

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
JANUARY 2, 2018

1. CALL TO ORDER

**2. ROLL CALL
INVOCATION
PLEDGE OF ALLEGIANCE**

PRESENTATION: Beautification Award – Best Small Commercial Business

3. APPROVE MINUTES: Council Meeting – December 18, 2017 3

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Rudicell
Review minutes of December 18, 2017 and reports 7

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 21, 2017 15

F. RECREATION BOARD – LeJeune

G. UTILITY BOARD – LeJeune

6. MAYOR’S REPORT

7. CITY ATTORNEY REPORT

8. DEPARTMENT HEAD REPORTS

9. CITY CLERK’S REPORT

MOTION to set a public hearing on February 5, 2018 for the re-zone of the Jacob’s Well, LLC & Ruth Metcalfe Rye property. 25

MOTION to approve the 2018 Witches Ride on October 28, 2018. 59

City Council Agenda – JANUARY 2, 2018

MOTION to approve The Shadow Barons parade on February 10, 2018. 60

MOTION to approve Daphne High School Bowling Team to hold a fundraiser donut sale on January 13, 2018 at Ridgewood & Windsor. 61

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

RESOLUTIONS:

None.

2ND READ ORDINANCES:

NONE

1ST READ ORDINANCES

2018-01 – Changes to the Post-Retirement Benefit Plan 62

2018-02 – Revision to the City of Daphne Land Use and Development – Zoning District Map 66

12. COUNCIL COMMENTS

13. ADJOURN

**December 18, 2017
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: Ron Scott; Joel Coleman; Doug Goodlin; Joe Davis; Tommie Conaway; Pat Rudicell.

Also Present: Dane Haygood, Mayor; Candace Antinarella, City Clerk; Patrick Dungan, City Attorney; James White, Fire Chief; 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:

Councilman Ron Scott gave the invocation.

PRESENTATION: Becky Parke with SEEDS presented \$6,000 Block Grants to each Daphne school principal.

PUBLIC HEARING: City of Daphne Zoning Map

Adrienne Jones spoke to the council about the zoning map revisions and that this is a routine map update that happens twice a year. The public hearing opened at 6:36pm. No one spoke. Public Hearing closed at 6:36pm.

3. APPROVE MINUTES:

The December 4, 2017 and December 11, 2017 Council Meeting minutes were approved.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Rudicell

Finance Committee meets the third Monday of each month.

B. *BUILDINGS & PROPERTY COMMITTEE* – LeJeune

No report.

C. *PUBLIC SAFETY COMMITTEE* – Davis

Minutes are in the packet. Next meeting will be January 8, 2018.

D. *CODE ENFORCEMENT/ORDINANCE COMMITTEE* – Goodlin

The next meeting will be January 2, 2018.

E. *PUBLIC WORKS COMMITTEE* – Coleman

Museum minutes in the packet. The next meeting will be January 2, 2018.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. *Board of Zoning Adjustments* – Adrienne Jones

No report.

B. *Downtown Redevelopment Authority* – Conaway

The DRA will not meet in December.

**December 18, 2017
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C. Industrial Development Board – Davis

Next meeting is tomorrow at 5:30pm. Continued work on DISC project.

D. Library Board – Rudicell

No report.

E. Planning Commission –Scott

Next meeting is December 21 at 5:00pm.

F. Recreation Board - LeJeune

No report.

G. Utility Board – LeJeune

Mayor spoke on behalf of the Utility Board. Next meeting is the 4th week of January.

6. MAYOR'S REPORT

Mayor Haygood welcomed Jeremy Sasser as the new Public Works Director. He also commended the three officers who are retiring soon as well as those who have been promoted. Lastly, the Mayor mentioned the City of Daphne has grown 275 acres in the past six months.

7. CITY ATTORNEY REPORT:

No report.

8. DEPARTMENT HEAD COMMENTS:

Chief Carpenter – Chief asked everyone to be diligent and mindful of your surroundings when shopping and be safe. Also Chief wished everyone a Merry Christmas.

Chief White – Wished everyone a Merry Christmas.

9. CITY CLERK'S REPORT:

The request by Daphne High School Bowling team will be tabled while they determine a definite location for their fundraiser.

MOTION BY Councilman Rudicell to approve the Eastern Shore Chamber of Commerce for street closure for the 30th Annual Jubilee Festival of Arts September 29-30, 2018. Seconded by Councilman Goodlin.

AYE – Conaway, Rudicell, Coleman, Goodlin, Davis Abstain - Scott

MOTION CARRIED

10. PUBLIC PARTICIPATION

John Lake congratulated Jeremy Sasser on his position. He also mentioned the large number of dead animals on the road in Lake Forest. Lastly, he wished everyone a Merry Christmas and Happy New Year.

Lawrence Rozolsky, 102 Vega Circle, has concerns of speeders on his street. He said there are cars and big rigs speeding on north Main Street and is asking for help with this.

December 18, 2017
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
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DAPHNE, AL
6:30 P.M.

11. RESOLUTIONS:

MOTION BY Councilman Rudicell to waive the reading of Resolutions 2017-56 and 2017-57. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Rudicell to adopt Resolution 2017-56 – Declaring certain property surplus and authorizing the Mayor to dispose of such property. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Coleman to adopt Resolution 2017-57 – Regarding Cooperative Maintenance Agreement with ALDOT. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2nd READ

NONE

1st READ

NONE

12. COUNCIL COMMENTS

Councilman Scott commented on the short council packet and thankful for a short meeting.

Councilman Davis thanked the staff and wished everyone a Merry Christmas.

Councilman Rudicell wished everyone a Merry Christmas

Councilman Coleman wished everyone a Merry Christmas and reminded everyone to think of others less fortunate.

Mayor Haygood explained the process of govdeals. He thanked the Public Works Department, Betsy Schneider, Kara Wilbourn, Kelli Kichler and Denise Penry for a great job with the Christmas events. Lastly, Mayor Haygood thanked the council for all they do and for getting along so well.

Councilwoman Conaway thanked everyone and wished everyone a Merry Christmas.

13. ADJOURN:

MOTION BY Councilman Davis to adjourn. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY

**December 18, 2017
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 6:57 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Candace G. Antinarella, City Clerk

Tommie Conaway, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
NOVEMBER 20, 2017
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. Robin LeJeune

Councilman Mr. Ron Scott

Councilman Mr. Joe Davis

Finance Director Ms. Kelli Kichler, Senior Accountant Mrs. Suzanne Henson, Revenue Officer Mrs. Jamie Smith, and City Attorneys Mr. Jay Ross and Mr. Patrick Dungan.

Also Present:

Public Works Deputy Director Mr. William Eringman

Civic Center Director Mrs. Margaret Thigpen

Operations Manager Mrs. Betsy Schneider

Community Development Director Adrienne Jones

Engineer: Mr. Andy Bobe, Dewberry Engineers, Inc.

II. PUBLIC PARTICIPATION

A. Investment Report:

1. City's Reserve Investment Account – Mr. Scott Hunter, Raymond James

Mr. Scott Hunter handed out a Performance by Year and Asset Allocation report for the City's investment account with Raymond James. Mr. Hunter stated that the City's account is managed by Eagle Asset Management. Mr. Hunter noted the benefit of having an asset manager is they will go out and look and negotiate all available product and yield rates verses just investing at a set rate. Mr. Hunter stated that an asset manager manages money to maximize the City's investment and follow federal and state government requirements such as the (Security for Alabama Funds Enhancement Act) SAFE program. Mr. Hunter discussed the past and current interest rates and stated he did not anticipate that there would be a drastic change in interest rates. Mr. Scott noted the City had invested \$5 million over the last several years (*\$732,589-Res 2005-87 / \$2 million-Res 2010-105 which also authorized transferring investment monies to Raymond James and Associates / & an additional \$2 million-Res 2011-02*) Mr. Scott noted that Ms. Briley recommended investing additional monies back in 2010 and investment results show this was a good recommendation to this point. Mr. Scott discussed the \$5 million the City had invested with Raymond James in 2010 and that the City had earned approximately \$550,467 over this period.

Ms. Kichler stated that she asked Mr. Hunter to come and speak on the City continuing investing the funds through an investment managed account and Mr. Lee Webb to speak on the alternative of the City investing through a money market account with a fixed interest rate so that Council could evaluate each option. Discussion continued on the recommended reserve amount and the City's investment policy.

2. Money Market rate –Mr. Lee Webb, III, Trustmark National Bank

Mr. Lee Webb discussed an alternative of investing monies in a Money Market account at 1% interest with no fees which is an option that Trustmark National Bank offers. Mr. Webb noted the monies are backed by the SAFE program. Discussion continued on different term CD options and the access to monies invested in term CD's. Discussion continued on investing monies verses paying off debt. Mr. Scott asked what debt could be paid down. Ms. Kichler noted Capital leases could be paid off (*interest rate paid on leases is 2.69%*). Mr. Davis recommended not moving the monies invested through Raymond James but identify other monies to potentially invest in the money market account or CD account. Mr. Webb stated he could provide additional information on different term CD's. (*Mr. Webb provided CD rates and terms as requested – info is included in the packet*).

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved.

MOTION BY Mr. Davis to approve the previous months Finance Committee minutes. Seconded by Mr. Coleman. MOTION CARRIED UNANIMOUSLY

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Henson stated that Mrs. Hinman was unable to attend the meeting but had provided the Human Resource Report detailing the status of all open positions.

Positions

Mechanic

Assistant City Clerk

School Crossing Guard

Public Service Worker, Sr. (Rec.)

Executive Assistant

Receptionist

Public Works Director

Police Officer (3)

Police Dispatcher (1)

Solid Waste Coordinator

Solid Waste Worker, Sr

Facilities Manager

Status

Posting 10/31/17 – 11/21/17

Posting 11/1/17 – 11/15/17

Posting 10/20/17 – Until Filled

Posting Internal: 11/7/17 - 11/14/17

Reviewing Applications

Scheduling Interviews

Interviewing

Test 11/2/17, Oral Board 11/15/17

Test 11/28/17

DOH: 11/2/17

Internal xfer 11/6/17, External DOH TBD Building Maintenance Tech.

Internal Transfer 11/09/17

On Hold (Open)

Safety Committee

- Safety Committee met on October 25th. 4 Property damage incidents - 3 at fault, 1 not at fault.
- Recreation Director is to schedule playground equipment inspections and checklists with the Public Works Grounds Supervisor. Recreation Director is to provide documentation and inspection schedule to HR when completed.
- Recreation Director has corrected the unlocked electrical panel at Trione Park and is having Parks employees inspect on regular basis.
- Building Maintenance Supervisor to report electrical panel issue and AC at FS3 to HR when done.
- Sign across road at FS2 does not flash. Discussion on taking the sign down, if allowed by proper authorities, since it has not worked for years.

Next Safety Committee meeting: November 29 @ 10:00 a.m.

Other HR projects/meetings/events:

- Police Officer testing – November 1
- Promotional testing for Police Lieutenant - November 2
- Police Officer Oral Board – November 15
- Police Lieutenant Oral Board – November 16
- Police Dispatcher testing – November 28

Discussion was made that the Facilities Manager is on hold until the Public Works Director is hired. Mr. Davis discussed replenishing the Police positions that were vacant and would soon become vacant due to personnel retirements scheduled for December 2017. Mr. Davis noted it looks like in the report that testing is already scheduled for police vacancies.

B. Overtime Report

Ms. Kichler stated the current overtime report through 11/15/17 is in the packet and she would provide an updated report for FY2017 including accruals and backing out Hurricane Nate overtime in the December Finance packet.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – October, 2017

Mrs. Smith reviewed the following reports and information:

- Code enforcement issued 10 warnings resulting in businesses becoming compliant and \$789 in revenue.

Mr. Goodlin asked what the process was on giving contractors a warning. Mrs. Smith answered that the contractors are given 24 hours to begin the process of obtaining their business license then they will be issued a citation.

- New Businesses with a physical location in Daphne - 19

BUSINESS LICENSE COUNT through 10/31/2017	
Issued THIS MONTH:	
NEW Licenses	51
RENEWAL Licenses (2017)	7
PRIOR YEAR Licenses (2016 and Prior)	1
Total Issued THIS MONTH	59
Total Issued THIS MONTH - PREVIOUS YEAR	71
Net Gain/-Loss Current VS Previous Yr MONTH	-12
Total Issued YTD 2017	4,615
Total Issued YTD - PREVIOUS YEAR	4,682
Net Gain/-Loss Current VS Previous Yr YTD	-67

Business License Fee Historical Comparison 2017 / 2018				
	FY 17	FY 18	+/- Previous Year	Budget 2017 * \$2,150,000
October	\$7,103.71	\$5,258.84	(\$1,844.87)	(\$2,144,741.16)
Year to Date	\$7,103.71	\$5,258.84	(\$1,844.87)	(\$2,144,741.16)
* Amounts include penalty and interest.				

Mrs. Smith noted she would start including the delinquency report in April.

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: September, 2017

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,250,797.14 was collected for September, 2017 which was up \$4,083.17 from September 2016's collections :

- YTD Variance over Budget - \$543,061 (year-end)

Discussion was made on the \$543,061 actual collections over budget and the anticipated budget projected for FY2018.

B. Lodging Tax Collections, September, 2017

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for September, 2017 were \$95,200.37 which is up \$22,676.09 from September 2016's collections .

- YTD Variance over Budget: \$103,115 (year-end)

Ms. Kichler noted that September's collections also include an increase in lodging as a result of Hurricane Irma.

C. Lodging Tax Fund : Statement of Rev over Exp, September & October, 2017

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

- Unreserved balance for Bayfront related purchases - \$1,319,807.60
- Recreation related purchases - \$ 861,793.13

Mrs. Henson noted that the report as of 9/30/17 was also in the packet which included all updates made through the year-end accrual process which reflected an overall balance increase of \$15,460. Mrs. Henson noted that there was very little activity for October. Ms. Kichler discussed that there is approximately \$500,000 outstanding expenditures from the Recreation balance: Little Bethel Church fencing project, Joe Lewis Patrick Park improvements, and Trione Sports Park improvements: fencing/bathrooms/resealing parking lot/entrance widening/concession stand/scoring box improvements... which would leave an available balance of approximately \$361,000. Discussion continued on the sports complex projects and Lodging Tax funds.

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: October, 2017

Ms. Kichler reviewed the Treasurer's Report:

TREASURER'S REPORT					
As of October 31, 2017					
Account Type/Title	10/31/2017	9/30/2017	Increase (Decrease) from last Month	10/31/2016	Increase (Decrease) from Last Year
Total Unrestricted Cash Balance	12,644,030	13,137,990	(493,960)	12,491,799	152,231
Total Restricted Cash Balance	20,191,145	20,328,231	(137,086.53)	9,281,905	10,909,240
Total City Cash Balance	\$ 32,835,175	\$ 33,466,222	\$ (631,047)	\$ 21,773,704	\$ 11,061,471
Encumbrance Total as of			10/31/2017	\$ 1,047,283.97	

Ms. Kichler noted the restricted cash balance is up from last year due to the 2017 Construction funds. Discussion was made on the available monies for road projects. Ms. Kichler noted that a total of \$400,000 was budgeted to come from the Four and Seven Cent Gas Tax fund for construction of Corte Road. Discussion continued on the need to budget monies annually for road maintenance/construction and what fund Corte Road should be funded from. Mr. Goodlin asked how much monies were budgeted for sidewalks for FY2018. Ms. Kichler answered \$80,000 is budgeted for FY2018.

The Treasurer's Report as of OCTOBER, 2017 Total Unrestricted Cash Balance - \$12,644,030 and Total City Cash Balance - \$32,835,175 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance is - \$1,047,583.97 as of 10/31/2017.

Ms. Kichler reviewed the Encumbrance Report and noted the balance for October 2017 is \$1,047,283.97 which includes several ongoing large projects. Ms. Kichler stated that Fire Station #2 is moving forward. City Attorney Jay Ross stated the project is 98% complete and the final meeting with the contractor is next week. Discussion continued on the pending projects that would be completed soon and encumbrance monies would be removed from the encumbrance list.

3. Outstanding Appropriations

Ms. Kichler reviewed the outstanding appropriations and noted that Bayfront only has \$42,000 outstanding leaving approximately \$1.2 million available from Lodging Tax funds for Bayfront projects. Mr. Rudicell asked Mr. Eringman if there was any plans to add an area to tie off boats at Mayday Park. Discussion continued that there was previously a platform that boat owners could tie off their boats while they parked their vehicles but that was removed when the old boat launch was removed. Ms. Kichler noted that three outstanding projects funded from the Capital Reserve fund were approved in the FY2018 Budget: \$49,600 - City Hall roof recoating, \$160,000 - Nicholson Center, and \$25,000 City Hall security upgrades.

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

Ms. Kichler reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), **October, 2017**
- Budgetary Comparison Schedule, September 2017
- General Fund, September 2017
- Debt Service Fund, September 2017
- Special Revenue Funds, September, 2017
- Capital Projects Funds Balance Sheet, September 2017
- Enterprise Funds Statement of Net Position, September, 2017

General Fund:

	<u>FY 2017</u>	<u>FY 2016</u>	<u>Change</u>
• YTD Net Income: \$	\$229,033	\$2,149,773	\$<1,920,740>
• Total sales, use, and luxury tax collected for the year is approximately \$671,000 over prior year and \$706,000 over budgeted income			
• Grant revenue is down approximately \$1,025,000. This is attributable to the Tiawasee Creek grant revenue received in FY 2017. There is also a reduction reflected in Public works expenditures for the same amount in the year to year comparison.			
• Unassigned Fund Balance: \$12,239,966			
• Outstanding Encumbrances: \$1,047,284			
• Total revenue was 103.47% of budgeted revenue and total expenses were 90.30% of budgeted expenses			
• Budgetary Comparison Schedule:			
o Personnel – 93%			
o Operating – 87%			
o Capital – 99%			
o Variance (under) Budget – (\$2,215,105) – <i>(Transfer from Reserves to Capital Reserve Fund - \$2 Million)</i>			
o Transfers:			
▪ Transfers to Debt Service – 100%			
▪ Transfers to Capital Reserve Fund – 100%			
▪ Transfers to Solid Waste Fund – 74%			
▪ Transfers to Civic Center Fund – 77%			
▪ Transfers to Bayfront Fund – 86%			
▪ Transfers to SAIL Site – 96%			

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of September 30, 2017: \$41,972,457
- Outstanding Capital Lease Balance as of September 30, 2017:
 - o General Fund: \$1,039,431
 - o Enterprise Funds: \$463,841

Capital Project Funds (Capital Reserve, 2014 Construction, and 2016 Construction, 2017 Construction):

- Recreation park improvements at Trione and Park Drive for the year were \$2,474,595
- Whispering Pines sewer project has been fully completed with year to date expenditures of \$1,107,874
- The 2014 Construction Fund was closed in FY 2017 after fully expending the bond refunding proceeds for sewer improvement
- The 2017 Construction fund was opened in FY 2017 with bond proceeds for \$12,000,000 to fund recreation improvements

Special Revenue Funds (13 separate funds):

- Seven Cent Tax Fund – Largest expenditure includes \$187,627 spent on turning lanes at Sehoj Blvd. Approximately 50% of the cash balance was expended in FY 2017.
- Lodging Tax Fund –
 - o Bayfront Unreserved Fund Balance: \$1,301,886
 - o Recreation Unreserved Fund Balance: \$855,220
 - o Total lodging tax collected was \$1,198,600 and is approximately \$103,000 over prior year and \$81,700 over budgeted income.
 - o The largest expenditure was for the Lake Forest Marina lease and boat ramp improvements - \$344,479

Ms. Kichler noted that the auditors finished onsite work last Friday for the City's annual audit and she will be working on completing the CAFR.

Monthly Financial Statements –September 2017 YTD Financial Highlights

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

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

	<u>FY 2017</u>	<u>FY 2016</u>	<u>Change</u>
Solid Waste Fund	\$474,948	\$631,716	\$ <156,768>
Civic Center Fund	\$306,010	\$319,654	\$ < 13,644>
Bayfront Park Fund	\$167,812	\$156,801	\$ 11,011

- Total Charges for Services revenue changed as follows:
 - o Solid Waste Fund: Revenue increased - \$44,973
 - o Civic Center Fund: Revenue increased - \$26,351
 - o Bayfront Park Fund: Revenue decreased \$ 1,002

5. Future Projects Summary

Ms. Kichler noted there was no changes in the Future Projects summary. Mr. Scott stated he had asked Mr. Scott Hutchinson, HMR to give an update on the Highway 98 drainage improvements and he should present that at the next Public Works meeting.

B. Bills Paid Reports – October, 2017

The Bills Paid Report was presented in the packet.

VIII. NEW BUSINESS**A. Retirees insurance coverage paid by the City**

Mr. Scott asked about the City's liability for insurance coverage once a 25 year employee retires. Mr. Scott asked if the policy has changed. Ms. Kichler answer no and noted the City pays 94% of a retired employees insurance cost. Mr. Scott discussed making changes in the City's policy so there is not a huge liability for the City for retired 25 year employee's insurance coverage. Ms. Kichler noted there was information on these retirement liability cost in the articles she recently sent out. Discussion continued on making policy changes similar to RSAs policy. Ms. Kichler discussed changes in reporting requirements for OPEB (Other Postemployment Benefits) and noted that starting next year full reporting of the liability will be required. Ms. Kichler stated the current liability reported on financial statements is approximately \$2 million and estimates next year will be in excess of \$5 million with the changes in reporting requiring the full liability be reported on government wide statements. Discussion continued on changing the policy for Tier 2 employees where the City would only pay up to 3 years of the retirees insurance cost.

Mr. Ross discussed the option of the City setting up a trust to help fund the retirement liability since the changes in reporting the liability may affect the City's bond rating. Ms. Kichler stated that after talking to the City's consultant for calculating the OPEB requirement she estimated the City would need to invest \$500,000 to \$1 million to make a difference. Ms. Kichler stated that \$125,000 was included in the FY2018 Budget for the current 14 retirees and there are 5-6 new retirees this year with an average length of time of 8-9 years the City will pay their insurance.

Discussion continued on adopting an ordinance for the City to set up a Trust fund for the liability. Ms. Kichler asked if the committee wanted to also move forward with an ordinance changing the policy for Tier 2 employees where the City would only provide insurance for up to three years or until age 65, whichever is shorter. Mr. LeJeune discussed allowing an option for the employee to elect what three years they want the City to provide insurance, the three years after retiring or wait until age 62.

MOTION BY Mr. Scott to recommend for the Finance Director to research and provide information on setting up an OPEB investment fund for future retirees insurance cost. Seconded by Mr. LeJeune.

MOTION CARRIED UNANIMOUSLY

MOTION BY Mr. Scott to recommend to Council to adopt an ordinance to update the City Policy for Tier 2 retirees to only provide the insurance coverage and pay the City's portion of cost for three years or until retiree reaches age 65, whichever is shorter. Seconded by Mr. LeJeune.

MOTION CARRIED UNANIMOUSLY

B. Sidewalk omission on County Road 13

Mr. Eringman discussed the omitted sidewalks and noted they are part of the County Road 13 project (Sehoy / French Settlement turn lane area). Mr. Andy Bobe with Dewberry Engineers stated that ALDOT approached him and requested the omitted sidewalk be added into the current project for CR 13 sidewalks being constructed with funding from the 2015 TAP grant. Mr. Bobe estimated the omitted sidewalk project cost is \$35,000 but noted the current CR13 sidewalk project is \$85,000 under budget so monies should be available. Ms. Kichler stated that this was just to let the committee know that if additional monies are needed it will be coming back before the committee. Mr. Bobe stated that the contractor needs official notice to move forward with the construction of the omitted sidewalk. Discussion was made that ALDOT will pay their portion (80%) of the project. Discussion continued that the omitted sidewalks need to be completed and that since the project is currently under budget additional cost is not anticipated. Mr. Scott stated he would like for Volkert to provide an explanation of why this section of sidewalk was omitted. Mr. Coleman stated he would ask Volkert to discuss the project and the omitted sidewalk area at the next Public Works Committee meeting.

IX. OLD BUSINESS

No old business discussed.

XI. ADJOURN The meeting adjourned at 6:12 p.m.

To: Office of the City Clerk
From: Adrienne D. Jones, 
Community Development Director
Subject: Planning Commission Minutes and Report
Date: December 22, 2017

MEMORANDUM

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of November 16, 2017, and the report of the regular meeting of December 21, 2017 for placement on the Tuesday, January 2, 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

The City of Daphne
Planning Commission Minutes
Regular Meeting of November 16, 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 5:00 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Angie Phillips
Andrew Prescott
Charles Smith, Secretary
Marybeth Bergin, Chairman
Phillip Hodgson, Vice Chairman
Ron Scott
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, 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 October 26, 2017. There being none, minutes are approved as submitted.*

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. The point of contingency is creating a thoroughfare from U.S. Highway 98 to Main Street; however, the egress through the Rye property was moved to the north property line abutting Christ the King Early Childhood Center for those units to be at the thirty-foot setback line in order to create a park environment. There also will be an island in the center of the right-of-way, cobblestone breaks at each end as a traffic calming device, and possibly security gates at each access point.

Daniel Dyas, representative of Dyas Construction Management, L.L.C., said we have an approval for the development of thirty-six units, zoned R-7 (T), of which we had a preconstruction meeting so it can move forward.

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Daniel Dyas stated we are entitled to develop another five or six residential units on the Rye property. From a development and density standpoint, we are only talking about four additional units. From a planning standpoint, we are trying to facilitate a livable, walkable, and smart growth type of development like Rosemary Beach or Seaside where people can live, work and walk downtown. He addressed issues outlined in the citizens' written comments: drainage will be incorporated into the storm water design; the extension of Daphne Court has been designed to a residential speed and traffic pattern; and consideration of a gated community for public safety purposes.

Chairman asked for Commission questions or comments.

Mr. Prescott asked if the revised plan addressed staff comments regarding traffic calming. Ms. Jones stated it is their intention to use these as traffic calming measures, but they would like some flexibility and the ability to use other calming devices in the median and will address it during site plan review.

Mr. Prescott asked what type of buffer is planned for the units which abut Halls Lane. Craig Dyas stated a thirty-foot buffer which contains a twelve-foot alley and ten-foot vegetative buffer.

Mr. Prescott asked the reasoning behind rezoning the dog leg of the parcel for a B-2 use. Craig Dyas stated the development must have two access points: the perpetual easement through the center of Shore Oaks Center at U.S. Highway 98, and Main Street. We would like to develop the fifty-foot wide parcel as a retail facility.

Chief White commented in previous conversations, we have discussed two means of ingress & egress in order to make this a viable project. Daphne Court is seventeen-point eight feet and does not meet the minimum of twenty feet required by the fire code. Craig Dyas responded he was told the width is twenty feet. Chief White stated, as it stands now, the street width does not meet code. The smallest fire truck is nine feet wide, and that width does not take into consideration residents or guests parked on the right-of-way.

Chairman commented if Daphne Court does not have sufficient width, then the proposed extension would not meet code because of the island in the middle of it. Craig Dyas stated each lane would be eleven-feet. Chairman stated the fire department need twenty-feet unimpeded.

Mr. Hodgson asked what will change if the property is zoned to a PUD. Craig Dyas stated the reduction from a fifty to thirty-foot setback.

Mr. Scott asked why we are discussing buffer requirements which are part of site plan review.

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Ms. Jones stated PUD standards are the documents that determine the layout and configuration of the buffers and setbacks, as far as the design is concerned, and site plan review consists of determining whether or not the site plan is consistent with the overall master plan and standards recorded with the zoning ordinance.

Chairman asked is there a buffer between this property and the western tract, a playground. Craig Dyas stated a five-foot buffer.

Mr. Scott commented regardless of the recommendation, there will be another public hearing when it comes before City Council. Mr. Dungan stated the City Council cannot make changes to a PUD and approve it. If changes are made, those recommendations would go back to Planning Commission for review. Mr. Scott responded there was a ruling by the Supreme Court that said whatever is advertised must be adopted even if it is more restrictive; or, it has to be re-advertised the way that it will be passed.

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

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.

John Mangan, 802 Daphne Court, spoke in opposition and expressed his concerns about access to Main Street, residential & school traffic on Main Street are at full capacity, and the fear of the erosion of the character of downtown Daphne.

Faye Earnest, 804 Daphne Court, spoke in opposition and expressed her concerns about access to Main Street and emergency vehicles access to Daphne Court.

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

Robert Dyer, 905 Halls Lane, spoke in opposition and expressed his concerns about capacity of utility company and drainage.

Pat Rudicell, 505 Belrose Avenue, spoke in opposition and expressed his concerns about the additional traffic on Main Street; reduction of the buffer requirement of fifty-feet for R-7(T) to forty-feet for a PUD; and additional density for the Rye property by three to six units; he also stated the BZA denied the request for a reduction of the buffer requirement to thirty feet.

Chairman closed public participation.

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Daniel Dyas responded that the variance request for a reduction of the buffer requirement to thirty feet was due to the revision to the site plan to preserve Live Oaks, and the request was denied by the BZA.

Ms. Jones stated the approved site plan for the R-7(T) portion has been re-drawn to meet the minimum setback and buffer requirements, and a preconstruction meeting was held. Issuance of a site disturbance permit is pending the presentation of an ADEM permit and appropriate fee.

Mr. Scott stated that Daphne Court is substandard road and asked the right-of-way width. Ms. Jones stated the plat states that it is a twenty-eight foot public driveway.

Chairman asked if the Live Oaks on the plan are the trees to be removed or to remain. Craig Dyas stated those are the ones that will remain.

Chairman asked for Commission questions or comments.

Mr. Smith commented on the revised plan that shows ten units. Chairman stated the plan was conceptual, but their goal was to construct ten units on the parcel to the west. Mr. Smith stated if it is fewer than ten units, it may be acceptable.

Chief White stated that his concern is Daphne Court. Chairman stated the existing right-of-way of Daphne Court is substandard.

Ms. Phillips commented that a public roadway cannot be gated unless it is private and the owner accepts the maintenance. Ms. Jones stated roads proposed in the interior of the development are currently presented as private.

Mr. Hodgson asked as a stand-alone parcel, the Rye property, can be landlocked. Mr. Dungan responded it cannot be a landlocked parcel. Chairman stated the Rye property's right-of-way frontage is Daphne Court. Ms. Jones stated also Falkenberry.

Ms. Jones commented that previously a proposal was presented to Mr. Johnson tying into Daphne Court; he provided the requirements for the development of a single purpose road and requested improvement of Falkenberry.

Mr. Prescott asked who would incur the cost of those improvements. Ms. Jones stated the developer.

Mr. Prescott asked what would be the possibly of making the rear entrance an emergency access only.

Ms. Jones stated if the Planning Commission feels that is appropriate, then it should be a part of the recommendation, and City Council will make the determination.

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Mr. Scott stated that would be a little unusual in that the fire truck would be approaching from east side on U.S. Highway 98. Mr. Prescott stated because they are required to have two access points.

Mr. Scott asked if that would satisfy the fire code. Chief White responded that he would have to research that. Chairman stated that still leaves substandard Daphne Court as your access point.

Mr. Hodgson asked if it is a requirement that you have two access points. Chief White stated you must have two means of ingress and egress for emergency vehicles. Mr. Scott commented that the fire code requires two access points for a subdivision with thirty lots.

Chairman stated that the public hearing is closed, but that there will be another opportunity to speak at the public hearing held by the City Council.

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

A **Motion** was made by Mr. Hodgson and **Seconded** by Chief White **to table the application until the December 21, 2017 Planning Commission meeting.**

During discussion on the motion, Ms. Jones stated since the next meeting exceeds thirty days, the developers need to waive the thirty-day requirement. Craig Dyas agreed to waive the thirty-day requirement.

The Motion carried. Ms. Bergin dissented.

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

Ms. Jones stated this is a codification of amendments made to the street map.

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

A **Motion** was made by Mr. Scott and **Seconded** by Ms. Phillips **sent forth a favorable recommendation to Council to approve amendments to the Official Street Map. 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".

The next order of business is public participation.

Chairman asked for public participation.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of November 16, 2017
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Craig Dyas, Dyas, L.L.C., commented that the "Smart Growth" presentation should have occurred prior to the Jacob's Well, L.L.C. and Ruth Metcalfe Rye zoning amendment for the benefit of the public.

Daniel Dyas, Dyas Construction Management, L.L.C. stated the public hearing requirement has been met and no further public participation should be allowed.

Don Ouellette, 7720 Elizabeth Drive, asked about the requirement of two access points to a development and commented the Commission should concentrate more on long range planning.

Pauline Ouellette, 7720 Elizabeth Drive, commented on noise & air pollution and preservation of trees.

Kevin Spriggs, 1 Signal Hill, commented that the Commission should lift the height restrictions and should monitor the development by ALDOT of the Diverging Diamond Interchange in Malbis.

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

Mr. Dungan stated no report, but indicated that although a public hearing was held, it's at the discretion of Chairman when public participation is allowed.

The next order of business is commissioner's comments.

Mr. Prescott commented on access to Olde Towne Daphne Townhomes.

Mr. Scott commented on the Diverging Diamond Interchange, Daphne Court and the Strategic Plan.

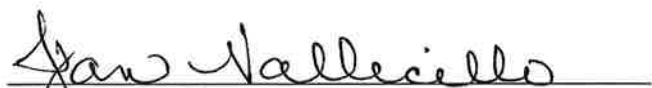
Ms. Phillips asked that the "Smart Growth" presentation be added to the December 21, 2017 agenda.

The next order of business is director's comments.

Ms. Jones presented that the upcoming meeting dates are site preview, December 13 & regular meeting, December 21, 2017, and Happy Thanksgiving.

There being no further business, the meeting was adjourned at 5:45 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

The City of Daphne
Planning Commission Minutes
Regular Meeting of November 16, 2017
Council Chamber, City Hall - 5:00 P.M.

Approved: December 21, 2017



Marybeth Bergin, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF DECEMBER 21, 2017
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

REPORT

1. **CALL TO ORDER:** 5:00 p.m.
2. **CALL OF ROLL:** Ed Kirby, Andrew Scott, Ron Scott, Phillip Hodgson, Marybeth Bergin, Charles Smith and Hudson Sandefur
3. **APPROVAL OF MINUTES:**

Review of minutes for the regular meeting of November 16, 2017. (**Approved as submitted**)
4. **OLD BUSINESS:**
 - A. **SOUTH BRANCH SUBDIVISION:** Discussion re: request for modification to buffer requirement for wetland area. (**Approved**)
 - B.
 - C. **ADMINISTRATIVE PRESENTATION:** Land Use Discussion by Community Development: Presentation by Planner on "Smart Growth." (**No action taken**)
 - D. **ZONING AMENDMENT:** (**Unfavorable recommendation to City Council**)
 1. **File Z17-02:** **Jacob's Well, L.L.C. and Ruth Metcalfe Rye**

Present Zoning: *R-7(T), Townhome, District, B-2, General Business, & R-3, High Density Single Family Residential*

Proposed Zoning: *PUD, Planned Unit Development*

Location: Northeast corner of U. S. Highway 98 and Halls Lane
Area: 6.22 Acres ±
Owner(s): Jacob's Well, L.L.C. and Ruth Metcalfe Rye
Agent: Dyas, L.L.C. - Craig Dyas
5. **NEW BUSINESS:**
 - A. **SITE PLAN REVIEW:**
 1. **File SP17-20:** (**Approved**)

Site: **Benchmark Office**

Zoning: *B-2, General Business*

Location: Northeast of Professional Place and Main Street
Area: 0.61 ± Acres
Owner(s): Benchmark Homes Group, L.L.C. - Robert Radcliff
Engineer: Jade Consulting - Trey Jinright or Max Dearing
 2. **File SP17-21:** (**Approved**)

Site: **R H Industrial**

Zoning: *C/I, Commercial/Industrial*

Location: Northeast of the intersection of World Court & American Way
Area: 0.64 ± Acres
Owner(s): Robert Henderson, Jr.
Agent: Dewberry/Preble-Rish - Steve Pumphrey
Engineer: Dewberry/Preble-Rish - Jason Estes

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF DECEMBER 21, 2017
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

REPORT

B. FINAL PLAT REVIEW:

1. File SDF17-07: (Approved)

Subdivision: **Winged Foot, Phase 1**

Zoning(s): ***PUD, Planned Unit Development***

Location: Northeast of Edgewood Drive and County Road 64

Area: 36.62 Acres $\pm$, (81) lots

Owner(s): Winged Foot Development 2016, L.L.C. - Geoff Lane

Agent: Dewberry/Preble-Rish - Steve Pumphrey

Surveyor: Dewberry/Preble-Rish - David Diehl

C. PRELIMINARY PLAT REVIEW:

1. File SDP17-14: (Approved)

Subdivision: **Winged Foot, Phase 2A**

Zoning(s): ***PUD, Planned Unit Development***

Location: Northeast of Edgewood Drive and County Road 64

Area: 6.85 Acres $\pm$, (25) lots

Owner(s): Winged Foot Development 2016, L.L.C. - Geoff Lane

Agent: Dewberry/Preble-Rish - Steve Pumphrey

Surveyor: Dewberry/Preble-Rish - David Diehl

2. File SDP17-15: (Approved)

Subdivision: **Winged Foot, Phase 2B**

Zoning(s): ***PUD, Planned Unit Development***

Location: Northeast of Edgewood Drive and County Road 64

Area: 10.36 Acres $\pm$, (28) lots

Owner(s): Winged Foot Development 2016, L.L.C. - Geoff Lane

Agent: Dewberry/Preble-Rish - Steve Pumphrey

Surveyor: Dewberry/Preble-Rish - David Diehl

3. File SDP17-16: (Approved)

Subdivision: **Winged Foot, Phase 3**

Zoning(s): ***PUD, Planned Unit Development***

Location: Northeast of Edgewood Drive and County Road 64

Area: 15.06 Acres $\pm$, (67) lots

Owner(s): Winged Foot Development 2016, L.L.C. - Geoff Lane

Agent: Dewberry/Preble-Rish - Steve Pumphrey

Surveyor: Dewberry/Preble-Rish - David Diehl

5. PUBLIC PARTICIPATION: Comments on Winged Foot Subdivision (see minutes for details).

6. ATTORNEY'S REPORT: No report

7. COMMISSIONER'S COMMENTS: None presented

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF DECEMBER 21, 2017
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

REPORT

8. DIRECTOR'S COMMENTS:

Ms. Jones stated the upcoming meeting dates are site preview, January 17 and regular meeting, January 25, 201; Merry Christmas!

9. ADJOURNMENT: 6:30 p.m.

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 / Ruth 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:

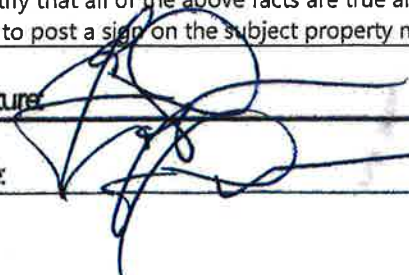
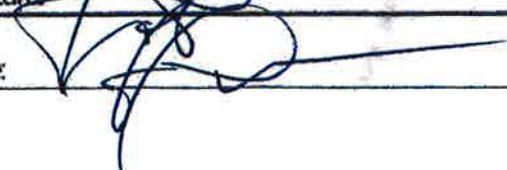
Other:

Ruth M. Rye 301 Delwood, Mobile AL 36606

Phone/Fax: 251 610 0055

E-mail: rrye@bellaterra.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*

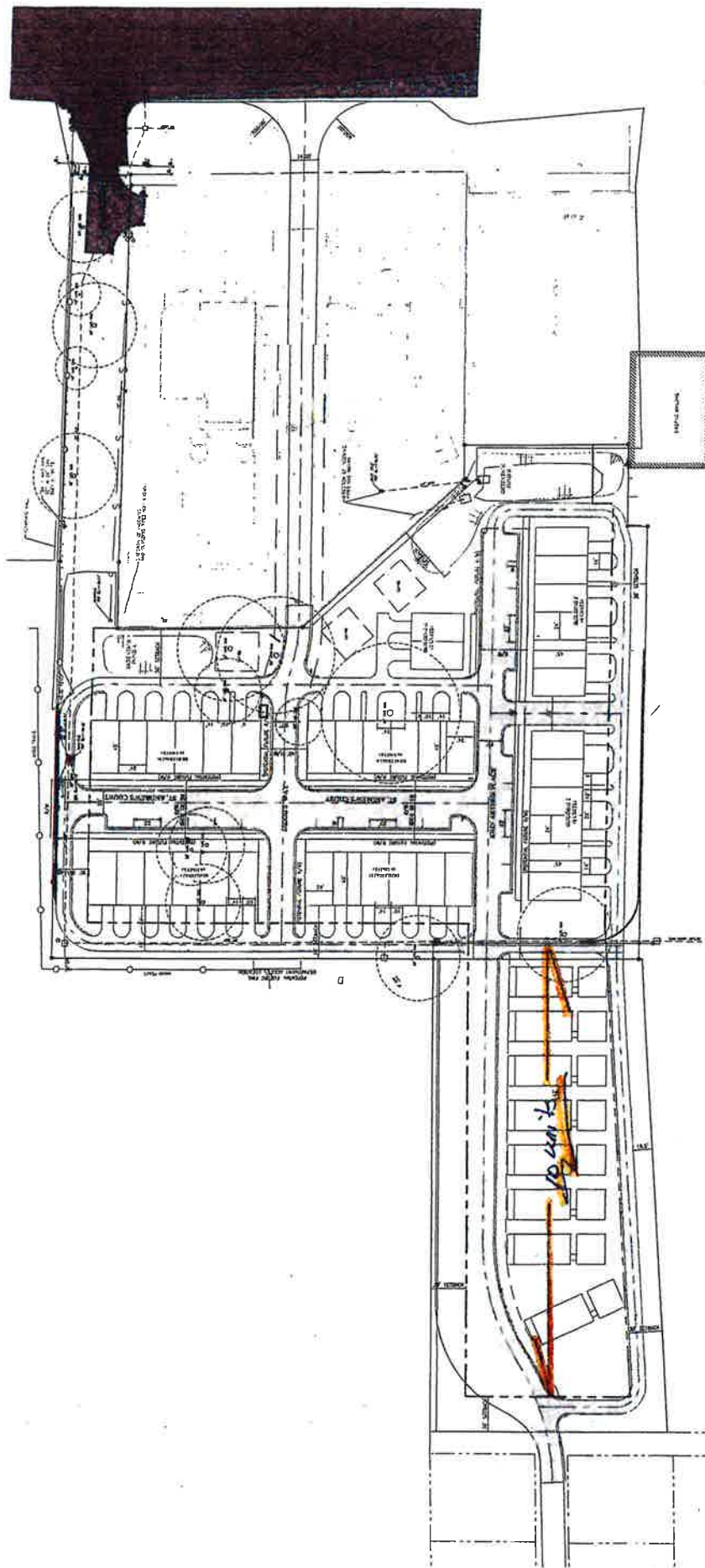
...a 'DYAS' Development

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.



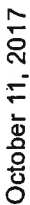


General Plan

PRELIMINARY LAYOUT

HUTCHINSON, MOORE & RAUCH, LLC 2019 MAIN STREET DAPHNE, ALABAMA 36526 TEL (251) 626-2626 FAX (251) 626-6934 daphne@hmrengineers.com NOT FOR CONSTRUCTION 00001-4442 11/2/17 PRELIMINARY DYAS CONSTRUCTION DATE: NOVEMBER, 2017 SCALE: 1" = 30'	
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EXHIBIT B



Misc  County Boundary

KCS

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan,

Copyright 2017

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.

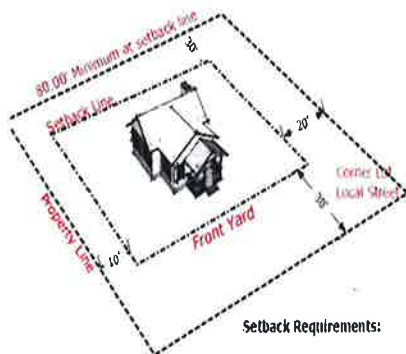
According to the provisions for PUD zoning, the outside perimeter building line setback is recommended to be no less than 40-ft, but provides an exception that the setback may be decreased or increased by Council. The narrative provides a 30-ft building setback along the

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.

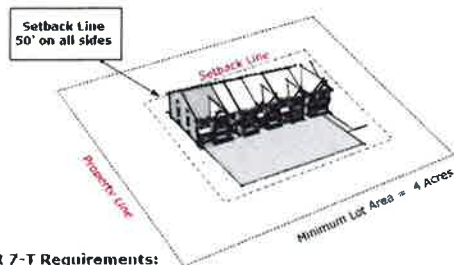
R-3 High Density Single Family Residential



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.

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.

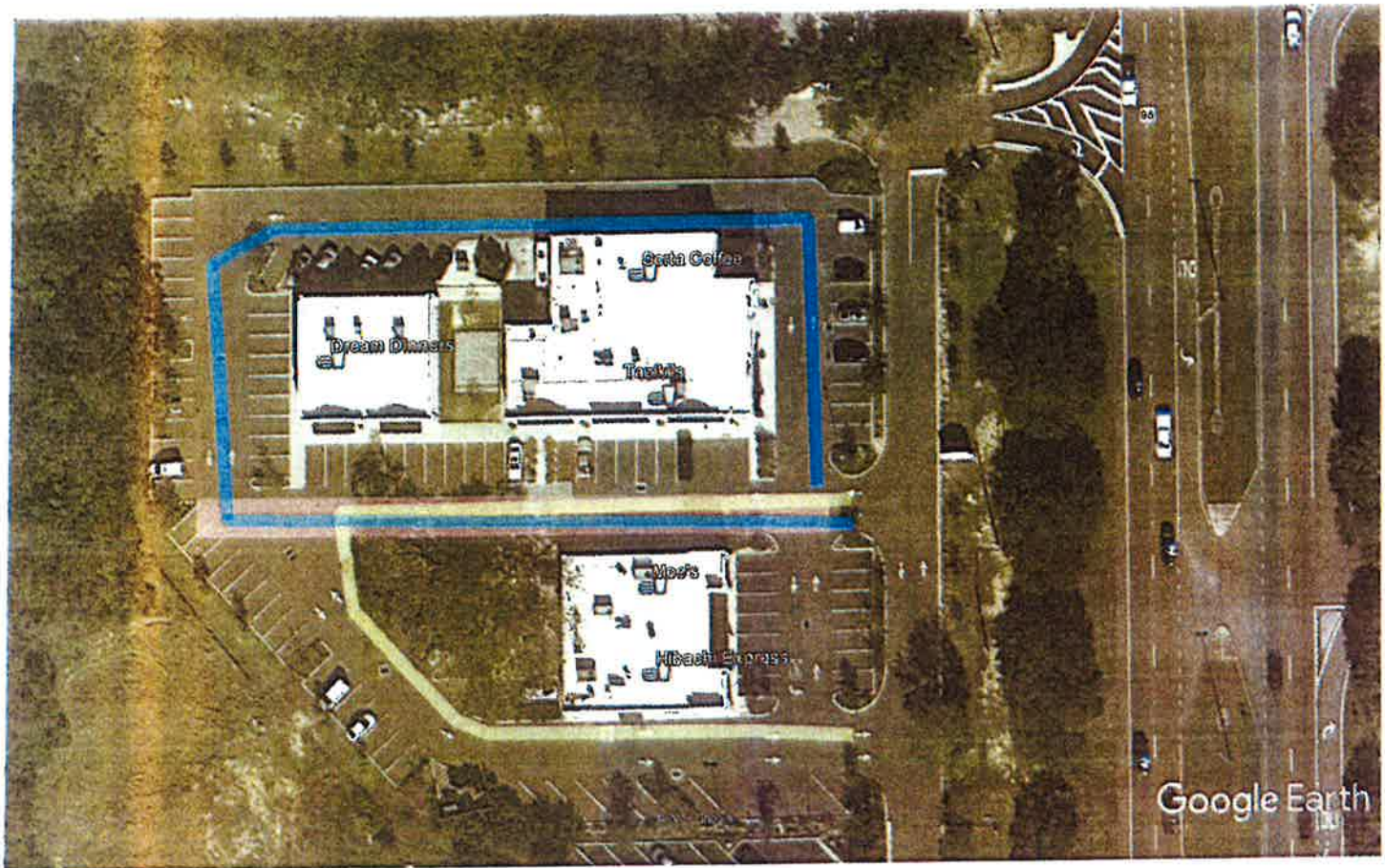
- (a) Article 10, General Provisions
- (b) Article XI, Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments, except that sections 11-6 and 11-11(b) may be modified by approved PUD documents.
- (c) Article XV, Procedures for Site Plan Review
- (d) Article XVII, 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 style with a horizontal line above the name.

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



City of Daphne Event Permit Application

Date of Application: 2/10/17 Permit Requested: ☒ Event/Fundraiser ☐ Parade/Run ☐ Band

Contact Information

Organization Name: MANI'S ANTIQUE CLUB
Contact Name: HARRY JOHNSON E-mail Address: HP5PRP@Bellsouth.net
Address: 1715 MAIN ST DAPHNE
Street / P.O. Box City/State/Zip Code
Primary Phone Number: 251-454-7550 Secondary: _____

Event Information

Event Name: DAPHNE WITCHES RIDE Event Date: 28 OCT 18
Event Location: MAIN ST # Participants/Vehicles: _____
Start Time: 4 PM Stop Time: 5 PM Assembly Time: 2:30
Parades/Runs Only
Special Requests: TBA
SAME AS LAST YEAR Road Closures Requested: ☒ Yes ☐ No

Special Instructions

Approval: Internal Use Only

Date Routed: _____
Fire Dept: _____
Police Dept: _____
Public Works: _____
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: 12/28/2017 Permit Requested: ☐ Event/Fundraiser ☒ Parade/Run ☐ Band

Contact Information

Organization Name: The Shadow Barons

Contact Name: Damon Henderson E-mail Address: damondamondamon@att.net

Address: 9593 Milton Jones Road, Daphne / P.O. Box 2770 Daphne, AL 36526

Primary Phone Number: 251-533-4263 Secondary: 251-767-9268

Event Information

Event Name: The Shadow Barons Mardi Gras Parade Event Date: 02/10/2018

Event Location: Main Street, Daphne # Participants/Vehicles: 550 people, 10 floats, 16 vehicles.

Start Time: 7:00 pm Stop Time: 8:40 +/- Assembly Time: Floats arrive at CC around 3:00. Everyone else arrives around 5:00.

Special Requests: Last year a "mediacom" cable was below 16 feet and snagged riders on one of our floats. The parade was stopped for 20 minutes while it was removed.

If possible, can the route be checked for limbs, power lines, and cables that hang below the required height. We are happy to assist in any way we can.

Road Closures Requested: ☒ Yes ☐ No

Special Instructions

If the parade gets rained out we request a make-up day on Sunday, February 11th, at a time approved by the city that avoids church traffic.

Approval: Internal Use Only

Date Routed: _____

Fire Dept: _____

Police Dept: _____

Public Works: _____

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

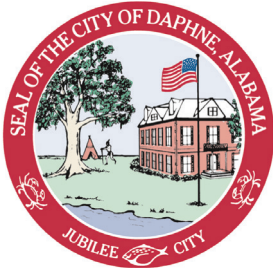
Not valid unless stamped "Approved"

Parade/Run Permits ONLY

☒ Fee Paid: \$ 1,750.00 ☐ N/A ☐ Waived

☒ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4



City of Daphne

Event Permit Application

Date of Application: _____ Permit Requested: ☐ Event/Fundraiser ☐ Parade/Run ☐ Band

Contact Information

Organization Name: _____

Contact Name: _____ E-mail Address: _____

Address: _____

Street / P.O. Box

City/State/Zip Code

Primary Phone Number: _____ Secondary: _____

Event Information

Event Name: _____ Event Date: _____

Event Location: _____ # Participants/Vehicles: _____

Start Time: _____ Stop Time: _____ Assembly Time: _____

Parades/Runs Only

Special Requests: _____

_____ Road Closures Requested: ☐ Yes ☐ No

Special Instructions

Approval: Internal Use Only

Date Routed: _____

Fire Dept: _____

Police Dept: _____

Public Works: _____

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

Not valid unless stamped "Approved"

Parade/Run Permits ONLY

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4

**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 1: 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 in effect for a retiree or their dependent(s) coverage 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 NO. 2018-02**

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

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on October 26, 2017 favorably recommended to the City Council of the City of Daphne certain amendments to the Daphne Land Use and Development Ordinance / Zoning District Map approved and adopted by No. 2011-54, 2016-69 and 2017-49; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of 2017-49; and

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

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on December 18, 2017; and

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

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit “A” shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2017-54 and its amendments.

SECTION II: REPEALER

Ordinance No. 2011-54, Appendix H “Exhibit A”, Ordinance No. 2016-69 and Ordinance No. 2017-49 are hereby repealed, and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

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

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

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk