

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
April 16, 2018

1. **CALL TO ORDER**
2. **ROLL CALL**
INVOCATION – Reverend Thack Dyson – St. Paul’s Episcopal Church
PLEDGE OF ALLEGIANCE

PROCLAMATION: Earth Day Mobile Bay – April 21, 2018 3

PUBLIC HEARING: Pre-zone of Bertolla Properties LLC property located Southeast of Alabama 181 and Austin Road. 4

PUBLIC HEARING: Annexation of Bertolla Properties LLC property located Southeast of Alabama 181 and Austin Road. 23

PUBLIC HEARING: Zoning amendment of John W. West Irrevocable Trust property located Southwest of Holy Cross Circle and Holy Cross Drive. 34
3. **APPROVE MINUTES:** **Council Meeting** – April 2, 2018 50
4. **REPORTS OF STANDING COMMITTEES**
 - A. **FINANCE COMMITTEE** – Rudicell
 - B. **BUILDINGS & PROPERTY COMMITTEE** – LeJeune
Review minutes of the March 12, 2018 meeting and March Building report. 56

MOTION to authorize the Mayor to execute a letter of intent with Church of the Highlands
 - C. **PUBLIC SAFETY COMMITTEE** – Davis
Review March 12, 2018 meeting minutes. 66
 - D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE** – Goodlin
 - E. **PUBLIC WORKS COMMITTEE** – Coleman
Review minutes of the April 2, 2018 Public Works Committee meeting. 70
Review minutes of the March 11, 2018 Museum meeting. 72
5. **REPORTS OF SPECIAL BOARDS & COMMISSIONS**
 - A. **BOARD OF ZONING ADJUSTMENTS** – Adrienne Jones
 - B. **DOWNTOWN REDEVELOPMENT AUTHORITY** – Conaway
 - C. **INDUSTRIAL DEVELOPMENT BOARD** – Davis

MOTION to appoint Michael Pierce to the Industrial Development Board 74
 - D. **LIBRARY BOARD** – Rudicell
 - F. **PLANNING COMMISSION** – Scott
 - F. **RECREATION BOARD** – LeJeune
 - G. **UTILITY BOARD** – LeJeune
6. **MAYOR’S REPORT**

City Council Agenda – APRIL 16, 2018

7. CITY ATTORNEY REPORT

8. DEPARTMENT HEAD REPORTS

9. CITY CLERK'S REPORT

MOTION to approve the Anchor Cross Cancer Foundation's Judge Roy Bean Reunion & Memorial Fundraiser on June 9, 2018 on City Hall property including the band permit. 76

MOTION to approve the issuance of the 140 – Special Events Retail ABC license for Southern Napa LLC, Live on the Lawn, located at 2304 North Main Street. (Event to be held on May 11, 2018.) 77

MOTION to approve band permit for Southern Napa LLC, Live on the Lawn on May 11, 2018 at 2304 Main Street. 82

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2018- 16 - Resolution to Accept Property Donation from Bertolla Properties, LLC and to Authorize the Mayor to Execute the Same 83

2018-17 – Resolution Declaring Certain Personal Property Surplus and Authorizing the Mayor to Dispose of Such Property 84

B. 2ND READ ORDINANCES:

2018-10 – Ordinance to Amend Job Classification Schedule: Executive Director, City Development 85

2018-11 – Appropriation: Village Point Park Boardwalk Repairs 90

2018-12 – Appropriation: Park Drive-Daphne Sports Complex Traffic Study 91

2018-13 – Appropriation: Signage/Markers for the Alabama 200 Year Bicentennial Celebration 92

C. 1ST READ ORDINANCES

2018-14 – Ordinance to Pre-zone Amendment for Property Located Southeast of Alabama 181 and Austin Road Bertolla Properties, LLC 93

2018-15 – Ordinance to Annex Property Contiguous to the Corporate Limits of the City of Daphne - Southeast of Austin Road and Alabama Highway 181 Bertolla Properties, LLC 96

2018-16 – Ordinance to Re-Zone Property Located Southwest of Holy Cross Circle and Holy Cross Drive John W. West Irrevocable Trust 99

12. COUNCIL COMMENTS

13. ADJOURN

CITY OF DAPHNE, ALABAMA

Proclamation

- WHEREAS; Humankind is currently facing tremendous global challenges affecting every community, including large-scale migration, extreme inequality and poverty, degradation of ecosystems, mass extinction of species, and global climate change; and
- WHEREAS; All people of this Earth, no matter their race, gender, income or national origin, have the right to a healthy environment;; and
- WHEREAS; The youth of the world are our most valuable resource and represent a source of endless creativity and potential; and
- WHEREAS; It is necessary for the citizens of our global community to develop green jobs and to build an innovative and equitable green economy to combat the aforementioned global challenges; and
- WHEREAS; Expanding environmental education and climate literacy is vital to enhance awareness about the environment, inform decision-makers, and protect future generations; and
- WHEREAS; It is more important than ever to act locally and to cooperate internationally and defend the environment progress that has been gained; and
- WHEREAS; Earth Day is an annual reminder of the constant need for environmental activity, stewardship commitments, and sustainability efforts.
- NOW,
THEREFORE; I, Dane Haygood, as the Mayor of the City of Daphne, along with the Daphne City Council, do hereby proclaim April 21, 2018 as

Earth Day Mobile Bay

in the City of Daphne, and in the spirit of commitment encourage our citizens, businesses, and organizations to participate in this celebration, and accept responsibility to protect the integrity of the Earth, our home.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk



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):

Amended Request:

RSF-2 & RA (Baldwin County District 15)

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

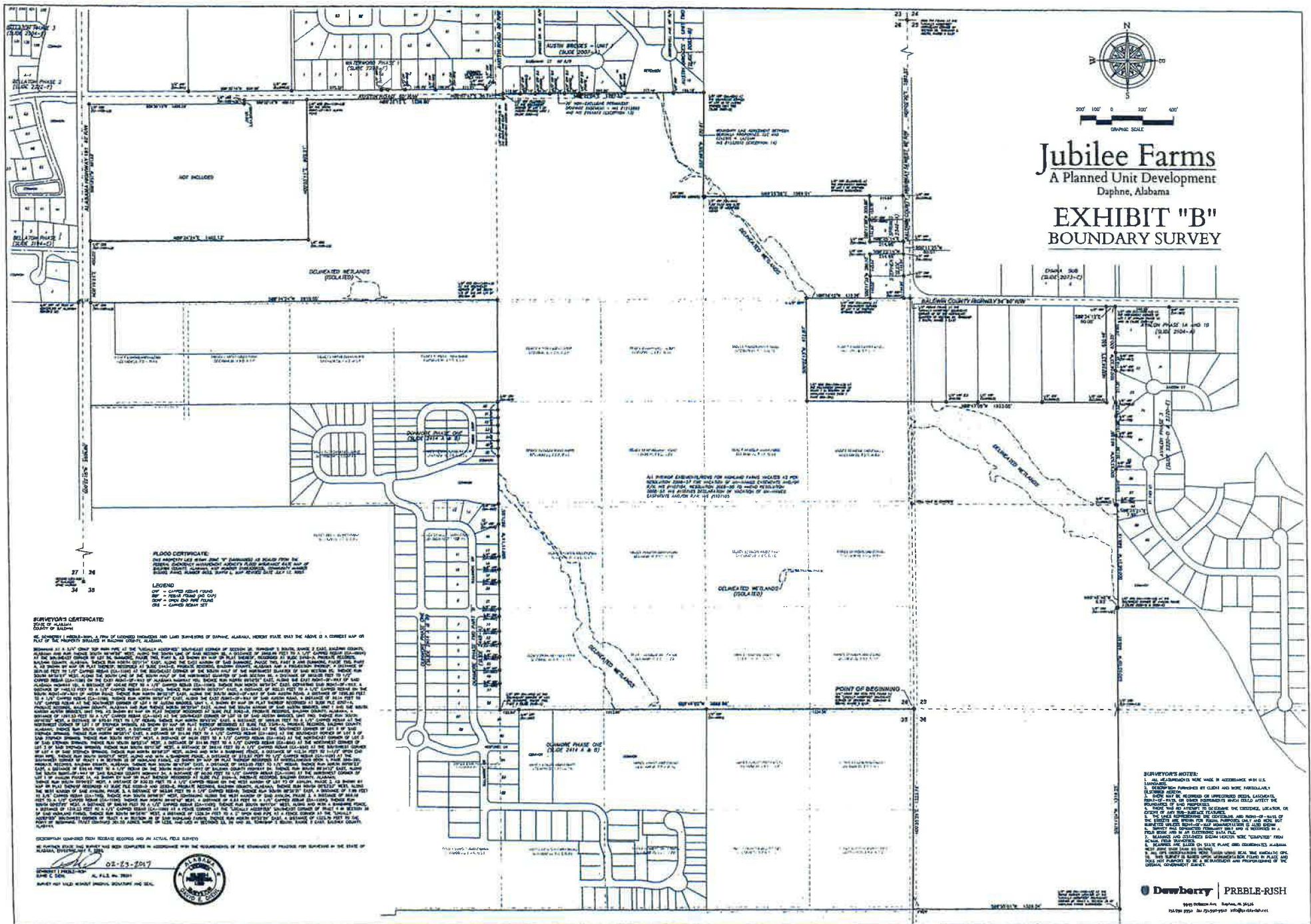
LEGAL DESCRIPTION FOR JUBILEE FARMS (BERTOLLA PROPERTY)

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 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.

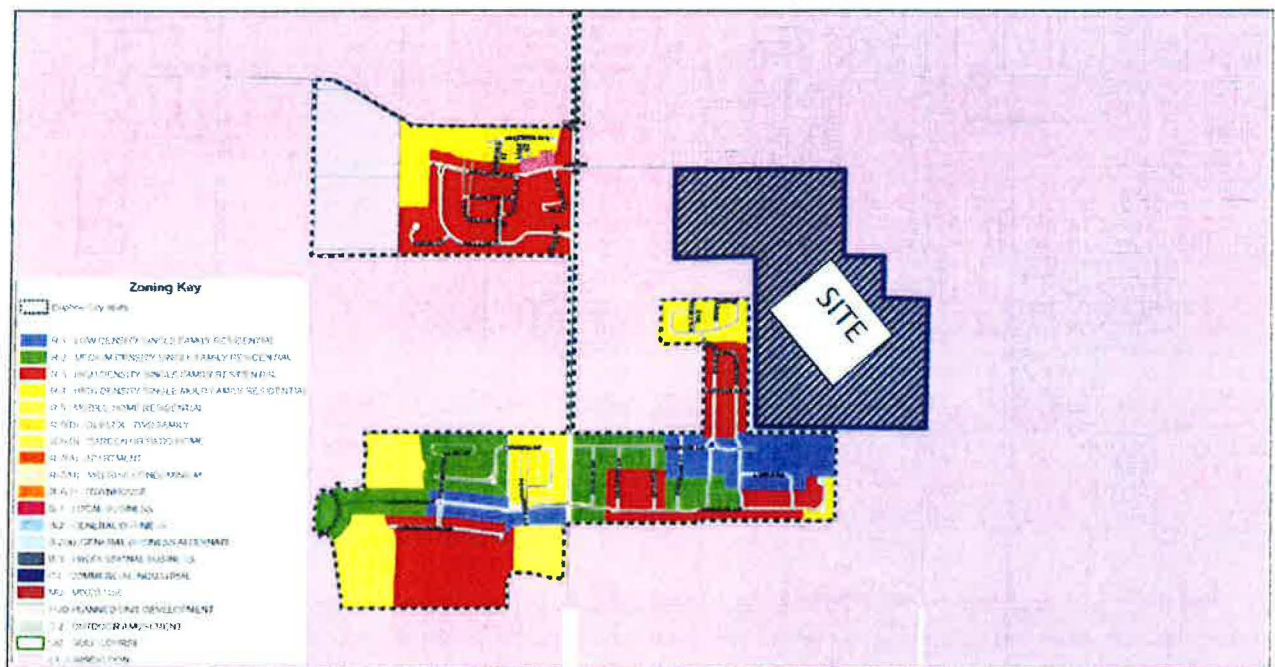
The public hearing will be held by the Daphne Planning Commission on Thursday, February 22, 2018 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

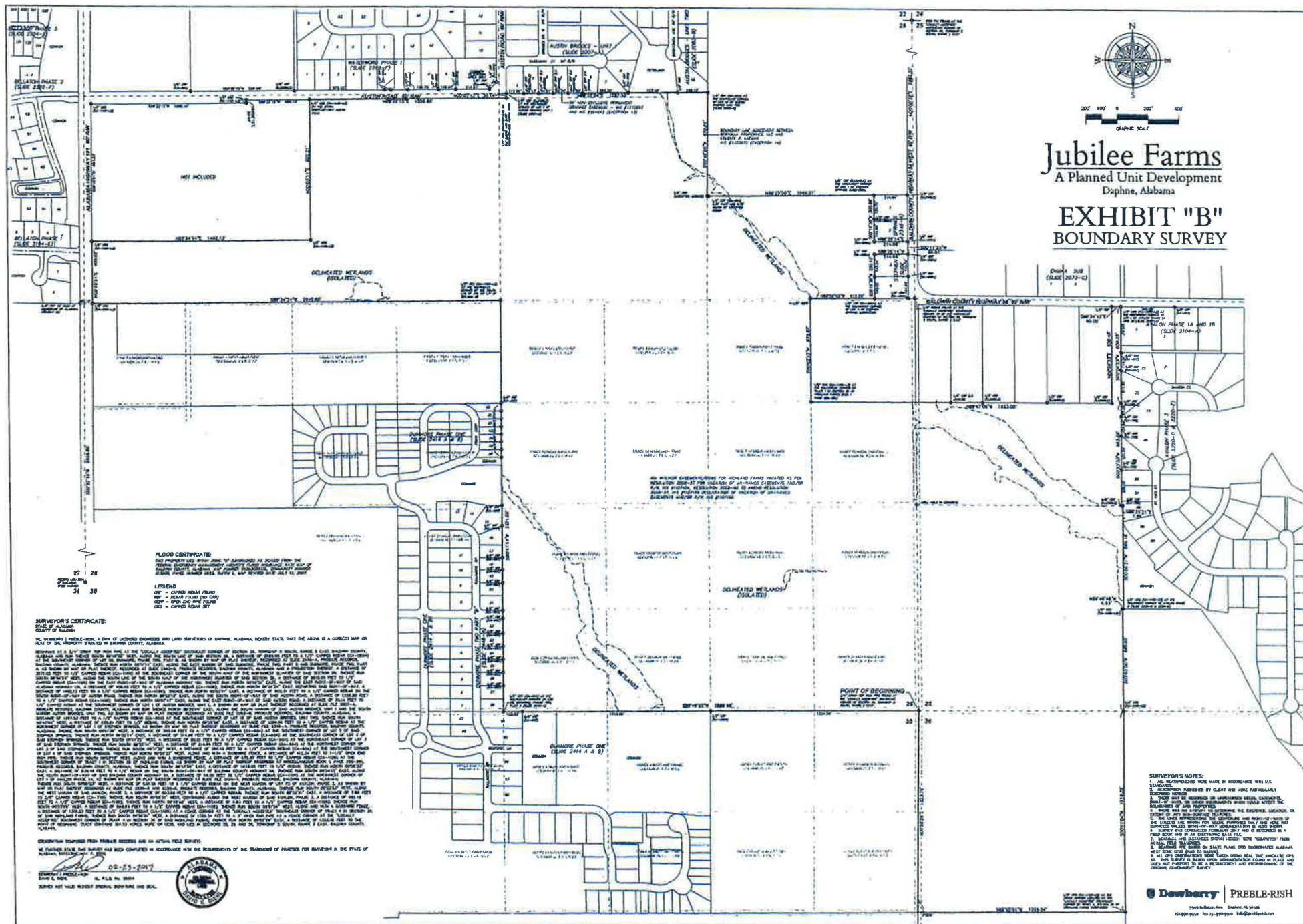
Sincerely,
Adrienne D. Jones
Director of Community Development

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





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."

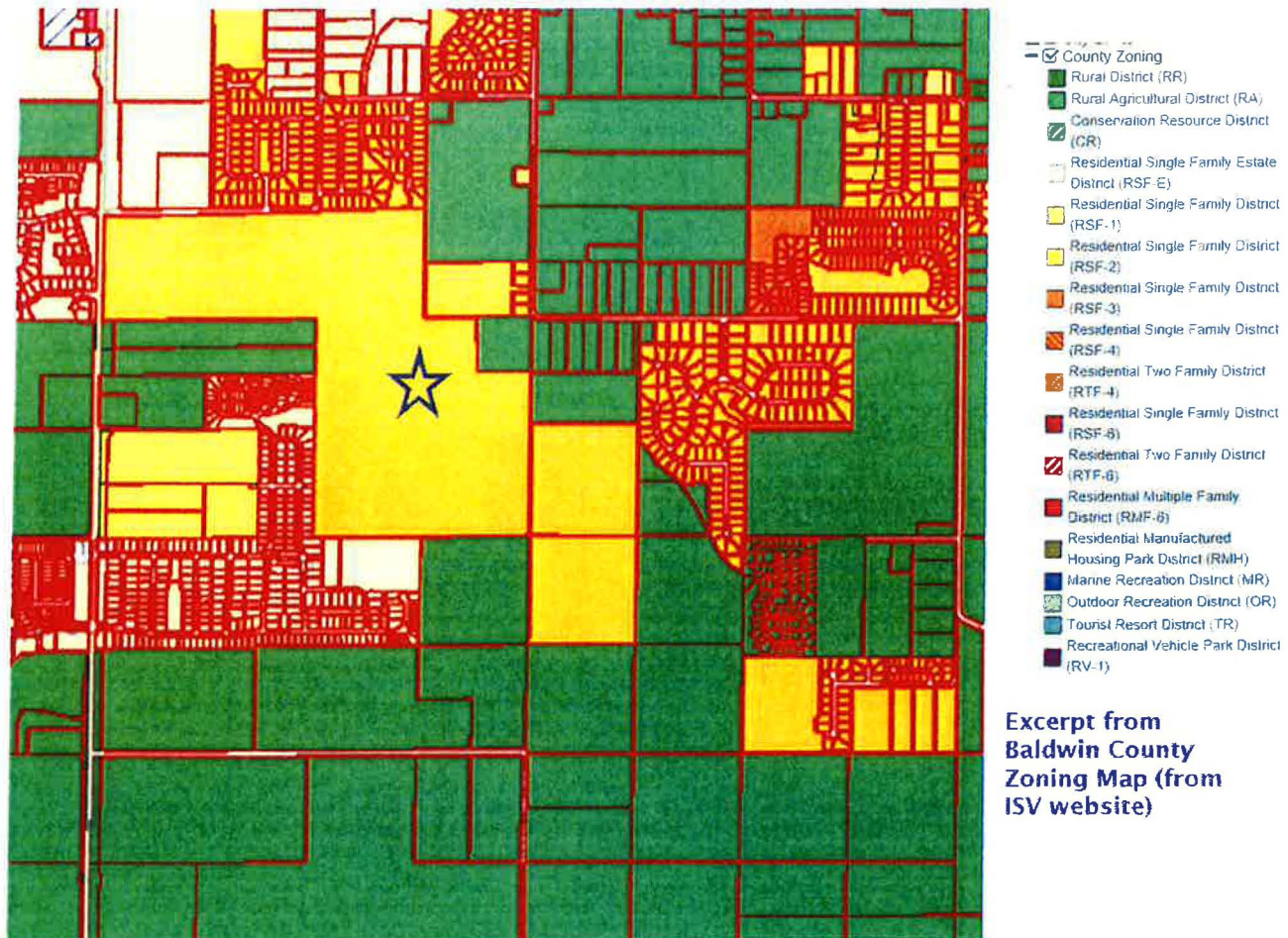
The purpose in creating the PUD district is clear. It is important for the Planning Commission and City Council to ensure that there is superior design and public benefit presented in each PUD request. In this case, information has been provided to justify the need for PUD zoning.

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

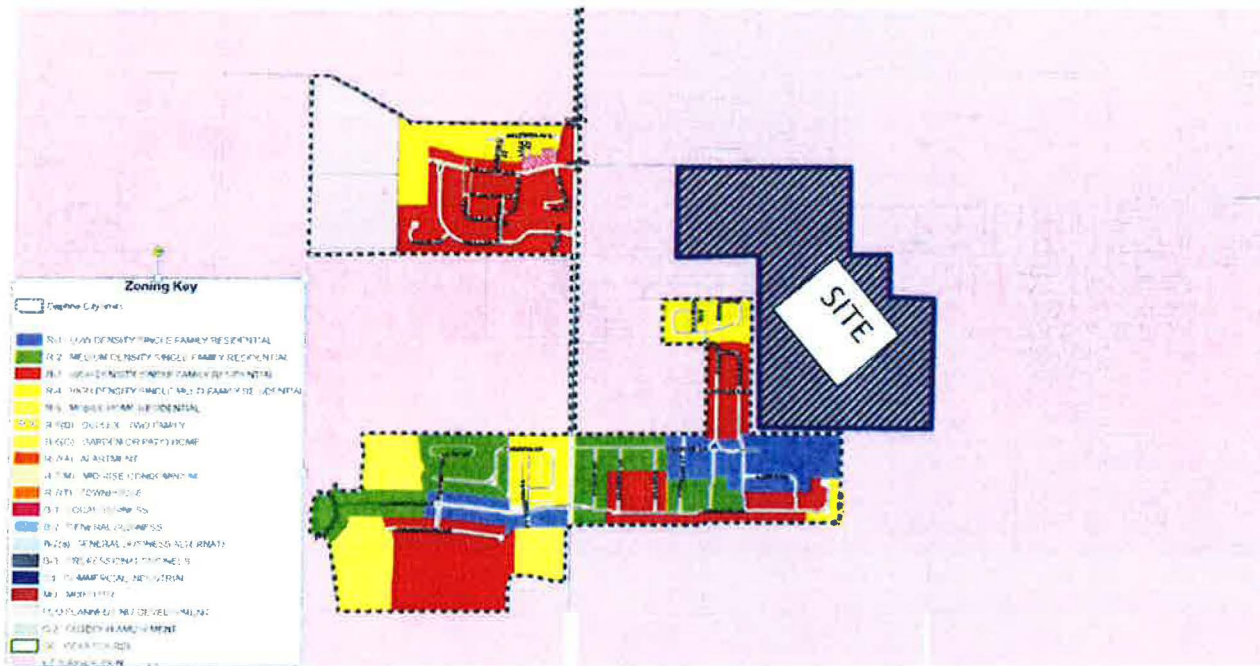
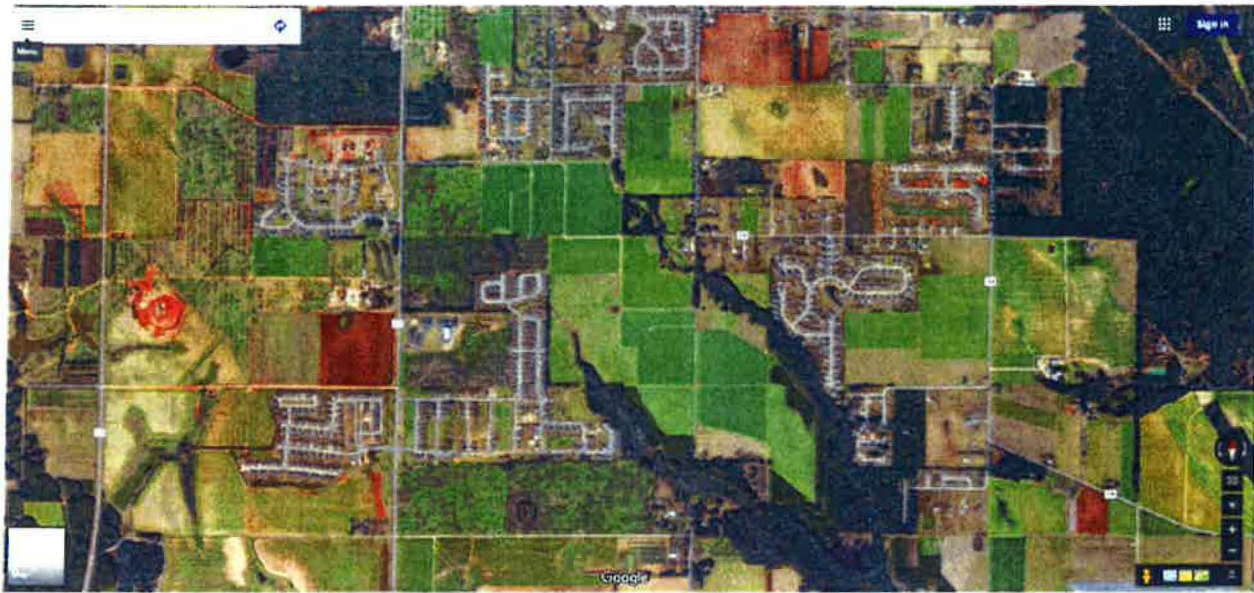
**PREZONING REQUEST
BERTOLLA PROPERTIES, LLC**

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
2:00 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

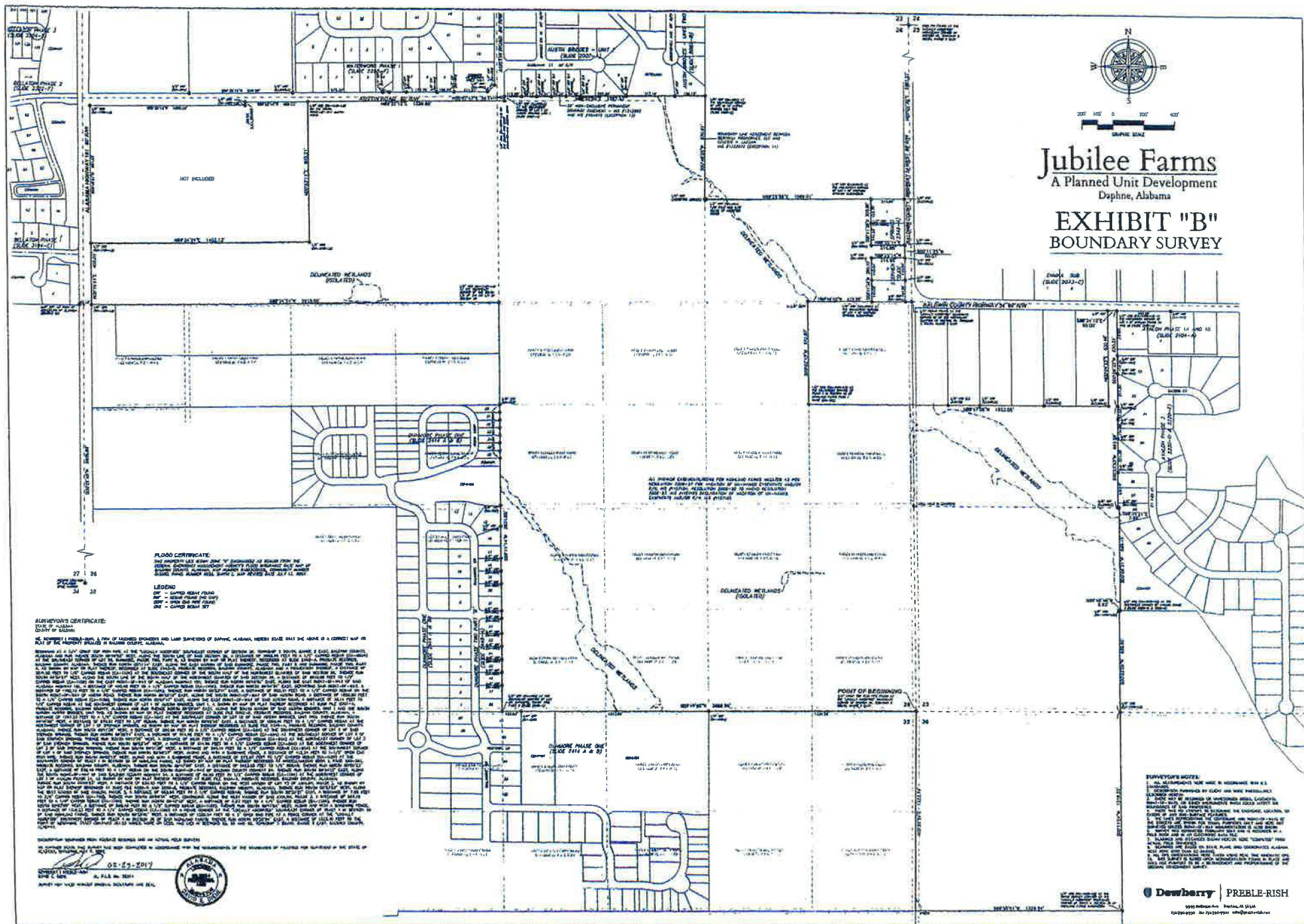
LEGAL DESCRIPTION FOR JUBILEE FARMS (BERTOLLA PROPERTY)

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.





Phasing Summary

Point	280 Hz	400 Hz	700 Hz	1000 Hz	1500 Hz	2000 Hz	ACREQ	1st H
1	0	0	0	0	0	0	10.92	2311
2	0	0	0	0	0	0	11.81	1181
3	0	0	0	0	0	0	21.96	2316
4	0	0	0	0	0	0	17.88	2654
5	0	0	200	100	300	400	31.87	4516
6	0	0	0	0	0	0	30.69	4217
7	0	0	0	0	0	0	30.61	4217
8	0	0	0	0	0	0	30.61	4217
9	0	0	0	0	0	0	30.61	4217
10	0	0	0	0	0	0	30.61	4217
11	0	0	0	0	0	0	30.61	4217
12	0	0	0	0	0	0	30.61	4217
13	0	0	0	0	0	0	30.61	4217
14	0	0	0	0	0	0	30.61	4217
15	0	0	0	0	0	0	30.61	4217
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18	0	0	0	0	0	0	30.61	4217
19	0	0	0	0	0	0	30.61	4217
20	0	0	0	0	0	0	30.61	4217
21	0	0	0	0	0	0	30.61	4217
22	0	0	0	0	0	0	30.61	4217
23	0	0	0	0	0	0	30.61	4217
24	0	0	0	0	0	0	30.61	4217
25	0	0	0	0	0	0	30.61	4217
26	0	0	0	0	0	0	30.61	4217
27	0	0	0	0	0	0	30.61	4217
28	0	0	0	0	0	0	30.61	4217
29	0	0	0	0	0	0	30.61	4217
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31	0	0	0	0	0	0	30.61	4217
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33	0	0	0	0	0	0	30.61	4217
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35	0	0	0	0	0	0	30.61	4217
36	0	0	0	0	0	0	30.61	4217
37	0	0	0	0	0	0	30.61	4217
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39	0	0	0	0	0	0	30.61	4217
40	0	0	0	0	0	0	30.61	4217
41	0	0	0	0	0	0	30.61	4217
42	0	0	0	0	0	0	30.61	4217
43	0	0	0	0	0	0	30.61	4217
44	0	0	0	0	0	0	30.61	4217
45	0	0	0	0	0	0	30.61	4217
46	0	0	0	0	0	0	30.61	4217
47	0	0	0	0	0	0	30.61	4217
48	0	0	0	0	0	0	30.61	4217
49	0	0	0	0	0	0	30.61	4217
50	0	0	0	0	0	0	30.61	4217
51	0	0	0	0	0	0	30.61	4217

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:	26.31 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	

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

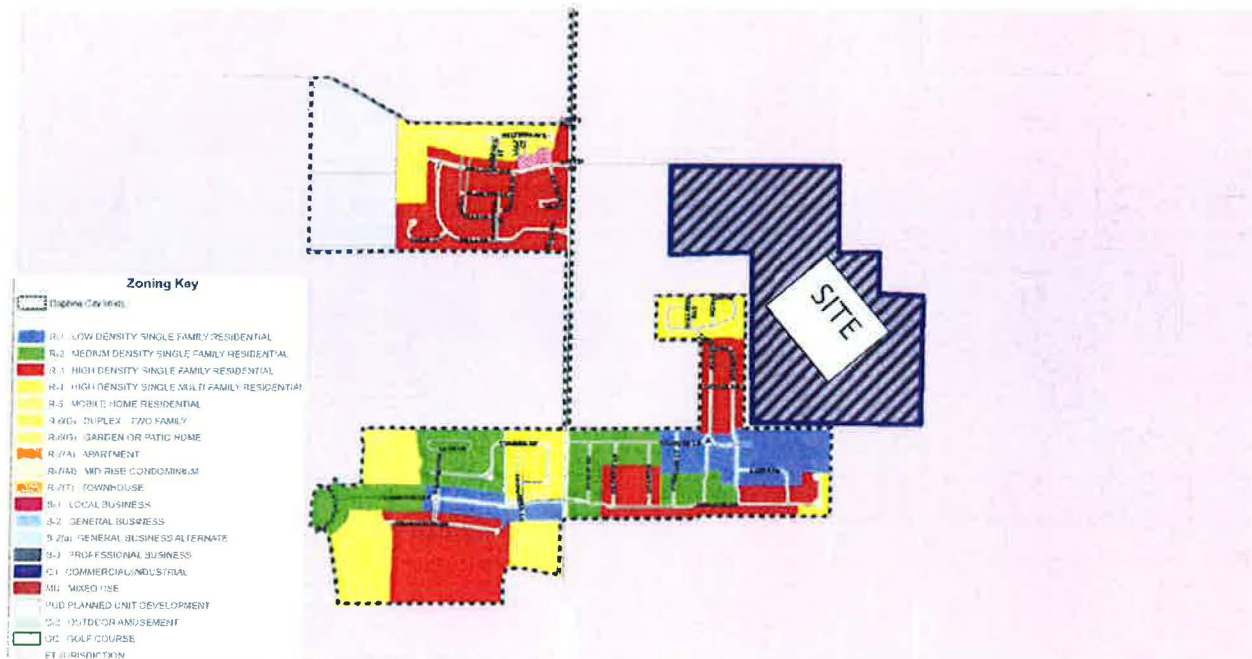
On July 19, 2017, City Council approved Ordinance 2017-39 to prezone the subject property to a Planned Unit Development. The applicant had submitted a petition for annexation, master plan review and preliminary subdivision plat review for the first 5 phases of development. The master plan review and 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.**

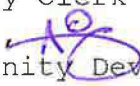


EXCERPT FROM ARTICLE 23-1 PROCEDURE [FOR ANNEXATION REQUESTS]

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): <u>1.77</u>	Requested Zoning or Pre-Zoning: <u>MU</u>	
Current Zoning Designation(s): <u>B-1</u>	Amended Request:	
	Initials:	Date:
Current Land Use: <u>one house & vacant property</u>	Anticipated Land Use: <u>mixed local business & residential</u>	
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": <u>see attachment</u>		

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

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

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

Mailing Address:
23325 State Highway 181, Daphne, AL 36526

Phone/Fax:
E-mail:

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

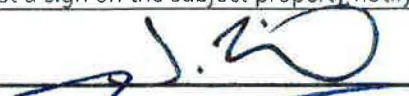
Name of Developer*:
Two Hands Design & Development, LLC

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 <u>1/22/18</u>
Agent's Signature: 	Date <u>1/22/18</u>



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

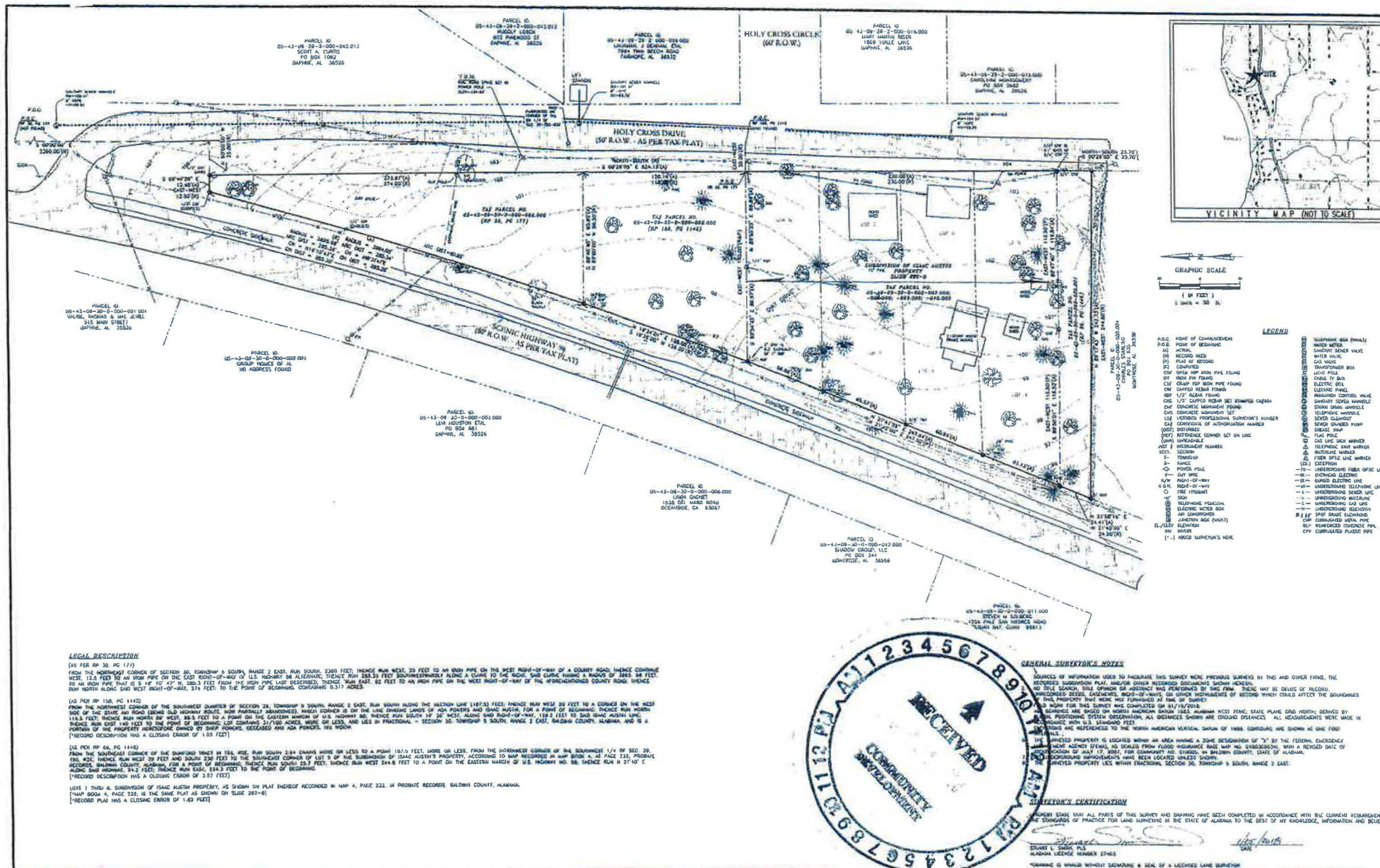
I, _____, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: _____

PRINTED NAME OF DEVELOPER

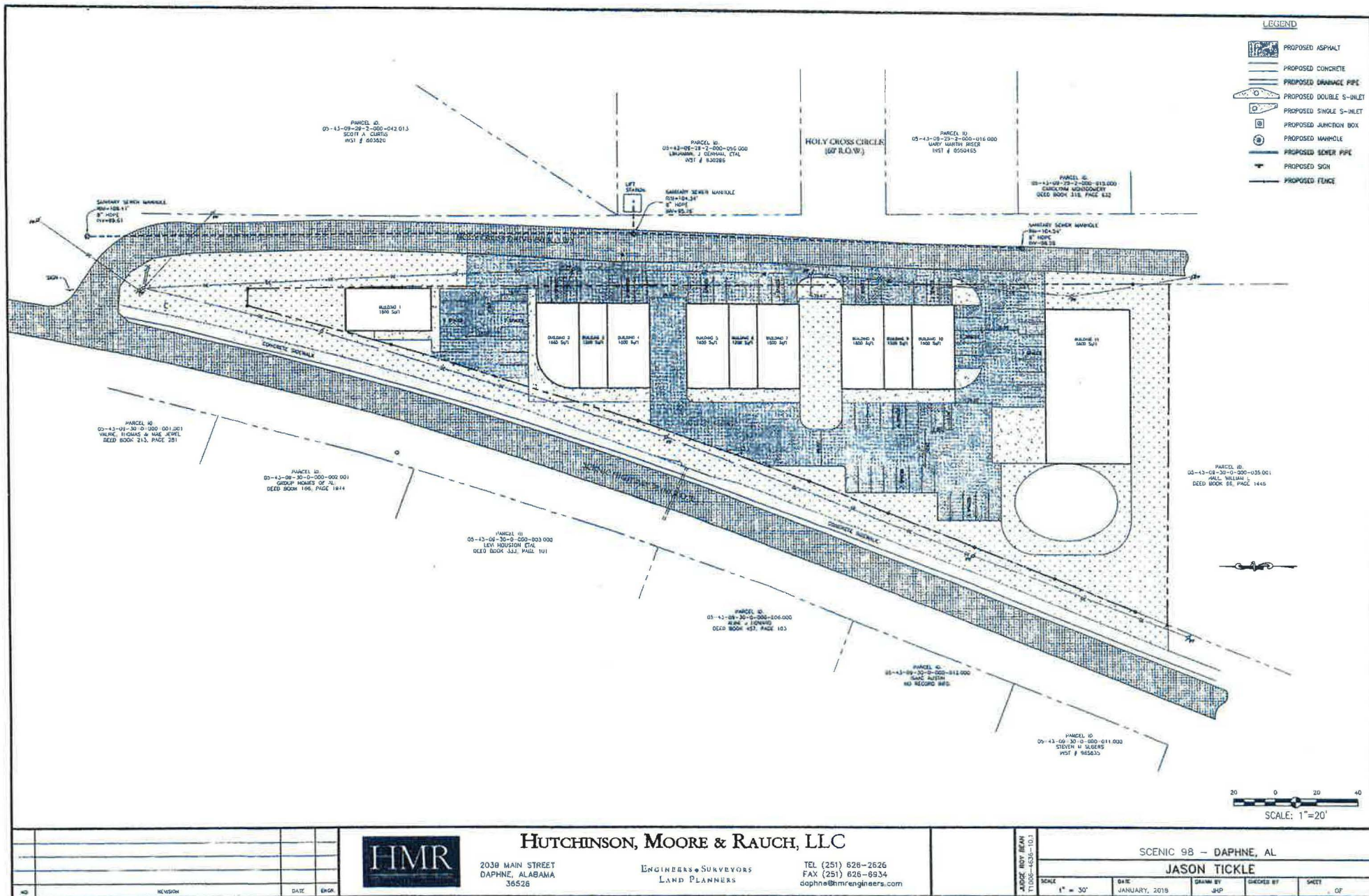
PROPERTY ADDRESS OR PPIN#(s): 045383, 004570, 018237, 045382, 034551, 018238, 018236

"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.



		HUTCHINSON, MOORE & RAUCH, LLC 2030 MAIN STREET DAPHNE, ALABAMA 36526 ENGINEERS & SURVEYORS TEL (251) 626-2626 FAX (251) 626-6934 daphne@hmrengineers.com			BOUNDARY & TOPOGRAPHIC SURVEY INTERSECTION OF MAIN STREET & HOLY CROSS DRIVE, DAPHNE	
CLIENT: JASON TICKLE		DATE: 8/22/2018		DRAWN BY: SLS		
SCALE: 1"=30'		SHEET: 1 OF 1		SHEET: 1 OF 1		



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

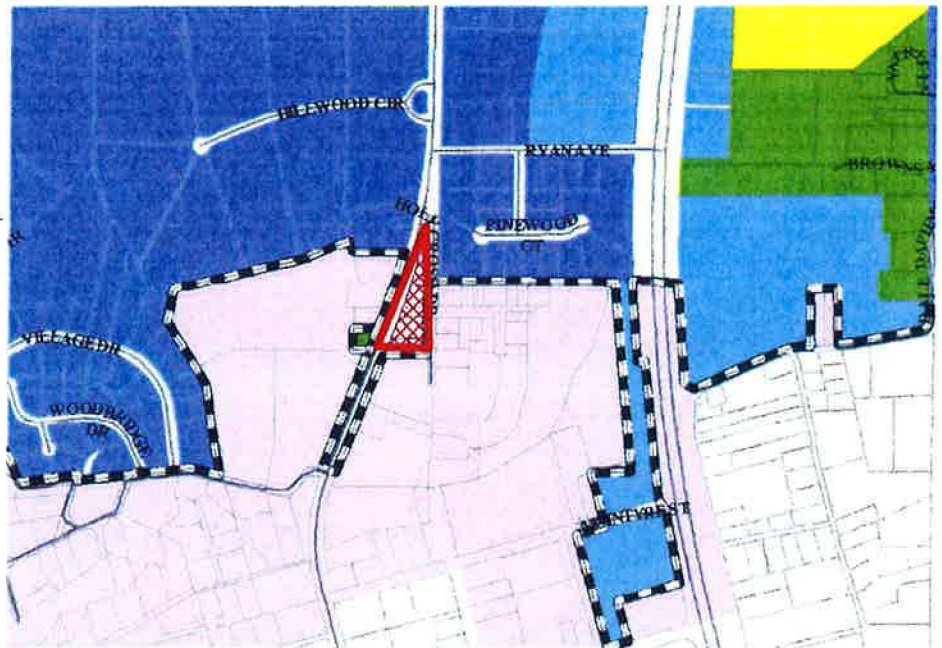
P. O. Box 400 - Daphne, Alabama 36526
Phone: 251.621.3184 Fax: 251. 621.3185

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

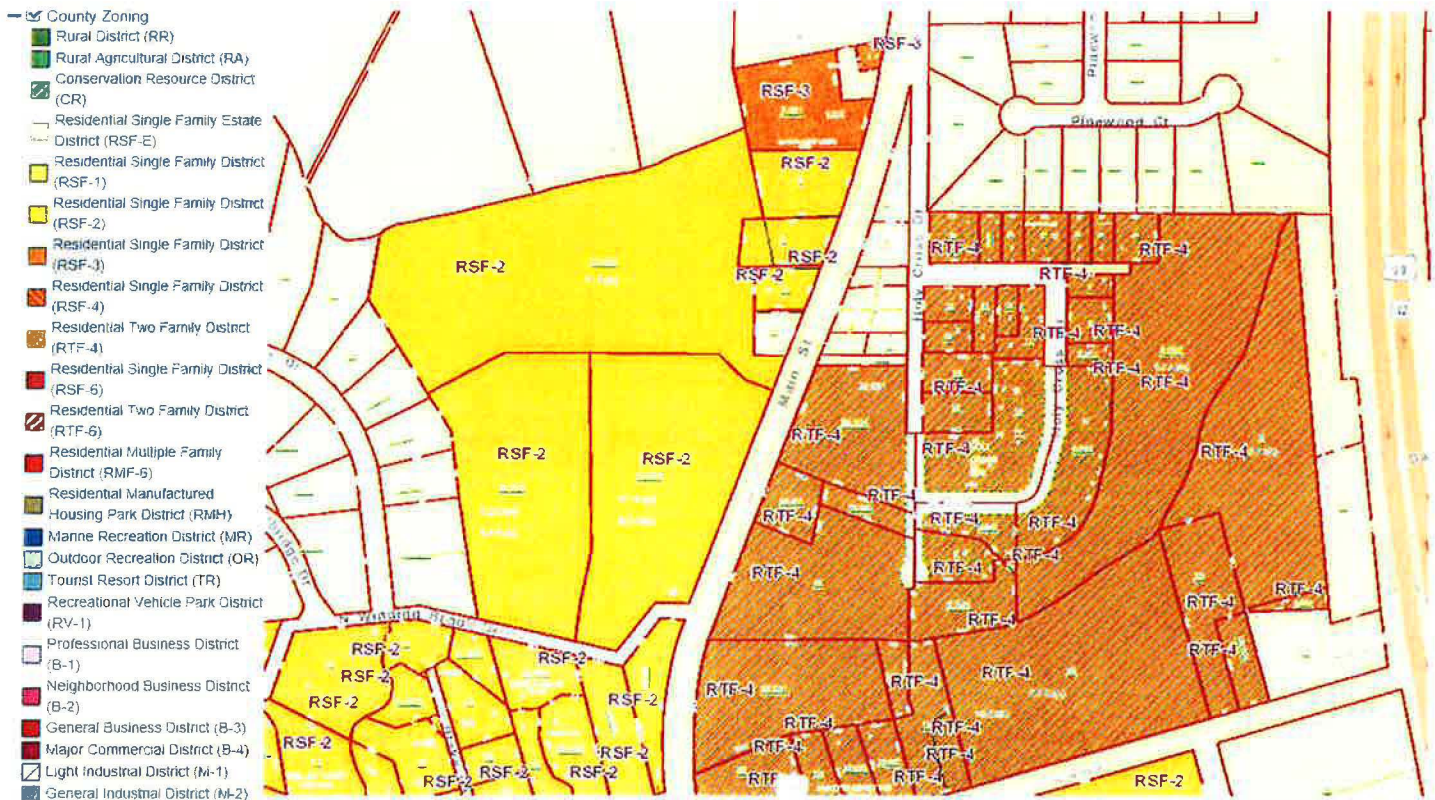
Surrounding Zonings/Uses:

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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**April 2, 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 6:31 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; Betsy Schneider, Operations Director; James White, Fire Chief; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; David Carpenter, Police Chief; Jeremy Sasser, Public Works Director; Margaret Thigpen, Civic Center Director; Vickie Hinman, Human Resources Director; and Ashley Campbell, Environmental Programs Manager.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Reverend Bennie Richardson, Morningstar Missionary Baptist Church.

PRESENTATION: Beautification Award – Take 5 Oil Change

PRESENTATION: Daphne High School Athletics Update by Kenny King, Athletic Director

Council President Conaway thanked Mr. King for the update on the Daphne Trojans; she is very proud of their accomplishments.

Mayor Haygood said the bowling team has made some great strides. He said there is a need for more tennis courts so that Daphne can be competitive in that arena. Mayor Haygood thanked Mr. King for all that he does. He not only does a great job on the field, but he helps young people understand the importance of athletics and how to succeed in life.

Councilman LeJeune said the Daphne tennis teams are using Spanish Fort's Spirit Park for their tennis matches; there is a definite need for tennis courts as soon as possible.

3. APPROVE MINUTES:

The minutes of the March 19, 2018 Council Meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilman Rudicell said the Finance Committee meets the third Monday of each month. The minutes from the February 19, 2018 meeting are in the packet.

Councilman Rudicell said the January sales tax collection was \$1,211,715 and the lodging tax collection was \$78,871. The unrestricted cash flow balance at the end of February was \$17,279,832; this is a little higher than normal based on sales tax collection.

MOTION by Councilman Davis to set all permit fees and Land Disturbance fees at \$20 each for all Habitat for Humanity projects located in the City of Daphne.

MOTION CARRIED UNANIMOUSLY

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MOTION by Councilman Rudicell to enter into Daphne Strike Soccer Club agreement as Guarantor of the property loan through the current Council's term ending September 30, 2020.

MOTION CARRIED UNANIMOUSLY

B. BUILDINGS & PROPERTY COMMITTEE

Councilman LeJeune said the next Buildings and Property Committee meeting will be on Monday, April 9, 2018 at 5:30 p.m.

C. PUBLIC SAFETY COMMITTEE

Councilman Davis said the next Public Safety Committee meeting will be on Monday, April 9, 2018 at 4:30 p.m. The minutes from the March 12, 2018 meeting will be in the next packet.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Goodlin said the Code Enforcement/Ordinance Committee met today and discussed a possible vacation rental ordinance. The next meeting will be on May 7, 2018 at 4:30 p.m.

E. PUBLIC WORKS COMMITTEE

Councilman Coleman said the Public Works Committee met earlier today. The Park Drive Park plans are out for bid. There is a pre-bid meeting this Friday and the bids will be open next Friday. The next meeting will be on May 7, 2018 at 5:30 p.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Adrienne Jones, Planning Director, said the April 5, 2018 Board of Zoning Adjustments meeting has been cancelled due to the applicant's withdrawal of their application.

**MOTION by Councilman Rudicell to appoint Carolyn Courson to the Board of Zoning Adjustments.
Seconded by Councilman Davis.**

MOTION CARRIED UNANIMOUSLY

B. Downtown Redevelopment Authority

Council President Conaway said the Downtown Redevelopment Authority did not meet on Thursday. The next meeting will be April 25, 2018 at 5:30 p.m.

C. Industrial Development Board

Councilman Davis said the Industrial Development Board opened bids last Friday. The next meeting will be on Thursday, April 5, 2018 at 11:30. He referenced the need to work quickly in order to not affect the current EDA timeline.

D. Library Board

Councilman Rudicell said the Library Board meets the second Thursday of each month at 4 p.m. The library was very busy last week with all of the kids on spring break; they are preparing for summer break.

E. Planning Commission

Councilman Scott said the minutes from the February 22, 2018 Planning Commission meeting as well as the report of the March 22, 2018 meeting are in the packet. The next meeting is April 26, 2018 at 5 p.m.

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F. Recreation Board

Councilman LeJeune thanked Coach King for his presentation. He referenced the bids for Park Drive Sports Complex and said information will be available within the next two weeks.

G. Utility Board

Councilman LeJeune said the Utility Board met this past week. The report will be available at the next City Council meeting.

6. MAYOR'S REPORT:

Mayor Haygood said sidewalks were installed over Spring Break at W J Carroll Intermediate School. The City Clerk showed photographs of the sidewalk project on the screen. He thanked the Public Works crew and the City Council for their work.

Along with approximately 775 other public entities, the City of Daphne participates in the Alabama Municipal Insurance Corporation and the Municipal Workers Compensation Fund. Mayor Haygood said the Human Resources Department spearheads a number of efforts to train employees and make sure they're in a safe work environment. He said the City of Daphne has reached Silver Status again this year and presented the 2017 Silver Status badge to Vickie Hinman, Human Resources Director. Mayor Haygood thanked Ms. Hinman and the Human Resources Department. He said these efforts translate to real savings. The renewal premium would have been \$431,000 but the City saved \$164,000. There was also a renewal dividend of another \$31,000 in savings based on utilization from last year.

7. CITY ATTORNEY REPORT:

No report.

8. DEPARTMENT HEAD COMMENTS:

Chief Carpenter, Daphne Police Department, said he has gotten a retirement notice from Lt. Kenny Hempfleng. He has been with the City of Daphne for more than 29 years.

Margaret Thigpen, Civic Center Director, welcomed the Inspire National Dance Competition to the City of Daphne; they will be at the Civic Center from April 6-8, 2018.

9. CITY CLERK'S REPORT:

**MOTION by Councilman Scott to appoint Valerie Stickney to the Education Advisory Committee.
Seconded by Councilman LeJeune.**

MOTION CARRIED UNANIMOUSLY.

**MOTION by Councilman Rudicell to appoint Nicole Simms to the Education Advisory Committee.
Seconded by Councilman Coleman.**

MOTION CARRIED UNANIMOUSLY.

**MOTION by Councilman Goodlin to appoint Shannon Smith to the Education Advisory Committee.
Seconded by Councilman Rudicell.**

MOTION CARRIED UNANIMOUSLY.

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MOTION by Councilman Rudicell to appoint Louise Vaughn Smith to the Education Advisory Committee. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Davis to request M&M Bank to withdraw current plan to construct Veterans Pointe Project. Seconded by Councilman Rudicell.

DISCUSSION FOLLOWED.

Councilman Scott said the bank has presented them with an excellent opportunity to have an extremely attractive gateway to the City. The only issue is that the City was gifted a statue from Dr. Barry Booth which has a lot of personal meaning to him and Dr. Booth has some objections regarding the location. Councilman Scott has no problem putting the statue wherever Dr. Booth would like it, but he doesn't want to miss an opportunity to have Veterans Point. They don't have to put the statue there; they can put a very nice American flag there. It is going to be the entrance to Olde Daphne and he thinks this is in the best interest of the City and the citizens of Daphne.

Councilman Davis said he wants to thank M&M Bank for the work they have done on this project. He hopes they can continue to be a partner. The Veterans Point project is more than just a site. It is a reference place for veterans. The history, symbolism and activities surrounding that may have gotten lost in the process. This is a way to make the project forward, have it include the statue and not in any way take away from the bank or its appearance. He thanks the bank for its cooperation and continued help in making this project go forward so the entrance will be symbolic and proper for veterans around the country. The symbolism and what will be there will mean so much to all of the veterans now and in the future.

Councilman LeJeune said permits have already been given for this project and the City has given its approval. It is hard for him to understand something that they've already done and now they are going to go back and take it away.

Councilman Rudicell said his interpretation of what is going on is that they are just doing a change order. They just want to go in a different direction than what has been presented. The Council just got the first presentation a few weeks ago. After discussion and input, a change order is being requested.

Mayor Haygood provided information about M&M Bank and its location at the intersection of Hwy. 98 and Main St. The bank came to the City at the end of 2016 and, in conjunction with their acquisition of that property and proposed improvements, presented the idea of them funding public improvements at that area. During initial discussions, Mayor Haygood said they needed to speak with Dr. Booth as the City had already committed to put the statue at that location. The bank worked diligently with that and has spent around \$30,000 and has planned to spend around \$200,000 on this project. There has been a lot of discussion on this in recent weeks. They have reached an impasse where the final details between the bank and the stakeholders in the statue were no longer compatible. He would like to think that the concerns are minor, but it doesn't seem that there is a lot of room for compromise. The bank has expended significant funds in good faith with the City. They even attended a Buildings and Property Committee meeting where there was a favorable recommendation for the bank to proceed. Others have also come and provided input on this issue. This is a gateway for Olde Towne Daphne and a great opportunity. He would hate for the City to have to spend \$150,000 to \$200,000 to rebuild something similar. The bank has been a good partner to the City and has done so in good faith. Mayor Haygood said he'd like to think the City can live up to its end of the bargain. He doesn't believe the bank has done anything wrong. He hopes there is middle ground, but if there is not he hopes they consider allowing the bank to finish what it started.

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Councilman Davis said it is not about penalizing the bank; they are a welcome partner and will continue to be a partner. The purpose, scope and design of the project will be far more appropriate if they seek another source and another procedure. The bank has a timeline that it needs to meet. The bank's contractor will even be contacted about helping with the completion of the project. The bank opening would not be curtailed, but the timing is such that in order to get this right he feels it is necessary to take this position. It will not cost the City any more money. He hopes they can thank the bank and make it a win-win for the bank, the veterans and the City and it can be the most appropriate entrance.

Roll Call Vote:

Councilman Rudicell	Aye
Councilman Coleman	Nay
Councilman Goodlin	Nay
Councilman Scott	Nay
Councilman LeJeune	Nay
Councilman Davis	Aye
Council President Conaway	Aye

MOTION FAILED.

10. PUBLIC PARTICIPATION:

Kirk Fonder, 1443 Randall Avenue, said he is speaking on behalf of the Gardens of Randall. They want to compliment the Council for putting up a second digital speed sign. He said the neighborhood held an Easter egg hunt for the children but the eggs had to be hidden out back due to speeders. They are requesting that they be a part of the decision-making process once the data has been collected.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

2018-13 – Acceptance of Streets and Drainage located in the French Settlement Phase Three

2018-14 – 2018-F-PW/Used Track Loader

2018-15 – 2018-G-#801 Coarse Aggregate Rock Material

MOTION by Councilman Scott to waive the reading of Resolution 2018-13, Resolution 2018-14 and Resolution 2018-15. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2018-13. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2018-14 and Resolution 2018-15. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

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ORDINANCES:

2nd READ:

2017-46(a) – Ordinance to Amend City of Daphne Ordinance 2017-46 to Correct Error – Kalasountas Annexation.

MOTION by Councilman Rudicell to waive the reading of Ordinance 2017-46(a). Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Rudicell to adopt Ordinance 2017-46(a). Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

1st READ:

2018-10 – Ordinance to Amend Job Classification Schedule: Executive Director, City Development

2018-11 – Appropriation: Village Point Park Boardwalk Repairs

2018-12 – Appropriation: Park Drive-Daphne Sports Complex Traffic Study

2018-13 – Appropriation: Signage/Markers for the Alabama 200 Year Bicentennial Celebration

12. COUNCIL COMMENTS:

Councilman Davis said Bailey Yelding is looking down wondering why they're not watching the Final 4 Championship. He said they appreciate all he did for them.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:16 p.m.

Respectfully submitted by,

Certification of Presiding Officer

Candace G. Antinarella, City Clerk

Tommie Conaway, Council President

BUILDINGS & PROPERTY COMMITTEE MEETING

Tuesday, March 12, 2018, 5:15 p.m.

**City Hall, Jubilee Conference Room,
1705 Main Street, Daphne, AL 36526**

MEETING MINUTES

MEMBERS PRESENT: Councilman Joel Coleman; Councilman Doug Goodlin; Councilman Ron Scott; Councilman Pat Rudicell; Councilman Robin LeJeune; Councilwoman Tommie Conaway and Councilman Joe Davis

ALSO PRESENT: Mayor Dane Haygood, Patrick Dungan, City Attorney; Candace Antinarella, City Clerk; Kelli Kichler, Finance Director; Betsy Schneider, Operations Director; Suzanne Henson, Senior Accountant; BJ Eringman, Deputy Director Public Works; Jeremy Sasser, Public Works Director; Ronnie Huskey, Facilities Director; Margaret Thigpen, Civic Center; Ashley Campbell, Environmental Programs Manager; Vickie Hinman, Human Resources Manager.

1) CALL MEETING TO ORDER / ROLL CALL

There being a quorum present Councilman Robin LeJeune called meeting to order at 5:30 pm.

2) PUBLIC PARTICIPATION

Jimmy Bowers, Church of the Highland, centered in Birmingham, Alabama, presented a proposal to have two church services at Daphne Civic Center on Sunday beginning in August. They are looking for a location to begin their 18th campus to be portable for 3-5 years. They are the second largest church in the state. They would like to propose to have church at the Civic Center while improving the facility. The church would like to begin with a 9:45am and 11:00am service and grow from there as well as conferences through the year. The Church is willing to upgrade the facility such as the sound system. Mr. Bowers simply asks the staff to unlock the building and his staff will set up for their services and clean up afterwards.

Councilman Scott suggested Mr. Bowers speak to Mrs. Thigpen regarding this proposal. Mayor Haygood indicated that we do have some concerns but the church has a response for each concern and this should have council consideration. Councilman LeJeune suggested this come back to the April work session to address the concerns as far as what is best for the church and best for the City. A recommendation will come from the Mayor's office.

Clayton Legear, M&M Bank, spoke regarding the Veterans Point project and the collaborative effort. Mr. Legear is speaking at this meeting to ensure there is a consensus because the bank is at a point where they need to move forward with the project. They want to be sure the council is comfortable with the overall design of the project. Councilman LeJeune asked if there is room with the hill to have flat space and Legear responded that there is adequate room with a retaining room. Betsy Schneider, Operations Director, indicated the reason M&M Bank is here is because there have been some requests for some changes to the design by Dr. Booth and this has put the bank in a difficult position. Mayor Haygood gave a recap of the timeline of the Veterans Point project thus far. The Mayor indicated that there are continued requested but at this point the bank has begun construction and they need to know whether to move forward or not with the project. Councilman LeJeune asked if there was an agreement indicating the amount of involvement Dr. Booth would have in the design and Mayor Haygood said there was a Memorandum of Understanding signed with the hand was donated separate from when the hand would be moved but out of courtesy they have engaged Dr. Booth and a

number of his suggestions have been incorporated in. Mr. Legear indicated at this time the bank has invested about \$30,000 in the project and the magnitude of changes requested at this time are putting the project in jeopardy. These plans have gone through Planning Commission. The latest changes Dr. Booth are asking for are significant and will be costly and affect the time line. Dr. Booth has been involved for a year. Councilman Scott said this will be a beautiful asset to the City and at this point Dr. Booth needs to decide if he wants us to put his hand there or not. Councilman Davis is concerned about foot traffic to this location. This project has been in the public domain for some time. The contractor has an approved set of plans so the contractor can continue to build at this time.

**MOTION BY Councilman Scott to recommend to Council to authorize the Mayor to authorize M&M Bank to proceed with Veterans Point project as designed and approved. Seconded by Councilman Goodlin. All in favor
MOTION CARRIED UNANIMOUSLY**

3) CITY BOAT RAMP ACCESS PROJECTS REPORT: ASHLEY CAMPBELL

Ashley discussed the drawings of the proposed boat slips.

**MOTION BY Councilman Goodlin to recommend to Council to approve the proposed boat slip. Seconded by Councilman Scott. All in favor
MOTION CARRIED UNANIMOUSLY**

4) SURPLUS PROPERTY: SUZANNE HENSON

No report this month. More vehicles/equipment coming soon.

5) BUILDING INSPECTION REPORT: RICHARD MERCHANT

Richard Merchant gave Building Inspection Report for February. He also gave an update on the Belrose property.

**MOTION BY Councilman Scott to recommend to Council to authorize an appraisal of the Belrose property. Seconded by Councilman Davis. All in favor
MOTION CARRIED UNANIMOUSLY**

An asbestos study was done on the Eastern Star building and it looks like it will come back clean. Lastly, Mikel Corporaal was introduced and he went over the updated flood plain area maps.

6) CIVIC CENTER & BAYFRONT PAVILION REPORT: MARGARET THIGPEN

Margaret Thigpen gave Civic Center & Bayfront Pavilion report for February 2018 with event totals and financials. Documentation is in the packet.

7) RECREATION REPORT:

Ronnie Huskey will give a report on the Trione concession at next month's meeting.

8) LIBRARY REPORT: TONJA YOUNG

No report.

9) VILLAGE POINT FOUNDATION REPORT: SELENA VAUGHN

**MOTION BY Councilman Scott to recommend to Council the Village Point Boardwalk repairs. Seconded by Councilman Coleman. All in favor
MOTION CARRIED UNANIMOUSLY**

10) BAYFRONT MASTER PLAN & IMPROVEMENT COMMITTEE REPORT:

Moved to Work Session.

11) OLD BUSINESS

12) NEW BUSINESS

None

13) ANY OTHER BUILDINGS & PROPERTY BUSINESS

14) NEXT MEETING

Next meeting scheduled for Monday, April 9, 2018 at 5:15 p.m.

15) ADJOURN

Councilman Ron Scott adjourned meeting at 6:30 p.m. with no further business to discuss.

Permit Activity Report

New Construction March 2018

Monday, April 2, 2018

Permit Code From: BL To: BL

Issued Date From: 3/1/2018 To: 3/31/2018

Improvement Type: NEW

Permit Code: BL

BUILDING PERMIT

Residential - NEW - R1 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5754-1	TRULAND HOMES	18-316		8572 NORTH LAMHATTY LANE	Yes	A	03/06/2018	03/06/2018	\$216,270.00	\$1,100.00
	TRULAND HOMES			Daphne, AL 36526		Sub Division:	ESTATES OF TIAWASEE	SQ. FT		Lot: 28

Total Residential - NEW - R1 BL Permit(s) 1 \$216,270.00 \$1,100.00

Residential - NEW - R3 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5278-1	D R HORTON INC - BIRMINGHAM	18-413		23884 FLYNT DRIVE	Yes	A	03/22/2018	03/22/2018	\$203,280.00	\$1,035.00
	D R HORTON INC - BIRMINGHAM			Daphne, AL 36526		Sub Division:	Dunmore	SQ. FT		Lot:
5754-1	TRULAND HOMES	18-457		27054 ALLENBROOK COURT	Yes	A	03/29/2018	03/29/2018	\$167,940.00	\$855.00
	TRULAND HOMES			Daphne, AL 36526		Sub Division:	Brookhaven	SQ. FT		Lot: 132
5754-1	TRULAND HOMES	18-403		8839 LONGUE VUE	Yes	A	03/20/2018	03/20/2018	\$173,460.00	\$885.00
	TRULAND HOMES			Daphne, AL 36526		Sub Division:	French Settlement	SQ. FT		Lot:

Total Residential - NEW - R3 BL Permit(s) 3 \$544,680.00 \$2,775.00

Residential - NEW - R2 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5754-1	TRULAND HOMES	18-405		27765 RHONE DRIVE	Yes	A	03/20/2018	03/20/2018	\$191,910.00	\$975.00
	TRULAND HOMES			Daphne, AL 36526		Sub Division:	ESTATES OF TIAWASEE	SQ. FT		Lot: 42
5754-1	TRULAND HOMES	18-456		27947 PAYNES GRAY	Yes	A	03/29/2018	03/29/2018	\$227,670.00	\$1,155.00
	TRULAND HOMES			Daphne, AL 36526		Sub Division:	ESTATES OF TIAWASEE	SQ. FT		Lot: 19A

5754-1	TRULAND HOMES TRULAND HOMES	18-455	8640 DAINTREE COURT Daphne, AL 36526	Yes Sub Division: RETREAT AT TIAWASEE	A RETREAT AT TIAWASEE	03/29/2018 03/29/2018	\$206,910.00 SQ. FT	\$1,050.00 Lot: 8
5754-1	TRULAND HOMES TRULAND HOMES	18-315	27730 RHONE DRIVE Daphne, AL 36526	Yes Sub Division: RETREAT AT TIAWASEE	A RETREAT AT TIAWASEE	03/06/2018 03/06/2018	\$190,140.00 SQ. FT	\$970.00 Lot: 24
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-416	23849 DUBLIN DRIVE Daphne, AL 36526	Yes Sub Division: Dunmore	A Dunmore	03/22/2018 03/22/2018	\$204,360.00 SQ. FT	\$1,040.00 Lot: 25
5473-1	CONSTRUCTION CONCEPTS CONSTRUCTION CONCEPTS	18-351	1407 6TH STREET Daphne, AL 36526	Yes Sub Division: OID DAPHNE	A OID DAPHNE	03/13/2018 03/12/2018	\$139,200.00 SQ. FT	\$715.00 Lot:

Total Residential - NEW - R2 BL Permit(s) 6 \$1,160,190.00 \$5,905.00

Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
84-1	ADAMS HOMES, LLC ADAMS HOMES, LLC	18-379		27525 ELISE COURT Daphne, AL 36526	Yes Sub Division: Caroline Woods	A Caroline Woods	03/16/2018 03/16/2018		\$125,610.00 SQ. FT	\$645.00 Lot: 110

Total Residential - NEW - R4 - HIGH DENSITY RESIDENTIAL BL Permit(s) 1 \$125,610.00 \$645.00

Residential - NEW - R-6G BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5754-1	TRULAND HOMES TRULAND HOMES	18-404		30260 PERSIMMON DRIVE Daphne, AL 36526	Yes Sub Division: Timber Creek	A Timber Creek	03/20/2018 03/20/2018		\$142,590.00 SQ. FT	\$730.00 Lot: 8
5754-1	TRULAND HOMES TRULAND HOMES	18-454		7790 PINE RUN Daphne, AL 36526	Yes Sub Division: Timber Creek	A Timber Creek	03/29/2018 03/29/2018		\$141,480.00 SQ. FT	\$725.00 Lot: 72

Total Residential - NEW - R-6G BL Permit(s) 2 \$284,070.00 \$1,455.00

Residential - NEW - PUD R-3 BL Permits

ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost	Permit Fee
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-331		8349 OGILVY COURT Daphne, AL 36526	Yes Sub Division: WINGED FOOT	A WINGED FOOT	03/08/2018 03/08/2018		\$130,740.00 SQ. FT	\$670.00 Lot: 66

5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-324	8307 OGILVY COURT Daphne, AL 36526	Yes Sub Division:	A WINGED FOOT	03/08/2018	03/08/2018	\$130,740.00	SQ. FT	Lot: 69	\$670.00
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-326	8335 OGILVY COURT Daphne, AL 36526	Yes Sub Division:	A WINGED FOOT	03/08/2018	03/08/2018	\$153,090.00	SQ. FT	Lot: 67	\$785.00
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-327	26471 ZOELLER LANE Daphne, AL 36526	Yes Sub Division:	A WINGED FOOT	03/08/2018	03/08/2018	\$153,090.00	SQ. FT	Lot: 62	\$785.00
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-329	26455 ZOELLER LANE Daphne, AL 36526	Yes Sub Division:	A WINGED FOOT	03/08/2018	03/08/2018	\$130,740.00	SQ. FT	Lot: 63	\$670.00
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-325	23831 DUBLIN DRIVE Daphne, AL 36526	Yes Sub Division:	A Dunmore	03/08/2018	03/08/2018	\$174,330.00	SQ. FT	Lot: 26	\$890.00
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-332	8361 OGILVY COURT Daphne, AL 36526	Yes Sub Division:	A WINGED FOOT	03/08/2018	03/08/2018	\$139,290.00	SQ. FT	Lot: 65	\$715.00
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-333	8346 OGILVY COURT Daphne, AL 36526	Yes Sub Division:	A WINGED FOOT	03/08/2018	03/08/2018	\$139,920.00	SQ. FT	Lot: 78	\$715.00
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-334	8360 OGILVY COURT Daphne, AL 36526	Yes Sub Division:	A WINGED FOOT	03/08/2018	03/08/2018	\$153,090.00	SQ. FT	Lot: 79	\$785.00
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-335	8320 OGILVY COURT Daphne, AL 36526	Yes Sub Division:	A WINGED FOOT	03/08/2018	03/08/2018	\$153,090.00	SQ. FT	Lot: 76	\$785.00
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-337	8299 OGILVY COURT Daphne, AL 36526	Yes Sub Division:	A WINGED FOOT	03/08/2018	03/08/2018	\$153,090.00	SQ. FT	Lot: 70	\$785.00
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-449	8294 IRWIN LOOP Daphne, AL 36526	Yes Sub Division:	A WINGED FOOT	03/28/2018	03/28/2018	\$139,350.00	SQ. FT	Lot: 22	\$715.00
5278-1	D R HORTON INC - BIRMINGHAM D R HORTON INC - BIRMINGHAM	18-450	8302 IRWIN LOOP Daphne, AL 36526	Yes Sub Division:	A WINGED FOOT	03/28/2018	03/28/2018	\$139,350.00	SQ. FT	Lot: 20	\$715.00

5278-1	D R HORTON INC - BIRMINGHAM	18-336	8290 OGILVY COURT	Yes	A	03/08/2018	03/08/2018	\$153,090.00	\$785.00
	D R HORTON INC - BIRMINGHAM		Daphne, AL 36526	Sub Division:		WINGED FOOT		SQ. FT	Lot: 72
Total Residential - NEW - PUD R-3 BL Permit(s)									
						14		\$2,043,000.00	\$10,470.00
Total Residential - NEW BL Permit(s)									
						27		\$4,373,820.00	\$22,350.00
Total Residential BL Permit(s)									
						27		\$4,373,820.00	\$22,350.00
Non Residential - NEW - B2 BL Permits									
ConID/Loc#	Contractor Name/Location Name	Permit #/Project	Master Permit #	Job Location Address	Paid	Status	Issue Date	App Date	Job Value/Cost
4912-1	OWNER	18-453		29640 A STATE RD 181	Yes	A	03/28/2018	03/28/2018	\$300,000.00
	OWNER			Daphne, AL 36526	Sub Division:		Malbis Shoppes - Phase 2	SQ. FT	Lot:
Total Non Residential - NEW - B2 BL Permit(s)									
							1		\$300,000.00
Total Non Residential - NEW BL Permit(s)									
							1		\$300,000.00
Total Non Residential BL Permit(s)									
							28		\$4,673,820.00
Total BL Permit(s)									
							28		\$4,673,820.00
Grand Totals									
							28		\$4,673,820.00
							28		\$24,150.00

March 2018

Permit Activity Summary Report

Monday, April 2, 2018

Permit Code From: BL To: xSG

Issued Date From: 3/1/2018 To: 3/31/2018

Permit Code	Description	# Of Permits	Job Cost/Value	Permit Fee
BL	BUILDING PERMIT	80	\$5,771,060.72	\$31,023.00
EL	ELECTRICAL PERMIT	22	\$68,700.00	\$1,461.00
EL-NEW	ELECTRICAL - NEW	11	\$0.00	\$1,210.00
LD	LAND DISTURBANCE	2	\$0.00	\$200.00
ME	MECHANICAL PERMIT	8	\$88,800.00	\$1,220.50
ME-NEW	MECHANICAL - NEW	22	\$0.00	\$2,420.00
PL	PLUMBING PERMIT	9	\$60,825.00	\$1,080.00
PL-NEW	PLUMBING - NEW RESIDENTIAL	9	\$0.00	\$990.00
Grand Totals		163	\$5,989,385.72	\$39,604.50

Additional fee's \$4,470.66
\$44,075.16

March 2018

Periodic Report of Permits Issued by Improvement

04/02/2018

Issued Date From: 3/1/2018 To: 3/31/2018

		Code	Count	# Of Units	Valuation	Permit Fee
BUILDING PERMIT						
Residential						
DECK	R1	BL	1		\$3,000.00	\$30.00
REINSPECTION FEE	R1	BL	1			\$50.00
REINSPECTION FEE	R4 - HIGH DENSITY R	BL	1			\$50.00
REINSPECTION FEE	PUD R-3	BL	1			\$100.00
SCREEN PORCH	R3	BL	1		\$3,900.00	\$35.00
NEW	R1	BL	1		\$216,270.00	\$1,100.00
NEW	R3	BL	3		\$544,680.00	\$2,775.00
NEW	R2	BL	6		\$1,160,190.00	\$5,905.00
NEW	R4 - HIGH DENSITY R	BL	1		\$125,610.00	\$645.00
NEW	R-6G	BL	2		\$284,070.00	\$1,455.00
NEW	PUD R-3	BL	14		\$2,043,000.00	\$10,470.00
REPAIR	R1	BL	1		\$10,614.54	\$70.00
REPAIR	R3	BL	2		\$10,000.00	\$85.00
REMODEL	R1	BL	1		\$200,000.00	\$1,015.00
REMODEL	R3	BL	1		\$18,297.00	\$110.00
RE-ROOF	R1	BL	5		\$88,001.37	\$525.00
RE-ROOF	R3	BL	19		\$195,825.81	\$1,300.00
RE-ROOF	R4 - MULTI-FAMILY	BL	1		\$11,660.00	\$75.00
POOL	R1	BL	1		\$76,848.00	\$400.00
CARPORT	R3	BL	1		\$10,000.00	\$65.00
STORAGE BUILDING	R4 - HIGH DENSITY R	BL	1		\$1,844.00	\$25.00
MISCELLANEOUS	R1	BL	1		\$9,000.00	\$60.00
MISCELLANEOUS	R3	BL	4		\$59,500.00	\$360.00
Non-Residential						
PLAN REVIEW	B2	BL	1			\$100.00
NEW	B2	BL	1		\$300,000.00	\$1,800.00
REMODEL	B2	BL	1		\$19,800.00	\$120.00
ADDITION	B2	BL	1		\$243,500.00	\$1,464.00
MISCELLANEOUS	B2	BL	1		\$26,750.00	\$162.00
INTERIOR BUILD OUT	B2	BL	4		\$99,700.00	\$612.00
Total - BUILDING PERMIT			79		\$5,762,060.72	\$30,963.00
Grand Total			79	0.00	\$5,762,060.72	\$30,963.00

March 2018

Certificate Of Occupancy Report

Printed On : 4/2/2018

CO Issued Date From: 3/1/2018 To: 3/31/2018

Permit Number	CO Issued	Owner Name	Address	Sub Division	Status
17-1001	3/5/2018	D R HORTON	10695 DUNMORE DRIVE	Dunmore	
17-1133	3/5/2018	TRULAND HOMES	27138 GRAMERCY LANE	Brookhaven	
17-1067	3/5/2018	TRULAND HOMES	27067 ALLENBROOK COURT	Brookhaven	
17-1331	3/5/2018	TRULAND HOMES	27142 GRAMERCY LANE	Brookhaven	
17-813	3/5/2018	ADAMS HOMES	27470 ELISE CT	CAROLINE WOODS	
17-942	3/9/2018	Truland Homes	30212 Persimmon Drive	Timber Creek	
17-1325	3/12/2018	DSL D HOMES	9541 CAMBERWELL DRIVE	Old Field	
17-1329	3/15/2018	TRULAND HOMES	27439 PARLANGE LANE	French Settlement	
17-890	3/16/2018	D R HORTON	24514 KIPLING COURT	Bellaton	
17-1098	3/20/2018	D R HORTON	24568 KIPLING COURT	Bellaton	
17-1318	3/20/2018	D R HORTON	24487 KIPLING COURT	Bellaton	
17-1326	3/21/2018	DSL D HOMES	9533 CAMBERWELL DRIVE	Old Field	
17-1171	3/22/2018	Truland Homes	27777 Rhone Dr.	RETREAT AT TIAWASEE	
17-1060	3/22/2018	ADAMS HOMES	27442 ELISE CT	CAROLINE WOODS	
17-997	3/22/2018	D R HORTON	7865 BARRINGTON LANE	CAROLINE WOODS	
17-817	3/22/2018	TRULAND HOMES	8645 DANUBE COURT	RETREAT AT TIAWASEE	
17-1395	3/22/2018	TRULAND HOMES	27055 ALLENBROOK COURT	Brookhaven	
17-567	3/27/2018	DAPHNE SHOE BOUTIQUE	818 MANCI AVE		
17-634	3/27/2018	D R HORTON	10535 DUNMORE DRIVE	Dunmore	
17-1000	3/27/2018	D R HORTON	9817 VOLTERRA AVE	Bellaton	
17-951	3/28/2018	WAFFLE HOUSE INC	1427 US HWY 98	WaFFLE HOUSE	
17-1030	3/29/2018	D R HORTON	10270 DUNMORE DRIVE	Dunmore	
17-1238	3/29/2018	D R HORTON	24522 KIPLING CIRCLE	Bellaton	
17-1241	3/29/2018	D R HORTON	24562 KIPLING COURT	Bellaton	
17-1319	3/29/2018	D R HORTON	10576 DUNMORE DRIVE	Dunmore	
17-636	3/29/2018	SCOTT & NICOLE WOODWA	29288 ACORN KNOLL DRIVE	Oak Creek	

26

Public Safety Committee

Monday, March 12, 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, Jeremy Sasser
Samantha Cooper - Secretary

Committee Members Attending:

Councilman Joe Davis, Councilman Ron Scott, Councilman Doug Goodlin, Councilman Joel Coleman, Councilman Pat Rudicell, Councilwoman Tommie Conaway, Councilman LeJeune, Mayor Dane Haygood, Public Works Director Jeremy Sasser, Captain Jud Beedy, Fire Chief James White

CALL TO ORDER

Councilman Ron Scott **convened** the meeting at 4:37 p.m.

PUBLIC PARTICIPATION – Walter Moore, of 1407 Captain O’neal Dr., brought to the committee his concern of some activity happening late at night in and around May Day Park, especially marijuana use and late night visitors after the park is closed. He would really like to see some type of cameras installed in May Day Park. Mayor Haygood stated these problems are things they are aware of and it is currently a project that is being worked on. He stated it is something that won’t happen overnight, but it is something that is moving forward and being worked on. Captain Beedy advised that they are also aware of the activity that is happening down there and it has already been addressed with our Patrol Division in monitoring this area more closely. He advised Mr. Moore that if he sees, or smells, any activity happening to please call our non-emergency line immediately so an officer can get out there and address the situation.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from January 9, 2018, were approved as read.

Public safety meeting scheduled for February 12, 2018, was canceled. Please note there are no minutes for this meeting in the March 2018 Public Safety packet, due to this canceled meeting.

POLICE DEPARTMENT

A. New Business –

December 2017 stats were presented. January 2018 stats were also presented. Councilman Scott inquired about the amount of money that was seized in January 2018, \$22,000. Captain Beedy explained that this amount is the total amount seized by the entire “group”, and that we will only receive a portion of this, eventually, as it is split between all entities. Councilman Goodlin asked if there is some way that we track all of the seized money. Captain Beedy stated that Kelly tracks all money seized, it is required to be in a separate account. He also stated there are very strict laws as to how that money is used. Captain Beedy stated there are actually two separate accounts that are required to be separated and tracked independently, one for Federal money and one for State money.

Captain Beedy referred the council to a Letter of Recognition listed in the March packet. He stated it is in reference to SRO Jacob Kayl. He worked an entire weekend, getting a gentleman in Texas arrested because of a school threat to DHS, which actually ended up being a high school in Texas, not Daphne High School. His work was very impressive.

End of the Year statistics were presented in the March packet, split up by division. Councilman Rudicell inquired as to why the citations/warnings were down so much. Captain Beedy explained that is due to a shortage in man power; that because we haven't been fully staffed with 5-6 positions unfilled throughout most of the year, every shift has been left extremely short handed, so these statistics, especially the self-initiated activity, will reflect that. Rudicell also asked if this was the same case for the warrant's statistics. Captain Beedy said yes, we currently do not have anyone in this position, so until that position is filled, those numbers will remain down.

Councilman Davis inquired as to why the turnover is so high right now in law enforcement, where might it be coming from. Mayor Haygood stated some of this turnover has been due to retirement of officers that have been here 25+ years, which creates a leadership void and more entry level positions; but that he believes it is just the industry as a whole, not many people are interested at becoming police officers when they are constantly being scrutinized by the media, and the reality of being shot etc., it's a difficult industry to be in right now. Captain Beedy added that 5-6 years ago we were receiving 100+ applications for open positions and this most recent go around we barely had 40, so not only are you dealing with that, but the field to select from is minimal. He added that we don't want to lower our standards of who we are hiring just to put numbers out there and have unqualified people on the road. Councilman Davis agreed.

Mayor Haygood spoke about a recent meeting county wide between Baldwin County Board of Education, Police Chief's and various elected officials, regarding School Resource Officers and what it will take to have an SRO in every school within Baldwin County. Daphne currently has a full time SRO dedicated specifically to Daphne High School, one SRO that is between the middle school and east elementary school, and one Community Resource Corporal that is also serving as an SRO to Daphne Elementary, Intermediate with some mix of Christ the King and Bayside. It is BCBE's goal to have an SRO at every school in each city. Currently Daphne is short of that goal. Captain Beedy added that we currently have 5 public city schools and 3 private schools, and only 3 designated SRO's. Mayor Haygood stated there might be possible funding opportunities offered from the county to meet this goal, but strongly suggested we as a city and a council keep this in the forefront and continue to be active leaders in equipping every one of our schools with assigned SRO's. Councilman Davis stated that while the dialog will continue to go on further as to where and how it gets funded, but he would not want Daphne to not pursue funding additional officers for our schools and then as funding falls into place from the county we can be a part of that, but we should not sit back and wait on others. In his opinion, he stated, we cannot get officers in our school fast enough, it is of up most importance. He stated the public needs to hear that, the families and the kids need to hear that and the bad guys need to hear that. Captain Beedy added that we are looking at roughly \$75-80,000 dollars per SRO to hire, equip, purchase vehicles etc. and that realistically, even if the funding for additional SRO's was given today, we still wouldn't have somebody in each of the schools come this upcoming school year, it would be the following school year, due to the time it takes to hire, train, etc. Councilman Davis asked if it was safe for us to say that this is a priority for us to get those slots filled, or to create a plan and get it funded. Captain Beedy stated that yes absolutely, that is the reason this conversation was brought up so that this is something we can be thinking about and knowing it is something that will be brought to the council to find funding and execute a plan in moving forward so that we are informally ready to act when the time comes. Councilman Davis added that he would hate to see the reason why we don't have someone in all of our schools as soon as we can get them, is because of budget and funding.

Regarding the end of the year statistics, Councilman Goodlin inquired to Captain Beedy if they utilize these stats to go over all of this activity with each shift and their shift statistics. Captain Beedy said yes, absolutely we go over this information and it is given to them to try and make

corrections in areas they might be lacking as a shift or areas that they are doing great in. Councilman Goodlin stated there was some very good statistics here and thank you for providing this information.

FIRE DEPARTMENT

A: New Business –

Chief White presented his activity reports. He also added that he had 2 firefighters recently graduate from paramedic school, so we have 2 additional employees trained and able to help in that capacity on the streets. He stated that the Lieutenant promotional exam is set for April 2nd, with the oral board scheduled for April 11th. He added that he reached out to three different Chiefs from other agencies to sit on the oral board, to eliminate any concerns of “favoritism” through the promotional process. He also wanted to revisit and bring attention to the issue of smoking and tobacco use within employees. He stated that a recent study shows that E-cigarettes and vaping are just as dangerous as tobacco use. He was unsure if the committee would like to revisit this aspect in regards to the city ordinance. He stated he has not seen any type of decrease of use within his guys regarding tobacco use. He stated some of his employees are vaping around the back of the station, Mayor Haygood suggested this needs to be addressed via discipline issues internally with employees if this is the case. Councilman LeJeune inquired if this had to do with the city insurance issue, to which Chief White responded yes.

Old Business – Councilman Davis inquired to Chief White if they were fully out of the trailer at Fire Station 2. He stated yes, they are, Fire Station 2 is done and they are fully in. He said he is tired of hearing about it and tired of speaking about it. They still have 4 issues that are currently being dealt with via legal counsel, regarding out-standing items. Councilman Davis stated he hopes we took good notes during this process to avoid these same issues in the future.

OTHER BUSINESS –

Councilman Davis introduced the City’s judicial team, Judge Michael Hoyt and City Prosecutor Jim Scroggins. Judge Hoyt stated that back in November/December, City Prosecutor Jim Scroggins came to him with anticipation of retirement. He will be enjoying an additional grandchild in Birmingham upon retirement, and will be relocating there, which will create an opening for the City Prosecutor position. Jim has served in excess of over 22 years as the City Prosecutor for Daphne. Judge Hoyt stated it is a happy occasion for Jim, his wife, and his family, but it will be a tremendous loss for the City of Daphne. He stated that Mr. Scroggins is here today to make that announcement officially.

Councilman Davis asked Mr. Scroggins what that date is “officially” for his retirement. Mr. Scroggins stated that there really is not an “official” date yet. He stated that his office is not shut yet, that he is still practicing and still has a lot of federal work to close up. Councilman Scott asked Jim if he would be able to give the City a 60 day notice of when he plans on finishing up. He encouraged Jim to be the City Prosecutor for as long as he can, stating a couple of things is at play regarding this. He stated, one, Michael (Judge Hoyt) has been a candidate before for a District or Circuit Court Judge. Currently, one of our District Judges is running for the Circuit Court of Appeals state-wide, (Judge Michelle Thomason), and if she were to win that will leave an opening, which Michael will be a prime prospect for that position. Scott stated he would hate for the City to have to replace our Judge and City Prosecutor at the same time. He stated to Jim he is unsure of how long he can accommodate us, but if he can for as long as possible that will be the best case scenario. Scroggins stated, for various reasons, he will be here at least through May, possibly through August. Councilman Scott stated they would need at least about 60 days to advertise, set up interviews and go through the entire hiring process in order to find the best replacement for Jim.

Mayor Dane Haygood asked if it would be fitting, depending on who the council selects for replacement, if Jim would be willing to work hand-in-hand with the new person to kind of show him/her

the ropes for a period of time, maybe June through August. Scroggins stated he absolutely would be willing to.

Mayor Haygood took the opportunity to address Mr. Scroggins personally, stating, "I would like to take the opportunity to thank Jim for his service to the City. You have done a fabulous job, and have done that job well. I know that all of the law enforcement has been very appreciative of the job you have done. You know you have done a good job when councilpersons or the Mayor does not have to hear about the many instances that occur, especially on a full docket every Tuesday, it is well appreciated. You have handled it with style and have represented the City of Daphne well. It is a job well done and we hope to have you around for as long as you can make the commute. But you are much appreciated and 20+ years anywhere is a very long tenure. We thank you for all that you have done for the City."

Judge Hoyt echoed Mayor Haygood and took the opportunity to address Mr. Scroggins personally as well, stating, "I've known and worked with Jim now for 12 years, as a lawyer, as taking appointed cases in Daphne, and as a Judge now for 6 years, Jim has been a mentor, he has been a friend, he is a constant professional. In my estimation, he is the best at what he does in the County, which is why he has been doing it for over 20 years. We are going to miss him tremendously. It is a loss for the courts, it is a loss for the City, and I just really appreciate everything you have done for me, as well as the City."

Councilman Davis stated just as a general motion, to say 'Thank You', he would like for Jim to be recognized in the minutes with a motion of second and approval of their genuine appreciation and thanks for what Jim does and how he has done it. Motion was made by Councilman Rudicell to recognize Jim from this committee and for further follow-up with things in the City as well, with a second from Councilwoman Conaway. No further discussion, all in favor, "Aye".

Mayor Haygood added one additional note that as the end of service approaches; he would like to properly recognize Mr. Scroggins at a council meeting. He stated it will take some coordination due to travel and him coming from out of town, but would like to recognize him. He stated that anyone who has committed such a long tenure to the City, like to recognize. He stated they do it for all of our Police officers, and Jim has been a part of that family for a long time, so he would like to extend that same courteous and recognition to him. The council agreed.

Councilman Scott inquired about the use of these new speed limit signs and suggested that we should be utilizing them in more places throughout the city. Captain Beedy said the police department really likes them; it helps them to determine and have a better understanding of where there is actual speed problems and where there isn't. Mayor Haygood added that he hopes some communities will want these permanent signs in their neighborhood and we might be able to look into potential cost sharing methods. Councilman Scott agreed and added that if communities want them and are willing to front half of the costs, we should be willing to pay the other half. Councilman Scott referred to Public Works Director Jeremy Sasser, asking him to have Kelly run up a cost estimate to purchase, install and maintain these signs so that this information could be presented to HOA's within the city.

ADJOURN

There being no further business to discuss, Councilman Davis made a motion to adjourn the meeting at 5:38 p.m. The next meeting will be Monday, April 9, 2018 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee



I. CALL TO ORDER

Councilman Joel Coleman called the meeting to order at 5:30 p.m.

- II. Committee Members Present:** Councilman Joel Coleman (Chairman), Councilwoman Tommie Conaway; Councilman Pat Rudicell; Councilman Doug Goodlin; Councilman Ron Scott; Councilman Joe Davis; Councilman Robin LeJeune; City Attorney Patrick Dungan and Jay Ross; .

Others Present: Jeremy Sasser, William Eringman, Dorothy Morrison, Andy Bobe (Dewberry); Tim Patton (Volkert); Scott Hutchinson (HMR); Adrienne Jones, Candice Antinarella; Selena Vaughn; Kelli Kichler; Ronnie Huskey; Betsy Schneider; Taylor Wilkins (WJ Carroll sidewalks-citizen); Mrs. Havard (Main St.-resident).

III. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. Work Request Report** – February 2017 & 2018 were reviewed.
- B. Vehicle/Equipment Maintenance Report** – The reports for February 2017 & 2018 were reviewed.
- C. Correspondence /Public Participation** – Taylor Wilkins discussed WJ Carroll sidewalks, specifically only the south end of the sidewalk completed on Main St and not the north end. Public Works is aware of the final steps of the project that will be completed. Mrs. Havard discussed the drainage problem near her residence at 2603 Main St. Jeremy Sasser requested Mrs. Havard contact him directly to discuss the matter.

IV. OLD BUSINESS

- A. Minutes** – March 5, 2018 minutes were reviewed by the committee. *Motion by Joe Davis, seconded by Doug Goodlin* to approve the minutes. All in favor. Motion carried.
- B. Mosquito Report** – no report—done for the season. 2018 reports should start in April.
- C. Street Sweeper Report** – February report was reviewed by the committee.

V. NEW BUSINESS

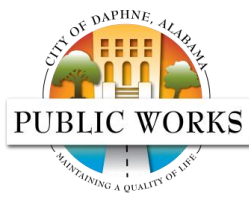
- A. Engineering RFQ:** Mr. Jeremy Sasser informed the council that RFQs have been released to local engineering firms on March 5. The deadline to respond is March 9. Mr. Sasser also informed the council that existing on-call consultants were informed of the RFQ as well before it was released to the general public.
- B. Parks Project Phase III Update:** Jeremy Sasser informed the council that rebids were sent on March 9 and should be received by March 23.
- C. Street Light Discussion:** Councilman Coleman would prefer POA/HOA absorb a majority of the costs associated with the street lights in subdivisions. The ordinance states that the city is not required to accept the maintenance fees associated with the street lights. The city will pay for usage if it's a traditional street light and not decorative.

VI. DIRECTOR'S REPORT

- A. Public Works Related Overtime Report** – The report was reviewed by committee.

VII. DAPHNE SOLID WASTE DISPOSAL AUTHORITY

- A. Monthly Recycle Tonnage Report (Tonnage Comparison) – February 2018**
Report was reviewed by the committee. The total tonnage for February was 182.33.
- B. Solid Waste New Customer Report – February 2018**
Report was reviewed by the committee. Eleven (11) new residential; three (3) new commercial customers.
- C. Tallent Lane Facility Report – February 2018**
The total tonnage collected for February was 377.75 ton.



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
April 2, 2018 - 5:30 P.M.
DAPHNE CITY HALL

VIII. MUSEUM COMMITTEE

A. Minutes –February 12, 2018 meeting minutes were reviewed by the committee.

IX. BEAUTIFICATION COMMITTEE

A. Minutes – March 7, 2018 meeting minutes were reviewed by the committee.

X. ENVIRONMENTAL ADVISORY COMMITTEE

A. Minutes – February 26, 2018 meeting minutes were reviewed by the committee.

XI. ENGINEER'S REPORT

See Attached Report –

Engineers reviewed the reports for their projects. Council discussed several projects throughout the city.

XII. FUTURE BUSINESS

A. Next Meeting will be May 7, 2018 at 5:30 p.m.

XIII. ADJOURNMENT

Motion by Joe Davis, seconded by Tommie Conaway to adjourn. Motion carried. Meeting adjourned at 6:25 p.m.

Daphne History Museum

Meeting Minutes

March 11, 2018

I. Call to order

Ken Balme called to order the regular meeting, followed by reciting the Pledge of Allegiance.

Attendees: Ken Balme, Arva Brown, Mickey Boykin, Al Guarisco, Stephanie Middleton, Emily Hammond, Jeanne Nelson, Helen Baroco, Lee Swetman, Lucy Cunningham, Dooley & Scott Berry, Judy Hafner, Ty Sturtervant, Pete Brantley, Greg McRae

II. Approval of minutes from last meeting: February 12, 2018 (with a couple amendments)

III. Treasures Report: Period 1/31/18-2/28/18 Opening balance \$8,279.91 Deposits: \$100 (book & video sale donations) Credits: ck#1351 \$33.15 Ken for mailings Ck # 1352 \$10.80 Helen for mailing copies of rick orders Ending balance \$8,335.96 Petty Cash \$20.45 CD renewed 12 mo \$12,423.50 @ 1.4% 2/15/19

IV. Volunteer Assignments/Schedules: Al will work the 5th Friday & Judy/Ty will work the 5 Saturday of March. Lucy will be taking over Betty's 1st Friday. Ty & Judy will be put on the schedule for the 1st Sunday.

- a) **Exhibits/Events:** Received proposed ideas from Neil Hamilton
- b) **Publicity/Social Media:** No report
- c) **Cemetery:** No reports.
- d) **Fund Raising & Volunteer Recruitment:** No reports
- e) **Special Tours.** Cub Scout tour was a success last month thanks to all that helped.
- f) **Archives, Curation:** No reports

V. Unfinished/Ongoing business

- g) **Brick Sale:** The bricks have been ordered. The proofs have not been received as of date.
- h) **Grant Alabama Historical Society:** \$5,000 granted
- i) **Talking Points:** Mickey is working on revisions on docent book.
- j) **200 Year Celebration:** Possible collaboration with ES Camera Club & Archives event at our Museum.

VI. New Business & Announcements

- We received a report from Neil Hamilton. One proposal was to set the museum in chronological order. This was all agreed upon; however this will be a major undertaking. We would not only have to move display cases but reorganize each one. We would need to enlist extra help.
- Lucy brought to our attention how bad our phone is. A motion was made to purchase of new one (if the City cannot help). Motion passed unanimously.
- The ES Chamber of Commerce had a function at 5 Rivers Delta to promote tourism along the Eastern Shore. This was to educate local businesses of things available to suggest to customers &

tourist. Rachel set up a display for the museum. Some other options included golf courses, Battleship ect. Chamber is hosts several more of these events. We were able to use our new display board, Old pictures we had on hand were used because of time. Lee has pictures we can use for current displays.

- The Campaign of Randy Davis may have more funds to donate. They want a proposal of things we would use the funds on. We will have a board meeting to discuss following regular meeting.
- Al suggested some informational signage for the cemetery for the important/interesting burials. This could be part of the Impact 100 or another grant proposal.
- Discussion about Greg's FB site Scenes from Old Daphne. Everyone have enjoyed it very much and it has been great advertisement.

Ken Balme adjourned the meeting .

Minutes submitted by: Rachel Burt

Next regular meeting: Monday April 9 @ 10AM!

MICHAEL E. PIERCE

9823 Evanston Street

Daphne, AL 36526

(251) 422-5210 (c)

michaelepierce23@gmail.com

EXPERIENCE

President of Gulf Coast Region 2012 - 2015

A.G. Gaston Construction, Mobile, AL

Responsibilities include directing sales, marketing, operations and financial performance across a geographic area encompassing the coastal areas of Florida, Alabama and Mississippi.

Executive Director 1994 – Present

MLK Avenue Redevelopment Corporation, Mobile, AL

Invested over \$14 million to construct 135 affordable housing units in the Dr. Martin Luther King, Jr. Avenue community benefiting over 300 low wealth Mobilians. The program is specifically designed to improve home ownership opportunities for low to moderate income individuals.

As an investment partner in the Greater Mobile Development Corporation, invested \$250,000 in four small businesses in the MLK community. The funds were used for either startup or expansion purposes.

Raised \$1 million to construct Lincoln Square, a 15,000 square foot retail center in the MLK community. Lincoln Square represented the first commercial development in the area in over 50 years. Along with providing some of the basic products and services for the neighborhoods, Lincoln Square has also served as a catalyst for other commercial interests in the MLK community.

Secured grant funds in conjunction with bank financing to construct Renaissance Plaza Retail Center, a \$3.4 million 13,750 square foot retail center located on the Northeast corner Broad Street and Congress Street. Renaissance Plaza led to the development of a Dollar Tree Store on an adjacent parcel and a Family Dollar Store across the street.

Raised and distributed \$50,000 to eligible merchants seeking to make facade improvements to historic commercial and residential structures in the MLK community. The program dramatically improved the corridors aesthetic appeal.

Coordinated MLK streetscape enhancement plan. Tasks completed under the plan include: the placement of better lightening along the corridor, the completion of sidewalk repair and replacement along the corridor, and the landscaping of corridor focusing on the planting of over 200 shade trees.

EduQuest Representative 1991 – 1993

IBM Corporation, New Orleans, LA

Collaborated with customer service representatives to configure educational enhancement software packages that would help K-12 students achieve their

potential in reading, language arts, history, geography, mathematics, science and special needs.

EDUCATION

Tulane University, New Orleans, LA
A.B. Freeman School of Business
Bachelor of Science in Management May 1991

**HONORS AND
ACTIVITIES**

Mobile Airport Authority Board of Directors
Mayor Sandy Stimpson Transition Team Co-Chair
Commonwealth National Bank Chairman of the Board
Mobile Area Chamber of Commerce Chairman of the Board
Mobile Area Chamber of Commerce Executive Committee
Rotary Club of Mobile President
100 Black Men of Greater Mobile
Gulf Coast Exploreum Science Center Board Member
Mobile Planning Commission, Mayoral appointment
Pastor of New Life Ministries
Leadership Alabama Graduate 2000
Leadership Mobile Graduate 1999
Mobile Arts & Sports Association Board Member
Senior Bowl Game Captain 2018-19
Senior Bowl Hall of Fame Committee Chairman
Independence Bowl Scholarship Award
Habitat for Humanity Volunteer

SKILLS

Microsoft Office, Excel, PowerPoint & Outlook

STATUS

Married, wife Daphne, two boys, Michael, Jr. and Myles
Family pets, Simone and Aspen



City of Daphne Event Permit Application

Date of Application: 03/23/2018 Permit Requested: ☒ Event/Fundraiser ☐ Parade/Run ☐ Band

Contact Information

Organization Name: The Anchor Cross Cancer Foundation

Contact Name: Daniel Meshad E-mail Address: info@anchorcrossfoundation.org

Address: 29653 Anchor Cross Blvd., Suite B-101, Daphne, AL 36526

Primary Phone Number: (251) 607-5081 Secondary: (928) 890-8510

Event Information

Event Name: Judge Roy Bean Reunion & Memorial Fundraiser Event Date: 06/09/2018

Event Location: Daphne City Hall & Grounds # Participants/Vehicles: N/A

Start Time: 3:00pm Stop Time: 9pm Assembly Time: N/A

Special Requests: Rental of Event Baracades, Tables, & Chairs for inside.

Road Closures Requested: Yes ☐ No ☒

Special Instructions

In the process of receiving a special events liquor license for the day and are presently in the application process with the ABC Board.

Approval: Internal Use Only

Date Routed: 4-5-18

Fire Dept: _____

Police Dept: [Signature]

Public Works: [Signature]

Parks & Recreation: _____

For Special Event/Band Permits:

Council Member: _____

For Parade/Run Permits & Use of City Grounds:

City Council: _____

Parade/Run Permits ONLY

☐ Fee Paid \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20180406160101348

Type License: 140 - SPECIAL EVENTS RETAIL

State: \$150.00 **County:** \$212.00

Type License:

State: **County:**

Trade Name: SOUTHERN NAPA

Filing Fee: \$50.00

Applicant: SOUTHERN NAPA LLC

Transfer Fee:

Location Address: 2304 NORTH MAIN STREET DAPHNE, AL 36526

Mailing Address: 2304 MAIN STREET DAPHNE, AL 36526

County: BALDWIN **Tobacco sales:** NO

Tobacco Vending Machines:

Type Ownership: LLC

Book, Page, or Document info: INST 1307877

Date Incorporated: 10/19/2011 **State incorporated:** AL

County Incorporated: BALDWIN

Date of Authority: 10/19/2011

Alabama State Sales Tax ID: R007917983

Federal Tax ID: 45-3632325

Name:	Title:	Date and Place of Birth:	Residence Address:
CARRIE RAE COX 6846706 - AL	MEMBER	04/30/1971 WURZBURG, GERMANY	9172 CHASEWOOD PLACE SPANISH FORT, AL 36527
JAMES ALLEN COX 6969729 - AL	MEMBER	01/07/1971 ELMHURST, IL	9172 CHASEWOOD PLACE SPANISH FORT, AL 36527

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: JIM COX

Home Phone: 251-802-2664

Business Phone: 251-375-2800

Cell Phone: 251-802-2672

Fax:

E-mail: JIM@SOUTHERNNAPA.COM

PREVIOUS LICENSE INFORMATION:

Trade Name:

Previous License Number(s)

Applicant:

License 1:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20180406160101348

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
Name of Property owner/lessor and phone number: **ROCKWELL RENTALS INC 251-928-9265**
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? **NO**
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: **2800** Display Square Footage:
Building seating capacity: **400** 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:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20180406160101348



Initial each

Signature page

☐ [Signature]

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

☐ [Signature]

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

☐ [Signature]

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.

☐ [Signature]

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.

☐ [Signature]

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

☐ [Signature]

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

☐ [Signature]

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.

☐ [Signature]

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.

☐ [Signature] 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): James Cox

Signature of Applicant: [Signature]

Notary Name (print): Betty G. Dean

Notary Signature: Betty G. 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: 20180406160101348



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: 05/11/2018 Ending Date: 05/17/2018

Special terms and conditions for special event/special retail:

EVENT DATE MAY 11, 2018 - MAY 17, 2018. LICENSED AREA WILL BE BARRICADED TO CONTROL ENTRANCE/EXIT. BEER TO BE SOLD IN 5 OUNCE SAMPLING GLASS. NO ALCOHOLIC BEVERAGES ARE ALLOWED TO LEAVE THE LICENSED PREMISE. LICENSE COVERS THE LAWN. THIS LICENSE IS NON-RENEWABLE.

Other Explanations

License Covers: TENT ON LAWN

Receipt Confirmation Page

Receipt Confirmation Number: **20180406160101348**
Application Payment Confirmation Number: 34942218

Payment Summary	
Payment Item	Fee
Application Fee for License 140	\$50.00
Total Amount to be Charged	\$50.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
140 - SPECIAL EVENTS RETAIL	\$212.00	\$150.00	\$362.00
			\$0.00
Total Amount to be Charged	\$212.00	\$150.00	\$362.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 140 - SPECIAL EVENTS RETAIL

License Type 2:

License County: BALDWIN

Business Type: LLC

Trade Name: SOUTHERN NAPA

Applicant Name: SOUTHERN NAPA LLC

Location Address: 2304 NORTH MAIN STREET
DAPHNE, AL 36526

Mailing Address: 2304 MAIN STREET
DAPHNE, AL 36526

Contact Person: JIM COX

Contact Home Phone: 251-802-2664

Contact Business Phone: 251-375-2800

Contact Fax:

Contact Cell Phone: 251-802-2672

Contact Email Address:

Contact Web Address:



City of Daphne Event Permit Application

Date of Application: 04/12/2018 Permit Requested: ☐ Event/Fundraiser ☐ Parade/Run ☒ Band

Contact Information

Organization Name: Southern Napa

Contact Name: Jim Cox E-mail Address: jim@southernnapa.com

Address: 2304 Main Street

Primary Phone Number: 251-802-2664 Secondary: _____
Street / P.O. Box City/State/Zip Code

Event Information

Event Name: Live on the Lawn @ Southern Napa Event Date: 5-11-2018

Event Location: 2304 Main Street # Participants/Vehicles: 100

Start Time: 07:00PM Stop Time: 10:00PM Assembly Time: _____
Parades/Runs Only

Special Requests: _____
Road Closures Requested: ☐ Yes ☒ No

Special Instructions

Approval: Internal Use Only

Date Routed: 4-12-18

Fire Dept: _____

Police Dept: _____

Public Works: _____

Parks & Recreation: _____

Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Council Member: _____
District # Signature

For Parade/Run Permits & Use of City Grounds:

City Council: _____
Date of Approval

Parade/Run Permits ONLY

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4

**CITY OF DAPHNE
RESOLUTION NO. 2018-16**

DONATION OF REAL PROPERTY TO CITY OF DAPHNE

WHEREAS, Bertolla Properties, LLC, an Alabama limited liability company, has expressed a desire to convey and donate one (1) parcel of real property to the City of Daphne, an Alabama municipal corporation, and;

WHEREAS, the City of Daphne has investigated, reviewed and determined that the one (1) parcel of real property would be of benefit to the City of Daphne, and;

WHEREAS, the City of Daphne recognizes that the appraised value of the said parcel of real property pursuant to an appraisal performed by Joe Courtney of Courtney and Morris dated March 15, 2017 has determined that the parcel of real property specifically known as Lot 1 of Replat Bertolla Daphne Two Lot Subdivision is valued at \$210,000.00, and;

WHEREAS, said real property is located within the corporate limits of the City of Daphne, Alabama and the parcel of real property is more particularly described as follows:

Lot 1 of Replat Bertolla Daphne Two Lot Subdivision as recorded
on March 23, 2017, Instrument No. 1624902, Slide No. 0002593-C
in the Probate Court of Baldwin County, Alabama.

WHEREAS, the City of Daphne does hereby accept the gratuitous donation and transfer of the above-referenced parcel of real property to the City of Daphne and the City agrees to complete and execute those provisions of appropriate IRS forms acknowledging this conveyance and the City of Daphne further acknowledges that it has not provided any goods, services or any other inducements in return for the acceptance of this donated parcel of real property.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the above described parcel of real property be and is hereby accepted by the City of Daphne and the Mayor of the City of Daphne be and is further authorized to execute such documents related to the closing and acceptance of the parcel as a charitable contribution for Grantor's income tax purposes.

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

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

CANDACE G. ANTINARELLA, CITY CLERK

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2018 - 17**

**A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND
AUTHORIZING THE MAYOR TO DONATE OR DISPOSE OF SUCH PROPERTY**

WHEREAS, the Department Heads of the City of Daphne have determined that the item listed below is no longer required for public or municipal purposes; and

WHEREAS, the item listed below is recommended for disposal.

WHEREAS, Baldwin County Board of Education/Daphne High School provide a quality education to the City of Daphne students.

WHEREAS, the City of Daphne supports the efforts of Daphne High School; and

WHEREAS, the City of Daphne has determined that Daphne High School could utilize this Mowing Equipment; and

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

1. The property listed below is hereby declared to be surplus property; and

DEPT	EQ/VEH/#	DESCRIPTION	VIN/SN
PW Admin	1333	2010 JD 1565 SERIES	TC1565D090171

2. The Mayor is authorized to donate the such personal property to Baldwin County Board of Education / Daphne High School; and
3. The Mayor is further authorized to sell such personal property through Govdeals.com to the highest bidder and deposit any and all proceeds to the appropriate City Fund if for any reason the donation is not needed and sign all necessary documents.

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 NO. 2018 - 10**

**Ordinance to Amend Job Classification Schedule:
Executive Director, City Development**

WHEREAS, Ordinance 2004-52 approved and adopted January 3, 2005 established the City of Daphne Job Classification Schedule; and

WHEREAS, the critical need of a new position has been submitted to the City Council; and

WHEREAS, the City Council has determined that there is a need for such position; and

WHEREAS, the City Council and the Mayor worked together to create this job description; and

WHEREAS, the Executive Director, Community Development position and acceptable job description was reviewed by the Ordinance Committee at the October 2, 2017 meeting; and

WHEREAS, the position was appropriate in the fiscal year 2018 budget, adopted October 2, 2017; and

WHEREAS, a job grade was not previously set for the new position; and

WHEREAS, the proposed job grade is 37.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the following is hereby incorporated into the City of Daphne Job Description Classification Schedule:

Grade 37: Executive Director, City Development

All other terms and conditions of City of Daphne, Alabama Ordinance 2004-52 shall remain the same.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 16th day of April, 2018.

**Dane Haygood,
Mayor**

ATTEST:

**Candace G. Antinarella,
City Clerk**

CITY OF DAPHNE, ALABAMA CLASSIFICATION SPECIFICATION

CLASSIFICATION TITLE: EXECUTIVE DIRECTOR, CITY DEVELOPMENT

PURPOSE OF CLASSIFICATION

The Executive Director of City Development is administrative and professional position involving planning, coordination of orderly growth within the City of Daphne. The position involves coordination between the Planning Department, the Building Inspection Department and Environmental Compliance Division to provide coordination and unified oversight of governmental approvals, regulatory oversight, and compliance associated with private sector construction and development that occurs within the City of Daphne. Work involves responsibility for planning, managing, directing and implementing goals and objectives pertaining to development and growth of the city. Work includes directing a professional and technical staff in three divisions, Planning/Community Development, Building Inspection, Natural Resources and further coordination with Public Works, Engineering, and Code Enforcement through management staff. Work is performed with wide latitude for independent judgment and action, and is reviewed by the Mayor for total results achieved through conferences and program evaluation.

ESSENTIAL FUNCTIONS

The following duties are normal for this position. These are not to be construed as exclusive or all-inclusive. Other duties may be required and assigned.

Confers with the Mayor on city-wide planning and development, departmental policies and programs; coordinates with city officials and other departments and agencies in connection with new or contemplated public and private projects and public/private partnership developments including industrial developments.

Serves as a technical advisor to the Mayor regarding city planning, development services; reviews work to ensure compliance with applicable Federal, State and local laws, codes, and regulations.

Plans, directs, and coordinates through subordinate staff the department's work; assigns projects and program areas of responsibility; reviews and evaluates work methods and procedures; meets with key staff to identify and resolve problems.

Determines the overall departmental organizational structure, mission, core services and allocation of financial, human and capital resources; develops and administers annual departmental budget.

Measures and evaluates organizational effectiveness, employee performance, and all operational functions.

Plans, organizes, directs and reviews all city planning and development services activities; develops and manages short- and long-term department goals, objectives, policies, and procedures; coordinates projects.

Coordinates with consultants and other agencies regarding regulatory and legislative matters affecting urban planning and development services. Assist with development, implementation, and coordination of the city's highway priorities with the Alabama Department of Transportation.

Serves as advisor to the Industrial Development Board, Planning Commission and the Metropolitan Planning Organization on city planning, growth and development matters as requested in conjunction with the City's efforts regarding growth and planning; recommends projects and programs to be undertaken; coordinates with governmental agencies and officials in the metropolitan area.

Directs the preparation of technical and administrative reports; presents reports along with recommendations to the Mayor.

Represents the department to other departments, elected officials and external agencies; participates in a variety of boards, commissions and committees; interacts with external agencies as required.

Completes special and ongoing projects and tasks assigned by the Office of the Mayor.

Supports the relationship between the city and the general public by demonstrating courteous and cooperative behavior when interacting with visitors and city staff; maintains confidentiality of work.

Provides technical assistance for the City to economic development agencies, organizations, and/or authorities.

Recommends policies and procedures that guide and support the provision of quality services by the department.

Incorporates continuous quality improvement principles in day to day activities.

Ensures proper expenditures and disbursements for all projects and programs.

Functions as a member of the City's management team and participates actively in addressing issues of concern to the city.

Requires regular and prompt attendance plus the ability to work well with others and work well as a team.

ADDITIONAL FUNCTIONS

Delivers speeches to public and private organizations when requested by Mayor.

Assists in negotiating contractual agreements relating to development between the City, private investors, state department of transportation and other agencies as requested.

Implements data-driven processes to effectively manage and enhance services.

Performs other related duties as required.

MINIMUM QUALIFICATIONS

Bachelor's degree in, Urban Planning, Public Administration, Environmental Science, Business Administration, or related field required; Master's degree preferred; five – seven years of managerial experience in urban planning and development, code inspection and enforcement, program management, public administration, economic development, or related field; or any equivalent combination of education, training, and experience which provides the requisite knowledge, skills, and abilities for this job. Supervisory experience is required. Professional association memberships and certifications preferred. Must possess and maintain a valid driver's license.

PERFORMANCE APTITUDES

Mathematical Aptitude: Requires the ability to perform addition, subtraction, multiplication and division; ability to calculate decimals and percentages; may include ability to perform mathematical operations with fractions; may include ability to compute discount, interest, and ratios; may include ability to calculate surface areas, volumes, weights, and measures.

Functional Reasoning: Requires the ability to apply principles of influence systems, such as motivation, incentive, and leadership, and to exercise independent judgment to apply facts and principles for developing approaches and techniques to resolve problems.

Situational Reasoning: Requires the ability to exercise judgment, decisiveness and creativity in situations involving broader aspects of organizational programs and operations, moderately unstable situations, or the direction, control and planning of an entire program or set of programs.

ADA COMPLIANCE

Physical Ability: Tasks require the ability to exert light physical effort in sedentary to light work, but which may involve some lifting, carrying, pushing and/or pulling of objects and

materials of light weight (5-10 pounds). Tasks may involve extended periods of time at a keyboard or work station.

Sensory Requirements: Some tasks require the ability to perceive and discriminate sounds, depth, texture, and visual cues or signals. Some tasks require the ability to communicate orally.

Environmental Factors: Performance of essential functions may require exposure to adverse environmental conditions, such as dirt, dust, pollen, odors, wetness, humidity, rain, fumes, temperature and noise extremes, or traffic hazards.

The City of Daphne, Alabama, is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the City will provide reasonable accommodations to qualified individuals with disabilities and encourages both prospective and current employees to discuss potential accommodations with the employer.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2018-11
APPROPRIATING FUNDS FOR VILLAGE POINT BOARDWALK**

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

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

WHEREAS, the City of Daphne received damages from Hurricane Nate which made landfall on October 8, 2017; and

WHEREAS, as a result of storm, the Village Point Boardwalk sustained severe damage; and

WHEREAS, the City of Daphne will bid out the Village Point Boardwalk Replacement since the total estimated construction cost is \$219,264 (*Construction - \$171,300 + CE&I - \$17,130 + Contingency- \$17,130 = \$219,264*); and

WHEREAS, FEMA grant monies are available for 75% of the project cost and State of Alabama monies for 12.5% of the project costs for the Village Point Boardwalk Replacement project

WHEREAS, historically the State of Alabama has participated in a local match and the City intends to make application with the State of Alabama to receive the 12.5% of State “local match” participation; and

WHEREAS, the City’s match will be 12.5% of the project cost.

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

1. This project is deemed as key to the recovery efforts associated with this rain event and the repair of this public infrastructure is necessary to preserve the health, safety, and convenience of the public.
2. This project is a qualifying FEMA project at 75% reimbursement and State of Alabama 12.5% reimbursement .
3. Fiscal Year 2018 Budget is hereby amended to include an appropriation in the amount of **\$27,408** from the **Lodging Tax Fund** for the Village Point Boardwalk estimated replacement cost not reimbursed by FEMA or the State of Alabama.
4. The Mayor is hereby authorized to make application with FEMA and the State of Alabama for the reimbursement of such funds and to sign and execute all documents associated with the described projects.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE ALABAMA, this 16th day of April, 2018.

Attest:

Dane Haygood, Mayor

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2018-12**

**APPROPRIATION: TRAFFIC STUDY: PARK DRIVE-DAPHNE SPORTS
COMPLEX ENTRANCE**

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

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

WHEREAS, the traffic on Park Drive will increase once the Daphne Sports complex is completed; and

WHEREAS, certain traffic signal improvements are required to maintain traffic control for the Park Drive area; and

WHEREAS, Skipper Consulting, Inc. has prepared a fee and scope to perform the Traffic study for Park Drive with said fee totaling \$5,500;

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

1. Funds in the amount of **\$5,500** from the **General Fund** are appropriated and made a part of the Fiscal Year 2018 budget for the Traffic Study fees for Park Drive-Daphne Sports Complex Entrance area.
2. The Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in such project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE ALABAMA, this 16th day of April, 2018.

Attest:

Dane Haygood, Mayor

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2018-13**

**APPROPRIATION: SIGNAGE/MARKERS FOR HISTORICAL SITES IN THE
CITY OF DAPHNE FOR THE ALABAMA 200 YEAR - BICENTENNIAL
CELEBRATION**

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, Alabama became the nation's twenty-second state on December 14, 1819; and

WHEREAS, Alabama 200 will be celebrated throughout the State of Alabama to encourage citizens and visitors to explore and learn about the state; and

WHEREAS, Baldwin County has begun a county-wide initiative on behalf of the 200 Year Bicentennial celebration; and

WHEREAS, Historical signs and markers are needed to provide information to the citizens and visitors visiting the City; and

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 \$15,000 for repairing, re-painting, or replacement of historical signs and markers throughout the City.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE ALABAMA, this 16th day of April, 2018.

Dane Haygood, Mayor

Attest:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2018-14**

**Ordinance to Pre-zone Amendment for Property
Located Southeast of Alabama 181 and Austin Road
Bertolla Properties, LLC**

WHEREAS, Bertolla Properties, LLC, as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently zoned RSF-2, Single Family District and RA, Rural Agricultural in Baldwin County, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as PUD, Planned Unit Development prior to annexing into the City of Daphne; and

WHEREAS, said real property is Southeast of Alabama 181 and Austin Road, and more particularly described as follows:

Legal Description for Pre-zone:

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.

WHEREAS, at the regular Planning Commission meeting on February 22, 2018, the Commission considered said request and set forth a unanimous favorable recommendation to the City Council to pre-zone the property PUD, Planned Unit Development; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at City Hall, a public hearing was held before the City Council on April 16, 2018; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby pre-zoned to PUD, Planned Unit Development, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in

accordance with the pre-zoning and the zoning ordinance and zoning map be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RSF-2, Single Family District and RA, Rural Agricultural.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Candace G. Antinarella,
City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2018-15**

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

**Southeast of Austin Road and Alabama Highway 181
Bertolla Properties, LLC**

WHEREAS, on the 18th day of January 2018, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

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

WHEREAS, after proper publication, a public hearing was held by the City Council on April 16, 2018 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on February 22, 2018, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

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

SECTION TWO: ZONING

At the May 7, 2018 regularly scheduled City Council meeting Ordinance 2018-14 was adopted pre-zoning the said property as PUD, Planned Unit Development (Jubilee Farms).

SECTION THREE: DESCRIPTION OF TERRITORY

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

Legal Description for Annexation:

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

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

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

THENCE RUN SOUTH 00°06'23" WEST, A DISTANCE OF 630.25 FEET TO A 1/2" CAPPED REBAR ON THE WEST MARGIN OF LOT 73 OF AVALON, PHASE 3, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE FILE 2220-D AND 2220-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 00°23'53" WEST, ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 663.68 FEET TO A 1/2" CAPPED REBAR; THENCE RUN SOUTH 88°35'21" EAST, A DISTANCE OF 7.96 FEET TO 5/8" CAPPED REBAR (CA-728); THENCE RUN SOUTH 00°08'21" WEST, CONTINUING ALONG THE WEST MARGIN OF SAID AVALON, PHASE 3, A DISTANCE OF 669.18 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN NORTH 89°48'48" WEST, A DISTANCE OF 6.93 FEET TO A 1/2" CAPPED REBAR (CA-1109); THENCE RUN SOUTH 00°03'05" WEST, A DISTANCE OF 668.95 FEET TO A 1/2"

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

SECTION FOUR: MAP OF PROPERTY

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

SECTION FIVE: PUBLICATION

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

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE _____ DAY OF MAY, 2018.

Dane Haygood,
Mayor

ATTEST

Candace G. Antinarella,
City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2018-16**

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

WHEREAS, John W. West Irrevocable Trust as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as B-1, Local Business, to be Re-Zoned as MU, Mixed Use District; and

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

Legal Description for Re-Zone:

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.

WHEREAS, at the regular Planning Commission meeting on February 22, 2018, the Commission considered said request and set forth an unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed re-zoning has been provided to the public as required by law through publication and open display at City Hall, a public hearing was held before the City Council on April 16, 2018; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for re-zoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby rezoned from B-1, Local Business District to MU, Mixed Use District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or

impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Candace G. Antinarella,
City Clerk