

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
October 1, 2018
6:30 P.M.

1. CALL TO ORDER

2. ROLL CALL

INVOCATION: Lamar Green, Daphne Fire Department Chaplain

PLEDGE OF ALLEGIANCE

Presentation – Maura and Kevin Coley – We Rock the Spectrum

3. APPROVE MINUTES: Council Meeting – September 10, 2018

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Rudicell

Review minutes of September 17, 2018 Finance Committee meeting

MOTION for the All –Inclusive Playground equipment to be placed at the Daphne Sports Complex at the Park Drive entrance and for the City’s Grant consultant to apply for the Game Time grant of matching funds up to \$100,000 and to authorize the Mayor to sign all Grant related documentation for the Game Time Playground Grant.

B. BUILDINGS & PROPERTY COMMITTEE – LeJeune

C. PUBLIC SAFETY COMMITTEE – Davis

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Goodlin

E. PUBLIC WORKS COMMITTEE – Coleman

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

Review minutes of June 7, 2018 meeting

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

MOTION to appoint Laura Johnson to the Downtown Redevelopment Authority.

C. INDUSTRIAL DEVELOPMENT BOARD – Davis

D. LIBRARY BOARD – Rudicell

E. PLANNING COMMISSION – Scott

F. RECREATION BOARD – LeJeune

G. UTILITY BOARD – LeJeune

6. MAYOR’S REPORT

7. CITY ATTORNEY REPORT

8. DEPARTMENT HEAD REPORTS

City Council Agenda – October 1, 2018

9. CITY CLERK’S REPORT

MOTION to approve the Women’s Care Medical Center Walk a Thon at Village Point Park on February 23, 2019.

MOTION to approve Apollo’s Mystic Ladies parade on February 22, 2019.

MOTION to approve SEEDS Classic Rock 5K & 1 Mile Fun Run on March 2, 2019.

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2018-48 – Bid: 2018-P- Corte/Austin Road Improvements Phase I & II

2018-49 - Bid: 2018-U- Lott Park Tennis Facility

2018-50 – Acceptance of Roads and Rights of Way in Diamante Subdivision, Phase One.

B. 2ND 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

2018-38 - Appropriation: Lott Park Tennis Facility

C. 1ST READ ORDINANCES:

2018-39 - Additional Appropriation: Corte/Austin Road Improvements Phase I & II

12. COUNCIL COMMENTS

13. ADJOURN

**September 10, 2018
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

There being a quorum present Council President Conaway called the meeting to order at 6:34 p.m.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Tommie Conaway, Pat Rudicell, Joel Coleman, Doug Goodlin, Ron Scott, Robin LeJeune and Joe Davis

Also Present: Candace Antinarella, City Clerk; Jay Ross, City Attorney; David Carpenter, Police Chief; Vickie Hinman, Human Resources Director; Adrienne Jones, Planning Director; Kelli Kichler, Finance Director/Treasurer; David McKelroy, Recreation Director; Jeremy Sasser, Public Works Director; Betsy Schneider, Operations Director; Troy Strunk, Executive Director, City Development; Margaret Thigpen, Civic Center Director; James White, Fire Chief; and Tonja Young, Library Director

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Reverend Thack Dyson, St. Paul's Episcopal Church

Luke Stewart, Daphne High School Ag teacher and Garrett Springs, Ag student, gave a presentation to the City Council about their recent accomplishments in the State Tournament. The team is advancing to the National level competing in small mechanics and requests funding in the amount of \$340 from the City of Daphne for assistance. Additionally, Garrett's father is a new police officer with the Daphne Police Department.

3. APPROVE MINUTES:

The minutes of the August 20, 2018 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilman Rudicell said the Finance Committee will meet next Monday at 4:30pm.

MOTION by Councilman Rudicell to proceed with the D'Olive Bay Boat Channel Dredge permit and authorize the Mayor to sign associated forms as required. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Rudicell to authorize the City Attorney to address a letter to the engineers contracted to oversee the Daphne Sports Park projects and to initiate arbitration/mediation to address the liquidated damages due and other related engineering contract cost. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman LeJeune said the committee met today in a shortened meeting and spoke about an all-inclusive park.

C. PUBLIC SAFETY COMMITTEE

Councilman Davis said the committee met today in a shortened meeting.

**September 10, 2018
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Goodlin said the committee met today and reviewed a potential uniform street sign policy.

E. PUBLIC WORKS COMMITTEE

Councilman Coleman said the committee met today in a shortened meeting.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

No meeting in October.

B. Downtown Redevelopment Authority

Councilwoman Conaway said the next meeting will be September 26 at 5:30pm.

MOTION by Councilman Rudicell to appoint Daphne Robinson to the Downtown Redevelopment Authority. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY.

C. Industrial Development Board

Councilman Davis said the groundbreaking for DISC was held August 30. He recognized IDB members in attendance.

D. Library Board

Councilman Rudicell said the Library Board meeting the second Thursday of each month at 4:00pm at the Library.

E. Planning Commission

Councilman Scott said the minutes of the July 26, 2018 meeting and report of the August 23, 2018 meeting are in the packet and the next meeting is August 23 at 5:00 in these chambers.

F. Recreation Board

Councilman LeJeune said the Recreation Board will start meeting again on September 12. An item on the agenda is the possibility of a flag football league.

G. Utility Board

Councilman LeJeune said the July 25 minutes are in the packet. He gave an update on the recent tropical storm and that we has minimal issues

6. MAYOR'S REPORT:

Mayor Haygood gave a follow-up on the Daphne Utility Board and the need for coastal monitoring and reporting for ongoing concerns. Tropical Storm Gordon was a nonevent for the City. He thanked our public safety employees for keeping us safe. The Mayor shared a few city hall upgrades including technology in the chambers and conference room as well as new doors as part of Phase One of added security. Also, the floors have been refinished.

Mayor Haygood asked for two items be added to tonight's agenda. The first item is closing the Daphne recycle drop off location on weekends as the public is overwhelming our bins.

September 10, 2018
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

MOTION by Councilman Scott to add a motion to tonight's agenda authorizing the closure of the Daphne recycle drop off location on weekends. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman LeJeune to close the Daphne recycle drop off location on weekends. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

The second item worthy of consideration is Randall Avenue and how to handle the speed concerns. Councilman Scott said he does not feel that the Council has the authority to regulate this as it should be Public Works and the Mayor.

7. CITY ATTORNEY REPORT:

Jay Ross stated the City will own the Bertolla property on Friday. Secondly, Mr. Ross asked the council to approve Tom Gaillard to represent the City in the Fannon case in the post-trial motions and the appeal.

MOTION by Councilman Scott to authorize Mayor Dane Haygood enter into an engagement agreement with Thomas Gaillard III with Helsming Leach to represent the City of Daphne in post-trial matters and the appeal in the Fannon v City of Daphne litigation at the rate of \$180 per hour plus related expenses. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY.

8. DEPARTMENT HEAD COMMENTS:

Chief David Carpenter stated they had extra people out working the recent storm. There were a lot of arrests following the storm.

Margaret Thigpen said the Civic Center is hosting the Baldwin County Drug Council and the Jubilee Festival is at the end of the month.

Jeremy Sasser stated there will be a race this Saturday with street closures downtown Saturday morning.

9. CITY CLERK'S REPORT:

MOTION by Councilman Scott to approve the publication and set a public hearing on October 15, 2018 for the Cynthia Dixon Zoning Amendment located Southeast of the Randall Avenue and Guarisco Street. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Rudicell to approve the 2nd Annual Bounds Family YMCA Elf Ride on November 30, 2018. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY.

**September 10, 2018
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

MOTION by Councilman Davis to approve the 2018 Daphne High School Homecoming Parade on October 4, 2018. Seconded by Councilman LeJeune. Councilman Goodlin abstained.

MOTION CARRIED

MOTION by Councilman Scott to approve the Run for Shep/Shephard's Flock on January 26, 2019. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

10. PUBLIC PARTICIPATION:

Public Participation was opened at 7:10p.m.

Pauline Oulette, 7720 Elizabeth Dr., She is ok with the recycle center closing on weekends but the city should be aware that there is dumping behind Daphne High School. Also, the back dirt road could use grading.

Lynn and Sarah Holloway, 108 Kingwood. Sarah is in 4th grade at WJ Carroll. They made the council aware of the Children's Business Fair on October 27 at Centennial Park with 25 booths.

Don Oulette, 7720 Elizabeth Dr., is confused on the trash issue and wants to know exactly what he can put in the bin. Mayor Haygood explained it further.

Kurt Fonger, 1443 Randall Ave, thanked the council for the consideration of slowing down speeders. He also asked for better communication from the City on the website.

There being no further requests to speak, public participation was closed at 6:59p.m.

11. RESOLUTIONS & ORDINANCES:

MOTION by Councilman LeJeune to add on Resolutions 2018-46 and 2018-47 Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

RESOLUTIONS:

2018-41 – 2018-N-Single Stream Recycle Hauling & Delivery

2018-42 – 2018-S-Nicholson Center Roofing Project

2018-43 – 2018-T-Trione Park Sports Complex Fence Replacement

2018-44 – Authorizing for Leased Equipment: Musco Sports Lighting, LLC – Lott Park Tennis Facility

2018-45 - 2018-R- Village Point Park Preserve Boardwalk Repairs (FEMA4349-DR-AL)

2018-46 – Declaring certain personal property surplus and authorizing the Mayor to dispose of such property

2018-47 - Declaring certain recovered or found property surplus and authorizing the Mayor to dispose of such property

MOTION by Councilman LeJeune to waive the reading of Resolutions 2018-41, 2018-42, 2018-43, 2018-44, 2018-45, 2018-46 and 2018-47. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

September 10, 2018
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

**MOTION by Councilman LeJeune to adopt Resolutions 2018-41. Seconded by Councilman Davis.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman LeJeune to adopt Resolutions 2018-42. Seconded by Councilman Davis.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman LeJeune to adopt Resolutions 2018-43. Seconded by Councilman Davis.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman LeJeune to adopt Resolutions 2018-44. Seconded by Councilman Davis.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman LeJeune to adopt Resolutions 2018-45. Seconded by Councilman Davis.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman LeJeune to adopt Resolutions 2018-46. Seconded by Councilman Coleman.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman LeJeune to adopt Resolutions 2018-47. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

ORDINANCES:

**MOTION by Councilman Coleman to pull Ordinance 2018-34 from tonight's agenda as it is no longer
necessary. Seconded by Councilman Davis.**

MOTION CARRIED UNANIMOUSLY.

2nd READ:

1st READ:

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**

2018-34 – Additional Appropriation: Village Point Park Preserve Boardwalk Repairs (FEMA4349-DR-AL)

12. COUNCIL COMMENTS:

Councilman Rudicell said there were a lot of meeting today and we covered a lot.

Councilman Davis mentioned 17 years ago today that he spoke with Kevin Wrightland who worked in the Twin Towers. We need to remember where we were and what we thought ad never forget.

Mayor Haygood recognized Ashley Campbell for recently receiving the AWS Governor's Award as Conservationist of the Year. Mayor thanked Ashley for all of her work here at the City and state wide.

September 10, 2018
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:41 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Candace G. Antinarella, City Clerk

Tommie Conaway, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
SEPTEMBER 17, 2018
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

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

Present were:

Chairman Mr. Pat Rudicell

Councilwoman Mrs. Tommie Conaway

Councilman Mr. Joel Coleman – arrived at 5:15p.m.

Councilman Mr. Doug Goodlin

Councilman Mr. Ron Scott

Councilman Mr. Robin LeJeune

Councilman Mr. Joe Davis

Also Present: Mayor Dane Haygood, Finance Director Mrs. Kelli Reid, Senior Accountant Mrs. Suzânn Henson, Public Works Director Mr. Jeremy Sasser, Operations Manager Mrs. Betsy Schneider, Civic Center Director Mrs. Margaret Thigpen, City Clerk Mrs. Candace Antinarella, Executive Director of City Development Troy Strunk, Recreation Director David McKelroy, Environmental Program Manager Ashley Campbell, Library Director Tonja Young, Senior Program Coordinator Jane Ellis, City Attorney Mr. Jay Ross (arrived at 5:15p.m.), City Attorney Mr. Patrick Dungan, Engineer Andy Bobe-Dewberry, and Engineer John Peterson, Mott MacDonald.

II. PUBLIC PARTICIPATION

A. Lake Forest Sidewalks– Ms. Victoria Phelps

Ms. Phelps commented that the proposed 10 year sidewalk plan for sidewalks in Lake Forest looked good.

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved.

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

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Vickie Hinman reviewed the Human Resource Report and noted they would be posting/compiling a new Police officer list for open positions:

- Posted positions – 5
- Reviewing/Testing/Interviewing/Background check - 4
- Promotion/Internal Transfer - 4
- New Hires – 3
- Open positions – 1 (*Civic Center Admin Secretary*)

Mrs. Hinman reviewed the monthly Safety Committee meeting topics discussed and other Human Resource projects and events including a new Employee Orientation to be held on 09/26/2018. Mr. Davis commended the Safety Committee on doing a thorough job.

Volunteer Coordinator RSVP recruiting/events:

- Ongoing 16 hours per week City/Civic Center Monday – Thursday 12p.m. – 4p.m.
Civic Center staff meeting minutes, trustee hour report, and department work orders
- August 31st – 1st quarterly RSVP Volunteer Informational Meeting – 7 Partners present and 18 volunteers present
- Recruiting for RSVP Legacy Leadership Class – USA Campus Mobile 2019...2 recruited
- Collecting shopping bags for Prodissee Pantry – ongoing collection at City Hall

B. Overtime Report

Mrs. Reid reviewed the Overtime Report.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – August, 2018

Mrs. Reid reviewed the following reports and information:

- Code enforcement issued 14 warnings resulting in businesses becoming compliant and \$1,529.30 in revenue.
- New Businesses with a physical location in Daphne - 15

BUSINESS LICENSE COUNT through 8/31/2018	
Issued THIS MONTH:	
NEW Licenses	57
RENEWAL Licenses (2018)	17
PRIOR YEAR Licenses (2017 and Prior)	1
Total Issued THIS MONTH	75
Total Issued THIS MONTH - PREVIOUS YEAR	76
Net Gain/-Loss Current VS Previous Yr MONTH	-1
Total Issued YTD 2018	4,243
Total Issued YTD - PREVIOUS YEAR	4,543
Net Gain/-Loss Current VS Previous Yr YTD	-300

	<u>FY 17</u>	<u>FY 18</u>	<u>+/-</u> <u>Previous Year</u>	<u>Budget 2018 *</u> <u>\$2,150,000</u>
October	\$7,103.71	\$5,258.84	(\$1,844.87)	(\$2,144,741.16)
November	\$11,604.68	\$8,566.59	(\$3,038.09)	(\$2,136,174.57)
December	\$33,347.73	\$41,564.84	\$8,217.11	(\$2,094,609.73)
January	\$1,301,664.28	\$1,420,279.64	\$118,615.36	(\$674,330.09)
February	\$603,134.76	\$569,031.88	(\$34,102.88)	(\$105,298.21)
March	\$154,190.39	\$183,259.10	\$29,068.71	\$77,960.89
April	\$42,906.33	\$29,229.51	(\$13,676.82)	\$107,190.41
May	\$27,884.36	\$15,686.44	(\$12,197.92)	\$122,876.85
June	\$13,209.58	\$16,524.34	\$3,314.76	\$139,401.19
July	\$16,453.52	\$14,904.40	(\$1,549.12)	\$154,305.59
August	\$9,297.88	\$10,524.31	\$1,226.43	\$164,829.90
September				\$164,829.90
Year to Date	\$2,220,797.22	\$2,314,829.90	\$94,032.67	\$164,829.90
* Amounts include penalty and interest.				

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: July, 2018

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,428,323.27 was collected for July, 2018 which was up \$107,825.54 from July 2017's collections:

- YTD Variance over Budget - \$ 743,889.44

B. Lodging Tax Collections, July, 2018

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for July, 2018 were \$161,684.74 which is up \$13,624.22 from July 2017's collections .

- YTD Variance over Budget: \$34,345.96

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

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

- Unreserved balance for Bayfront related purchases - \$1,460,779.35
- Recreation related purchases - \$ 952,219.81

Mrs. Henson noted that recent expenditures for Bay Front Parking Lot/Building Improvement, D'Olive Bay Marina, McMillan Bluff Stairs & Deck replacement, and Village Point Park *are* reflected in the report.

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: August, 2018

Mrs. Reid reviewed the Treasurer's Report:

TREASURER'S REPORT					
As of August 31, 2018					
Account Type/Title	8/31/2018	7/31/2018	Increase (Decrease) from last Month	8/31/2017	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	\$ 7,421,721	\$ 8,223,208	\$ (801,487)	\$ 6,256,709	\$ 1,165,012
CERTIFICATE OF DEPOSIT	502,134	502,134	-	-	\$ 502,134
INVESTMENT FUND	5,325,910	5,307,572	18,338	5,383,498	\$ (57,588)
CREDIT CARD ACCOUNT	7,894	14,158	(6,264)	4,642	\$ 3,252
Total Unrestricted Cash Balance	13,257,660	14,047,073	(789,413)	11,644,849	1,612,811
Total Restricted Cash Balance	16,464,746	16,076,423	388,323	20,173,299	(3,708,553)
Total City Cash Balance	\$ 29,722,406	\$ 30,123,496	\$ (401,090)	\$ 31,818,148	\$ (2,095,742)
Encumbrance Total as of			8/31/2018	\$ 415,388.33	

Mrs. Reid noted the decrease in the General fund is mainly due to the 50% down payment for the Musco lighting for the Sports Parks.

The Treasurer's Report as of AUGUST, 2018 Total Unrestricted Cash Balance - \$13,257,660 and Total City Cash Balance - \$29,722,406 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance is - \$415,388.33 as of **August, 2018**.

Mrs. Reid reviewed the Encumbrance Report. Mrs. Conaway asked about the encumbered monies for Joe Louis Patrick Park (\$19,194) and the status of that project. Discussion continued that the improvements pending at Joe Louis Patrick Park and the William "Buddy" Raymond Alphonse Memorial Veterans Park should be placed on the next Council Work Session for further discussion.

3. Outstanding Appropriations

Mrs. Reid reviewed the Outstanding Appropriations report and noted the Musco lighting financing agreement will close next week so that will add approximately \$1 million to the report.

4. Financial Overview: Debt Summaries & Monthly Financial Statements, July, 2018

Mrs. Reid reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), **August, 2018**
 - o Jubilee Square: Debt payments are currently fully paid through December 2016 thus 20 months in arrears. Arrearage includes \$703,537 in principal and \$298,006 in interest

General Fund:

- | | <u>FY 2018</u> | <u>FY 2017</u> | <u>Change</u> |
|---|-----------------------|-----------------------|----------------------|
| • YTD Net Income/(Loss): | \$3,089,979 | (\$142,882) | \$3,232,861 |
| • Total sales tax collected year to date is approximately \$1,097,000 over prior year and \$744,000 over budgeted income. | | | |
| • Total licenses and permits is approximately \$326,000 over prior year income | | | |
| • Unassigned Fund Balance: \$15,405,674 | | | |
| • Outstanding Encumbrances: \$416,308 | | | |

Debt Service Fund/Outstanding Debt:

- Outstanding Warrant Balance as of July 31, 2018: \$39,050,137
- Outstanding Capital Lease Balance as of July 31, 2018:
 - General Fund: \$1,393,378
 - Enterprise Funds: \$332,709

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

- Recreation park improvements at Trione and Park Drive year to date are \$4,077,645
- Sidewalk improvements on CR 13 year to date are \$431,683

Special Revenue Funds (12 separate funds):

- Lodging Tax Fund –
 - Bayfront Unreserved Fund Balance: \$1,453,897
 - Recreation Unreserved Fund Balance: \$910,410
 - Total YTD lodging tax collected year to date is approximately \$7,356 over prior year and \$34,346 over budgeted income.

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

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

	<u>FY 2018</u>	<u>FY 2017</u>	<u>Change</u>
Solid Waste Fund	\$263,667	\$312,961	\$ < 49,294>
Civic Center Fund	\$200,472	\$224,535	\$ < 24,063>
Bayfront Park Fund	\$134,188	\$128,612	\$ 5,576

5. Unfunded Future Projects Expenditure Summary

Mrs. Reid reviewed the Unfunded Future Projects Expenditure Summary

8. Summary of Budgetary Amendments

Mrs. Reid reviewed the General Fund budgetary amendments made to the FY2018 Budget.

- Total Appropriations Year to Date – (\$1,764,683)
- Adjusted Expenses over Revenue – (\$1,727,365)

B. Bills Paid Reports – August, 2018

The Bills Paid Report was presented in the packet.

VIII. BIDS (Resolution) and APPROPRIATION REQUESTS: (Ordinance)**A. 2018-P-Corte/Austin Road Improvements Phase 1 & 2**

Mrs. Henson stated that there was a bid tabulation and recommendation letter from Andy Bobe, Dewberry Engineers recommending award of the project to the low bidder, Asphalt Services, Inc. Mrs. Henson noted there was a draft ordinance in the packet detailing that \$400,000 has been previously appropriated from the Four and Seven Cents Gas Tax funds and \$200,000 being provided by the Baldwin County Commission leaving a balance of \$762,711 needing to be appropriated. Mrs. Henson noted that there was a handout with Mr. Sasser's recommendation to award to Asphalt Services, Inc. as well for phases 1 and 2 (\$1,186,547). Mrs. Henson noted that a summary of the cost and monies available was prepared by Mrs. Reid and included in the packet for review. Discussion continued on the project and the coordination needed with the Baldwin County Commission and the Alabama Department of Transportation (ALDOT).

MOTION BY Mr. Goodlin to recommend to Council to award the 2018-P-Corte/Austin Road Improvements Phase 1 and 2 bid to Asphalt Services, Inc. in the amount of \$1,186,547 as bid and adopt an Ordinance amending the budget to appropriate \$762,711 from the General Fund to be transferred to the Capital Reserve Fund for the project. Seconded by Mr. Scott.

MOTION CARRIED UNANIMOUSLY

B. 2018 -U-Lott Park Tennis Facility, Phase I

Mrs. Henson stated that there was a bid tabulation and recommendation to award the bid to the sole bidder, McElhenney construction LLC, from the engineers, Mott MacDonald. Mayor Haygood and Mr. Sasser reviewed a couple areas in the bid where they thought some cost saving could be obtained and discussed negotiating the contract since there was only one bidder. Mrs. Henson noted if the bid is awarded as presented that \$665,767 from the 2016 Capital Improvements Fund was available with the remainder of \$1,595,459 coming from the General Fund to be transferred to the Capital Reserve Fund. Discussion continued that the bid could be negotiated and discussed the next Public Works Committee which would allow the project to still considered at the October 1, 2018 Council meeting.

MOTION BY Mr. Scott to recommend to negotiate with the sole bidder, McElhenney Construction LLC, for the 2018-U-Lott Park Tennis Facility, Phase I bid for some additional cost savings. Seconded by Mr. Goodlin.
MOTION CARRIED UNANIMOUSLY

IX. NEW BUSINESS

There was no new business.

XI. OLD BUSINESS

A. Authorizing Resolution for Financed Equipment: MUSCO Sports Lighting, LLC

Mrs. Reid stated the wording was updated to authorize the financing of the Musco sports lighting for Daphne Sports Park and Lott Park Tennis Facility.

MOTION BY Mrs. Conaway to recommend to Council to adopt the Resolution authorizing the financing of the Musco Lighting equipment for Daphne Sports Complex Park and Lott Park Tennis Facility. Seconded by Mr. Goodlin.

MOTION CARRIED UNANIMOUSLY

B. All-Inclusive Playground-Kiwanis – Park Location

o Game Time-US Community Cooperative Contract Grant Funding Match Opportunity

Mr. LeJeune stated that the Recreation Board recommended the All-Inclusive playground equipment be placed at the Daphne Sports Complex at the Park Drive entrance. Discussion continued that the Kiwanis organization would be fundraising for this equipment and that there are matching grant funds available from Game Time up to \$100,000. Mr. LeJeune discussed the City's grant administrator applying for the grant. Discussion continued on placing playground equipment at each of the City's new parks.

MOTION BY Mr. LeJeune to recommend 1) for the All –Inclusive Playground equipment to be placed at the Daphne Sports Complex at the Park Drive entrance and 2) for the City's Grant consultant to apply for the Game Time grant of matching funds up to \$100,000 and 3) authorize the Mayor to sign all Grant related documentation for the Game Time Playground Grant. Seconded by Mr. Goodlin.

MOTION CARRIED UNANIMOUSLY

C. FY2019 Proposed Budget (Ordinance)- 1st Read on the September 17, 2018 Council Agenda

The FY2019 Proposed Budget was discussed with Mrs. Conaway requesting that monies budgeted for contracted services (\$35,000) be moved to improvements for Joe Louis Patrick Park.

Discussion continued on Joe Louis Patrick park improvements coming back to the committee in October after options are refined and there is a better cost estimate.

A handout was presented by Mr. Goodlin. Mr. Goodlin requested that \$12,000 be moved from the Jubilee Breeze budgeted line item to provide additional monies for community grants. Mr. Goodlin also requested moving monies from Painting Mast Arms on Hwy 181 (further discussion pending), Mast Arm upgrades in Hwy 98, City Hall Security/Entrance/Reception to the paving initiative as well as funding the All-Inclusive playground from Lodging Tax Fund to utilize that \$85,000 for the paving initiative. Discussion continued that further review was needed to determine what amount would be moved to the paving initiative and how much to sidewalks.

The following motions were made for changes in the FY2019 Proposed Budget:

MOTION BY Mr. Goodlin to recommend to Council to amend the FY2019 Proposed Budget by reducing the Jubilee Publication line item from \$32,000 to \$20,000 and increasing the following Community Grants: Baldwin County Humane Society-\$500, Bounds Family YMCA-\$2,000, Daphne Art Center-\$2,000, Big Brothers Big Sisters-\$500, CARE House-\$1,500, Exceptional Fund-\$500, Lighthouse-\$500, Eastern Shore Choral Society-\$2,000, Prodissee Pantry-\$1,250, American Red Cross-\$500, and Quilts of Valor-\$750 and come back to the Finance Committee at a later date to review funding the second publishing of the Jubilee Breeze. Seconded by Mr. LeJeune.

MOTION CARRIED UNANIMOUSLY

MOTION BY Mr. Goodlin to recommend to Council to amend the FY2019 Proposed Budget by removing the addition of the Mast Arms at Hwy 98 and Main Street (\$100,000). Seconded by Mr. Davis.

Conaway-Not present / AYE: Goodlin, LeJeune, Coleman, Rudicell, Davis, Scott

MOTION CARRIED UNANIMOUSLY

MOTION BY Mr. Goodlin to recommend to Council to amend the FY2019 Proposed Budget by reducing the City Hall Security/Entrance/Reception from \$100,00 to \$75,000. Seconded by Mr. LeJeune.

NAY-Scott / Conaway-Not present / AYE: Goodlin, LeJeune, Coleman, Rudicell, Davis

MOTION CARRIED

MOTION BY Mr. Goodlin to recommend to Council to amend the FY2019 Proposed Budget by removing funding for the All-Inclusive playground equipment (\$85,000) from the General Fund and funding the \$85,000 from the Lodging Tax Fund. Seconded by Mr. LeJeune.

Conaway-Not present / AYE: Goodlin, LeJeune, Coleman, Rudicell, Davis, Scott

MOTION CARRIED UNANIMOUSLY

Mr. LeJeune discussed adding an additional \$15,000 for a total of \$100,000 from the Lodging Tax to meet the \$100,000 grant match for the playground equipment. Mr. Coleman discussed moving \$95,000 of the \$295,000 adjustments made for the sidewalk plan already in place. Discussion continued if the monies would be used for the sidewalk priority list already created or for new sidewalk requests and it was recommended the allocation be discussed after additional clarification could be provided on the sidewalk projects. These items will be discussed further at the next Council Work Session.

XII. ADJOURN

The meeting adjourned at 6:30 p.m.



**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT AGENDA
SEPTEMBER 6, 2018 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

1. **CALL TO ORDER** - 6:00 p.m.
2. **CALL OF ROLL** - Present W. Robison, H. Cole, T. Warner, D. Wolstenholme
3. **APPROVAL OF MINUTES** - Approved

June 7, 2018

4. **OLD BUSINESS** - None
5. **NEW BUSINESS**

Appeal #2018-05 MKS Design, LLC - Approved

A request for a Variance to the Daphne Land Use and Development Ordinance has been filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, proposes to encroach into the required 6.0' southwest side yard setback by 0.9" and to encroach into the required 6.0' southeast side yard setback by 0.4". The property is 517 Rolling Hill Circle, which is zoned R-4, High Density Single Family Residential.

6. **ADJOURNMENT** - 6:11 p.m.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JUNE 7, 2018 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Vice Chairman called to order the regular meeting of the Board of Zoning Adjustment at 6:00 p.m. Roll was called thereafter and the number of members present constituted a quorum.

Members Present:

Billy Mayhand, Vice Chairman
Philip Durant
Herb Cole
Derek Wolstenholme
Carolyn Courson
Thomas Warner *Arrived at 6:17 p.m.

Members Absent:

Willie Robison, Chairman

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Johnson, Recording Secretary
Jennifer Holifield, BZA Attorney

Vice Chairman called for a motion for the **Approval of Minutes** of the March 1, 2018 meeting.

A **Motion** was made by **Mr. Cole** and **Seconded** by **Mr. Durant** to **approve the minutes as written.**

The Minutes were approved unanimously.

Vice Chairman welcomed Ms. Carolyn Courson as a new alternate on the Board of Zoning Adjustment.

Vice Chairman called the next item on the agenda, **Appeal #2018-03 DP Properties, aka Harry Dodich**, a request for a Special Exception to the Daphne Land Use and Development Ordinance, filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, proposes to allow the operation of a daycare center in a proposed new building. The vacant property is PPIN #304669 on Renaissance Boulevard, which is zoned, B-2, General Business.

Ms. Jones cited that the first applicant was not present, and the Board continued on with the second appeal.

Vice Chairman called the next item on the agenda, **Appeal # 2018-04 Kari Noell/Barry Booth**, a request for a Special Exception to the Daphne Land Use and Development Ordinance, filed with the City of Daphne Board of Zoning Adjustment.

Vice Chairman stated the request, if granted, proposes to allow

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JUNE 7, 2018 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

the operation of a daycare/children's play center. The property is 151 Van Buren Street, which is zoned B-1, Local Business.

Ms. Jones displayed a Power Point Presentation of 151 Van Buren Street and cited that Ms. Noell was requesting the special exception to use an existing commercial building formerly known as "Pipe Dreams" located at 151 Van Buren Street, zoned B-1, Local Business for a children's play and mother's day out type program (i.e. daycare). A layout of the inside of the building was supplied by the applicant detailing the movie room, play area and party room. Since it is an existing site it does not require Planning Commission approval. Approval recommendations from the Building Official, Public Works Director, and Planning Director as required by our Ordinance were received.

Vice Chairman opened the floor for public participation.

Ms. Noell stated she had nothing to add.

As no one else came forward in support or opposition to the appeal, the Vice Chairman closed public participation.

There was no discussion by the Board and the Vice Chairman called for a motion.

A Motion was made by Mr. Durant and Seconded by Mr. Cole to approve Appeal #2018-04, Kari Noell/Barry Booth, request for a Special Exception to the Daphne Land Use and Development Ordinance. The request, if granted, would allow the operation of a daycare/children's play center. The property is 151 Van Buren Street, which is zoned, B-1, Local Business.

Upon roll call vote, the Motion carried unanimously.

Mr. Durant	Aye
Mr. Cole	Aye
Mr. Mayhand	Aye
Mr. Wolstenholme	Aye
Ms. Courson	Aye

The Vice Chairman stated the request for the Special Exception is approved and gave instructions on obtaining paperwork from Community Development and noted that the second applicant still was not present.

Board recessed at 6:08 p.m. for Ms. Johnson to make a call to the first applicant.

Board reconvened at 6:18 p.m.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JUNE 7, 2018 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Vice Chairman advised that they would now hear Appeal #2018-03, **DP Properties, aka Harry Dodich**, a request for a Special Exception to the Daphne Land Use and Development Ordinance, filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, proposes to allow the operation of a daycare center in a proposed new building. The vacant property is PPIN #304669 on Renaissance Boulevard, which is zoned, B-2, General Business.

Ms. Jones displayed a Power Point Presentation of PPIN #304669, a vacant lot zoned B-2, General Business as well as the surrounding properties. She stated the subject property was on Renaissance Boulevard south of Planet Fitness. The table of permitted uses says that all daycares must have an approved special exception by the Board of Zoning Adjustment and this site plans must have approval by the Planning Commission. She noted that the east side of Renaissance Boulevard was less developed than the west and there is a detention area more to the northwest. Also, that perhaps a fence should be added around the play area of the site for the protection of the children and as a sound barrier. Favorable recommendations were given by the Building Official, Public Works Director and myself for this site.

Vice Chairman opened the floor for public participation.

Mr. Tant showed a 24 x 36 color scaled rendering of the proposed daycare center to be built on PPIN #304669 to the Board. He stated the building will roughly be around 13,600 square feet, fully sprinkled, house two hundred children, and have a playground with a fence.

As no one else came forward in support or opposition to the appeal, the Vice Chairman closed public participation.

The Board questioned whether Mr. Tant had built this type of building before and his response was yes.

Ms. Jones reiterated that the site plan Mr. Tant provided would have to be approved by the Planning Commission.

With no other discussion by the Board the Vice Chairman called for a motion.

A Motion was made by **Mr. Cole** and **Seconded** by **Mr. Durant** to approve Appeal #2018-03, **DP Properties, aka Harry Dodich**, a request for a Special Exception to the Daphne Land Use and Development Ordinance, filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, proposes to allow the operation of a daycare center in a proposed new building. The vacant property is PPIN #304669 on Renaissance Boulevard, which is zoned, B-2, General Business.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JUNE 7, 2018 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Upon roll call vote, the Motion carried unanimously.

Mr. Cole	Aye
Mr. Durant	Aye
Mr. Mayhand	Aye
Mr. Warner	Aye
Mr. Wolstenholme	Aye
Ms. Courson	Aye

The Vice Chairman stated the request for the Special Exception is approved and gave instructions on obtaining paperwork in the morning from Community Development around 9:00 a.m.

There being no other business the Vice Chairman called for a **Motion to Adjourn.**

A **Motion** was made by **Mr. Cole** and **Seconded** by **Mr. Durant** to adjourn. There was no discussion of the motion.

The Motion carried unanimously.

The meeting was adjourned at 6:26 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: September 6, 2018



Willie Robison, Chairman

Laura S. Johnson

Mission oriented non-profit director with expertise in global resource management and business development with 12 years supervisory experience. Has a proven track record for cultivating lucrative business relationships with decision makers across diverse industry segments and has an entrepreneurial approach to new ventures.

Relevant Experience

Managing and Supervising

- Leads teams in high growth, matrix management environment, responsible for expanding the organization's foot print across 53 countries in 170 communities
- Executes complex projects with cross functional teams fostering relationships key to implementing long term strategic goals
- Skilled at training and mobilizing cross cultural volunteer groups

Reporting and Retention

- Develop overall business unit revenue goals and strategies for annual targets
- Ability to synthesize market trends and competitive analysis to develop break-through business strategies
- Leverage internal resources to prepare individualized financial information for solicitation proposals
- Coordinate national and regional events for key customers and prospects

Technical and Analytical Skills

- Conduct product research which consists of client feedback and market intelligence to evaluate and grow new business relationships
- Ability to prepare P&L projections and break-even analysis in order to leverage value proposition / support proposals
- Mastery of Microsoft dynamics CRM, Sharepoint, and collaborative tool Samepage

Training and Planning

- Responsible for developing and conducting comprehensive training programs for leadership development to both staff and volunteers

Chapter Management and Business Development

- Targeted business opportunities utilizing internet research, networking strategies, customer referrals, strategic partners and intradepartmental relationships
- Proven ability to build customer relationships using premium value positioning
- Experience with chapter development, chapter health and retention, and new chapter creation

Work History

Director, Global Membership Development Entrepreneurs' Organization, Alexandria, VA	July 2010 – Present
Chapter Manager, Business Development Services Entrepreneurs' Organization, Alexandria, VA	March 2007 – July 2010
Manager, International Payments American Express Co., Washington, DC	Nov. 2004 – March 2007
Manager, Foreign Exchange Services Ruesch International, Inc., Atlanta, GA	April 2003 – October 2004
Assistant Manager, Foreign Exchange Services Ruesch International, Inc., Washington, DC	October 2001 – April 2003
Account Executive, Foreign Exchanges Services Ruesch International, Inc., New York, NY	April 1999 – October 2001
Insurance Sales Representative, Employee Benefits UnumProvident Corporation, New York, NY	July 1997 – April 1999

Education

St. Lawrence University, Canton, NY
Major (s): Sociology, French; Bachelor of Art, 1997

L'Université de Rouen, La Faculté des Lettres, Mont St. Aignan, France
August 1995 – June 1996

EO Programs

- Leadership Academy Graduate, 2014
- Entrepreneurial Masters' Program (EMP) Participant
- Uplifting Service, Top Grading, 5 Dysfunctions of Team

Languages

- Fluent in English and Spanish

International Experience

- Extensive travel throughout the Americas, EMEA and APAC



City of Daphne Event Permit Application

Date of Application: September 24, 2018 Permit Requested: ☒ Event/Fundraiser ☐ Parade/Run ☐ Band

Contact Information

Organization Name: Women's Care Medical Center
Contact Name: Sue Leavins E-mail Address: Sue.leavins@womenscaremedicalcenter.org
Address: PO Box 1610 18555 Carolina St Robertsdale, AL 36507
Street / P.O. Box City/State/Zip Code
Primary Phone Number: 251-947-2111 Secondary: 251-406-4001

Event Information

Event Name: WALK A THON Event Date: FEB 23, 2019
Event Location: Village Point Park # Participants/Vehicles: _____
Start Time: 8:00 AM Stop Time: 10:00 AM Assembly Time: 7:30 Set-up
Parades/Runs Only
Special Requests: NONE

Road Closures Requested: ☐ Yes ☒ No

Special Instructions

Approval: Internal Use Only

Date Routed: 9-25-18
Fire Dept: [Signature]
Police Dept: [Signature]
Public Works: [Signature]
Parks & Recreation: [Signature]
Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Council Member: _____
District # Signature

For Parade/Run Permits & Use of City Grounds:

City Council: _____
Date of Approval

Parade/Run Permits ONLY

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

☐ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4



City of Daphne Event Permit Application

Date of Application: 9/12/2018 Permit Requested: ☐ Event/Fundraiser ☒ Parade/Run ☐ Band

Contact Information

Organization Name: Apollo's Mystic Ladies
Contact Name: Jamie Turner E-mail Address: am/co7@aol.com
Address: PO Box 3133 Daphne, AL 36526
Street / P.O. Box City/State/Zip Code
Primary Phone Number: 251-895-5024 Secondary: 251-268-7031

Event Information

Event Name: Apollo's Mystic Ladies Parade Event Date: 2/22/2018
Event Location: Daphne Civic Center # Participants/Vehicles: _____
Start Time: 6:45 PM Stop Time: 8:30 PM Assembly Time: 5:30
Special Requests: Civic Center, down Main St., Right on College, Right on 6th, Right on Belrose, Left on Main St. Parade/Runs Only
Road Closures Requested: ☒ Yes ☐ No

Special Instructions

Approval: Internal Use Only

Date Routed: 9-19-18
Fire Dept: [Signature]
Police Dept: [Signature]
Public Works: [Signature]
Parks & Recreation: _____

Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Council Member: _____
District # Signature

For Parade/Run Permits & Use of City Grounds:

City Council: _____
Date of Approval

Parade/Run Permits ONLY

☒ Fee Paid: \$ 1.750 ☐ N/A ☐ Waived

☒ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4



Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2018-48**

2018-P-CORTE/AUSTIN ROAD IMPROVEMENTS PHASE 1 & 2

WHEREAS, the City of Daphne is required under section 39-1-1(E) of the Code of Alabama to secure competitive bids for public works contracts in excess of \$50,000; and

WHEREAS, the City of Daphne acknowledges that the CORTE/AUSTIN ROAD IMPROVEMENTS PHASE 1 & 2 will exceed \$50,000; and

WHEREAS, the City of Daphne did receive and review bids for the CORTE/AUSTIN ROAD IMPROVEMENTS PHASE 1 & 2 and has determined that the bid as presented is reasonable; and

WHEREAS, staff recommends the bid for CORTE/AUSTIN ROAD IMPROVEMENTS PHASE 1 & 2 be awarded to **Asphalt Services, Inc.**

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City hereby accepts the bid from **Asphalt Services, Inc.** in the amount of **\$1,186,547** as specified in BID SPECIFICATION NO. 2018-P-CORTE/AUSTIN ROAD IMPROVEMENTS PHASE 1 & 2.

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
RESOLUTION NO. 2018-49**

2018-U-LOTT PARK TENNIS FACILITY PHASE I

WHEREAS, the City of Daphne is required under section 39-1-1(E) of the Code of Alabama to secure competitive bids for public works contracts in excess of \$50,000; and

WHEREAS, The City of Daphne acknowledges that the cost for the 2018-U-Lott Park Tennis Facility Phase I will exceed this amount; and

WHEREAS, One bid were received for 2018 Lott Park Tennis Facility Phase I and therefore can be negotiated pursuant to Alabama bid law; and

WHEREAS, Staff has reviewed the negotiated bid for the 2018-U-Lott Park Tennis Facility Phase I and determined that the negotiated bid as presented is reasonable; and

WHEREAS, Staff recommends the negotiated bid for the 2018-U-Lott Park Tennis Facility Phase I be awarded to McElhenney Construction Company, LLC..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City accept the bid of McElhenney Construction Company, LLC for the base bid in the amount of **\$1,883,139.95 as negotiated** for BID SPECIFICATION NO: 2018-U-LOTT PARK TENNIS FACILITY PHASE I.

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
RESOLUTION 2018-50**

**Acceptance of Streets and Drainage
Located in the Diamante, Phase One**

Whereas, the City Council of the City of Daphne, Alabama has received notice that the Planning Commission of Daphne has given Final Plat approval to Diamante Subdivision, Phase One on August 23, 2018, and the City of Daphne hereby recommends acceptance of said street(s) located in Diamante Subdivision, Phase One; and,

Whereas, an inspection was made by the Director of Community Development, and all reports, as well as, all other related documents have been provided stating that said streets and storm water drainage have been installed in conformity with city standards; and,

Whereas, an inspection was made by the Director of the Division of Public Works, and said director has recommended acceptance said streets and storm water drainage of Diamante Subdivision, Phase One; and,

Whereas, the developer has provided to the City a two-year maintenance bond in the amount of \$330,990.87 as required and now requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled the Procedures for Subdivision Review of the City of Daphne Land Use and Development Ordinance; and,

Whereas, the developer has caused the plat to be recorded on slide #2652-E of the records in the Baldwin County Judge of Probate Office; and,

Whereas, the City Council of the City of Daphne believes it is in the best interest of the citizens of the City for the City to accept said rights-of-way; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS, that Diamante Subdivision, Phase One, Diamante Boulevard, Jade Court and Jasper Court, a 50-ft right of way according to the plat presented by Dewberry Engineers, Inc as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, is hereby accepted by the City of Daphne, Alabama as city streets for maintenance.

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

**THE CITY OF DAPHNE,
AN ALABAMA MUNICIPAL CORPORATION**

**DANE HAYGOOD,
MAYOR**

ATTEST:

**CANDACE G. ANTINARELLA,
CITY CLERK**

To: Office of the City Clerk
From: Adrienne D. Jones, *ADJ*
Director of Community Development
Subject: Diamante Subdivision, Phase One
Acceptance of Roads and Rights-of-Ways
Date: September 14, 2018

MEMORANDUM

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

RECOMMENDATION: At the, August 23, 2018, regular meeting of the City of Daphne Planning Commission, eight members were present. The motion carried unanimously for a ***favorable recommendation*** to accept the streets in Diamante Subdivision, Phase One (Diamante Boulevard, Jade Court and Jasper Court) as recorded in the Office of Baldwin County Probate as Slide # 2652-E.

Attached please find said documentation for placement on the Monday, October 1, 2018 City Council agenda.

Thank you,
ADJ/jv

cc: file
Jeremy Sasser, Public Works Director

attachment(s)

1. Correspondence from project engineer requesting acceptance
2. Record plat
3. Petition of Acceptance of Roads and Rights-of-Ways

FILE
09/14/18
4:18 pm

July 17, 2018

Mrs. Adrienne Jones
Planning Director, City of Daphne
P.O. Box 400
Daphne, Alabama 36526

Re: Diamante, Phase One

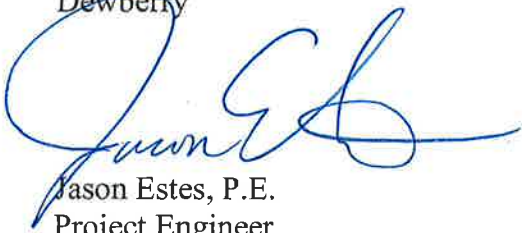
Dear Mrs. Jones:

I, Jason Estes, a professional engineer registered in the State of Alabama, Registration Number 22714, do hereby certify that the streets for Diamante, Phase One have been constructed under my supervision in accordance with the approved construction plans.

I further certify I have checked all test reports and that all construction materials have been installed in accordance with the typical sections, profiles, and plan details and meet minimum requirements as set out in the State of Alabama Highway Department's Standard Specifications for Highway Construction, latest edition and current revisions.

Therefore, I hereby request that the City of Daphne accept the streets for Diamante, Phase One subdivision.

Sincerely,
Dewberry



Jason Estes, P.E.
Project Engineer



CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY

SUBDIVISION NAME: Diamante Phase One

LOCATION: Baldwin County Highway 13

THIS ACCEPTANCE OF ROADS AND RIGHTS-OF-WAY is made this 3rd day of August, 2018 by 68V Diamante 2017, LLC, hereinafter called the Subdivider, owner of certain property located in Baldwin County, Alabama known as Diamante Phase One Subdivision to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

WHEREAS, the Subdivider has agreed to the dedication of the roads and rights-of-way located in said subdivision to the City of Daphne, and further warrants that said roads and rights-of-way are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled Subdivision Review, and Article XI, Minimum Requirements and Required Improvements. The Subdivider further warrants that the same are free from defects from any cause and are free and clear of any liens and encumbrances; and,

WHEREAS, the Subdivider does hereby agree to provide a Maintenance Bond, as outlined in Article XVII, entitled Subdivision Review, in an amount equal to ten (10) percent of the total street and drainage improvements (\$ 330,990.87) in the subdivision for a period of two (2) years after the date of their acceptance and dedication of the same to the City. Said bond shall be required by the City as a condition to the acceptance and dedication of any new roads or rights-of-way within the City; and,

WHEREAS, the Project Engineer acting on behalf of the Subdivider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Subdivision Review, and Article XI, Minimum Requirements and Required Improvements.

WHEREAS, the City of Daphne, Alabama, acting by and through the recommendation of the City of Daphne Planning Commission, has agreed to accept the responsibility for the maintenance of the roads and rights-of-way of said subdivision subject to a two (2) year maintenance period as described above; and,

WHEREAS, the City of Daphne has agreed to accept the property within the confines of the road right-of-way which does not include drainage or utility easements or any other improvements outside of these confines.

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Subdivider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the recommendation of the City of Daphne Planning Commission at their

CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY

regular meeting of August 23rd, 2018. That said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named Diamante Boulevard, Jade Court, Jasper Court

are hereby accepted for maintenance by the City of Daphne, Alabama as a city street.

IN WITNESS WHEREOF, the Subdivider has caused the execution of this dedication as of the date set forth above.

Respectfully submitted,

68V DIAMANTE 2017, LLC
Name of Individual or Corporation

By: [Signature]

Its: MANAGER

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, the undersigned Notary Public in and for said State and County, hereby certify that NATHAN L. COX whose name as MANAGER of 68V DIAMANTE 2017, LLC, an Alabama corporation or as owner of DIAMANTE PHASE ONE is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 3rd day of August, 2018.



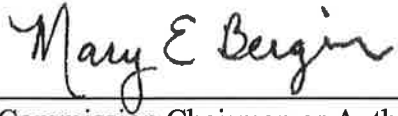
Kathryn McAlleer Huey (NOTARY SEAL)
NOTARY PUBLIC
My commission expires: May 23, 2022

Recommendation:

[Signature]
Jeremy Sasser.
Public Works Director
City of Daphne

CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY

Approval:



Planning Commission Chairman or Authorized Representative
City of Daphne

Revised: March 18, 2004

**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

**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

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:

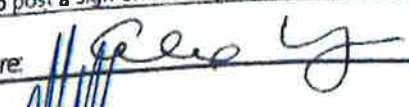
Name of Developer*: LMS Investment Management

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"**

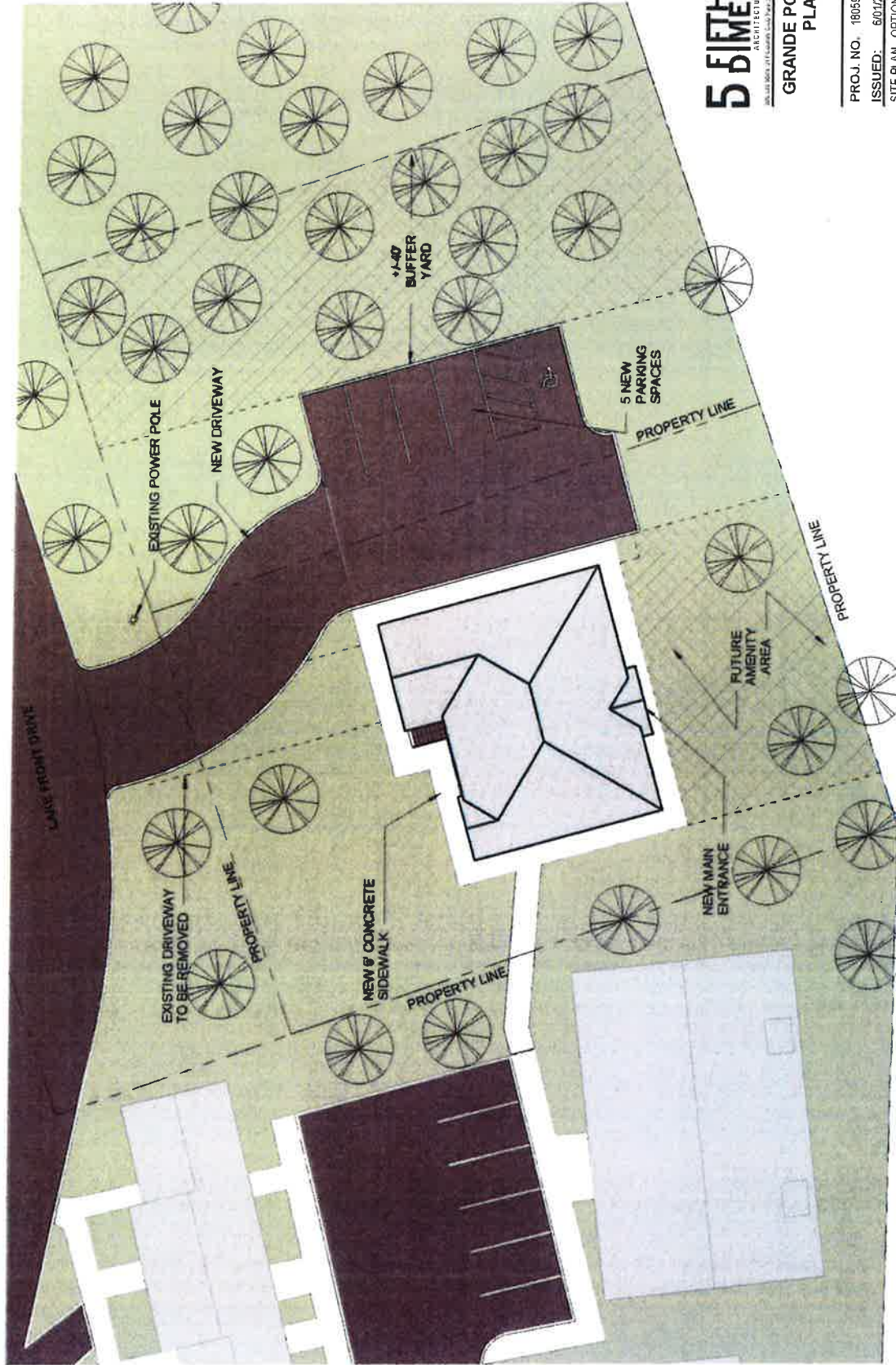
Legal Description of Property:

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.



5 DIMENSION
ARCHITECTURE & INTERIORS, LLC
100 Lake Blvd., Suite 200, Lake Park, GA 30528
**GRANDE POINT SITE
PLAN**

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

NOT FOR CONSTRUCTION

SP-01

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

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.

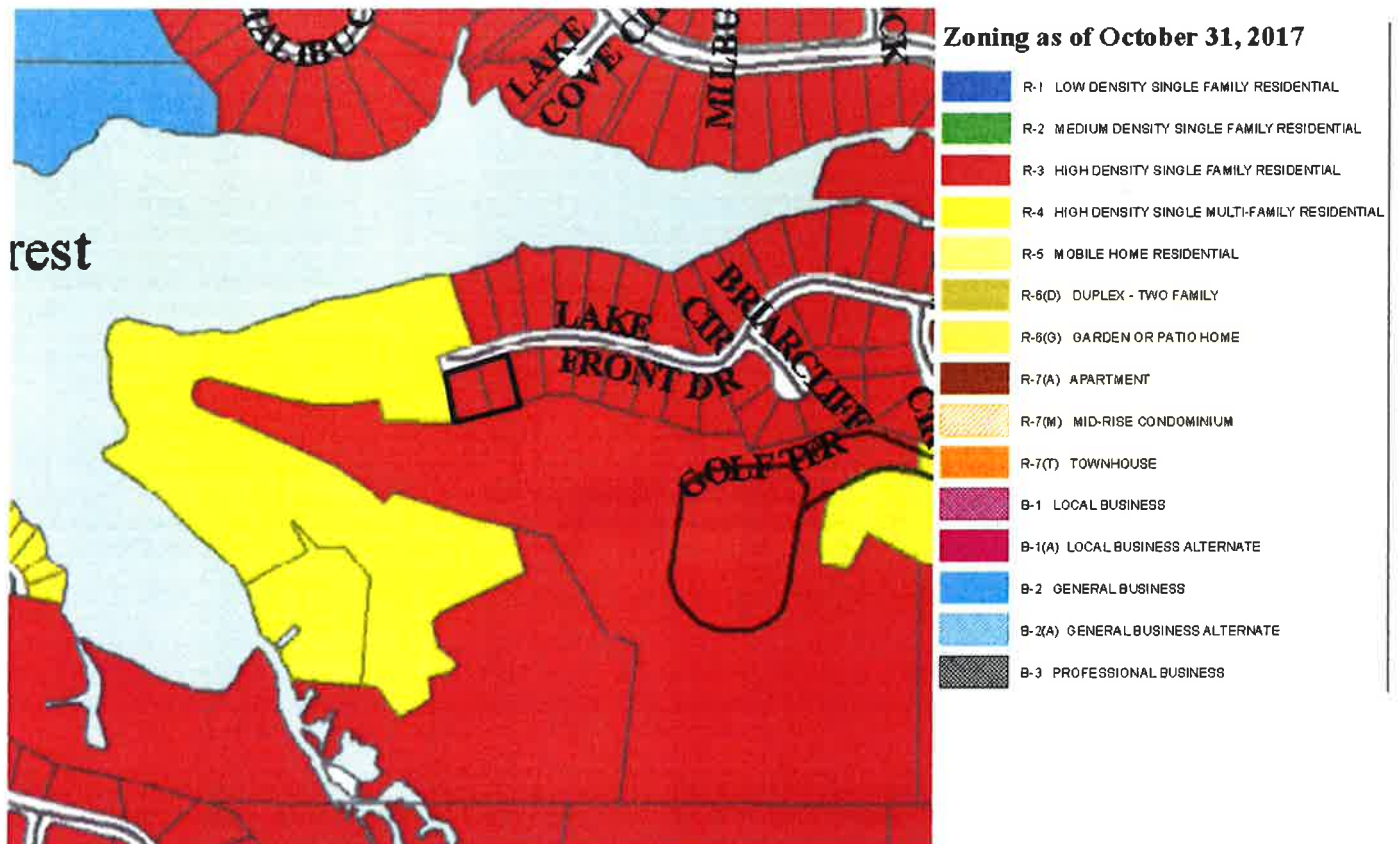
The public hearing will be held by the Daphne Planning Commission on Thursday, July 26, 2018 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, by fax or by representation.

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

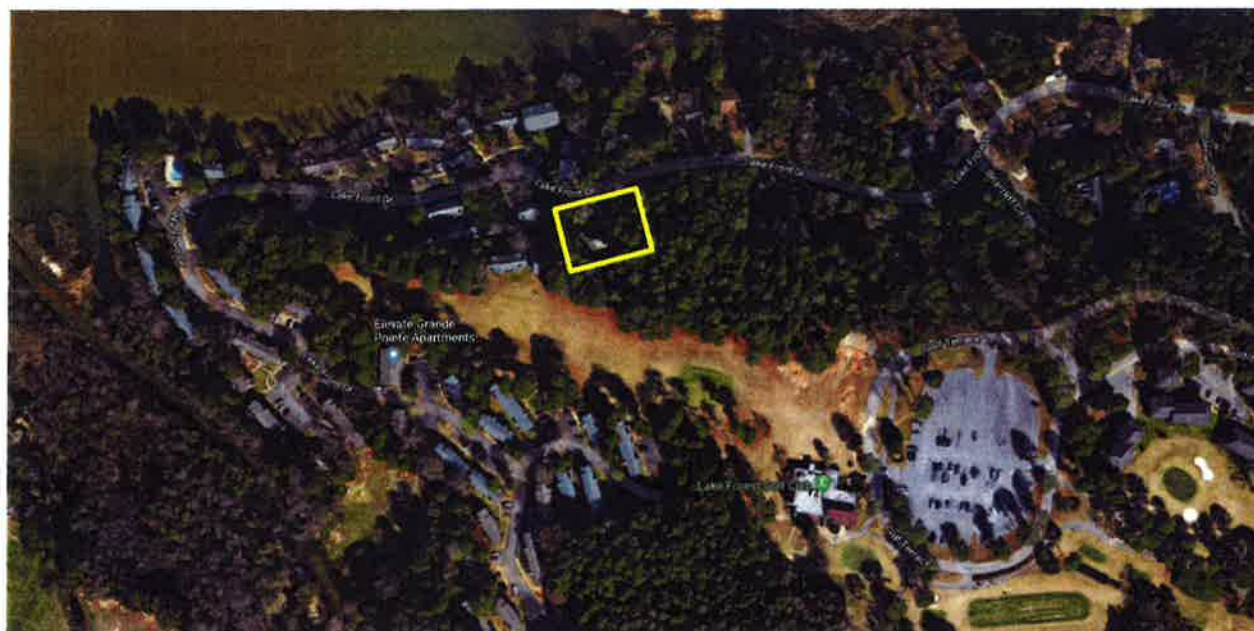
The subject property is located west of the intersection of Bayview Drive and Lake Front Drive in Lake Forest. The lots are immediately east of Grande Pointe Apartments.

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.





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

**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

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
07/31/18
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

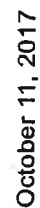
4.36 ac (mol) Jacob's Well, L.L.C. Parcel – PPIN # 44972 – Lot 2, Shore Oaks Subdivision, a Resubdivision of Lot 2B of the Resubdivision of Lot 2 of Webb FLP Subdivision, according to the plat thereof recorded in Slide 2540-C, of the records in the Office of the Judge of Probate, Baldwin County, Alabama,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

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.

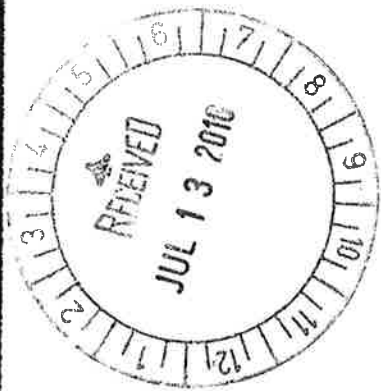


17. The overall residential density of Lot 2 will not exceed ten (10) units per acre, structure height within *The Development* shall not exceed 40 feet measured to midway between eave and ridge from finished first floor, and the minimum distance between buildings will be 12’.
18. In order to provide 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;

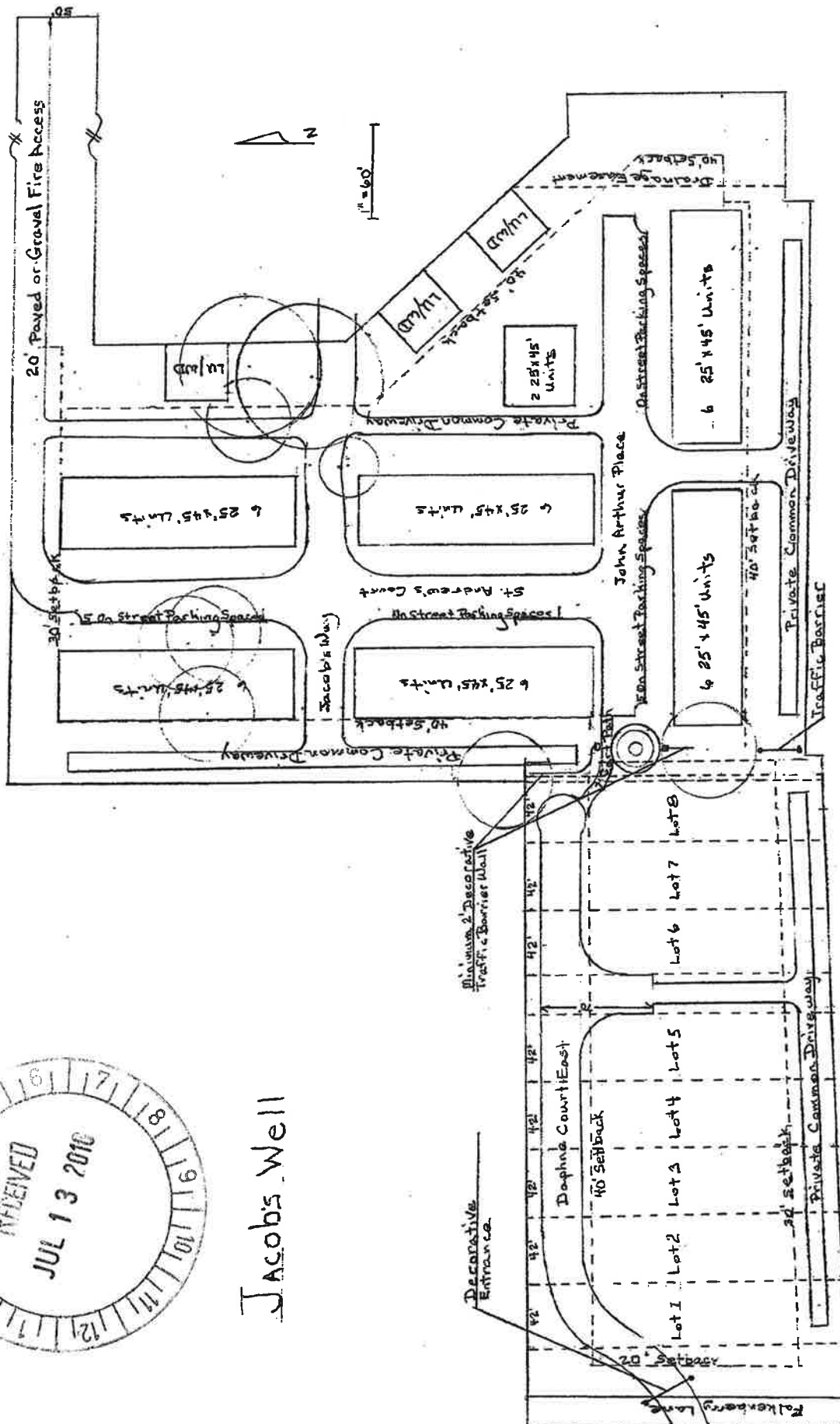


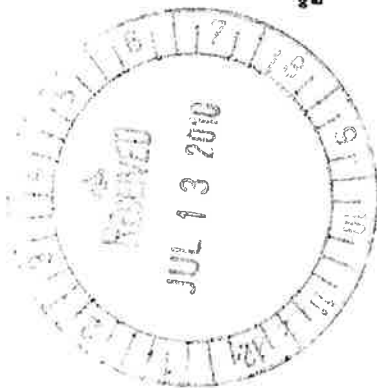
EXHIBIT 'A'



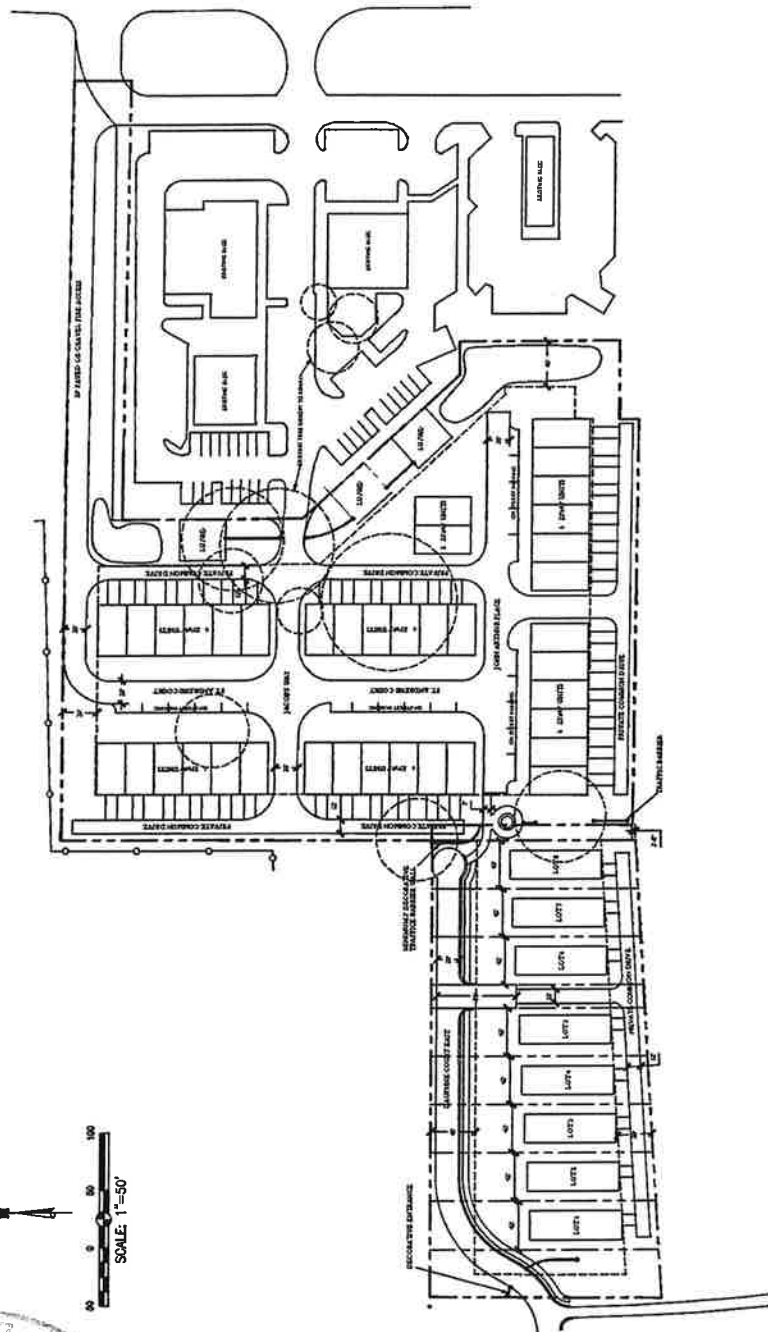


Jacob's Well





SCALE: 1"=50'



SHORE OAKS SUBDIVISION



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.

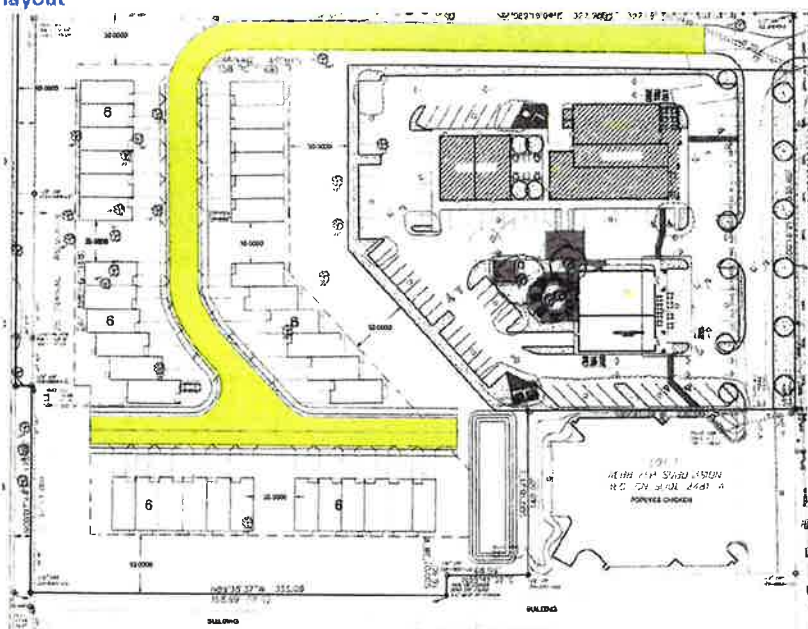
Background Information

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

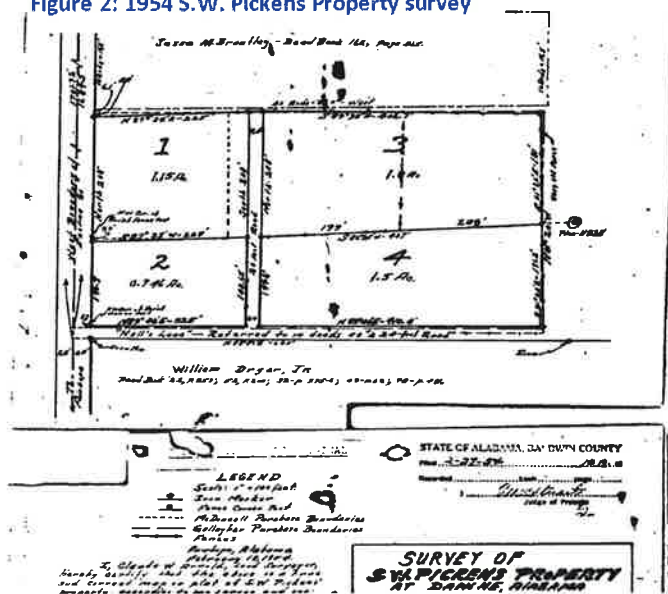
At the request of Eastern Shore Associates, LLC, the Daphne City Council rezoned Shore Oaks Lot 2, 4.3 acres, from B-2 to R-7(T) in Ordinance 2016-43. This is the rendering submitted with the rezoning application: it demonstrates the original conceptual layout for a townhome development.

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.

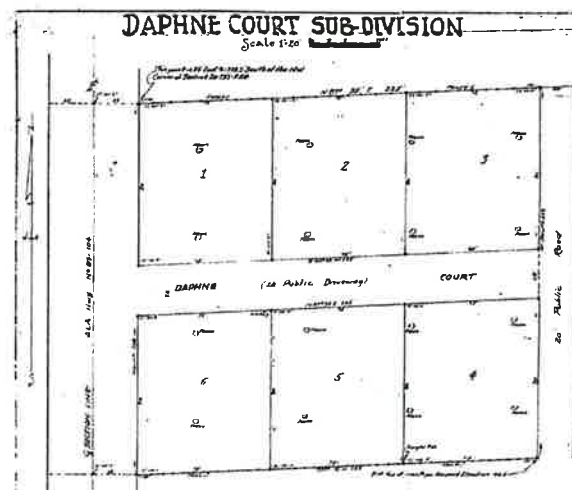


Figure 3: 1955 Daphne Court Subdivision

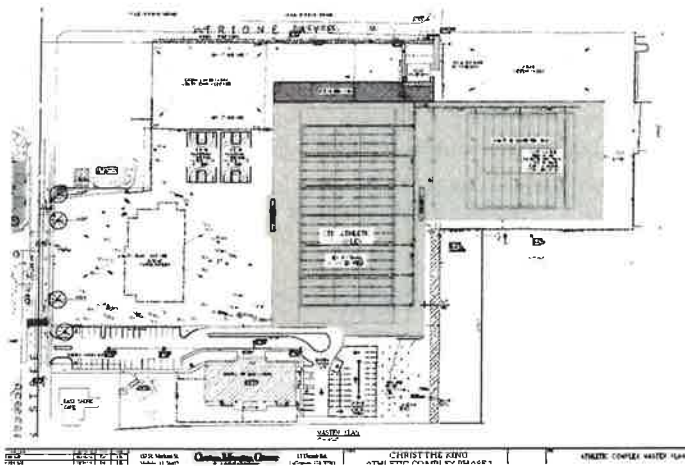
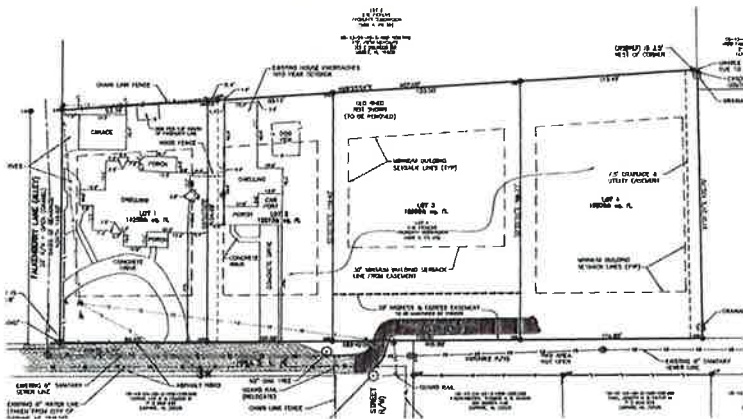


Figure 4: 2017 Christ the King Sports Complex & Early Childcare Center

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.**

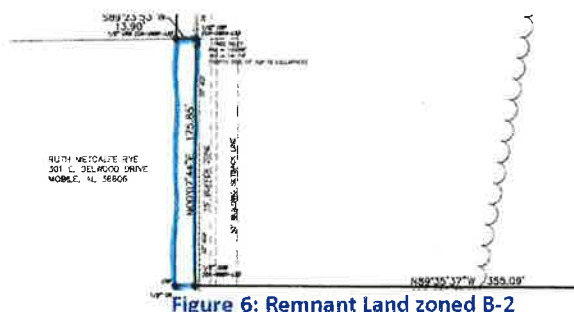
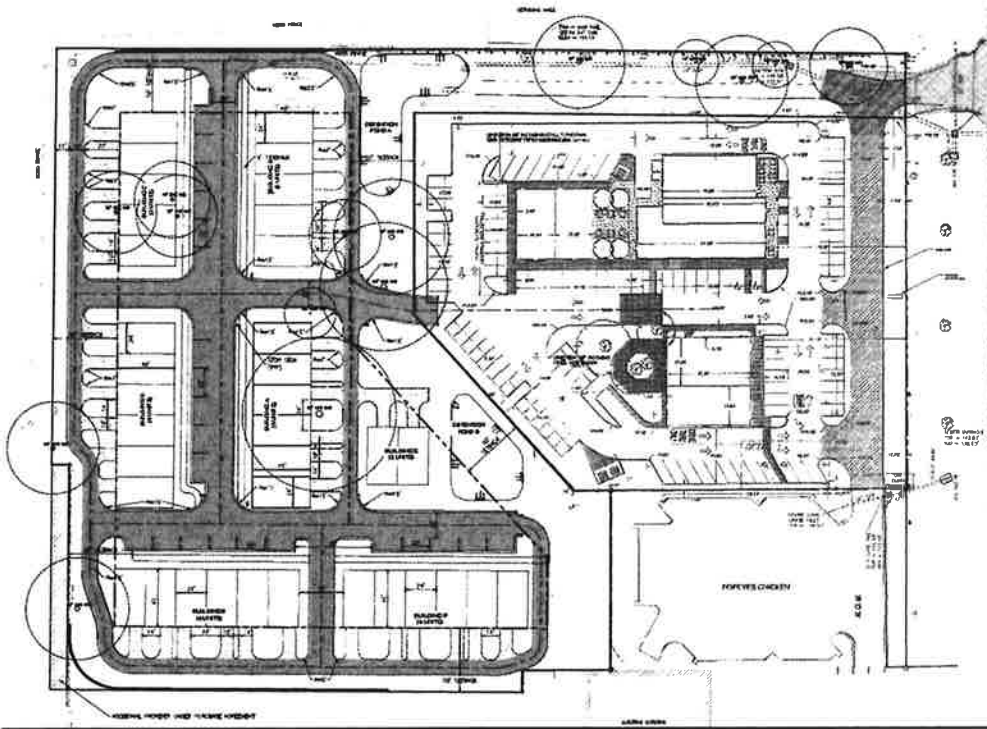


Figure 6: Remnant Land zoned B-2

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.

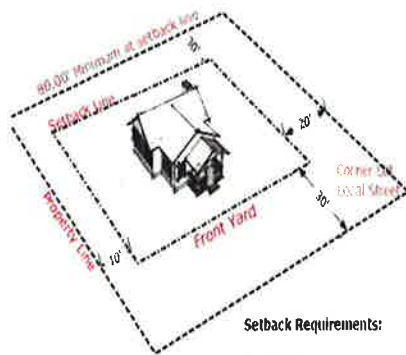
If these statements are deemed appropriate, they should be clearly written in the ordinance which would establish zoning for the property. For example:

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:

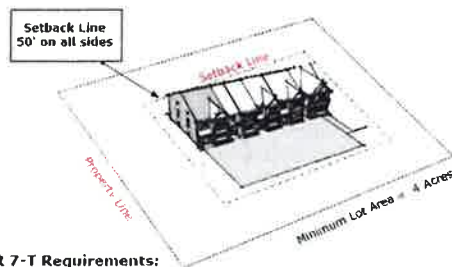
SECTION I: ZONING

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>>

CITY OF DAPHNE, ALABAMA
ORDINANCE # 2018-38

Appropriation: Lott Park Tennis Facility: Construction

WHEREAS, Ordinance 2018-35 approved and adopted the Fiscal Year 2019 Budget on **October 1,** 2018; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2019 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2019 budget; and

WHEREAS, Resolution 2016-22 was approved and adopted to provide a guideline for funding sources for the Daphne Parks and Recreational Facilities; and

WHEREAS, initial engineering design fees were previously appropriated in Ordinance 2016-24; and

WHEREAS, only one bid was received for the Lott Park Tennis Facility bid and staff has negotiated additional cost savings and determined that the **negotiated base bid of \$1,883,139.95** was reasonable; and

WHEREAS, total project cost for the base bid is \$2,038,459.75 (*\$1,883,139.95 + Engineering fees (CE&I)-\$131,819.80 + excess Design fees-\$17,500 + Geotech-\$6,000*) with \$665,767 funding available from the 2016 Capital Improvements Fund; and

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

- 1). funds in the amount of **\$665,767** from the **2016 Capital Improvements Fund and \$1,372,693** from the **General Fund and transferred to the Capital Reserve Fund** are appropriated and made a part of the Fiscal Year 2019 budget for the **negotiated** Lott Park Tennis Facility project.
- 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 2018-39**

ADDITIONAL APPROPRIATION: CORTE/AUSTIN ROAD IMPROVEMENTS PHASE 1 & 2

WHEREAS, Ordinance 2018-35 approved and adopted the Fiscal Year 2019 Budget on October 1, 2018; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2019 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2019 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 Corte/Austin Road Improvements Phase 1 and 2 bids have been received and staff has reviewed the bids and determined that the low bid of Phase 1-\$834,627.05 and Phase 2-\$351,919.95 were reasonable; and

WHEREAS, total project cost for Phase 1 and 2 is \$1,362,711 (\$1,186,547 + *Engineering fees (CE&I)-\$176,164*) with \$400,000 funding available from the Four and Seven Cent Gas Tax Funds and \$200,000 being provided by the Baldwin County Commission as approved in the FY2018 Budget; 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, and \$405,000 in Ordinance 2018-32 for Right of Way Acquisition costs, however additional funding is needed for the construction of the project.

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

1. Funds in the amount of \$762,711 from the General Fund to be transferred to the Capital Reserve Fund are appropriated and made a part of the Fiscal Year 2019 budget for the construction 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