

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
September 17, 2018
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL
INVOCATION
PLEDGE OF ALLEGIANCE

PUBLIC HEARING: Re-Zone Property Located West of the intersection of Lake Front & Bayview Drive Lots 131 and 135 Lake Front Drive - Alex Yeoman and Raymond Harris

PUBLIC HEARING: Re-Zone Property Located West of the intersection of Lavender Lane & US Highway 98 and east of the intersection of Daphne Court & Falkenberry Lane - Jacob's Well, LLC

3. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Rudicell

B. BUILDINGS & PROPERTY COMMITTEE – LeJeune

C. PUBLIC SAFETY COMMITTEE – Davis
Review minutes of August 13, 2018 meeting

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Goodlin

E. PUBLIC WORKS COMMITTEE – Coleman
Review Museum minutes of August 13, 2018 meeting

MOTION to appoint Wade Burcham to the Environmental Advisory Committee.

4. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

C. INDUSTRIAL DEVELOPMENT BOARD – Davis

D. LIBRARY BOARD – Rudicell

E. PLANNING COMMISSION – Scott

F. RECREATION BOARD – LeJeune

G. UTILITY BOARD – LeJeune

5. MAYOR'S REPORT

6. CITY ATTORNEY REPORT

7. DEPARTMENT HEAD REPORTS

8. CITY CLERK'S REPORT

9. PUBLIC PARTICIPATION

City Council Agenda – September 17, 2018

10. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2018 – 46 – Authorizing for Financing Lighting Equipment from Musco Sports Lighting, LLC for Daphne Sports Complex and Lott Park Tennis Facility

B. 2ND READ ORDINANCES:

2018-30 - Appropriation: Trione Park Sports Complex Fence Replacement

2018-31 - Appropriation: Daphne Sports Complex: Excess Cost for Additions

2018-32 - Additional Appropriation: Right of Way Acquisition for Corte/Austin Road Improvements Phase 1 & 2

2018-33 – Appropriation: Lott Park Tennis Facility Light Structure System with Total Light Control – Musco Sports Lighting, LLC

C. 1ST READ ORDINANCES:

2018-35 – Adopting the Fiscal Year 2019 Budget

2018-36 - Re-Zone Property Located West of the intersection of Lake Front & Bayview Drive Lots 131 and 135 Lake Front Drive Alex Yeoman and Raymond Harris

2018-37 - Re-Zone Property Located West of the intersection of Lavender Lane & US Highway 98 and east of the intersection of Daphne Court & Falkenberry Lane Jacob's Well, LLC

11. COUNCIL COMMENTS

12. ADJOURN

To: Office of the City Clerk

From: Adrienne D. Jones, 
Director of Community Development

Subject: Alex Yeoman and Raymond Harris
Lots 131 and 135 Lake Front Drive
Zoning Amendment

Date: July 30, 2018

MEMORANDUM

PRESENT ZONING: R-3, High Density Single Family Residential

PROPOSED REZONING: R-7(A), Apartment District

LOCATION: West of the intersection of Lakefront & Bayview Drive

RECOMMENDATION: At the Thursday, July 26, 2018, regular meeting of the Daphne Planning Commission, seven members were present, and the motion carried for a favorable recommendation for the above mentioned zoning amendment.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

Attachment(s)

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

FILE
7/30/18
11:15am

Daphne

APPLICATION FOR REZONING OR PRE-ZONING

Office use only. Rev. 072816

Date Submitted June 26, 2018

Application Number:

Planning Commission Public

ZA- 18-06 or PZA

Hearing Date: July 26, 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):
131 & 135 Lake Front Drive Daphne, AL 36526

PPIN#(s): 004694; 048304

Gross Site Area (acreage): 0.49

Requested Zoning or Pre-Zoning: R-7 (A) *

Current Zoning Designation(s) R-3

Amended Request:

Initials

Date:

Current Land Use: Residential

Anticipated Land Use: Community Clubhouse

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

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

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

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

Name of Current Owner: Alex Yeoman; Raymond Harris

Mailing Address: 135 Lake Front Drive Daphne, AL 36526

Phone/Fax: 251-423-9962; 251-753-3503
E-mail:

Name of Authorized Agent: Patrick Harwell

Mailing Address: 1744 Oxmoor Road Birmingham, AL 35209

Phone/Fax:
E-mail:

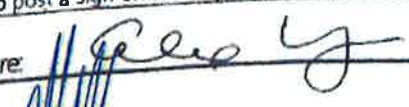
Name of Developer*: LMS Investment Management

Phone/Fax: 205-933-1227
E-mail: bcreasy@lms-realestate.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 6/20/18

Agent's Signature: 

Date 6/25/18

**Alex Yeoman and Raymond Harris
131 & 135 Lake Front Drive
Zoning Amendment
Exhibit "A"**

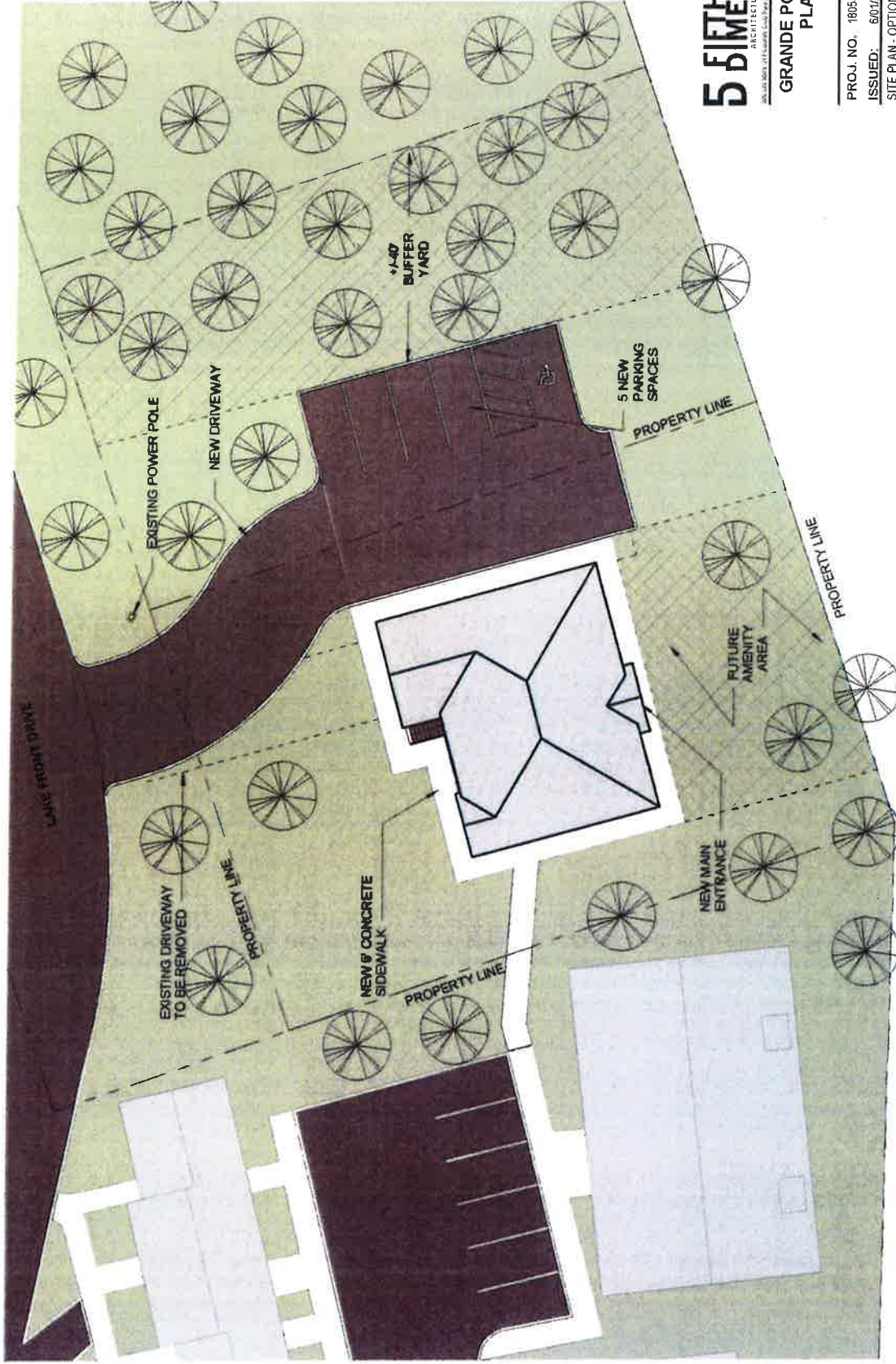
Legal Description of Property:

131 Lake Front Drive:

Lot 83, Unit 7, Lake Forest Subdivision, as per plat recorded in Plat Book 7, page 94 in the Office of the Judge of Probate, Baldwin County, Alabama, containing 0.21 acres, more or less, and lying in Section 37, Township 4 South, Range 2 East.

135 Lake Front Drive:

Lot 82, Unit 7, Lake Forest Subdivision, as per plat recorded in Plat Book 7, page 94 in the Office of the Judge of Probate, Baldwin County, Alabama, containing 0.27 acres, more or less and lying in Section 37, Township 4 South, Range 2 East.



5TH DIMENSION
ARCHITECTURE & INTERIORS, LLC
100 Lake Mills, 2018 Grande Pointe, Suite 100, Grand Rapids, MI 49503
GRANDE POINT SITE
PLAN

PROJ. NO. 18059
ISSUED: 6/1/2018
SITE PLAN - OPTION 1

1 ARCHITECTURAL SITE PLAN
1" = 20'-0"

NOT FOR CONSTRUCTION

SP-01

1	Lake Forest Property Owners Association	P.O. Box 1087 Daphne, AL 36526	05-32-09-37-0-002-001.002	24751
2	LMS Investment Management	1744 Oxmoor Road Homewood, AL 35209	05-32-09-37-0-002-001.057	8591
3	Michael & Jennifer Predmore	129 Lake Front Drive Daphne, AL 36526	05-32-09-37-0-004-020.000	36696
4	Patrick William Warren & Ellen Rae Warren	9536 Rosas Ave NE Albuquerque, NM 87109	05-32-09-37-0-004-023.000	39415
5	Judith M Williams	130 Lake Front Drive Daphne, AL 36526	05-32-09-37-0-004-024.000	48231

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

July 13, 2018

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for 131 and 135 Lake Front Drive containing 0.48 acres +/- located southeast of Lake Front Drive zoned R-3, High Density Single Family Residential, to be re-zoned to R-7(A), Apartment District.

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, July 18, 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.

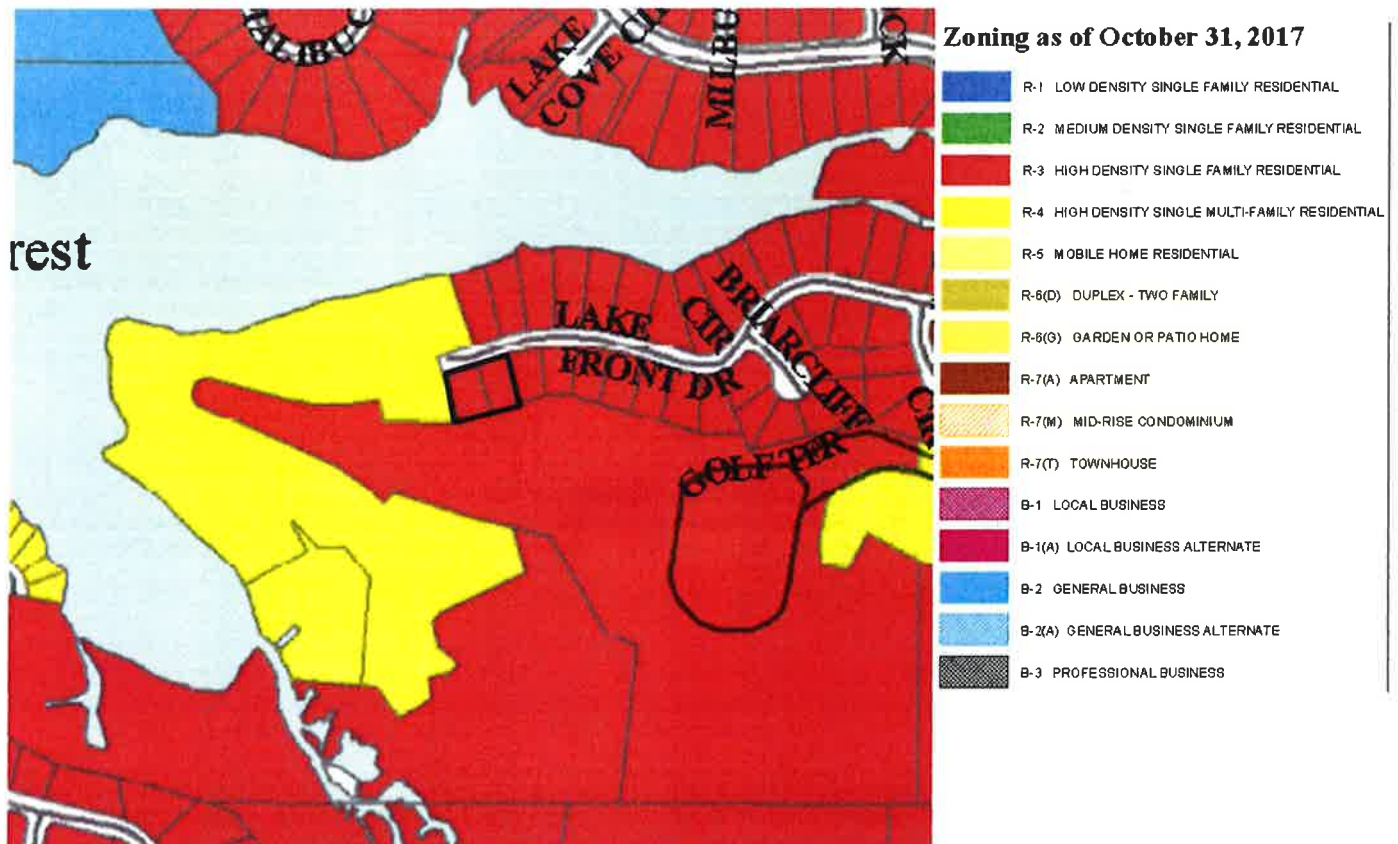
The public hearing will be held by the Daphne Planning Commission on Thursday, July 26, 2018 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

Alex Yeoman & Raymond Harris Zoning Amendment

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

REZONING REQUEST FOR LOTS 82 AND 83 LAKE FOREST UNIT 7 YEOMAN & HARRIS



REZONING REQUEST YEOMAN & HARRIS

Existing Conditions: 0.49 acres+/-

Existing Zoning: R-3, High Density Single Family Residential

Proposed Zoning: R-7(A), Apartment District

Surrounding Zonings/Uses:

North – R-4, High Density Single Family Residential District (apartment building) & R-3, High Density Single Family Residential District (townhouse)

South – R-3, High Density Single Family Residential District (Golf Course)

West – R-4, High Density Single Family Residential District (Grande Point Apartments)

East – R-3, High Density Single Family Residential District (wooded land)

Existing Utility Service Providers:

Water – Daphne Utilities

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 2

Police Protection-Police Beat 2

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: 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.

Existing Conditions

The subject property is located west of the intersection of Bayview Drive and Lake Front Drive in Lake Forest. The lots are immediately east of Grande Pointe Apartments.

The applicant proposes to rezone the site from R-3 to R-7(A) in preparation to sell the property to LMS Investment Management who intends to renovate the existing house on Lot 82 for Grande Pointe Apartment's clubhouse and to use Lot 83 for the clubhouse's parking and as a buffer between the residential zoned property to the east along Lake Front Drive.

Staff Recommendation

Staff recommends approval of request to rezone the two lots to apartment district. The developer has indicated that the land would be used for a clubhouse, parking and buffer area only. It's important to zone the land to make it abundantly clear that said land is part of the Grande Pointe apartment development and will not be a single family dwelling. The rezoning process provides the Lake Forest POA and residents along Lake Front Drive an opportunity to voice concerns about the intended use of the land and increases awareness of the future use. The land is not to be used to increase the acreage or add more apartments (no tear down to rebuild a new apartment building).

During initial conversations with staff, the developers indicated a willingness to deed restrict the use of the land.

U.S. HIGHWAY 90

1000'

NISSELE CIRCLE

HALL CIRCLE

BAY VIEW DRIVE

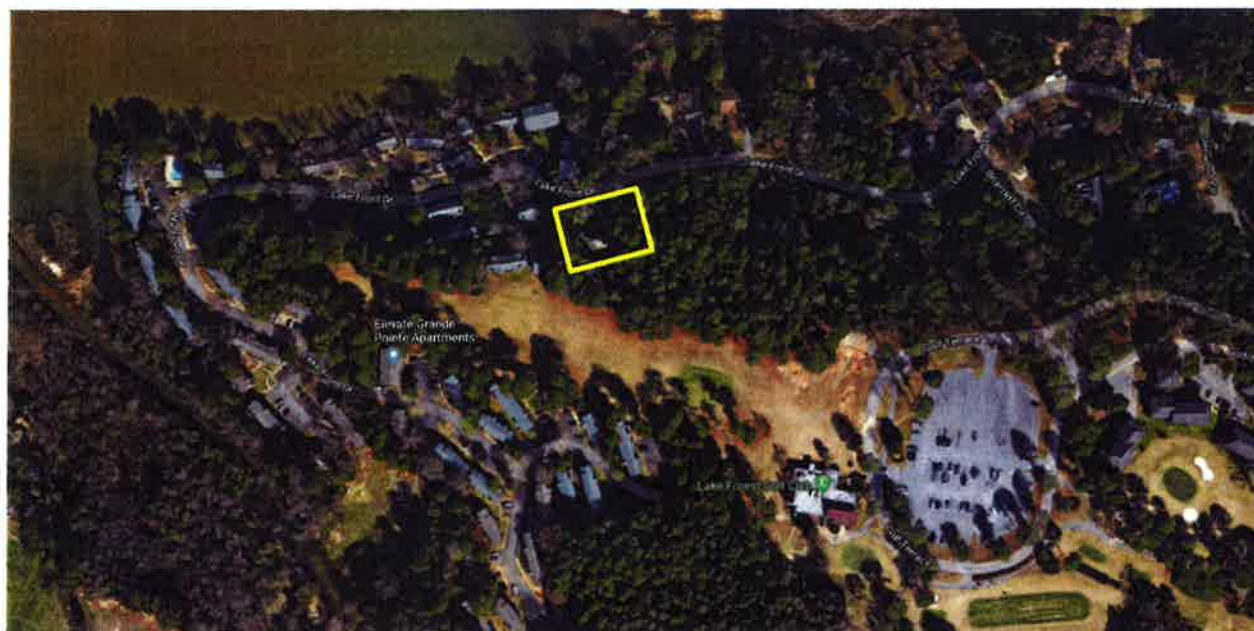
LAKE

62 63

64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000

NOTE:

1. ALL LOTS SHOWN WITHIN THIS PLAT ARE 1/4 AC. OR MORE.
2. LOTS SHOWN WITHIN THIS PLAT ARE 1/4 AC. OR MORE.
3. LOTS SHOWN WITHIN THIS PLAT ARE 1/4 AC. OR MORE.
4. LOTS SHOWN WITHIN THIS PLAT ARE 1/4 AC. OR MORE.
5. LOTS SHOWN WITHIN THIS PLAT ARE 1/4 AC. OR MORE.
6. LOTS SHOWN WITHIN THIS PLAT ARE 1/4 AC. OR MORE.





Google Street View-looking to the west along Lake Front Drive

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

Jan Vallecillo

From: Adrienne Jones
Sent: Tuesday, July 24, 2018 9:06 AM
To: Jan Vallecillo
Subject: FW: Rezoning Request for Grand Point Apartments from R-3 to R-7a

From: VJ Phelps [<mailto:vjp818@gmail.com>]
Sent: Tuesday, July 24, 2018 8:53 AM
To: Adrienne Jones; Adrienne Jones
Cc: Kirby Ed; Victoria Phelps; Coulls Simon; Patrick Collins
Subject: Rezoning Request for Grand Point Apartments from R-3 to R-7a

Adrienne,

Good Morning,

At our last POA board meeting our board listened to a presentation from the developer. At the conclusion of our meeting we voted to "not oppose the current request as presented for the rezoning from R-3 to R7a for the intended purpose of adding an amenity for the Grand Point Apartments". We requested and the presenter agreed to note the request that it could not be developed as apartments and is only being changed to enable the amenity structure and use.

Additionally, the board members were pleased to see the renovation direction the developer has undertaken and the recent improvements have been noted for the units and site.

If, the proposal changes in any way we request you keep us informed, as our lack of opposition to the rezoning request was based on the presenters comments to our board on 7/18/2018.

Best Regards,

Victoria J Phelps



Adrienne Jones
Planning Director
ajones@daphneal.com
City of Daphne, Alabama - "The Jubilee City"
Phone: 251-620-1000 Web: www.daphneal.com

To: Office of the City Clerk

From: Adrienne D. Jones, *AD*
Director of Community Development

Subject: Jacob's Well, L.L.C. Zoning Amendment

Date: July 30, 2018

MEMORANDUM

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

PROPOSED REZONING: PUD, Planned Unit Development

LOCATION: West of the intersection of Lavender Lane & U. S. Highway 98, and east of the intersection of Daphne Court & Falkenberry Lane

RECOMMENDATION: At the Thursday, July 26, 2018, regular meeting of the Daphne Planning Commission, seven members were present. Five motions were made and debated by the Planning Commission. The final motion carried for an unfavorable recommendation for the above mentioned zoning amendment.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

Attachment(s)

1. Zoning Amendment Application
 2. Legal Description (Exhibit A)
 3. Boundary Survey (Exhibit B)
 4. Adjacent property owners list
 5. Community Development Report
 6. Citizen Comments
- June 28, 2018 minutes (an excerpt re: Jacob's Well, L.L.C. rezoning request)

Note: On June 28, 2018, the Planning Commission held a public hearing on the PUD rezoning request. After much debate, the Planning Commission unanimously voted to table the request until the 7/26/18 regular meeting. Minutes from the 6/28/18 Planning Commission meeting are included for review. The applicant submitted revised PUD documents for the Planning Commission's review. Those documents are included herein.

FILE
07/30/18
11:30 am

Chairman asked if Commission will review the site plan for this building. Ms. Jones responded the details were provided at the time of site plan approval of Malbis Station II, and the improvements are in place. If the future building is less than a thirty percent improvement, it will be presented to staff for administrative site plan review.

Chairman opened the floor to public participation. No one came forth. She closed public participation.

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

A Motion was made by Mr. Hodgson and Seconded by Mr. Smith to approve Arc Light 52 Subdivision, preliminary/final plat. There was no discussion on the motion. The Motion carried unanimously.

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

Chairman stated Commission has received updated PUD standards, a petition from Daphne Court residents, and correspondence from a citizen in opposition to the development.

An introductory presentation was given by Craig Dyas, representative of Dyas, L.L.C., requesting rezoning of six-point two-two acres located northwest of U.S. Highway and Halls Lane presently zoned R-7(T), Townhome District, B-2, General Business, and R-3, High Density Single Family Residential, to a PUD, Planned Unit Development for a mixed use development. He noted the benefits of the rezoning to a PUD are: allow for a mixed use, single family attached & detached and live/work units, creation of a walkable community by allowing pedestrian traffic to traverse to Main Street, elimination of vehicle access from the west to east with the construction of a hard scaped wall, management of a green manicured secondary fire department access to U.S. Highway 98, construction of a hammerhead at the terminus of Daphne Court East as a vehicle turnaround, and the installation of a sidewalk along Main Street to Christ the King Early Childhood Development Center.

Chairman asked for Commission questions or comments.

Chief White stated the secondary fire department access has to be an all-weather surface, and the increase of residential development by more than fifty percent would require the improvement of Daphne Court right-of-way to twenty feet.

Mr. Kirby commented on the incomplete submittal and asked if the PUD documents meet the requirements. Ms. Jones responded the minimum standards.

Mr. Kirby commented that PUD documents require a detailed plan and any revisions are to be approved by Planning Commission.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of June 28, 2018
Council Chamber, City Hall - 5:00 P.M.**

Chairman asked Ms. Jones to present the changes to proposal.

Ms. Jones presented the following: the addition of a sidewalk along Main Street, permanent landscaped wall and two ten-foot openings for pedestrian access, the installation of a hammerhead at the extension of Daphne Court (Daphne Court East), an additional twelve parking spaces along the fifty-foot flag lot, fire department access to U.S. Highway 98, an increase in the setbacks from thirty to forty feet in some areas, and noted certain sections of the PUD documents are not consistent with or omitted from the design on the map. That covers most, if not all of the changes that are different from last week.

Ms. Jones asked which is your preference for the Rye property, what is described in the PUD documents or shown on the map. Mr. Dyas stated the map is inconsistent.

Mr. Kirby asked if those changes are different from our PUD standards. Ms. Jones confirmed the things that I noted are different from last week.

Mr. Hodgson asked if this meets the PUD standards. Ms. Jones responded it minimally meets the minimum standards; it does not exceed the standards or provide a superior design as mentioned in the PUD provisions of our ordinance.

Mr. Sandefur asked with the improvement of the fifty-foot easement to the north, why is there connectivity to Daphne Court. Mr. Dyas commented the fifty-foot easement is a secondary access for the fire department access for the single family attached townhomes.

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

Ed Baldwin, 903 Halls Lane, spoke in opposition and expressed his concern about increased traffic, crime element, and safety issues.

Sandy Robinson, 1500 Main Street, spoke in opposition and expressed her concern about the proposed improvement of Daphne Court and Falkenberry Lane, secondary fire department access, and late submission of revisions; asked for withdrawal of application for PUD and submission of a subdivision for the R-3 parcel.

John Mangan, 802 Daphne Court, spoke in opposition and expressed his concerns about late submission of revisions, insufficient information base your decision, the revision to the PUD documents, traffic, access to Main Street through Daphne Court, and preserving the character of downtown Daphne.

Robert Dyer, 905 Halls Lane, spoke in opposition and expressed his concerns about landscape wall and access to Falkenberry Lane.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of June 28, 2018
Council Chamber, City Hall - 5:00 P.M.**

Bill Robinson, 1500 Main Street, spoke in opposition and expressed his concern about public safety, access to Main Street, Falkenberry and Halls Lane, water runoff and preserving the character of downtown Daphne.

Chairman closed public participation.

Chairman asked for Commission questions or comments.

Chief White stated he is not opposed to growth, but the access must adhere to the twenty-foot width requirement of the code.

Mr. Scott commented with something just given to us and of that much of a concern to the community that he could not vote to recommend this document to City Council tonight.

Commissioners discussed the required document for a Planned Unit Development, public benefit, thirty-day requirement, and vastly different version of the PUD documents presented by the developer.

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

A Motion was made by Mr. Kirby and Seconded by Mr. Sandefur to table Jacobs Well, L.L.C. rezoning request to the July 26, 2018 regular meeting; applicant to provide revisions to the PUD documents no later than July 9, 2018. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is Planning Commission discussion.

Ms. Jones distributed the proposed language for substandard lots of record presented by the City Attorney for review and discussion at the July 26, 2018 meeting.

The next order of business is public participation.

Chairman asked for public participation.

None presented.

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

Ms. Gray stated no report.

The next order of business is commissioner's comments.

Mr. Scott commented the proposed language for substandard lots of record is a result of the denial of a variance of a subdivision re-plat by the Board of Zoning Adjustment and subsequent litigation.

The next order of business is director's comments.



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted 5/29/2018

Application Number:

Planning Commission Public

ZA-10-05 or PZA-

Hearing Date: 4/28/2018 / 7/26/2018

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):

PPIN#(s):

Gross Site Area (acreage):

Requested Zoning or Pre-Zoning:

Current Zoning Designation(s):

Amended Request:

Current Land Use:

Anticipated Land Use:

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

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:

Mailing Address:

Name of Authorized Agent:

Mailing Address:

Name of Developer*:

Other:

Phone/Fax:

E-mail:

Phone/Fax:

E-mail:

Phone/Fax:

E-mail:

Phone/Fax:

E-mail:

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

Applicant's Signature:

Date:

Agent's Signature:

Date:

DYAS, L.L.C.

COMMERCIAL REAL ESTATE & DEVELOPMENT

ADJACENT PROPERTY OWNERS

Jacob's Well, L.L.C. – PPIN# 44972, 360806 & 38108

OLDE TOWNE DAPHNE TOWNHOMES, A *proposed* PUD

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

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

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

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

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

June 15, 2018

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for Jacob's Well, L.L.C. containing 6.22 acres +/- located at the northeast of U.S. Highway 98 and Halls Lane zoned R-7 (T), Townhome District, B-2, General Business, and R-3, High Density Single Family Residential, to be re-zoned a PUD, Planned Unit Development.

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, June 20, 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, June 28, 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

Jacob's Webb, L.L.C. Zoning Amendment

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

EXHIBIT 'A'

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

A proposed *PLANNED UNIT DEVELOPMENT*

. . .a 'DYAS' Development

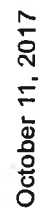
4.36 ac (mol) Jacob's Well, L.L.C. Parcel – PPIN # 44972 – Lot 2, Shore Oaks Subdivision, a Resubdivision of Lot 2B of the Resubdivision of Lot 2 of Webb FLP Subdivision, according to the plat thereof recorded in Slide 2540-C, of the records in the Office of the Judge of Probate, Baldwin County, Alabama,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

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

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



УХТИД/12



1077-71

0	0.0175	0.035	0.07 mi
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0 0.03 0.06 0.12 km

KCS

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

Copyright 2017

JACOB'S WELL
PUD DOCUMENTS

JACOB'S WELL PUD STANDARDS

1. *Jacob's Well* (*The Development*) consists of two components, *Olde Towne Daphne Townhomes*, a single family attached ("SFA") component on the 4.36 acre Lot 2, Shore Oaks Subdivision, Baldwin County Slide 2540-C together with an adjacent .06 acre sliver (collectively, "Lot 2") and, *Daphne Court East*, a single family detached ("SFD") component on the approximately 1.8 acre (+) Lot 3, S.W. Pickens Subdivision, Baldwin County Map Book 4, page 99 ("Lot 3") in the *Olde Towne Daphne* Overlay District. It is keenly situated between U.S. Highway 98 and Main Street, adjacent to the south and east of the new Christ the King Catholic School ball fields.
2. *The Development* is designed as a *transitional, walkable community* transitioning between the high intensity retail space along corridor 98 to the East and Main Street thru Daphne Court Subdivision to the West. In addition, in keeping with *new urbanism* planning concepts and with '*talked-about*' efforts to revitalize Olde Towne Daphne, *The Development* will have walkable access to Olde Towne Daphne. Said access will also give the residents of the development walkable access to the many public and semi-public areas in and around Olde Towne Daphne, including the pedestrian friendly sidewalks along Main Street, Christ the King School, Church, and sports facilities, City Hall, Lott Park and its multiple sports venues, May Day Park, Jubilee Courtyard, Centennial Park, W.O. Lott Park and the United States Post Office and, conversely, will give all the residents of Olde Town Daphne walkable access to the retail space along Highway 98 to the East, thereby enhancing the viability of said retail space.
3. In order to maximize walkability between *The Development*, Olde Towne Daphne, and the retail space along Highway 98 to the East, with the approval of Public Works, a sidewalk will be installed approximately 300' along the East side of Main Street from the south boundary of Daphne Court to the parking drive of the Early Childhood Center of Christ the King School.
4. To eliminate the concern of '*thru-traffic*' thru Daphne Court and potential traffic congestion on Main Street, a permanent hardscape wall, with up to two golf cart equivalent penetrations for pedestrian access, will be erected between the SFD and the SFA components of *The Development* thereby eliminating vehicular passing completely and creating space for neighbors to congregate.
5. Daphne Court East will terminate at the east end of Lot 3, into a modified hammerhead allowing for emergency vehicles to turn around and exit this SFD component of *The Development* the same way they came;
6. The storm water drainage system for *Jacob's Well* will be designed to meet the City's storm water requirements. This, as well, will address the storm water buildup at the east end of Daphne Ct.

Revision
FILE
7/11/18 4:45 PM



7. Lot 3, being a component of a Planned Unit Development, will allow the construction of SFD units without the constrictions of the minimum lot widths and configurations normally applicable to residential lots in R-3 districts which will allow residences to be located so as to aggregate open space into a larger continuous area than would be possible with traditional 'subdivided' R-3 zoning requirements, however, with the ability to modify lot widths administratively through Community Development, the SFD lots have been established at 42 feet wide throughout. Including Lot 2 into a planned unit development will increase the otherwise 5% landscape requirement to near 10%.
8. In addition, allowing more flexibility in locating buildings and other improvements in *Olde Towne Daphne Townhomes* will allow more existing mature live oak trees to be preserved than could be preserved with traditional R-7(T) requirements, thereby maintaining an ambiance that cannot be created with 3" caliber replacement trees.
9. The general architectural style of *The Development* will be in keeping with the general principles of *new urbanistic planning*, and the general exterior design will be substantially in keeping with Exhibit "A" hereto.
10. The *Daphne Court East* component of *The Development* is approved for 8 SFD residences for a density of approximately 4.57 single family residential units per acre compared to the existing 5.6 residential units per acre in *Daphne Court* immediately to the West. The *Olde Towne Daphne Townhouse* component is approved for 44 residential units & six commercial units comprised of up to 38 single family attached (SFA) townhomes and up to three live up/work down ("LU/WD") buildings, each of which will have up to two commercial units downstairs and up to two residential units per structure upstairs, resulting in a residential density of less than the 10 residential units per acre allowed by the City of Daphne Land Use and Development Ordinance. The LU/WD buildings will be along the East boundary of Lot 2 (where it joins the West boundary of Lot 1) with the front of each building facing East, thus creating a 'piazza' environment amongst the landscaping and oaks in the rear parking area of Lot 1 and the Eastern portion of Lot 2 surrounding the LU/WD units.
11. In keeping with new urbanism concepts, these LU/WD units will provide a transition/softening between the most intense retail development on Lot 1 and the *single family attached* (higher density) residential units on Lot 2.
12. Parking for the commercial component of the LU/WD units will be on and in accordance with a common *Access and Parking Easement* (the "Common Easement") across Lot 1 granted by Eastern Shore Associates, L.L.C. to Jacob's Well, L.L.C. recorded as Baldwin County Inst. No. 1627300. To replace the parking spaces lost by the construction of access to Jacob's Well across the Common easement and to meet the requirements of the Daphne Land Use and Development Ordinance for the LU/WD units, additional parking will be added along the 50' leg of Lot 2 that is adjacent to the North boundary of Lot 1 on a one to one basis for the lost parking spaces. Parking for the residential components of Jacob's Well will be two parking spaces exclusively for each residential unit which will



be provided through a combination of rear loaded garages, rear 'pad' exclusive to each residential unit and paved on-street parking along the main streets within the development.

13. Vehicular access to and from the *Olde Towne Daphne Townhomes* is by way of Highway 98 using the Common Easement.

a. A secondary emergency and fire access will be maintained to *Olde Towne Daphne Townhomes* via the 50 ft. strip along the north line of Lot 2. ;

b. Access to and from *Daphne Court East* is by way of Daphne Court from Main Street;

14. None of the approved buildings or units need be built, and the developer reserves the right to combine or expand units for "custom" construction. The SFA units can be constructed in groups of one to six units and, each building in the development, and the sidewalks adjacent thereto, can be constructed independent of other buildings and sidewalks in the development and a certificate of occupancy will be issued on a unit by unit basis as long as all life safety requirements for requested unit (as opposed to for the entire development) are satisfied. Any development amenities may be located in common areas, at developers' discretion.

15. The development setback along the North line of Lot 3, the South line of Lot 2, and that portion of the West line of Lot 2 lying North of the North line of Lot 3 will be 40'. In keeping with residential lots setbacks specified by Section 13-6 of the Daphne Land Use and Development Ordinance, setbacks along the South side of Lot 3 will be 30' and along its West side will be 20'. The development setback along the common boundary line between Lot 1 and Lot 2 other than that portion of the common boundary on the North side of Lot 1 will be 40' for residential units other than LU/WD units. There will be no setback requirement for the LU/WD units provided however that a 5' wide access/maintenance easement will be provided along the East side of the LU/WD units, which easement may be located either on Lot 1, Lot 2, or a combination thereof. In addition, no setback will be required along the common line between Lot 2 and Lot 3, along the common line between Lot 2 and the North line of Lot 1, between the common line between Lot 2 and Lot 1, Marino Family Subdivision as per the plat recorded as Slide 2474-E, or between the common line between Lot 2 and the Eastern 60' of the Christ the King Catholic School ball field (PPIN 41969). The setbacks for the remainder of the common line between Lot 2 and the Christ the King ball field will be 30 ft. Alleys will be allowed in all setbacks, and a road will be allowed in the setback along the North side of Lot 3 and for roads entering *Jacob's Way* from the exterior.

16. All streets and roads within *Olde Town Daphne Townhomes* will have a minimum 5' setback from buildings. Streets and roads within *Jacob's Well* will be private. All utilities will be installed underground.

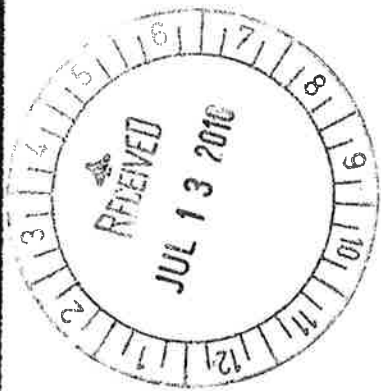


17. The overall residential density of Lot 2 will not exceed ten (10) units per acre, structure height within *The Development* shall not exceed 40 feet measured to midway between eave and ridge from finished first floor, and the minimum distance between buildings will be 12’.
18. In order to provide for the maximum usability of greenspace within Lot 3 and for the customizing of SFD houses and yet, at the same time, provide a structure for the locations of the SFD houses, the road on Lot 3 will be located on the North half of Lot 3 and SFD lots may be located flexibly on an East and West direction with the long axis of the lots substantially perpendicular to the South line of Lot 3, front facing north, providing lot widths of 42 feet, minimum width of a lot will not be less than 30’ (if ever adjusted by CD) and there will be a minimum of 12’ between the residences on Lot 3. To the extent reasonable, the SFD houses will be rear loaded via an alley within the 30’ setback along the South side of Lot 3, which connects at the west end to Falkenberry.
19. The cumulative maximum building/structure coverage in *The Development* shall not exceed 30 percent (30%).
20. A landscape plan shall be incorporated into the common area components of the overall development which shall have coverage of at least ten percent (10%) of the development. This landscape covenant will fulfil any greenbelt requirements of this development.
21. A legend of various other standards will be located on the face of the approved site plan, Restrictive Covenants shall be incorporated into the development and ultimately managed by a property or condominium owners association (‘POA’) which will govern the rights of the ultimate unit owners post completion, and structures within the development will require approval of an architectural review committee before being constructed. Additionally, the POA will manage/maintain the common area landscape and the storm water management ponds. The developer will maintain control of the POA until the last unit is complete and sold.
22. Community Benefits of PUD (reiterated in part)-
 - a. Connection of sidewalk along Main St. from Daphne Ct to Church crosswalk;
 - b. Multiple ‘congregating;/visiting’ sites developed within;
 - c. Potential resolution of Storm water build-up at east end of Daphne Ct.
 - d. Multiple aggregated open spaces throughout;
 - e. Potential preservation of additional ‘Century Oaks’ for a ‘Tree City’;
 - f. Creation of congregating, ‘living’ space within parking lot of existing retail;
 - g. Increase of up to 10 additional residential units to support economy of OTD;

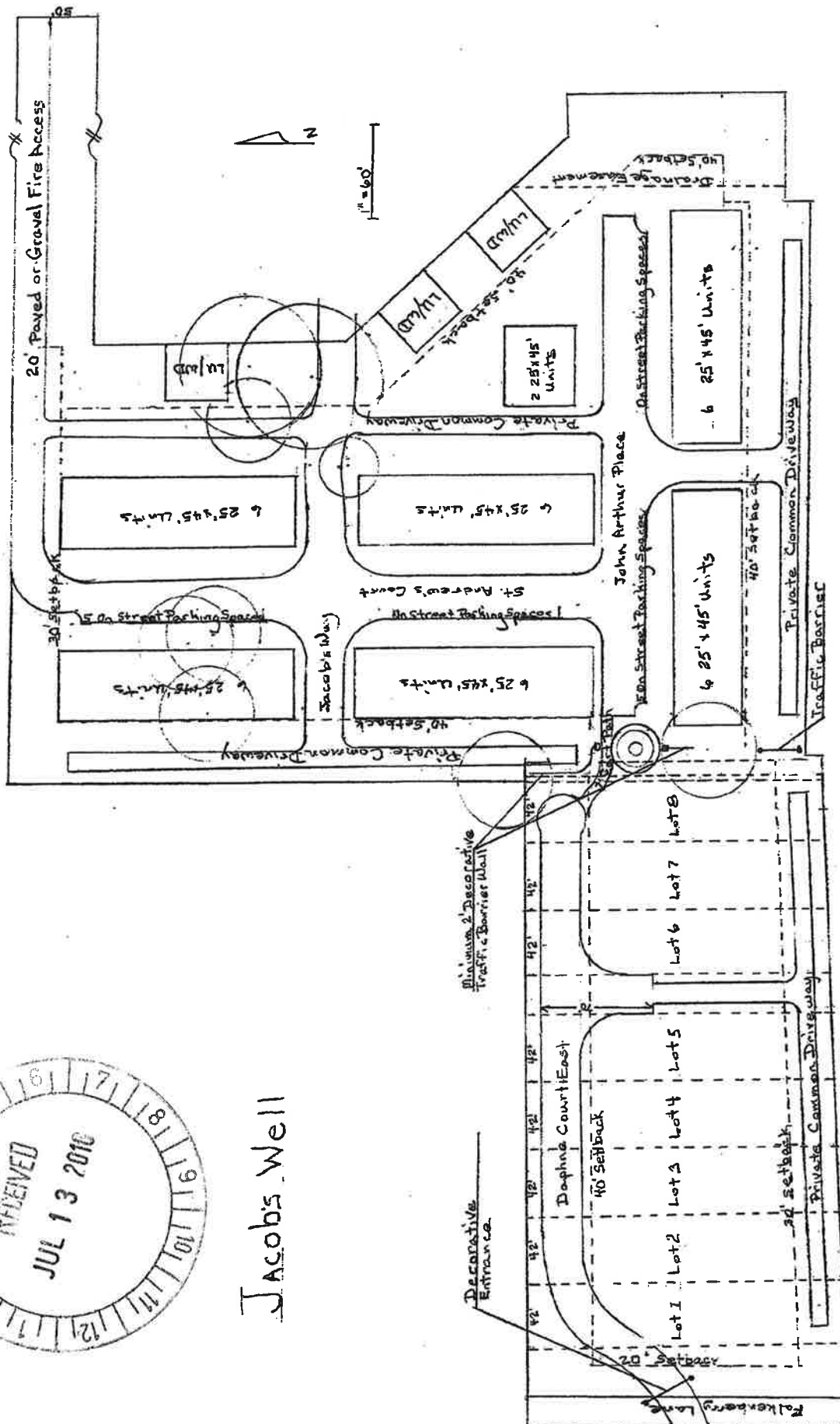


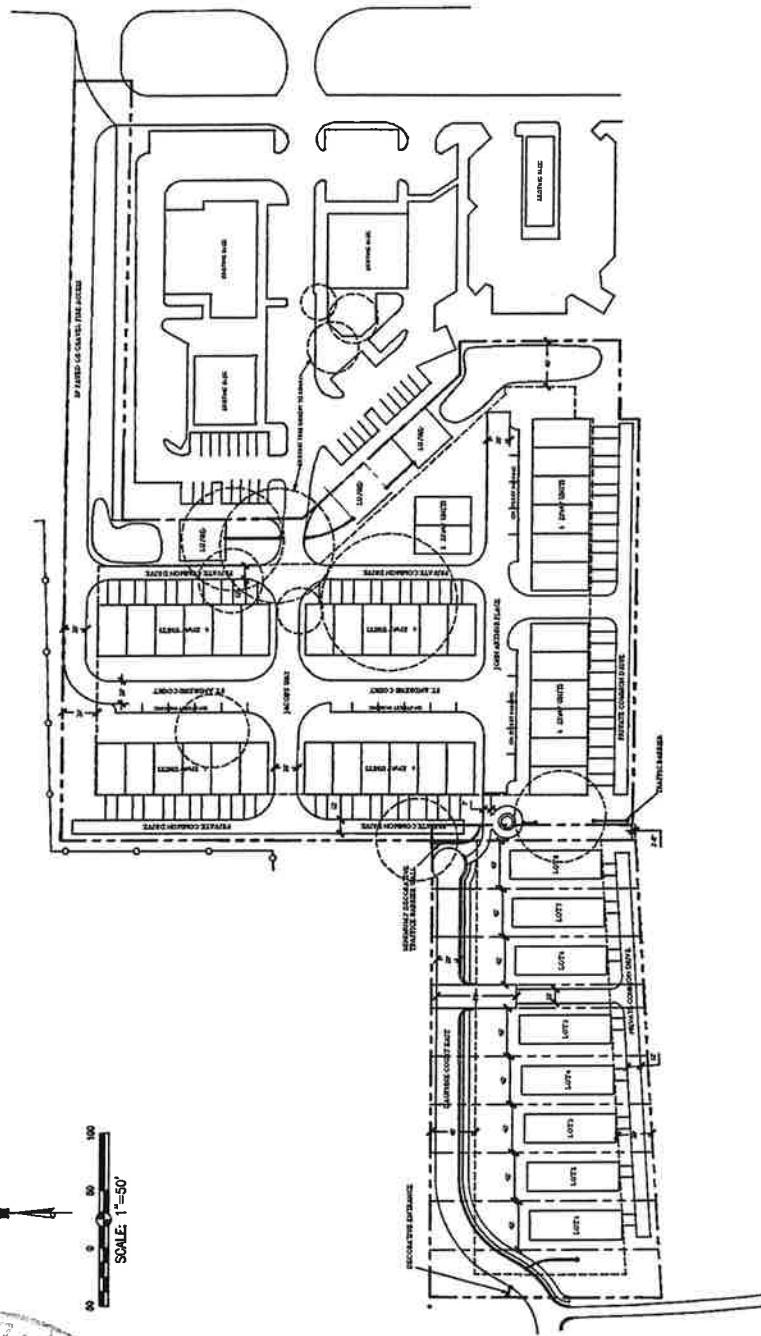
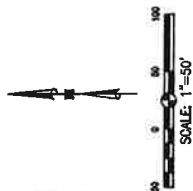
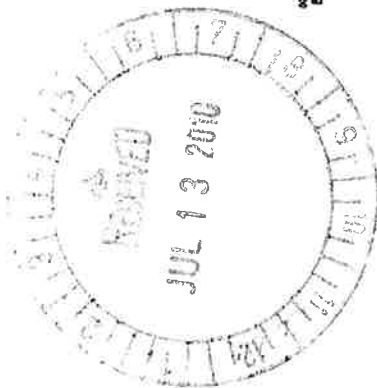
EXHIBIT 'A'





Jacob's Well







SHORE OAKS SUBDIVISION

PLANNING COMMISSION
REZONING REQUEST FOR
JACOB'S WELL, LLC



COMMUNITY DEVELOPMENT

Rezoning Request Jacob's Well, LLC 6.2 acres

Owner: Jacob's Well, LLC

Existing Conditions: wooded/undeveloped

Existing Zoning for property East of Daphne Court Subdivision:

R-3, High Density Single Family Residential

Existing Zoning for Jacob's Well property:

R-7(T), Townhouse District

Existing Zoning for Remnant property:

B-2, General Business District

Proposed Zoning: Planned Unit Development District

Surrounding Zonings/Uses for Daphne Court East property (previously Rye Property):

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

South – R-3, High Density Single-family Residential District (Baldwin Subdivision)

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

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

Surrounding Zonings/Uses for Jacob's Well portion:

North – B-2, General Business District/Rama Imports

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

East – B-2, General Business District/Serda's, Taziki's, Popeye's, etc.

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

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

Existing Utility Service Providers:

Water, Sewer & Gas – Daphne Utilities

Electric – Riviera Utilities

Public Safety Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

The Comprehensive Plan

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

Goal: Provide a land use plan for the City of Daphne, which supports the City's economic development, housing, transportation, and open space, recreation and education goals in a manner that maintains and promotes Daphne's unique image and quality of life.

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

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

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

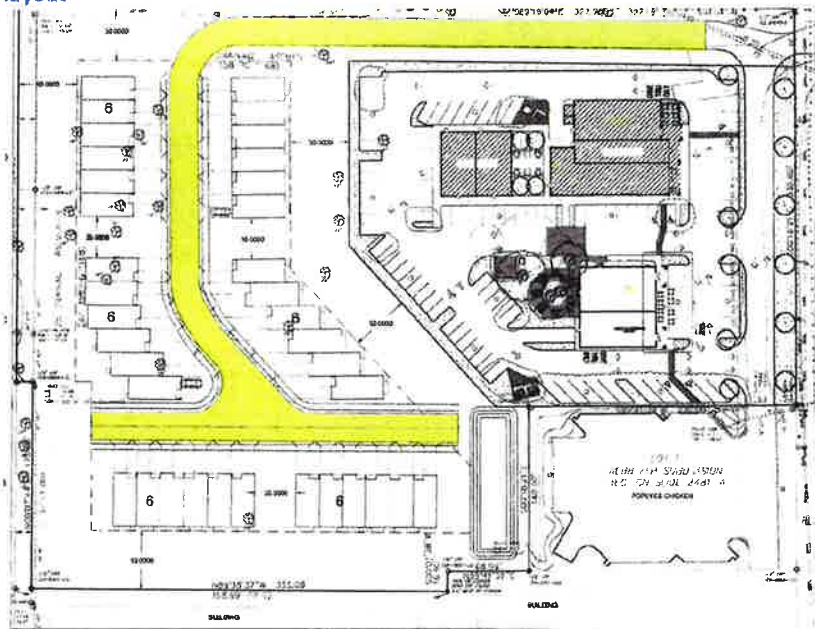
Background Information

U.S. Highway 98 is a major traffic arterial and the city's primary commercial corridor. Instances of townhouse development with access to U.S. Highway 98 include: Summer Oaks Town Houses, north of Wal-Mart. Instances where apartments have a direct access U.S. Highway 98: Colonnade at Eastern Shore (southeast of the intersection of Johnson Road); Windscape and Arbors by the Bay Apartments, north of Wal-Mart), East Bay Apartments and Sea Cliff Condos.

Figure 1: 2016 Zoning Display-Eastern Shore Associates, LLC conceptual site plan layout

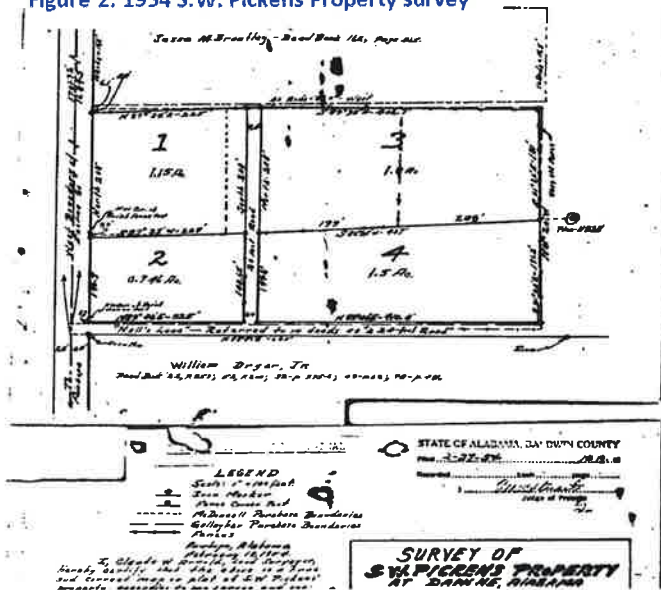
At the request of Eastern Shore Associates, LLC, the Daphne City Council rezoned Shore Oaks Lot 2, 4.3 acres, from B-2 to R-7(T) in Ordinance 2016-43. This is the rendering submitted with the rezoning application: it demonstrates the original conceptual layout for a townhome development.

Under the current zoning designation, up to 43 townhouses are permissible (10 units/acre). No other uses are permissible in the R-7(T) district. **This land is a part of the rezoning application.**



The western section of the rezoning petition includes Lot 3 of the S.W. Pickens Property surveyed in

Figure 2: 1954 S.W. Pickens Property survey



1954. It abuts Falkenberry Lane, a 20-ft wide public right of way. The survey also shows Hall's Lane, a 24-ft r.o.w. along the southern border. The 1.8 acre site is zoned R-3, High Density Single Family Residential, and would permit 3.5 dwelling units per acre. At this time, only one residential dwelling can be constructed by right. Another available option is for the owner to submit an application to the city for a 6-lot subdivision for Planning Commission review. Townhouses are not permitted in the R-3 district. **This land is a part of the rezoning application.**

The above-described land is located to the east of Falkenberry Lane and east of the Daphne Court subdivision. Daphne Court Subdivision is a resubdivision of Lot 1 (1.15 ac) of the S.W. Pickens Survey and is a six lot subdivision recorded in 1955 located west of Falkenberry Lane. Each lot is 6,750 square feet in area. Daphne Court is a 28-ft wide publicly maintained right of way. Said land is zoned R-3, High Density Single Family Residential.

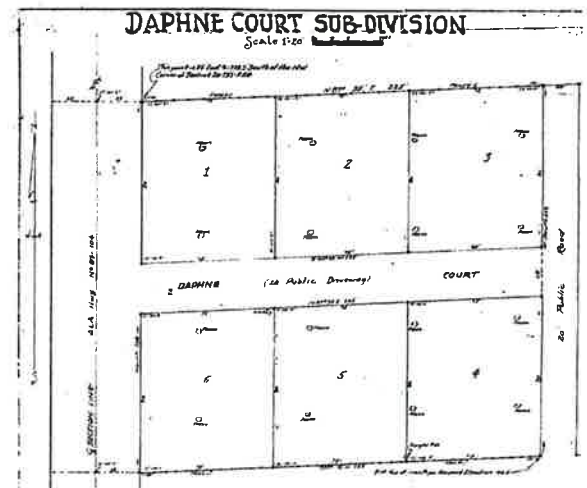


Figure 3: 1955 Daphne Court Subdivision

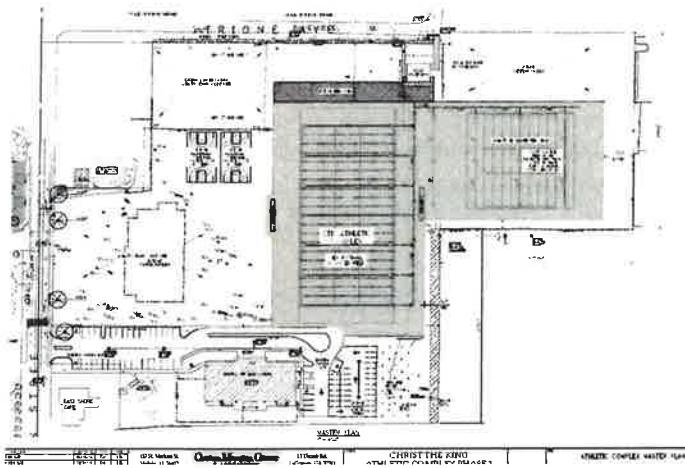
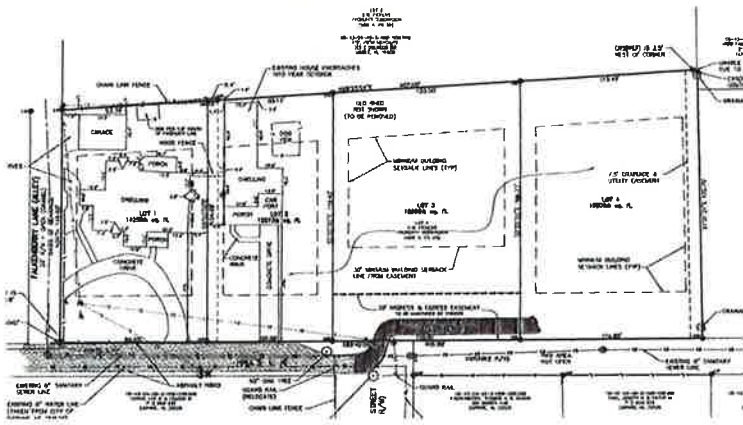


Figure 4: 2017 Christ the King Sports Complex & Early Childcare Center

Christ the King Catholic Church's property (child development center and sports complex) is located north of the Daphne Court Subdivision and north of S.W. Pickens Survey Lot 3. It is zoned B-1, Local Business. The sports fields were constructed in 2017. The child development center was constructed years prior.

The Baldwin Family Subdivision, a resubdivision of Lot 4, S. W. Pickens property, is located south of the proposed rezoning site. There are 4 single family lots zoned R-3, High Density Single Family Residential.

Figure 5: 2008 Baldwin Family Subdivision



In 2017, Ruth Rye quit-claimed a 0.06 acre strip of land located along the southwestern boundary of the Jacob's Well site. It is a remnant of the land between Shore Oaks Lot 2 and S.W. Pickens Lot 3. It was quit claimed to her in 2015 by the Webb Family Limited Partnership. Said remnant is zoned B-2, General Business. *Residential uses are not permissible in B-2 zone district.* **This land is a part of the rezoning application.**

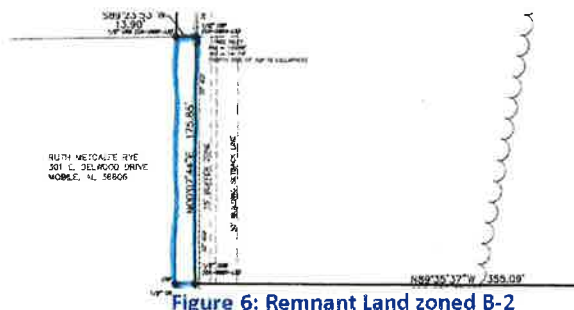
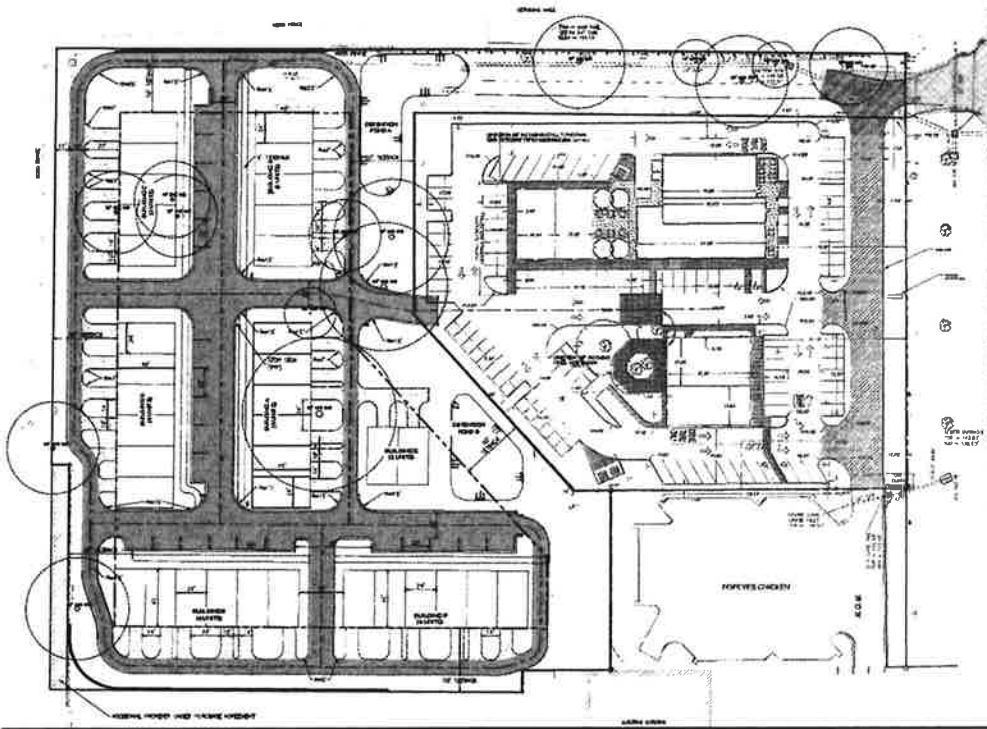


Figure 6: Remnant Land zoned B-2

Figure 7: 2017 Olde Towne Daphne Townhouses Approved Site Plan-38 townhouses



In March 17, 2017, the Planning Commission granted site plan approval which was worded as follows:

The City of Daphne
Planning Commission Minutes
Regular Meeting of March 23, 2017
Council Chamber, City Hall - 5:00 P.M.

A Motion was made by Mr. Scott and Seconded by Mr. Sandefur to approve the site plan for Olde Towne Daphne Townhomes, with the greenbelt as presented in lieu of Article 13-3, contingent upon compliance with the minimum setback requirements; contingent upon receipt of a signed and recorded agreement regarding an ingress/egress easement through Shore Oaks Center to be submitted to Community Development prior to the issuance of a site disturbance permit; with a condition that no certificate of occupancy will be issued until such time as a satisfactory secondary access is provided and available for ingress/egress, and all requisite ALDOT right-of-way improvements shall be installed prior to issuance of the first certificate of occupancy. There was no discussion on the motion. The Motion carried. Ms. Bergin and Mr. Prescott dissented.

The applicant submitted a copy of Instrument #1627300, the ingress/egress easement through Shore Oaks Center. The Site Disturbance permit was issued by Community Development in February 2018. No building permit has been issued for the project as of the writing of this report. This land is a part of the rezoning application.

Current (July 2018) Proposal

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 applicant proposes to rezone two lots and one remnant parcel, total of 6.3 acres, from B-2, R-7(T) and R-3 to PUD district for a Planned Unit Development comprised of townhouses and live/work units. Each lot and remnant parcel was described on the previous pages; each description included a statement that **“this land is a part of the rezoning application”**. The Land Use & Development Ordinance, Article 30, Planned Unit Development District General provision, describes standards for all PUDs.

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

Jacob’s Well PUD (Review of July 2018 Revised PUD Standards)

- The rezoning application was amended by Craig Dyas on July 9th to accommodate concerns enumerated by the Planning Commission, citizens and staff at the June 28th Planning Commission meeting. The revised Jacob’s Well PUD Standards and display entitled “Jacob’s Well,” Exhibit ‘A’ and an untitled drawing with the Dyas, LLC logo at the bottom corner of the page were submitted by the applicant for consideration. *The following is staff review of the amended application material.*
- According to the narrative of the Jacob’s Well Townhomes, the proposed development is a new urbanism design which is to consist of 52 residential units (8 detached townhouses, 6 buildings containing six attached townhomes, 1 building containing 2 townhomes and 6 loft apartments (upper floor of the 3 live/work mixed use buildings). The proposed overall residential density is 8.39 units/acre—52 units on 6.2 acres. This density is slightly less than that of a townhouse district (10 units per acre). No lots or subdivision of land or combining of land is currently proposed. *(No changes were made with regard to the number of units, density, building layout in the revised material)*

- The northern boundary or “staff” portion of Lot 2, Shore Oaks Olde Towne Daphne Townhomes, a flag lot, is proposed to be developed for either a 20-ft wide access to meet the Fire Code and/or parking to compensate that which will be removed from the Shore Oaks Shopping Center site. *(Revised document indicates that the POA will be responsible for maintenance of the secondary fire access).*

(As described in Instrument #1627300, excerpt provided below):

Pursuant to this agreement, vehicular and pedestrian traffic coming from and/or going to Grantee's Property shall be entitled to the unrestricted use of the above defined 24-foot wide through-way from the western boundary of Grantor's Property to the eastern boundary of Grantor's Property between the restaurants currently operating under the trade names Taziki's Mediterranean Cuisine and Moe's Southwest Grill for access, ingress and egress to and from Highway 98. Grantee, its successors or assigns shall have the right to maintain, improve or repair said through-way, which shall be hereafter known as either “Jacob's Way” or “Jacob Dyas Way”, as determined by Grantee, its successors or assigns.

Grantee, its successors or assigns shall construct, or cause to be constructed, twenty-two (22) shared on-street parking spaces on Grantee's Property, which upon completion may be used by Grantor, its successors or assigns. Additionally, or alternatively, Grantee, its successors or assigns may construct, or cause to be constructed, twenty-two (22) additional shared parking spaces in another location on or adjacent to Grantor's Property, at which time Grantor, its successors or assigns shall cease to be entitled to the use of the twenty-two (22) on-street parking spaces on Grantee's Property and shall then become entitled to the use of the twenty-two (22) additional parking spaces built on said other location on or adjacent to Grantor's Property. Grantor, its successors or assigns shall have the right to maintain, improve or repair designated mitigation parking spaces. Grantee, its successors or assigns shall construct, or cause to be constructed, for the mutual benefit of Grantee, its successors or assigns and Grantor, its successors or assigns as many parking spaces as are lost as a result of the construction of the through-way from Grantor's Property to Grantee's Property.

Final Staff Comment:

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.

Some Planning Commissioners questioned whether the Jacob’s Well PUD application is compliant with Article 30. ***Yes, the application meets the minimal standards denoted in Article 30.***

Does the design present superior development design? The design maximizes the use of the land leaving only 10% open space. The R-7(T) portion is designed similarly in nature to the approved site plan, with the exception of the reduction in the perimeter greenbelt and the addition of live up/work down units (not permitted outside of the Olde Towne Daphne of Village Overlay district except by PUD zone). The R-3 portion is designed with 8 detached townhouses rather than 6 detached single family houses.

The most concerning element of the proposal is and has consistently been the potential impact of the new traffic from the proposed development to the immediately neighboring residential land owners with frontage along Daphne Court and Falkenberry Lane, as well as those within the Olde Towne Daphne area.

The revised PUD standards and general plan shows connection to Daphne Court and Falkenberry Lane for the proposed 8 single family detached townhouses. It also purports to provide an access point allowing pedestrian traffic from Main Street to Highway 98 through Daphne Court extension.

Questions for the Planning Commission and City Council to consider are as follows:

- a) Is it in the best interest of the public health, safety and general welfare of the City of Daphne to approve the proposed PUD?
- b) Are the proposed benefits itemized in the PUD Standards (Item #22) sufficient?
- c) What if anything else could be done to reduce the impact of the development?

If after answering the aforementioned questions it is considered appropriate for approval, then the following rights should be reserved by the City of Daphne (*these remain the same as initially presented in the June PC report*).

1. The City should reserve the right to require privacy fences along the exterior perimeter of property where abutting existing single family residential uses or where otherwise deemed appropriate. The City should also approve the height and design of said fence.

2. If a connection is allowed to Daphne Court, a traffic impact study should be required prior to the issuance of any city permit for clearing, construction or land disturbance of Lot 3, S.W. Pickens Survey, where the applicant desires to construct up to 8 single family detached townhouses on 3,000 sq. ft. lots and connect a road to Falkenberry Lane and to Daphne Court. The traffic impact study will determine what if any traffic improvements are warranted as a result of the overall proposed development.
3. The City should reserve the right to review said traffic impact study and to mandate improvements in the best interest of the health, safety, general welfare of the citizens of the City. All road improvements should meet City standards and be approved by the City, regardless of statements provided in the PUD standards to the contrary. These improvements should be installed concurrently with any proposed clearing, construction or land disturbance of Lot 3, S.W. Pickens Survey, and should be complete prior to the issuance of any building permit upon Lot 3.
4. The City is not be obligated to participate materially or financially toward any public improvements necessitated by the proposed development. Said improvements should be the developer's or assign's responsibility unless otherwise deemed appropriate by the City Council.
5. Any statement provided in the PUD standards contrary to that which is provided in Article 30, PUD Standards, shall be considered null and of no effect.
6. Any statement provided in the PUD standards contrary to the policies and rules which regulate the issuance of Certificates of Occupancy shall be considered null and of no effect.

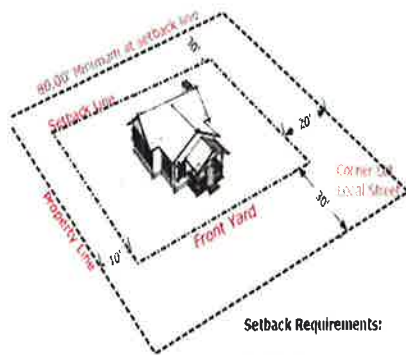
If these statements are deemed appropriate, they should be clearly written in the ordinance which would establish zoning for the property. For example:

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the recommendation of the Planning Commission, and the public hearing deemed that said application for rezoning 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.

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

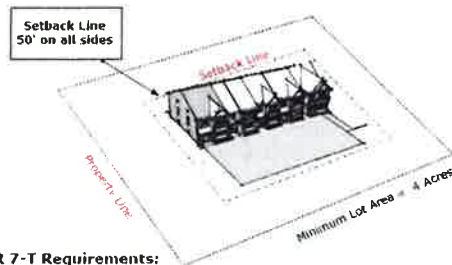
SECTION I: ZONING

R-3 High Density Single Family Residential



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

R-7 Townhouse District



R 7-T Requirements:

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

Maximum Height - 35 feet
Maximum Stories - 2 stories

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

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

11-6 MINIMUM STREET REQUIREMENTS

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

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

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

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

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 newspaper in accordance with applicable sections of the Code of Alabama.

CITIZEN COMMENTS

FOR

JACOB'S WELL PUD

**DAPHNE COURT RESIDENTS
AND NEIGHBORS**

June 26, 2018

VIA HAND DELIVERY

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

**RE: Revised PUD for Jacob's Well and Ruth Rye property
(submitted May 29, 2018)**

Dear Ms. Jones:

We are writing to oppose the application for rezoning submitted by Dyas, LLC on behalf of Jacob's Well, LLC on May 29, 2018.

This developer continues to persist in attempting to devastate existing neighborhoods and increase the traffic on Main Street in order to satisfy the burden he undertook to provide a secondary access to the Townhome development presented to (and conditionally approved by) the Planning Commission in March 2017. At that time, the Planning Commission and Fire Chief White expressed grave concerns about the developer's failure adequately to provide for a secondary access to the proposed Townhome development. The developer told the planning commission then that a connection could be made to the right-of-way of U. S. Highway 98 along the **50-foot strip on the north side of the property**, owned by the developer. Chief White pointedly asked the developer back in March 2017 to dedicate the 50-foot strip as the secondary access, but the developer refused to do so then, and still has not done so. Rather, the developer continues to seek to shift

the burden and cost of the required secondary access to the residents of well-established neighborhoods to the West of his planned development, and to the City of Daphne.

Access through Daphne Court to the Townhome development was first presented to the Planning Commission in December, 2017; after serious questions were raised about the effect of the increased traffic, the developer was asked to make changes and come back in January 2018. No changes were submitted that addressed the Commission's concerns, and the Planning Commission made an unfavorable recommendation to the City Council. When it became clear from the Council's comments, questions and concerns at the February 5, 2018 meeting that the City Council would not approve the proposed PUD that would funnel traffic through Daphne Court, the developer withdrew his rezoning request.

Undeterred, the developer emailed the City Clerk on March 5, 2018, seeking to "withdraw" his "withdrawal" from the previous Council meeting; to have the Council waive all requirements for reconsideration by the Planning Commission; to have the Council waive the second reading; and to make a decision on the proposal for access through Daphne Court at the April 16, 2018 meeting. In the City Attorney's opinion, this was not legally permissible and was not done.

Now, the developer is back again. Notwithstanding his ownership of a 50-foot strip on the north end of the Townhome property that can and should be used for the secondary access, the developer continues to seek to route traffic through Daphne Court or other substandard streets "at his option." The proposal currently before the Planning Commission has been "tweaked" to propose a "limited access gate," but the problems with providing a secondary access remain unchanged.

The proposal under consideration is vague and internally inconsistent. There is certainly no guarantee that the "gate" would truly limit access or would be permanent. The developer continues to insist that he wants "flexibility" and that the choice of which secondary access to use should be "at the developer's option." This developer continues to demonstrate that he will choose an option that is

hugely inconvenient and causes real impositions on the adjacent neighborhoods, rather than the option that has him utilizing property he already owns to provide the required secondary access. His interest is manifestly solely his own development, regardless of the detriments and burdens to the other property owners in such neighborhoods. He has demonstrated that he is willing to say pretty much anything to get this access approved but never commits himself in writing. The developer assured the Planning Commission back in 2017 that he could provide secondary access through the 50-foot strip he owned. Based on this representation, the Townhome development was approved. If he had presented then what he now proposes as the true solution, public outcry against the proposal was certain. So he concealed his true plan. He's now renegeing on the representations he made to get the Townhome development approved in the first place. If he simply does what he told the Commission he would do, it would avoid all the inconvenience and opposition to tearing up existing roads and neighborhoods "at the developer's option." He said he would use the 50-foot strip, and he should do it.

The motivation of the developer here is clear: he places his preferences and options above the interests of all neighbors to the West and South of his proposed development (and everyone who visits, attends church, exercises, goes to school, drives or merely walks on the existing sidewalks on already overburdened Main Street), rather than use the property he owns as the secondary access he agreed to provide back in March, 2017.

His current request should be denied.

Respectfully,

NAME:

Edward Paul Jones

ADDRESS:

903 H2115 Ln

Nicholas Baldwin

Felicia Coker

Larry Earnest

Dorothy Earnest

Amie F. Nash

Dan C. Nash

John Mangum

Cheryl Henderson

Bill Henderson

Robert Agard

Ally B. Agard

John McMahon

Diane P. McMahon

Steve Olen
Steve Olen

903 Halls Ln

900 Halls Lane

804 DAPHNE CT

804 Daphne Ct.

803 Daphne Ct.

803 DAPHNE CT.

802 Daphne Ct.

801 Daphne Ct

801 Daphne Ct.

905 Halls Lane

905 Halls Lane

1419 Sixth St

1419 6th St

437 Village Drive

page 5
name

address

Dean McKinney

702 Van Ave Daphn, AC 36522-6

Thomas M. F. S.

702 Van Ave 36526

Albert L. Vick

702 Van Ave 36526

Andrew

1500 Main St

William H. Robinson

1500 Main St.

J. McAllister

73999 Main St

Katherine G. Alsip

1320 Old County Rd

Anthony L. Conroy

92311 Plenum / Rd

JoAnne Keller

10329 Co Rd 64

Lee Jones

A. Victoria Jones

Jan Hunt

601 Bay Bluff E Daphn

Alexander M. Schuster

11827 County Rd 54

name

address

Burt F. Hunt

504 McAdams Ave

Charles H. Hall

136 Pineledge Rd

J. Wayne Jones

501 Cedar Cr.

John A. Halden

809 Pinewood Ct, Dayton

Roy Lee

150 Sound Cr

Shirley

107 Easton Circle

Jan Vallecillo

From: Adrienne Jones
Sent: Thursday, June 28, 2018 9:34 AM
To: Jan Vallecillo
Subject: FW: Daphne Court Bust Through-Citizen Comments for Daphne Planning Commission

From: Cynthia Brasher [<mailto:crwbrasher@gmail.com>]
Sent: Thursday, June 28, 2018 6:54 AM
To: Adrienne Jones
Subject: Daphne Court Bust Through

I can't attend the Planning committee meeting this afternoon but I would like to voice my opinion on the matter of the destruction of Olde Towne Daphne. We've lived in Potters Mill for 23 years. We moved here because of the quaint feel of the old downtown area of Daphne. That quaint feeling has constant pressure put upon it. The traffic is already terrible in the area that this new development would impact. I understand we can't stop the new houses being built, but the traffic needs to be sent out on Highway 98 where it can be handled better. That quiet, little lane of Daphne Court does not need to have traffic dumped through it. Christ the King Church does not need any more traffic being dumped at its door step. That area already has school traffic from four schools traveling through it. It does not need any more especially since that traffic can easily be sent to Highway 98.

I thought when the matter was tabled the last time it was brought before you, the developer was to bring back a better plan that would not impact the Olde Towne area. It sounds like he has brought back the same or a worse plan.

Thank you for your time.



Adrienne Jones
Planning Director
ajones@daphneal.com
City of Daphne, Alabama - "The Jubilee City"
Phone: 251-620-1000 Web: www.daphneal.com

Jan Vallecillo

From: Adrienne Jones
Sent: Thursday, July 26, 2018 2:02 PM
To: Jan Vallecillo
Subject: FW: Zoning of Daphne Court

-----Original Message-----

From: Donna L Ballard [<mailto:JFBTSG@aol.com>]
Sent: Thursday, July 26, 2018 1:56 PM
To: Adrienne Jones
Subject: Zoning of Daphne Court

Please know that many of us in Daphne DO NOT want DAPHNE COURT opened up or rezoned.

Opening DAPHNE COURT will make traffic on Main even harder to navigate ... this area is already flooded with traffic from Christ the King Church and School along with traffic to Bay Side and our Elementary and Middle Schools.

DAPHNE COURT is a small little narrow court ... without WIDENING it will not hold high traffic!

I personally do not know anyone living on Daphne Court, but these people built and purchased homes with intention of living on a quiet little court with low traffic. These people deserve to have their homes and property protected by the CITY OF DAPHNE, where they pay taxes, live and play.

Opening DAPHNE COURT will cause undue traffic and loss of privacy to the residence on the court. DAPHNE COURT is too narrow to handle high traffic

The developer knew when he purchased his property for development that his development would flow onto 98 ... so be it we are getting way too many apartments and condos ... but the flow of traffic should not be DUMPED onto Main Street.

Developers come and move on ... residents stay ... we VOTE ... PAY TAXES ... and REMEMBER

PLEASE DO NOT OPEN DAPHNE COURT

Thank You,
Donna Ballard
John Ballard

445 Village Drive
251-626-9115

[<http://www.daphneal.com/emails/signatureimage.png>]<http://www.daphneal.com/>

Adrienne Jones

Planning Director

ajones@daphneal.com<mailto:ajones@daphneal.com>

City of Daphne, Alabama - "The Jubilee City"

Phone: 251-620-1000 Web: www.daphneal.com<http://www.daphneal.com>

Public Safety Committee

Monday, August 13, 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, Councilwoman Tommie Conaway, Councilman Robin LeJeune, Mayor Dane Haygood, Police Captain Jud Beedy, Lt. Reggie Ardis, Fire Chief James White, Public Works Director Jeremy Sasser

CALL TO ORDER

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

PUBLIC PARTICIPATION –

Mr. Melvin McCormick, Randall Ave, Daphne, addressed the committee with the issue of the stop sign they are looking to put on Randall Ave. He strongly feels that this is something that will not work, nor is a safe option for this area. He stated that if there are people wanting this, or any type of speed bumps, they need to start a petition and get signatures, or at least address the people that live in this area about these issues, before anything is just done about it. Councilman Davis briefly addressed this stating that there are numerous things that they have to take into consideration before any type of decision is made, but they have been aware of the concerns in this area and they've been working on finding the best possible solution for the continuous speeding on Randall Ave. Councilman LeJeune addressed Melvin stating that this issue is on the work session tonight for the Buildings and Property meeting at 6:30, so there will be a much bigger discussion about this at the work session.

Mr. Roy Bell, lives in LaCasta (off of Randall Ave), Daphne, addressed the committee stating his neighborhood is mixed, everyone wants different things. He stated he personally thinks that having the stop signs, if it makes people slow down, it may make people decide to just go down 64 instead of cutting through there, but to him it is not so much the speeding issue it is more of a safety issue that he has concerns about. He stated what is not safe is that the City built a sidewalk a few years back where a majority of it is 6 inches from the road. He feels this is something that needs to be addressed and straightened out.

Mr. Roger James, lives next to LaCasta (off of Randall Ave), Daphne, addressed the committee stating he does not see the benefit to putting in stop signs. He feels it is a big pain in the butt to go out on the road, drive for a few feet and you've got to stop, and then a little further down the road you've got to stop yet again. He thinks it will cause traffic issues backing up off of 98, as well as accidents. He does not think this is a solution.

Mr. Herbert Gibson, lives on Whispering Pines, Daphne, addressed the committee stating he was up here about 4 months ago and spoke about the fast moving traffic on Whispering Pines and the digital speed trailer was put in this area to help curve some speeding. He said he really appreciated that. He stated on July 10th, he was out cutting the grass in his front yard, and an SUV coming westbound came

barreling into his front yard, coming off the road and nearly hit him. He stated then on July 17th, it was raining, he had went out to his mailbox to get his mail with an umbrella, and a big truck came flying down the road and either hit his umbrella or the wind from how fast he was going blew the umbrella out of his hands. He said there has been numerous occurrences where his safety is in jeopardy because of the speeding issues that are going on, on Whispering Pines. Mr. Gibson also addressed Police Captain, Jud Beedy, stating he wasn't sure if he was aware or not but there are a few transient people that have taken up residence in the woods off of Whispering Pines.

Mr. Roy Rutherford, lives in LaCasta (off of Randall Ave), Daphne, addressed the committee stating he is an avid walker and the sidewalk on Randall that Mr. Bell was talking about there is 6 inches or less of grass between the sidewalks and the road on Randall Ave. He feels this is a major safety concern. He stated that there is a state law in Alabama that gives bicycle riders 3 feet of clearance from roadway to path, and this is something that should be addressed with the walking path here. He stated he was unsure if the stops signs being installed are the right fix, but he feels it is a step in the right direction in getting these cars to slow down. He does think this will also minimize the "cut thru" traffic.

Mr. David Huges, lives in LaCasta (off of Randall Ave), Daphne, addressed the committee stating we all have differing opinions about the benefits of the stop signs. He stated there may be some unintended consequences of the stop signs, some good some bad. He does think it will release and eliminate some traffic on Randall. He stated, personally, he doesn't feel the benefits outweigh the inconvenience.

Mr. Daniel Meshed, 1219 Church St., Mobile, AL (but works in Daphne), addressed the committee stating he works in Daphne and is a part of the ambassador program with the Chamber of Commerce. He stated he just recently had a meeting with his parents (owners of the Recovery Room), Mr. John Serdas (owner of Serdas Coffee in Daphne) along with the owner of Taziki's (Daphne), Mark Amy, and Dream Dinners (Daphne), their main concern is that the traffic has increased so much on 98 that there is a lack of visibility, especially coming from one side. He stated if you are coming from Fairhope (heading north on 98) you can't even see the properties here. He stated they feel like a stop light for this area is something that is worth entertaining. He stated the owner of Chick Fil A, which is just across the street, has voiced the same concerns as well. He stated he is representing Recovery Room, Serdas, Tazikis, Dream Dinners, and Chick-Fil-A, and hopes that there will be some type of solution for the traffic issues in this particular area of the city, preferably a stop light. Councilman Davis stated to Daniel, to please keep in mind this is the "City" Public Safety committee and Highway 98 is controlled either federally or by the State, so what we will need to do is communicate with their people, and this is something they are currently in the process of doing and dealing with, for this area, as well as numerous areas along 98. Councilman Scott stated they are working with ALDOT and the property owners on the East side of 98, and the plan would be (if they can get everyone on board), and ALDOT has agreed to pay for the signalization which is a huge part of it, but this is something we are all currently working on together. He suggested to please give his email address to the Mayor so that they are able to keep them involved in moving forward with the plans that are currently being looked at.

Ms. Heather Dail, 155 Country Club, Daphne, addressed the committee about previous conversations and concerns that were had several months ago regarding the Daphne Animal Shelter. She knows that there has been conversation about a potential cat room being built, as well as a possibility of a new shelter. She stated she has been informed that the cat room has been put off because of the cats being brought in are not getting the proper veterinary care, not getting spayed or neutered, so you obviously can't have cats in there that will make more unwanted cats. She stated she hopes this is something the committee will consider because she does know a new shelter will likely take several years to build, but this is a problem right now; the cats are still in their cages. She said she would like to see a veterinarian come in, even if just once a week, to do a well-ness check of the cats and kittens there, as well as spaying and neutering any cats that are ready so that these cats could go into a cat room. She would like these issues to be brought back to the table. She feels the amount of euthanasia's is very high and this is something that we can change next to near immediately. She stated another concern that has been brought to her is that people cannot volunteer at the Daphne Animal Shelter. She stated that most

shelters, residents can come and walk the dogs, get the cats out, help clean etc., but apparently citizens are being turned away that are trying to come and do that with the Daphne Animal Shelter. She stated she knows it's a liability issue, if someone were to be bit etc., but other shelters allow people to do these things after they sign some type of liability form that would hold the city not responsible for anything that might happen while they volunteer. She also stated another big concern is the lack of social media presence in getting these pets adopted out immediately. Councilman Scott addressed this issue stating he feels we most certainly have more of a "pound" than we do an "animal shelter" and that is something that is not okay for a city of our size. He feels it is time that we take a very serious look and approach into improving our shelter and the way it is run. He stated he would like to see this be of a big priority for our city, we are a "pet city", and our resources are not up to par. He feels that our current location of the shelter is not a very good location for it, that that property is more valuable to be utilized in a different way, and that we do have some property that would condone the use of a new animal shelter off of Whispering Pines behind the CVS. He feels it is time for us to do some architectural rendering, some surveying, that this is what it will cost and this is who we will get this done, so that we can get this moving forward. Mayor Haygood concurred with what Councilman Scott said, but added that he thinks there has been some confusion as to what people view the current "role" of the animal shelter as. Previously, and currently, it is meant to be used for animal "control" purposes, they currently are not there to compete with the aspects of being more of a "shelter" in comparison to some shelters around the county. He said this is something we need to look at and address, if we would like this role to be changed and that should help us move forward in the right direction. He added if you transition away from the animal "control" to more of the animal "shelter" aspect there are several things that will need to be addressed within this transition, funding/costs and man power being one of them. Councilman LeJeune added that he has requested for the past 2 months that someone from our Animal Shelter come and speak to us at the Building and Properties meeting because there are a lot of unanswered questions, as we currently are only getting one side of this (Ms. Dail's thoughts/concerns), but he would request again that someone with Animal Control come and speak to this group (Public Safety) so that a better discussion of what they have, what the need, what issues might be going on, so that we can move forward in a positive manner for all.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

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

POLICE DEPARTMENT

A. New Business –

June 2018 stats were presented. June 2018 D-runs were also presented.

Captain Beedy stated to the committee that out of the 6 openings we have, we have filled 5 with new officers, and that they will have to re-open it in order to hire the last one. He added that because of those new hires, we will now have to hire two new jailers instead of one as one jailer was hired for one of the new police officer positions. He stated they are currently in the process of buying all of the equipment and vehicles in order to get these new officer properly equipped.

Councilman LeJeune inquired as to how much Spanish Fort pays us for utilizing our jail. Lt. Ardis responded with about \$2,500 a month in meal reimbursements/housing, but the rate is based off "per prisoner" we hold each day.

FIRE DEPARTMENT

A: New Business –

The stats were presented for June 2018.

Chief White stated he just heard from the contractor regarding installing the insulation in the bay area at Fire Station 2, and will be working on the remaining water leaks that have been found. He should start work on these soon, around the 20th of August. He said that the pumper was installed on Engine 1 today, it finally came in after some delays, and they've been having some issues with the paint on that truck. He spoke with SunBelt and it's going to be about \$1,300 to get these issues cleared up with the paint for that truck. The truck will be sent to Wilmer, and he said it will be about 2 to 2 ½ weeks before they will have the truck back and out on the road.

Councilman Davis stated that a few numbers that stood out to him (in the Fire Dept. stats), that we as a council, citizens, and residents of Daphne need to pay attention to, is just how many emergency calls and responses that our Fire Department deals with on a monthly basis. He added during the month of June there were 215 rescue calls and emergency medical service incidences, with a total of emergency calls of 294 for the month, and year to date 1,402. He added that he doesn't think the average citizen realizes that those that do realize it are the ones that have to call in an emergency. He addressed Chief and wanted him to know what they all do, how they do it, and the number of times that they do it, does not go unnoticed and we as a city are very grateful and proud of that. Chief White added that two citizens came by this week to thank us on separate occasions for our quick response and how we handled the emergency issues at hand.

OTHER BUSINESS –

Councilman Scott inquired as to where we were at with Fire Station #5 and closing on that property after looking at the minutes from last month. City Attorney Jay Ross stated that he and the Mayor have had a very detailed and engaging conversation with the Bertolla's attorney last week. He said that he heard from the lawyer today and should have an answer to them tomorrow with where they are currently at. Mayor Haygood added, that the issue has been that some things have changed since the time of this meeting last month where the Bertolla property had closed and there was some optimism that they might be willing to do something more for us, so he had called Jay Ross to speak with their attorney to express some concerns that had arisen even slightly there after the original wording that had been presented. He stated there is a question as to who can enforce those provisions set forth in the contract. He stated they have had numerous calls about getting these issues / concerns squared away. He stated the other party had some concerns that they were trying to deal with ALDOT and draining issues on the other side of the road and were looking to our help in this. The Mayor stated he told him in no uncertain terms that we cannot engage in this dialog about that at this time, that we are happy to help those that have helped the City of Daphne, but those discussions cannot happen until this issue (closing on this property) is brought to conclusion. Councilman Scott stated that this was first brought to the table in July of 2016, so we are over 2 years on this issue now, and it needs to be concluded. Councilman Davis added that he feels our timeline on this deal is disgusting and sad.

ADJOURN

There being no further business to discuss, Councilman Davis made a motion to adjourn the meeting at 5:20 p.m. The next meeting will be Monday, September 10, 2018 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee

Daphne History Museum

Meeting Minutes

August 13, 2018

I. Call to order

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

II. Attendees: Ken Balme, Rachel Burt, Mickey Boykin, Arva Brown, Helen Baroco, Al Guarisco, Emily Hammond, Lee Swetman, Scott & Dooley Berry, Judy Hafner, Candice Bishop, Greg McRae

III. Approval of minutes from last meeting: Approved

IV. Treasures Report: Period 6/30/18-7/31/18 Opening balance \$5,956.16 Deposits: \$0 Cks to : #1358 Ken B. \$54.74 (Web Site) #1359 USPS \$70 (yearly box rent) Ending balance \$5,831.42 Petty Cash \$81.45

V. Volunteer Assignments/Schedules- Good.

VI. Committee Reports

- a) Exhibits/Events:* Ice cream social discussed again for October.
- b) Publicity/Social Media:* Ken spoke at the Unitarian Universalist Fellowship about the Museum on Sunday 8/11/18.
- c) Cemetery:* No reports.
- d) Fund Raising & Volunteer Recruitment:* Nothing scheduled
- e) Special Tours :* None scheduled
- f) Archives, Curation:* No reports

VII. Unfinished/Ongoing business

- a) Planning Calendar:* September:
 - 1) Jubilee Festival : We discussed only having the Daphne book and bricks to sell with bookmarks to give out. Greg inquired how many Daphne books we have left. Helen estimated 5 or 7 boxes at City Hall.
 - 2) BC Fair: the theme being Innovations in Farming and Native Produce 9/29-30
- b) Bookmarks/promo:* We should be able to have them produced for a promotional item for the Jubilee Festival
- c) Part-time employee.* Mickey contacted Council Rudicell, he and Betsy will meeting with a rep from the Fairhope Museum to discuss framework for an employee. There will an allotment for this in the upcoming budget.
- d) Additional Bricks:* We discussed mailing a poster to many businesses in town to promote. Ken and Rachel will work on that project.
- e) Impact 100:* The onsite meeting was held 8/3. The awarding process is very involved. The finalists are decided at the end of September, with winners announced in November. There is 5 different categories with an amount of \$90,000 each this year. A rep from CertaPro attended to help with question on their proposal.

- f) **Fence:** The fence should be installed by 10/01 via an email Mickey received from the mayor.

VIII. New Business & Announcements

- Rachel made an updated docent info sheet. She questioned the price of the postcards. The original price was \$.50. The new price will be
- Heritage Sunday: Ken proposed an idea to each year host such in December. If we could maybe work with Daphne Methodist Church and even the idea of the ice cream social. He had spoken with a guy from Lillian that does this successfully. This was well received. Mickey, Arva & Emily will check with the church and discuss.
- Al suggested in May, we could host a May Day parade patterned like the Fire Truck parade ending at a large area like Lott Park. We could invite dance studios, politicians, ect. similar to the old May Day celebrations.
- To help with the lack of storage Ken suggested we rent a climate controlled storage unit. Emily has been very satisfied with Tellus in Daphne. A 5x5 unit runs about \$50 a month & no contract. Mickey made a motion to rent a storage space for extra items, Emily 2nd the motion. Discussion: Al & Helen wanted to be sure accurate records would be kept of any items stored and with controlled access. Rachel volunteered to made records & have them easily available for members to view. Motion voted on & passed unanimously. A work day will be scheduled to determine storage, display or even trash.
- Per Scott, the fountain pump is broken. He will replace.
- Greg brought the Standard Newspaper microfilm to Foley to view. He took photos of the article from the Courthouse ‘theft’, transcribed and gave everyone copies. It’s very time consuming to find & view, but a wealth of historical information. Greg had the information that the Fairhope Library used to convert some microfilm to digital for \$35 a roll. Greg made a motion to proceed in the investigation of digitizing the film to enable use on site. It was discussed and voted unanimously to proceed.

IX. Adjournment

Ken Balme adjourned the meeting.

Minutes submitted by: Rachel Burt



Next regular meeting: Monday September 10, 2018 @ 10AM!

Wade Burcham. P.E., LEED AP BD+C

Senior Engineer Manager

Assignment: Senior Engineer Manager
Current Firm: Integrated Science & Engineering
Years Experience: With Current Firm: 3
With Previous Firms: 17
Education: BS/1996/Civil Engineering
05-07/ 41 hrs Divinity
Active Registration: Professional Engineer
Alabama / 26027(10/2003)
Florida / 71335
Georgia / 033445
Louisiana/35597
Mississippi / 18750
South Carolina / 34545
Tennessee / 00112696
Texas / 102847
LEED AP, BD+C

Experience and Qualifications

Mr. Burcham has over 20 years of experience in civil engineering as an engineering designer, municipal permit engineer, and developer. He is fluent with common design techniques and standards for grading, drainage, and utility projects for residential, industrial and commercial development. In addition, Mr. Burcham has served as engineer of record on thousands of feet of restoration projects. Mr. Burcham is proficient with common industry tools and software such as SiteOps, AutoCad, Auto Desk Civil 3D, AutoTURN, AeroTURN 4, SiteOps, HEC – RAS and HMS, HY8, Hydraflow Hydrographs, Master Spec Masterworks, Engineers Joint Documents Committee (EJDC).

Project Experience

View Project Experience Summary Map at
<http://bit.ly/WadeBurchamProjects>

Acknowledged in EPA Document *Infiltration through Disturbed Urban Soils and Compost-Amended Soil Effects on Runoff Quality and Quantity* EPA/600/R-00/016. December 1999. Participated in the research, design and analysis of information presented in report. Found that large amounts of variability in infiltration rates warrant local site specific data to accurately understand impacts of development practices.

Wal-Mart Supercenters throughout Southeast. 1998 - 2003. As EI, assisted in the design of Supercenters throughout Alabama and Mississippi including, Gulf Shores, Mobile (multiple), Pelham, Jacksonville, Roanoke, Attalla, Pascagoula, Auburn.

Silver Creek Residential Subdivision, Jemison, AL. Phased construction beginning in 2000.

Chilton County Park Board, 2001. Master Planning for Lay Lake Boat Ramp Park.

Tiger Town Retail Development, Auburn, AL 2001 - 2003. As EI, assisted in the design of a large retail center containing extensive grading and storm drainage (several miles of underground pipe).

Consultant to Cities of Calera, Montevallo and Lincoln, Alabama. (2003-2005) Served as City Municipal Engineering Consultant in Cities experiencing exponential residential subdivision growth. Performed hydraulic analysis of major drainage projects utilizing tools such as HEC-HMS and HEC-RAS to support multiple subdivisions. Reviewed and commented on over 30 Subdivision Plans, and Storm Water Studies submitted to cities. Consulted with and made presentations to the City of Montevallo Planning Commission to help address potential impact of residential subdivision development on Ebenezer Swamp Ecological Preserve, Created Subdivision Regulations for City of Calera. Reviewed and made recommendations to City and Planning Commission on Site Plans and Subdivisions. Inspected and made recommendations on approvals of Final Plats and infrastructure acceptance. Planned on city level roadway improvements, water system capacity improvements, and sewer system capacity improvements. Planned and Designed roadway, sewer, and water infrastructure projects. Resultant projects included the design of the 1.5 MGD Buxahatchee Water Treatment Plant Upgrade, a 3.5 MGD Camp Branch Waste Water Treatment Plant, additional subdivision access routes and increased water supply capacity.

Stoney Meadows Residential Subdivision, Alabaster, AL. Phased construction beginning in 2004.

Oak Bend Residential Subdivision, McCalla, Alabama. Phased construction beginning in 2003.

Maple Ridge Subdivision, Alabaster, AL. 2006.

Hidden Forest Subdivision, Montevallo, AL. 2006.

Chesapeake Subdivision, Calera, AL 2006.

Willow Creek Subdivision, McCalla, Alabama. 2007

Edwards/Engineering Specialties, Based out of Hoover, AL (2005 – 2008). Market Leader over the Central AL area for Edwards Specialties a primarily residential subdivision developer. Main responsibilities included locating land, studying development feasibility, Master Planning, acquisition of land, subdivision design, subdivision construction, and sale to builders. Directly influenced over 20 subdivisions in varying stages. Procured multiple engineering firms, and founded an internal engineering firm to carry Master Plans on to lot delivery. At height of development in 2008 had over 2000 lots in some stage of feasibility study, planning, design, permitting, or construction.

AIDT Training Center at ThyssenKrupp Steel and Stainless, Calvert AL. 2009.

Civil Engineer for a 40,000 S.F. training center. Included the design of grading, paving, drainage, and utilities.

ThyssenKrupp Steel and Stainless / NA Water Systems Water and Waste Water

Treatment Plant. 2009. Civil Engineer Design Build Consultant for grading, paving, drainage, underground piping, intake, and outfall facilities for water and waste water treatment facility to support the TK Steel and Stainless Mill. Intake and outfall facilities required special designs to interact with port facilities. Design of storm water treatment units at port facility.

Heritage Oak Partners, Heritage Oaks Apartments, Saraland AL.. Project never built due to funding. Lead Civil Engineer for 312 unit apartment Complex.

Large Global Engineering, Procurement and Construction Firm, Nuclear Fabrication Facility, South East. Site Civil Engineer for design of a large one of a kind fabrication and campus requiring U.S. Green Building Council LEED Certification. Campus included a dock and wharf area to be the port of origin / departure for international barge traffic, administration building facilities, and multiple plant related structures. Design included all typical elements such as grading, roadways, and drainage.

Project also included the design of specialized water front (for unique loading / unloading capabilities), hydrodynamic storm water quality control units, innovate water technologies (rainwater harvesting and reuse), multiple railways (CSX Spur Lines and private lines through buildings), special high solar reflectance hardscapes, and pervious pavements (Interlocking Concrete Pavement). Aggressive scheduling demands and communication from multi-state client team was accomplished through the use of video conferencing, project websites, and other state of the art technology infrastructure.

Small Arm Repair Facility, Anniston Army Depot AL. 2010. Site Civil Engineer for design of an industrial facility which was required to be LEED Certifiable. Prepared demolition, grading, drainage, utility, and erosion control plans for an approximately 10 acre site.

Gateway Landing Master Plan. Saraland, AL. Master Plan of 128 acres. Included provisions for Senior Living Development, Hotel, Apartments, Bank, Subdivision, and Sports Stadium.

Industrial Rehab Project. 2009. Unique design of Industrial Plant that required extensive grading / piping repairs and redesign. Industrial water transmission required innovative approaches due to high temperatures and corrosives.

Birmingham Armed Forces Reserve Center Phase II, Birmingham International Airport, AL. 2009. Site Civil Engineer for design of an AFRC facility requiring LEED Certification. Provided demolition, grading, drainage, utility, force protection, FAA Fence and erosion control plans for an approximately 20 acre site.

Grease Trap Waste Treatment Facility, Mobile, AL. 2011. Support in Engineering for Grease Trap Treatment Facility.

Austal USA, LLC. Ship Manufacture, Mobile Alabama, Cove Reclamation Project. 2009. Lead Civil Engineer on project which bridged over Bankhead Tunnel. Design required special considerations and designs in Construction Best Management Practices Plan (including both permanent and temporary turbidity screens). A no-rise study was performed of the 44,000 square mile Mobile River Basin in the particular area of the Mobile River Ship Channel. Performed statistical analysis of flood flow frequency, HEC-RAS basin modeling, reviewed and analyzed historical flood

discharges and stages. Domestic Water Study. Project won the 2013 Alabama Excellence in Engineering State Award.

Consultant to City of Saraland. (2008-Current) Performed various services for city including Roadway Design of Celeste Road, Norton Creek Debris Removal Contract Documents, Review of submitted No Rise Studies, multiple grant applications (FEMA, Safe Routes to Schools), and Master Planning of Parks.

ALDOT I-10 / Barnhill Service Road. 2010. Participated in design of Barnhill Service Road adjacent to I-10.

Dock Repairs and Dredging, Port-au-Prince, Haiti. 2010 Assisted in the Technical Proposal Preliminary Design for the repair and dredging for the earthquake damaged dock.

Military Camps, Minustah, Haiti. 2010 Assisted in the Technical Proposal Preliminary Design for Minustah, Haiti Seven Company Scale (155 man) Military Camps.

City of Saraland, Mae Street Drainage Improvements. 2010. Prepared calculations and construction documents for a community drainage improvement Project.

Morris-Shea Bridge Co., Lake Pontchartrain and Vicinity Hurricane Protection – Hurricane Storm Damage Risk Reduction System - 144 Bayou Dupre Sector Gate, St. Bernard Parish, LA. 2010. Assisted in the design of the Temporary Retaining Structure Grading and Drainage Plan.

Syngenta, Bucks, AL. 2010. Industrial. Recommended strategies and cost estimates to most close plant in a safe and environmentally responsible manner.

City of Saraland, AL. Park Improvements. 2010. Designed Park improvements for Kalioka, Amelia, and Dixon Parks. Prepared Master Plan and aided in receiving grant for Harben Park.

City of Saraland, AL Walter Cofield Park, 2010. Prepared Master Plan and aided in receiving a \$40,000 Alabama Department of Conservation and Natural Resources Grant. Unique Park that included a conventional play ground as well as a Senior Adult Low Impact Wellness Stations nestled around an waterfront walkway.

University of Mobile, 2010. Lead Civil Engineer for Softball Field House and Concessions Facility.

University of Mobile, 2010. Assisted in the design and contract administration of a campus wide repaving project.

University of Mobile, 2010. Design of Entrance Gate House and Improvements.

Beau Rivage, Fallen Oaks Golf Course Roadway Drainage Improvements, 2010. Provided recommendations and options for surface and subsurface drainage Improvements for an existing high profile roadway.

Lake Pontchartrain Levee Enlargements, Reach LPV 109.02a, Orleans Parish, LA, 2010. Provided work plan for construction of two Earthen Cofferdams for the contractor. Work Plans were utilized to obtain Fish and Wildlife approval.

Wulff Road Outfall – Phase 2, Mobile County Project No. MCP-138-00, 2010. Assisted in the design and analysis of Crooked Creek and its impact on subdivisions located in the vicinity of Snow and Wulff Roads. Design required HEC-RAS analysis of creek and specialized creek lining.

Client Confidential, Sub Grade Soil Analysis, 2010. Assisted in preparing innovative 3D visualizations of expanding improper material filled beneath critical buildings.

Confidential Industrial Client, Storm Drainage Rehab, 2010. Assisted in analyzing 30 year old plant's infrastructure. Required design of standardized approach and provisions of Contract Documents so design plans could be reused on multiple rehab projects of similar nature as funds become available.

Confidential Industrial Client, New Roadway, 2010. Assisted in design of approximately 1.6 miles of new roadway and drainage connecting a major highway to interior portions of the plant.

Kimco Realty Corporation, Mobile Festival Center, hhgregg, 2011. Lead Civil Engineer and Permitting for 47,900 sf demolition and reconstruction of hhgregg and retail space. Required addition to and rehabilitation of existing infrastructure.

FUZE Lab, Eglin Air Force Base, Florida, 2011. Reviewed and assisted in documentation related to the LEED Certification of project.

Applied Instruction Facility, Eglin Air Force Base, Florida, 2011. Assisted in the production of design build RFP for project which included addition of multiple buildings, conversion of an existing private water and sewer system to public, and multiple roadways. Project required LEED Certification.

Light of Hope University, Ouagadougou, Burkina Faso (Previously known as Republic of Upper Volta on the Continent of Africa), 2009 – 2011. Traveled to Africa multiple times to meet with local stakeholders, governmental, and tribal officials regarding the Master Planning and Infrastructure Design of a Phased 30,000 Student University. First phase of project for 400 students is currently underway. Land is situated in an area underlain by volcanic rock completely isolated from all infrastructure, except roadways. Required the design of special Waste Stabilization Basins.

Assembly Bay Five, Austal USA, Mobile, AL, 2011. Lead Civil Engineer and Permitting. Prepared grading, drainage, utility and landscaping plans for Design Build project of a 60,000 sf Assembly Building. Building was functionally dependant on being built below the flood plain. Therefore required design of special flood proof walls, louvers, and flood doors. Obtained various City, State, and Federal Permits and variances. Prepared no-rise study of the Mobile River.

Austal Planned Urban Development, Austal USA, Mobile, AL, 2011. Prepared Master Urban Development Plan for Austal Campus which included an area of approximately 160 acres and two million square feet of proposed buildings.

Navy Administration Building, Austal USA, Mobile, AL, 2011. Prepared grading, drainage, surcharge, and site plans for Phase I (Site Work). Assisted in the production of Design Build Request for Proposal for Building Plans.

Ben C. Rain High School Renovation and Addition, Mobile, AL, 2011. Lead Civil Engineer on Major Renovation of School and its complete infrastructure. Required design of new paving, drainage, utilities and extensive Value Engineering on Project.

Whitley Elementary School, Prichard, AL, 2011. Assisted in the design of a new 64,000 sf Elementary Schools grading, drainage, utilities, and paving.

ThyssenKrupp Administration Building, Calvert, AL, 2011. Assisted in the design of a new 75,000 sf LEED Certified Administration Building. Specifically presented strategies to reduce storm water volume and suspended solids in pursuit of LEED Credits.

Perdido Pass Pile Supported Boom, Orange Beach, AL, 2010. Assisted in hydraulics design of several proposed solutions to protect Perdido Pass from oil.

Bridge Phillips Elam Consolidated Drainage Districts, Corinth, MS, 2010 - 2012. Assisted citizens of Corinth since the May 2, 2010 flood, which caused extensive damage and loss of life, to strategize on ways to restore hydrology of the Civil War Era canals. These man made canals allowed Corinth to develop but now are functionally obsolete. Since the drainage districts were reactivated with no funds, work has been primarily focused obtaining, documenting, and organizing information utilizing the various forms of online networking and a "free" workforce of concerned citizens.

Louisiana Ave Improvements - Temporary Traffic Control Plan, New Orleans, LA, 2011. Prepared Temporary Traffic Control Plan to facilitate street closings at 34 different locations.

Mississippi Department of Transportation, 2011. Prepared record drawings for various highways and interstates through in and around The Cities of Hattiesburg and Columbus.

Vessel Completion Yard, Austal USA, Mobile, AL, 2012. Engineer of Record. Prepared grading, drainage, surcharge plans, utility plans, ship to shore connections, and site plans for Vessel Completion Yard. Design required extensive modeling of Mobile River in HEC-RAS. Prepared flood proofing plans and obtained flood plain permit as well as Land Disturbance and Building Permits.

Cairo, Egypt, 2012. Designed a self-sustaining conference center to host approximately 350 guest in desert off all utility grids.

Mobile Airport Authority (MAA) Brookley, Mobile, AL. 2012. Prepared studies, cost estimates, and recommendations on over seven million dollars infrastructure upgrades and rehabilitation.

ST Aerospace, (MAA), Brookley, Mobile, AL, 2012. Provided engineering evaluation of infrastructure concerns in the vicinity of ST Aerospace. Included opinions of potential cost of repairs and upgrades of approximately \$11 million in all. Examined underground infrastructure video, onsite visual examinations, and recommendation of Airport Pavement.

Dunlap Drive Pedestrian Tunnel, Alabama Department of Transportation, Mobile, AL 2012. Lead Civil Engineer for design of grading and drainage for a pedestrian tunnel within the flood plain of the Mobile River. Design required a specialized design of lift station to drain by gravity under normal conditions and be pumped out during abnormally high tidal events.

City of Spanish Fort, Alabama, 2012. Provided consultation, training, and Subdivision Regulation Recommendations to the City of Spanish Fort to allow and encourage more sustainable land development particularly in regards to Low Impact Development.

Step Pool Storm Conveyance System, Mobile Bay National Estuary Program, Spanish Fort, AL, 2012. Civil Engineer and Inspector on largest Regenerative Step Pool Storm Conveyance System known south of Maryland. Project utilized many non-traditional stream restoration and Low Impact Design Techniques such as wetland restoration, J Hooks, Toe Wood, Living Wall, Cascade Pools, Native Vegetation, and Habitat Creation. Project was awarded two environmental awards (Green Apple and Partners for Environmental Progress). A portion of the experimental project was public outreach. Spoke at multiple venues regarding the design such as Clean Water Alabama, EPA Rainworks Design Challenge Team at University of South Alabama, and 2013 Alabama Water Resource Conference and Symposium as well to literally hundreds of people who visited the site from all over the country.

Headwaters, LLC, Mobile, AL. 2012. Lead Civil Engineer on recommendations to owner to repair a fifty year old dam that failed causing extensive downstream damage.

Dupont, Axis Alabama, 2012. Lead Civil Engineer on contractor parking lot. Required extensive flood plain and stormwater modeling using HEC-RAS, HEC-HMS and other stormwater models.

Ben C. Rain High School Aerospace Training Facility Addition, Mobile, AL, 2013 Lead Civil Engineer on Aerospace Training Facilities.

City of Saraland, Community Safe Room Shelter, 2013. Lead Civil Engineer on approximately 3 acres site for a Police Substation and Hurricane Resistant Community Safe Room. Design required extensive cost pressures and value engineering.

ELG Metals, Mobile, AL, 2013. Lead Civil Engineer for design of bulkhead along Industrial Canal.

AIDT, Airbus. 2013. Engineering team that provided design services for Industrial Training Center at Mobile Airport Authority.

Powerhouse / Entrance Road, Airbus. 2013. Lead Civil Engineer on Central Utility Plant which included extensive utilities, large lift station, roadway design, grading, drainage, and Paving. Project was designed to be a LEED Silver Certified Project.

Marsh Island Restoration, AL. 2013. Contributing Civil Engineer on restoration and shoreline stabilization of Marsh Island. Project involved wave attenuation devices, restoration of coastal wetlands, and tidal streams.

Final Assembly Line, Airbus, Mobile, AL. 2013. Contributing Engineer and LEED AP on \$35 million aircraft assembly line with extensive utility and drainage components. Project required collaboration with large group of multi-national stakeholders.

Washington County High School, Chatom, AL. 2013. Evaluated school's storm water management system and provided recommendations to combat water intrusion problems.

Naval Air Station Pensacola and Saufley Field. 2013. Demolition Project of over 10 buildings, demolition of a bridge, demolition of an above ground steam line, relocation of a portion of the airfield perimeter roadway, and construction of a Military Working Dog Kennel.

City of Fairhope Low Impact Design Regulations, AL. 2013. Provided review of existing regulations and identified potential barriers to Low Impact Development. Provided recommendations on new regulations that incorporated LID design philosophies while still maintaining the City of Fairhope's unique community brand.

Imperial – Savannah L P, Savannah, GA. 2013. Engineer of Record. Designed large bulk sugar slab storage yard, which included grading, paving, utilities, drainage, and specialized lift station and process water design.

Imperial – Savannah L P, Savannah, GA. 2013. Preliminary design of 150,000 square foot warehouse which included grading, paving, drainage, and utilities.

Tropicana Entertainment, Greenville, MS. 2013. Contributing Engineer aiding in the Corp of Engineers Permitting of an Entertainment Complex.

Hope of the Nations Primary School Design, Tanzania, Africa. 2013. Project Civil Engineer on design of School and Staff Housing that required water sampling, grading, drainage, utilities, and rainwater harvesting.

Chevron Highway 611 Pipe Corridor, Pascagoula Refinery, MS, 2013. Project Engineer on grading and drainage project that required the use of Storm Water Pump Station and specialized grading procedures.

Stream Restoration for Joes Branch Project 2 and Tributaries, Mobile Bay National Estuary Program, Spanish Fort, AL, 2014-2015. Lead Civil Engineer on extensive Stream Restoration Project in Spanish Fort Alabama.

Shell Exploration and Production Company, Brazos A-19 Facilities Recovery Site, Gibson, Louisiana, 2014. Lead Civil Engineer on large oil platform decommissioning site that required full runoff containment, specialized inlets, rain water harvesting and storage.

Van Antwerp Building, Retirement Systems of Alabama, Mobile, AL, 2014. Contributing Engineer on Flood Control of the Historic Van Antwerp Building.

Range Road 211, Eglin Air Force Base, Design Build of Five Bridges, Okaloosa County, Florida,

2014. Contributing Engineer on the design of bridges spanning Metts Creek, Malone Creek, Middle Creek, Turkey Gobbler Creek and Carr Spring Branch.

Restoration of Mon Louis Island, Mobile County, AL, 2014. Contributing Engineer on alternatives analysis of restoration and protection of Mon Louis Island.

Heron Bay Boat Launch, Mobile County, AL, 2014. Lead Engineer on Design of a Boat Launch, Large Boardwalk, and Parking Areas.

Chevron Sulfur Plant Drainage Improvements, Pascagoula Refinery, MS, 2014. Contributing Engineer on design of a Storm Water Pumping Station.

The Haven at Lake Redwine (Subdivision), Newnan, GA. 2015. Engineer of Record.

Stream Restoration for Joes Branch Projects J4-1, J4-2, JA, JBSWC, and JSWC 2, Mobile Bay National Estuary Program, Spanish Fort, AL, 2015-2016. Lead Civil Engineer on extensive Stream Restoration Projects in Spanish Fort Alabama.

Warehouse Concrete Apron Rehabilitation, Pooler, GA. 2015 – 2018. Engineer of Record on multi stage project seeking to repair concrete roads and aprons for large warehouse. Design, procurement, construction administration, and close out of several projects including two subsurface sealing tests, surface joint sealing, concrete removal and replacement.

Lafayette Place Senior Living Center, Newnan, GA. 2015. Project Engineer.

Civic Space Site Development Review, Richmond Hill, GA. 2015. Project Engineer.

Gulfstream South Paint Hanger, Pooler, GA. 2015. Project Engineer. Civil Design.

Development Plan Reviews, Pooler, GA. 2015 – 2018. Reviewed approximately 140 developments ranging from small site plans to large residential developments.

General Consulting, Pooler, GA. 2015-2018. Primary engineer involved in creation of standard specifications (for example traffic signal specifications), draft ordinance revisions, concept

development, small traffic plans, grant applications / management, policy collaboration, drainage studies, construction meetings, bond reviews, and public meetings.

Pratt & Whitney Test Cell Expansion, Evans Contracting, Columbus, GA. 2015. Engineer of Record.

Harley Davidson Dealership, Savannah, GA. 2015. Construction Phase Project Engineer.

Stormwater Utility Implementation Report, Centerville, GA. 2015. Contributing Engineer for report documenting the implementation of a Stormwater Utility.

Kingsland Georgia Ready for Accelerated Development Sites Program Application, Kingsland, GA. 2015. Project Engineer.

Peachtree Parkway Headwall Repair, Peachtree City, GA. 2015. Project Engineer.

Robinson Road Detention Pond Rehabilitation, Peachtree City, GA. 2015. Project Engineer.

Sheffield Road Drainage Improvements, Norcross, GA. 2015. Engineer of Record for solution to improve drainage along Sheffield Road.

Health South Hospital Site, Savannah, GA. 2015. Project Engineer.

MS4 NPDES and Watershed Protection Plan Compliance Activities. 2015-2017. Provided Project Management and miscellaneous engineering, and consulting services to cities in GA including Fairburn, Lawrenceville, Norcross, Snellville, Suwanee, Fayetteville, Grovetown, Alpharetta, Pooler, Springfield, Varnell, Rincon, Butts County, East Point, and others.

Brunswick Glenn Joint Water and Sewer Commission LTM, GA. 2015 - 2018. Project Manager for multiple Watershed Protection Plan Annual Long Term Monitoring Efforts.

Lower Lake Spillway Repair, Lakefront POA, Mobile, AL. 2016. Engineer of Record.

Georgia Power Stream Bank Restoration / Living Wall / Chattahoochee River, Columbus, GA. 2016

Restoration of Lake Forest Concept Study, Mobile Bay National Estuary Program. 2016. Engineer of Record.

Sweetwater Creek Analysis / Douglasville Zoning Appeal. 2016. Engineer of Record.

Flat Shoals, Cynthia, and Pineridge Culvert HEC-RAS Analysis and Rehabilitation. Clayton County Water Authority, GA. 2016

Arbor View Parkway Sidewalk and Drainage Improvements, Cherokee County, GA. 2016. Project Engineer / Manager.

Watershed Protection Plan Best Management Practices and Documentation, Rincon, GA. 2016-2018. Provided Best Management Practices as detailed in Watershed Protection Plan including the drafting of several ordinances, public meetings, mapping, and public education.

Stilesboro Road Dam Breach Analysis, Kennesaw, GA. 2016

Pratt & Whitney Test Cell, Evans Contracting, Columbus, GA. 2016. Engineer of Record.

Pinewood Stages LOMA Application, Warner Hooper and Ramsey, Fayetteville, GA. 2016. Project Engineer and Manager.

Northgate Trail Culvert Rehabilitation, Roswell, GA. 2016. Engineer of Record.

Avery Park Drainage Investigation, Newnan, GA, 2016. Project engineer for a drainage investigation to explore alternatives to improve the conditions of a large regional stormwater detention in-line of a 5,000 acre watershed.

Everglades Trail Drainage Replacement, Norcross, GA. 2016. Project Engineer and Project Manager for a larger culvert replacement and small stream restoration project.

Lake Peachtree Spillway Replacement, Peachtree City, GA. 2016. Permit coordination.

Flat Creek Discharge – North Lake Peachtree Lagoon, Peachtree City, GA. 2016. Permit coordination, Project Engineer, conceptual design.

Atlanta Gas and Light Stream Restoration / Permitting, LaFayette, GA. 2017. Project Engineer / Manager.

Tombigbee River Bank Stabilization / Living Wall, Leroy, AL. 2018.

Lake Forest Lake Dam Breach Analysis, Daphne, AL. 2017. Engineer of Record.

DAE Stream Restoration, Daphne, AL, Mobile Bay National Estuary Program. 2017. Engineer of Record.

Sky-Zone Site Feasibility Study, Pooler, GA. 2017. Project Engineer / Manager.

Application Preparation for Coastal Incentive Grant, Rincon and Pooler, GA. 2017. Project Engineer / Manager.

Downtown Storm Sewer System and Master Drainage Plan and State Revolving Fund Application, Senoia, GA. 2017. Project Engineer.

Airways Avenue Traffic Signal Improvements, Savannah/Hilton Head International Airport Commission, Ga. 2016-2018. Engineer of Record implementing Intelligent Traffic Control on five intersections.

Pooler Parkway Traffic Signal Improvements, Pooler, GA. 2016-2018. Engineer of Record implementing Intelligent Traffic Control on five intersections. Design, procurement, and construction administration of one new intersection.

Pratt & Whitney Manufacturing Plant and DAT Expansion, Evans Contracting, Columbus, GA. 2017. Project Engineer and Manager.

Pye Dam Inspections, Fayetteville, GA. 2016-2017. Project Manager.

BCS Pond Breach Analysis, Peachtree City, GA. 2017. Project Engineer. Breach Analysis.

Atlas Sand Restoration and Water Quality Planning, Effingham County, GA. 2017. Project Engineer and Manager.

Clairborne Drive Culvert Rehabilitation, Alpharetta, GA. 2017. Project Engineer.

General Consulting, City of Spanish Fort, AL. 2017 – 2018. Provided various consulting services

including conceptual cost estimates, LOS suggestions, capital improvement plan recommendations, plan reviews.

McKnight Dam Breach Analysis, Senoia, GA. 2018. Project Engineer.

Stormwater Utility Data Development and Feasibility Study, Pooler, GA. 2018.

Atlas Hydrogeological Testing, Effingham County, GA. 2018. Project Engineer.

Causton Bluff Lift Station Rehabilitation, Chatham County, GA. 2018. Engineer of Record.

Central Avenue Lift Station Pump Test, Chatham County, GA. 2018. Engineer of Record.

Wastewater Prioritization Plan, Peachtree City, GA. 2018. Project Engineer. Cost Estimating.

Crosstown Drive Path Extension and High-Intensity Activated Cross Walk Beacon, Peachtree City, GA. 2018. Engineer of Record.

Brunswick Glenn Joint Water and Sewer Commission Academy Creek WPP, GA, 2017. Engineer of Record on Academy Creek Watershed Protection Plan Disposition Report.

Brunswick Glenn Joint Water and Sewer Commission Academy Creek WPP, GA, 2017. Engineer of Record on Academy Creek Watershed Protection Plan Disposition Report.

Previous Employment Experience

(2008 - 2015) Thompson Engineering – Senior Civil Engineer. Worked in several different roles including Project Manager, Design Engineer, and Mentor. Carried projects from initial client contact through complete project implementation and close out.

(2006- 2008) Engineering Specialties, Inc. – Vice President, Professional Engineer. Principal for small Engineering Firm, specializing in residential infrastructure design.

(2005- 2006) Edwards Specialties, Inc. – Professional Engineer and Project Manager for Land Development Company. At the request of Edwards Specialties, Inc. was encouraged to create

a company to provide Engineering Services.
Founded Engineering Specialties.

(2003- 2005) Carr and Associates Engineers, Inc.

– Professional Engineer, Fire/Insurance Investigator. Typical duties: Updated Preliminary Plat Requirements for cities of Calera and Montevallo, reviewed plans for several small cities, prepared infrastructure improvement documents, administered contracts (reviewed/approved pay requests, prepared specifications and contracts, prepared punch lists), and supervised associate engineers and CAD personnel, communicated with local government officials.

(1998- 2003) Henry Engineering Associates, Inc.

– Project Manager / Graduate Engineer. Typical duties: performed design of all aspects of large retail developments and residential subdivisions, prepared conceptual site layout / cost estimates, prepared and reviewed site, grading, and utility plans, communicated with clients and permitting agencies, estimated and scheduled projects, involved with every aspect of construction document preparation, managed multiple large scale retail developments (with very sensitive time requirements).

(1997- 1998) Jeffcoat Engineers and Surveyors, LLC

– Graduate Engineer. Reviewed survey crew field work, directed survey crews, reviewed research information, prepared finished surveys, storm water design, residential subdivision design, on-site sewer design, sewer system collection design, water distribution system design.

Awards

- 2009 TEI Leadership Award
- 2011 TEI Model Project Award
- 2012 TEI Community Service Award
- 2013 The Green Organisation Green Apple Project Award
- 2014 Partners in Environmental Progress Project Award
- 2015 Civil Engineer of the Year Award.

Selected Presentations

- 2013 Alabama Water Environment Assn. Conf.
- 2013 ASCE / ASPA Regional Conference
- 2013 Alabama Water Resources Conference
- 2013 Clean Water Alabama
- 2013 ASCE Gulfport Chapter
- 2014 ASCE Mobile Chapter

- 2014 Florida Association of Env. Professionals
- 2014 Clean Water Alabama
- 2014 Bays and Bayous
- 2016 University of Alabama LID Seminar
- 2016 Alabama Water Environment Assn. Conf.
- 2016 Bays and Bayous
- 2017 Alabama Water Resources Conference
- 2017 Southeast Stormwater Association
- 2018 Southwest Stream Restoration Conf.

Selected Community Service

- (2009 - 2015) - Association of Christian Design Professionals.
- (2008 – 2012) – African University Design Team, Burkina Faso, Africa, Good News Conference Center Design Team, Egypt
- (2012 - 2015) – ASCE Student Chapter Practitioner Adviser
- (2011 – Current) – eMi Alabama Representative
- (2012 – 2015) – Operation Christmas Child Network Coordinator – overseeing the volunteer collection of over 44,000 shoe box filled gifts
- (2013) Hope of the Nations School and Water Supply Design Team, Tanzania, Africa
- (2017) Hope of the Nations Seminary. Seminary with two story structure. Civil Design. Tanzania, Africa.

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

Meeting Minutes
Monday, August 27, 2018 @ 4:30 P.M.
Daphne City Hall-Jubilee Room

- I. The meeting was called to order by Co-Chair Don Ouellette at 4:34 PM
- II. The 7/23/18 meeting minutes were reviewed and approved.
- III. Updates on Old Business:
- a. NFWF, ADEM & Daphne restorations-Mobile Bay National Estuary Program (MBNEP) agreed to manage and provide matching funds for the ADEM 319 Tiawasee Creek Montclair Loop stream and detention basin restorations.
 - b. Forever Wild (FW) Update- ADCNR's appraiser met with EPM to discuss the appraisal for the project. EPM provided information on recent wetland donations and acquisitions for comparison. A discussion was held regarding homeless people sleeping at the Gator Boardwalk and potential FW land. A discussion was held regarding the gators at the boardwalk and their protection under the Endangered Species Act.
 - c. D'Olive Creek 303d Pathogen Listing: No Update
 - d. ADECA Village Point Board Walk Grant: No Update
 - e. NRCS EWP Montclair Loop: No Update
 - f. ADEM 319 Trione Pavers: Project is underway. It should be completed by September 15th.
 - g. ADEM 319 Well Road: An updated site plan has been submitted to City for review. The eastern side of the project was modified to avoid the waterline. The eastern wetland will not be as deep as the western but still function. The sidewalks and boardwalks did not change.
 - h. ADEM Education Outreach Signage and Video: No update
 - i. D'Olive Bay Boat Ramp & Dredge Application: The SAV survey was completed and submitted to ADEM. Once the City pays the ADEM permit fee, the dredge permit will be issued. . The estimate for the dredge project is \$500,000 to \$750,000. The City will seek grant funding for the project
 - j. Daphne High School EPA Grant-Grant is being finalized. Award notification should be any day.
- IV. The New Business:
- Wade Burcham, a resident of Lake Forest, has offered to serve on the EAC. The EAC reviewed Wade's resume. Mathew Laws made the motion to add Wade to the EAC. Fred Nation seconded the motion. The motion passed unanimously. The motion will be forwarded to Council for approval.
- V. Other Business:
- Committee members recommended that the MBNEP's annual funding request be presented to the EAC earlier next year to allow for proper discussion and recommendation prior to other committee's review.
 - The September's EAC meeting was discussed. The committee chair will not be able to attend the meeting. A discussion was held whether or not to skip the September meeting. EPM and Public Works will review potential agenda topics and let the EAC know if there will be a meeting in September.
 - Committee members were asked to send potential topics for future EAC meetings to the EPM.
 - BJ gave the committee an update on the Village Point FEMA repair of the boardwalk that was damaged during Hurricane Nate. The project is out to bid and should start within 4-6 weeks.
- VI. Meeting Adjourned at 5:27pm

Attendees: Del Armstrong, John Lake, Mathew Laws, Justice Manning, Fred Nation, Larry Norris, Don Ouellette, Elliot Riser, & Noel Yoho

City Staff: Ashley Campbell & BJ Eringman

**If needed, next Meeting-Monday, September 24, 2018
@ 4:30 P.M.**



CITY OF DAPHNE, ALABAMA

RESOLUTION – 2018-46

**AUTHORIZING RESOLUTION FOR FINANCING LIGHTING EQUIPMENT
FROM MUSCO SPORTS LIGHTING, LLC FOR DAPHNE SPORTS COMPLEX
AND LOTT PARK TENNIS FACILITY**

WHEREAS, the City of Daphne, Alabama (the “City”), an Alabama municipal corporation, is authorized by the laws of the State of Alabama to purchase, acquire, and finance personal property for the benefit of the City and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the City desires to purchase and finance certain lighting equipment for use at the Daphne Sports Complex and Lott Park Tennis Facility with a cost not to exceed \$991,526.00, constituting personal property necessary for the City to perform its essential governmental functions (the “Equipment”); and

WHEREAS, in order to finance and acquire such equipment, the City proposes to enter into (i) that certain Financing Agreement (the “Financing Agreement”) with First Security Finance, Inc., together with its successors and assigns (“Lender”) with a term of up to 5 years, and an interest rate not to exceed 3.95% per annum, and (ii) that certain Escrow Agreement (the “Escrow Agreement”) with Lender and The Huntington National Bank, as escrow agent, the forms of which have been presented to the City Council of Daphne at this meeting; and

WHEREAS, the City desires to designate the Financing Agreement as a “qualified tax exempt obligation” of the City for the purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, the City Council of Daphne deems it for the benefit of the City and for the efficient and effective administration thereof to enter into the Financing Agreement and the Escrow Agreement and the documentation relating to the financing of the Equipment for the purchase, acquisition, and financing of the Equipment to be therein described on the terms and conditions therein provided;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne, Alabama, as follows:

Section 1. Approval of Documents. The financing, acquisition, and installation of the Equipment pursuant to the Financing Agreement is found to be advantageous to the City, in the public interest, and authorized by Chapter 16A of Title 41 of the Code of Alabama 1975. The forms, terms, and provisions of the Financing Agreement and the Escrow Agreement are hereby approved in substantially the forms presented at this meeting, with such insertions, omissions, and changes as shall be approved by the Mayor of the City of Daphne, the execution of such documents being conclusive evidence of such approval; and the Mayor of the City of Daphne is hereby authorized and directed to execute and to deliver the Financing Agreement and the Escrow Agreement (including such exhibits) to the respective parties thereto, and the Daphne City Clerk is hereby authorized and directed to attest and countersign the Financing Agreement and the Escrow Agreement and any related exhibits attached thereto to affix the seal of the City to such documents.

Section 2. Other Actions Authorized. The Mayor of the City of Daphne and the City's Finance Director are hereby authorized take all action necessary or reasonably required by the parties to the Financing Agreement and the Escrow Agreement to carry out, give effect to and consummate the transactions contemplated thereby (including the execution and delivery of Acceptance Certificates and any tax certificate and agreement, as contemplated in the Financing Agreement) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Financing Agreement and the Escrow Agreement.

Section 3. Appointment of Authorized City Representatives. The Mayor of the City of Daphne is hereby designated to act as the authorized representative of the City for purposes of the Financing Agreement and the Escrow Agreement until such time as the Daphne City Council shall designate any other or different authorized representative for purposes of the Financing Agreement.

Section 4. No Personal Liability. No stipulation, obligation, or agreement herein contained or contained in the Financing Agreement or the Escrow Agreement shall be deemed to be a stipulation, obligation, or agreement of any member, director, officer, agent, or employee of the City in his or her individual capacity.

Section 5. The City hereby represents that it reasonably expects that it will not issue more than \$10,000,000 of tax-exempt obligations (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during the calendar year in which the Financing Agreement executed and delivered.

Section 6. Severability. If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution.

Section 7. Repealer. All previously adopted resolutions, or parts thereof, which are inconsistent herewith, are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution, or ordinance or part thereof.

Section 8. Effective Date. This Resolution shall be effective immediately upon its approval and adoption.

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

CITY OF DAPHNE, ALABAMA

[SEAL]

By: _____
Dane Haygood, Mayor

ATTEST:

By: _____
Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE # 2018-30**

**APPROPRIATION FOR: TRIONE PARK SPORTS COMPLEX
FENCE REPLACEMENT**

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

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

WHEREAS, Ordinance 2012-48 sets forth an allocation of Lodging Tax proceeds that may be used for certain recreational grounds capital improvements; and

WHEREAS, the Trione Park Sports Complex fencing project meets such recreational grounds capital criteria; and

WHEREAS, the replacement fence is part of the renovation project for the Trione Park Sports Complex:

WHEREAS, Trione Park Sports Complex Replacement Fence project bids have been received and staff has reviewed the bids and determined that the low bid of \$147,230 as presented is reasonable; and

WHEREAS, The City of Daphne appropriated \$120,000 in the FY2015 (\$20,000) and FY2016 (\$100,000) Capital Budgets for Trione Park Sports Complex Fence Replacement project, however additional funding of \$27,230 is needed to complete the project.

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 additional appropriation in the amount of \$27,230 from the Lodging Tax Fund for replacement of the fence at the Trione Park Sports Complex.

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

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE # 2018-31**

Appropriation: Daphne Sports Complex: Excess Cost for Additions

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, and construction of the Daphne Sports Complex Phase 2 and Phase 3 have been bid and awarded; and

WHEREAS, additional changes are needed for the Daphne Sports Complex with some of the changes being included as Add Alternates included in the bids and final changes made through the change order process as required; and

WHEREAS, there have been some value engineering savings of approximately \$50,000 from the construction of Phase I and Phase II, and

WHEREAS, additional appropriation will be required for the changes in the amount of \$650,000; and

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

1). The **current cost savings of approximately \$50,000** will be applied to the additions listed:

- ☐ Maintenance Building - \$125,000
- ☐ Hardscape/Colored Concrete Enhancement - \$104,000
- ☐ Batting Cages - \$100,000
- ☐ Pond Liner - \$150,000
- ☐ Sod (included in Alternates in bid) - \$204,501
- ☐ Natural Gas Line for Concession Stands - \$10,000

2). Funds in the amount of **\$650,000 from the General Fund and transferred to the Capital Reserve Fund** are appropriated and made a part of the Fiscal Year 2018 budget for the excess cost for additions for the Daphne Sports Complex as follows:

3). The Mayor is hereby authorized to execute any and all documents required for these additions.

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

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE 2018-32
ADDITIONAL APPROPRIATION: RIGHT OF WAY ACQUISITIONS FOR CORTE/AUSTIN
ROAD IMPROVEMENTS PHASE 1 & 2

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 is an incorporated municipality in Baldwin County and has experience significant growth to the southeast that is currently served by County Road 13 and State Road 181; and

WHEREAS, the City of Daphne has taken an active role in transportation planning and improvements along these corridors and has identified a need for an additional east-west arterial connecting County Road 13 and State Road 181 with the ultimate objective to connect to U.S. Highway 98 via Johnson Road; and

WHEREAS, Alabama Department of Transportation (ALDOT) is under final design for improvements to State Road 181 that includes the intersection of Corte and Austin Roads; and

WHEREAS, the City of Daphne and ALDOT recognizes that Roadway Improvements on Corte Road between CR 13, SR 181 and Austin Road will require Right of Way Acquisitions which must be coordinated with ALDOT's SR181 plans; and

WHEREAS, The City of Daphne appropriated \$58,500 in Ordinance 2017-16 for survey, design and ROW mapping for services provided by Dewberry Engineers Inc. and \$5,800 in Ordinance 2017-72 for Geotechnical Material Testing, however additional funding is needed for the Right of Way Acquisition costs;

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

1. Funds in the amount of **\$405,000** from the **General Fund to be transferred to the Capital Reserve Fund** are appropriated and made a part of the Fiscal Year 2018 budget for the Right of Way Acquisition cost for the Corte Road Improvements – Phase 1 and 2.
2. The Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in such project.

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

Attest:

Dane Haygood, Mayor

Candace G. Antinarella, City Clerk

CITY OF DAPHNE, ALABAMA
ORDINANCE # 2018-33

**Appropriation: Lott Park Tennis Facility Light Structure System with Total Light Control
Musco Sports Lighting, LLC**

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, a light structure system is needed to complete the facilities at the Lott Park Tennis Facility; and

WHEREAS, the City of Daphne has decided to make a 50% down payment of the total equipment cost of \$360,052 and finance the remaining costs over five (5) years ; and

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

- 1). Funds in the amount of **\$180,026 from the 2016 Construction Fund** as part of the Fiscal Year 2018 budget for the lighting structure system at the Lott Park Tennis Facility.
- 2). the Mayor is hereby authorized to execute any and all documents required in order for the City of Daphne to participate in such project.

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

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2018-35**

ADOPTING THE FISCAL YEAR 2019 BUDGET

WHEREAS, the Mayor of the City of Daphne has submitted to the City Council a budget for Fiscal Year 2019 which begins October 1, 2018 and ends September 30, 2019 (the "FY19 Operating Budget"); and

WHEREAS, the City Council has reviewed and considered such proposed budget; and

WHEREAS, the City Council believes that the attached proposed budget is a viable spending plan for the City during the next fiscal year;

WHEREAS, the City's procedures require the adoption of the budget by Ordinance; and

WHEREAS, if the amounts budgeted for departmental operating items or purposes are not required to be utilized for such items or purposes, then upon written approval by the Mayor or the Finance Director, these amounts may be expended for other departmental items or purposes, provided that the total amount of the adopted operating budget is not exceeded; and

WHEREAS, the Mayor is authorized to approve all applications for grants during the fiscal year with the understanding that grant awards requiring an additional appropriations will be presented to Council for approval.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that the FY19 Budget in which the general fund revenues exceed appropriations in the amount of \$1,400 (*All Funds - \$442,812*) which includes total new Personnel \$40,161 and Capital \$1,976,695 as attached hereto and made a part hereof;

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**

**All Funds Budget Summary
Fiscal Year 2019**

	Enterprise Funds							
	General Fund	Solid Waste	Civic Center	Bay Front Park	Debt Service Fund	Special Revenues Fund	Capital Reserve Fund	TOTAL
Sales, use and luxury tax	17,702,243	-	-	-	890,000	1,600,029	-	20,192,272
Ad valorem taxes	6,083,000	-	-	-	-	-	-	6,083,000
Business licenses	2,215,000	-	-	-	-	-	-	2,215,000
Permits	568,350	-	-	-	-	-	-	568,350
PILOT Taxes	2,585,000	-	-	-	-	-	-	2,585,000
Fines and forfeitures	350,500	-	-	-	-	94,000	-	444,500
Intergovernmental	327,162	-	-	-	-	41,918	185,000	554,080
Charges for services	620,050	1,564,500	397,500	60,000	-	66,500	35,000	2,743,550
Grants	59,453	-	-	-	-	-	-	59,453
Contributions and donations	108,752	-	-	-	-	2,500	-	111,252
Interest / investment earnings	75,000	-	-	-	-	1,300	250	76,550
Miscellaneous	32,500	-	-	-	-	-	-	32,500
Total Estimated Revenues	30,727,010	1,564,500	397,500	60,000	890,000	1,806,247	220,250	35,665,507
Payroll and Related Costs	17,363,053	942,221	187,335	187,335	-	39,921	-	18,719,865
Merit Increases	25,000	-	-	-	-	-	-	25,000
Employee Longevity Pay	48,616	-	-	-	-	-	-	48,616
Personnel	17,436,669	942,221	187,335	187,335	-	39,921	-	18,793,481
General Government	2,156,300	-	-	-	-	512,640	-	2,668,940
Public Safety	1,564,145	-	-	-	-	117,225	-	1,681,370
Public Works	1,758,875	1,080,415	-	-	-	-	-	2,839,290
Recreation	1,178,052	-	415,472	82,333	-	51,700	-	1,727,557
Operating	6,657,372	1,080,415	415,472	82,333	-	681,565	-	8,917,157
Employee Raises (.35/hr) - COLA effective 1/1/2019	194,367	-	-	-	-	-	-	194,367
New Capital	1,791,695	-	-	-	-	-	185,000	1,976,695
New Personnel	40,161	-	-	-	-	-	-	40,161
Debt Service	-	-	-	-	5,300,834	-	-	5,300,834
Transfers To/From Other Funds:								
Transfers To Other Funds	(4,605,346)	-	-	-	-	(678,599)	-	(5,283,945)
Transfers From Other Funds	-	458,136	205,307	209,668	4,410,834	-	-	5,283,945
	(4,605,346)	458,136	205,307	209,668	4,410,834	(678,599)	-	-
Total Estimated Revenues (Over) Under Appropriations	1,400	-	-	-	-	406,162	35,250	442,812

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2018-36**

**Ordinance to Re-Zone Property Located
West of the intersection of Lake Front & Bayview Drive
Lots 131 and 135 Lake Front Drive
Alex Yeoman and Raymond Harris**

WHEREAS, Alex Yeoman and Raymond Harris as the owners of certain real property located within the City of Daphne, have requested that said property that is currently under zoning as R-3, High Density Single Family Residential District, to be Re-Zoned as R-7(A) Apartment District; and

WHEREAS, said real property is located at the west of the intersection of Lake Front & Bayview Drive Lots 131 and 135 Lake Front Drive, and more particularly described as follows:

Legal Description for Re-Zone:

131 Lake Front Drive:

Lot 83, Unit 7, Lake Forest Subdivision, as per plat recorded in Plat Book 7, page 94 in the Office of the Judge of Probate, Baldwin County, Alabama, containing 0.21 acres, more or less, and lying in Section 37, Township 4 South, Range 2 East.

135 Lake Front Drive:

Lot 82, Unit 7, Lake Forest Subdivision, as per plat recorded in Plat Book 7, page 94 in the Office of the Judge of Probate, Baldwin County, Alabama, containing 0.27 acres, more or less and lying in Section 37, Township 4 South, Range 2 East.

WHEREAS, at the regular Planning Commission meeting on July 26, 2018, the Commission considered said request and set forth a 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 the Daphne Public Library and City Hall, a public hearing was held before the City Council on September 17, 2018; and,

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

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

SECTION I: ZONING

That above described real property is hereby rezoned from R-3, High Density Single

Family Residential District, to be Re-Zoned as R-7(A) Apartment 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

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2018-37**

**Ordinance to Re-Zone Property Located
West of the intersection of Lavender Lane & US Highway 98
and east of the intersection of Daphne Court & Falkenberry Lane
Jacob's Well, LLC**

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

WHEREAS, said real property is located at the west of the intersection of Lavender Lane & US Highway 98 and east of the intersection of Daphne Court & Falkenberry Lane, and more particularly described as follows:

Legal Description for Re-Zone:

4.36 ac (mol) Jacob's Well, L.L.C. Parcel - PPIN # 44972 - Lot 2, Shore Oaks Subdivision, a Resubdivision of Lot 2B of the Resubdivision of Lot 2 of Webb FLP Subdivision, according to the plat thereof recorded in Slide 2S40-C, of the records in the Office of the Judge of Probate, Baldwin County, Alabama, plus...

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

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

WHEREAS, at the regular Planning Commission meeting on July 26, 2018, the Commission considered said request and set forth an unfavorable recommendation; and,

WHEREAS, due notice of said proposed re-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on September 17, 2018; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for re-

zoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

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

SECTION I: ZONING

That above described real property is hereby rezoned from R-7(T), Townhome District, B-2, General Business, R-3, High Density Single Family Residential District to PUD, Planned Unit Development, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

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

SECTION III: SEVERABILITY.

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

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

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

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

Dane Haygood,
Mayor

ATTEST:

Candace G. Antinarella,
City Clerk