

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
OCTOBER 16, 2017

1. **CALL TO ORDER**
2. **ROLL CALL**
INVOCATION
PLEDGE OF ALLEGIANCE
3. **APPROVE MINUTES:** **Council Meeting minutes** – October 2, 2017 3
- PRESENTATION:** 2017 Most Attractive Large Commercial Business: Eastern Shore Hyundai 7
- PUBLIC HEARINGS:**
 1. **Annexation:** **Fred Corte** 8
Property Located: Southeast of Corte Road and County Road 13
Recommendation: Unanimous Favorable
 2. **Annexation:** **Bertolla Properties** 16
Property Located: Southeast of Austin Road and Alabama Highway 181
Recommendation: Unanimous Favorable
4. **REPORTS OF STANDING COMMITTEES**
 - A. **FINANCE COMMITTEE** – Rudicell
 - B. **BUILDINGS & PROPERTY COMMITTEE** – LeJeune
 - B. **PUBLIC SAFETY COMMITTEE** – Davis
 - D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE** – Goodlin
 - E. **PUBLIC WORKS COMMITTEE** – Coleman
Review - Environmental Advisory Committee minutes of September 25, 2017 25
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
 - E. **PLANNING COMMISSION** – Scott
Review – minutes of August 24, 2017 and report of September 28, 2017 28
 - F. **RECREATION BOARD** – LeJeune
 - G. **UTILITY BOARD** – LeJeune
6. **MAYOR’S REPORT**
7. **CITY ATTORNEY REPORT**

City Council Agenda – October 16, 2017

8. DEPARTMENT HEAD REPORTS

9. CITY CLERK’S REPORT

- MOTION:** To rescind its motion to the City Council for Cathy Barnette to serve on the Environmental Advisory Committee representing District 2. 26
- MOTION:** To recommend to Council for Del Armstrong to serve on the Environmental Advisory Committee representing Council District 6
- MOTION:** To recommend to Council Mathew Laws to serve on the Environmental Advisory Committee representing Council District 6
- MOTION:** To recommend to Council Justice Manning to serve on the Environmental Advisory Committee representing Council District 5
- MOTION:** To approve Apollo’s Mystic Ladies’ Mardi Gras parade on February 2, 2018. 39
- MOTION:** To approve Congregation Mayim Chayim’s Public Hanukkah Menorah Lighting on December 19, 2017. 40
- MOTION:** To approve the City of Daphne’s Keep Daphne Beautiful event on May 19, 2018. 41
- MOTION:** To approve the City of Daphne’s Public Works Equipment Show on May 16, 2018. 42
- MOTION:** To approve the LSK Lupus Awareness Walk on March 17, 2018. 43
- MOTION:** To approve YMCA Elf Ride on December 14, 2018. 44
- MOTION:** To set Public Hearing date for November 20, 2017 and approve advertising to consider allowing chickens within the city limits of Daphne.

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

RESOLUTIONS:

- A. 2017-52 - Requesting Transit Stop Locations and Improvements in the City of Daphne. 45

2ND READ ORDINANCES:

- A. 2017-82 – Annexation: Fred L. Corte – Southeast of Corte Road and County Road 13 47
- B. 2017-83 – Annexation: Bertolla Properties, LLC – Southeast of Austin Road and Alabama Highway 181 49

1ST READ ORDINANCES

NONE

12. COUNCIL COMMENTS

13. ADJOURN

**October 2, 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: Joel Coleman; Doug Goodlin; Robin LeJeune; Joe Davis; Tommie Conaway; Pat Rudicell.

COUNCIL MEMBERS ABSENT: Ron Scott

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; Kim Sparks, 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.

INVOCATION/PLEDGE OF ALLEGIANCE:

Rabbi David Tokajer of Congregation Mayim Chayim

3. APPROVE MINUTES:

The September 18, 2017 City Council meeting minutes stand approved as written.

Proclamation – Mayor Haygood read the Breast Cancer Awareness Month Proclamation. It will be kept on file in the City Clerk's office for viewing.

Proclamation – Councilman Goodlin read the Domestic Violence Awareness Month Proclamation. It will be kept on file in the City Clerk's office for viewing.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Rudicell

Minutes are in the packet. Next meeting is the third Monday of the month.

B. BUILDINGS & PROPERTY COMMITTEE – LeJeune

Next meeting is next Monday, October 9 at 4:30pm.

C. PUBLIC SAFETY COMMITTEE – Davis

Minutes in the packet. Next meeting is October 9, 2017. Thank you to our first responders.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Goodlin

The next meeting is October 16 at 4:30pm. The committee met today and discussed setback lines, annexations and chickens in Daphne.

E. PUBLIC WORKS COMMITTEE – Coleman

Next meeting is October 2 at 5:30pm. Committee met today and discussed speed control devices and the Northcourt drainage project. Museum minutes are in the packet.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

No report.

**October 2, 2017
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
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DAPHNE, AL
6:30 P.M.**

B. Downtown Redevelopment Authority – Conaway

No report.

C. Industrial Development Board – Davis

There will be a work session tomorrow at 11:30am dealing with the DISC project. The regular meeting will be Tuesday, October 17.

D. Library Board – Rudicell

Library Board meets the second Thursday of each month at 4:00 at the Library.

E. Planning Commission –Scott

No report.

F. Recreation Board - LeJeune

The next Recreation Board meeting will be October 11 at 6:30pm.

G. Utility Board – LeJeune

Discoloration of water is not harmful. There is flushing being done to clear it up. Also, the sewer project is still underway. Discussion regarding the press release by Mobile Baykeepers and Daphne Utility Board's response.

6. MAYOR'S REPORT

Mayor Haygood mentioned the hosting of the Jubilee Festival of the Arts and thanked the Chamber and the volunteers for putting on the event. A special thanks you to Fulcrum Construction and their Family Day of Giving improving the small courtyard park across from Mancis's next to Buckle My Shoe. Lastly, Mayor emphasized the importance of our first responders and mentioned an instance of Daphne Fire and Police saving a man's life today.

7. CITY ATTORNEY REPORT:

No report.

8. DEPARTMENT HEAD COMMENTS:

Chief Carpenter – Make everyone aware there is another rash of breaking and entering in our area.

David McKelroy – Brown Bag at May Day will continues this Thursday.

9. CITY CLERK'S REPORT:

MOTION BY Councilman Rudicell to approve the ABC License for Mancis Antique LLC – Daphne Witches Ride – October 29, 2017 – 140 – Special Events Retail. **Seconded by Councilman LeJeune.**

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Davis to authorize Mayor Dane Haygood to execute an Agreement concerning Transportation Planning Process for the Eastern Shore Urbanized Area between Baldwin County and the Municipalities of Daphne, Fairhope, Spanish Fort, Loxley and the State of Alabama. **Seconded by Councilman Rudicell.**

MOTION CARRIED UNANIMOUSLY

10. PUBLIC PARTICIPATION

Kevin Spriggs – I-10 interchange in Malbis and requested the Council be more involved.

**October 2, 2017
CITY COUNCIL MEETING
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DAPHNE, AL
6:30 P.M.**

Janice Autry – 6901 Park Drive – concerned about speeding on Park Drive. Mayor Haygood responded that he will request a speed trailer be placed in the area.

11. RESOLUTIONS & ORDINANCES:

2017-51 – Authorizing the Mayor to enter into a Gift Agreement – Daphne Library Foundation and Friends of Daphne Public Library.

**MOTION BY Councilman Rudicell to waive the reading of Resolutions 2017-51. Seconded by Councilman Davis.
MOTION CARRIED UNANIMOUSLY**

**MOTION BY Councilman Rudicell to adopt Resolution 2017-51. Seconded by Councilman LeJeune.
MOTION CARRIED UNANIMOUSLY**

ORDINANCES:

2nd READ

2017-77 – Adopting the Fiscal Year 2018 Budget

2017-78 – Establishing a Policy for Events held within the City of Daphne

2017-79 – Commercial Solid Waste Collection Services and Franchises

2017-80 – Council Rules and Procedures

2017-81 – Establishing a Policy for Community Grants

MOTION BY Councilman Rudicell to waive the reading of Ordinances 2017-77, 78, 79, 80 and 81. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Rudicell to adopt Ordinance 2017-77 as amended to read \$50,000 for the NEP to come from the general fund instead of the lodging tax. Seconded by Councilman LeJeune.

AYE –Coleman, Conaway, LeJeune, Goodlin. NAY - Davis, Rudicell MOTION CARRIED

**MOTION BY Councilman Coleman to adopt Ordinance 2017-78. Seconded by Councilman Rudicell.
MOTION CARRIED UNANIMOUSLY**

**MOTION BY Councilman Goodlin to adopt Ordinance 2017-79. Seconded by Councilman Davis.
MOTION CARRIED UNANIMOUSLY**

**MOTION BY Councilman Coleman to adopt Ordinance 2017-80. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY**

**MOTION BY Councilman Goodlin to adopt Ordinances 2017-81. Seconded by Councilman Rudicell.
MOTION CARRIED UNANIMOUSLY**

12. COUNCIL COMMENTS

Councilman Davis discussed the diverging diamond at Highway 181 and I-10 intersection and his opinion that the old pipes are not adequate and cannot handle water if another lane is added.

**October 2, 2017
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
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DAPHNE, AL
6:30 P.M.**

Councilman LeJeune reminded everyone about Breast Cancer Awareness month and Domestic Violence Awareness month. Also prayers to the events in Las Vegas and encouraged everyone to give blood.

Councilman Goodlin asked about the status of the barriers at Daphne High School and BJ Eringman and Mayor Haygood indicated they are using pedestals and piping with rope with swag which is removable and the residents seem pleased.

Councilman Coleman echoed the sentiments of Councilmen Davis & LeJeune and asked everyone to keep in mind the victims of the recent hurricanes.

Councilman Rudicell requested a public hearing be set to discuss chickens in the city.

Mayor Haygood thanked the council for adopting the budget. He mentioned the Porch Project and the funding approved but there are still opportunities for additional funding. The Mayor would like the City to sponsor a day to give back to the community in the spring. Lastly, Mayor Haygood mentioned a letter received with an illegible signature and without a returned address that discussed concerns on Highway 181. These concerns have been forwarded to ALDOT and they are addressing the items.

Councilwoman Conaway was really touched by what happened in Las Vegas. She was there two months ago for National Convention and stayed at the Mandalay. She asked everyone keep these people in your thoughts and prayers.

13. ADJOURN:

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:18 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Candace G. Antinarella, City Clerk

Tommie Conaway, Councilmember

DAPHNE BEAUTIFICATION COMMITTEE

PRESENTS THE

“2017 MOST ATTRACTIVE LARGE COMMERCIAL BUSINESS”

TO

Eastern Shore Hyundai

For Excellence in Beautifying the City of Daphne

Awarded this 16th day of October 2017



The Jubilee City

A handwritten signature in black ink, appearing to read "Dane Haygood".

Dane Haygood, Mayor

A handwritten signature in black ink, appearing to read "Laurel Anderson".

Laurel Anderson, Chairperson

To: Office of the City Clerk
From: Adrienne D. Jones, *AS*
Director of Community Development
Subject: Fred L. Corte Annexation Petition
Date: August 25, 2017

MEMORANDUM

PRESENT ZONING: RA, Rural Agricultural, Baldwin
County Exterritorial Planning
Jurisdiction

LOCATION: Southeast of County Road 13 and
Corte Road

RECOMMENDATION: At the Thursday, August 24, 2017,
regular meeting of the Daphne
Planning Commission, eight members
were present, and the motion carried
for a unanimous favorable
recommendation for the above
mentioned annexation petition.

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 for
placement on the City Council agenda to set a public
hearing.

Thank you,
ADJ/jv

attachment(s)

1. Petition for Annexation
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. Community Development Report

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

(_____)

The undersigned, Fred L. Corte, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, _____, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

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

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

3. **Owner:** The petitioner, Fred L. Corte, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

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

Requested zoning, if other than R-1: PUD

Any other conditions which may apply upon annexation:

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

DATED this 21 day of July, 2017

Respectfully submitted by,

Fred L. Corte
Name of Owner (Print)
Fred L Corte
Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, WANDA LACOSTE, the undersigned Notary Public in and for
said county and state, hereby certify that FRED L. CORTE has
signed to the foregoing instrument and who is known to me, acknowledged before me on this
day, that, being informed of the contents of the instrument, he/she executed the same voluntarily
on the day the same bears date.

Given under my hand and official seal this the 21 day of July, 2017

Wanda LaCoste
NOTARY PUBLIC

My commission expires: 11-21-2020

Owner's Address

24001B State Hwy. 181

Daphne, AL 36526

ADDITIONAL INFORMATION

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

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

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

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

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

Or

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

Initials: _____

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

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 21 day of July, 2017.

Legal Description Attached (Exhibit A)? Yes Map or Survey Attached (Exhibit B)? Yes
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission
Attached (Exhibit C)? _____ Acreage _____
Subdivision Name _____ Lot Number(s) _____

Names and Signature of ALL property owners:

Signature: Fred L. Corte Signature: _____

Printed Name: Fred L. Corte Printed Name: _____

Mailing Address: 24001B State Hwy. 181 Mailing Address: _____
Daphne, AL 36526

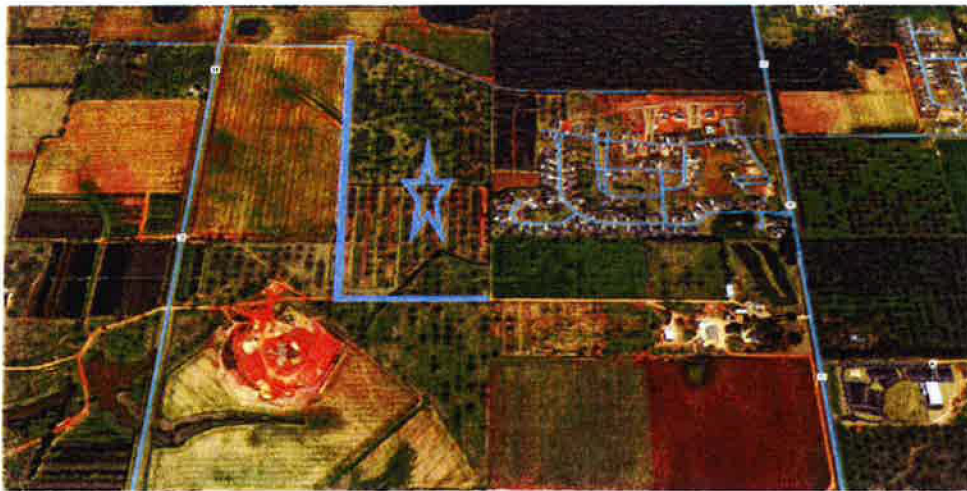
EXHIBIT A
LEGAL DESCRIPTION FOR FRED L. CORTE PROPERTY (ANNEXATION)

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 59.95 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 58 DEGREES 32 MINUTES 58 SECONDS WEST, ALONG AN OLD FENCE ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 355.59 FEET TO A CAPPED REBAR; THENCE RUN NORTH 60 DEGREES 39 MINUTES 04 SECONDS WEST, ALONG SAID OLD FENCE ON THE SOUTH MARGIN OF SAID ROAD, A DISTANCE OF 824.19 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 30 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 40.53 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 262.67 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 57 SECONDS WEST, A DISTANCE OF 2641.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

PLANNING COMMISSION
ANNEXATION REQUEST FOR
FRED L. CORTE



The Jubilee City



**COMMUNITY DEVELOPMENT
ANNEXATION REQUEST**

**Annexation of Fred L. Corte Property
73.53 acres**

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

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

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

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

REQUEST

In June 2017, the applicant requested to pre-zone the site to Planned Unit Development District and the Planning Commission set forth a unanimous favorable recommendation for such. On August 7, 2017 City Council held a public hearing to consider the application and the Planning Commission's recommendation to rezone 73.53 acres in Ordinance 2017-60. The applicant has submitted a petition to annex **73.53** acres of land into the corporate limits of Daphne.

RECOMMENDATION

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

To: Office of the City Clerk
From: Adrienne D. Jones, AS
Director of Community Development
Subject: Bertolla Properties, L.L.C. -
Annexation Petition
Date: August 25, 2017

MEMORANDUM

PRESENT ZONING: RA, Rural Agricultural, Baldwin
County Exterritorial Planning
Jurisdiction

LOCATION: Southeast of Austin Road and Alabama
Highway 181

RECOMMENDATION: At the Thursday, August 24, 2017,
regular meeting of the Daphne
Planning Commission, eight members
were present, and the motion carried
for a unanimous favorable
recommendation for the above
mentioned annexation petition.

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 for
placement on the City Council agenda to set a public
hearing.

Thank you,
ADJ/jv

attachment(s)

1. Petition for Annexation
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. Community Development Report

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

(_____)

The undersigned corporation, Bertolla Properties LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, Jubilee Farms, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of the petition:

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

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

3. **Owner:** The petitioner, Bertolla Properties LLC, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

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

Requested zoning, if other than R-1: PUD

Any other conditions which may apply upon annexation:

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

DATED this 1 day of June, 2017

Respectfully submitted,

BERTOLLA PROPERTIES, LLC
Name of Corporation

By: 
Its: MANAGER

STATE OF ALABAMA
COUNTY OF BALDWIN

I, WANDA LACOSTE, the undersigned Notary Public in and for said county and state, hereby certify that ALEXANDER A. BERTOLLA whose name as MANAGER of BERTOLLA PROPERTIES Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 1 day
of June, 20 17.


NOTARY PUBLIC

My commission expires: 11-21-2020

Corporation's Address

PO Box 1572
DAPHNE, AL 36526

ADDITIONAL INFORMATION

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

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

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

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

SELECT ONE OF THE FOLLOWING OPTIONS

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

Or

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

Initials: _____

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

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 1 day of June, 2017.

Legal Description Attached (Exhibit A)? yes Map or Survey Attached (Exhibit B)? yes
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission
Attached (Exhibit C)? _____ Acreage 361.55
Subdivision Name _____ Lot Number(s) _____

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

Signature: Alexander A. Bertola Signature: _____

Printed Name: Alexander A. Bertola Printed Name: _____

Mailing Address: PO Box 11527, DAPHNE Mailing Address: _____

AL, 36527

3

EXHIBIT A

LEGAL DESCRIPTION FOR JUBILEE FARMS (BERTOLLA PROPERTY)

BEGINNING AT A 3/4" CRIMP TOP IRON PIPE AT THE "LOCALLY ACCEPTED" SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 89°49'02" WEST, ALONG THE SOUTH LINE OF SAID SECTION 26, A DISTANCE OF 2669.96 FEET TO A 1/2" CAPPED REBAR (CA-0604) AT THE SOUTHEAST CORNER OF LOT 28, DUNMORE, PHASE TWO, PART B, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2448-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°11'14" EAST, ALONG THE EAST MARGIN OF SAID DUNMORE, PHASE TWO, PART B AND DUNMORE, PHASE TWO, PART A, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2443-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND A PROJECTION THEREOF, A DISTANCE OF 2671.05 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE SOUTHEAST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE RUN SOUTH 89°34'24" WEST, ALONG THE SOUTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 2610.05 FEET TO 1/2" CAPPED REBAR (CA-1109) ON THE EAST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181; THENCE RUN NORTH 00°10'51" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID ALABAMA HIGHWAY 181, A DISTANCE OF 400.02 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°34'24" EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 1402.13 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°03'11" EAST, A DISTANCE OF 902.21 FEET TO A 1/2" CAPPED REBAR ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN NORTH 89°32'12" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 1256.80 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°07'47" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 30.14 FEET TO 1/2" CAPPED REBAR AT THE SOUTHWEST CORNER OF LOT 1 OF AUSTIN BRIDGES, UNIT 1, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2007-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89°22'04" EAST, ALONG THE SOUTH MARGIN OF SAID AUSTIN BRIDGES, UNIT 1 AND THE SOUTH MARGIN AUSTIN BRIDGES, UNIT TWO, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2082-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1297.53 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 18 OF SAID AUSTIN BRIDGES, UNIT TWO; THENCE RUN SOUTH 00°46'05" WEST, A DISTANCE OF 670.61 FEET TO 1/2" REBAR; THENCE RUN NORTH 89°25'58" EAST, A DISTANCE OF 1069.01 FEET TO A 1/2" CAPPED REBAR AT THE NORTHWEST CORNER OF LOT 1 OF STEPHEN SPRINGS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2346-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 300.66 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°25'14" EAST, A DISTANCE OF 214.96 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS;

THENCE RUN SOUTH 00°11'25" WEST, A DISTANCE OF 80.01 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHEAST CORNER OF LOT 3 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 89°25'14" WEST, A DISTANCE OF 214.96 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHWEST CORNER OF LOT 3 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 145.04 FEET TO A 1/2"

CAPPED REBAR (CA-604) AT THE NORTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 145.05 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°58'37" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 412.34 FEET TO 1-1/2" OPEN END IRON PIPE; THENCE RUN SOUTH 00°02'13" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 672.87 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE SOUTHWEST CORNER OF TRACT 1 IN SECTION 26 OF HIGHLAND FARMS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT MISCELLANEOUS BOOK 1, PAGE 290-291, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°47'09" EAST, A DISTANCE OF 1923.05 FEET TO 1/2" REBAR; THENCE RUN NORTH 00°06'23" EAST, A DISTANCE OF 630.48 FEET TO A 1/2" REBAR ON THE SOUTH RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 54; THENCE RUN SOUTH 89°34'12" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID BALDWIN COUNTY HIGHWAY 54, A DISTANCE OF 60.00 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE NORTHWEST CORNER OF LOT 1 OF AVALON PHASE 1A, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2104-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA;

THENCE RUN SOUTH 00°06'23" WEST, A DISTANCE OF 630.25 FEET TO A 1/2" CAPPED REBAR ON THE WEST MARGIN OF LOT 73 OF AVALON, PHASE 3, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2220-D AND 2220-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°23'53" WEST, ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 663.68 FEET TO A 1/2" CAPPED REBAR; THENCE RUN SOUTH 88°35'21" EAST, A DISTANCE OF 7.96 FEET TO 5/8" CAPPED REBAR (CA-728); THENCE RUN SOUTH 00°08'21" WEST, CONTINUING ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 669.18 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°48'48" WEST, A DISTANCE OF 6.93 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 00°03'05" WEST, A DISTANCE OF 668.95 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 00°11'04" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 1319.23 FEET TO A 1/2" CAPPED REBAR (CA-1109) AT A FENCE CORNER AT THE "LOCALLY ACCEPTED" SOUTHEAST CORNER OF TRACT 4 IN SECTION 36 OF SAID HIGHLAND FARMS; THENCE RUN SOUTH 89°55'01" WEST, A DISTANCE OF 1326.54 FEET TO A 2" OPEN END PIPE AT A FENCE CORNER AT THE "LOCALLY ACCEPTED" SOUTHWEST CORNER OF TRACT 4 IN SECTION 36 OF SAID HIGHLAND FARMS; THENCE RUN NORTH 00°55'29" EAST, A DISTANCE OF 1323.76 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 361.55 ACRES, MORE OR LESS, AND LIES IN SECTIONS 25, 26 AND 36, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

PLANNING COMMISSION
ANNEXATION REQUEST FOR
BERTOLLA PROPERTIES, LLC



ANNEXATION REQUEST

Annexation of Bertolla Property Southeast of the Intersection of Alabama Highway 181 and Austin Road 361.55 acres

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

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

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

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

REQUEST

On July 19, 2017, City Council approved Ordinance 2017-39 to prezone the subject property to a Planned Unit Development. The applicant has submitted a petition to annex the 361.55 acre PUD into the corporate limits of Daphne. Additionally, the applicant has submitted requests for master plan review and preliminary subdivision plat review for the first 5 phases of development. These applications will be considered at the August Planning Commission meeting.

RECOMMENDATION

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

City of Daphne - Environmental Advisory Committee (EAC)
Daphne City Hall – Executive Boardroom

Meeting Minutes
September 25, 2017 @ 4:30 P.M.

- I. Call to Order City Hall 4:30PM
- II. The 7/24/17 meeting minutes were approved.
- III. Updates on Old Business:
 - A. NFWF Stream Restoration and Stabilization Projects Updates-
 - 1) **DAE-Oak Stone Hwy 90-Streamline** (David Smart). The project is substantially complete. The native trees and shrubs will go in this winter. ALDOT will be repairing the eroding slope adjacent to the project within the next couple months.
 - 2) **DAF-White-Spunner** property south of Hwy 90 west of CR 13, DAF1-Golf Course and DAF1A Melanie Loop are in survey and design phase. Mobile Bay National Estuary Program & City working on right of entry for construction. Project construction has been delay until 2018.
 - 3) **DAF1 (North of golf course west of Worchester Drive) & DAF1A (Melanie Loop Parcels)-** MBNEP working on right of entries with land owners. If all are acquired, projects could start as soon as November.
 - B. May Day Access Ramp-New articulated block access ramp has been installed. The access is open to the public.
 - C. D'Olive Bay Boat Ramp- The ramp and pier are complete and open to the public. The upgrades to the parking lot are still in the design phase.
 - D. D'Olive Bay Ramp Dredge Permit-City is finalizing the application to submit to the USACE for an individual permit. The permit process could take up to a year.
 - E. ADEM 319 Tiawasee Creek ADEM 319 Grant Education Outreach
 - 1. Daphne Middle School-Alabama Cooperative Extension System (ACES) - Stormwater Education Program- the MOU between Daphne EPM and ACES has been executed. City staff has been trained to volunteer with the Master Environmental Educators (MEE) in Baldwin County Schools. Grant funds have been used to pay for a set of MEE kits for the City of Daphne to use in the D'Olive Watershed. The City entered into an agreement with Eve Brantley, Auburn-ACES, to update the existing MEE Nonpoint source pollution lesson and create a new Alabama Water Watch lesson.
 - 2. ADEM 319 Tiawasee Creek ADEM 319 Grant-Porous Paving at Trione Park-Staff is working with Mayor to finalize the plans.
 - 3. The donation of the Brookhaven basin is in the works. The POA is waiting on attorneys to complete the transfer.
- IV. The New Business:
 - A. Daphne Utilities
 - 1. Danny Lyndall provided an update on Daphne Utilities (DU) efforts to address the 60 day notice of lawsuit by Mobile Bay Keepers. Danny said that since this is pending litigation, on advice of legal counsel he could not comment on any specific details of the allegations made by MB Keeper. That being said, he is of the opinion that they have met all regulatory requirements as related to reporting.

City of Daphne - Environmental Advisory Committee (EAC)
Daphne City Hall – Executive Boardroom

2. Due to the fact that DU had been working with MB Keeper since earlier in the year, Danny stated that he was shocked by the fact that he was informed of the notice by the press instead of by MB Keeper. Danny assured the EAC members that DU has followed all state requirements for submitting sanitary sewer overflows (SSO).
 3. Several Questions were asked:
 - o Danny was asked how they calculated the quantity spilled during a SSO. Danny responded that there is no required method. DU reports based off experienced staff making observations.
 - o Ashley asked Danny about ADEM new proposed requirements regarding SSOs and recovery efforts. Danny stated that ADEM had recently released the new requirements and that DU had no issues with the new requirements.
 - o Danny explained that DU is not part of the City of Daphne. It is an independent appointed board which is self-sustaining. DU rates pay all their debts.
 - o Danny was asked about the claim that SSO locations were reported inaccurately. Danny stated that they used current technology to determine proper locations.
 - o Ashley commented that she has in the past assisted DU in determining the watershed impacted by a SSO for reporting purposes.
 - o Danny was asked when the lawsuit would begin. He was not sure.
 - o It was pointed out that the Federal Clean Water Act requires the 60 day notice.
 - o Danny stated that he anticipated that both parties would meet on a common ground resolution to the lawsuit.
 - o Danny stated that DU and he personally work to protect public safety and serve Daphne citizens.
 - o The EAC thanked Danny for the update.
 - o Danny stated he appreciated the opportunity to report to the EAC.
- B. Review Resumes for EAC Vacancies
1. Ashley informed the committee that Del Armstrong and Cathy Barnette's appointment to the EAC had been approved by the Public Works Committee but did not get forwarded to the Council. They will be on next month's council agenda.
 2. Mathew Laws III resume (Attachment 1) was reviewed. Mr. Law gave a summary of his work history.
 3. Justice Manning's resume (Attachment 2) was reviewed. Mr. Manning gave a summary of his work history.
 4. Ashley commented that we only had one vacancy on the EAC at the moment. We would vote for a replacement for the vacancy next month.
 5. Cathy Barnette offered to resend her acceptance of her EAC membership to allow the two volunteers the opportunity to serve. She stated she would continue to attend the meeting as a guest until the EAC redrafted its committee bylaws and have them approved. The committee will vote on her request and filling of the EAC member vacancy next month.
- C. Lake Forest Lake Dam Presentation-Wade Burcham and Mathew Jones with Integrated Sciences and Engineering
1. PDF of Power point presentation (Attachment 3) is attached to the meeting minutes.
 2. Below are the comments regarding the presentation:
 - a. Alabama is the only state that has no Dam laws.
 - b. At the onset of the inspection, the LFPOA took action to clean out the dam outfall and has set up a program to keep it maintained. The dam outfall was full of logs, aquatic vegetation and other debris.
 - c. The dam needs a long term inspection and maintenance program.

City of Daphne - Environmental Advisory Committee (EAC)
Daphne City Hall – Executive Boardroom

- d. The dam showed no signs of failure but it was recommended to be classified as a high risk dam due to the potential risk if it did fail.
- e. The dam is owned by the LFPOA but there are many stakeholders who benefit from its existence.

Attendees: Ashley Campbell, BJ Eringman, Joel Coleman, John Lake, John Peterson, Fred Nation, Don Ouellette, Elliot Riser, Bo Tucker

Guest: Del Armstrong, Cathy Barnette, Wade Burcham, Mathew Jones, Paul Lammers, Mathew Laws, Danny Lyndall, Justice Manning, Pauline Ouellette

Meeting Adjourned at 5:10 P.M.
Next Meeting-October 23, 2017 @ 4:30 P.M.

Public Works Meeting Actions Required from EAC:

A motion to rescind its motion to the Council for Cathy Barnette to serve on the Environmental Advisory Committee representing District 2

A motion to recommend to Council for Del Armstrong to serve on the Environmental Advisory Committee representing Council District 6

A motion to recommend to Council Mathew Laws to serve on the Environmental Advisory Committee representing Council District 6

A motion to recommend to Council Justice Manning to serve on the Environmental Advisory Committee representing Council District 5

To: Office of the City Clerk
From: Adrienne D. Jones, 
Community Development Director
Subject: Planning Commission Minutes and Report
Date: October 2, 2017

MEMORANDUM

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of August 24, 2017, and the report of the regular meeting of September 28, 2017 for placement on the Monday, October 16, 2017 City Council agenda for review.

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

ADJ/jv

From the Office of

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

FILE
10:20 JV
10/2/17

The City of Daphne
Planning Commission Minutes
Regular Meeting of August 24, 2017
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

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

Call of Roll:

Members Present:

Angie Phillips
Andrew Prescott
Ed Kirby
Marybeth Bergin, Chairman
Phillip Hodgson, Vice Chairman
Ron Scott
Hudson Sandefur
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Missty Gray, 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 July 27, 2017. There being none, minutes are approved as submitted.***

Mr. Prescott recused himself from discussion and action on Winged Foot, Phase One.

The next order of business is a presentation regarding Winged Foot Subdivision, Phase One.

An introductory presentation was given by Cathy Barnette, representative of Dewberry/Preble-Rish, of a request for permission to stockpile and spread material generated from construction of phase one onto the future development site of Phase Two and stated it will not environmentally impact that phase.

Chairman commented staff and the engineer are working on a staging plan.

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

Mr. Kirby asked would the stockpiled material require relocation or the issuance of a permit. Ms. Jones responded no.

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A Motion was made by Mr. Hodgson and **Seconded** by Mr. Scott *to allow the spreading of stockpile material generated from Phase One onto a future development site, Phase Two. There was no discussion on the motion. The Motion carried. Mr. Prescott abstained.*

The next order of business is site plan review for the Daphne Innovation and Science Complex (Infrastructure Improvements Site Plan).

An introductory presentation was given by Andy Bobe, representative of Dewberry/Preble-Rish, on behalf of the Daphne Industrial Development Board, requesting site plan review of the infrastructure improvements to include storm water detention, drainage, streets and utilities for a professional office facility located southwest of Alabama Highway 181 and Champions Way and of a request for a waiver to discharge into the wetland buffer.

Chairman asked for Commission questions or comments.

Mr. Sandefur asked if a waiver is denied would that affect the storm water design. Mr. Bobe commented the area designated for detention is platted at this location; the location of discharge can change, but the outfall will be located at the bottom of the hill in order to eliminate erosion issues in the future.

Cathy Barnette, representative of Dewberry/Preble-Rish, commented the purpose of a wetland buffer at the time it was instituted was for sediment treatment so you could potentially capture sedimentation prior to it entering a protected area. Obviously, this is a part of a priority watershed, and the concern is the amount of federal dollars which have been invested to restore and repair the impacts. The design with a waiver is better suited to handle storm water and site management. There has been some concern about a precedent. Very few places in the ordinance does it spell out how to grant a deviation from the regulations, but this section states the Planning Commission can grant a waiver to the wetland buffer requirement. Sites are unique and some you will consider a valid request and some you won't, but in this case to handle the drainage design we are asking for you to grant the waiver.

Mr. Scott asked environmentally, would you change the grades or grant a waiver.

Ms. Campbell stated she would have designed a low impact development to minimize the pond size. A site can have all types of designs, and other sites in Daphne have met the requirements. A twenty-five foot buffer is required on a NPDES site so they will have to contact ADEM about their buffer requirements. It appears there will be rip rap in the entire thirty-feet of non-disturbed wetland buffer. Buffers were intended to prevent sediment/erosion and to help protect streams by allowing the water to spread out and travel through vegetation. Sediment was the main concern, but we have learned that the stream is impaired and is inundated with degradation.

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Ms. Campbell stated she did not want to set a precedent, but it is your decision, if you choose to move forward with it. A modification is in the ordinance for the Planning Commission to make the decision.

Chief White asked for a legal interpretation of the waiver.

Ms. Gray stated it is the responsibility of the Planning Commission to weigh all of the comments from environmental and engineer and decide whether or not to grant the waiver.

Mr. Bobe stated that the ordinance requires first flush prior to storm water leaving the detention basin, and that is set up to handle sedimentation coming into the pond.

Mr. Scott asked which direction is the preference to release the water. Mr. Bobe stated the west side.

Mr. Kirby asked about the location of the outfall and if it is located in the buffer. Mr. Bobe stated the outfall structure, a pipe and rip rap will encompass the entire thirty-feet of the wetland buffer.

Mr. Prescott asked has ADEM reviewed the plans. Ms. Barnette stated yes.

Chairman stated the site plan presented is only for the infrastructure of Lot 1.

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

A Motion was made by Mr. Scott and Seconded by Mr. Kirby Smith to approve the DISC site plan with a waiver of the wetland buffer requirement. There was no discussion on the motion. The Motion carried unanimously.

Chairman announced that the Commission will only hold one public hearing for the Bertolla Properties, L.L.C. applications.

The next order of business is a petition for annexation for Bertolla Properties, L.L.C.

An introductory presentation was given by Jason Estes, Dewberry/Preble-Rish, of a request to annex a three hundred sixty-one point five-five-acre parcel located southeast of Alabama Highway 181 and Austin Road.

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

A Motion was made by Mr. Scott and Seconded by Mr. Kirby of a favorable recommendation of the annexation petition for Bertolla Properties, L.L.C. There was no discussion on the motion. The Motion carried unanimously.

The City of Daphne
Planning Commission Minutes
Regular Meeting of August 24, 2017
Council Chamber, City Hall - 5:00 P.M.

The next order of business is master plan review for Jubilee Farms Subdivision.

An introductory presentation was given by Jason Estes, representative of Dewberry/Preble-Rish, of master plan review for Jubilee Farms Subdivision and stated that the plan was revised to include: sidewalks along Austin Road & a landscape buffer on the south side.

Chairman asked for Commission questions or comments and stated the Chair will entertain a motion.

A Motion was made by Mr. Scott and Seconded by Mr. Kirby to approve Jubilee Farms Subdivision master plan, as amended. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary plat review for Jubilee Farms Subdivision, Phases One, Three, Two, Four and Five.

An introductory presentation was given by Jason Estes, representative of Dewberry/Preble-Rish, requesting preliminary plat review of the first five phases of Jubilee Farms Subdivision consisting of approximately one hundred and twenty-two point six nine acres located southeast of southeast of Alabama Highway 181 and Austin Road.

Chairman commented on the concern of the disturbance of more than seventeen and a half acres and do you plan to exceed that requirement. Cathy Barnette, Dewberry/Preble-Rish, responded we do not have a problem meeting the seventeen and a half acres per phase rule. Mr. Estes responded once a contractor is chosen a scheduling plan can be provided to staff.

Chairman stated the public hearing is for preliminary plat review of all of the phases of the development. She asked for Commission questions or comments and opened the floor to public participation.

John Lake, 110 Paige Circle, expressed his concern about the impact of a waiver of the stream and wetland buffers on how it will affect Fish River.

Maurice Horsey, 25825 Ravenwood Circle, President of the Austin Brook and Austin Park I & II POA, commented that he welcomes growth and opportunity and expressed concern about the design of the storm water detention and the effect downstream.

Chairman closed public participation.

Ms. Barnette, Dewberry/Preble-Rish, outlined the requests for a waiver of the stream and/or wetland buffer requirement for phase four and five.

Mr. Kirby asked if the ponds are designated for retention or lakes. Mr. Estes responded that the ponds will maintain a normal water level at all times.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of August 24, 2017
Council Chamber, City Hall - 5:00 P.M.**

Chairman expressed concern about why the residents opposed to pre-zoning are not here tonight and asked Mr. Scott if they were at the City Council public hearing. Mr. Scott stated the residents of Austin Bridges and Austin Brook Subdivision were present, but the Council felt as if it was advantageous to pre-zone the property because the city's regulations are more stringent.

Chairman asked if there has been any additional communication with the Board of Education. Ms. Jones responded approved master plans and subdivision preliminary plats, were provided to the Board. They were most appreciative and provided a formula to calculate the number of students, kindergarten to twelfth grade, which could potentially come from each development. Mr. Scott stated they are going to wait to see what Daphne does with the study for a municipal school system before they move forward with the construction of an elementary school in the Belforest area.

Chairman asked for Commission questions or comments.

Mr. Sandefur asked to discuss the disturbance of more than seventeen and a half acres. Ms. Campbell stated they must phase the development and for each phase they must submit an erosion & sediment control plan.

Mr. Sandefur asked Ms. Campbell to comment on Weeks Bay. Ms. Campbell stated that Fish River is a master watershed for which a watershed management plan is being created. One of the key issues is headwaters treatment to all of our streams. The regulations are pretty stringent and should be sufficient to protect downstream. They must take great care to make sure that we do not have sediment and turbidity offsite.

Ms. Campbell asked about the Oak trees to be removed and commented that significant trees are protected in the landscape ordinance. She also commented that she does not agree with the waiver to allow stream buffer disturbance in phase four, crossings are allowed if permitted by the Corp of Engineers; along with verification of the wetland delineation.

Ms. Barnette stated there are seventeen live oaks that would be impacted by the right-of-ways, basins and roads of phase four and five. A request was provided to the Corp of Engineers in April to permit the wetland fill of the basin in phase one.

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

A Motion was made by Mr. Scott and Seconded by Mr. Kirby to approve Jubilee Farms Subdivision, Phase One & Three, preliminary plat, with a waiver to permit wetland fill pending Corp of Engineers approval of the proposed wetland fill. There was no discussion on the motion. The Motion carried unanimously.

A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur **to approve Jubilee Farms Subdivision, Phase Two, preliminary plat. There was no discussion on the motion. The Motion carried unanimously.**

A Motion was made by Mr. Scott and **Seconded** by Mr. Hodgson **to approve Jubilee Farms Subdivision, Phase Four, preliminary plat, with a waiver to allow stream buffer disturbance, as requested. There was no discussion on the motion. The Motion carried unanimously.**

A Motion was made by Mr. Scott and **Seconded** by Mr. Hodgson **to approve Jubilee Farms Subdivision, Phase Five, preliminary plat, with a waiver of the wetland and stream buffer requirements, as requested. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary plat review for the Reserve of Daphne, Phase Two.

An introductory presentation was given by Jared Landry, representative of Dewberry/Preble-Rish, requesting preliminary plat review of a fifty-six lot subdivision consisting of approximately fifty-three point two nine acres located north of the intersection of County Road 64 and Montelucia Way and stated this phase is located immediately north of phase one.

Chairman stated this subdivision is located in the extraterritorial planning jurisdiction and asked if the County has accepted the streets. Mr. Landry confirmed and stated the County has also approved the rezoning of the property.

Chairman asked have the setbacks for lot 99 been revised. Mr. Landry confirmed.

Chairman opened the floor to public participation. No one came forth. She closed public participation and asked for a motion.

A Motion was made by Mr. Hodgson and **Seconded** by Mr. Prescott **to approve the Reserve of Daphne Subdivision, Phase Two, preliminary plat. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a petition for annexation for Fred L. Corte.

An introductory presentation was given by Cathy Barnette, representative of Dewberry/Preble-Rish, of a request to annex seventy-three-point five three acres located southeast of County Road 13 and Corte Road as a PUD, Planned Unit Development, and stated the Commission has approved the preliminary plat for Blackstone Lakes Subdivision.

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

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Regular Meeting of August 24, 2017
Council Chamber, City Hall - 5:00 P.M.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur of a **favorable recommendation of the annexation petition for Fred L. Corte. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is Comprehensive Plan discussion.

No action taken.

The next order of business is a presentation by Community Development of a motion made on May 15, 2017 by the Ordinance Committee to send the issue of citizens having chickens in their yards within the city limits to the Planning Commission to consider amending the Land Use and Development Ordinance.

A **Motion** was made by Mr. Hodgson and **Seconded** by Mr. Sandefur to **return to Ordinance Committee for more input. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation of proposed amendments to the Land Use Ordinance.

Ms. Jones requested review of proposed revisions to the ordinance for properties zoned B-2 in the Olde Towne Daphne & Village Overlay District, lots of record, and a residential/business configuration of a mixed use development.

Mr. Scott asked the Commission to consider a revision to the ordinance to require the installation of traffic calming devices in subdivisions.

The next order of business is an administrative presentation of street acceptance for Oldfield Subdivision, Phase 2A.

An introductory presentation was given by Adrienne Jones, Director of Community Development, of a recommendation for acceptance of the right-of-ways contained within Oldfield Subdivision, Phase 2A.

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

A **Motion** was made by Ms. Bergin and **Seconded** by Mr. Phillips of a **favorable recommendation for Oldfield Subdivision, Phase 2A street dedication and acceptance. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is public participation.

Chairman asked for public participation.

Laurel Anderson, 28899 Moniac Cove, commented regarding a group home in Sehoy Subdivision.

Ms. Gray stated group homes are not regulated by the ordinance.
Chairman closed public participation.

The City of Daphne
Planning Commission Minutes
Regular Meeting of August 24, 2017
Council Chamber, City Hall - 5:00 P.M.

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

Ms. Gray stated no report.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

Ms. Jones presented the following:

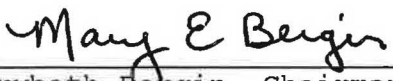
- a. City Council approved all administrative zonings of legislatively annexed territories, and the amendment to the provisions of the Commercial/Industrial zoning district on Monday, August 21, 2017;
- b. Planning Commission Training Class, Tuesday, August 29, 2017, 9:30 a.m. at the International Trade Center, 250 N. Water Street, Mobile;
- c. The upcoming meeting dates are site preview, September 20 & regular meeting, September 28, 2017;

There being no further business, the meeting was adjourned at 7:03 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: September 28, 2017


Marybeth Bergin, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF SEPTEMBER 28, 2017
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

REPORT

18

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

Review of minutes for the regular meeting of August 24, 2017 (**Approved as submitted**)
4. **NEW BUSINESS:**
 - A. **SITE PLAN REVIEW:**
 1. **File SP17-18:** (**Approval of site plan & waiver to sidewalk requirement**)

Site: Stanton Road Office

Zoning: C/I, Commercial/Industrial

Location: Southeast of U.S. Highway 98 & Stanton Road
Area: 2.52 $\pm$ Acres
Owner(s): J. Johnson, L.L.C. – Joe Johnson
Engineer: Barton & Shumer Engineering – David Shumer
 - B. **PRELIMINARY/FINAL PLAT REVIEW:**
 1. **File SDPF17-10:** (**Approved**)

Subdivision: First Eastern Shore

Zoning: R-1, Low Density Single Family Residential

Location: 1005 Main Street
Area: 5 $\pm$ Acres, (2) lots
Owner(s): First Eastern Shore Baptist Church – Linda Lee
Surveyor: David Lowery Surveying – David Lowery
 2. **File SDPF17-11:** (**Approval of plat & waiver to sidewalk requirement**)

Subdivision: Montrose Oaks

Zoning: RSF-2, Single Family Residential, Baldwin County District 16, in the Extraterritorial Planning Jurisdiction of Daphne

Location: Northwest corner of Gabel and 3rd Street
Area: 3.73 Acres $\pm$, (6) lots
Owner: Montrose Oaks Development, L.L.C. – Stanley Lawson, Jr.
Agent: Goodwyn, Mills & Cawood – Kirk Clayton
Surveyor: Goodwyn, Mills & Cawood – Shawn Yuhasz

**CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF SEPTEMBER 28, 2017
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

REPORT

C. PRELIMINARY PLAT REVIEW:

1. **File SDP17-12: (Approval of plat with a condition that the construction access for this phase will be through the farm to market road to the north)**

Subdivision: **Oldfield, Phase 4**

Zoning(s): **R-2, Medium Density Single Family Residential, and R-6(G), Garden or Patio Home**

Location: **West of Oldfield Subdivision, Phase One**

Area: **17.39 Acres $\pm$, (53) lots**

Owner(s): **Smart Living, L.L.C. – Louis Breland**

Agent: **Dewberry Preble-Rish - Steve Pumphrey**

Surveyor: **Dewberry Preble-Rish - David Diehl**

D. PETITION:

VACATION OF RIGHT-OF-WAY:

1. **File VR17-01: Sarah Rife (Favorable recommendation to vacate a portion of Church Street with the following conditions: all public utility easements are accommodated and/or preserved prior to vacation; access is not inhibited to any city-owned property (Daphne Art Center); and any and all other recorded and/or prescriptive easements remain in place)**

Zoning: **R-2, Medium Density Single Family Residential**

Location: **1618 Sixth Street**

Area: **0.07 Acres $\pm$**

Owner: **Sarah Rife**

Agent: **Dayna Oldham**

E. ADMINISTRATIVE PRESENTATION:

Land Use Discussion by Community Development Director (No action taken)

F. ELECTION OF 2017-2018 OFFICERS:

Chairman, Vice Chairman and Secretary (Marybeth Bergin, Chairman, Phillip Hodgson, Vice Chairman & Charles Smith, Secretary)

5. **PUBLIC PARTICIPATION:** None presented

6. **ATTORNEY'S REPORT:** No report

7. **COMMISSIONER'S COMMENTS:** None presented

8. **DIRECTOR'S COMMENTS:**

Ms. Jones presented the following:

- a. The upcoming meeting dates are site preview, October 18 & regular meeting, October 26, 2017.

9. **ADJOURNMENT:** 5:41 p.m.



City of Daphne Event Permit Application

Date of Application: 10/3/2017 Permit Requested: ☐ Event/Fundraiser ☒ Parade/Run ☐ Band

Contact Information

Organization Name: Apollo's Mystic Ladies
Contact Name: Jamie Turner E-mail Address: amlco7@aol.com
Address: PO Box 3133 Daphne, AL 36526
Street / P.O. Box City/State/Zip Code
Primary Phone Number: 251-895-5024 Secondary: 224-268-7031

Event Information

Event Name: Apollo's Mystic Ladies Parade Event Date: 2/2/18
Event Location: Daphne Civic Center # Participants/Vehicles: _____
Start Time: 6:45 PM Stop Time: 8:30 PM Assembly Time: 5:30 PM
Parades/Runs Only
Special Requests: Civic Center; down Main St.; Right on College; Right on 6th St.; Right on Belrose; Left on Main St. Road Closures Requested: ☒ Yes ☐ No

Special Instructions

Approval: Internal Use Only

Date Routed: 10-4-17
Fire Dept: [Signature]
Police Dept: [Signature]
Public Works: Will [Signature]
Parks & Recreation: [Signature]
Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Council Member: _____
District # Signature

For Parade/Run Permits & Use of City Grounds:

City Council: _____
Date of Approval

Parade/Run Permits ONLY

☒ Fee Paid: \$ 1,750 ☐ N/A ☐ Waived

☒ Insurance Filed OK ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4



City of Daphne Event Permit Application

Date of Application: 9/12/17 Permit Requested: ☒ Event/Fundraiser ☐ Parade/Run ☐ Band

Contact Information

Organization Name: Congregation Mayim Chayim

Contact Name: Rabbi David Tokajer E-mail Address: rabbi@shalomeasternshore.com

Address: 10526 CR 64 Daphne, AL (Mailing: 129 General Canby Loop Spanish Fort)

Primary Phone Number: 251-279-0068 Secondary: 251-295-1484

Event Information

Event Name: Public Hanukkah Menorah Lighting Event Date: 12/19/17

Event Location: City Hall Front Lawn # Participants/Vehicles: 150+ people

Start Time: 5:30pm Stop Time: 9:00pm Assembly Time: _____

Special Requests: We are wanting to host a Public Hanukkah Menorah Lighting at City Hall again.

Road Closures Requested: ☐ Yes ☒ No

Special Instructions

Approval: Internal Use Only

Date Routed: September 13, 2017

Fire Dept: [Signature]

Police Dept: [Signature]

Public Works: [Signature]

Parks & Recreation: [Signature]

Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Council Member: _____
District # Signature

For Parade/Run Permits & Use of City Grounds:

City Council: _____
Date of Approval

Parade/Run Permits ONLY

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4



City of Daphne

Event Permit Application

Date of Application: September 19, 2017 Permit Requested: ☒ Event/Fundraiser ☐ Parade/Run ☐ Band

Contact Information

Organization Name: City of Daphne Public Works

Contact Name: BJ Eringman E-mail Address: weringman@daphneal.com

Address: 26435 Public Works Road, Daphne, AL 36526

Primary Phone Number: 251-621-3182 Secondary: 251-379-6779

Event Information

Event Name: Keep Daphne Beautiful Event Date: May 19, 2018

Event Location: Daphne City Hall and Campus # Participants/Vehicles: 50-100

Start Time: 9:00 am Stop Time: 1:00 pm Assembly Time: 7:00 am

Parades/Runs Only

Special Requests: All vehicles out of the parking lot prior to event (friday after work)

Road Closures Requested: ☐ Yes ☒ No

Special Instructions

Approval: Internal Use Only

Date Routed: September 19, 2017

Fire Dept: [Signature]

Police Dept: [Signature]

Public Works: [Signature]

Parks & Recreation: [Signature]

Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Council Member: _____
District # Signature

For Parade/Run Permits & Use of City Grounds:

City Council: _____
Date of Approval

Parade/Run Permits ONLY

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4



City of Daphne Event Permit Application

Date of Application: September 19, 2017 Permit Requested: ☒ Event/Fundraiser ☐ Parade/Run ☐ Band

Contact Information

Organization Name: City of Daphne Public Works

Contact Name: BJ Eringman E-mail Address: weringman@daphneal.com

Address: 26435 Public Works Road, Daphne, AL 36526

Primary Phone Number: 251-621-3182 Secondary: 251-379-6779

Event Information

Event Name: Public Works Equipment Show Event Date: May 16, 2018

Event Location: W.O. Lott Park # Participants/Vehicles: 25 vehicles

Start Time: 9:00 am Stop Time: 2:00 pm Assembly Time: 8:00 am

Parades/Runs Only

Special Requests: All vehicles out of the parking lot prior to event

Road Closures Requested: ☐ Yes ☒ No

Special Instructions

Approval: Internal Use Only

Date Routed: September 19, 2017

Fire Dept: [Signature]

Police Dept: [Signature]

Public Works: [Signature]

Parks & Recreation: [Signature]

Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Council Member: _____
District # Signature

For Parade/Run Permits & Use of City Grounds:

City Council: _____
Date of Approval

Parade/Run Permits ONLY

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4



City of Daphne

Event Permit Application

Date of Application: 10-9-17 Permit Requested: ☒ Event/Fundraiser ☐ Street Closure ☐ Band

Contact Information

Organization Name: LSK Lupus Walk
Contact Name: Lucy King E-mail Address: LKking15@AOL.COM
Address: 11351 Halcyon Loop Daphne AL 36526
Street / P.O. Box City/State/Zip Code
Primary Phone Number: 251-753-7999 Secondary: 621-1423

Event Information

Event Name: LSK Lupus Awareness Walk Event Date: 3-17-18
Event Location: Daphne City Hall # Participants/Vehicles: _____
Start Time: 8:00 AM Stop Time: 11:00 Assembly Time: 7:00 AM
Parades/Runs Only
Special Requests: _____
Road Closures Requested: ☐ Yes ☒ No

Special Instructions

Approval: Internal Use Only

Date Routed: 10-11-17
Fire Dept: [Signature]
Police Dept: [Signature]
Public Works: Verbal approval - C. Antinella
Parks & Recreation: [Signature]

Only required if event includes activity at or near Daphne parks

For Special Event/Band Permits:

Council Member: _____
District # Signature

For Street Closure Permits & Use of City Grounds:

City Council: _____
Date of Approval

Events Requiring Street Closures ONLY:

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ Waived by Council

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ Custom (non-race)



City of Daphne Event Permit Application

Date of Application: October 9, 2017 Permit Requested: ☒ Bike/Parade/Run Event/Fundraiser ☐ Street Closure ☐ Band

Contact Information

Organization Name: Bounds Family YMCA

Contact Name: Bob Howe, Primary Contact/Barbara Hoffman, YMCA

E-mail Address: pssco@earthlink.net/bhoffman@ysal.org

Address: 8051 Whispering Pines Road

Daphne, AL 36526

Primary Phone Number: (330)730-1092

Secondary: (251) 375-6995

Event Information

Event Name: Elf Ride

Event Date: December 14, 2017

Event Location: Centennial Park (see attached map)

Participants/Vehicles: 150-200

Start Time: 5:30 pm

Stop Time: 7:30 pm

Assembly Time: 4:00-5:30 pm

Parades/Runs Only

Special Requests: _____

Road Closures Requested: ☒ Yes ☐ No

Special Instructions

Approval: Internal Use Only

Date Routed: 10-11-17

Fire Dept: [Signature]

Police Dept: [Signature]

Public Works: Verbal Approval - C. Antonaruk

Parks & Recreation: [Signature]

Only required if event includes activity at or near Daphne parks

For Special Event/Band Permits:

Council Member: _____

District #

Signature

For Street Closure Permits & Use of City Grounds:

City Council: _____

Date of Approval

Events Requiring Street Closures ONLY:

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed

☐ Waived by Council

Route Selection: ☐ 1

☐ 2

☐ 3

☐ Custom (non-race)

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2017-52**

**A RESOLUTION REQUESTING TRANSIT STOP LOCATIONS
AND IMPROVEMENTS IN THE CITY OF DAPHNE**

WHEREAS, the City of Daphne ("City") is a member of the Eastern Shore Metropolitan Planning Organization ("MPO"); and

WHEREAS, Baldwin County ("County") operates the bus transit system known as the Baldwin Regional Area Transit System ("BRATS") that serves the entire County, including service on the Eastern Shore and within the City of Daphne; and

WHEREAS, federal funding is available through the MPO for transit projects under the U.S. Department of Transportation ("USDOT") Federal Transit Administration ("FTA") Urbanized Area Formula Program under 49 U.S.C. 5307 ("Section 5307"); and

WHEREAS, City desires to host BRATS "Park and Ride" facilities to serve as transit stops or stations under the Federal Transit Laws at certain locations within City of Daphne to improve transit operations within Daphne and on the Eastern Shore to better serve the citizens of the City; and

WHEREAS, City has reviewed USDOT FTA Circular FTA C 9030.1E dated January 16, 2014 ("Section 5307 Program Circular") desires to utilize Section 5307 through the MPO to aid in establishing and improving transit stops and access thereto as described in the Circular; and

WHEREAS, Section 5307 Program Circular describes the required local match required under the Urbanized Area Formula Program for various project types, which in no event exceed percent (20%) local match for projects utilizing said federal funds; and

WHEREAS, the MPO requires a resolution from a sponsoring local government committing the sponsoring government to providing the required local match for project funds;

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

1. The City of Daphne desires to immediately establish BRATS "Park and Ride" locations/facilities that serve as transit stops or stations under the Federal Transit Laws at the following locations:
 - a. Jubilee Square
 - b. Daphne Library
 - c. Trione Park

2. The City of Daphne further desires to establish additional future BRATS “Park and Ride” locations/facilities that serve as transit stops or stations under the Federal Transit Laws at the following locations:
 - a. Daphne Innovation + Science Complex (DISC)
 - b. Thomas Hospital Malbis Freestanding ED
 - c. City of Daphne Parks or Recreational Facilities
 - d. Other City of Daphne facilities deemed beneficial
3. The City of Daphne is committed to providing the required local match in the form of the use of real property, other allowable in-kind donations allowable under the Program, and lastly direct financial contributions in order to achieve the required local match, not to exceed Two Hundred Thousand Dollars (\$200,000.00)
4. The Mayor is encouraged to pursue the establishment of transit stops pursuant to the above as well as transit enhancements, including discretion to have specific emphasis on pedestrian and bicycle access to said facilities, and is hereby authorized to sign any agreements necessary or property to effectuate what is being resolved herewithin.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 16TH day of OCTOBER, 2017.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-82**

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

**Southeast of Corte Road and County Road 13
Fred L. Corte**

WHEREAS, on the 24th day of July 2017, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, said petition did contain the signatures of all owners of the described territory, and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, after proper publication, a public hearing was held by the City Council on October 16, 2017 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on August 24, 2017, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

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

SECTION TWO: ZONING

At the December 5, 2016 regularly scheduled City Council meeting Ordinance 2017-60 was adopted pre-zoning the said property as PUD, Planned Unit Development (Blackstone Lakes PUD).

SECTION THREE: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39

SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 59.95 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 58 DEGREES 32 MINUTES 58 SECONDS WEST, ALONG AN OLD FENCE ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 355.59 FEET TO A CAPPED REBAR; THENCE RUN NORTH 60 DEGREES 39 MINUTES 04 SECONDS WEST, ALONG SAID OLD FENCE ON THE SOUTH MARGIN OF SAID ROAD, A DISTANCE OF 824.19 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 30 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 40.53 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 262.67 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 57 SECONDS WEST, A DISTANCE OF 2641.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

SECTION FOUR: MAP OF PROPERTY

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

SECTION FIVE: PUBLICATION

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

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 16TH day of OCTOBER, 2017.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-83**

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

**Southeast of Corte Road and County Road 13
Fred L. Corte**

WHEREAS, on the 24th day of July 2017, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, said petition did contain the signatures of all owners of the described territory, and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, after proper publication, a public hearing was held by the City Council on October 16, 2017 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on August 24, 2017, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

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

SECTION TWO: ZONING

At the July 19, 2017 regularly scheduled City Council meeting Ordinance 2017-39 was adopted pre-zoning the said property as PUD, Planned Unit Development (Jubilee Farms).

SECTION THREE: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

BEGINNING AT A 3/4" CRIMP TOP IRON PIPE AT THE "LOCALLY ACCEPTED" SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 89°49'02" WEST, ALONG THE SOUTH LINE OF SAID SECTION 26, A DISTANCE OF 2669.96 FEET TO A 1/2" CAPPED REBAR (CA-0604) AT THE SOUTHEAST CORNER OF LOT 28, DUNMORE, PHASE TWO, PART B, AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2448-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00°11'14" EAST, ALONG THE EAST MARGIN OF SAID DUNMORE, PHASE TWO, PART B AND DUNMORE, PHASE TWO, PART A, AS SHOWN BY MAP

OR PLAT THEREOF, RECORDED AT SLIDE 2443-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND A PROJECTION THEREOF, A DISTANCE OF 2671.05 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE SOUTHEAST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE RUN SOUTH 89°34'24" WEST, ALONG THE SOUTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 26, A DISTANCE OF 2610.05 FEET TO 1/2" CAPPED REBAR (CA-1109) ON THE EAST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181; THENCE RUN NORTH 00°10'51" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID ALABAMA HIGHWAY 181, A DISTANCE OF 400.02 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°34'24" EAST, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 1402.13 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°03'11" EAST, A DISTANCE OF 902.21 FEET TO A 1/2" CAPPED REBAR ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN NORTH 89°32'12" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 1256.80 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 00°07'47" EAST, ALONG THE EAST RIGHT-OF-WAY OF SAID AUSTIN ROAD, A DISTANCE OF 30.14 FEET TO 1/2" CAPPED REBAR AT THE SOUTHWEST CORNER OF LOT 1 OF AUSTIN BRIDGES, UNIT 1, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2007-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89°22'04" EAST, ALONG THE SOUTH MARGIN OF SAID AUSTIN BRIDGES, UNIT 1 AND THE SOUTH MARGIN AUSTIN BRIDGES, UNIT TWO, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2082-B, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, A DISTANCE OF 1297.53 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 18 OF SAID AUSTIN BRIDGES, UNIT TWO; THENCE RUN SOUTH 00°46'05" WEST, A DISTANCE OF 670.61 FEET TO 1/2" REBAR; THENCE RUN NORTH 89°25'58" EAST, A DISTANCE OF 1069.01 FEET TO A 1/2" CAPPED REBAR AT THE NORTHWEST CORNER OF LOT 1 OF STEPHEN SPRINGS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2346-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 300.66 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°25'14" EAST, A DISTANCE OF 214.96 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHEAST CORNER OF LOT 2 OF SAID STEPHEN SPRINGS;

THENCE RUN SOUTH 00°11'25" WEST, A DISTANCE OF 80.01 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHEAST CORNER OF LOT 3 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 89°25'14" WEST, A DISTANCE OF 214.96 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHWEST CORNER OF LOT 3 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 145.04 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE NORTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 145.05 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°58'37" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 412.34 FEET TO 1-1/2" OPEN END IRON PIPE; THENCE RUN SOUTH 00°02'13" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 672.87 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE SOUTHWEST CORNER OF TRACT 1 IN SECTION 26 OF HIGHLAND FARMS, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT MISCELLANEOUS BOOK 1, PAGE 290-291, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89°47'09" EAST, A DISTANCE OF 1923.05 FEET TO 1/2" REBAR; THENCE RUN NORTH 00°06'23" EAST, A DISTANCE OF 630.48 FEET TO A 1/2" REBAR ON THE SOUTH RIGHT-OF-WAY OF BALDWIN COUNTY HIGHWAY 54; THENCE RUN SOUTH 89°34'12" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID BALDWIN COUNTY HIGHWAY 54, A DISTANCE OF 60.00 FEET TO 1/2" CAPPED REBAR (CA-1109) AT THE NORTHWEST CORNER OF LOT 1 OF AVALON PHASE 1A, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2104-A, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA;

THENCE RUN SOUTH 00°06'23" WEST, A DISTANCE OF 630.25 FEET TO A 1/2" CAPPED REBAR ON THE WEST MARGIN OF LOT 73 OF AVALON, PHASE 3, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2220-D AND 2220-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°23'53" WEST, ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 663.68 FEET TO A 1/2" CAPPED REBAR; THENCE RUN SOUTH 88°35'21" EAST, A DISTANCE OF 7.96 FEET TO 5/8" CAPPED REBAR (CA-728); THENCE RUN SOUTH 00°08'21" WEST, CONTINUING ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 669.18 FEET TO A 1/2" CAPPED REBAR (CA-1109);

THENCE RUN NORTH 89°48'48" WEST, A DISTANCE OF 6.93 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 00°03'05" WEST, A DISTANCE OF 668.95 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 00°11'04" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE OF 1319.23 FEET TO A 1/2" CAPPED REBAR (CA-1109) AT A FENCE CORNER AT THE "LOCALLY ACCEPTED" SOUTHEAST CORNER OF TRACT 4 IN SECTION 36 OF SAID HIGHLAND FARMS; THENCE RUN SOUTH 89°55'01" WEST, A DISTANCE OF 1326.54 FEET TO A 2" OPEN END PIPE AT A FENCE CORNER AT THE "LOCALLY ACCEPTED" SOUTHWEST CORNER OF TRACT 4 IN SECTION 36 OF SAID HIGHLAND FARMS; THENCE RUN NORTH 00°55'29" EAST, A DISTANCE OF 1323.76 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 361.55 ACRES, MORE OR LESS, AND LIES IN SECTIONS 25, 26 AND 36, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

SECTION FOUR: MAP OF PROPERTY

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

SECTION FIVE: PUBLICATION

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

**APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY
OF DAPHNE, ALABAMA, THIS _____ day of _____, 2017.**

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk