging Tax Fund** are appropriated and made a part of the Fiscal Year 2018 budget for the Engineering fees and letting of bid for the Bayfront Street Scape and Parking Improvement project.
2. The Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in such project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE ALABAMA this ____ day of _____, 2018.

Attest:

Dane Haygood, Mayor

Candace G. Antinarella, City Clerk

November 6, 2017

Mr. William Eringman
City of Daphne
Deputy Public Works Director
PO Box 400
Daphne, AL 36526

Ms. Ashley Campbell
City of Daphne
Environmental Programs Manager
PO Box 400
Daphne, AL 36526

RE: Bayfront Street Scape and Parking Improvement

Mr. Eringman / Ms. Campbell,

Dewberry | Preble-Rish is pleased to offer the following services for the Bay Front Drive and Off Street Parking Improvements. Surveying and wetland delineation has been completed for the above mentioned project. Below represents the scope of

SECTION 1 - PROJECT UNDERSTANDING

It has been decided that we want to utilize as much as possible the existing road bed and pavement along Bay Front Drive. This will incorporate the saw cutting of the existing edge of pavement placing curb and gutter and closed system drainage system to the respective low points along the right of way. This will require upgrading and or modification of the existing drainage system along with the existing utilities. The street scape will set proposed points of access to each of the undeveloped lot to help minimize damage to the proposed infrastructure in the future. The jurisdiction is to receive a major face lift through the use of improved infrastructure, landscaping and utilities. The hope is to create/revise the overlay district within the City to help steer the development into walking friendly commercial district that will become a destination location for the City.

TASK 1: PLANNING

- A. It has been expressed that there the City will want to see a high, medium and low finish for all aspects of the proposed development with the pro and con for each feature and the costs associated with those features. This will result in the production of 3 different renderings of the overall site with representation of all three finishes listed above.
- B. The selection process of the proposed finish and look associated with the street scape may potentially lead to a public meeting with the adjacent property owners as the proposed modifications will affect their property and may be necessary to

gain access to each site for means of easement for sidewalk or other infrastructure. These meetings will require the preparation of exhibits and presentation materials.

- C. Assistance with the preparation of the ordinance for the overlay district upon request.

TASK 2: ENGINEERING

Dewberry | Preble-Rish will produce the grading, drainage and landscaping plans for the proposed finish and features selected by the board for the project. Dewberry will also coordinate with the utility companies to expedite any utility relocation necessary for the street scape improvement. The plans will insure the improvements are compliant with City of Daphne Regulations and also other state and local agencies. Dewberry will provide necessary permitting with ADEM, Corps of Engineers, and ALDOT. **Engineering fees are to fluctuate with the currently prescribed rates per the On-Call contract.**

TASK 3: LANDSCAPING

WAS Design was requested to work on the renderings and the landscape and irrigation plans for the project. Their work will help steer the street scape in the direction the City chooses to take it. Their plans will incorporate the overall appearance of the site from finishes on the parking, benches, street lighting, signage, plantings and trash receptacles.

TASK 4: PROJECT LETTING

Dewberry will prepare contract documents, and bid advertisement in compliance with the title 39 bid law. We will in conjunction with the City of Daphne staff insure the project is properly advertised, conduct a pre-bid conference to narrow the field to only serious prospective bidders, and open bids. Upon opening bids Dewberry will provide a bid tabulation of all the responsive bids and make recommendations to the City of a lowest responsible and responsive bidder.

TASK 5: CONSTRUCTION ENGINEERING AND INSPECTION

Should the project move into construction and CE&I services are needed Dewberry would be please to provide the services for the already established percentage of construction rates as established by our on call contract.

SECTION 2 – FEES

Task 1A: Renderings of proposed finishes and alignments 3x\$4000.00	\$12,000.00
Task 1B: Public Meetings/Presentations/Easements Exhibits	Hourly Rates
Task 1C: Assistance with Ordinance/Regulations for Overlay District	Hourly Rates

Task 2: Engineering, GDBP, Utility Coordination, Permitting , & Letting (Based on On-Call Contract Sliding Scale)	\$49,700.00
Task 3: Landscape and irrigation plans	\$25,000.00
Task 4: Letting: Included in Task 2	
Task 5: As-Needed sliding scale percentage: \$750K-\$1M	9.25%
 Estimated SUB-TOTAL	 \$ 86,700.00

TERMS AND CONDITIONS

In consideration of the engineering services provided by Dewberry Engineers Inc. d/b/a Dewberry | Preble-Rish, Client agrees to pay in addition to the invoice amount, interest at the rate of 1.5% per month (18% APR) for all balances outstanding for more than thirty (30) days from the invoice date, said interest to be calculated retroactively to the invoice date. In the event that Dewberry Engineers Inc. d/b/a Dewberry | Preble-Rish prevails in any litigation brought with respect to any dispute that may arise out of or in connection with this Contract, Client agrees to pay reasonable attorney's fees and expenses of Dewberry Engineers Inc. d/b/a Dewberry | Preble-Rish associated with said litigation. In the event the Client prevails in any such litigation, Dewberry Engineers Inc. d/b/a Dewberry | Preble-Rish agrees to pay reasonable attorney's fees and expenses of the Client associated with said litigation.

RESTRICTION OF USE

This proposal includes information that shall not be disclosed outside of the CLIENT and shall not be duplicated, used, or disclosed, in whole or in part, for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offer, or as a result of, or in connection with, the submission of this information, CLIENT shall have the right to duplicate, use, or disclose the information to the extent provided in the resulting contract. This restriction does not limit, CLIENT's right to use information contained in this proposal if it is obtained from another source without restriction. The information subject to this restriction is contained on all pages of this proposal.

AUTHORIZATION

If this proposal meets with your approval, please return one (1) executed original to this office. Receipt of the executed proposal will serve as our authorization to proceed. If you have questions, please do not hesitate to contact us.

Sincerely,

Dewberry Engineers Inc. d/b/a Dewberry | Preble-Rish

Andrew Bobe, P.E.
Associate | Project Manager

Attachments:

Attachment A: Standard Hourly Billing Rate Schedule (8/16)

The foregoing contract with Dewberry Engineers Inc. d/b/a Dewberry | Preble- Rish is accepted:

Print Individual Firm or Corporation Name

Signature of Authorized Representative Date

Print Name of Authorized Representative and Title

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2018-04**

**Ordinance to Re-Zone Property Located
Northeast corner of US Highway 98 and Halls Lane
Jacob's Well, LLC and Ruth Metcalfe Rye**

WHEREAS, Jacob's Well, LLC and Ruth Metcalfe Rye as the owners of certain real property located within the City of Daphne, have requested that said property that is currently under zoning as R-7(T), Townhome District, B-2, General Business, R-3, High Density Single Family Residential District, to be Re-Zoned as PUD, Planned Unit Development; and

WHEREAS, said real property is located at the Northeast corner of US Highway 98 and Halls Lane, and more particularly described as follows:

Legal Description for Re-Zone:

4.36 ac (mol) Jacob's Well, LLC Parcel (PPIN# 44972) - Lot 2, Shore Oaks Subdivision, a Resubdivision of Lot 2B of the Resubdivision of Lot 2 of Webb FLP Subdivision, according to the plat thereof recorded in Slide 2540-C, of the records in the Office of the Judge of Probate, Baldwin County, Alabama, plus...

0.06ac (mol) Jacob's Well, LLC Parcel (PPIN# 360806) – Commence at the record location of the Northwest corner of Section 20, Township 5 South, Range 2 East, St. Stephens Meridian, and run thence South, a distance of 990.00 feet; thence run East, a distance of 660.00 feet to the Northwest corner of Lot 2B of the Resubdivision of Lot 2 of the Webb FLP Subdivision, as recorded on Slide 2484-A, Baldwin County Probate Records; thence run South 00 Degrees 06 Minutes 19 Seconds West, along the West margin of said Lot 2B, a distance of 324.93 feet to the Point of Beginning; thence continue South 00 Degrees 06 Minutes 19 Seconds West, along the West margin of said Lot 2B, a distance of 175.61 feet; thence run South 89 Degrees 35 Minutes 37 Seconds East, along the South margin of Lot 2B, a distance of 13.82 feet; thence run North 00 Degrees 07 Minutes 44 Seconds East, a distance of 175.85 feet; thence run South 89 Degrees 23 Minutes 53 Seconds West, a distance of 13.90 feet to the Point of Beginning. Tract contains 0.06 acres, more or less, and lies in Section 20, Township 5 South, Range 2 East, Baldwin County, Alabama, plus...

1.8 ac (mol) Rye Lot – (PPIN# 38108) – Lot No. 3 of the subdivision of the lands of S.W. Pickens as per plat of same recorded in Map Book 4, Page 99 of the records in the Probate Court of Baldwin County, Alabama, said lands lying in the Southwest Quarter of the Northwest Quarter of Section 20, Township 5 South, Range 2 East and containing 1.8 acres, more or less and more specifically being that piece of property conveyed by Pickens to Fulford and recorded in the Office of the Judge of Probate, Baldwin County, Alabama, in Deed Book 488, Page 222.

WHEREAS, at the regular Planning Commission meeting on November 16, 2017, the Commission considered said request and set forth an unfavorable recommendation; and,

WHEREAS, due notice of said proposed re-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 February 5, 2018; 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 re-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 rezoned from R-7(T), Townhome District, B-2, General Business, R-3, High Density Single Family Residential District to PUD, Planned Unit Development, 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 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 _____, 20_____.

Dane Haygood,
Mayor

ATTEST:

Candace G. Antinarella,
City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE NUMBER 2018-05**

**AN ORDINANCE AMENDING SECTION 4-3 OF THE DAPHNE CODE OF ORDINANCES
AND PROVIDING STANDARDS FOR THE KEEPING OF DOMESTIC POULTRY IN THE
CITY OF DAPHNE**

WHEREAS, Section 4-3 of the Daphne Code of Ordinances provides that it is unlawful for any person to keep any fowl, including domestic poultry, within the city limits of the City of Daphne; and

WHEREAS, a Public Hearing was held during the City Council's regularly scheduled meeting of November 20, 2017, to discuss the possibility of allowing domestic poultry within the city limits of the City of Daphne; and

WHEREAS, the City Council has determined that a complete prohibition on the keeping of domestic poultry within the City is not in the best interests of the residents of the City; and

WHEREAS, the City Council desires to allow the keeping of domestic poultry in the City, subject to standards deemed necessary by the Council to protect the health, safety, and welfare of the residents of the City.

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

SECTION I: Section 4-2 of the Daphne Code of Ordinances is hereby amended to add the following definitions:

Crowing Hen. A hen that crows like a rooster.

Domestic poultry. A common gallinaceous farm bird (*gallus domesticus*) raised for its edible eggs.

Hen. Female domestic poultry.

Henhouse. An enclosed structure designed for the purpose of keeping and securing hens.

Rooster. Male domestic poultry.

Run. A fenced enclosure that is connected to and/or surrounding a henhouse for the purpose of allowing hens to leave the coop while remaining in an enclosed environment.

SECTION II: Section 4-3(a)(1) of the Daphne Code of Ordinances, which currently reads as follows:

Sec. 4-3 – Livestock and fowl.

(a) *General Provisions.*

(1) *General prohibition.* It shall be unlawful for any person to keep any livestock or fowl within the city limits of the city.

is hereby amended to read as follows:

Sec. 4-3 – Livestock and fowl.

(a) *General Provisions.*

- (1) *General prohibition.* It shall be unlawful for any person to keep any livestock or fowl, except for hens as defined in Section 4.2 of this Chapter, within the city limits of the city.

SECTION III: Section 4-25 is hereby added to the Daphne Code of Ordinances to read as follows:

Sec. 4-25 – Keeping of hens.

(a) *Purpose.* The purpose of this section is to provide standards for the keeping of hens in single-family residential zones and limited institutional settings in the City of Daphne. It is intended to enable residents to keep a limited number of hens for non-commercial purposes, while establishing standards to limit the adverse impacts on neighboring properties, and ensuring the health and sanitation of the domestic poultry and related structures. It is also intended to enable educators to keep a limited number of hens on the premises of an institution of education for educational purposes.

(b) *General Requirements.* Domestic poultry may be kept in single-family residential zones and single family residential PUD (Planned Unit Development) districts in accordance with the following regulations:

- (1) It shall be unlawful for any resident to keep roosters, crowing hens, peafowl, or waterfowl within the city limits of the city.
- (2) Hens may be kept on all parcels in single-family residential zones having a minimum lot area of five thousand (5,000) square feet.
- (3) For parcels with a lot area of between five thousand (5,000) square feet and seven thousand seven hundred ninety-nine (7,799) square feet, residents may keep up to two (2) hens.
- (4) For parcels with a lot area of between seven thousand eight hundred (7,800) square feet and three (3) acres, residents may keep up to four (4) hens.
- (5) For parcels with a lot area in excess of three (3) acres, residents may keep up to eight (8) hens.
- (6) Residents shall not be eligible to keep hens on parcels in single-family residential zones that contain more than two (2) residential dwelling units or a non-conforming multifamily structure.
- (7) Hens shall be kept for personal use only. The selling of eggs or fertilizer or the breeding of hens is prohibited.
- (8) All hens shall be kept in a henhouse or run. Henhouses and runs shall be fenced and maintained in accordance with the design standards set forth in subsection (c) of this section. Hens may be allowed to roam freely in enclosed rear yards during daylight hours only.
- (9) It shall be unlawful for any domestic poultry to be at large within city limits.
- (10) It shall be unlawful for the owner, keeper, or custodian of any domestic poultry to allow the animal(s) to be a nuisance to any neighbor(s), including but not limited to noxious odors from the animals or related structure, associated rodent or pest infestation, particulate matter runoff, and noise of a loud and persistent and habitual nature. An officer of the City of Daphne

Animal Control Service, City of Daphne Code Enforcement, City of Daphne Police Department, or the Baldwin County Health Department shall determine whether or not a nuisance exists.

- (11) The slaughtering of hens in residential zones is prohibited.
- (12) The provisions of this section shall not be interpreted to supersede any covenant or deed restriction prohibiting the keeping of domestic poultry on a particular parcel that is subject to such covenant or deed restriction.
- (13) Up to eight (8) hens may be kept on the premises of any public or private school for educational purposes, subject to the requirements of this section.

The penalty for violation of any provision of this section shall be as specified in Section 4-21 of this Chapter for “Keeping prohibited fowl in city.”

(c) *Requirements for Henhouses and Runs.*

(1) *Location.*

- a. The henhouse and run shall not be visible from any public right-of-way. On double frontage lots or corner lots, henhouses and runs shall not be allowed within thirty (30) feet of any public right-of-way.
- b. The henhouse and run shall be a minimum of ten (10) feet from any property line.
- c. The henhouse and run shall be a minimum of twenty-five (25) feet from the residence.
- d. For purposes of this section, an officer of the City of Daphne Code Enforcement shall determine whether or not a setback violation exists, and shall not be required to prove such a violation by a land survey. Any resident charged with a right-of-way setback violation under this section shall be entitled to rebut the officer’s determination with a land survey or other suitable evidence.

(2) *Design Requirements.*

- a. The henhouse shall be enclosed on all sides and have a roof and access door that are able to be shut and secured. The henhouse shall be ventilated and impermeable to rodents, wild birds, and predators including raccoons, skunks, dogs, and cats. Any openings on the henhouse or the entire henhouse shall be elevated at least eighteen (18) inches above ground. Except for access doors, all other openings shall be sealed with rodent and predator-proof wire mesh with openings of one-quarter (¼) inch or smaller.
- b. The henhouse shall be free-standing and accessible on all sides for cleaning and maintenance.
- c. The run shall be fully enclosed, including a roof, by a secured fence at all times. The fence must be at least (5) feet in height and no more than (6) feet in height. The fence shall be made of one-quarter (¼) inch metal mesh hardware cloth and buried. Chicken wire shall not be permitted.
- d. The total area of the henhouse and run shall be at least of six (6) square feet per hen and the total area of the henhouse shall be at least of two (2)

square feet per hen. The total area of the run shall not exceed eighty (80) square feet and the total area of the henhouse shall not exceed thirty-six (36) square feet.

- e. Materials used for henhouses and runs shall be suitable for use in single-family residential zones. Prefabricated henhouses are allowed, provided they meet the specification for excluding rodents.
- f. The henhouse shall not exceed eight (8) feet in height at its tallest point.

(3) *Sanitation Requirements.*

- a. All henhouses and runs shall be kept and maintained in a clean and sanitary condition. All droppings shall be cleaned out at least once every week. Chicken pens shall be thoroughly cleaned with a standard disinfectant at least three (3) times yearly, once in each of the months of March, July and October. At all times, all hens shall have access to feed and clean liquid water.

SECTION IV: SEVERABILITY

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held to be unconstitutional or invalid, such decision shall not affect or impair the remainder of this 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 become effective immediately and be in full force after final passage and publication as required by law.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA ON THE ____ DAY OF _____, 2018.**

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk