

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

1. **CALL TO ORDER**
2. **ROLL CALL**
INVOCATION - Brad McClain, Daphne Police Department Chaplain
PLEDGE OF ALLEGIANCE
3. **APPROVE MINUTES:** **Council Meeting** – February 19, 2018 3
4. **REPORTS OF STANDING COMMITTEES**
 - A. **FINANCE COMMITTEE** – Rudicell
Review minutes of February 19, 2018 9
 - B. **BUILDINGS & PROPERTY COMMITTEE** – LeJeune
 - C. **PUBLIC SAFETY COMMITTEE** – Davis
Review minutes of January 9, 2018 15
 - 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
Review minutes of January 24, 2018 18
 - C. **INDUSTRIAL DEVELOPMENT BOARD** – Davis
 - D. **LIBRARY BOARD** – Rudicell
 - F. **PLANNING COMMISSION** – Scott
Review minutes of January 25, 2018 and report of February 22, 2018 meeting 20
 - 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 approve ABC License for Yinzers LLC doing business as Yinzers Brew and Grill located at 28850 US Highway 98, Suite 200, Daphne – 040-Retail Beer and 060 Retail Table Wine (on or off premises) 28

City Council Agenda – MARCH 5, 2018

MOTION to approve the American Foundation for Suicide Prevention’s Eastern Shore Out of the Darkness Walk on October 14, 2018 – no street closure. 33

MOTION to approve the publication and set a public hearing on April 16, 2018 for the pre-zone of Bertolla Properties LLC property located Southeast of Alabama 181 and Austin Road. 34

MOTION to approve the publication and set a public hearing on April 16, 2018 for the Annexation of Bertolla Properties LLC property located Southeast of Alabama 181 and Austin Road. 53

MOTION to approve the publication and set a public hearing on April 16, 2018 for the zoning amendment of John W. West Irrevocable Trust property located Southwest of Holy Cross Circle and Holy Cross Drive. 64

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2018-08 - 2018-D-Oil & Lubricants 80

2018-09 - Authorize the Finance Director to invest \$500,000 from the City’s General Fund in a one-year Certificate of Deposit (CD) 81

B. 2ND READ ORDINANCES:

2018-06 – An Ordinance consenting to the sale by the Utility Board of the City of Daphne of Certain Surplus Personal Property. 82

C. 1ST READ ORDINANCES

2018-07 - Appropriation: Lodging Tax Fund: Invasive Species Control for Bayfront & Village Point Wetland Areas 83

2018-08 - Appropriation: Signs for Central Park, Alphonse Memorial Veterans Point, and Gator Boardwalk 84

12. COUNCIL COMMENTS

13. ADJOURN

**FEBRUARY 19, 2018
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

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

2. ROLL CALL

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

Also Present: Dane Haygood, Mayor; Candace Antinarella, City Clerk; Brandy Volovecky, Assistant City Clerk; Jay Ross, 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; Jeremy Sasser, Public Works; Ronnie Huskey, Facilities Director; Tonja Young, Library Director; Margaret Thigpen, Civic Center Director; Vickie Hinman, Human Resources Director.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Neil Beasley from Daphne United Methodist Church.

3. APPROVE MINUTES:

The February 5, 2018 Council Meeting minutes were approved.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Rudicell

Councilman Rudicell said the Finance Committee meets the third Monday of each month at 4:30 p.m.

B. *BUILDINGS & PROPERTY COMMITTEE* - LeJeune

**MOTION by Councilman LeJeune authorizing Mayor Haygood to extend the terms of the Project Development Agreement between Daphne Strike Soccer Club, Inc. and the City of Daphne for an additional 90 days.
MOTION CARRIED UNANIMOUSLY**

C. *PUBLIC SAFETY COMMITTEE* – Davis

Councilman Davis indicated that the next meeting will be on March 12, 2018 at 4:30 p.m.

D. *CODE ENFORCEMENT/ORDINANCE COMMITTEE* – Goodlin

Councilman Goodlin indicated that the next meeting will be on March 5, 2018 at 4:30 p.m.

E. *PUBLIC WORKS COMMITTEE*

Councilman Coleman said the Museum minutes from the January 8, 2018 meeting are in the packet and the next Public Works meeting will be on March 5, 2018.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. *Board of Zoning Adjustments* – Adrienne Jones

The upcoming meeting is on March 1, 2018.

B. *Downtown Redevelopment Authority* – Conaway

The DRA meets next Wednesday at 5:30 p.m.

C. *Industrial Development Board* – Davis

The next work session meeting will be tomorrow at 11:30 a.m.

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D. Library Board – Rudicell

The Library Board meets on the second Thursday of the month at 4 p.m. in the library.

E. Planning Commission - Scott

The Planning Commission meets this Thursday at 5 p.m.

F. Recreation Board - LeJeune

This month's meeting was canceled due to Valentine's Day. The Recreation Board is getting a lot of work done regarding the Park Drive project bid revision.

G. Utility Board - LeJeune

The minutes from the January 8, 2018 meeting are in the packet. A special called meeting was held on February 8, 2018 regarding the implementation of protective measures to prevent further spills.

6. MAYOR'S REPORT

Mayor Haygood referenced the special called meeting of the Daphne Utilities Board on February 8, 2018 and said management gave an excellent presentation which provided reassurances to attendees that management is addressing these concerns. He noted that despite the recent heavy rains, there have been no sanitary sewer overflows.

The Celebration of Life for Maria Nicholson was held today. Ms. Nicholson had been with the City of Daphne for more than 22 years and has made numerous contributions. Mayor Haygood asked everyone to keep her family and friends in their prayers, as well as her fellow City of Daphne employees. He said it has been a very tough time; the City has lost three employees in a short period of time.

Mayor Haygood mentioned the Florida school shooting and informed the public of the safety measures in place in Daphne, including the School Resource Officer (SRO) program which is funded by the City of Daphne. He read an email from Ms. Azure Joiner, Assistant Principal of Daphne Middle School, thanking the Mayor and Council for having SROs on campus.

Regarding Ordinance 2018-04, Re-zone of the Jacob's Well, LLC & Ruth Metcalfe Rye Property, Mayor Haygood said the chief concern of the public is the interconnectivity between Highway 98 and Main Street. He would not be in favor of the rezoning, the way it is currently structured. There will be growth in the city in the future but there needs to be a plan and expectations. He stressed the need for public input and community involvement.

7. CITY ATTORNEY REPORT:

No report.

8. DEPARTMENT HEAD COMMENTS:

David Carpenter, Police Chief – There were no incidents this Mardi Gras season.

David McKelroy, Recreation Director – Gave information on upcoming tournaments and events.

9. CITY CLERK'S REPORT:

No report.

10. PUBLIC PARTICIPATION

Sandy Robinson, 1500 Main Street, spoke against the development. She said this is a special place. This rezoning will affect not just this area, but all of Daphne. She stressed the safety and character of downtown and said the Council represents "us as a city."

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Clay Calvert, 604 Lea Avenue, spoke against the development. He said he rides his wheelchair downtown. He previously ran for Daphne City Council and said Daniel Dyas was one of his biggest supporters and told him he was concerned about Mr. Calvert's safety and the safety of his own children; Mr. Calvert doesn't know why there is a contradiction.

Ed Baldwin, 903 Halls Lane, spoke against the development. He has lived here for 41 years and the citizens need the Mayor and the Council's help. He said the residents and homeowners are the lifeblood of Olde Towne Daphne and they will fight to preserve the area's integrity.

Faye Ernest, 804 Daphne Court, spoke against the development. She said this is her seventh time visiting City Hall since November. She said there are two possible other entrances. She is concerned with traffic congestion three times a day; this is a safety concern for students. She said Daphne Court does not meet fire code standards. Ms. Ernest also said she is concerned that some articles of the Daphne Land Use and Development Ordinance have been overlooked.

John Mangan, 802 Daphne Court, spoke against the development. He said the peace and quiet will be lost and that there was a minimum of public information regarding this. He said the project is too ambitious for the available land in his opinion. Access through Daphne Court is not a good idea; Daphne Court is not physically big enough. Mr. Mangan said this plan sets a very bad precedent for the future of Daphne.

Bill Hawkins, 801 Daphne Court, spoke against the development. He said Olde Towne Daphne needs to be protected. He asked the Council if they want the demise of Olde Towne Daphne to be their legacy.

Robert Dyer, 801 Halls Lane, spoke against the development. He said he has attended every meeting regarding this so far. He asked how many people would be aware of this potential development if it weren't for him and other residents. He said this proposal should have never gotten this far; PUD guidelines have not been met.

Craig Dyas, the developer, said they did not start this looking to raise a crowd of opposition. He said their goals are true and honest. There are issues with traffic, volume on Daphne Court and interconnectivity between Highway 98 and Main Street. Mr. Dyas said had they been approached by the opposition, he believes they could have worked through a lot of these issues. He said the PUD actually saves quite a few oak trees by reducing the setback on the 4.36 acres behind the shopping center on Highway 98. He said they are not going to take down large, live oaks without mitigating it in accordance with Daphne's Ordinance. He said they would like to commit to putting in private roads from the end of Daphne Court all the way through the backside of Shore Oaks. He said they have asked for ten units on the R3 parcel, but they are prepared to reduce this to six units. He said they also would like to put in a gate to be used for emergency use to connect the 4.36 acre parcel and the 1.8 acre parcel.

Public Participation closed at 7:10 p.m.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

2018-06 - A Resolution Declaring Certain Personal Property Surplus and Authorizing the Mayor to Dispose of Such Property.

2018-07 – Authorizing the Mayor 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.

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MOTION BY Councilman Scott to waive the reading of Resolution 2018-06. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2018-06. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to waive the reading of Resolution 2018-07. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to adopt Resolution 2018-07. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2nd READ

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

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

MOTION BY Councilman Coleman to waive the reading of Ordinance 2018-03. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Coleman to adopt Ordinance 2018-03. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Scott to waive the reading of Ordinance 2018-05. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Goodlin to adopt Ordinance 2018-05. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

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

MOTION BY Councilman Scott to waive the reading of Ordinance 2018-04. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

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MOTION BY Councilman Scott to adopt Ordinance 2018-04. Seconded by Councilman LeJeune.

Discussion was held.

Adrienne Jones, Planning Director, and Jay Ross, City Attorney, explained the process for making amendments to rezoning requests.

Mayor Haygood said he believes the request should be voted on as it is currently written. He said he believes it should be voted up or down; there is a contingency in attendance that would like to see it come to a conclusion. He asked the City Attorney to explain Alabama law regarding zoning changes and what that process looks like.

Mr. Ross said the process for this rezoning request is in compliance with Alabama law. He explained the process for a rezoning request. He said it is up to the City Council to make the final decision. The City Council is not bound by the Planning Commission's recommendation.

After hearing from the Council, Craig Dyas said he would like to withdraw the application.

**RE-ZONE OF THE JACOB'S WELL, LLC & RUTH METCALFE RYE PROPERTY
APPLICATION WITHDRAWN**

1st READ

2018-06 – An Ordinance consenting to the sale by the Utility Board of the City of Daphne of Certain Surplus Personal Property

12. COUNCIL COMMENTS

Councilman Davis said there are 98 soccer teams from out of town coming into Daphne. We need to recognize that tourism is a major source of resources for our restaurants and hotels. Regarding the Rezone of the Jacob's Well property, he said he is in favor of the PUD concept. He believes it could work well here as it has in other places. He said it is a valid utilization of the larger piece of property. Looking at the public safety and traffic, he said he sees no way for there to be a continuous open road between the 4.3 acres and coming through Daphne Court. He said Daphne Court needs a second way out for emergencies; an effective emergency exit will benefit the residents.

Councilman Rudicell thanked attendees for coming. He said there will be growth in Daphne but the Council will try to moderate it. He asked residents to notify each other about what is going on and to continue to participate.

Councilman Coleman said it's great to see the room so packed; the public needs to be involved. He said this property will be developed but he does not necessarily think a throughway from Highway 98 to Main Street is a good idea. He said compromise is coming.

Councilman Goodlin thanked attendees for coming. He said we all have different opinions but we need to have respect for one another. He said he believes the changes that the developer has said would be implemented will be good changes and will stop traffic down Daphne Court.

Councilman Scott thanked attendees for coming. He stressed compromise and said that neither side is really happy tonight. He said the Council loves and represents all of Daphne.

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Councilman LeJeune thanked attendees for coming. He said they all that they want to protect Main Street. Even though it's not always popular, the Council has to give all property owners the same opportunities. If the rezoning comes back and it is not right, the Council will vote it down. He said he is happy about the chicken ordinance.

Mayor Haygood said he is glad to see a large crowd and encourages public participation. He remarked on the ALDOT bridge and said he and Council President Conaway met with the ALDOT Director Cooper and expressed concerns over the lack of information to municipalities. Mayor Haygood said that Jamie Huffman, SRO at Daphne Middle School, was named Officer of the Year, and Billy Kennedy, Code Enforcement Officer, was named Civilian of the Year. He said that school safety is something that we all have to look at. He said it's a societal problem. He would like to have a symposium or conference about school safety in Baldwin County.

Mayor Haygood reported that Ben Cruitt had passed away on Saturday morning. He said their hearts are saddened by this news.

Council President Conaway thanked attendees for coming and encouraged Mr. Dyas to meet with the residents.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:53 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Candace G. Antinarella, City Clerk

Tommie Conaway, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
FEBRUARY 19, 2018
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

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

Present were:

Chairman Mr. Pat Rudicell

Councilwoman Mrs. Tommie Conaway

Councilman Mr. Joel Coleman

Councilman Mr. Doug Goodlin

Councilman Mr. Ron Scott

Councilman Mr. Joe Davis

Councilman Mr. Robin LeJeune was absent.

Finance Director Ms. Kelli Kichler, Senior Accountant Mrs. Suzanne Henson, Human Resource Director Mrs. Vickie Hinman, Revenue Officer Mrs. Jamie Smith, Mayor Dane Haygood and City Attorney Mr. Jay Ross.

Also Present:

Public Works Director Mr. Jeremy Sasser

Facilities Director Ronnie Huskey

Civic Center Director Mrs. Margaret Thigpen

Building Official Richard Merchant

Environmental Programs Manager Ashley Campbell

Operations Manager Mrs. Betsy Schneider

City Clerk Mrs. Candace Antinarella

Community Development Director Mrs. Adrienne Jones

Assistant City Clerk Brandy Volevecky

II. PUBLIC PARTICIPATION

Mr. Karl Gustafson, owner of property adjacent to City Hall spoke concerning the renovations he had done to the building on his property and the pending renovations. Discussion continued on an extension timeframe that potentially could be allowed if approved by the City. Mayor Haygood discussed the project. Mr. Merchant noted that the City's Building Code only allows for a six month extension period and reviewed the City's nuisance ordinance. Discussion continued on the condemnation process. Mayor Haygood recommended Council review the options first before taking action. Discussion continued on requiring a general contractor to complete the work. Mr. Davis asked Mr. Gustafson how long he anticipated it taking him to complete the project. Mr. Gustafson stated he would need nine months and did not plan to hire a general contractor to complete the renovations. Mr. Coleman asked if a conditional extension could be allowed. Mr. Jay Ross, city attorney noted he had spoken with Mr. Gustafson's attorney and reviewed the City's options.

Discussion continued that Mr. Ross would research further, discuss the options with Mr. Gustafson's attorney and give a report at the next Buildings and Property meeting.

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved.

MOTION BY Mr. Goodlin to approve the previous months Finance Committee minutes. Seconded by Mrs. Conaway. MOTION CARRIED UNANIMOUSLY

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

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

Positions

School Crossing Guard

Building Maintenance Tech.

Administrative Assistant (PW)

Status

Posting 10/20/17 – Until Filled

Posting: 2/01/2018-2/15/2018

Reviewing 274 applications

Public Service Worker (Grounds)	Interviewing
Public Service Worker, Sr. (Grounds)	Interviewing
Public Service Worker, Sr. (Streets)	Interviewing
Solid Waste Worker, Sr.	Interviewing
Building Inspector	Interviewing
Event Services Supervisor	Interviewing/Internal
Executive Assistant	Interviewing/testing process
Assistant City Clerk	DOH: 01/25/2018
Police Officer (3)	DOH: 01/25/2018
Police Dispatcher (1)	DOH: 02/01/2018
School Crossing Guard (1)	DOH: 02/01/2018
Mechanic	DOH: 02/08/2018
Public Service Worker (Parks-PT)	DOH: 02/08/2018
Public Service Worker (Streets)	DOH: 02/14/2018
Firefighter PT (2)	DOH: 02/15/2018
Admin. Secretary (Civic Center)	Open

Safety Committee: AED's ordered for Mechanical Barn and BayFront Pavilion.

Next meeting on February 28 @10:00 a.m.

Other HR projects/meetings/events:

- Mandatory Sexual Harassment Training for employees and supervisors scheduled: Wednesday, January 31, 2018 and Friday, February 2, 2018.
- Input of new tax tables in Munis due February 15
- New Employee Orientation February 15
- Police Officer testing February 28

Mrs. Hinman noted that the Statement of Economic Interest is due by April 30, 2018 and that she would send out a reminder to those required to complete it.

Mr. Merchant asked if Building Inspections could get an agreement like Police and Fire have in place for employees to be required to reimburse the City for training expenditure if they leave within a certain period of time. Mr. Merchant noted that he has had some turnover in his department due to surrounding municipalities paying \$7 - \$10 more per hour than Daphne. Mrs. Hinman stated that the City attorney prepares this agreement.

B. Overtime Report

Ms. Kichler reviewed the overtime report.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – January, 2018

Mrs. Smith reviewed the following reports and information:

- Code enforcement issued 5 warnings resulting in businesses becoming compliant and \$1,679.82 in revenue.
- New Businesses with a physical location in Daphne - 22

BUSINESS LICENSE COUNT through 1/31/2018	
Issued THIS MONTH:	
NEW Licenses	68
RENEWAL Licenses (2018)	1986
PRIOR YEAR Licenses (2017 and Prior)	8
Total Issued THIS MONTH	2062
Total Issued THIS MONTH - PREVIOUS YEAR	2272
Net Gain/-Loss Current VS Previous Yr MONTH	-210
Total Issued YTD 2018	2,062
Total Issued YTD - PREVIOUS YEAR	2,272
Net Gain/-Loss Current VS Previous Yr YTD	-210

Business License Fee Historical Comparison 2017 / 2018				
	<u>FY 17</u>	<u>FY 18</u>	<u>+/- Previous Year</u>	<u>Budget 2017 *</u> <u>\$2,150,000</u>
October	\$7,103.71	\$5,258.84	(\$1,844.87)	(\$2,144,741.16)
November	\$11,604.68	\$8,566.59	(\$3,038.09)	(\$2,136,174.57)
December	\$33,347.73	\$41,564.84	\$8,217.11	(\$2,094,609.73)
January	\$1,301,664.28	\$1,420,279.64	\$118,615.36	(\$674,330.09)
Year to Date	\$1,353,720.40	\$1,475,669.91	\$121,949.51	(\$674,330.09)
* Amounts include penalty and interest.				

Ms. Smith noted that there was no change in for Simplified Seller's Use Tax therefore no report is included for this month. Mayor Haygood discussed the e-mail sent out to Council concerning the upcoming meeting on the Single Sellers Use Tax pending Senate bill and invited anyone wanted to participate to attend the meeting.

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: December, 2017

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,653,961.87 was collected for December, 2017 which was up \$184,400.94 from December 2016's collections :

- YTD Variance over Budget - \$ 140,314.11

B. Lodging Tax Collections, December, 2017

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for December, 2017 were \$63,869.19 which is down (\$3,183.87) from December 2016's collections .

- YTD Variance over Budget: \$5,162.14

C. Lodging Tax Fund : Statement of Rev over Exp, January, 2018

Mrs. Henson reviewed the Lodging Tax Statement of Revenues over Expenditure report for **January, 2018**.

- Unreserved balance for Bayfront related purchases - \$1,352,444.75
- Recreation related purchases - \$ 839,225.56

Mrs. Henson noted that recent expenditures for D'Olive Bay Boat Ramp *are* reflected in the report.

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: January, 2018

Ms. Kichler reviewed the Treasurer's Report:

TREASURER'S REPORT As of January 31, 2018					
Account Type/Title	1/31/2018	12/31/2017	Increase (Decrease) from last Month	1/31/2017	Increase (Decrease) from Last Year
Total Unrestricted Cash Balance	17,020,772	13,468,667	3,552,105	15,958,749	1,062,023
Total Restricted Cash Balance	18,239,414	19,795,680	(1,556,266)	8,791,867	9,447,547
Total City Cash Balance	\$ 35,260,186	\$ 33,264,347	\$ 1,995,839	\$ 24,750,616	\$ 10,509,570
Encumbrance Total as of			1/31/2018	\$ 559,501.38	

Ms. Kichler noted the increase in total City cash balance over the previous year is due to the 2017 construction funds. Ms. Kichler stated that the decrease in Capital Reserve Fund is due to draw downs on the Park Drive Sports Complex project. Mr. Scott asked about the \$2 million increase in total cash balance over last year. Ms. Kichler noted that part of this amount is due to ending the year with approximately \$300,000 income, timing differences in collections/expenditures, and the fact the reserve has built up over time. Ms. Kichler noted that investing part of this increase in a Certificate of Deposit (CD) is listed further down on the current agenda for discussion.

The Treasurer's Report as of JANUARY, 2017 Total Unrestricted Cash Balance - \$17,020,772 and Total City Cash Balance - \$35,260,186 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance is - \$559,501 as of January, 2018.

Ms. Kichler reviewed the Encumbrance Report and noted there had been significant changes in the encumbrance balances since the beginning of the fiscal year.

3. Outstanding Appropriations

Ms. Kichler noted that the Capital Reserve Fund Sports complex project is zeroed out and the largest pending projects are the Library Porch Project and Nicholson renovations. Discussion continued on road projects that had outstanding appropriations.

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

Ms. Kichler reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), **January, 2017**
 - o Jubilee Square: Debt payments are currently fully paid through December 2015 - thus 25 months in arrears. Arrearage includes \$ 1,001,669 in principal and \$449,317 in interest.
- Budgetary Comparison Schedule, December 2017
 - o Percentage used as of December 2017– Personnel – 21%, Operating- 13%, Capital- 1%. Ms. Kichler noted that if the funds were to be spent on an equal basis expenditures would be 25%.
- General Fund, December, 2017
 - o General Fund Revenues - \$28,922,789
 - o Required 3 months reserve per policy - \$7,230,697.
- Debt Service Fund, December, 2017
- Special Revenue Funds, December, 2017
 - o Mrs. Henson noted that there were no transfers required from Court to Corrections in the Court-Corrections fund for FY2017 until September 2017 and only \$1,300 was required to be transferred. Mrs. Henson noted this is a large decrease from the previous year transfers. Mayor Haygood reviewed his process for deciding to fund correction improvements/purchases through the Court-Corrections fund. Mrs. Henson noted that Lt. Yelding had assisted with implementing a new inmate meal process and the resulting savings is a big reason the transfers have decreased.
- Capital Projects Funds Balance Sheet, December, 2017
- Enterprise Funds Statement of Net Position, December, 2017

Monthly Financial Statements – December 2017 YTD Financial Highlights

General Fund:

- | | <u>FY 2018</u> | <u>FY 2017</u> | <u>Change</u> |
|--|-----------------------|-----------------------|----------------------|
| • YTD Budgetary Net Income: | 1,210,801 | \$ 1,382,505 | \$ (171,704) |
| • Total sales, use, and luxury tax collected for the year is approximately \$358,000 over prior year and \$140,000 over budgeted income | | | |
| • Ad Valorem Tax collections are approximately \$707,000 under YTD collections in prior year. This is due to a large payment not being received until January in FY 2018 | | | |
| • Unassigned Fund Balance: \$13,513,755 | | | |
| • Outstanding Encumbrances: \$603,846 | | | |

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of December 31, 2017: \$41,848,193
- Outstanding Capital Lease Balance as of December 31, 2017:
 - o General Fund: \$1,355,880
 - o Enterprise Funds: \$424,671 – Ms. Kichler noted that a new lease will be added later this year for the new Garbage Truck that was approved in the FY2018 Budget.

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

- YTD Park Improvements Expenditures: \$543,803
- YTD: CR 13 Sidewalk Expenditures: \$148,395 (TAP grant received for 80% of cost)

Special Revenue Funds (12 separate funds):

- Lodging Tax Fund –
 - o Bayfront Unreserved Fund Balance: \$1,346,373.88
 - o Recreation Unreserved Fund Balance: \$849,258.22
 - o Total lodging tax collected was \$5,100 over budgeted income and prior year to date income.

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

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

	<u>FY 2018</u>	<u>FY 2017</u>	<u>Change</u>
Solid Waste Fund	\$ 2,816	\$24,697	\$ (21,881)
Civic Center Fund	\$ 48,112	\$47,875	\$ 237
Bayfront Park Fund	\$30,066	\$25,280	\$ 4,786

Ms. Kichler noted the Garbage fee increase should have taken effect in January so that will be reflected in future financial reports.

5. Future Projects Summary

Ms. Kichler reviewed the future projects summary and noted there was no change in that report and that the vote on the appropriations for the Bayfront Street Scape project is on tonight's Council agenda.

B. Bills Paid Reports – January, 2017

The Bills Paid Report was presented in the packet.

VIII. APPROPRIATION REQUESTS: (Ordinance)**A. Signs: Central Park, Alphonse Memorial Veterans Point, and Gator Boardwalk - \$10,200**

Ms. Kichler noted that Ms. Kara Wilbourn, Marketing Coordinator has been working on signs for the parks and has met with Mr. Huskey in obtaining an estimate for the signs. Ms. Kichler noted there is a draft ordinance in the packet since an ordinance is needed for the \$10,200.

MOTION BY Mr. Scott to recommend to Council to adopt the Ordinance amending the budget to appropriate \$10,200 For signs for Central Park, Alphonse Memorial Veterans Point, and Gator Boardwalk. Seconded by Mrs. Conaway.

MOTION CARRIED UNANIMOUSLY

B. Invasive Species control for Bayfront & Village Point Wetland Areas - \$5,400

Mrs. Campbell discussed that last year she requested the monies for invasive species control to catch up on needed maintenance. Mrs. Campbell noted that this year should complete the additional maintenance needed and that she did not anticipate needing to come back next year since annual monies are budgeted for routine maintenance.

MOTION BY Mr. Scott to adopt an ordinance appropriating \$5,400 out of the Lodging Tax Fund for additional Invasive Species control for Bayfront and Village Point Wetland Areas. Seconded by Mr. Davis.

MOTION CARRIED UNANIMOUSLY

IX. BIDS: (Resolution)

A. 2018-D-OIL & LUBRICANTS

Mrs. Henson reviewed the Oil and Lubricants bid and noted this is an annual bid. Ms. Henson noted that the sole bidder was Waring Oil Company L.L.C. and that the minutes show a comparison to the previous bid contract cost. Mrs. Henson stated that a recommendation letter from Mr. Sasser was included in the packet.

MOTION BY Mr. Scott to recommend to Council to award the bid to Waring Oil Company L. L. C. for unit cost bid. Seconded by Mr. Davis.

MOTION CARRIED UNANIMOUSLY

X. NEW BUSINESS

There was no new business discussed.

XI. OLD BUSINESS

A. CD Investment: Trustmark National Bank - \$500,000

Ms. Kichler stated she recommended a CD investment of \$500,000 for a period of one (1) year and then re-evaluate the investment for a second year. Ms. Kichler also recommended only initially investing \$500,000 in a CD then evaluating another \$500,000 in six months for a second CD investment, this way the full \$1 million would not be tied up in one investment and allow opportunity to invest in a higher interest rate in six months. The current interest rate is 1.69%

MOTION BY Mr. Scott to recommend to Council to adopt an ordinance authorizing the investment of \$500,000 in a Certificate of Deposit (CD) for a period of one year. Seconded by Mr. Goodlin.

MOTION CARRIED UNANIMOUSLY

B. Discuss Fire Station #5 land site work required

Mayor Haygood discussed the Fire Station #5 project. Mr. Sasser stated that there was some site work that would be needed prior to construction of a building and estimated the cost to be \$75,000. Ms. Kichler noted there was \$59,890 in encumbered monies to begin the design phase of Fire Station #5. Mayor Haygood noted that all parties need to be aware of the restrictions on the property where the property reverts back to the previous owner if not met. Mr. Jay Ross discussed the restrictions and the public uses the property could be used for according to the proposed agreement. Discussion continued that the location of the property was a good location for Fire Station #5. Mr. Jay Ross stated he would bring the agreement back to Council for review and a vote.

C. ALDOT contribution – Highway 98 Improvements (CR64 to Van Avenue)

Mayor Haygood anticipated getting the ALDOT confirmation/contribution and private sector contribution information for the Highway 98 (CR64 to Van Avenue) project back in time for the project to be on the March Finance Committee agenda. Mr. Scott noted he had received a call from the former Chief of Police Joe Hall about the pending highway improvements. Discussion continued on the future projects.

D. Corte Road / County Road 13 Sidewalk

Mr. Sasser discussed an additional appropriation needed for the Corte Road project (from CR13 to Hwy98) project. Discussion continued on the County obtaining the needed Right of Way. Mr. Rudicell discussed a pending appropriation needed for bike lanes related to this project. Ms. Kichler gave an update on the installation of the pending sidewalk areas on County Road 13 and that the Eastern Shore Metropolitan Planning Organization (MPO) would be paying for 80% of the project overruns. Ms. Kichler stated she would bring cost information back to Council once final numbers are obtained.

E. AMIC Insurance

Mrs. Antinarella noted that Council had asked her to check with AMIC to see if they offered employee health insurance. Mrs. Antinarella reported on her findings and that AMIC does not provide health insurance.

F. ALDOT / MPO Meeting: Mobile Bay Bridge project

Mayor Haygood stated he and Mrs. Conaway had met with members of ALDOT concerning information discussed at the MPO meeting on the I-10/Mobile Bridge project meeting. Mayor Haygood gave an update on the placement of toll collection points on the bridge and the changes on current interchange/exits for Daphne.

XII. ADJOURN

The meeting adjourned at 5:56 p.m.

Public Safety Committee

Tuesday, January 9, 2018

Councilman Joe Davis
Councilman Ron Scott
Councilman Doug Goodlin
Councilman Robin LeJeune
Councilman Pat Rudicell
Councilwoman Tommie Conaway
Councilman Joel Coleman

Police Chief David Carpenter
Fire Chief James White
Public Works Director, BJ Eringman
Samantha Cooper - Secretary

Committee Members Attending:

Councilman Joe Davis, Councilman Ron Scott, Councilman Doug Goodlin, Councilman Joel Coleman, Councilman Pat Rudicell, Councilman Robin LeJeune, Public Works Assistant Director BJ Eringman, Captain Scott Taylor, Fire Chief James White

CALL TO ORDER

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

Councilman Davis requested a moment of silence in remembrance of Michelle Hansen, whose funeral was earlier today, who was a friend, colleague, and a true person who we benefited as a City in having here.

PUBLIC PARTICIPATION – N/A

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from December 11, 2017 were approved as read.

POLICE DEPARTMENT

A. New Business –

Secretary Samantha Cooper explained that there were revisions in some of the previous Police Stats (October and November). Updated and corrected stats were given and explained.

Councilman LeJeune inquired about what happened on Thursday night at McDonalds. Captain Taylor explained that it was two customers at McDonalds who were having an unknown issue, and the manager ended up calling her husband for some reason. He showed up and it escalated from there. Someone said there was a gun involved that had been pulled out; this was not confirmed by the Police. One of the vehicles of one of the parties involved got damaged in the process. We had four, possibly 5 or 6 police units respond and deescalated the situation, but took well over an hour.

Councilman Scott asked who was going to be taking Lt. Yelding's (recently retired) place for Support Services at the Police Department. Captain Taylor stated Lt. Hempfleng laterally transferred to his position, so he is now the Lieutenant over Support Services (Corrections, Dispatch and Animal Shelter). He stated that Sgt. David Smith was promoted to Lieutenant, and moved into the Lieutenant position over Patrol. Sgt. Ardis laterally transferred to the Sergeant position in Detectives.

All of the stats were presented. Councilman Goodlin asked about money seizures that are listed in the November Stats, stating that it seemed like a large amount. He inquired as to what that process

is and where that money goes. Captain Taylor stated it depends on where it comes from, if its apart of the Interdiction team, there is a breakdown of certain percentages that each agency gets that is a part of that team. He stated it goes into an account, but that money can only be spent on certain things. He asked if it is tracked through our budget, which it is. He inquired as to what a typical amount is per year that our department gets. Captain Taylor stated there isn't a real consistent amount; it just depends on the particular activity for that year. He stated about 3 or 4 years ago, there was a large bust on the interstate where around 1.2 million dollars was seized. Our department got about \$300,000 of that, but it took about 3 or 4 years to actually get it.

Councilman Scott inquired about the statistics for the DARE/SRO section, stating that there were no listed students instructed. Captain Taylor stated that Sgt. Robin Snider retired in September, and SRO Jaimie Huffman is currently going through DARE training and certification. That number wouldn't normally be that way, we just are currently working on getting SRO's DARE certified to instruct and teach.

Councilman LeJeune inquired about the number of euthanized animals listed on the corrected stats for October. He stated the numbers seem very high (32). Captain Taylor stated he would check into this, as it does seem high. Councilman LeJeune stated that our animal shelter is very good about not just euthanizing animals.

Councilman Davis spoke about the second reading on Papa George St. He stated his latest communication with the people within that community is that they are highly suggesting a four-way stop somewhere in Historic Malbis. Davis stated that we try to suggest that they encourage individuals to talk with their POA and HOA to determine these issues, and then let that body come and present/represent their concerns and suggestions to the Public Safety Committee.

FIRE DEPARTMENT

A: New Business –

Chief White presented his activity reports. Councilman Goodlin asked if there are any type of follow ups in regards to False Alarms, or any type of sanctions after that. Chief White stated that we don't implement any sanctions or fines in regards to that, some cities do but we don't. He stated that most are unintentional and that we don't get enough of these calls to justify charging.

Chief White stated he is currently going over apps for the part-time positions. He is waiting for the books to come in for the promotion exam for the Lieutenant position that is open.

Councilman Scott inquired about the \$677,000 property loss amount listed in the November stats. Chief White stated we had a house in Lake Forest completely destroyed. There was a large fire on Schooly, with 6 residential fires in November; it is very easy for costs to add up. He stated we responded to 2 structure fires that they assisted with in Fairhope last week due to heat/space heaters; but we have not had any in Daphne due to this reason so far.

Old Business – Chief White stated that Fire Station 2 is finally completed. He stated there are a few items that have to be ironed out. The roof still has no 3rd party certification on it, and after the rain over the last few days several leaks were found. City Attorney Jay Ross stated that he spoke to a contractor a few hours ago, and he stated that he wasn't aware of the problems and asked for Chief White to call him tomorrow in order to get this fixed. He stated Kelly suggested was possibly to take that money and come and have a 3rd party come in and fix it.

OTHER BUSINESS –

Councilman Goodlin inquired about if a site plan was ever obtained from Adrienne for the property at

French Settlement. Councilman Scott stated he had not gotten a chance to speak to her. He stated that from his understanding originally there was supposed to be an access road right there into the church property, however the developer went bankrupt. He didn't know if there was a solution at this time, but the church still owns that property and has future plans for it. Councilman Goodlin stated that he understood and at this time we cannot hold the developer liable for anything.

Councilman Scott inquired to Public Works Assistant Director BJ Eringman about the status of the stop sign that is supposed to be installed on Frederick. He stated that there are some concerns with traffic and some other issues going on there. Scott stated he almost witnessed someone get killed there today and this area needs to be addressed. BJ stated he thinks there is an easement there. He stated that they have the signs to do it. Scott that a resolution has already been passed to put this sign in, but we can't get anyone to install anything. Davis asked for a status report if it doesn't go in with their thinking, but this needs to happen and happen immediately.

City Prosecutor Jay Ross stated the Judge will be giving a recommendation regarding the City Prosecutor position that will be opening in the spring once Jim Scroggins retires (current City Prosecutor). Councilman Scott stated this is something that needs to be opened up and go through the interview process. Councilman Rudicell stated this is something we need to figure out, how we want to advertise and the process we want to go about in hiring a new replacement. Councilman Davis stated he would like to try and make sure Judge Hoyt is here at our next meeting so that this can be addressed and he can offer his opinion and recommendation. Mr. Ross stated this position is currently on a flat fee/salary for everything in a contracted position. It is currently a 3 year professional services contract. He stated this is something that the council will decide that they want to stick with and/or adjust when it comes to the new prosecutor being hired.

Chief White asked the committee to recall Mrs. Harris being here last month to address the committee regarding speeding issues on Wilson Ave. He stated he has been over in this area several times over the holidays and the digital speed sign that was posted in this area to help with these issues; he felt, has done wonders over there in sorting those people out who live along this area.

Councilman Goodlin inquired if there is a resolution with the concerns that were previously address in Lake Forest. BJ Eringman stated public works has not been contacted by the HOA and/or any resident regarding this. Councilman Davis stated he had contacted the HOA in Lake Forest and they had not been notified from her of these concerns and/or what they might be able to do to correct it. Davis stated he suggested to her that she get with the HOA in order for something to be done. She has not contacted them. Davis stated, as the chair, he will reach out again to her and the HOA to see where they are in this process. Councilman LeJeune stated this will likely have to be something that is brought up in the Public Works meeting, and a motion will have to be made there in order to get something done. Councilman Goodlin stated it likely is not conducive for guardrail, but maybe some type of warning sign, reflectors or rumble strips might be effective and do what is needed.

ADJOURN

There being no further business to discuss, Councilman Davis made a motion to adjourn the meeting at 5:06 p.m. The next meeting will be Monday, February 12, 2018 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee

**DOWNTOWN REDEVELOPMENT AUTHORITY
CITY OF DAPHNE
CITY HALL
1705 MAIN STREET
DAPHNE, AL 36526
January 24, 2018**

MEETING MINUTES

MEMBERS PRESENT: Debbie Strahley, Ken Balme, Dorothy Morrison
Dayna Oldham, Patricia Vanderpool, Daniel Dyas,
Brandy Lister, Nicole Simms, and Belle Laurendine

COUNCIL LIASON PRESENT: Councilwoman Tommie Conaway

OTHER PRESENT: Candace Antinarella, City Clerk

1. CALL TO ORDER, INVOCATION, ROLL CALL

There being a quorum present Daniel Dyas called meeting to order at 5:30 pm. An invocation was given by Mr. Dyas.

2. PUBLIC PARTICIPATION

None.

3. REVIEW OF 2017 ACCOMPLISHMENTS

A review and discussion of the 2017 accomplishments was had in regard to the expansion of the district. General discussion of acquisition/redevelopment of real estate.

4. GOALS FOR 2018

Discussion on goals for 2018 and relocating utility lines.

Motion by Dorothy Morrison to pursue the relocation of utility lines in 2018. Second by Patty Vanderpool Aye – Lister, Morrison, Strahley, Laurendine, Vanderpool, Balme, Oldham Nay – Simms Motion Carried
--

Motion by Patty Vanderpool to form a subcommittee for utilities. Failed for lack of a second.

Daniel Dyas will work on underground utility proposal to go to a council work session. He will bring his proposal to the February meeting.

The redevelopment of real estate was discussed and Betsy Schneider, operations director, will present in February.

5. OTHER BUSINESS

The City Hall fence will begin construction on February 1, 2018. The DRA approved up to \$10,000 towards this fence.

Ken Balme presented info on a canon and the request to buy it for the museum.

**Motion by Dayna Oldham not to buy the canon suggested by Ken Balme.
Second by Nicole Simms
Aye – Lister, Morrison, Strahley, Laurendine, Vanderpool, Simms, Oldham
Nay – Balme Motion Carried**

6. ADJOURN

Daniel Dyas asked for motion to adjourn meeting.

**Motion by Dorothy Morrison to adjourn meeting at 6:20 pm
Second by Belle Laurendine
Motion Carried Unanimously**

The City of Daphne
Planning Commission Minutes
Regular Meeting of January 25, 2018
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 5:05 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

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

Staff Present:

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

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

Chairman asked for questions, comments or corrections to the minutes *of the regular meeting of December 21, 2017. Mr. Prescott requested to amend the minutes, page 4, to reflect that he is not opposed to the development; he commented on introducing this type of development into the neighborhood.*

A *Motion* was made by Mr. Scott and *Seconded* by Ms. Phillips *to approve the minutes as amended. There was no discussion on the motion. The Motion carried unanimously.*

The next order of business is final plat review for French Settlement Subdivision, Phase 3.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry/Preble-Rish, of a request for final plat review of a seventeen-lot subdivision consisting of approximately twenty-two point two six acres located northwest of Longue Vue Boulevard and French Settlement Drive.

Mr. Pumphrey stated staff deficiencies have been addressed. Ms. Jones confirmed Public Works Director's acceptance.

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

The City of Daphne
Planning Commission Minutes
Regular Meeting of January 25, 2018
Council Chamber, City Hall - 5:00 P.M.

A Motion was made by Ms. Phillips and **Seconded** by Mr. Prescott to **approve French Settlement Subdivision, Phase 3 final plat. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a request for rezoning for WPNVA, L.L.C., Jay-E, L.L.C., John White-Spunner, and Chester J. Stephan.

An introductory presentation was given by B.J. Lyon, representative of WPNVA, L.L.C and the other owners, of a request to rezone from R-4 to B-2, a five-point eight acre parcel, located at the southeast corner of U. S. Highway 98 and Johnson Road. The existing zoning is not the highest and best use of property on a major thoroughfare because the parcel is suitable for current uses on U.S. Highway 98. The comparable parcels recently rezoned are located at U.S. Highway 98 and Dale Road and U.S. Highway 90 and County Road 13. This parcel meets the criteria for B-2 and is appropriate and consistent with the uses of the properties along U.S. Highway 98 and at this intersection. He read a portion of the staff recommendation stating that "a B-2 zoning district would be consistent with the zoning of property to the north and across U.S. Highway 98 to the west" then asked the Commission to apply the ordinance consistently and fairly and rezone this property B-2.

Chairman asked for Commission questions or comments.

Mr. Scott asked the status of the prior application, confirmation of an unfavorable recommendation, and has the application changed. Ms. Jones responded the application presented last year was withdrawn prior to action by the Council. Mr. Smith confirmed the recommendation from the Planning Commission was unfavorable regarding the request for a B-2 zoning change.

Ms. Jones responded Mr. Lyon read a part of the report, not the rest of it, and perhaps the most important part is the recommendation from staff. The other sentence in the report that he did not mention says, "Commercial zoning is an obvious choice for a major intersection, but it may be the case that B-2(a) is the better choice".

Mr. Scott stated this is a historical area of Daphne, the residents realize that this parcel will be zoned business, but would prefer one that allows more compatible uses.

Mr. Scott asked Mr. Ross what's the recourse if the Commission and Council deny the rezoning. Mr. Ross stated for the property to remain R-4 or an appeal to Circuit Court.

Mr. Sandefur asked if a site plan was submitted and would the owners consider B-2(a). Mr. Lyon responded no and stated that the State statute does not require it, and that B-2 zoning district restricts uses.

The City of Daphne
Planning Commission Minutes
Regular Meeting of January 25, 2018
Council Chamber, City Hall - 5:00 P.M.

Ms. Jones mentioned the City recently established a B-2(a) zone. When the Dale property was rezoned, the only option was B-1, B-2 or B-3. Since the adoption of the B-2(a) zone, the most recent precedence established for commercial zoning was the approval by Council of two applications presented as B-2(a) in lieu of B-2.

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

Mr. Lyon asked to respond after public comments.

Larry Yelding, 1207 Warren Drive, spoke in opposition to the rezoning of the property and stated it is not conducive to our neighborhood and in favor of businesses that would close at 5 pm.

Eleese Poe, 1306 Warren Drive, spoke in opposition, asked the Commission to preserve this historical community and quality of life.

Jewel Lawson, 1001 Johnson Road, has submitted a petition to the Commission containing one hundred and seventy-eight signatures of the residents of Daphmont Subdivision opposed to rezoning. She spoke in opposition to a service station or rezoning to any business zone that will negatively affect the quality of life, traffic, safety, and health concerns of the citizens of Daphmont and asked the Commission to preserve this historical community and rezone this property B-1.

Chairman stated the Commission has an extensive list of names presented in a petition and correspondence from Mr. Sampson opposed to the development.

Dorothy Williams, 126 Valrie Lane, spoke in opposition to the rezoning and addressed traffic, noise and quality of life.

During rebuttal, Mr. Lyon responded that the parcels to the north of this property and at this intersection are B-2 and asked does the rezoning of this parcel adversely affect the health, safety and welfare of the residents of Daphmont when B-2 exists across the street.

Chairman closed public participation.

Mr. Scott stated the Commission is charged with the preservation of the health, safety and welfare of the community, cannot treat anyone different, and must treat everyone on a level playing field. We could ask Council to reject the rezoning, and then it would be in another Court's hands. However, it may be wise for us to recommend B-1 to recognize that residential homes will not face U. S. Highway 98, and this zoning will restrict the type of uses that can be developed on that parcel.

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

The City of Daphne
Planning Commission Minutes
Regular Meeting of January 25, 2018
Council Chamber, City Hall - 5:00 P.M.

A *Motion* was made by Mr. Scott and *Seconded* by Ms. Phillips to send a favorable recommendation to Council regarding the rezoning of the subject property for WPNVA, L.L.C., Jay-E, L.L.C., John White-Spunner, and Chester J. Stephan to B-1, Local Business, in lieu of B-2, General Business.

During discussion, Commissioners asked the protocol for recommending a zoning other than B-2, and the definition and uses allowed in a B-1, Local Business.

Chairman stated that the motion is simply a recommendation to City Council.

Ms. Jones stated the Commission can recommend B-1 in lieu of B-2. Mr. Ross confirmed.

Mr. Scott stated "This district is intended to provide for limited retail convenience goods and personal service establishments in residential neighborhoods and to encourage the concentration of these uses in one location for each residential neighborhood rather than in scattered sites occupied by individual shops throughout a neighborhood."

Ms. Jones read from the Land Use and Development Ordinance Article 35, Table of Permitted Uses allowed in B-1 by right and stated a convenience is allowed by Planning Commission approval.

The Motion carried unanimously.

The next order of business is a petition for vacation of easement for Olde Towne Daphne Developmente, Inc.

An introductory presentation was given by Stark Irvine, representative of Olde Towne Daphne Developmente, Inc., of a request for vacation of ingress and access easements which is a housekeeping issue from a previously recorded subdivision for a nine-lot subdivision under construction on Pollard Road, north of Baldwin Bone and Joint.

Chairman commented the two-hatched areas or easements shown are a part of a preliminary plat approved by this body and asked about the clarification of utilities.

Mr. Ross stated that the approval of the Public Works Director is sufficient. Chairman asked because there are no utilities installed in the easements. Mr. Ross stated that is correct.

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

The City of Daphne
Planning Commission Minutes
Regular Meeting of January 25, 2018
Council Chamber, City Hall - 5:00 P.M.

A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur *to send a favorable recommendation to Council to vacate the subject ingress/egress easements for Olde Towne Daphne Developmente, Inc. There was no discussion on the motion. The Motion carried unanimously.*

The next order of business is administrative presentation for Daphne Commons.

An introductory presentation was given by Andy Bobe, representative of Dewberry/Preble-Rish, of a request for an extension of time for the site disturbance permit issued to Daphne Commons located east of the intersection of U.S. Highway 98 and U.S. Highway 90, north of Jubilee Square Shopping Center. A subdivision and site plan were approved in 2016. The owner was granted an extension in 2017 in order to acquire lease holders to make the site viable. He is at that point now and is requesting another one-year extension because it expires on January 26, 2018, and plans to begin construction in February or March.

Chairman stated it was noted that you held a preconstruction meeting and asked is there a time frame now. Ms. Jones stated once the Commission grants approval, and the owner acquires a site disturbance permit, he has one-year to begin construction. Once construction begins, it is an active permit until a certificate of occupancy is issued.

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

A Motion was made by Mr. Scott and **Seconded** by Ms. Phillips *to approve a one-year extension of the site disturbance permit for Daphne Commons. There was no discussion on the motion. The Motion carried unanimously.*

The next order of business is an administrative presentation of street acceptance for Winged Foot Subdivision, Phase 1.

An introductory presentation was given by Adrienne Jones, Director of Community Development, of a recommendation for acceptance of the right-of-ways within Winged Foot Subdivision, Phase 1, and stated all appropriate documentation has been presented.

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

A Motion was made by Ms. Bergin and **Seconded** by Mr. Sandefur *to send a favorable recommendation to Council to accept the streets in Winged Foot Subdivision, Phase 1. There was no discussion on the motion. The Motion carried unanimously.*

The next order of business is public participation.

Chairman asked for public participation.

None presented.

The City of Daphne
Planning Commission Minutes
Regular Meeting of January 25, 2018
Council Chamber, City Hall - 5:00 P.M.

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

Mr. Ross stated no report.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

Ms. Jones presented the following:

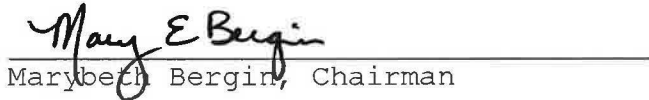
- a. City Council Actions:
 - 1. Approved Zoning Map on January 22, 2018;
- b. The upcoming meeting dates are site preview, February 14 and regular meeting, February 22, 2018.

There being no further business, the meeting was adjourned at 6:15 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: February 22, 2018


Marybeth Bergin, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF FEBRUARY 22, 2018
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

 **REPORT**

1. **CALL TO ORDER:** 5:00 p.m.
2. **CALL OF ROLL:** Andrew Prescott, Ron Scott, Phillip Hodgson, Marybeth Bergin, Charles Smith, Hudson Sandefur, and Ed Kirby
3. **APPROVAL OF MINUTES:** Review of minutes for the regular meeting of January 25, 2018 (**Approved as submitted**)
4. **OLD BUSINESS:** Discussion re: request for a waiver to the sidewalk requirement for Rich's Car Wash (**Approved**)
5. **NEW BUSINESS:**

A. PRELIMINARY PLAT REVIEW:

1. **File SDP18-01: (Approved preliminary plat with a modification to the wetland buffer requirement which would allow filling an isolated wetland area in Common Area 7: conditioned upon installation of a 10-ft wide No Clear Zone along the southern boundary of the property)**

Subdivision: Diamante, Phase Two, a Resubdivision of Lot 1, Malbis-CR 13

Present Zoning: R-3, High Density Single Family District

Location: East side of County Road 13, north of Sehoy Subdivision

Area: 23.33 ± Acres, (39) lots

Developer: 68V Diamante 2017, L.L.C. - Nathan Cox

Agent: Dewberry/ Preble-Rish - Steve Pumphrey

Surveyor: Dewberry/ Preble-Rish - David Diehl

2. **File SDP18-02: (Approved preliminary plat: conditioned upon installation of a 10-ft wide No Clear Zone along the southern boundary of the property)**

Subdivision: Diamante, Phase Three, a Resubdivision of Lot 1, Malbis-CR 13

Present Zoning: R-3, High Density Single Family District

Location: East side of County Road 13, north of Sehoy Subdivision

Area: 16.76 ± Acres, (51) lots

Developer: 68V Diamante 2017, L.L.C. - Nathan Cox

Agent: Dewberry/ Preble-Rish - Steve Pumphrey

Surveyor: Dewberry/ Preble-Rish - David Diehl

B. BERTOLLA PROPERTIES, L.L.C.:

1. **PREZONING AMENDMENT: (Favorable recommendation to City Council)**

File PZA18-01: Bertolla Properties, L.L.C.

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

Proposed Pre-zoning(s): PUD, Planned Unit Development

Location: Southeast of Alabama Highway 181 and Austin Road

Area: 361.55 Acres ±

Owner(s): Bertolla Properties, L.L.C. - Alexander Bertolla

Agent: Dewberry/Preble-Rish - Steve Pumphrey

1. ANNEXATION PETITION:

File ANX18-01: (Favorable recommendation to City Council)

Presentation to be given by Steve Pumphrey, representative of Dewberry/Preble-Rish, representing Bertolla Properties, L.L.C., requesting annexation of a three hundred and sixty-one point five-five acre parcel into the City of Daphne located southeast of Austin Road and Alabama Highway 181 as a PUD, Planned Unit Development. The subject property is currently zoned RSF-2, Single Family District, and RA, Rural Agricultural, in Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne. Bertolla Properties, L.L.C., Owner.

C. JOHN W. WEST IRREVOCABLE TRUST:

1. ZONING AMENDMENT: (Favorable recommendation to City Council with a condition that all associated business uses shall be consistent with B-1, Local Business, and B-3, Professional Business type uses as listed in Land Use & Development, Article 35, Permitted Use Table)

File ZA18-02: John W. West Irrevocable Trust

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

Proposed Zoning(s): MU, Mixed Use

Location:	Southwest of Holy Cross Circle and Holy Cross Drive
Area:	1.77 Acres $\pm$
Agent:	Hutchinson, Moore & Rauch - Scott Hutchinson
Developer:	Two Hands Design & Development, L.L.C. - Jason Tickle
Owner:	John W. West Irrevocable Trust - Julie Bierster, Trustee

D. ADMINISTRATIVE PRESENTATION: Land Use & Development Ordinance Discussion by Adrienne Jones, Community Development Director (No action taken)

6. PUBLIC PARTICIPATION: Comments on a No Clear Zone (see minutes for details).

7. ATTORNEY'S REPORT: No report

8. COMMISSIONER'S COMMENTS: None presented

9. DIRECTOR'S COMMENTS:

Ms. Jones presented the following:

- a. City Council Actions:
 1. Jacob's Well and Ruth Metcalfe Rye Zoning Amendment was withdrawn by agent; no application for rezoning of this property has been submitted;
- b. The upcoming meeting dates are site preview, March 14 & regular meeting, March 22, 2018.

10. ADJOURNMENT: 6:35 p.m.



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20171213083124485

Type License: 040 - RETAIL BEER (ON OR OFF PREMISES) **State:** \$150.00 **County:** \$75.00

Type License: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES) **State:** \$150.00 **County:** \$75.00

Trade Name: YINZERS BREW AND GRILL **Filing Fee:** \$100.00

Applicant: YINZERS LLC **Transfer Fee:**

Location Address: 28850 US HWY 98; SUITE 200 DAPHNE, AL 36526

Mailing Address: 28850 US HWY 98; SUITE 200 DAPHNE, AL 36526

County: BALDWIN **Tobacco sales:** YES **Tobacco Vending Machines:** 0

Type Ownership: LLC

Book, Page, or Document info: INST 1658054

Date Incorporated: 09/28/2017 **State incorporated:** AL **County Incorporated:** BALDWIN

Date of Authority: 09/28/2017 **Alabama State Sales Tax ID:** R009873778

Federal Tax ID: 82-3013706

Name:	Title:	Date and Place of Birth:	Residence Address:
MARK JAMES BENTZ 7696853 - AL	MEMBER	08/05/1970 PITTSBURGH, PA	304 W SHRIVER ST SUMMERDALE, AL 36580

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

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

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

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

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

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

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

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

Contact Person: MARK BENTZ

Business Phone: 251-533-8154

Fax:

Home Phone: 251-533-3378

Cell Phone:

E-mail: MARKBENTZ13@GMAIL.COM

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

Previous License Number(s)

License 1:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20171213083124485

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**

Name of Property owner/lessor and phone number: **ROBERT AND GAIL WILLIAMS LLC 251-604-0930**

What is lessors primary business? **REAL ESTATE**

Is lessor involved in any way with the alcoholic beverage business? **NO**

Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**

Is the business used to habitually and principally provide food to the public? **YES**

Does the establishment have restroom facilities? **YES**

Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**

Building Dimensions Square Footage: **3200** Display Square Footage:

Building seating capacity: **99**

Does Licensed premises include a patio area? **NO**

License Structure: **ONE STORY**

License covers: **OTHER**

Location is within: **CITY LIMITS**

Police protection: **CITY**

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

Name:	Violation & Date:	Arresting Agency:	Disposition:
MARK BENTZ	MARIJUANA POSSESSION - 07/22/2017	FOLEY POLICE DEPT	PENDING, NOT GUILTY
MARK BENTZ	DRUG POSS - 07/22/2017	FOLEY POLICE DEPT	PENDING, NOT GUILTY



STATE OF ALABAMA

ALCOHOLIC BEVERAGE CONTROL BOARD

ALCOHOL LICENSE APPLICATION



Confirmation Number: 20171213083124485

Initial each

In reference to law violations, I attest to the truthfulness of the responses given within the application.

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

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

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

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): Mank Bentz

Signature of Applicant: Mank Bentz

Notary Name (print): Betty G. Dean

Notary Signature: Betty M. Dean

Commission expires: 1/13/2019

Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION

Confirmation Number: 20171213083124485



Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

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

Has Agent verified membership applications for each member listed?

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

Agent's Initials:

For what purpose is the club organized?

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

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

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

License Covers: SUITE 200

Receipt Confirmation Page

Receipt Confirmation Number: **20171213083124485**
Application Payment Confirmation Number: **33123164**

Payment Summary	
Payment Item	Fee
Application Fee for License 040 and License 060	\$100.00
Total Amount to be Charged	\$100.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
040 - RETAIL BEER (ON OR OFF PREMISES)	\$75.00	\$150.00	\$225.00
060 - RETAIL TABLE WINE (ON OR OFF PREMISES)	\$75.00	\$150.00	\$225.00
Total Amount to be Charged	\$150.00	\$300.00	\$450.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 040 - RETAIL BEER (ON OR OFF PREMISES)
License Type 2: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES)
License County: BALDWIN
Business Type: LLC

Trade Name: **YINZERS BREW AND GRILL**
Applicant Name: **YINZERS LLC**
Location Address: 28850 US HWY 98; SUITE 200
DAPHNE, AL 36526

Mailing Address: 28850 US HWY 98; SUITE 200
DAPHNE, AL 36526

Contact Person: MARK BENTZ
Contact Home Phone: 251-533-3378
Contact Business Phone: 251-533-8154
Contact Fax:
Contact Cell Phone:
Contact Email Address:
Contact Web Address:



City of Daphne

Event Permit Application

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

Contact Information

Organization Name: American Foundation for Suicide Prevention

Contact Name: Lydia Barber E-mail Address: jlbarber5@bellsouth.net

Address: 606 Oak Ridge West, Daphne AL 26526

Primary Phone Number: 251-626-6099 Secondary: 251-455-6453

Event Information

Event Name: Eastern Shore Out of the Darkness Walk Event Date: October 14, 2018

Event Location: Olde Town Daphne # Participants/Vehicles: 500/200

Start Time: 1:00pm Stop Time: 4:00pm Assembly Time: 10:00am setup

Special Requests: Assembly in front of City Hall - walk on sidewalks only Main Street to Santa Rosa through DES parking lot and back

Road Closures Requested: ☐ Yes ☒ No

Special Instructions

Approval: Internal Use Only

Date Routed: 2-28-18

Fire Dept: _____

Police Dept: [Signature]

Public Works: [Signature]

Parks & Recreation: _____

Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Council Member: _____

District #

Signature

For Parade/Run Permits & Use of City Grounds:

City Council: _____

Date of Approval

Not valid unless stamped "Approved"

Parade/Run Permits ONLY

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4

To: Office of the City Clerk
From: Adrienne D. Jones, ^{AD}
Director of Community Development
Subject: Bertolla Properties, L.L.C.
Pre-Zoning Amendment
Date: February 23, 2018

MEMORANDUM

PRESENT ZONING: RSF-2, Single Family District, and
RA, Rural Agricultural, Baldwin
County Exterritorial Planning
Jurisdiction

PROPOSED PRE-ZONING: PUD, Planned Unit Development

LOCATION: Southeast of Alabama 181 and Austin
Road

RECOMMENDATION: At the Thursday, February 22, 2018,
regular meeting of the Daphne
Planning Commission, seven members
were present, and the motion carried
for a unanimous favorable
recommendation for the above
mentioned pre-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 for
placement on the City Council agenda to set a public
hearing.

Thank you,
ADJ/jv

attachment(s)

1. Pre-zoning Application
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. PUD documents
5. Adjacent property owners list
6. Community Development Report

FILE
02/23/18
3:00 pm



APPLICATION FOR REZONING OR PRE-ZONING

Office use only:

Date Submitted

1/22/18

Application Number:

Planning Commission Public

ZA-

or

PZA-18-01

Hearing Date:

2/22/18

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

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection):		PPIN#(s):
Southeast of intersection of Ala Hwy 181 & Austin Rd		62440, 40552, 111159, 2970, 103572
Gross Site Area (acreage):	361.55 Acres	Requested Zoning or Pre-Zoning: PUD
Current Zoning Designation(s):	RSF-2 & RA (Baldwin County District 15)	Amended Request:
		Initials: Date:
Current Land Use:	Agricultural	Anticipated Land Use: Single Family Residential
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": See attached		

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

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

Alexander Bertolla

Name of Current Owner: Bertolla Properties LLC

Mailing Address:

PO Box 1527, Daphne, AL 36526

Phone/Fax: 610-0031

E-mail: bertollafs@gulftel.com

Name of Authorized Agent:

Dewberry Engineers, Inc.

Mailing Address:

9949 Bellaton Avenue, Daphne, AL 36526

Phone/Fax: 990-9950/929-9815

E-mail: mpumphrey@dewberry.com

Name of Developer*:

DR Horton, Inc.

Phone/Fax: 259-8295

E-mail: ctrogers@drhorton.com

Other:

Phone/Fax:

E-mail:

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

Applicant's Signature:	Date: 1-18-18
Agent's Signature:	Date: 1-18-18

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"

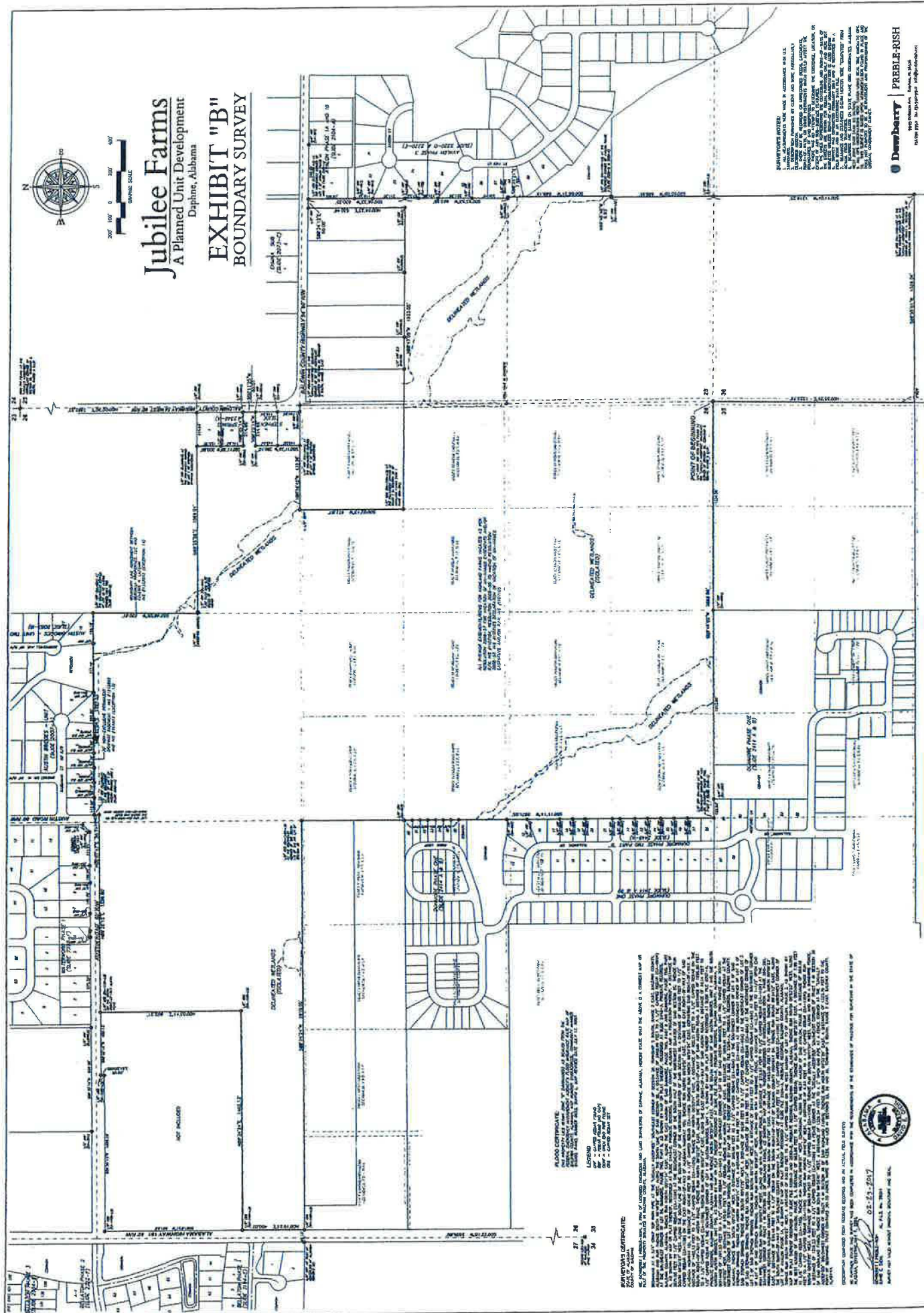
CAPPED REBAR (CA-604) AT THE NORTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN SOUTH 00°11'38" WEST, A DISTANCE OF 145.05 FEET TO A 1/2" CAPPED REBAR (CA-604) AT THE SOUTHWEST CORNER OF LOT 4 OF SAID STEPHEN SPRINGS; THENCE RUN NORTH 89°58'37" WEST, ALONG AND WITH A BARBWIRE FENCE, A DISTANCE 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.



Jubilee Farms
A Planned Unit Development
Daphne, Alabama

EXHIBIT "B"
BOUNDARY SURVEY

[illegible]

JUBILEE FARMS PUD STANDARDS

Jubilee Farms, a Planned Unit Development (PUD), is a 361.55 acre site located southeast of the intersection of Alabama Highway 181 and Austin Road. The property is presently in the extraterritorial jurisdiction of the City of Daphne and is located in Baldwin County Planning District 15 and is zoned RA – Rural Agriculture (approximately 21 acres) and RSF-2 – Residential Single Family. Application has been made to the City of Daphne to Pre-zone this property as a PUD.

The proposed development consists of 909 single family lots, with 375 lots at 52' wide and a minimum of 6,500 sq. ft., and 400 lots at 70' wide and a minimum of 9,800 sq. ft., and 134 lots at 80' wide and a minimum of 12,000 sq. ft. The proposed density of the development is 2.51 units per acre. There are 89.45 acres, or 24.7% of the total site, proposed as common area. These common areas consist of 26.51 acres of formal open space, 53.96 acres of passive open space, and 8.98 acres of jurisdictional wetlands.

The residential lots shall have the following standards:

The 52' wide lots are to have building setbacks of 25' on the front and rear, 6' on the sides, and 15' on the street sides. The 70' wide lots are 30' on the front and rear, 6' on the sides, and 20' on the street sides. The 80' wide lots are 30' on the front and rear, 10' on the sides, and 20' on the street sides. The maximum building heights for all residential lots are to be as per the City's R-3 zoning district. The maximum building coverage of each residential lot is 45%.

All utilities will be constructed underground and water, sewer, electric, and telephone are all available to the site. All roadways within the development will be public and sidewalks will be located on both sides of the proposed roadways. Sidewalks will be installed by the home builder at the time of house construction and will be required to be ADA compliant. All construction will be in accordance to the standards of the City of Daphne.

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

A landscape plan will be provided as part of the subdivision process. The required landscaping will be provided in the common areas and installed during construction of the infrastructure adjacent to those common areas. Any additional landscaping will be provided by the home builders and/or the lot owners.

As per the City of Daphne Land Use and Development Ordinance, this development is considered a Large-Scale PUD, due to being over 300 acres in size. Developments of this size do require consideration of public facilities and services. The property owner has donated land to the City that is in the general area of this site, to provide for a Fire Station that can better serve this proposed development and other existing developments within the area. Multiple access points to this development will provide for alternate emergency access locations. A private

school has recently been constructed in the near vicinity of this site and the developer will coordinate with the public school system on the proposed development plans and growth rate to assist them in their planning. Traffic studies will be conducted prior to subdivision application of the first phase. Coordinated efforts are already underway between the City, ALDOT, and the County to realign area roadways and ALDOT has begun the process of surveying and designing the additional lanes for Highway 181 from Milton Jones Road to Alabama Highway 104. These improvements could begin sometime in 2018 and will be instrumental in providing for the additional traffic generated by this and other developments in the area. This development will be constructed in phases with a 15 to 20 year proposed build-out.

Jubilee Farms is to be a unique neighborhood offering varying lot types and amenities. The larger lots are located along the main road that basically runs through the center of the overall development. The other two lot types are divided into multiple separate neighborhoods throughout the development. These lot sizes and the associated building types will provide entry level options for prospective homeowners. Parks are located throughout the development with an approximately 6 acre site provided for multiple type amenities. Also the development provides 24.7% open space, which is almost 2.5 times more than is required in a PUD. Multi-use trails are also located along the common areas around the lakes, through the Parks, and along the rear of lots providing for additional pedestrian activities. As a public benefit the developer proposes a sidewalk along Austin Road adjacent to the development. The amenities, parks, multi-use trails, and sidewalks provide more opportunities for residents to enjoy on-site rather than having to use City parks. Finally the developer has elected to bring this development within the corporate limits of Daphne as opposed to staying in the County.

Covenants and Restrictions will provide for the formation of a Property Owner's Association for the Jubilee Farms development whereby maintenance responsibilities of the common areas and drainage infrastructure outside of public roadways will be established.

Adjacent property owners to Ju e Farms (Bertolla Property)

Parcel Number	Owner Name	Address	City	State	Zip
05-43-07-26-0-000-003.030	ABED, BRENDA R ACCARDI	242 STONE CREEK BLVD	DAPHNE	AL	36526
05-43-07-26-0-000-003.023	AUSTIN BRIDGES HOA INC	P O BOX 2342	DAPHNE	AL	36526
05-43-07-26-0-000-007.003	AUSTIN, JAMES E	24503 CO RD 54 W	DAPHNE	AL	36526
05-43-07-25-0-000-007.000	AVALON HOA INC	P O BOX 386	DAPHNE	AL	36526
05-43-08-27-0-000-004.010	BELLATON POA	PO BOX 1629	DAPHNE	AL	36526
05-43-07-26-0-000-006.000	BERTOLLA PROPERTIES L L C	P O BOX 1527	DAPHNE	AL	36526
05-43-07-26-0-000-003.034	BERTOLLA, RAYMOND R ETAL BERTOLLA, JULIE	10520 SASSAMAN CT	DAPHNE	AL	36532
05-43-07-26-0-000-005.000	BONI, LOUIS JR	11582 LISA CT	FAIRHOPE	AL	36532
05-43-07-26-0-000-009.000	BONI, LOUIS JR ETAL BONI, SHARON OSTINI	11582 LISA CT	FAIRHOPE	AL	36526
05-43-07-26-0-000-009.001	BONI, THELMA M	25170 CO RD 13	DAPHNE	AL	36526
05-43-07-26-0-000-005.001	BONI, THELMA MARIE AS PERSONAL REPRESENT	25170 CO RD 13	DAPHNE	AL	36526
05-43-07-26-0-000-011.089	BONNELL, CLARK	24138 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-004.006	BRANTLEY, KARL L JR ETAL BRANTLEY, NELIA	24563 AUSTIN RD	DAPHNE	AL	36526
05-43-07-25-0-000-007.095	CASSIBRY, ROBERT N ETAL CASSIBRY, SUZANN	11260 ST IVES CT	DAPHNE	AL	36526
05-43-07-26-0-000-011.117	COKER, CARTER BROOKS	10503 FIONN LOOP	DAPHNE	AL	36526
05-43-07-26-0-000-011.082	COUNTS, WANDA KAY ETAL COUNTS, MICHELLE	24218 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-35-0-000-002.092	CRAIG, BENJAMIN TODD	23994 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-011.112	CRAVER, MARK ROBERT ETAL CRAVER, MELISSA	10465 FIONN LOOP	DAPHNE	AL	36526
05-43-07-26-0-000-011.079	CUSHMAN, WILLIAM D ETAL CUSHMAN, LISA C	24240 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-25-0-000-007.087	DAVIDSON, KELLIE GALLOWAY	24457 SAXSON CT	DAPHNE	AL	36526
05-43-07-26-0-000-008.000	DEFILIPPI, ANTONIO JAMES ETAL DEFILIPPI,	P O BOX 1472	DAPHNE	AL	36526
05-43-07-26-0-000-011.113	DICKERSON, DAVID ETAL DICKERSON, DONNA	10471 FIONN LOOP	DAPHNE	AL	36527
05-43-07-35-0-000-002.100	DUNMORE RESIDENTIAL HOA	29891 WOODROW LAN STE 300	SPANISH FORT	AL	36527
05-43-07-35-0-000-002.101	DUNMORE RESIDENTIAL HOA	29891 WOODROW LAN STE 300	SPANISH FORT	AL	36527
05-43-07-26-0-000-011.064	DUNMORE RESIDENTIAL HOA	29891 WOODROW LAN STE 300	SPANISH FORT	AL	36526
05-43-07-26-0-000-004.008	ESTOPINAL, LOUIS R SR ETAL ESTOPINAL, CA	24599 AUSTIN RD	DAPHNE	AL	28210
05-43-07-25-0-000-007.002	FINLEY, DOLORES A	8304 MERNMACK CT	CHARLOTTE	NC	36526
05-43-07-26-0-000-003.048	FIRESTINE, ROSEMARY P	24772 BOSBYSHELL AVE	DAPHNE	AL	36526
05-43-07-26-0-000-011.078	GAFFORD, ANNA L	24246 TULLAMORE DR	DAPHNE	AL	36532
05-43-07-26-0-000-003.032	GILL, MICAH P	10554 SASSAMAN CT	DAPHNE	AL	36526
05-43-07-26-0-000-004.005	GRAHAM, CHRISTOPHER ETAL GRAHAM, LINDSAY	24561 AUSTIN RD	DAPHNE	AL	36526

Adjacent property owners to Ju e Farms (Bertolla Property)

05-43-07-26-0-000-011.087	HAMMOND, APRIL F	24160 TULLAMORE DR	DAPHNE	AL	36532
05-43-07-25-0-000-010.000	HIGBEE, RICHARD E	11011 HIGBEE RD	FAIRHOPE	AL	36526
05-43-07-36-0-000-002.005	HIGBEE, RICHARD S	11844 CANEY CREEK DR	DAPHNE	AL	36526
05-43-07-36-0-000-002.006	HIGBEE, RICHARD S	11844 CANEY CREEK DR	DAPHNE	AL	36526
05-43-07-35-0-000-001.001	HIGBEE, RICHARD S (HIGBEE, RICHARD E ATT	11844 CANEY CREEK DR	DAPHNE	AL	36526
05-43-07-25-0-000-008.003	IKNER, NANCY L	11235 CO RD 54 W	DAPHNE	AL	36526
05-43-07-26-0-000-003.029	KEY, ELISON D ETAL KEY, VERONICA A (KEY,	10614 SASSAMAN CT	DAPHNE	AL	36526
05-43-07-26-0-000-011.085	LACKEY, MICHAEL E ETAL LACKEY, JANICE F	24186 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-001.000	LAZZARI, CELESTE R ETAL LAZZARI, VICTOR	25000 CO RD 54 E	DAPHNE	AL	36526
05-43-07-26-0-000-003.027	LEE, JUSTON ETAL LEE, CARA	10628 SASSAMAN CT	DAPHNE	AL	36526
05-43-07-25-0-000-007.092	LINCOLN, CLAYTON J ETAL LINCOLN GAIL	11210 ST. IVES CT	DAPHNE	AL	36526
05-43-07-26-0-000-011.091	MALDONADO, LEONARD N ETAL MALDONADO, MEI	24106 TULLAMORE DR	DAPHNE	AL	36549
05-43-07-26-0-000-011.111	MEISEMANN, RICHARD W	15252 BISHOP TRACE	LILLIAN	AL	36526
05-43-07-25-0-000-005.002	MERRITT, GREGORY B ETUX PATSY M	11259 CO RD 54	DAPHNE	AL	36526
05-43-07-26-0-000-011.084	MILLER, DAVID O	24192 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-25-0-000-008.000	MONTEIRO, PHYLLIS G	11030 CO RD 54	DAPHNE	AL	36526
05-43-07-26-0-000-011.081	MOYER, DARRYL L JR ETAL MOYER, SARA L	24226 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-003.028	MURPHY, NICHOLAS P ETAL MURPHY, MARGUERI	10622 SASSAMAN CT	DAPHNE	AL	36526
05-43-07-26-0-000-004.004	PIONTKOWSKI, RICHARD ETAL PIONTKOWSKI, B	24545 AUSTIN RD	DAPHNE	AL	36526
05-43-07-26-0-000-011.086	POPE, SHALILLIAN M	24178 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-011.088	POWELL, JOSHUA	24152 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-25-0-000-007.086	RADER, MICHAEL E JR ETAL RADER, RHONDA M	24454 SAXSON CT	DAPHNE	AL	36526
05-43-07-26-0-000-011.115	RICHARDS, ROBERT WAYNE ETAL RICHARDS, AU	10483 FIONN LOOP	DAPHNE	AL	36526
05-43-07-26-0-000-011.114	SAPOCH, PAUL E III ETAL SAPOCH, GINGER K	10477 FIONN LOOP	DAPHNE	AL	36526
05-43-07-25-0-000-007.096	SHIPMAN, JOHN JASON ETAL SHIPMAN, MARY N	11272 ST IVES CT	DAPHNE	AL	36526
05-43-07-25-0-000-007.093	SHOEMAKER, JEFFREY M ETAL SHOEMAKER, KAR	11232 SAINT IVES CT	DAPHNE	AL	36526
05-43-07-26-0-000-003.031	SMITH, ROBERT L ETAL SMITH, DIANE MARIE	10572 SASSAMAN CT	DAPHNE	AL	36526
05-43-07-26-0-000-011.083	STAMM, SHANNAH T	24200 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-011.090	STEVENS, LARRY O	24122 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-011.080	STRANGE, GEORGE H IV	24234 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-003.033	TEW, CHERYL	10540 SASSAMAN CT	DAPHNE	AL	36527
05-43-07-26-0-000-004.011	TRULAND HOMES L L C	29891 WOODROW LN STE 100	SPANISH FORT AL		36526

Adjacent property owners to Ju e Farms (Bertolla Property)

05-43-07-26-0-000-011.077	URBIN, JOHN B ETAL URBIN, ROSEMARY	24252 TULLAMORE DR	DAPHNE	AL	36526
05-43-07-26-0-000-007.001	WADE, BILLY M ETUX KIM	24593 CO RD 54 W	DAPHNE	AL	36526
05-43-07-26-0-000-007.002	WADE, BILLY M ETUX KIM	24593 CO RD 54 W	DAPHNE	AL	36526
05-43-07-25-0-000-007.088	WALLACE, ALAN W	24453 SAXSON CT	DAPHNE	AL	36526
05-43-07-26-0-000-011.116	WALTERS, NANCY E	10497 FIONN LOOP	DAPHNE	AL	36527
05-43-07-26-0-000-004.007	WATERFORD (BCL&L) L L C	29891 WOODROW LANE STE 300	SPANISH FORT	AL	36526
05-43-07-26-0-000-004.076	WATERFORD (BCL&L) L L C	9811 MILLWOOD CIR	DAPHNE	AL	36527
05-43-07-26-0-000-004.023	WATERFORD SUBDIVISION PROPERTY OWNERS AS	32128 BROKEN BRANCH CIR	SPANISH FORT	AL	36526
05-43-07-25-0-000-007.094	WHITE, RAYMOND P ETAL WHITE, RACHELLE A	11244 ST IVES CT	DAPHNE	AL	37055
05-43-07-26-0-000-011.077	WYNNE, OSCAR P ETAL WYNNE, SHERRY S	302 CHATFIELD WAY (MA)	DICKSON	TN	36526
05-43-07-26-0-000-004.009	YEEND, STEPHEN N ETAL YEEND, KATHRYN R	24651 AUSTIN RD	DAPHNE	AL	

DANE HAYGOOD
MAYOR

ADRIENNE D. JONES
COMMUNITY DEVELOPMENT
DIRECTOR/ZONING ADMINISTRATOR



CITY COUNCIL
TOMMIE CONAWAY
DISTRICT 1
PAT RUDICELL
DISTRICT 2
JOEL COLEMAN
DISTRICT 3
DOUG GOODLIN
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
JOE DAVIS, III
DISTRICT 7

January 9, 2018

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for Bertolla Properties, L.L.C. containing 361.55 acres +/- located southeast of Alabama Highway 181 and Austin Road zoned RSF-2, Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction, to be pre-zoned as a PUD, Planned Unit Development. A petition to annex said property has also been submitted.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, February 14, 2018 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

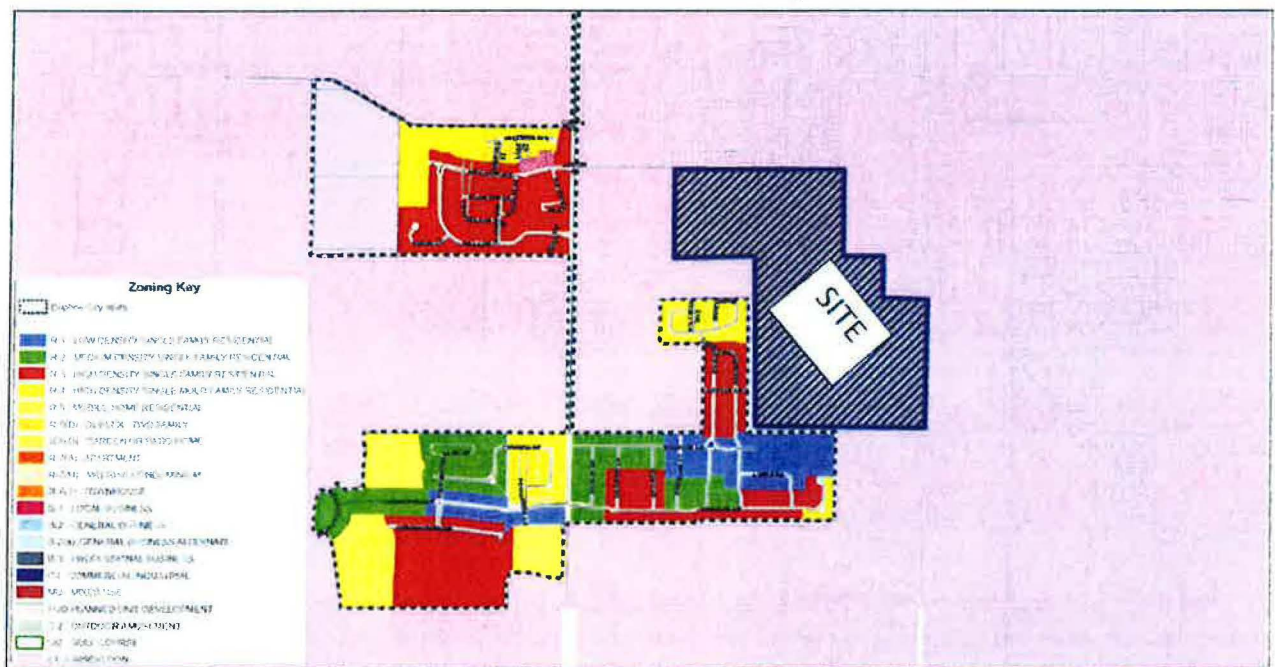
The public hearing will be held by the Daphne Planning Commission on Thursday, February 22, 2018 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

Bertolla Properties, L.L.C. Pre-Zoning Amendment

P. O. Box 400 - Daphne, Alabama 36526
Phone: 251.621.3184 Fax: 251.621.3185

PLANNING COMMISSION PREZONING REQUEST FOR BERTOLLA PROPERTIES, LLC



[illegible]

Dowberry | **PREBLE-RISH**
2799 Sullivan Ave. Dublin, AL 36128
919.446.1100 Fax: 919.446.1101 <http://www.dowberry.com>

[illegible]

Copyright Clearance Center, Inc., 222 Rosewood Drive, Danvers, MA 01923. 0890-6895/96 \$05.00 + .00.



02-23-2017

Existing Conditions: 361.55 acres+/- agricultural farm land

Existing Zoning: RSF-2, Single Family Residential and RA, Rural Agricultural,
Baldwin County District 15-ETJ

Proposed Zoning: Planned Unit Development (PUD)-Single Family Residences

Surrounding Zonings/Uses:

North – RSF-2, Single Family Residential, BC District 15-ETJ/Waterford
Subdivision & Austin Bridges Subdivision

Northeast – RSF-2, Single Family Residential, BC District 15-ETJ/pecan orchard

Northwest – RA, Rural Agricultural, BC District 15-ETJ/agricultural farm land

West – R-3, High Density Single Family Residential/Bellaton Subdivision Phase 1

RA, Rural Agricultural, BC District 15-ETJ/agricultural farm land

R-4, High Density Single Family Residential/Dunmore Subdivision

R-3, High Density Single Family Residential/Dunmore Subdivision

R-1, Low Density Single Family Residential/Dunmore Subdivision

South – RA, Rural Agricultural, BC District 15-ETJ/agricultural farm land

East – RA, Rural Agricultural, BC District 15-ETJ/agricultural farm land

RSF-2, Single Family Residential, BC District 15-ETJ/Avalon Subdivision

Existing Utility Service Providers:

Water – Belforest Water

Sewer – Baldwin County Sewer System

Gas – Fairhope Gas

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1 *(Within the 5-minute drive time of proposed Fire Station 5)*

Police Protection-Police Beat 1

Public Works

Increased residential growth within this area of the City of Daphne will result in the need for increased public safety personnel and city resources. Such service expansion should be considered by the City Council.

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.

Jubilee Farms PUD Review

According to the Jubilee Farms PUD Standards the proposed development will consist of **909 single family lots**, with **375** lots similar to R-6(G), Garden Home lots (52' wide and a minimum of **6,500 ft²**) and **400** lots a bit larger than R-6(G), Garden Home lots (70' wide and a minimum of **9,800 sq. ft²**), **23** lots similar to R-3, High Density Single Family (80' wide and a minimum of **11,600 ft²**) and **111** lots designed to an R-3, High Density Single Family (80' wide and a minimum of **12,000 ft²**). The proposed **density** of the development is **2.53 units per acre** (R-2, Medium Density Single Family Residential). The PUD General Plan proposes a combination of two building/lot types, although architectural building elevations have not been presented to illustrate the building types. This development will be constructed in phases with a 15 to 20 year proposed build-out.

Of the total site 24.74% (88.17 acres) is proposed as common area. These common areas consist of 26.51 acres of formal open space, 53.96 acres of passive open space, and 8.98 acres of jurisdictional wetlands is proposed recreation. 8.98 acres or **2.5% overall** (10% of common area) is proposed as storm water management areas and buffers.

The site has direct access to Austin Road, Highway 181, Scully Lane in Dunmore Subdivision, and two points of access along County Road 54 West (separate subdivisions with no connection to the larger tract other than storm water management.)

Existing Conditions

The subject property is typically used for agricultural land (cow pasture, field etc.). A residential subdivision would be appropriate in this location. The proposed mixed use development is consistent with the type of developments that have occurred in the City of Daphne in Bellaton, Old Field and Dunmore Subdivisions. Each subdivision is a mix of zoning districts and thus various lot sizes. The density of the proposed PUD is similar to that of a development zoned R-2, Medium Density Single Family Residential.

Staff Comments

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."

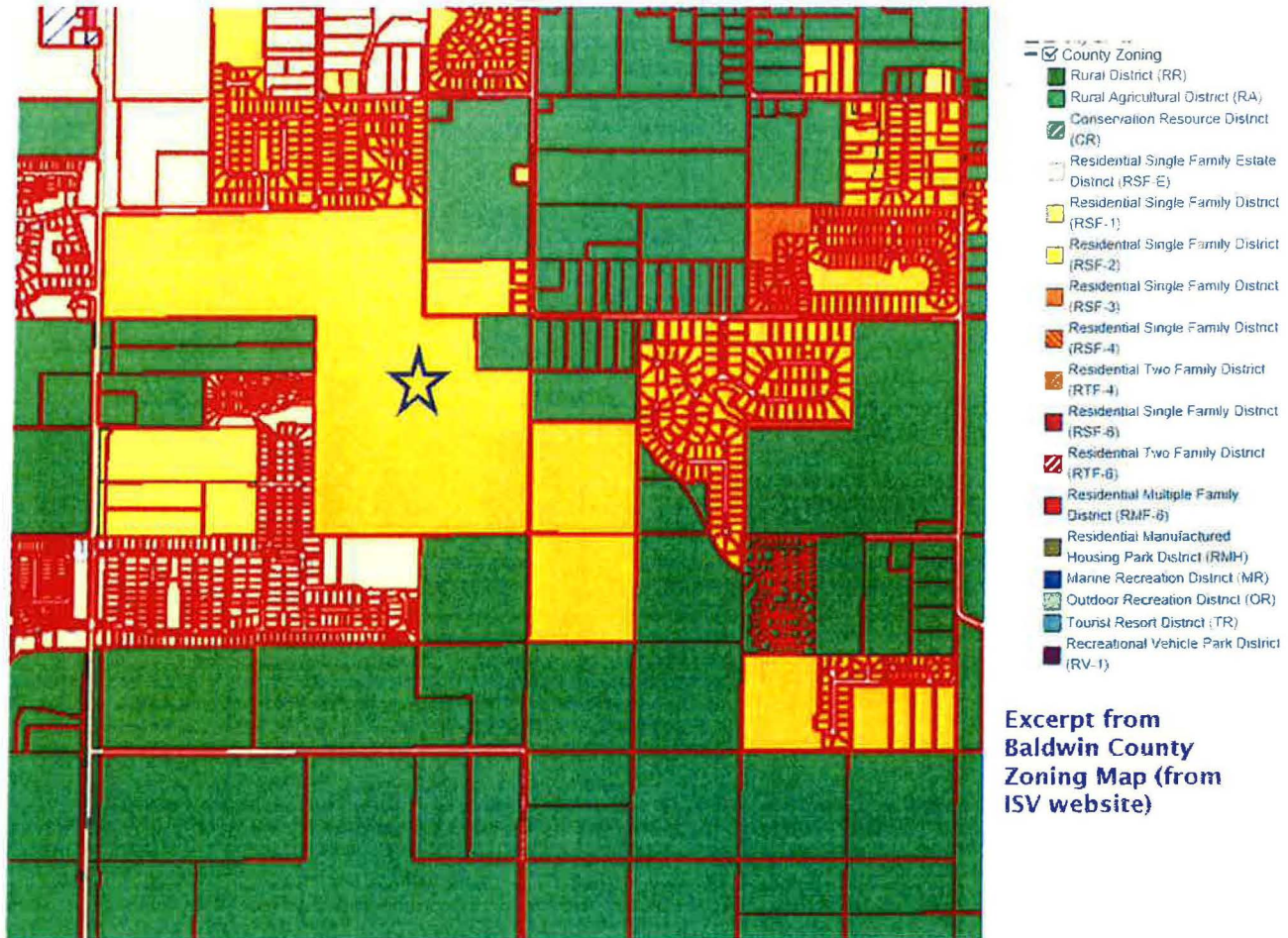
The purpose in creating the PUD district is clear. It is important for the Planning Commission and City Council to ensure that there is superior design and public benefit presented in each PUD request. In this case, information has been provided to justify the need for PUD zoning.

The current land owner donated land on Milton Jones Road near the intersection of Highway 181 for a fire station and cites such contribution as being beneficial. See Jubilee Farm PUD standards for additional information. The PUD standards are thorough and easy to follow. *Several minor buffer areas are shown, no are 40-ft wide.* In several places (those abutting the same/similar lot type lot) the buffer

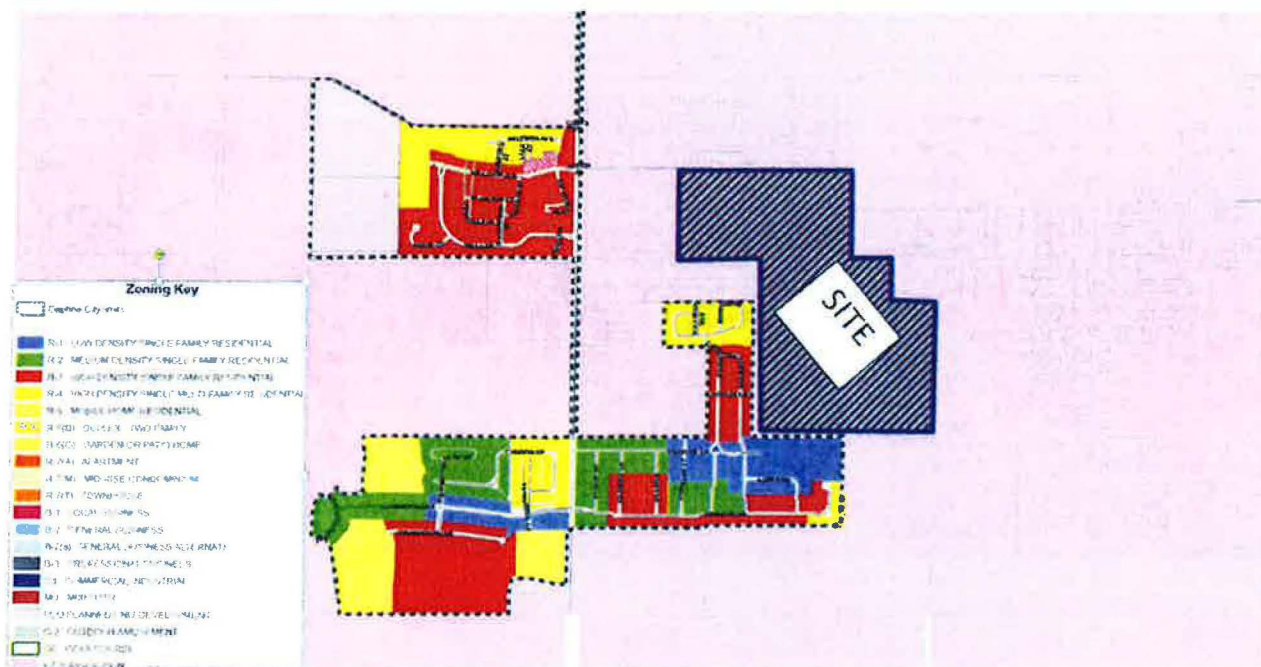
**PREZONING REQUEST
BERTOLLA PROPERTIES, LLC**

may not be necessary; however, the buffer may be needed where land (shown as “not included”) abuts Highway 181 and Austin Road.

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.



PREZONING REQUEST BERTOLLA PROPERTIES, LLC



To: Office of the City Clerk
From: Adrienne D. Jones, ^{AO}
Director of Community Development
Subject: Bertolla Properties, L.L.C. -
Annexation Petition
Date: February 23, 2018

MEMORANDUM

PRESENT ZONING: RSF-2, Single Family District, and
RA, Rural Agricultural, Baldwin
County Exterritorial Planning
Jurisdiction

LOCATION: Southeast of Austin Road and Alabama
Highway 181

RECOMMENDATION: At the Thursday, February 22, 2018,
regular meeting of the Daphne
Planning Commission, seven 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

FILE
02/23/18
3:00 PM

**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 18th day of January, 2018

Respectfully submitted,

Bertolla Properties, LLC
Name of Corporation

By: [Signature]
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, LLC, an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 18 day of January, 2018.

Wanda LaCoste
NOTARY PUBLIC

My commission expires: 11-21-2026

Corporation's Address

P.O. Box 1527
Daphne, AL

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: CCB

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: CCB

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

Initials: CCB

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: CCB

SELECT ONE OF THE FOLLOWING OPTIONS

☒ 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: CCB

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 18 day of January, 2018.

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 Jubilee Farms Lot Number(s) _____

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

Signature: Alexander A. Berbla Signature: _____

Printed Name: Alexander A. Berbla Printed Name: _____

Mailing Address: P.O. Box 1527 Mailing Address: _____

Daphne, AL 36526

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.

[illegible]

Current Zoning: RSF-2 & RA (B.C. Dist. 15)
Proposed Zoning: P.U.D. (Daphne)
Streets: 47,542 L.F.
Total Acreage: 361.55 Ac.

Open Space:		
Formal:	26.51 Ac.	(7.3%)
Passive:	53.96 Ac.	(14.9%)
Wetlands (J.D.):	8.98 Ac.	(2.5%)
TOTAL:	89.45 Ac.	(24.7%)

80 x 145's/150's	134	(15%)
70 x 140's	400	(44%)
52 x 125's	375	(41%)
TOTAL	909	

Figure 1 displays five maps of the Iberian Peninsula, each representing the spatial distribution of a different species. The maps are labeled as follows:

- 1. *S. iberica***: Distribution range is indicated by a dark green area.
- 2. *S. iberica***: Distribution range is indicated by a light green area.
- 3. *S. iberica***: Distribution range is indicated by a light green area.
- 4. *S. iberica***: Distribution range is indicated by a light green area.
- 5. *S. iberica***: Distribution range is indicated by a light green area.

Typical Lots

PLANNING COMMISSION
ANNEXATION REQUEST FOR
BERTOLLA PROPERTIES, LLC



ANNEXATION REQUEST

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

REQUEST

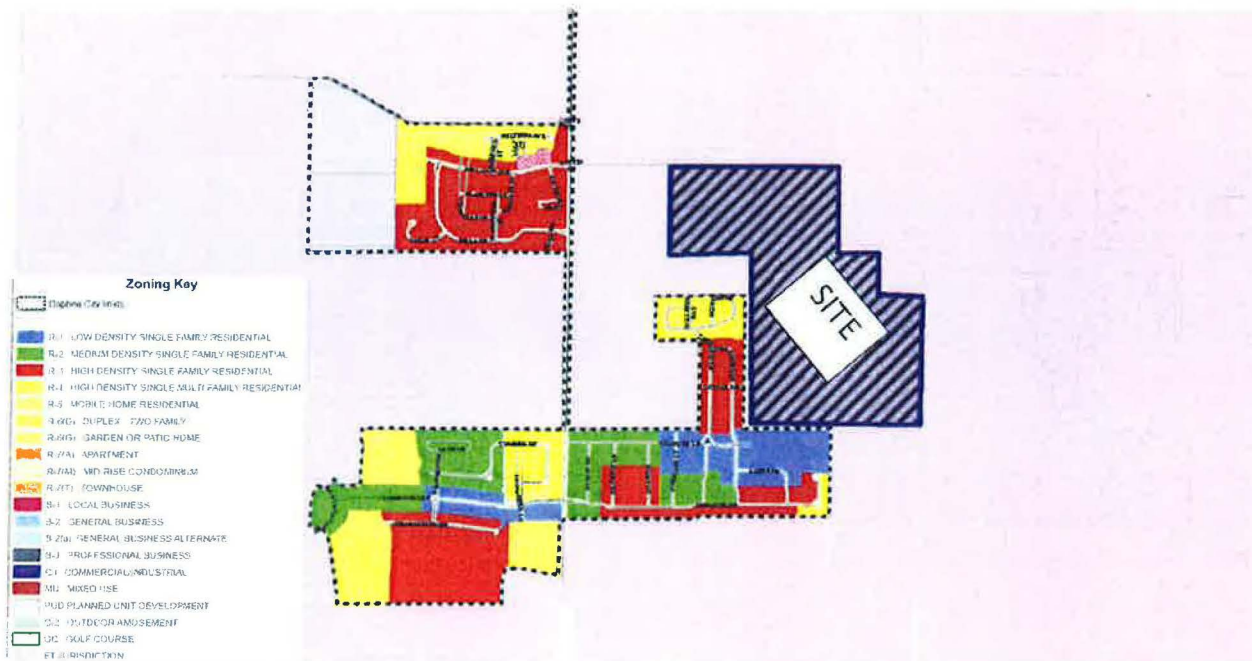
On July 19, 2017, City Council approved Ordinance 2017-39 to prezone the subject property to a Planned Unit Development. The applicant had submitted a petition for annexation, master plan review and preliminary subdivision plat review for the first 5 phases of development. The master plan review and preliminary subdivision plat applications were approved at the August 2017 Planning Commission meeting. The initial request to annex the property was withdrawn after the preliminary plats were approved. Failure to annex the property within 180 days from the annexation application's original submittal voided and nullified Ordinance 2017-39.

The applicant submitted a new annexation petition on January 22, 2018. July 21, 2018 marks 180 calendar days from submission, i.e. the day any associated rezoning request would become null and void.

There is an associated rezoning request wherein the applicant proposes to prezone the entire 361.55 acres from Baldwin County zoning to PUD, Planned Unit Development.

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.**

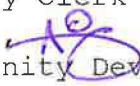


EXCERPT FROM ARTICLE 23-1 PROCEDURE [FOR ANNEXATION REQUESTS]

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.

To: Office of the City Clerk
From: Adrienne D. Jones, 
Director of Community Development
Subject: John W. West Irrevocable Trust
Zoning Amendment
Date: February 23, 2018

MEMORANDUM

PRESENT ZONING: B-1, Local Business

PROPOSED REZONING: MU, Mixed Use

LOCATION: Southwest of Holy Cross Circle and Holy Cross Drive

RECOMMENDATION: At the Thursday, February 22, 2018, regular meeting of the Daphne Planning Commission, seven members were present, and the motion carried for a unanimous favorable recommendation for the above mentioned rezoning amendment, with a condition that all associated business uses shall be consistent with B-1, Local Business, and B-3, Professional Business type uses as listed in Land Use & Development, Article 35, Permitted Use Table.

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. Rezoning Application
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. Adjacent property owners list
5. Community Development Report

FILE
02/23/18
3:00 pm

APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted Jan. 22, 2018

Application Number:

Planning Commission Public

ZA-18-02 or PZA-

Hearing Date: Feb. 22, 2018

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): Triangle piece of property south of intersection of Holy Cross & Main St		PPIN#(s): 045383, 004570, 018237, 045382, 034551, 018238, 018236
Gross Site Area (acreage): 1.77	Requested Zoning or Pre-Zoning: MU	
Current Zoning Designation(s): B-1	Amended Request: Initials: _____ Date: _____	
Current Land Use: one house & vacant property	Anticipated Land Use: mixed local business & residential	
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": see attachment		

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).

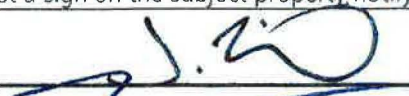
Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

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

Name of Current Owner: John W. West Irrevocable Trust C/O Julie Bierster, Trustee	Phone/Fax: E-mail:
Mailing Address: 23325 State Highway 181, Daphne, AL 36526	
Name of Authorized Agent: Hutchinson, Moore & Rauch, LLC	251-380-8744 \ 251-626-6934
Mailing Address: PO Box 1127, Daphne, AL 36526	Phone/Fax: E-mail: sah@hmrengineers.com
Name of Developer*: Two Hands Design & Development, LLC	Phone/Fax: E-mail: pointclearfarm@gmail.com
Other:	Phone/Fax: E-mail:

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

Applicant's Signature: 	Date 1/22/18
Agent's Signature: 	Date 1/22/18



REVERSIONARY CLAUSE ACKNOWLEDGEMENT

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

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

CURRENT OWNER'S ACKNOWLEDGEMENT

Julia Bierster, as Trustee, of the
I, John W. West Irrevocable Trust, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 1/22/18

Julia Bierster
PRINTED NAME OF CURRENT OWNER/PETITIONER
Julia Bierster, As Trustee

DEVELOPER'S ACKNOWLEDGEMENT

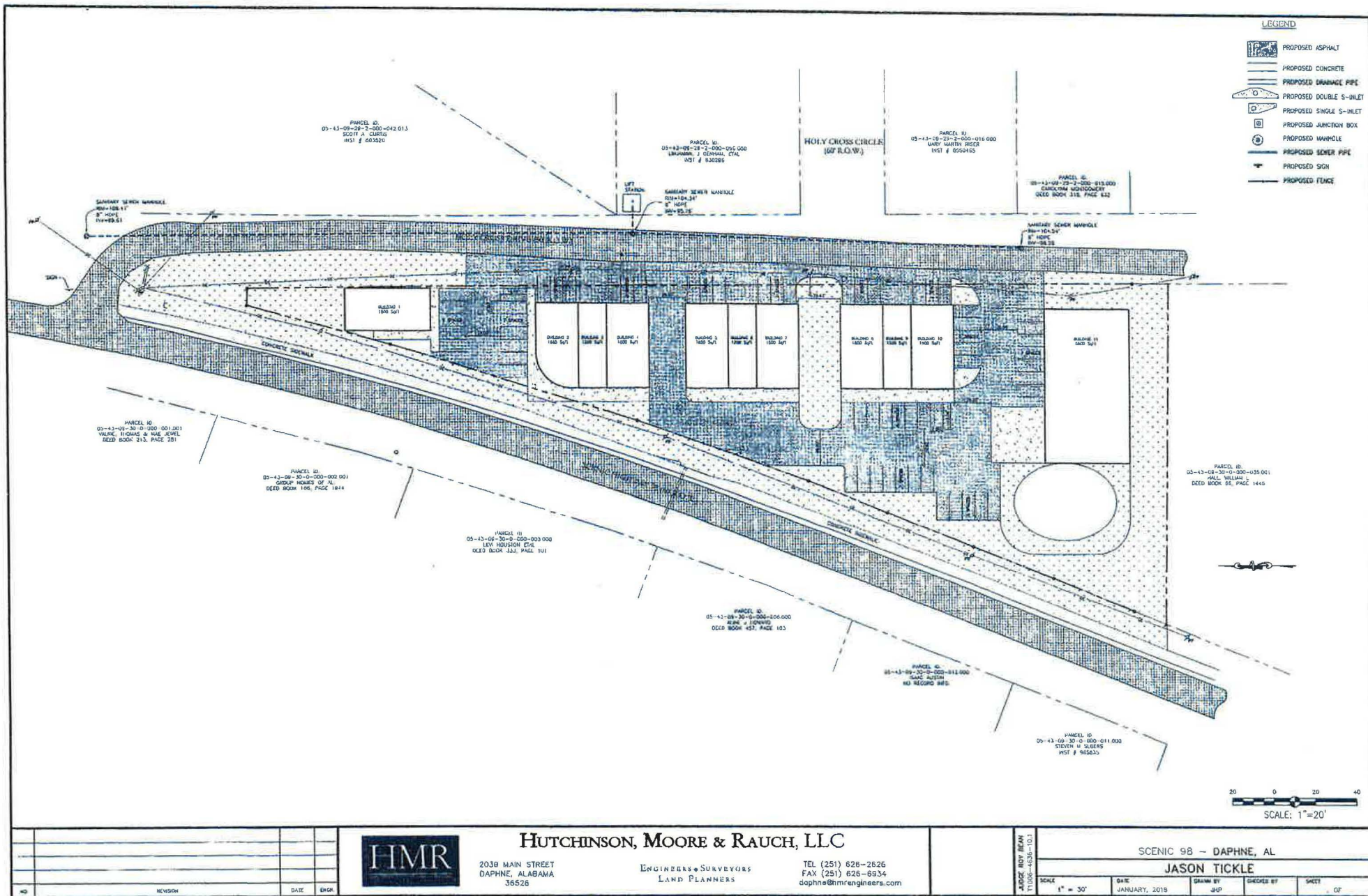
I, _____, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: _____

PRINTED NAME OF DEVELOPER

PROPERTY ADDRESS OR PPIN#(s): 045383, 004570, 018237, 045382, 034551, 018238, 018236

"EXHIBIT A"
LEGAL DESCRIPTION
TRIANGLE PROPERTY (FORMERLY JUDGE ROY BEANS)

BEGINNING AT THE SOUTHWEST CORNER OF LOT 4, SUBDIVISION OF ISAAC AUSTIN'S PROPERTY, AS SHOWN ON PLAT THEREOF RECORDED IN MAP BOOK 4, PAGE 252, ALSO RECORDED AS SLIDE 292-B IN PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 21°41'59" EAST ALONG THE EAST RIGHT-OF-WAY OF SCENIC HIGHWAY 98 A DISTANCE OF 247.64 FEET TO A 1" IRON REBAR; THENCE RUN NORTH 19°34'01" EAST ALONG THE EAST RIGHT-OF-WAY OF SCENIC HIGHWAY 98 A DISTANCE OF 128.08 FEET TO A 1/2" IRON REBAR; THENCE RUN NORTHERLY ALONG THE EAST RIGHT-OF-WAY OF SCENIC HIGHWAY 98 AND A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 3964.05 FEET, AN ARC LENGTH OF 285.34 FEET, A CHORD BEARING NORTH 16°31'41" EAST, AND A CHORD DISTANCE OF 285.28 FEET TO A 1/2" IRON REBAR WITH CAP (CA#092); THENCE RUN SOUTH 89°40'20" EAST A DISTANCE OF 12.48 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE) ON THE WEST RIGHT-OF-WAY OF HOLY CROSS DRIVE; THENCE RUN SOUTH 00°29'05" EAST ALONG THE WEST RIGHT-OF-WAY OF HOLY CROSS DRIVE A DISTANCE OF 624.13 FEET TO A 3/4" CRIMPED TOP IRON PIPE; THENCE CONTINUE SOUTH 00°29'05" EAST ALONG THE WEST RIGHT-OF-WAY OF HOLY CROSS DRIVE A DISTANCE OF 25.70 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE LEAVING SAID RIGHT-OF-WAY NORTH 89°17'43" WEST A DISTANCE OF 242.73 FEET TO A 1" OPEN TOP IRON PIPE ON THE EAST RIGHT-OF-WAY OF SCENIC HIGHWAY 98; THENCE RUN NORTH 21°58'16" EAST ALONG THE EAST RIGHT-OF-WAY OF SCENIC HIGHWAY 98 A DISTANCE OF 24.41 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL LYING WITHIN FRACTIONAL SECTION 30, TOWNSHIP 5 SOUTH, RANGE 2 EAST, AND CONTAINING 1.77 ACRES, MORE OR LESS.



ADJACENT PROPERTY OWNERS

MAIN STREET MIXED DEVELOPMENT

43-09-30-0-000-035.004
STARLING, CHARLES
PO BOX 635
MONTROSE, AL 36559

43-09-29-0-000-016.000
WILLIAMS, ALBERT
PO BOX 2682
DAPHNE, AL 36526

43-09-29-0-000-015.000
MONTGOMERY, CAROLYN
PO BOX 2682
DAPHNE, AL 36526

43-09-29-0-000-014.000
RISER, MARY
1809 YUILLE LANE
DAPHNE, AL 36526

43-09-29-2-000-056.000
DENHAM, LINJAMIN
7684 TWIN BEECH ROAD
APT 603
FAIRHOPE, AL 36532

43-09-29-2-000-042.012
LOSCH, RUDOLF
802 PINWOOD COURT
DAPHNE, AL 36526

43-09-29-2-000-042.013
CURTIS, SCOTT
PO BOX 1602
DAPHNE, AL 36526

43-09-29-2-000-042.014
LINDSEY, JAMES
30432 WESTMINSTER GATES DR
SPANISH FORT, AL 36527

43-09-30-0-000-001.000
VALRIE, MAE
515 MAIN STREET
DAPHNE, AL 36526

43-09-30-0-000-001.001
VALRIE, THOMAS
515 MAIN STREET
DAPHNE, AL 36526

43-09-30-0-000-002.001
GROUP HOMES OF ALABAMA
V.O.A. ETAL ELDE

43-09-30-0-000-003.000
HOUSTON, LEVI
PO BOX 681
DAPHNE, AL 36526

43-09-30-0-000-006.000
GAGNET, LINDA
1538 DEL MAR ROAD
OCEANSIDE, CA 93057

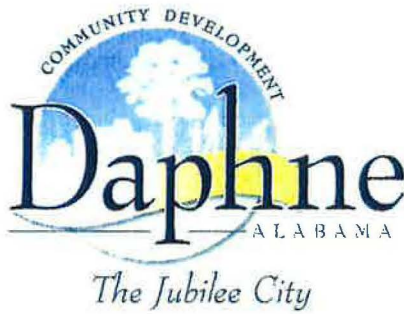
43-09-30-0-000-012.000
LANE DEVELOPMENT
19940 STATE HWY 181
SUITE A
FAIRHOPE, AL 36532

43-09-30-0-000-011.000
SOLBERG, STEVEN
1255 PALE SAN VITORES ROAD
TUMON BAY, GUAM 96913

43-09-30-0-000-013.001
GAGNET, MICHAEL
PO BOX 344
MONTROSE, AL 36559

DANE HAYGOOD
MAYOR

ADRIENNE D. JONES
COMMUNITY DEVELOPMENT
DIRECTOR/ZONING ADMINISTRATOR



CITY COUNCIL
TOMMIE CONAWAY
DISTRICT 1
PAT RUDICELL
DISTRICT 2
JOEL COLEMAN
DISTRICT 3
DOUG GOODLIN
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
JOE DAVIS, III
DISTRICT 7

January 9, 2018

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for John W. West Irrevocable Trust containing 1.77 acres +/- located at the southwest of Holy Cross Circle and Holy Cross Drive zoned B-1, Local Business, to be rezoned MU, Mixed Use.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, February 14, 2018 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, February 22, 2018 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

John W. West Irrevocable Trust Zoning Amendment

P. O. Box 400 - Daphne, Alabama 36526
Phone: 251.621.3184 Fax: 251. 621.3185

PLANNING COMMISSION REZONING REQUEST FOR JOHN W. WEST IRREVOCABLE TRUST



Zoning as of October 31, 2017

	R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
	R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
	R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
	R-4 HIGH DENSITY SINGLE MULTI-FAMILY RESIDENTIAL
	R-5 MOBILE HOME RESIDENTIAL
	R-6(D) DUPLEX - TWO FAMILY
	R-6(G) GARDEN OR PATIO HOME
	R-7(A) APARTMENT
	R-7(M) MID-RISE CONDOMINIUM
	R-7(T) TOWNHOUSE
	B-1 LOCAL BUSINESS
	B-1(A) LOCAL BUSINESS ALTERNATE
	B-2 GENERAL BUSINESS



REZONING REQUEST JOHN W. WEST IRREVOCABLE TRUST

Existing Conditions: 1.77 acres+/- of undeveloped land

Existing Zoning: B-1, Local Business

Proposed Zoning: MU, Mixed Use

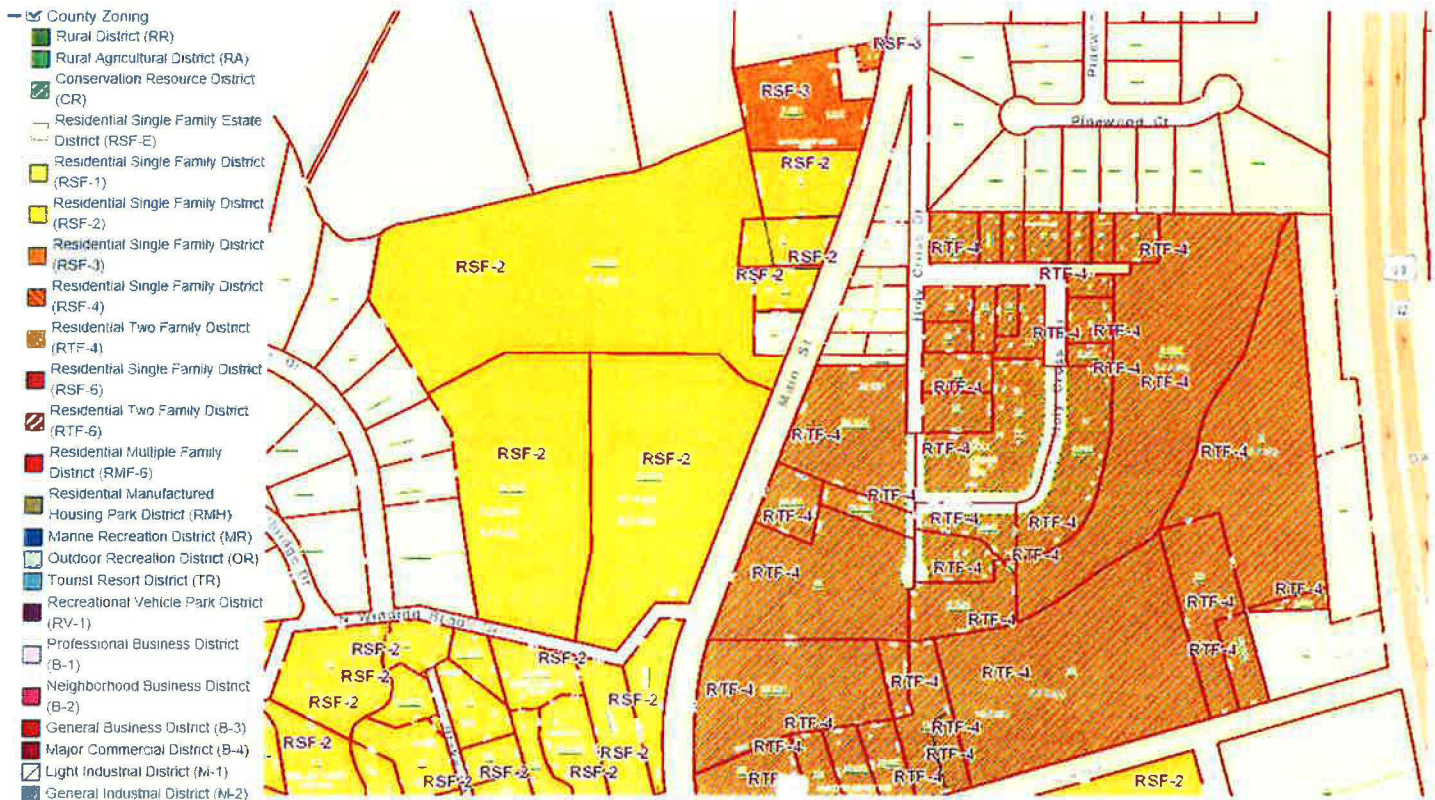
Surrounding Zonings/Uses:

North -R-1, Low Density Single Family Residential

South -RTF-4 Residential Two Family District (Baldwin County)

West -RSF-2, Residential Single Family (County) & R-2, Medium Density Single Family (City)

East - R-1, Low Density Single Family Residential & RTF-4 Residential Two Family District (County)



Excerpt from Baldwin County Zoning Map

Existing Utility Service Providers:

Water – Daphne Utilities	Sewer – Daphne Utilities
Gas – Daphne Utilities	Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

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 that are applicable to this application.

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.

Existing Conditions

The subject property is located along Scenic Highway 98, north of Montrose Village in Baldwin County. It is the southernmost land in the Olde Towne Daphne District. The land is a well-known local landmark, the former location of Judge Roy Bean. The land was owned by the late Jack West. He purchased the property in 1976. According to an article by Kathy Jumper in the Press Register (2010 Al.com blog), "Judge Roy Bean was built in 1946 and operated as the Embassy Lounge before it was named after the judge who had owned the land. Over the years West bought more land behind the club and had an old

REZONING REQUEST JOHN W. WEST IRREVOCABLE TRUST

house moved there. He leased the bar to a new operator a few years before it burned [in 2005].” (See attached Article for historical reference)

In 2015, the Daphne City Council annexed and zoned additional property to B-1, Local Business, at the request of Jack West. The land was located south of the original Judge Roy Bean site. In 2016, Council annexed the land into the Olde Towne Daphne Overlay District.

The current applicant proposes to rezone the subject property from B-1, Local Business, to MU, Mixed Use. The conceptual site plan illustrates several buildings and associated parking. The current zone does not allow residential use, only business.

The most recent precedent for Mixed Use zoning was the Council’s approval of Daphne R. Robinson’s 0.34 acre parcel rezoned from B-2 to MU. The Robinson property is located on Mancie Avenue across from the Daphne Utilities parking and Elizabeth Yelding Park. Construction of a vertical live/work building (residential unit upstairs and space for commercial tenant downstairs) is almost complete.

In *Olde Towne Daphne*, **Section 14-2** describes the *Uses Permitted* in the overlay district as follows: “The following zoning districts provided herein established and most specifically defined in Article 12, Establishment of Districts: B-1, Local Business, B-1(a) Limited Local Business District; B-2, General Business, B-3, Professional Business, R-4, Single Family and Multi-Family Residential, and MU, Mixed Use. Article 35, the Table of Permitted Uses and Conditions, outlines the restrictions for each district. (See also Article 12, Establishment of Districts). ***The Planning Commission shall no longer consider zoning or rezoning amendments for B-2, General Business or R-4 zoning districts. All existing B-2, General Business and R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided herein. For any new request, the following districts shall be considered in lieu of R-4: R-6(G) for all garden/patio homes developments; and, R-6(D) for duplexes.***”

Excerpt from Article 12, Establishment of Districts

12-4 BUSINESS DISTRICTS

(a) B-1, Local Business District:

This district is intended to provide for limited retail, convenience goods and personal service establishments in residential neighborhoods and to encourage the concentration of these uses in one location for each residential neighborhood rather than in scattered sites occupied by individual shops throughout a neighborhood.

(f) MU, Mixed-Use District:

A mixed-use district is allowed only within a designated overlay district. A mixed-use district shall be limited to a combination of either B-1, Local Business, B-2, General Business, B-3, Professional Business, and either R-7(A) Apartments, R-7(M) Mid-Rise Condominiums, or R-7(T) Townhouses.

This district is established to provide an opportunity to encourage the concentration of limited retail convenience goods and personal service establishments, business establishments of a professional nature, and high density residential development compatible with a good, high density living environment.

Staff Recommendation

Commercial zoning already exists on site. Rezoning the subject property to a Mixed Use district would allow a combination of residential along with business uses. There is a precedent for residential dwellings in the immediate area.

Apartment units, mid-rise condominiums and/or townhouses are allowable in a MU district. The density for these dwellings is 10 units/acre. The site is 1.77 acres which would allow 17 residential dwellings. The combination of uses can be either a horizontal combination (separate residential units and separate business units) or vertical combination (living areas upstairs/business operation downstairs).

MU zoning allows both B-1, B-3 and/or B-2 businesses. Recall that in the Olde Towne Daphne overlay district rezoning options exclude B-2, General Business. Article 14 states, ***"The Planning Commission shall no longer consider zoning or rezoning amendments for B-2, General Business or R-4 zoning districts."*** Since the property is zoned B-1, it would be appropriate to specify that any associated commercial uses should be consistent with B-1, Local Business, uses.

Staff recommends approval with a condition that all associated business uses shall be consistent with the B-1, Local Business, zoning district.

REZONING REQUEST JOHN W. WEST IRREVOCABLE TRUST

14-17 SETBACKS

MINIMUM DISTRICT REQUIREMENTS ^d				
Zoning Districts	Front Yard	Rear Yard	Side Yard	Corner Lot Side Yard
R-4 ^c , Single Family R-6(D or G), Duplex or Garden or Patio Home	15	20	6	25
R-4 ^c , Multi-Family	15	20	a	25
B-1, Local Business B-1(a), Limited Local Business	10	b	b	25
B-2, General Business	10	b	b	25
B-3, Professional Business	10	b	b	25
MU, Mixed Use	15	e	b	25

- (a) When dwelling unit faces side yard, the dwelling unit shall not be less than twenty-five (25) feet from the side lot line.
- (b) None. If there is a rear alley, the setback shall be twenty-five (25) feet. When abutting a residential district it shall be not less than ten (10) feet. (See Buffer Requirements, Section 14-13, Landscape Standards).
- (c) The Planning Commission shall no longer consider zoning or rezoning amendments to an R-4 zoning district. All existing R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided herein. For all new requests, the following districts shall be considered in lieu of R-4: R-6(G) for all garden/patio homes developments; R-6(D) for duplexes; R-7(A) for apartments; and R-7(T) for townhouses and R-7(M) for mid-rise condominiums.
- (d) Minimum district requirements for any zoning district not specifically listed in this table shall meet the minimum standards as established in Requirement for lot area, width and setbacks in Section 13-4, Requirements For Lot Area, Width, Coverage, Density, Height and Other Factors and 13-6, Minimum Zoning District Setback Requirements, herein.
- (e) None. If there is an alley, the setback shall be twenty-five (25) feet. When abutting a residential district it shall be not less than fifteen (15) feet. (See Buffer Requirements, Section 14-13, Landscape Standards).

Judge Roy Bean site to be revived



By **Kathy Jumper, Press-Register**

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on May 16, 2010 at 5:36 AM, updated May 16, 2010 at 7:15 AM

Everybody who's anybody has been to Judge Roy Bean, the landmark club on Scenic 98 and Holy Cross Drive in old Daphne, where performers like Emmy Lou Harris and Jimmy Buffett were announced via hand-painted signs.

The popular gathering place burned five years ago. Now longtime owner Jack West wants to use the prime 2-acre site for a new venture -- a raised coastal cottage-style office development.

The land is ideal for an office project similar to the quaint, beach town cottages in Grayton Beach and Seaside, Fla., according to Jeremy Milling of White-Spunner & Associates, who has partnered with West.

The buildings would be built around a massive oak tree and incorporate some of the original decor salvaged from Judge's, such as a life-size, solid wood Indian chief charred black from the fire, old wagon wheels, church pews, concert lights, pine flooring and anything else West could pull from the old bar.

He has kept those items stored on his property.

West bought Judge's in 1976 for two reasons, he recalled. It was income-producing property, and it had plenty of space for a traditional Sunday volleyball games with his friends.

Judge Roy Bean was built in 1946 and operated as The Embassy Lounge before it was named after the judge who had owned the land. Over the years West bought more property behind the club and had an old house moved there. He leased the bar to a new operator a few years before it burned.

Today, West spends about two weeks a month working as a fishing guide in Florida.

"Jack brings so much character to the project," said Milling, who said his first date with his wife was at Judge's.

West's place was known for its eccentric decor, live music and inhabitants, including Billy, the friendly goat who roamed in and out of the club.

The partners are still deciding what to name the office development. "We plan to build one building at time, depending on the interest, and tuck them into the landscape," Milling said. "It will fit with the Eastern Shore neighborhoods.

"We're not sure of the demand with the market being soft. We're putting it out there to see the response."

Plans call for up to five buildings at first, ranging from 700 square feet to 1,400 square feet, Milling said.

"There is a lot of enthusiasm for the site with the memories and the history of Judge Roy Bean," said Mac Walcott of Walcott Adams Verneuille Architects in Fairhope, who designed the project.

The cottages will feature green-building methods, and will recycle materials from the old club, Walcott said.

"Jack West has a treasure trove stored there," he added.

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**CITY OF DAPHNE, ALABAMA
RESOLUTION NO. 2018-08
2018-D-OIL & LUBRICANTS**

WHEREAS, The City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for items in excess of \$15,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the OIL & LUBRICANTS will exceed this amount; and

WHEREAS, Staff has reviewed the bids for the OIL & LUBRICANTS and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends the bid for the OIL & LUBRICANTS be awarded to Martin Energy Services, LLC..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City hereby accept the bid of Waring Oil Company LLC for unit cost listed as attached herein and made a part hereof for BID SPECIFICATION NO. 2018-D-OIL & LUBRICANTS.

Product Description	Quantity/Case/Unit	Waring Oil (Cost Incl Delivery)
SUPREME 5W-20	Case of 12 - 1 Qts	\$ 23.36
DELO 400 MULTIGRADE 15W40	Case of 12 - 1 Qts	\$ 39.79
DELO 400 MULTIGRADE 15W40	Case - 3 - 1 Gal	\$ 38.20
Havoline syn. ATF Multi-vehicle	Case of 12 - 1 Qts	\$ 72.04
Havoline ATF+4	Case of 12 - 1 Qts	\$ 68.74
1000 THF	5 Gallon Pail	\$ 41.75
RANDO OIL AWISO 68	5 Gallon Pail	\$ 46.00
RANDO OIL ISO 46	5 Gallon Pail	\$ 71.58
RANDO ISO 32	5 Gallon Pail	\$ 71.58
GEAR SAE 80W-90	5 Gallon Pail	\$ 69.46
GEAR LUBRICANT	Case of 12 - 1.8 lb Bottles	\$ 67.13
Havoline DS 5W-30	Case of 6 - 1 qt Bottles	\$ 34.38
Havoline DS 5W-20	Case of 6 - 1 qt bottles	\$ 35.75
Syngard Fleet 0w-40	Case of 12 - 1 qt Bottles	\$ 60.90
Mobil 1 0W-40	Case of 6 - 1 qt Bottles	\$ 44.85
Delo Grease EP2	1/35 lb Bucket	\$ 101.61
Havoline Pro DS 0W-20	Case of 6 - 1 qt Bottles	\$ 35.75
Power Service (Diesel Kleen+Cetane)	Case of 2 - 2.5 Gallon	\$ 176.08
DEF (Diesel Exhaust Fluid)	Case of 2 - 2.5 Gallon	\$ 28.50
Havoline Conventional Concentrate (Antifreeze)	Case of 6 - 1 Gallon	\$ 53.63

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

ATTEST:

Dane Haygood, Mayor

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2018-09**

Investment of Additional Funds from General Fund Money Market Account

WHEREAS, the City of Daphne is holding funds in the approximate average amount of \$10 Million in the General Fund pooled Money Market Account; and

WHEREAS, the City has determined that it can better maximize its earnings by investing a portion of the unrestricted funds in a Certificate of Deposit (CD); and

WHEREAS, section 11-81-21 of the Code of Alabama authorizes and legislates the types of obligations municipalities may invest in; and

WHEREAS, the City of Daphne has evaluated the funds held in the Money Market Account and determined that investing an amount into a CD held at a bank that participates in the State of Alabama SAFE (*Security for Alabama Funds Enhancement*) Program meets the investment requirements in accordance with the Code of Alabama Title 41, Chapter 14A, Code of Alabama.

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

- 1) Authorizes the Mayor and Finance Director to take all the steps necessary to immediately invest \$500,000 from the General Fund pooled Money Market Account into a CD for a period of one (1) year through Trustmark Bank at the current interest rate (*currently 1.69%*); and
- 2) The Mayor and is hereby authorized to execute such application and any and all additional documents necessary to carry out the purpose of investing these funds on behalf of the City of Daphne.

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

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2018 – 06**

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

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

WHEREAS, the management of Daphne Utilities has determined that it is in the best interest of Daphne Utilities to sell the personal property described in Exhibit “2018-A”; and

WHEREAS, the Board of Directors of Daphne Utilities has approved the sale of the personal property described in Exhibit “2018-A”.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Daphne does hereby consent to the sale by Daphne Utilities of the personal property described in Exhibit “2018-A”.

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

Dane Haygood
Mayor

ATTEST:

Candace G. Antinarella
City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2018-07**

**APPROPRIATION: INVASIVE SPECIES CONTROL FOR BAYFRONT AND
VILLAGE POINT WETLAND AREAS**

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

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

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

WHEREAS, the this invasive species control project meets such criteria; and

WHEREAS, the wetland areas at Bayfront and Village Point require additional invasive species control to maintain the wetland areas;

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

1. The Fiscal Year 2018 Budget is hereby amended to include an appropriation from the Lodging Tax Fund in the amount of \$5,400 for Invasive Species Control Project: Village Point and BayFront wetlands.
2. The Mayor is authorized to execute all agreements, on behalf of the City of Daphne, as necessary for such purpose.

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

Dane Haygood, Mayor

Attest:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2018-08**

**APPROPRIATION: SIGNS FOR CENTRAL PARK, ALPHONSE MEMORIAL
VETERANS POINT, AND GATOR BOARDWALK**

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

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

WHEREAS, signs are needed to provide information to the public visiting the parks; and

WHEREAS, quotes have been obtained for signs/lettering/logo for Central Park, Alphonse Memorial Veterans Point, and Gator Boardwalk in the amount of \$10,200:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the Fiscal Year 2018 Budget is hereby amended to include an appropriation from the **General Fund** in the amount of \$10,200 for installation of signs/lettering/logo at Central Park, Alphonse Memorial Veterans Point, and Gator Boardwalk.

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

Dane Haygood, Mayor

Attest:

Candace G. Antinarella, City Clerk